

LEGISLATIVE ASSEMBLY

Tuesday 19 September 2006

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

Mr Speaker offered the Prayer.

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

ADMINISTRATION OF THE GOVERNMENT

Mr SPEAKER: I report the receipt of the following message from His Excellency the Lieutenant-Governor:

J. J. SPIGELMAN
LIEUTENANT-GOVERNOR

Office of the Governor
Sydney 2000

The Honourable James Jacob Spigelman, Chief Justice of New South Wales, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Governor of New South Wales, Professor Marie Bashir, having assumed the administration of the Government of the Commonwealth of Australia, he has this day assumed the administration of the Government of the State.

18 September 2006

ASSENT TO BILLS

Assent to the following bills reported:

Pharmacy Practice Bill
Children and Young Persons (Care and Protection) Amendment Bill

TWENTY-FIFTH ANNIVERSARY OF THE ELECTION OF THE HONOURABLE MEMBER FOR RIVERSTONE AND THE HONOURABLE MEMBER FOR LACHLAN TO THE LEGISLATIVE ASSEMBLY

Ministerial Statement

Mr MORRIS IEMMA (Lakemba—Premier, Minister for State Development, and Minister for Citizenship) [2.20 p.m.]: I congratulate you, Mr Speaker, and our colleague the honourable member for Lachlan on the twenty-fifth anniversary of your election to the Parliament. Both of you have made a distinguished contribution to public life. You have brought decency, dignity and integrity to the House. Few politicians make it to 25 years of parliamentary service—I dare say that few would want to make it to 25 years—but fewer still make it with the respect and affection we feel for both of you. Thank you both for giving your best years to the service of our State and our people.

Mr PETER DEBNAM (Vaucluse—Leader of the Opposition) [2.22 p.m.]: Mr Speaker, I join with the Premier in congratulating you and the honourable member for Lachlan, Mr Ian Armstrong, on a quarter of a century of service. I said to Ian today that he is definitely a parliamentary icon. He has given tremendous service, not only to the Parliament but also to the people of his electorate and the people of New South Wales. I congratulate him. Sir, we disagree with you just about every single day, and we have disagreed with the Speaker for the past 12 years. Notwithstanding that, again I offer you our congratulations.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [2.22 p.m.], by leave: On behalf of The Nationals I congratulate Ian Armstrong, the legendary member for Lachlan, a tireless champion of the bush, on his 25 years of service. Mr Speaker, I also congratulate you on your 25 years of service to the people of New South Wales. I believe all members of the House would rightly respect both members, and that is something that

cannot be said of all the people in this place. Twenty-five years is a long time—they say you get less for murder!

DEATH OF PETER GEOFFREY BROCK, AM

Ministerial Statement

Mr MORRIS IEMMA (Lakemba—Premier, Minister for State Development, and Minister for Citizenship) [2.23 p.m.]: Peter Brock died as he might have wished, doing what he loved best in a sport he loved and in the company of a mate. His tragic death in a rally in Western Australia at the age of 61 has removed a legendary Australian sportsman and a true Australian icon who was respected and admired by all who knew him. Peter Brock had an international reputation but, like Ben Chifley, another much-loved Australian, his name was synonymous with Bathurst, the scene of his greatest triumphs. The man they called Peter Perfect and the King of the Mountain won Bathurst nine times in the 1970s and 1980s, a feat unsurpassed in motor racing history.

Peter was the Clive Churchill of the racing circuit, the Rod Laver of the steering wheel and the Don Bradman of the V8s. Brockie's biggest Bathurst victory was achieved with a record margin of six laps in 1979. In 1980 he became the first driver to win Bathurst, Sandown and the Australian Touring Car titles in the same year. But it was not just his prowess as a driver that endeared Peter Brock to Australians. It was his generosity, his public spirit, his work as a guide and mentor for young drivers, his support for important causes and, above all perhaps, his unassuming and gentlemanly qualities that stamped him as a truly great Australian.

There were many, including those with no more than a passing interest in motor racing, who felt a genuine kinship and connection with Peter Brock. What else could account for the outpouring of sorrow that accompanied the news of his death? Like many great Australians, he had an affinity with the ordinary man and woman. He had an extraordinary involvement with the wider community. After retiring from full-time racing in 1997 he established his own charity, the Peter Brock Foundation, to help disadvantaged youth. He was a liaison officer for the Australian team at the 2000 and 2004 Olympic Games, a board member of the Australian Grand Prix Corporation from 1998 and a former director of the Collingwood AFL Club. But nothing could keep him from the track, and he returned to Bathurst to win the 24-hour race in 2003.

Peter was a notable advocate for road safety and received the medal of the Order of Australia in 1980. After all, his famous number, 05, came about because he was one of the early promoters of the "under 0.05 or under arrest" blood alcohol message. He had his rivals—Allan Moffat, Dick Johnson and many others—but he had no peers. We know that professional motor racing is not a sport for everyone. We might even call it an elite sport because resources, opportunities and special skills are needed. But it is a sport that appeals to all of us for the reasons that all human adventure appeals to us. It calls for strength, tenacity and endurance and it reflects a certain bravado and a love of excitement. Above all, it calls for courage.

The man who straps himself into a 500 horsepower machine knows he is dicing with fate. He knows he is taking a chance, putting the thrill of the game above the risk to his own safety. Peter Brock made a life and a living spreading that excitement, that sense of daring and adventure. The crowds who watched him and cheered him shared the same excitement that he loved. We will remember him for his skills and unmatched prowess as a driver. We will remember his grace and dignity as a man. We will remember him for his humanity and, in the end, for his mortality. In a very real sense he gave his life for his sport. It is an honour to invite all honourable members to join me in expressing our deepest sympathy to Peter Brock's family and in paying tribute to the life of a greatly admired and uniquely gifted Australian. He might have been a proud Victorian, but he was our King of the Mountain.

Mr PETER DEBNAM (Vaucluse—Leader of the Opposition) [2.28 p.m.]: I fully endorse the Premier's comments. Peter Brock was someone I grew up watching decade after decade. He was a legend. As my colleagues have been saying, we cannot drive around the Mount Panorama route without thinking about all the legends. Peter Brock was never going to stop driving, as his family said during the past week. It was his life. In between doing other things today I saw glimpses of the service in Melbourne. That will be a moving service for many Australians. I certainly want to say to his family that our thoughts and prayers are with them today.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [2.28 p.m.], by leave: Peter Brock's untimely death at the age of 61 was a tragic loss for every Australian who was inspired by his brilliance and determination on the racing track and by the passion he showed for the less fortunate when he was off the track.

He was an iconic figure, not just in motor sport in Australia but also to many communities throughout New South Wales. If today's local newspapers are any indication, he touched local communities from Broken Hill to the Tweed and down to Albury. Even though Peter Brock was born in Victoria, his greatest achievements were in New South Wales and, more specifically, in the Central West city of Bathurst.

No-one has, and it is likely no-one ever will, conquered Mount Panorama as Brockie did. Known as Peter Perfect and King of the Mountain, he formed the legend that is now Mount Panorama and put Bathurst on the map for every race car enthusiast around the globe. Brockie was a legend and formed the basis of the long-running Australian rivalry between Ford and Holden and, on a personal level, with Ford driver Allan Moffat. Their rivalry spanned two decades, boosted sales of both car manufacturers and made Bathurst a mecca for motor racing, helping growth in the Central West to prosper through the 1980s and 1990s. It is said that Brock and Moffat were so intensely competitive that they never flew on the same airline together.

Despite his dominance in the sport Peter Brock once said, "Motor racing is like a rollercoaster: it can be very, very cruel and very, very kind." A little like politics! Apart from his achievements on the racetrack Peter Brock took on the role of promoting road safety and was the face of many campaigns to reduce deaths on our roads. Following his retirement from full-time motor racing Peter Brock set up the Peter Brock Foundation to assist disadvantaged young people. The Nationals join with the Premier and the Leader of the Opposition in expressing our sincere condolences to Peter Brock's family, friends and many fans.

Mr SPEAKER: In support of the remarks of the Premier, the Leader of the Opposition and the Leader of The Nationals I ask all members and guests to stand as a mark of respect.

Members and officers of the House stood in their places.

NSW OMBUDSMAN

Report

The Clerk announced the receipt, pursuant to section 13 (5) of the Police Powers (Drug Detection Dogs) Act 2001, now contained in schedule 5 of the Law Enforcement (Powers and Responsibilities) Act 2002, of the report entitled "Review of the Police Powers (Drug Detection Dogs) Act 2001", dated June 2006.

LEGISLATION REVIEW COMMITTEE

Report

The Clerk announced the receipt, pursuant to section 10 of the Legislation Review Act 1987, of the report entitled "Legislation Review Digest No. 11 of 2006", dated 15 September 2006.

PETITIONS

Hornsby and Berowra Train Station Parking Facilities

Petition requesting adequate commuter parking facilities at Hornsby and Berowra train stations, received from **Mrs Judy Hopwood**.

Bus Services 326 and 327

Petition asking that the Government urgently reinstate the former timetables of bus services 326 and 327, received from **Ms Clover Moore**.

Pets on Public Transport

Petition requesting that pets be allowed on public transport, received from **Ms Clover Moore**.

Inner Sydney Light Rail

Petition requesting the development of an integrated light rail network through inner Sydney, received from **Ms Clover Moore**.

Newnes and Ben Bullen State Forests Trail Bike Activities

Petition requesting trail bike activities be moved from Newnes and Ben Bullen State Forests to Sunny Corner pine plantation, received from **Ms Clover Moore**.

Gardens of Stone Reserve

Petition requesting the reservation of the Gardens of Stone stage 2 park proposal to preserve the area's outstanding scenic, historic, scientific and recreational value, received from **Ms Clover Moore**.

Boorowa Policing

Petition requesting the reinstatement of the second police officer position at the Boorowa Police Station, received from **Ms Katrina Hodgkinson**.

Police Resources

Petition requesting increased police resources for New South Wales, received from **Mr Steven Pringle**.

Beacon Hill High School Site

Petition requesting the reopening of the Beacon Hill High School site and its buildings for public education purposes, received from **Mr Andrew Humpherson**.

National Art School

Petition opposing proposed changes to the National Art School, 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**.

Parkinson's Disease Funding

Petitions requesting funding for Parkinson's-specific support services for people living with Parkinson's disease, received from **Mr Greg Aplin** and **Mr Steve Cansdell**.

Campbell Hospital, Coraki

Petition opposing the closure of inpatient beds and the reduction in emergency department hours of Campbell Hospital, Coraki, received from **Mr Steve Cansdell**.

Breast Screening Funding

Petitions requesting funding to ensure access to breast screening services for women aged 40 to 79 years and to reverse falling participation rates, received from **Mr Steve Cansdell**, **Ms Katrina Hodgkinson** and **Mrs Judy Hopwood**.

Sutherland Hospital Management

Petition requesting the retention of a full-time general manager and the re-establishment of a local community based hospital board of management, received from **Mr Malcolm Kerr**.

Sunflower House, Wagga Wagga

Petition requesting funding to facilitate the operation of Sunflower House, Wagga Wagga, received from **Mr Daryl Maguire**.

Community-based Preschools

Petition requesting adjustment of funding to ensure viability of community-based preschools, received from **Ms Peta Seaton**.

Private Native Forestry

Petitions requesting a review of the draft code of practice for private native forestry, received from **Mr Steve Cansdell** and **Mr Adrian Piccoli**.

Recreational Fishing

Petition opposing any restrictions on recreational fishing in the mid North Coast waters, received from **Mr John Turner**.

Crown Land Conversion Policy

Petition calling on the Government to abandon its Crown land conversion policy in favour of that put forward by The Nationals, received from **Ms Katrina Hodgkinson**.

Yass Water Supply

Petition requesting funding to provide Yass with a safe and secure potable water supply, received from **Ms Katrina Hodgkinson**.

Alcohol and Drug Services

Petition requesting increased funding for, and expansion of, inner city alcohol and drug services, received from **Ms Clover Moore**.

Alcohol Wet Centres

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

CSR Quarry, Hornsby

Petition requesting a public inquiry into Hornsby Shire Council's acquisition of CSR Quarry in Hornsby, received from **Mrs Judy Hopwood**.

Grafton Bridge

Petition requesting the construction of a new bridge over the Clarence River at Grafton, received from **Mr Steve Cansdell**.

Barton Highway Dual Carriageway Funding

Petition requesting that the Minister for Roads change the Roads and Traffic Authority's priority for Federal AusLink funding for the Barton Highway to allow the construction of a dual carriageway, received from **Ms Katrina Hodgkinson**.

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**.

Bells Line of Road

Petition requesting improvements to sign posting, sealing of road shoulders and removal of dead and overhanging foliage on the Bells Line of Road, received from **Mr Steven Pringle**.

Public Housing

Petition requesting that the Government not sell any inner city public housing stock and that it increase funding for public housing maintenance, received from **Ms Clover Moore**.

QUESTIONS WITHOUT NOTICE

LIBERAL PARTY CANDIDATE FOR EPPING AND POLITICAL INTERFERENCE ALLEGATIONS

Mr PETER DEBNAM: My question without notice is directed to the Attorney General. How does the Attorney General explain that a Director of Public Prosecutions briefing note provided to him and his staff has been publicly used in an attempt to deliberately and maliciously smear the Liberal candidate for Epping?

Mr BOB DEBUS: I remind everyone in the House that all of the circumstances surrounding the charging of Mr Patrick Power are presently being considered by the police and by the courts. I became aware of these events following a briefing from the Office of the Director of Public Prosecutions in July. The Office of the Director of Public Prosecutions advised me that the Patrick Power matter had been referred to NSW Police and that it was inappropriate for me to comment any further upon it.

Mr SPEAKER: Order! The Attorney General has the call.

Mr BOB DEBUS: I have indeed heeded that advice. I absolutely reject any claim that the revelations in today's newspaper are the result of any political campaigning on my part.

Mr Ian Armstrong: Point of order: The Attorney General has made it clear that in July he was advised—

Mr SPEAKER: Order! There is no point of order. The honourable member for Lachlan knows better than that.

[Interruption]

Mr SPEAKER: Order! The honourable member for Lachlan will resume his seat. The Attorney General has the call.

Mr BOB DEBUS: Nevertheless—

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

Mr BOB DEBUS: In response to that point of order, I repeat that I absolutely deny that today's revelations are anything to do with any campaigning on my part. My concern in this matter is to protect the ongoing independence of the Office of the Director of Public Prosecutions.

Mr SPEAKER: Order! The Deputy Leader of the Opposition will come to order.

[Interruption]

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

Mr BOB DEBUS: My concern is to protect the ongoing independence of the Office of the Director of Public Prosecutions and my view is—

Mr SPEAKER: Order! The Deputy Leader of the Opposition will cease calling out.

Mr Ian Armstrong: Point of order: This is a most serious matter. The Attorney General is demonstrating his incompetence in administering the position he is charged with. You, sir, say you are defending the office, yet you are abusing it again this afternoon. You are trying to make a political—

Mr SPEAKER: Order! There is no point of order. The honourable member for Lachlan well knows that is not a point of order.

[Interruption]

Mr SPEAKER: Order! The honourable member for Lachlan knows the proper procedures of this House. If he wishes to raise the matter to which he referred the standing orders provide other ways in which he can do so.

Mr BOB DEBUS: The honourable member's point of order was not only out of order, it was also confused and inaccurate. My concern remains simply to protect the ongoing independence of the Office of the Director of Public Prosecutions and, in consequence, my view remains that Mr Greg Smith's current position as a public prosecutor and a political candidate is untenable and should be changed.

CHILD PORNOGRAPHY INVESTIGATIONS

Ms VIRGINIA JUDGE: My question without notice is addressed to the Minister for Police. Will the Minister reassure the community about the status of police investigations into child pornography?

Mr CARL SCULLY: I find it extraordinary. We have received no apology today and Opposition members have not answered questions that have been raised. Their defence is, "Somebody put out the story." No! Somebody in the Government did not tip off the person of interest before police were informed. The Opposition's candidate for Epping did that; we did not.

Mr SPEAKER: Order! The Leader of the Nationals will stop calling out.

Mr Peter Debnam: Point of order: My question is: Are you going to pull him up?

Mr SPEAKER: Order! There is no point of order. I remind the Leader of the Opposition that the question was asked by the honourable member for Strathfield, not by him. The Leader of the Opposition will resume his seat. The Minister for Police has the call.

Mr CARL SCULLY: As most members know, a prosecutor in the employ of the Office of the Director of Public Prosecutions [DPP] had his computer brought in for repair, adjustment, refurbishment, or whatever, and an information technology technician in the employ of that office found images of child sex pornography. Greg Smith was then informed. As I understand it, at the time he was acting DPP. What did he do? Did he do what a member of Parliament, a prosecutor, a chief executive or anyone in a management position in the workplace would normally do when something most serious like this is brought to his or her attention? No.

Mr SPEAKER: Order! The Deputy Leader of the Opposition will come to order.

Mr CARL SCULLY: He did not ring the police; he rang the person concerned and said "Please come in urgently." He came in and he was presented with the situation.

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

Mr CARL SCULLY: These are the questions that Opposition members have to answer. As a prosecutor he should be solely concerned—

[Interruption]

Mr SPEAKER: Order! The Leader of the Nationals will cease calling out. The Minister for Police has the call.

Mr CARL SCULLY: The job of someone in Mr Smith's position as Deputy Director of the Office of the Director of Public Prosecutions—

[Interruption]

Mr SPEAKER: Order! The honourable member for Wakehurst will cease calling out.

Mr CARL SCULLY: His job is to bring the evidence before the court to prosecute people; not to tip off people to enable them to dispose of the evidence needed for the prosecution.

Mr SPEAKER: Order! I call the Leader of the Nationals to order. He has been warned several times not to keep calling out.

Mr CARL SCULLY: I have spoken to—

[Interruption]

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

Mr Chris Hartcher: Point of order: I draw your attention to rulings from the chair relating to attacks on private citizens which have been made by Speaker Kelly on a number of occasions. The Minister, in answering this question, is accusing a distinguished citizen outside the Parliament of a criminal conspiracy in the sense that it was a conspiracy to avoid the consequences of committing an offence. I draw your attention to Speaker Kelly's ruling on page 158 of *Decisions from the Chair*, which states:

Members are asked to be cautious in what is said about people outside Parliament. Members should not prejudice the reputation or character of people outside Parliament.

The Minister is deliberately seeking to prejudice the reputation of the Deputy Director of Public Prosecutions. He is acting outside the leave of parliamentary privilege and, under Speaker Kelly's rulings, should be called by you to order.

Mr SPEAKER: Order! I am aware of the ruling by Speaker Kelly and I am familiar with it. However, I remind the House that the Minister is not only a member of this House, as the Minister for Police he has responsibilities over and above those of most members of Parliament. He has been asked a question about a matter of serious public importance. The question was completely in order and the Minister's answer is completely in order.

Mr CARL SCULLY: Today I spoke to senior police about the actions of this individual and they advised me in the strongest possible terms that there is no justification for informing a person of interest in relation to offences prior to the police being informed. Certainly in relation to child sex offences a person of interest should never be informed before police. Police advised me that the reason for this is quite simple and ought to be obvious to the Opposition. A person of interest is not informed of matters before police are notified due to the potential risk of him or her interfering with witnesses and destroying evidence. Most persons of interest would be expected to succumb to that temptation. I also sought the advice of police and they informed me that they are very unimpressed with the fact that this individual was given a heads-up by Mr Smith before police were notified.

Mr Barry O'Farrell: Point of order: In light of the considered ruling you just made it is incumbent upon the Minister, who you say has wider responsibilities, to table the advice from which he is allegedly quoting, otherwise this is simply another grubby attack from that jerk opposite.

Mr SPEAKER: Order! I call the Deputy Leader of the Opposition to order for the second time for his use of unparliamentary language, which I know every member of the House would find offensive. The Minister is fully aware of his responsibilities as Minister for Police and I am sure he will discharge those responsibilities as he sees fit in accordance with the standing orders. The Minister for Police has the call.

Mr CARL SCULLY: I have also sought advice from NSW Police on whether Mr Smith's actions have compromised, or had the potential to compromise, the investigation. The police did a very good job with the evidence that was available. How do we know that further evidence was not destroyed? We will never know because the candidate of choice for the seat of Epping for the Liberal Party provided that person with the potential opportunity to dispose of evidence, or to deal with potential witnesses. That is why he should never have been informed. On the evening of 4 July, the day the unlawful material was allegedly found on the computer, the Office of the Director of Public Prosecutions rang the commissioner's office and informed the head of the New South Wales Child Protection and Sex Crime Squad. The following morning NSW Police

entered the offices of the DPP and seized the computer in question. The alleged offender was arrested and charged with various child sex offences.

Mr Chris Hartcher: Why the following morning?

Mr SPEAKER: Order! The honourable member for Gosford will cease calling out. He will have an opportunity to ask questions in the same way as every other member.

[Interruption]

Mr SPEAKER: Order! The Minister for Police has the call, not the honourable member for Gosford.

Mr CARL SCULLY: It may well have occurred on that day had the person of interest not been given so much time to get home and potentially deal with evidence. What a silly interjection! Instead of tipping off his mate, Mr Smith should have immediately rung the police. This shows that the judgment one would expect of a member of Parliament or of a prosecutor is singularly absent in this man, this candidate, or this prosecutor. Instead of upholding the law one really wonders what he was thinking. The police did not even know that serious allegations had been made. They did not know that there was evidence.

Mr SPEAKER: Order! The Leader of the Nationals will cease calling out.

Mr CARL SCULLY: I would like to know—

Mr Chris Hartcher: Point of order—

Mr CARL SCULLY: This particular gentleman has been a prosecutor for some time.

Mr SPEAKER: Order! The Minister for Police will resume his seat. The honourable member for Gosford will present his point of order.

Mr Chris Hartcher: On a point of clarification—

Mr SPEAKER: Order! The honourable member for Gosford knows that there is no such thing as a point of clarification during question time.

Mr Chris Hartcher: Was it two days or was it one day? You are saying it was one day. In fact it was two days.

Mr SPEAKER: Order! The honourable member for Gosford will resume his seat. I call him to order.

Mr CARL SCULLY: This raises a question generally about Mr Smith's lack of judgment. I would like to know on how many other occasions Mr Smith's lack of judgment has undermined or impaired the good work of police in trying to secure the successful prosecution of sex offenders. Opposition members need to answer those questions. This is obviously about Mr Smith's suitability for office, both as a member of Parliament and as a prosecutor, but it also brings into question the suitability of the Leader of the Opposition for the office of Premier. It brings up the question of risk. The Leader of the Opposition is risky, and these are the steps that he will take to secure victory in an election. The Leader of the Opposition will not only allow the extremists in the Liberal Party—the David Clarke-ites—to elect someone like this but he will cast aside the risk to the people of New South Wales from someone of this calibre, who has no sense of good judgment.

Mr Ian Armstrong: Point of order: The Minister for Police is clearly outside the leave of the question, upon which you have ruled in the past. Please draw the Minister back to the leave of the question.

Mr SPEAKER: Order! I will hear further from the Minister before I rule on the matter.

Mr CARL SCULLY: On the weekend the Leader of the Opposition happily endorsed Mr Smith as the Liberal candidate for Epping. That was day that the Leader of the Opposition cast a long, dark shadow over the Office of the Director of Public Prosecutions. Only a week ago the Leader of the Opposition was pretending to be tough on child sex offenders. It is all very well to say and do anything to grab a headline. But when one of his

candidates does his utmost to look after a mate who is now charged with child sex offences, that is okay? One week the Leader of the Opposition wants to be tough and the next week he compromises that very position.

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

Mr CARL SCULLY: The Leader of the Opposition is the one who has questions to answer. He has shown that he is too risky, and there is a conflict of interest. As far as I am concerned, the Leader of the Opposition is nothing more than an apologist for someone who gave a tip-off to a bloke that should never have been given.

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS AND POLITICAL INTERFERENCE ALLEGATIONS

Mr PETER DEBNAM: I direct my question to the Attorney General. Last month the Attorney General publicly accused the Liberal candidate for Epping of no-billing a paedophile case when he knew that he was on leave at the time; now a Director of Public Prosecutions briefing note is being used by the Minister's office to smear the candidate again. In these circumstances, what is the status of investigations into the Attorney General and his staff?

Mr BOB DEBUS: I gave the appropriate answer earlier in question time today.

[Interruption]

Mr SPEAKER: Order! The Attorney General has the call.

Mr BOB DEBUS: There is no investigation into me or my staff, and neither should there be.

JUSTICE SYSTEM AND POLITICAL INTERFERENCE ALLEGATIONS

Mr RICHARD AMERY: My question is addressed to the Deputy Premier. What concerns does the New South Wales Government have in relation to the Opposition's interference in the New South Wales legal system?

Mr SPEAKER: Order! The Deputy Premier has the call.

Mr Adrian Piccoli: Point of order: Mr Speaker, you ruled in the previous sitting week that a question—I think it was asked by the honourable member for Gosford—did not relate to a Minister's portfolio responsibilities. The Deputy Premier is not the Attorney General and he does not have any other portfolio responsibilities relevant to that question. For the sake of consistency, I ask that you rule the question out of order.

Mr Carl Scully: To the point of order: Standing order 135 enables Ministers to be questioned about public affairs.

Mr Barry O'Farrell: To the point of order: Standing order 135 may well do what the Minister for Police says, but in the last sitting week a Minister of the Crown who was asked a question about public affairs was sat down by you, Mr Speaker. Be consistent or get out of the chair.

Mr SPEAKER: Order! I call the Deputy Leader of the Opposition to order for the third time. I will not hear anything further on the point of order. The question asked in the last sitting week related to personal matters. The question asked of the Deputy Premier relates to public affairs and to a matter of public interest. I have sought advice on this matter and the question is clearly in order. The Deputy Premier has the call.

Mr JOHN WATKINS: This sort of scandal, these errors of judgment and this inability to keep the administration of law at a distance from politics are not new problems for the New South Wales Opposition. I was the Minister for Police during the time of massive child pornography raids across Australia, codenamed Operation Auxin. Many honourable members will remember them. The NSW police force expended a great deal of effort, liaising with international agencies. It was a difficult, emotional and complex area to investigate. But what is the enduring memory of Operation Auxin? Let us check.

On 21 October 2004, AAP reported how investigators were demanding an apology from the New South Wales Opposition, which had criticised their work and put cases at risk. The shadow Minister for Police at the time was, of course, the honourable member for Vaucluse, the current Leader of the Opposition. He has still failed to apologise to those hardworking investigators. That lot opposite have still not learnt the lessons of dealing sensibly and properly with child protection matters. Honourable members will no doubt be aware also of the case involving Australia's most notorious paedophile, Robert "Dolly" Dunn. However, honourable members may not be aware of the role played by the new Liberal candidate for Epping, Mr Greg Smith. In his role as prosecutor—

Mr Peter Debnam: Point of order—

Mr SPEAKER: Order! The Minister for Police will stop calling out. I call the honourable member for Wakehurst to order.

Mr Peter Debnam: It is clear that Mr Smith's crime was that he left the Labor Party.

Mr SPEAKER: Order! There is no point of order. The Leader of the Opposition knows that he must either take a point of order or sit down. He should not make a speech.

[Interruption]

Mr SPEAKER: Order! The Leader of the Opposition will resume his seat. I call him to order.

Mr Chris Hartcher: Point of order: I apologise for the delay in taking this point of order, but the question is out of order. The question asked the Minister what concerns he has about the New South Wales Opposition. Standing Order 137 (3) (a) states:

Questions should not ask for ... an expression of opinion.

The Minister was asked what concerns he has—what is his opinion—about the New South Wales Opposition's position on these matters. The question is out of order, sir. The standing orders are quite clear. Maybe the honourable member for Mount Druitt would like to restate the question.

Mr Carl Scully: To the point of order—

[Interruption]

Mr SPEAKER: Order! I will hear the Minister for Police on the point of order.

Mr Carl Scully: That is the most ridiculous thing I have heard the Swamp Fox utter in a long time. I will send him a dictionary. Concerns and opinions are two completely different things, and the honourable member for Gosford knows that.

Mr SPEAKER: Order! The Minister for Police is clearly correct: opinions and concerns are totally different matters.

[Interruption]

Mr SPEAKER: Order! As I understand it, the question as framed asked about the concerns of the Government, not the opinions of an individual. They are very different matters.

Mr JOHN WATKINS: In his role as prosecutor in that case Mr Smith had to secure—as he must in any case—convictions for crimes committed. But this may be another area where Mr Smith's judgment was not in line with community expectations. I will read from an extract of *R v Robert Joseph Dunn*, 15 May 2000, which states:

Mr Smith handed to the appellant (Mr Dunn) the indemnity which had been signed by the Attorney-General on 3 April 1990.

For the information of the House, the Attorney General at the time was the Hon. John Dowd. There was a further hearing in 2005 in the New South Wales Supreme Court. An extract from the application of Robert Joseph Dunn of 30 August 2005 reads:

There was, at this time some controversy within the Office of the Director of Public Prosecutions as to the scope of the protection provided to Mr Dunn, by the indemnity which he had been given.

It was apparent that, were Mr Dunn prosecuted, he would decline to give evidence ...

On 24 February 1992, Mr Greg Smith, Crown Prosecutor, provided an advice in which he recommended against the prosecution of Mr Dunn.

Mr Peter Debnam: Point of order: Are you happy for this scumbag to just, minute after minute—

Mr SPEAKER: What is your point of order?

[Interruption]

Mr SPEAKER: Order! The Leader of the Opposition will resume his seat. If he wishes to take a point of order he may care to think about rewording it.

[Interruption]

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

Mr JOHN WATKINS: Paul Keating wears better suits than the Leader of the Opposition. No doubt the matters are more complicated than can be canvassed here, but we have the right to ask questions about the judgment applied in these cases, especially when the Leader of the Opposition is openly touting Mr Smith as the next Attorney General.

Mr Brad Hazzard: Point of order: Answers to a question have to be relevant and morally decent, Minister. You are morally attacking somebody who is not in Parliament.

Mr SPEAKER: Order! The honourable member for Wakehurst will resume his seat.

[Interruption]

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

Mr JOHN WATKINS: It was just a few days ago that the office of the Leader of the Opposition in Parliament House was running hot with the Pru Goward campaign, with mail-outs, hurried phone calls but no-one from the Right was listening. Now the moderates are getting their revenge. It also seems that the only happy member of the Opposition today is the honourable member for Gosford. He is jumping up and down and quite excited about today. Just yesterday the only references to him were about how he would be forced aside for the next Liberal Attorney General to be Mr Greg Smith. But today he is quoted in a front-page story in the newspaper. He has to have a say in the big stories. It is a pity that his Leader admitted he had to get up in the early hours of this morning and grab the paper because the honourable member for Gosford had not told him what was coming. Shame on him! It is not the first time that the honourable member for Gosford has commented on the Patrick Power and DPP matter. On 9 July the honourable member for Gosford told the *Sun Herald*, "There is an air of mystery about this. The DPP needs to tell us more."

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

Mr JOHN WATKINS: It seems that the honourable member for Gosford did find out more because he has stayed silent on that matter ever since. We were all shocked this morning at the reports in the press. The Leader of the Opposition needs to come clean with what he knew. He will do or say anything if it comes to a headline about Megan's law, sentencing paedophiles, child pornography or any other matter but when he is asked to answer difficult questions or to act, the Leader of the Opposition does and says absolutely nothing. And that shows the risk that New South Wales is at with this bloke pretending that he could be the Premier of New South Wales.

Mr SPEAKER: Order! There is too much calling out in the Opposition backbench.

Mr JOHN WATKINS: The Leader of the Opposition first cast the long dark shadow over the Office of the DPP by picking up the phone to Greg Smith and attempting to use the prosecutor's office for political purposes. The Leader of the Opposition made that call. The Leader of the Opposition politicised this whole

process. This case is more proof of what everyone has known for 12 months: the Opposition is a massive risk, it is in disarray, it has no leadership, no morals and no ideas. The extremists are running the show over there.

Mr SPEAKER: Order! The House will come to order.

Mr JOHN WATKINS: And the Leader of the Opposition is lost at sea and is taking in water.

Mr SPEAKER: Order! The honourable member for Gosford has already been called to order. Several members are on several calls. Question time will proceed in an orderly manner or members will leave the Chamber before it concludes. The Deputy Premier has the call.

Mr JOHN WATKINS: It is further proof that the Leader of the Opposition cannot manage his candidates or his party. There is no way in the world he can manage New South Wales.

LIBERAL PARTY CANDIDATE FOR EPPING AND POLITICAL INTERFERENCE ALLEGATIONS

Mr BARRY O'FARRELL: My question is directed to the Premier. Given that the comments of the Minister for Transport on radio today about the Liberal candidate for Epping were politically motivated and solely designed to further the interests of the Australian Labor Party but will leave him open to action for defamation, will the Premier guarantee that the taxpayers of New South Wales will not have to foot the bill for the legal costs of damages awarded against the Minister?

Mr MORRIS IEMMA: What all this is about is the appalling lack of judgment on the part of the Leader of the Opposition. From the time he made the phone call to the DPP, his inability to see how his phone call would be perceived, his inability to tread with caution is what this is about. It is about his appalling lack of judgment.

Mr Barry O'Farrell: Point of order: I refer to Standing Order 139. The question posed elicits a "yes" or "no" response. On behalf of taxpayers, it should be a "yes" or "no."

[Interruption]

Mr SPEAKER: Order! The Deputy Leader of the Opposition knows full well that no standing order dictates that a Minister has to answer with a "yes" or "no" response. The Deputy Leader of the Opposition will resume his seat.

Mr MORRIS IEMMA: A lack of judgment, yes. A lack of ability to see how he would be perceived, yes. On political interference in the Office of the DPP, yes. In fact, on radio this morning he said "I did it again; I was up all night with him drafting the statement." What a pity he did not talk to the honourable member for Gosford who knew about it last night and did not tell him—then the Leader of the Opposition would have got some sleep.

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

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS AND POLITICAL INTERFERENCE ALLEGATIONS

Mr MATT BROWN: My question is addressed to the Attorney General. What action has the Minister taken in response to concerns of Opposition interference in the Office of the Director of Public Prosecutions?

Mr BOB DEBUS: The Government and I have recently been at very great pains to make the point often that politics and the Office of the Director of Public Prosecutions do not mix. It is obvious that many members opposite do not accept that principle. The public deserves better than that. They certainly deserve better than the Leader of the Opposition who has such a demonstrably cavalier attitude to the separation of powers. I have made my concerns about recent events clear in a phone call with the Director of Public Prosecutions, Nicholas Cowdrey, who is overseas. I did that on 14 September. I will be raising those concerns about the handling of a number of matters with him in person next week.

The present Director of Public Prosecutions has a history of vigorously rejecting any attempt to interfere with the prosecution process. That is a necessary stance for him, or any other senior DPP officer, to

take. While I have been mindful that the matter regarding alleged misconduct by his senior DPP officer, Patrick Power, has been referred to the police, and remains before the courts, it is clear that there is public disquiet about this matter. The issue that is particularly raised today is whether in general it is appropriate to counsel a suspect before contacting the police. To act in any way that might possibly compromise a police investigation and a potential prosecution shows a total lack of judgment, and Mr Smith should have known better.

Mr Brad Hazzard: Point of order: I draw attention to page 158 of Decisions from the Chair. What we hear from the Minister indicates that he seems already to have drawn an assumption about guilt or otherwise.

Mr SPEAKER: What is the point of order?

Mr Brad Hazzard: It is relevant to what I am saying. The Attorney General seems already to have drawn an assumption on the basis of guilt, and from that he is traducing the reputation of individuals who are outside the Parliament. At page 158 Speaker Kelly is noted as having ruled on four separate occasions—on 25 August 1976, and revisited on 6 November 1977, 24 January 1978 and 1 November 1984—that:

Members should not prejudice the reputation or character of people outside the Parliament.

We have a worse situation here. The Attorney General is making assumptions about factual material—

Mr SPEAKER: Order! I have heard sufficient from the honourable member for Wakehurst. He will resume his seat. I have already given a ruling on this matter in relation to the Minister for Police. Similarly, the Attorney General holds unique responsibilities as far as the governance of the State and the functioning of this Parliament are concerned. It is for the Attorney General to determine what he says in this Chamber in relation to matters of the nature raised in the question he was asked. He may proceed.

Mr Ian Armstrong: Point of order: I do not wish to canvass your ruling, but the standing orders apply to all members of this Parliament. It is as simple as that. There is no discrimination.

Mr SPEAKER: Order! The honourable member for Wakehurst quoted rulings by a previous Speaker. Those rulings related to specific matters. This is a different matter. No-one could properly argue that this is a similar matter. I have ruled on the matter. The Attorney General has the call.

Mr BOB DEBUS: For the record, I point out that I am not making an assumption; I am speaking about the possible compromise of an investigation—the appearance of a compromise. For some weeks my view has been that the current position of Mr Smith as a public prosecutor and a political candidate is untenable. It bears putting on the record that questions about the handling of the alleged misconduct by Mr Patrick Power were in the first instance generated by commentators like Piers Akerman—

Ms Peta Seaton: Point of order: The standing orders are clear: questions should not seek a legal opinion. The Attorney General is giving a legal opinion, in defence of his failure to answer the broader questions. I ask you to rule the question out of order.

Mr SPEAKER: Order! As I interpret the answer, the Attorney General is making a statement in relation to the administration of his portfolio.

Ms Peta Seaton: It is a legal opinion.

Mr SPEAKER: Order! It is not a legal opinion; it is a matter that concerns the Attorney General's administration of his portfolio. The Attorney General has the call.

Mr BOB DEBUS: I am not giving a legal opinion; I am speaking about a legal principle. It bears putting on the record that questions about the handling of the alleged misconduct by the senior DPP officer Patrick Power were in the first instance generated by commentators such as Piers Akerman and indeed the shadow Attorney General, the member for Gosford. The member for Gosford, as I think someone pointed out earlier, said on 9 July:

There is an air of mystery about all this.

Piers Akerman, the well-known columnist, pondered why the accused was "not detained upon becoming aware of the issue". That was on 25 July. All my advice on this matter from the office of the DPP comes in response to those remarks by Piers Akerman.

Mr Andrew Stoner: You have never read Piers Akerman's columns in your life!

Mr BOB DEBUS: It is true that I read them only occasionally. Those comments by Mr Akerman and the honourable member for Gosford are the more puzzling because neither of them persisted with their inquiries. We have foundation principles, such as the separation of powers—that is not a legal opinion; it is a statement of general principle—for a reason: so that political considerations are not seen to infect independent legal processes. It is an important value, and it is one that is worthy of strong support by all members of this House.

As I said when Parliament last sat, should political interference become the order of the day, the justice system will lose its integrity and the courts will no longer be regarded as independent tribunals of fact. The Leader of the Opposition has become so out of touch that he may well believe that prosecution decisions should be based on political considerations, not on the law. I repeat the advice in consequence that the matter that we are speaking of remains before the courts and the police have it under investigation. I will refrain from making any further public comment on the issue until the matter is settled by the court.

DROUGHT ASSISTANCE FORUMS

Mr ANDREW STONER: My question is directed to the Premier. Following last weekend's announcement that 92 per cent of New South Wales is in drought, and given that Labor recently held a taxpayer-funded forum in Rockdale to help Lebanese Australians get priority access to the welfare system—

[Interruption]

Mr SPEAKER: Order! I will hear the question in full.

Mr ANDREW STONER: Following last weekend's announcement that 92 per cent of New South Wales is in drought, and given that Labor recently held a taxpayer-funded forum in Rockdale to help Lebanese Australians get priority access to the welfare system, will the Premier now commit to holding similar forums in country New South Wales to help our drought-stricken farmers?

Mr MORRIS IEMMA: This Government is proud that it has stood by our State's farmers during the worst drought on record and just recently extended drought relief—

Mr SPEAKER: Order! Government members will cease calling out. The Premier has the call.

Mr MORRIS IEMMA: —which adds to the Government's assistance to our farmers during the worst drought on record. The Government will continue to provide assistance to our farmers. That will include counselling and support in the provision of health services and the services of many other organisations: family support, counselling support, and health support, as well as the extension of the transport subsidies. As we have stated many times, and we are proud to restate, we will continue to support our farmers during this time of drought. We will continue to provide information, support and practical assistance to our farmers across a range of areas, as instanced by the recently announced extension of that support

CHILD PROTECTION COMMUNITY ATTITUDES

Ms TANYA GADIEL: My question without notice is to the Minister for Community Services. Can the Minister update the House on community attitudes to child protection?

Ms REBA MEAGHER: I recently had the opportunity to launch groundbreaking research commissioned by the Department of Community Services that gave a valuable snapshot of community views, knowledge, and behaviour about the important question of child protection. It showed that the safety and wellbeing of children are of concern to the community, but sadly that not everybody takes action when they are concerned about the welfare of a child. Disturbingly, one in three people in New South Wales suspect that a child they know has been abused, but 43 per cent of these—

Mr Chris Hartcher: Point of order: The question to the Minister is out of order. As you are aware, Mr Speaker, the House has before it a bill called the Children and Young Persons (Care and Protection) Amendment (Parent Responsibility Contracts) Bill, which has been second read. The Minister cannot be asked questions about it. Standing Order 159 anticipates, and you have ruled on many occasions—

Mr Carl Scully: On a number of occasions you have ruled that if a bill is before the House it is quite appropriate to request information from a Minister that may pertain to the subject area, provided the clauses of the bill are not discussed. He knows that he is out of order. Cop that!

Mr SPEAKER: Order! I have sought advice on this matter. The question seeks further information about a general matter. The fact that a bill relating to specific aspects of this matter is before the House does not mean that the question is out of order. The Minister has the call.

Ms REBA MEAGHER: I am not speaking to legislation. I am speaking to the most important and wide-ranging research ever undertaken in New South Wales that provides the most comprehensive understanding of community views about child protection. I would think that members of the House would be interested in knowing that one in three people in New South Wales suspect that a child they know has been abused. However, 43 per cent did not report their suspicions to the authorities. The Iemma Government is rebuilding the child protection system in New South Wales through a \$1.2 billion reform program—

Ms Gladys Berejiklian: Point of order: My point of order is relevance. The Minister has repeatedly failed to tell the community why she refuses to follow up on child abuse.

Mr SPEAKER: Order! That is not a point of order.

Ms Gladys Berejiklian: The number of reports of child abuse has gone up 30 per cent, yet the Minister refuses to tell the community why those cases are not followed up.

Mr SPEAKER: Order! There is no point of order. That was a feeble attempt to interrupt the Minister's response. The Minister has the call.

Ms REBA MEAGHER: I am very concerned about that interruption by the honourable member for Willoughby, because her integrity is very much in question at this time. She has been caught out telling lies to her local community and telling lies in her local newspaper. This House needs to know about it. The honourable member for Willoughby told the *North Shore Times* that she was unable to attend State-planned consultation in her community on 29 August because the House was sitting and, therefore, she could not carry out her responsibility as community representative and articulate the concerns of her local community. That is not true. *Hansard* shows that the House got up at 10 to five that afternoon, which gave her three hours to get back to her electorate!

Mr Malcolm Kerr: Point of order: The Minister has been responding to an interruption for some time. She can do so in passing, but she cannot do so at length. She should return to her answer.

Mr SPEAKER: I am sure the Minister will heed that point.

Ms REBA MEAGHER: The Iemma Government is determined to build the strongest, most resilient and responsive child protection system possible. By the time we have completed the biggest reform to children's service in the State's history we will have funded an extra 1,025 caseworker positions, injected \$150 million into early intervention, and witnessed the opening or refurbishment of more than 80 community services centres across the State. We are working hard to improve the child protection system, but we cannot do it alone. All levels of government and the community need to work together to help vulnerable families, and to protect kids at risk. This view is shared by a range of child protection advocates.

During National Child Protection Week the President of the National Association for the Prevention of Child Abuse and Neglect, Theresa Scott, said: "To prevent abuse, everyone in society must work to create environments where children and young people have a voice." We are working hard to rebuild the child protection system in New South Wales, but the Opposition remains hell-bent on tearing it apart. Despite repeated invitations, the Leader of the Opposition never renounced his commitment to cut \$700 million from the Department of Community Services [DOCS], and to cut 675 DOCS workers.

Mr Andrew Tink: Not this again. It is a lie, Reba.

Ms REBA MEAGHER: Yes, this again because this is about a system and a network that cares for vulnerable children in New South Wales. Everybody knows that those opposite cannot be trusted to run the State, but today we have been given further proof with the revelation that the Liberal Party's star candidate for Epping gave a heads-up to a person suspected of being involved in child pornography. Never mind the lack of process; put that to one side. It is the absolute lack of integrity of the Leader of the Opposition that is the great shame. He must come clean. Despite the fact that the Leader of the Opposition endorsed the national Sex Discrimination Commissioner, he caved in to the underbelly extremists of the right-wing element of his party. The Leader of the Opposition has handed over the power of the New South Wales Labor Party to David Clarke—

[Interruption]

Mr SPEAKER: Order! The Minister for Community Services has the call.

[Interruption]

Mr SPEAKER: Order! There is too much interjection.

Ms REBA MEAGHER: The point needs to be made—

Mr Peter Debnam: Point of order: My point of order is relevance. It is Bryce Gaudry in the Labor Party that you are talking about.

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

[Interruption]

Mr SPEAKER: Order! The Leader of the Opposition will resume his seat. The Minister for Community Services has the call.

Ms REBA MEAGHER: Those opposite hold themselves out on a platform of family values, but when it comes to the crunch they do not have the policies, they do not have the commitment, and they are not prepared to—

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

Ms REBA MEAGHER: —build a system that offers protection and support to vulnerable children and families in this State.

WATER STORAGE INFRASTRUCTURE

Mr IAN ARMSTRONG: My question without notice is directed to the Premier. Given that our existing water storage infrastructure was designed to meet the demands of about 50 per cent of our current population, why has the Government not developed a serious long-term plan for water storage in country New South Wales? Will he now wipe out the iniquitous standing charge of \$9.40 a megalitre for water in the Lachlan Valley when he cannot supply the water?

Mr MORRIS IEMMA: The Government has been working very hard to increase the availability of water and secure its supply across the State—in our metropolitan, regional and rural areas. It starts with our country water towns program, in addition to the list of projects that three Ministers have been working to compile to submit to the Commonwealth for support as part of the nation's water initiative, a \$500 million investment across the board to improve water supply and sustainable water usage across rural New South Wales in conjunction with other States as part of a national effort. In that regard New South Wales has been leading the way in submitting projects and co-operating as part of the nation's and the State's effort.

LIBERAL PARTY EPPING ELECTORATE PRESELECTION AND ADMINISTRATION OF JUSTICE

Ms MARIANNE SALIBA: My question without notice is to the Deputy Premier. What is the Government's response to concern about the administration of justice following the Epping preselection result and related matters?

Mr Barry O'Farrell: Point of order: My point of order relates to the ruling you made last week when a question was asked of a Minister concerning public affairs, and the preselection of the member for Newcastle. You ruled it out of order on the basis that it related to internal party matters and a preselection. This question was drafted referring specifically to the preselection for Epping. I ask you to rule today consistent with the ruling you made only four sitting days ago.

Mr CARL SCULLY: To the point of order: Clearly the question is about concern in respect of the administration of justice. What could be more clearly within the domain of public affairs?

Mr SPEAKER: Order! As I understand the question, it related to the administration of justice following the preselection. I will ask the honourable member for Illawarra to restate her question.

Ms MARIANNE SALIBA: What is the Government's response to concern about the administration of justice following the Epping preselection result and related matters?

Mr SPEAKER: Order! The question is clearly in order. It relates to the administration of justice. The Deputy Premier has the call.

Mr JOHN WATKINS: The Epping preselection was the most brutal, bloody, and corrupt in the history of the Liberal Party, and the legacy is there for all to see: the honourable member for Southern Highlands's premature farewell from this Chamber, the Hon. Patricia Forsythe's premature departure from the other place—and there is more to come. The allegations surrounding Mr Smith have been the subject of heated discussion since this morning. I was asked by a radio station, "Which faction of the Liberal Party would have leaked this to the *Telegraph*?"

Mr Adrian Piccoli: Point of order: I refer to your previous decisions and answers to previous questions when matters were under investigation, such as when questions were asked about the honourable member for Fairfield when he was under investigation for criminal conduct, when you, Mr Speaker, were under investigation by the Independent Commission Against Corruption [ICAC], and when the honourable member for Mulgoa was under investigation by ICAC.

Mr SPEAKER: Where is this point of order going?

Mr Adrian Piccoli: And I refer to when the Labor MLC Eddie Obeid was under investigation by ICAC, et cetera, et cetera, et cetera.

Mr SPEAKER: Order! The only "et cetera" for the honourable member for Murrumbidgee is that he will either resume his seat or he will be "et ceteraed" out of the Chamber. I call the honourable member for Murrumbidgee to order.

Mr Adrian Piccoli: I ask you to be consistent, Mr Speaker.

Mr SPEAKER: Order! The honourable member for Murrumbidgee will resume his seat. The Deputy Premier has the call.

Mr JOHN WATKINS: I was not surprised when the radio station asked, "Which faction of the Liberal Party would have leaked this to the *Telegraph*?" My answer was, "It's too hard to tell. They're all too busy knifing each other in the back." What we have not heard today is any comment from the real Leader of the Liberals about the matters discussed today or the Epping preselection over the weekend. Not the Leader of the Opposition! I am talking about the real Leader of the Liberals in New South Wales—David Clarke, MLC. The weekend proved to us that nothing Debnam does or says matters because David Clarke is pulling the strings.

Mr Malcolm Kerr: Point of order—

Mr SPEAKER: Order! Government members will come to order. The Chair will hear the honourable member for Cronulla.

Mr Malcolm Kerr: You allowed the question on the basis that it was about the administration of justice in New South Wales. The Minister's answer is in no way responsive to that question.

Mr SPEAKER: Order! I will hear the Minister on the point of order.

Mr Carl Scully: To the point of order: The point of order originally was in relation to the legitimacy of the question, and you ruled that in order. The honourable member for Cronulla cannot then say that the answer to the question should be ruled out of order. What a ridiculous suggestion. What planet is the honourable member for Cronulla from?

Mr SPEAKER: Order! I will hear the Deputy Premier further.

Mr JOHN WATKINS: David Clarke's forces destroyed Brogden, they forced the fine member for Epping out of the Parliament in disgust, and they have terminated the careers of the honourable member for Southern Highlands and Patricia Forsythe.

Mr Barry O'Farrell: Point of order: As I am sure you know, Mr Speaker, Standing Orders 81 and 82 do not allow any member of this place to make personal reflections or impugn improper motives or imputations against members of another House—no matter how much we might want to. The member should be sat down and told to abide by Standing Orders 81 and 82.

Mr SPEAKER: Order! There is some merit in the point of order. I draw the attention of the Deputy Premier to the standing orders.

Mr JOHN WATKINS: These forces destroyed Brogden. They forced the honourable member for Epping out and they are forcing the honourable member for Southern Highlands and Patricia Forsythe out.

Ms Peta Seaton: Point of order: The original question ought to be ruled out of order.

Mr SPEAKER: Order! I have already ruled on that.

Ms Peta Seaton: It sought information about the justice system of a Minister who is not the Attorney General. He is the Minister for Transport.

Mr SPEAKER: Order! The honourable member for Southern Highlands will resume her seat. The question relates to the administration of justice. It is a matter of public affairs. The Minister has the call.

Mr JOHN WATKINS: And there are three more targets in their sights, and those members are sitting opposite very quietly today because they know it—the honourable member for Hawkesbury, the honourable member for Davidson, and the honourable member for The Hills. They are next in line to go, and they know it.

Mr Michael Richardson: Point of order: I'm sorry to disappoint you, John. I was endorsed last night as the candidate for Castle Hill.

Mr SPEAKER: Order! The honourable member for The Hills will resume his seat.

[Interruption]

Mr SPEAKER: Order! Several members have been called to order. I deem those members to be on three calls. If they are called to order again they will find themselves outside the Chamber. The Deputy Premier has the call.

Mr JOHN WATKINS: The Liberal Party in New South Wales is going through its own El Niño effect—the permanent end to moderate conditions.

Questions without notice concluded.

HONOURABLE MEMBER FOR WILLOUGHBY

Personal Explanation

Ms GLADYS BEREJIKLIAN, by leave: I wish to make a personal explanation.

Mr Carl Scully: You lied!

Mr SPEAKER: Order! The Minister for Police will resume his seat.

[Interruption]

Mr SPEAKER: Order! Members will resume their seats. The Minister for Police directed that remark at the honourable member for Willoughby. Does the honourable member for Willoughby take offence at that remark?

Ms GLADYS BEREJIKLIAN: Yes.

Mr SPEAKER: Does the honourable member for Willoughby wish the Minister to withdraw that comment?

Ms GLADYS BEREJIKLIAN: I ask the Minister to withdraw.

Mr SPEAKER: I direct the Minister to withdraw that comment.

Mr CARL SCULLY: I withdraw the remark that the honourable member for Willoughby lied.

[Interruption]

Mr Peter Debnam: Point of order. Is the Minister for Police going to withdraw that remark? Mr Speaker, you have been in that chair for a few years. You have been in Parliament for 25 years. For bias in this Chamber, you get 10 out of 10. If the Minister for Police is going to withdraw that word, he should do so properly, unequivocally, at the table. He should apologise to the honourable member for Willoughby, Gladys Berejiklian, and apologise to the people of New South Wales.

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

[Interruption]

Mr SPEAKER: Order! I call the Leader of the Opposition to order for the third time. He will resume his seat and let me rule on the point of order. I asked the Minister for Police to withdraw his remark. He said, "I withdraw the fact that she lied," or words to that effect. It seems that was unacceptable to the honourable member for Willoughby. I again ask the Minister for Police to withdraw his remark.

Mr Carl Scully: I withdraw.

[Interruption]

Mr SPEAKER: There is no provision for apologies.

Ms GLADYS BEREJIKLIAN: My personal explanation is that the Minister for Community Services impugned my reputation as a member of this place. A few weeks ago we received invitations to attend a function that was to be held on a sitting night. The Government cannot manage the Parliament. All of us in this place have functions that we are already committed to. All of us are expected to be here until 10.30 at night. If the Minister for Community Services were serious about members attending that meeting, she would not have scheduled it for a sitting night.

Mr SPEAKER: Order! The House has heard sufficient of the personal explanation.

Ms GLADYS BEREJIKLIAN: I ask the Minister for Community Services to withdraw her remarks. They were dishonest, they were misleading, and they impugn my reputation as a member of Parliament.

Mr SPEAKER: That is going too far.

Ms GLADYS BEREJIKLIAN: The Labor Government cannot manage this House, and that is the only way—

Mr SPEAKER: Order! The honourable member for Willoughby will resume her seat.

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Mr CARL SCULLY (Smithfield—Minister for Police) [3.42 p.m.]: I move:

That standing and sessional orders be suspended to permit:

- (1) the introduction forthwith of the Crimes (Appeal and Review) Amendment (Double Jeopardy) Bill and cognate bill, up to and including the Minister's second reading speech, followed by the motion for urgent consideration, the matter of public importance and, at 5.15 p.m., notices of motions (general notices) and private members' statements,
- (2) from the commencement of private members' statements until the rising of the House, no divisions or quorums to be called,
- (3) at 7.30 p.m. consideration of the condolence motions for the Hon. Jack Gordon Beale and the Hon. Kevin James Stewart, former Ministers of the Crown, followed by the introduction of the Road Transport Legislation Amendment (Drug Testing) Bill and the introduction of the following bills, notice of which was given this day for tomorrow, up to and including the Minister's second reading speech:

Bail Amendment (Lifetime Parole) Bill
Professional Standards Amendment (Defence Costs) Bill
Succession Bill

- (4) at the conclusion of Government business the House to adjourn without motion moved.

Mr PETER DEBNAM (Vaucluse—Leader of the Opposition) [3.44 p.m.]: That man could not manage a chook raffle. This is all about the Labor Party running away from an urgency debate, the Government's own urgency debate—it wanted to discuss the circumstances around political interference in the Office of the Director of Public Prosecutions. The people of New South Wales want that discussed. It is all very well for the Attorney General, the Premier, the Minister for Transport and the Minister for Police to stand up in cowards' castle and slander respected public servants of New South Wales.

Mr Carl Scully: Point of order. The Leader of the Opposition called the Commissioner of Police a clown. How can he now say that?

Mr SPEAKER: Order! The Minister will resume his seat.

Mr PETER DEBNAM: It is all very well for the Attorney General, the Premier, the Minister for Transport and the Minister for Police to slander a New South Wales senior public servant in this House. However, the Minister for Transport is idiotic enough to actually slander him outside this House, but he does not care. And do members know why? Because the taxpayers will pay for any legal costs and damages, but he does not care. He simply goes public and slanders one of the most respected public servants in New South Wales, who happens to have been preselected for the Liberal Party—but the Minister for Transport does not care, because he knows, again, that the people of New South Wales will pay for the Labor Party's excesses.

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

Mr PETER DEBNAM: The real problem for Greg Smith is that he left the Labor Party. That is the Government's problem; it hates anyone who sees the light and leaves the Labor Party. The Government will relentlessly dump on Greg Smith, and will manufacture filth, as Labor members do against each other in caucus meetings. It will manufacture filth and dump it on one of the most respected lawyers in New South Wales: and his crime was to leave the Labor Party and join the Liberal Party. I advise honourable members that Greg Smith is one of the most respected public servants in New South Wales. He is a candidate who will campaign on the streets in the seat of Epping for the forthcoming State election. He will doorknock the electorate.

The Government has also dumped on the honourable member for Newcastle. I have no doubt whatsoever that Greg Smith will doorknock and have the enjoyment of seeing the people of Epping back him, because they, along with the rest of New South Wales, are so concerned that after 12 years of paying through the nose for Labor's excesses they will be paying taxpayers' dollars when the Minister for Transport is sued for his grossly defamatory remarks about a senior public servant. That does not matter to the Labor Party and that is why—if the Premier will not do it before the election—straight after the election I will legislate to make sure

that Ministers cannot use taxpayers' funds to defend themselves against defamation when it is an excess that is used just for political purposes.

Mr SPEAKER: Order! Government members will come to order.

Mr PETER DEBNAM: I will not only legislate straight after the election to ensure that Labor Ministers cannot use taxpayers' funds—

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

Mr PETER DEBNAM: —but I will backdate it to 1 July this year, so that the Minister for Transport has to pay, instead of the people of New South Wales, year after year, paying for Labor's failures, Labor's excesses, Labor's crumbling infrastructure, and for cutting 600 police from New South Wales.

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

Mr PETER DEBNAM: We will make sure that the Minister for Transport pays for his legal costs and for any damages as a result of defamation. It is very important for, as the current Minister for Police said in his first speech as a Minister in April 1995, it is really about bringing back ministerial accountability.

Mr Carl Scully: I never said that.

Mr SPEAKER: Order! The Minister for Police will resume his seat.

Mr PETER DEBNAM: After 12 years of Labor, there is no ministerial responsibility in New South Wales. However, on day one after the election there will be.

Motion agreed to.

SPECIAL ADJOURNMENT

Motion by Mr Carl Scully agreed to:

That the House at its rising this day do adjourn until Wednesday 20 September 2006 at 10.00 a.m.

STANDING ORDERS AND PROCEDURE COMMITTEE

Membership

Mr CARL SCULLY (Smithfield—Minister for Police) [3.48 p.m.], by leave: I move:

That Barry Robert O'Farrell be appointed to serve on the Standing Orders and Procedure Committee, in place of Andrew Arnold Tink, discharged.

Mr Chris Hartcher: Point of order: We have just suspended standing orders so that the only business that can come before the House is the Minister's second reading speech on the Crimes (Appeal and Review) Amendment (Double Jeopardy) Bill. Minister Scully does not know what he is doing.

Mr SPEAKER: Order! The honourable member for Gosford well knows that the Minister sought and was granted leave. This is a procedural matter and the Minister is complying with the standing orders.

Motion agreed to.

CRIMES (APPEAL AND REVIEW) AMENDMENT (DOUBLE JEOPARDY) BILL

CRIMES (APPEAL AND REVIEW) AMENDMENT (DNA REVIEW PANEL) BILL

Bills introduced and read a first time.

Second Reading

Mr MORRIS IEMMA (Lakemba—Premier, Minister for State Development, and Minister for Citizenship) [3.49 p.m.]: I move:

That these bills be now read a second time.

These two bills are major reforms to the New South Wales legal system that will help bring the criminal law of this State into the twenty-first century. They are related bills, in part responding to changes in technology, helping to ensure that the guilty are convicted and the innocent are set free, and ensuring the balance of the criminal justice system.

I would like to deal first with the Crimes (Appeal and Review) Amendment (Double Jeopardy) Bill. This bill provides one of the most significant reforms to the criminal law enacted in Australia in recent times. The ancient rule of double jeopardy provides that a person may not be tried for the same offence twice. Its purpose is to ensure that criminal proceedings can be brought to a conclusion, and the result in a trial can be regarded as final. It protects individuals against repeated attempts by the State to prosecute. The rule encourages police and prosecutors to be diligent and careful in their investigation and to gather as much evidence as possible against the accused. In this sense, it promotes fairness to the accused and justice for the victim and the community. However, the strengths of the double jeopardy rule also bring weaknesses and too rigid an adherence to the rule may bring the law into disrepute.

There will sometimes be cases where diligent police and prosecutors will still fail to find all the possible evidence. Perhaps it is being concealed from them deliberately, or perhaps developments in forensic technology will reveal new evidence or new conclusions to be drawn from existing evidence. In such cases, there may well be grounds to bring the accused back to trial. In fact, not to do so risks perpetrating a major injustice by allowing a guilty person to walk free even when there is compelling evidence of his or her guilt and this can bring the justice system into disrepute.

There are other cases where an acquittal is obtained by subverting the trial by threatening witnesses, by tampering with the jury, or by perjury by defence witnesses. Where such cases come to light the double jeopardy law can stand in the way of justice. For these reasons the government is proposing reforms to the double jeopardy rule in a measured way by creating exceptions framed with precision and containing appropriate safeguards. These reforms will ensure that justice can be done in our courts. The proposals in this bill are the result of a long and careful process of consultation with the community.

As honourable members will be aware, the Government first announced its intention to reform the ancient rule of double jeopardy in 2003. The Government released an exposure draft bill in 2004 and sought expert advice from Acting Justice Jane Mathews. We also considered models proposed by the national Model Criminal Code Officers Committee, as well as pioneering reforms already enacted in the United Kingdom. The community's views and the view of experts in the field have all been taken into account in drafting this bill.

I would like now to address the main clauses of the bill and explain its scope and effect. The first point to note is that this bill inserts new provisions into the Crimes (Local Courts Appeal and Review) Act which is to be renamed the Crimes (Appeal and Review) Act to reflect its broader scope, which will relate to appeals and reviews from the higher courts as well as the Local Court. The operative clauses of the bill are contained in schedule 1. The first key provision is new section 100. This section allows the Director of Public Prosecutions to apply to the Court of Criminal Appeal for permission to retry an acquitted person if there is fresh and compelling evidence. The court can order a retrial under this section if it reaches the view that there is fresh and compelling evidence and it is in the interests of justice.

This provision is confined to the most serious offences under New South Wales law, namely, murder or another offence carrying a maximum penalty of life imprisonment such as aggravated sexual assault in company, commonly known as gang rape, and major drug offences. Manslaughter is not included because while this is a very serious offence the range of culpability associated with it is large. Fresh evidence is defined by new section 102 to be any evidence that was not adduced at trial and could not have been adduced at trial with reasonable diligence. Compelling evidence is also defined under new section 102 to cover evidence that is substantial, reliable, and probative of the prosecution case in the context of the issues in dispute.

The new section 104 defines the interests of justice. This section will require the court to consider the amount of time elapsed since the offence was alleged to have been committed and whether there was any failure to act with due diligence on the part of the police or the prosecution. The court must also reach the view that a fair trial is likely. These tests will ensure that only strong cases proceed to retrial. The second group of cases that may be retried are cases of tainted acquittals under section 101. A tainted acquittal arises where any person has been convicted of an offence against the administration of justice in respect of the original trial. These offences include: bribery or interference with a witness, juror or judicial officer; perversion or conspiracy to pervert the course of justice; and perjury. The court must also reach the view that retrial is in the interests of justice.

In tainted acquittal cases a retrial may be ordered by the court for any offence carrying a penalty of 15 years imprisonment or more. The broader scope of this ground recognises the fact that interference in a trial brings the administration of justice into disrepute and offenders must not be able to profit from it. This difference in scope is also a feature of other models of double jeopardy reform, including the model recommended by the Model Criminal Code Officers Committee and the law in the United Kingdom. Safeguards apply to retrials on either ground.

Reinvestigations of acquitted persons cannot be undertaken by police without the permission of the Director of Public Prosecutions. In this context reinvestigation covers the use of police powers, including arrest, search, or any forensic procedure. It does not mean the simple gathering of preliminary information. In addition, there are restrictions on publishing any information about a reinvestigation including proceedings to seek permission to retry and the retrial itself, unless the court orders otherwise. This is intended to protect the integrity of the process.

An additional reform is also proposed in this bill that would increase appeals from acquittals. Under this bill, in cases where the judge directed the jury to acquit or where there was no jury and the judge was the determiner of fact, the prosecution will be able to appeal any acquittal in the higher courts that is obtained by error of law. An acquittal quashed in this process can result in a retrial. The need for these reforms is shown by the case of *R v Carroll*. Carroll was originally tried on a charge of murdering a young girl in Queensland over 30 years ago. He was convicted at trial but that conviction was overturned on appeal. Subsequently, new dental evidence was found casting doubt on that acquittal.

As it happened, Carroll had testified at his own trial. As a result, the prosecution brought perjury charges using the new evidence and Carroll was convicted at first instance. However, in 2002 the High Court upheld the Queensland Court of Appeal's decision overturning this conviction on the grounds of double jeopardy. It found the prosecution for perjury amounted to trying Carroll twice for the same offence. This bill would overcome this problem in New South Wales because a similar case here could potentially be retried on the basis of fresh and compelling evidence under section 100.

As a final note on this bill, honourable members may be aware that the Council of Australian Governments [COAG] has recently agreed to consider a national approach to double jeopardy reform. A COAG working group has been established, jointly chaired by the Commonwealth and New South Wales. The COAG working group will be considering this bill, as well as the model proposed by the Model Criminal Code Officers Committee. These two models differ in some details, but are broadly consistent in their structure and approach. The New South Wales Government will consider amending its legislation based on any recommendations that may be adopted by the COAG process.

I now turn to the second bill, the Crimes (Appeal and Review) Amendment (DNA Review Panel) Bill. This bill recognises that technology has changed over the past 20 years and that in some cases justice requires that older cases be subjected to fresh scrutiny. The main point of this bill is to establish the DNA Review Panel replacing the defunct Innocence Panel that the Hon. Mervyn Finlay QC found should be established by legislation. This bill is intended to supplement existing mechanisms that allow the soundness of a conviction to be investigated and any doubts about unsafe convictions to be considered and resolved.

These existing mechanisms include appeals and applications under part 13A of the Crimes Act, which allow the Attorney General or the Supreme Court to refer a conviction to the Court of Criminal Appeal for reconsideration at any time. As an aside, I note that part 13A of the Crimes Act is re-enacted in this bill and will be included in the newly renamed Crimes (Appeal and Review) Act. This bill is an important but targeted mechanism for convicted persons to have aspects of their conviction reinvestigated. It will allow convicted persons who identify evidence containing biological material that may demonstrate their innocence to ask the panel to have it tested. The provisions of this bill will apply only to persons convicted before the date of introduction. This recognises the fact that DNA technology has become a routine feature of trials. These days there is widespread testing of biological material before the courts. The role of the panel is therefore appropriately limited to past cases in which DNA technology may not have been fully utilised. The Government is satisfied that this is a reasonable and balanced approach.

Some key features of this bill are as follows. New section 89 governs who may apply to the panel. This will include any person convicted before 19 September 2006 of serious offences that carry a maximum penalty of 20 years or more. Other persons convicted before this date may also apply if the panel considers special circumstances warrant consideration of their application. The person must point to biological material that, if

tested, may affect their claim of innocence. For instance, a person convicted of sexual assault might identify a shirt left at the crime scene that the person alleges was worn by the real perpetrator and therefore could contain DNA and ask for that biological material to be tested. This could be relevant if their original defence was mistaken identity but not if their defence was based on consent.

The degree of specificity required to identify the biological material would be a matter for the panel to determine. To do its job, the panel would need enough specificity to be able to ensure the inquiry has reasonable scope: not too broad that it would allow open-ended, potentially limitless inquiries and not too narrow that the convicted person could not meet the requirement. This is a matter of judgment. To be eligible, the convicted person must also be currently in prison, on parole or subject to an order under the Crimes (Serious Sexual Offenders) Act 2006. This ensures that the work of the panel is confined to those persons who might be freed from their sentence if their conviction is overturned. In this context, I note that the provisions of part 13A as re-enacted in this bill remain available to other persons who may seek to review their conviction, even after their release and on any grounds.

The membership of the panel is set out in new section 90. The panel is to be chaired by a former judicial officer, and is to have a balanced membership including: a representative of victims of crime, a former police officer, the Director General of the Attorney General's Department, the Director of Public Prosecutions, and the Senior Public Defender, or their nominees. The broad functions of the panel are set out in new section 91. These functions include receiving applications, arranging for testing and, if justified, referral to the Court of Criminal Appeal for consideration. The panel will have the power to require the Commissioner of Police and other public authorities to provide biological material or information in their possession.

In exercising its functions, the panel must consider the matters set out in section 91 (2) including: the interests of registered victims, the need to maintain public confidence in the administration of criminal justice, the public interest and any other relevant matter. New section 92 sets out the procedure for making an application to the panel. It also provides the panel's key powers to arrange for searches for nominated biological material and to have it tested for DNA. Section 93 provides that the panel has broad discretion to refuse to consider an application. In addition, it is not to consider an application if the matters raised have already been dealt with fully in other ways—for instance, at trial, on appeal or through a part 13A application.

The panel may also defer consideration if another process is under way or if the applicant has given insufficient information. If the panel comes to the view that there is a reasonable doubt as to the conviction the panel may refer the matter to the Court of Criminal Appeal for consideration as to whether the conviction should be set aside. The court considers these matters as if they are criminal appeals and has all the powers relevant to such proceedings, including the power to quash a conviction or order a retrial.

Two key procedural provisions should be highlighted. First, new section 95 contains provisions that ensure that the deliberations of the panel are confidential except for situations when information needs to be shared with officials. It will be an offence to disclose the panel's deliberations except in the exercise of its functions. However, while the deliberations of the panel are confidential, the panel will be able to make public the outcomes of its deliberations. This section also provides that victims will have the right to be notified of the determination of an application by the panel, whether for or against the convicted person. Victims must also be told when the panel exercises its powers to order a search for, or test of, material. This means that victims will be told of every application at the point where it is investigated by the panel or determined. In effect, victims have the same right to be told of progress in the matter as the applicant.

The second procedural provision is a requirement for police and other authorities to retain biological material in their possession and control when it relates to a conviction for an offence carrying a maximum penalty of 20 years or more and when the convicted person remains eligible to make an application. This duty will enable the panel to have access to evidence it may require. The bill permits exceptions in appropriate cases, including where the exhibit is large and a sample can be taken. As I previously indicated, this legislation is targeted at persons convicted before DNA technology was used as a matter of routine. It is therefore likely that the panel's work will end within a fairly short space of time. In order to ensure we do not continue to retain a body without a clear purpose, the panel will automatically expire after seven years unless its existence is extended for a further three years by proclamation. A review after five years will consider whether such a proclamation needs to be made.

These are major reforms designed to maintain a fair and balanced criminal justice system; a system where, as far as humanly possible, no innocent person is wrongly imprisoned and where no guilty person walks free due to abuses of the legal system or despite fresh evidence of their crime. I commend the bills to the House.

Debate adjourned on motion by Mr Peter Debnam.

CONSIDERATION OF URGENT MOTIONS

Justice System and Political Interference Allegations

Mr CARL SCULLY (Smithfield—Minister for Police) [4.06 p.m.]: There are two motions for urgent consideration before the House this afternoon. One is a Government motion that condemns the Opposition for its reckless political interference in the New South Wales justice system. The other is an Opposition motion that purports to condemn the Government for allegedly using information from the Office of the Director of Public Prosecutions for political advantage. The Opposition's motion is false and therefore should not be given priority. Accordingly, my motion should be given priority.

Office of the Director of Public Prosecutions and Political Interference Allegations

Mr PETER DEBNAM (Vaucluse—Leader of the Opposition) [4.07 p.m.]: There is nothing more urgent in the State of New South Wales than the Labor Party's attack on one of the most senior public servants in this State. I think it is important to focus on that debate. We must focus on why the Attorney General and his office have corruptly used information from the Office of the Director of Public Prosecutions [DPP] to attack an individual purely and simply because that individual was preselected as a Liberal candidate 48 hours ago. The information that the Government has been throwing around today with abandon was generally available to it two months ago. But the Government did not use it then. The fact is that the Government did not use it until Greg Smith was preselected on Saturday as the Liberal candidate for Epping.

As I have said in this place before, the Government is attacking Greg Smith because years ago he joined the Labor Party. But Greg Smith was so concerned with the morally corrupt attitude and organisation of the Labor Party that he decided to leave. And Labor never forgets anybody who leaves the party. So the Labor Party waited until Greg Smith became the preselected Liberal candidate for Epping and then corruptly took some information from the DPP's office, leaked it to the media and dumped on him. Labor members came into the Chamber today and dumped on Greg Smith time and time again just because he left the Labor Party. Not only the legal fraternity in New South Wales but the people of New South Wales will have great respect for Greg Smith for standing up to the Government's gutter tactics.

The Government even has its chief gutter man, the Minister for Police, Carl Scully, leading the debate this afternoon. He is a man who is despised by most in the Labor Party and who is certainly not well thought of by the people of New South Wales. The Minister has been in office for 12 years and has failed in every single portfolio. But he has failed up. In the Labor Party as you fail, you fail up and become the Leader of the House. That is why the people of New South Wales are saying after 12 years, "Enough is enough". They have had enough of paying for Labor's excesses, failures and crumbling infrastructure. Now the Minister for Transport not only uses cowards' castle to throw around more dirt and accusations about Greg Smith but, as I indicated, he is stupid enough to defame Greg Smith publicly on radio. That is why it is important to remember today that the Coalition will legislate straight after the election to make sure Ministers can no longer use their office to politically attack individuals with impunity purely for political advantage and then get taxpayers to pay any defamation costs.

Not only will the Coalition make sure, after the next election, that a Minister cannot do that; it will backdate legislation to 1 July 2006 to make sure it catches the antics of all the Ministers who have entrenched themselves in the culture of making the people of New South Wales pay for whatever Labor Party politicians want to do. That includes money that has been wasted on infrastructure, an extraordinarily bloated bureaucracy and failed front-line services which have to be rescued. This is the most outrageous attack on a public servant that we have heard in some years, and as I indicated, his crime was simply that he left the Labor Party.

Ms Kristina Keneally: How about the attack by you on 29,000 public servants?

Mr PETER DEBNAM: The honourable member for Heffron has indicated to the Parliament again she either has no idea of what is happening in the world or she is just deliberately lying her head off. As I have indicated time and time again they are the Government's figures.

[Interruption]

The honourable member for Monaro is in big trouble. If I were him I would not start. The Coalition will use natural attrition of Sydney bureaucrats, who resign or retire at the rate of 10.2 per cent every year, and will not recruit from outside the public sector to replace them. But today we are talking about a public servant that the Government is deliberately attacking for political advantage. The Government is corruptly using information provided by the Office of the Director of Public Prosecutions to the Attorney General to simply dump on a senior public servant because he had the hide to leave the Labor Party. That is the bottom line.

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

The House divided.

Ayes, 47

Mr Amery	Mr Hickey	Mrs Perry
Ms Andrews	Mr Hunter	Mr Price
Ms Beamer	Ms Judge	Ms Saliba
Mr Black	Ms Keneally	Mr Sartor
Mr Brown	Mr Lynch	Mr Scully
Ms Burney	Mr McBride	Mr Shearan
Mr Campbell	Mr McLeay	Mr Stewart
Mr Chaytor	Ms Meagher	Ms Tebbutt
Mr Corrigan	Ms Megarrity	Mr Tripodi
Mr Crittenden	Mr Mills	Mr Watkins
Mr Daley	Mr Morris	Mr West
Mr Debus	Mr Newell	Mr Whan
Ms Gadiel	Ms Nori	Mr Yeadon
Mr Gaudry	Mr Orkopoulos	<i>Tellers,</i>
Mr Greene	Mrs Paluzzano	Mr Ashton
Ms Hay	Mr Pearce	Mr Martin

Noes, 34

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

Pair

Ms D'Amore

Mr Aplin

Question resolved in the affirmative.

Motion agreed to.

JUSTICE SYSTEM AND POLITICAL INTERFERENCE ALLEGATIONS**Urgent Motion**

Mr CARL SCULLY (Smithfield—Minister for Police) [4.20 p.m.]: I move:

That this House condemns the Opposition for its reckless political interference in the New South Wales justice system.

[Interruption]

This is not a frivolous matter, and I am not being flippant. I am very concerned about the stance taken by Opposition members.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! Opposition members who are leaving the Chamber should do so quietly.

Mr CARL SCULLY: Not one Opposition member came into this Chamber today and attempted to give any explanation whatsoever of Mr Smith's conduct. We can envisage them sitting and discussing tactics. It is obvious that the Leader of the Opposition, the Swamp Fox and the Deputy Leader of the Opposition sat in the tactics room and came to the conclusion: We cannot defend this because it is indefensible. So they decided to go on the attack. The first attack is: Let us accuse the Government of attacking public servants. That is a fairly weak tactic because whenever law and order issues are on the airwaves they attack the police and the police commissioner. They called the police commissioner a clown. The Leader of the Opposition said that on day one he would direct the police commissioner to round up thugs and charge them with anything. If that is not interfering in the role of one of the most senior public servants in this State, I do not know what is. It is bizarre to claim that the Government is attacking public servants.

Their next defence is: You, the Government, leaked it. I am sorry to have to tell them, no, we did not leak it. What sort of response is that to the concerns being expressed? Further, on air this morning the shadow Minister for Transport, without giving any explanation for what he said, put up the bizarre defence that the Attorney General would have the costs of defamation action against him paid by the State. What a ridiculous thing to say. We want answers to the questions raised about Mr Smith's conduct. At issue is: What is the appropriate response from a person who suspects someone is involved in child pornography? The appropriate response is to inform the police.

Operation Oxen in 2004 resulted in 100 people being arrested in New South Wales and charged with 200 child pornography offences. Were those people tipped off? No, they were not. Why not? Because that would have been totally inappropriate, as a prosecutor would or should know. All of the facts in the instant cases have been handed to the police and now form part of the brief of evidence before the courts. Even the right-wing commentator Piers Akerman—friend of John Howard and the Leader of the Opposition—has expressed outrage over the tipping off of the alleged sex offender by the Liberals' candidate for the seat of Epping. Piers Akerman wrote on 25 July 2006 that an officer from the Office of the Director of Public Prosecutions [DPP] could have summoned the police in five minutes and had the person arrested and then taken to his home under arrest for execution of a search warrant.

[Quorum formed.]

I was in the middle of quoting Piers Akerman when I was most rudely interrupted by the Deputy Leader of the Opposition. Mr Akerman wrote:

As [the alleged offender's] home is but 10 minutes walk from the DPP's office, this seems to have been a major blunder if not a case worthy of investigation by the PIC and possibly ICAC.

Was there any corrupt conduct by those from the DPP's office who informed [the alleged offender] questionable material had allegedly been discovered on his computer and then permitted him to go to his home before police could search for evidence?

According to an article in the *Australian* dated 13 July 2006, senior police said the alleged sex offender should not have been told by the DPP's office about the discovery of the alleged child pornography. The senior officer is quoted as saying:

At the very least, he should not have been informed before police had an opportunity to inspect the hard drive for themselves and obtain the search warrants from a judge for his office and his home.

Mr Brad Hazzard: Point of order—

Mr CARL SCULLY: Brad! I thought we were mates.

Mr Brad Hazzard: We are, but sometimes you are a bit beyond the pale. One of the most serious points of order that can be taken in this place is to ask the Chair to determine whether a member is transgressing the sub judice rule. *Decisions from the Chair*, at page 144, notes that:

No reference or allusion must be debated in matters pending before the courts. The sub judice rule applies in respect of matters which are identical with those at issue before a judicial tribunal.

Procedure Precedents for the Fifty-third Parliament, at page 179, states—

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! I have heard sufficient from the honourable member for Wakehurst on the point of order. There is no point of order. I invite the Minister to continue.

Mr Brad Hazzard: On what basis is there no point of order?

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! As has already been made clear earlier today, there is no point of order.

Mr Brad Hazzard: The sub judice rule has not been raised today.

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

Mr Brad Hazzard: You have got to actually—

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

[Interruption]

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! I remind the honourable member for Wakehurst that he is already on two calls to order.

[Interruption]

Mr Brad Hazzard: It is no wonder Joe Tripodi did not want to support you, no wonder at all!

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! The honourable member for Wakehurst will resume his seat.

Mr CARL SCULLY: Joe's my mate. What is the honourable member for Wakehurst on about? We are good mates, and we always will be. Cop that! You guys would not understand that. I have no intention whatsoever of reflecting upon the evidence that will be tendered in court. What is important is not the evidence that will be adduced in court to determine the guilt or innocence of this individual, but the behaviour of the Acting Director of Public Prosecutions in informing the person of interest of allegations before the police were informed. That is the issue: giving him a heads-up, letting him run the race, before the police even knew there was a race. That is the sole question before the House. That is why this House should condemn the Opposition for its reckless political interference in the New South Wales justice system.

Here we have the Leader of the Opposition recklessly ringing the DPP's office, saying that if elected he will direct the Commissioner of Police to take certain action and if he does not do what the Leader of the Opposition says he will sack the commissioner. The Leader of the Opposition has absolutely no defence whatsoever. This is an issue that ought to be ventilated. These are serious questions and the Opposition has made no attempt to answer them. The Opposition said, "You leaked it." We did not—and who cares who did? The Swamp Fox probably leaked it! It does not matter who leaked it. It came from the Opposition; it did not come from the Government. The information, which was already in the marketplace, became relevant and of considerable interest today because on the weekend this character was preselected as the candidate for Epping.

As for his being in the Labor Party, I do not have the faintest idea about that. I had no knowledge of that, but I take the word of those opposite. Is the Liberal Party suggesting that he tipped off this guy because he used to be in the Labor Party, or because he wanted to be a candidate in the upcoming election? Their defences are absolutely bizarre. I would like the Leader of the Opposition to explain himself. He should not try to use the trick of attacking when he should be defending, explaining and apologising. He has a lot to explain and a lot to defend. What this individual did is outrageous. He is unfit for office, and the Leader of the Opposition should acknowledge that. How can the Leader of the Opposition stand in this place and defend that man's actions? I am ashamed of the Leader of the Opposition. We expect more from someone who pretends to be a Premier.

Mr PETER DEBNAM (Vaucluse—Leader of the Opposition) [4.30 p.m.]: That is one of the weakest performances we have heard from any Minister in the House in 12 years, but it is understandable because the Minister for Police does not have his heart in it. Right behind him as he spoke was the Minister for Energy, Joe Tripodi. The Minister was constantly looking over his shoulder to see if there was another knife. Let us consider what the Minister for Police was talking about today. The motion seeks to condemn me and refers to reckless political interference in the New South Wales justice system. This is the most extraordinary interference in the New South Wales justice system that we have seen for years. The honourable member for Wakehurst laid out all the reasons why Ministers in the Iemma Labor Government should not make their statements today, but they are. Why? Because they hate anyone who leaves the Labor Party, especially someone who joins the Liberal Party to stand as a candidate for State Parliament.

Let us consider how Labor Government Ministers interfered in policing and justice in New South Wales. Today the Minister for Transport made grossly defamatory statements about a senior public servant. It was the Minister for Transport, when he was the Minister for Police, who cut the legs out from under Ken Moroney straight after the 2003 election. The honourable member for Monaro, the honourable member for Heffron and the honourable member for Wollongong probably have forgotten all about it because they were brand new in Parliament, but Minister Watkins issued ministerial directive after ministerial directive to Ken Moroney. He refused to provide them to the public until we forced them out of the department. He cut Ken Moroney's legs out from under him. Why? Because Michael Costa had blown the budget in the run-up to the 2003 election, and John Watkins was given the job of recovering money from Police, which is why the Labor Party, under John Watkins's rule—ruler John Watkins—started cutting back on police. How did it do that? It simply refused to recruit more police as police retired and resigned.

New South Wales lost 650 police after the 2003 election, which is why the Labor Party is now scrambling to get police back into the New South Wales police force before the next election. For 12 years I have made the point to the Labor Party that we do not want record police numbers only in an election year; we want record police numbers every year. But that does not happen under Labor. It does exactly what it is doing at the moment. It will ramp up police numbers to so-called record numbers about six weeks before next year's State election. What would the Labor Party do, heaven forbid, if it were re-elected? It would do exactly what it did after the 2003 election: drop police numbers again. Between 2003 and 2006 the Labor Party dropped police numbers by 600. This time it would probably try to drop police numbers by 1,000.

Ms Noreen Hay: Point of order: The motion seeks to condemn the New South Wales Opposition for its reckless political interference in the New South Wales justice system. In what I have heard from the Leader of the Opposition so far, he has not dealt with the point of the motion.

Mr ACTING-SPEAKER (Mr John Mills): Order! Because of his position the Leader of the Opposition has a reasonably wide-ranging brief when responding to a motion such as this.

Mr PETER DEBNAM: Mr Acting-Speaker, you are one of the few remaining Labor members of Parliament with principle, despite having your legs cut out from under you by the Premier. That is a good decision.

Ms Kristina Keneally: He is retiring.

Mr PETER DEBNAM: He is in the same boat as the honourable member for Newcastle. He is being forced out of Parliament by the Premier and his right-wing mates—the Minister for Energy, Joe Tripodi, who is at the table; the Minister for Police, Carl Scully; the Treasurer, Michael Costa; and the Minister for Industrial Relations, John Della Bosca. Those people are running the show in New South Wales. If the Minister for Police wants to talk about this issue, I would like him to explain why, after Greg Smith rang the commissioner's office, there was a two-day delay. When we are talking about these issues it is very important to acknowledge that what

happens in New South Wales time and time again is that Labor makes you pay. Regardless of whether it is in relation to infrastructure, failing services, police, or the indemnity Ministers have in relation to defamatory comments, Labor makes you pay time and time again.

The people of New South Wales have had enough not only of high taxes and the Labor- makes-you-pay philosophy, they have also had enough of the Attorney General. Why have they had enough of him? For the reason I put to him today, when I said to him, "Attorney General, how do you explain that a DPP briefing note provided to you and your staff has been used publicly in an attempt to deliberately and maliciously smear the Liberal candidate for Epping?" The Attorney General has no answer because he has never been honest in his life and he would not be able to explain to the people of New South Wales that he corruptly used information from the DPP's office to smear a senior public servant.

The second question I put to him was, "Attorney General, given that last month you personally publicly accused the Liberal candidate for Epping of no billing a paedophile case when you already knew that was not the case and that, in fact, Greg Smith was on leave at the time, and given that you are now using a DPP briefing note which was used by your office to smear the candidate for Epping, what is the status of the investigation?" There is no doubt in my mind that ICAC is investigating this corrupt behaviour. I have no doubt that the Premier's Department is investigating this corrupt behaviour in the Attorney General's office. We want the Attorney General to explain exactly what he did and when he did it. All he is doing is using information from the DPP to smear a very well respected senior public servant.

That is why we put the third question to the Government. If you go back to the concept of Labor makes you pay, we said to the Premier, "Given that your transport Minister's comments today about the Liberal candidate for Epping leave him open to action for defamation and that they are politically motivated and solely designed to further the political interests of the ALP, will you guarantee that the taxpayers of New South Wales will not be forced to pay any legal costs incurred by your transport Minister and subsequent damages awarded against him?" This is what Labor Ministers do time and time again. That is why I indicated that straight after the election I will introduce legislation to make sure that Ministers cannot use that indemnity. Ministers cannot slur people and simply say that their legal costs and any resultant damages will be paid for by taxpayers.

I come back to the basic proposition: Labor makes people pay. Whichever way one looks in New South Wales, Labor makes people pay. In government the Coalition will also make the legislation retrospective to ensure that from 1 July this year we catch Labor Ministers. When Labor Ministers are sued for defamation as a result of throwing political mud around, the Coalition will make sure they personally pay for their legal costs and damages. The taxpayers will not pay. It is important also to note the statement released by Greg Smith:

Greg Smith SC said today an article published in the Daily Telegraph was grossly defamatory and a breach of responsibility of the highest order.

The article claims I improperly warned a colleague about child pornography allegedly found on his personal computer.

The events surrounding Mr Patrick Power were carried out in a correct and proper way in accordance with instructions from the NSW Director of Public Prosecutions Nicholas Cowdery QC.

After discussions with Mr Cowdery who was interstate at the time, I was asked to ring Mr Power in my capacity as the senior deputy DPP in the office.

I rang Mr Power and asked him to urgently come into the office to discuss serious matters concerning his conduct.

When Mr Power was told in my office for the first time that child pornography had allegedly been found on his personal computer while it was at work, he agreed to immediately stand down.

It was within minutes of Mr Power leaving my office that I spoke with Police Commissioner Moroney's Chief of Staff and asked police to investigate the matter.

I ensured Mr Power's computer was secured in an alarmed room and took actions in accordance with Mr Cowdery's directions at all times.

As I am a witness in the police investigation it is inappropriate for me to make any further comments in relation to this matter.

That will not help Greg Smith. Because he turned his back on the Labor Party, saw the light and left it, it will destroy him.

Ms KRISTINA KENEALLY (Heffron) [4.40 p.m.]: The Opposition stands condemned for its reckless political interference in the New South Wales justice system. It is now clear that the Leader of the

Opposition's candidate for Epping has seriously breached his obligations. Mums and dads in this State should know that the Liberal candidate for Epping gave a person of significant interest in a child sex crime a head start on the police. Mums and dads in this State should know that the Liberal candidate for Epping, the Deputy Director of Public Prosecutions, did not hand over evidence to the police. Instead, he handed an opportunity to a person of interest to destroy that evidence. He handed an opportunity to a person of interest to get a head start on the police.

Mums and dads in this State would hope that a prosecutor would not give a potential defendant in a child pornography case the opportunity to destroy evidence. Child pornography is an appalling crime and any reasonable person—I emphasise "any reasonable person"—when made aware of child pornography would have called the police before doing anything else. But not the Liberal candidate for Epping! No, he gave his colleague a heads-up, warning him that the police were about to be called.

Is that the type of person we want in Parliament? Do we want someone whose first instinct is to warn an offender before contacting the police? Is such a person fit for public office? Do the people of Epping deserve such a representative in this place? Do the mums and dads of this State deserve such a representative in the New South Wales Parliament? Perhaps what is even more concerning is how many other offenders have been warned in this manner. For what other crimes and in what other circumstances has an offender received a tip-off from the Liberal candidate for Epping that the police are on their way?

Mr Barry O'Farrell: Point of order: If the honourable member for Heffron is directing questions to the Minister at the table, she ought to face him. What is his fitness for office?

Mr ACTING-SPEAKER (Mr John Mills): Order! There is no point of order. The honourable member for Heffron has the call.

Ms KRISTINA KENEALLY: It is very kind of the Deputy Leader of the Opposition to give me advice on my speaking style. I will take it on notice. What is more important—whether I face the Chair or face the people of New South Wales—is that this Parliament face the truth and ask the question: How many other offenders have been warned in that manner? For what other crimes and in what other circumstances has the Liberal candidate for Epping, in his role as a prosecutor, warned an offender that the police are on their way? Over the weekend as the Leader of the Opposition, Peter Debnam, endorsed Mr Greg Smith as the Liberal candidate for Epping, he was grinning like a Cheshire cat. His candidate had won—and not only that, he had found an electorate for Pru Goward.

Was that at the expense of the Liberal Party branch members in Goulburn? As the Minister for Energy reminds me, the Leader of the Opposition wanted Pru Goward and now he has found her an electorate, overriding the Liberal Party members in Goulburn and overriding the current honourable member for Southern Highlands as the preferred candidate. Should the people of New South Wales risk their future with a person such as the Leader of the Opposition as the head of this State? He cannot pretend in one week to be tough on sex offenders being released from gaol, and in the next week be soft on the Liberal candidate who has shown that he has no regard for appropriate behaviour when one of his colleagues is accused of serious sex offences involving children.

Mr Brad Hazzard: Point of order: Rule N40—

Mr ACTING-SPEAKER (Mr John Mills): Order! There is no point of order. The honourable member for Heffron has the call. The honourable member for Wakehurst will resume his seat.

Ms KRISTINA KENEALLY: The Leader of the Opposition cannot pretend to be tough on child sex offences one week and be soft the next week when his own Liberal candidate shows he has no regard whatsoever for appropriate behaviour when one of his colleagues is involved in sex offences involving children. The Liberal Party should disendorse its Epping candidate if it has any respect for the children of this State. [*Time expired.*]

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [4.45 p.m.]: The only thing I agree with the Leader of the House on is his assertion that what is important is behaviour. What is important in relation to this debate is behaviour. Today the Attorney General said in this place that in July he had the briefing note that appears on the front page of today's newspaper. What did the Attorney General do in July when he had that briefing paper?

Mr Brad Hazzard: Nothing.

Mr BARRY O'FARRELL: He did more than nothing. I take issue with the honourable member for Wakehurst, who is usually on the ball in this Chamber. What the Attorney General did in July when he received that briefing note was publicly compliment the Office of the Director of Public Prosecutions for the way in which the Patrick Power matter was handled. That statement was not made by members on the Opposition side of the House but, rather, by a member opposite.

What happened then was that the Attorney General was told to pull his head in because the Labor Party knew that a preselection contest was taking place in Epping. Within days of that preselection being won by Greg Smith, that very same document—which had been accessed by only a couple of people in the Office of the Director of Public Prosecutions and had been held and accessed by the Attorney General, by his own admission in this place, for over two months—ended up on the front page of the *Daily Telegraph*.

The Leader of the House is absolutely correct: What is important in the context of this debate is behaviour. The behaviour of the Attorney General and the Leader of the House and their staff in relation to this issue is simply appalling. It is grubby because the whole *Daily Telegraph* episode hinges on a claim in its report indicating that it was not until later the same day, after Mr Smith had interviewed Mr Power, that the police were called. As last night's statement by Greg Smith demonstrates, the reality is that the police were called within a matter of minutes.

Despite the police being contacted within only a matter of minutes, it was not until the next day that the police interviewed Mr Power, and it was not until two days after that that Mr Power was charged. The questions for me in this whole affair are: Why, when the police were contacted—and no-one has suggested other than that they were contacted—did it take until the next day for them to actually interview Mr Power? Why did it take two days for them to prefer charges? Throughout this whole period, the computer on which the evidence was found was under lock and key in the Office of the Director of Public Prosecutions. The second failing of the argument put by both the Attorney General and the Leader of the House relates to the suggestion that Mr Smith was acting partially. What has the Attorney General done over the past two months about talking to the Director of Public Prosecutions, Mr Nicholas Cowdery, QC?

Has Mr Cowdery assured the Attorney General that Mr Smith acted, as Mr Smith stated today, after a phone call and advice from Mr Cowdery? Did Mr Smith, as he said in his release today, act upon the directions of the Director of Public Prosecutions? If so, this whole episode today should not be directed towards Mr Smith. If the Attorney General and the Leader of the House have issues about this, they ought be put to the Director of Public Prosecutions. I have no bones to pick with the Director of Public Prosecutions, but this simply does not add up. This whole affair is being used for grubby political reasons without any consideration of the consequences. I most vigorously disagree with what the Leader of the House said today. I particularly disagree with him saying, "Who cares who leaked this document."

Every citizen of this State should care who leaked a sensitive document from the office of the independent Director of Public Prosecutions. Whether on this case concerning this affair or on another occasion concerning, say, the current Minister for Energy, a former offender in this House, those issues are extremely sensitive. They go to the heart of the administration of justice in New South Wales, something we are all meant to agree should be administered in a bipartisan fashion. But, no, according to the Leader of the House—the man who remarkably is also the Minister for Police—no-one cares who leaked this sensitive document. That is simply because this debate is about playing politics, as evidenced today by the extraordinary comments on radio by the Minister for Police. Without qualification he accused Mr Smith of giving a heads-up to someone involved in the most pernicious of crimes.

The really filthy thing about what was said by the Minister for Transport was that he knows that at the end of the day the people who will bear his legal costs and damages costs are not the Minister for Transport, who represents the Ryde electorate, but the taxpayers of New South Wales. The failure of the Premier to rule that out today is the latest scandal.

Mr STEVE WHAN (Monaro) [4.50 p.m.]: Today we saw a great example of the Liberal Party in crisis. The Leader of the Opposition completely lost that naval reserve he has tried to put on since being elected Leader of the Opposition. Today he just lost it in this House. Panic was in his eyes, he was like a rabbit in a spotlight, and he resorted to dragging up a few Paul Keating lines and called people "scumbags". I will call up another Paul Keating line: Today we saw the blowtorch put to the belly, and they melted. The Opposition

melted, because it cannot take a bit of criticism. Members of the Opposition cannot answer criticism directed against them. The Liberal Party has had a weekend it would rather forget. First, in the preselection for the seat of Epping we saw the Leader of the Opposition's favoured candidate, whom he backed, Pru Goward, rolled by the extreme Right. The Leader of the Opposition could not use his authority to overrule the extreme Right in Epping.

Mr Barry O'Farrell: Point of order: I am loath to interrupt the first-term Government member, but the motion does not relate to the preselection process of the Liberal Party. It very clearly relates to political interference in the New South Wales justice system. That may or may not relate to the practice of the office of the Director of Public Prosecutions, but the preselections issues referred to by the honourable member for Monaro simply do not come within the purview of the motion.

Mr STEVE WHAN: To the point of order: The Leader of the Opposition spoke about preselections.

Mr ACTING-SPEAKER (Mr John Mills): Order! At this stage I do not uphold the point of order.

Mr STEVE WHAN: The Leader of the Opposition spoke about preselections, as did other members. I will comment further on the chaos within the Liberal Party and more importantly on the absolute failure of The Nationals. What happened when chaos enveloped the Liberal Party and it was clear that the extreme Right was not going to let the Leader of the Opposition have his way? He was rolled! What did he do? He rolled another moderate Liberal to put Pru Goward into Goulburn. The Liberal Party's new slogan for Goulburn should be "Taking Goulburn for granted", because we have seen a disgraceful exercise of rolling The Nationals, pushing them out to save face for the Leader of the Opposition.

The Leader of the Opposition could not win a ballot and make the extreme Right of his party, which has taken over, do what he wanted. The real failure is with The Nationals: they lost the seat of Lachlan, they actually applied for it to go. The Nationals have now meekly given up the ghost in Goulburn and said they will not defend that seat, they will not take it up.

Mr Brad Hazzard: Point of order: The standing orders specifically state that a member has to speak within the leave of the motion. The honourable member for Monaro has five minutes in which to speak, but has spoken for three minutes on nothing to do with the motion. You have extended him reasonable licence, but you should not extend it any further. I ask that the member be brought back to discuss the motion before the House.

Mr ACTING-SPEAKER (Mr John Mills): Order! I now uphold the point of order. While the first preselection mentioned was indeed raised by the Leader of the Opposition and was relevant to the debate, I do not believe that subsequent references were relevant. I ask the honourable member for Monaro to return to the leave of the motion. The honourable member for Wakehurst will resume his seat.

Mr STEVE WHAN: This morning under screaming headlines the *Daily Telegraph* ran a story about what had happened with the Liberal's candidate for Epping. Today he has been the subject of debate in this House. Let us face it: it follows that the Epping preselection is absolutely germane to this motion. Last weekend the Liberal Party was in chaos and today its leader resorted to name calling, demonstrating once again the glass jaw that Liberal members have. The Leader of the Opposition refused to answer the allegations and instead he harked back to the sorts of things he regularly goes on about. Today in the House he completely lost it!

The Epping preselection, which has become the subject of this motion, was the subject of the *Daily Telegraph* headline this morning, a preselection in which the Leader of the Opposition failed to get his way. Instead, there has been a shuffling of the deckchairs in the Opposition and the throwing out of The Nationals, who have been ignored in the process. The Nationals were not told what was going on. Two days ago Ms Goward, a candidate for Epping, said she would secure an Epping address. I suppose she will now secure an address in Goulburn. The late Ron Brewer, a National Party member, would be rolling over in his grave. They rolled them in Goulburn over and over again. Yet, again, The Nationals are too weak to stand up for themselves in this place.

Mr Brad Hazzard: Point of order—

Mr ACTING-SPEAKER (Mr John Mills): Is this the same point of order?

Mr Brad Hazzard: I am surprised at the alacrity with which you responded to my point of order, but in the circumstances I shall defer until a little later in the proceedings.

Mr ACTING-SPEAKER (Mr John Mills): Order! I uphold the point of order.

Mr CARL SCULLY (Smithfield—Minister for Police) [4.55 p.m.], in reply: What a pathetic performance by the Leader of the Opposition. Today the Opposition has been absolutely hopeless. In fact, a newspaper headline stated, "Libs in DPP porn crisis"—and it is a crisis; it is a pornographic crisis. It is obvious that the Opposition is soft on child sex offenders, although it pretends otherwise. Today in the House legitimate questions were not answered. Only a couple of weeks ago the Opposition implemented Megan's Law, yet today it refused to answer questions about Mr Smith tipping off the person of interest before the police were informed; there are questions that Mr Smith needs to answer.

Another question, of a secondary nature, is: Did Mr Smith inform the police that he had tipped off the person of interest? If he did not, that would be a lot worse. If he did tell police that he had tipped off the person of interest, that does not absolve him of culpability for informing a person of interest before informing the police. I am very disappointed at the behaviour of the Opposition this afternoon. Sometimes in public life one needs to acknowledge that a mistake has been made. One needs to put up one's hand and say, "Yes, the wrong thing has been done here." The Leader of the Opposition should have said, "We made a mistake, we picked the wrong person, we should have gone with Pru." I cannot image Pru Goward engaging in that sort of nonsense.

Mr BRAD HAZZARD (Wakehurst) [4.59 p.m.]: I move:

That the honourable member for Smithfield be not be further heard.

The House divided.

Ayes, 28

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

Noes, 55

Mr Amery	Ms Hay	Mr Pearce
Ms Andrews	Mr Hickey	Mrs Perry
Mr Barr	Mr Hunter	Mr Price
Ms Beamer	Ms Judge	Ms Saliba
Mr Black	Ms Keneally	Mr Sartor
Mr Brown	Mr Lynch	Mr Scully
Ms Burney	Mr McBride	Mr Shearan
Mr Campbell	Mr McLeay	Mr Stewart
Mr Chaytor	Mr McTaggart	Ms Tebbutt
Mr Corrigan	Ms Meagher	Mr Torbay
Mr Crittenden	Ms Megarrity	Mr Tripodi
Mr Daley	Mr Mills	Mr Watkins
Mr Debus	Ms Moore	Mr West
Mr Draper	Mr Morris	Mr Whan
Mrs Fardell	Mr Newell	Mr Yeadon
Ms Gadiel	Ms Nori	
Mr Gaudry	Mr Oakeshott	<i>Tellers,</i>
Mr Gibson	Mr Orkopoulos	Mr Ashton
Mr Greene	Mrs Paluzzano	Mr Martin

Pair

Mr George

Ms D'Amore

Question resolved in the negative.**Mr CARL SCULLY:** I have finished.**Question—That the motion be agreed to—put.****The House divided.****Ayes, 54**

Mr Amery	Ms Hay	Mrs Perry
Ms Andrews	Mr Hickey	Mr Price
Mr Barr	Mr Hunter	Ms Saliba
Ms Beamer	Ms Judge	Mr Sartor
Mr Black	Ms Keneally	Mr Scully
Mr Brown	Mr Lynch	Mr Shearan
Ms Burney	Mr McBride	Mr Stewart
Mr Campbell	Mr McLeay	Ms Tebbutt
Mr Chaytor	Mr McTaggart	Mr Torbay
Mr Corrigan	Ms Meagher	Mr Tripodi
Mr Crittenden	Ms Megarrity	Mr Watkins
Mr Daley	Mr Mills	Mr West
Mr Debus	Ms Moore	Mr Whan
Mr Draper	Mr Morris	Mr Yeadon
Mrs Fardell	Mr Newell	
Ms Gadiel	Ms Nori	
Mr Gaudry	Mr Orkopoulos	<i>Tellers,</i>
Mr Gibson	Mrs Paluzzano	Mr Ashton
Mr Greene	Mr Pearce	Mr Martin

Noes, 30

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

Pair

Ms D'Amore

Mr George

Question resolved in the affirmative.**Motion agreed to.****POLICE AMENDMENT (POLICE PROMOTIONS) BILL****Message received from the Legislative Council returning the bill without amendment.**

BUSINESS OF THE HOUSE

Notices of Motions

Mr SPEAKER: Order! It being 5.15 p.m., the House will now deal with General Business Notices of Motions (General Notices).

General Business Notices of Motions (General Notices) given.

PRIVATE MEMBERS' STATEMENTS

CRANEBROOK HIGH SCHOOL

KINGSWOOD SOUTH PUBLIC SCHOOL

Mrs KARYN PALUZZANO (Penrith) [5.21 p.m.]: I refer to schools in the electorate of Penrith. First, I commend Cranebrook High School for its proud tradition in performing arts and for being in eight grand finals in 10 years, which is an impressive record. Recently Cranebrook High School took first place in the Open Division Grand Final of the Rock Eisteddfod Challenge at the Sydney Entertainment Centre. In October 2004 I attended a 10 years of performing arts civic reception at which I saw a snapshot of its performances. The Rock Eisteddfod provides students, parents and teachers with a chance to collaborate and plan an eight-minute performance around a theme of their choice. The Rock Eisteddfod incorporates music, dance and drama to provide a drug and alcohol free event.

Cranebrook provided a creative and dynamic performance, which told of a love story behind the building of the Taj Mahal in a true spectacular Bollywood style. After a number of years being placed within the top three, the 2006 win was well above what the school expected. I commend the principal, Keith Miles, for his encouragement and vision during that time and Sue Dawson, the producer of the Rock Eisteddfod. Keith Miles stated publicly that he was very proud of the school as the performance was so good and the response was overwhelming. He said he received a number of faxes and phone calls. The concert was appreciated by families, students and teachers.

Cranebrook began rehearsals for the Rock Eisteddfod in February after holding auditions in the second week of school, and students trained until the grand final. They rehearsed after school every Tuesday and on Thursday afternoon instead of sport and came into school during school holidays. The sets were built on Friday nights well into the early hours of Saturday morning. I commend Staci Parlato-Harris, the dux of Cranebrook High School last year, who helped out with the choreography. I commend Sue Dawson for her work, drive and passion. With 100 performers and 20 backstage crew involved in the Rock Eisteddfod, the school was well supported by the local community who purchased more than 490 tickets to the grand final. In the 10 years of performing arts tradition at the school parents have helped out with building the sets and hand-sewing many costumes. The prize was \$800 but the real prize was the effort of Cranebrook students that was reflected in the win. I commend the win to the House.

Second, I refer to 7 November grandparents day at the very small Kingswood South Public School at the other end of the Penrith electorate. On that day I gave out special acknowledgement awards to parents who travelled to a local debating competition and, in particular, a grandparent and carer, Jenny Hollingsworth, who received the inaugural Penrith woman of the year award, as she drove students to the debate. The school received more than \$180,000 to improve infrastructure. On that day I also inspected the new administration block offices, foyer, a sick bay, an area for the school counsellor, the school principal's office, an office for the assistant school principal and an easy access to the administration building. The principal, Mr Nosworthy, is proud of the improvements that make the school more functional. I met administration staff who were proud to show me their new block. [*Time expired.*]

CRONULLA LAW AND ORDER REPORT

POLICE PROMOTIONS

Mr MALCOLM KERR (Cronulla) [5.26 p.m.]: I refer to aspects of policing concerning my electorate of Cronulla, the first of which relates to the disturbances on 11 December 2005 and the subsequent retaliatory

raids at Cronulla. A police internal report was being prepared by Police Assistant Commissioner Mr Norm Hazzard to detail the Cronulla disturbance. I asked a question on notice of the Minister for Police some time ago. He said the report would be completed by the end of August and Cabinet would decide whether it was to be publicly released.

The December events were not only of State and national significance but also of international significance. Honourable members will recall the events and the fact that Cronulla was locked down for one weekend, and the legislation introduced in response to those events. The failure of law and order at Cronulla and the response by this Government were unprecedented. It is in everybody's interest to know and discuss the detail of the report that should be publicly released. The question that needs to be asked is: As these events occurred in December, why in September do I have to ask in this House what has happened to the report? Why has the public not been informed in relation to something of great significance? I have spoken about this matter a number of times in this House and questions have been raised by the public in relation to those events that deserve to be answered. It is in everybody's interest, and that includes the police, that the report is released and an explanation is provided as to why this delay has occurred.

The effectiveness of policing is of great importance to people in the Cronulla electorate. As the Government said, that effectiveness can only be maintained if we have a sustainable police promotions system. Former Assistant Commissioner of Police, Mr Geoff Schuberg, was asked to provide a report in relation to the police promotions system. When I read the Minister's second reading speech in relation to the police promotions legislation I got the impression that the Government had the report, had set up a committee under Mr Peter Anderson and was simply implementing the recommendations in the report. It is in the public interest that Mr Schuberg's report be publicly available so that the people can make a judgment on the important issue of whether the Government has faithfully adhered to the terms of his recommendation. The issue here is transparency, and it is a matter that is clearly in the public interest. Linking these two aspects of policing is the need for accountability and the public being able to judge what is happening with policing in this State.

YOUNG WORKERS PROTECTION

BOTANY CRANES AND MR BARRY HEMSWORTH

Mr PAUL GIBSON (Blacktown) [5.31 p.m.]: I bring to the attention of the House the concerns of the many young people under the age of 18 years who work in the electorate of Blacktown. These young people are terribly worried about their future as a consequence of the Federal Government's WorkChoices legislation. I want to let those young people and others know that this State Government is doing something about their working futures. There are more than 150,000 young people in the New South Wales work force. When it became clear that the law regarding child employment—that is, employment of persons under the age of 18 years—is the responsibility of State and Territory governments, the Premier and the Government seized on that fact and introduced legislation to protect those young people by putting them under State awards.

Under the new law, regardless of whether the young person is employed under State or Federal awards, wages and conditions will have to be at least at the level provided by New South Wales awards and legislation, and young workers will not have to bargain individually to maintain their existing penalties, allowances, training pay and training leave. Also, they will have access to the services provided by the New South Wales Office of Industrial Relations, where they will have access to information about their employment rights and assistance to enforce their entitlements. The young people of Blacktown are the same as young people across this State: they find that work is rewarding, provides independence and income and gives them the opportunity to develop new skills and friendships.

WorkChoices has dramatically altered the workplace for many people. Under WorkChoices we are seeing, not a race to the top—the way it should be—but a race to the bottom. I note that Peter Beattie, after a resounding win in the Queensland elections a few weeks ago, said the attitude of people in Queensland to industrial relations had been a major factor in his re-election. And why not, especially considering a case I will relate to the House. I am certain there will be many more such cases. Since the introduction of WorkChoices laws in March, the New South Wales Office of Industrial Relations has received more than 82,500 calls from workers and businesses being hurt by the changes. As we get nearer the New South Wales election, I have no doubt more of these cases will surface. And, as we get nearer the Federal election sometime next year, I am certain we will have heard of a multitude of examples of the type that I relate to the House tonight.

The most recent case involves Barry Hemsworth's sacking on Wednesday 6 September 2006 after 40 years in the mobile crane industry in Sydney. He is the latest victim of the Howard Government's attack on workers' rights. Barry had been the elected union delegate at the yard of Botany Cranes for the past 10 years. He is a highly respected crane driver, a union member and community activist. He has been a community activist for many years in the Rockdale City Council area.

For the past 12 months Barry has been in dispute with the company over a management decision to force individual employees to be responsible for occupational health and safety work method statements. This was an attempt by the company to circumvent its occupational health and safety responsibilities and put the entire onus on the employees. Many of the employees in the yard have not been provided with adequate training to complete those statements. Though he has 40 years experience, Barry Hemsworth was sacked by his company. Worse still, as everyone in this State and country should know, is what could happen to people that he has worked with over those 40 years, 10 of which were at this one yard, if they choose to back him in an attempt to try to get justice. Yard employees who condemn the sacking of their delegate face fines of \$22,000 each if they attend a union meeting to discuss his sacking. If that is democracy in Australia today, we can give it away. This is just one example of what is happening under WorkChoices in Australia. Democracy is out the door. I repeat, WorkChoices is not a race to the top, it is a race to the bottom.

Ms LINDA BURNEY (Canterbury—Parliamentary Secretary) [5.36 p.m.]: I thank the honourable member for Blacktown for raising this issue in the House. Though WorkChoices is a matter that has been spoken about at length, the honourable member has given a concrete example of a person, Barry, who had committed himself to a company for 40 years only to find that when he was on the wrong side of the boss those 40 years meant nothing. This is a major issue for us as Australian, and I again thank the honourable member for Blacktown for bringing it to the attention of the House.

FORSTER POLICE STATION MANNING

Mr JOHN TURNER (Myall Lakes) [5.37 p.m.]: It is imperative that Forster police station be manned 24 hours a day. In recent times there have been too many outbreaks of lawlessness and outright lawbreaking in the area. At present, the station operates from 7.30 a.m. to about 3.30 the following morning. At 3.30 a.m. all the louts in the town can come out to play, in the knowledge that they can do so almost imperviously because the station does not operate for 24 hours. The present authorised strength of the area command is 105, though the actual strength is 120. But 14 are on long-term sick leave, with only 98.5 being available. Only 17.5 of those 98.5 officers are assigned to Forster. That is not to take away from Taree; it is not a case of us and them as far as Taree is concerned. The fact is that there are simply not enough officers at Forster.

The average number of events that a Taree police officer must undertake is 2.1, with Forster at 3.6. Statistically, that puts Forster very close to a category 2 station. It is currently category 3. Compare those statistics with Inverell, which has 26 general duties police and 10,000 people, whereas Forster has 17.5 police officers and 25,000 people. Yet Inverell is a 24-hour station; Forster is not. Monday to Wednesday, only three officers per shift are available in Forster. Thursday is court day, but the fourth officer is tied up on custody duties on that day.

It is clear to the people in the community, the police officers involved and the Police Association that Forster needs manning 24 hours a day. The Crime Prevention Task Force, which has met from time to time in Forster, said it would lobby the New South Wales Government with the intention of having it provide the Manning Great Lakes command with sufficient additional police officers to allow Forster police station to operate 24 hours a day. I am told by the Police Association that a 24-hour police station needs to be manned by an absolute minimum of 24 officers. It is vital that we get those additional police.

In recent times there have been some horrific events in the town. At about 3.30 in the morning a couple of weeks ago a lady on her way to work was confronted by an out of control mob in McIntosh Street, Forster. They formed a ring around her car, effectively stopping it, ran up onto the car, kicked in the side windows and smashed her face. Fortunately, the police were patrolling at that time and were able to come to the lady's assistance.

The police have been outstanding in attending to all the disorderly events that have occurred in the area, but there are not enough of them to maintain law and order. Last week Tuncurry had 17 break-ins over a two-night period. I am told that the offences occurred after 3.30 a.m. and before 7.00 a.m., when offenders knew that police were not in the area. Police have a call-out procedure, but many of them do not live in the Forster-

Tuncurry area because it is quite expensive. The great majority of them live in Old Bar. By the time they are called out, get to the station and get out their equipment it could be an hour before they attend to the problems. Each shift is manned by only three police officers. If they are called out a diversion call is placed to Taree to try to run the operation from there, but that is half an hour away from the Foster-Tuncurry area, or perhaps a little less if they travel at speed.

Taree, which has a similar population to Forster-Tuncurry, has a 24-hour police station. During the tourism season the population in Foster-Tuncurry swells incredibly. The Government is always telling us that we have record numbers of police. Foster-Tuncurry has one of the largest elderly populations in New South Wales. Residents of the area are extremely anxious to have a 24-hour police station to ensure that they are safe in their own homes. Unfortunately, at the moment they are not. Lawless people are roaming the streets with impunity between 3.30 a.m. and 7.30 a.m. because they know that no police officers are in the area. We need a 24-hour police station.

LIVERPOOL ELECTORATE INDIAN AND FIJIAN-INDIAN EVENTS

Mr PAUL LYNCH (Liverpool) [5.42 p.m.]: I draw to the attention of the House the Indian and Fijian-Indian community in south-western Sydney, particularly in my electorate, and specifically to a number of events I have recently been involved with. These events speak volumes for the activity of the community from both India and Fiji, which is quite significant in Sydney. Liverpool is regarded as the capital of Sydney for the Fijian-Indian community. It also has an increasingly large Indian community, including organisations such as Sewa International and the Indian Senior Citizens Forum. Local radio stations also serve these communities, including Radio Navtarang and Radio Madhurima. There are also a number of newspapers. The most recent I have come across is the *Asia Pacific Voice*, with whose principals Vijendra Prasad and Professor Subramani I recently met. There is also circulating in Liverpool what I believe to be New South Wales only Hindi newspaper *Hindi Samachar Patrika*, which is run by Pandit Paras Ram Maharaj.

The most recent of these events was Ganeshotsava 2006, an event organised annually by Friends of India, based mainly, but not exclusively, in Liverpool. This year it was held at the Whitlam Centre in Liverpool on Saturday 9 September and Sunday 10 September. The event celebrates a Hindu deity, Lord Ganesh, a god to help in the overcoming of obstacles. It was observed that Lord Ganesh is a deity most appropriate for politicians. The last time Australia played test cricket against India in India, I remember a commentator—I think it was Peter Roebuck—referring to a Ganesha, a statue of the deity, being placed on the radio equipment in the commentary box to ensure that the radio broadcast proceeded smoothly. The September event in Liverpool included not only Hindu religious events; it was also a perfect opportunity to showcase Indian cultural traditions.

What is particularly noticeable and important is that many of the displays involve younger children, which obviously is critical to being able to maintain their traditions. The maintenance of these traditions is a very positive thing for Australia generally because it adds to our cultural diversity, and this adds to our strength as a community. It is certainly preferable to the xenophobic alternative that some political forces seem to pursue at present. The work of the Indian community in Liverpool with children is also evident in its organisation that arranges activities for children on Saturday afternoon. This is a Sewa project called Balasamskar Kendra, known as BK. I hope Liverpool City Council will resolve the issue of premises in which this group should meet. I pass on my congratulations to the organisers of the event both on the work they did for this event and on their very positive contribution to the community of Liverpool. Amongst many others I should acknowledge the contributions of Miss Kokila, Pooja Shashi, Bhavana Satyamurthy, Miss Pallavi, Rajesh Venkataramaiah and Ram Ramaswamy.

Another event of interest to the Indian community in Liverpool that I attended was the Festival of India Sri Krishna Janmastami 2006 at the Castle Hill Showground on 13 August, which was hosted by the International Society for Krishna Consciousness [ISKCON]. Other guests included the Federal Member for Parramatta, Julie Owens, and Sujana R Chinoy, the Indian Consul General. Janmastami celebrates the birth of Lord Krishna, one of the most popular figures in Indian culture. The event becomes a superb opportunity to display and celebrate the whole range of Indian culture. Although held at Castle Hill Showground, many of my constituents attend this festival. Indeed, one of the many sponsors of the festival is Pacific Home Loans, a Liverpool-based business whose principal is Mr Govind Sami.

Govind is a well-known figure in Liverpool. He came to this country from Fiji several years ago. In Fiji he had been a Fijian Labor Party member of Parliament. He was elected to Parliament at the great electoral

victory of Timoci Bavadra and, together with Prime Minister Bavadra, was removed by Rabuka's first coup. Such political connections are not at all unusual in Liverpool within these communities. For example, I have been present at several events in Liverpool featuring Mahendra Chaudhry, current leader of the Fijian Labor Party, who was Prime Minister before the Speight coup. Recently I had a meeting through Govind with Kishor Govind, now a High Court judge in Fiji, when he was in Liverpool.

The third event I should mention is the Indian Australian Friendship Fair 2006, which was held on 6 August at the Sydney Olympic Park. The function was organised by United Indian Association [UIA], which consists of 16 constituent associations whose President and Chairperson is Dr Prabhat Raj Sinha. The association was established in 1994. I have attended many of the fairs conducted by the UIA and it has been impressive to watch the growth and development of the annual fair. The fair also celebrated the fifty-ninth anniversary of Indian independence, which is one of the great epics of modern history and has produced some extraordinary and incredible individuals, such as Nehru and Ghandi. I have always thought that Nehru's speech on the tryst with destiny on the eve of independence was one of the most impressive pieces of political rhetoric I have ever read. The fair celebrates Indian cultural heritage and tradition, and it is a pleasure to attend. I note that a large number of parliamentarians attended the event. I congratulate the organisers, and I look forward to continuing to attend such events in the future.

ROADS AND TRAFFIC AUTHORITY LICENCE NAME POLICY

Mr MICHAEL RICHARDSON (The Hills) [5.47 p.m.]: I raise yet another example of the bureaucratic nonsense we have to endure under the Iemma Labor Government. One of my constituents recently attempted to obtain a driver's licence in his full name, Nicephorus Wing Hon Tan. He was rejected because his previous licence was in his non-Anglicised name, Wing Hon Tan. He was told he would have to go to the Registry of Births, Deaths and Marriages to change his name by deed poll from Wing Hon Tan to Nicephorus Wing Hon Tan, at a cost of \$120. One might ask: So what? If his name really is Wing Hon Tan, why should the Roads and Traffic Authority [RTA] not insist on retaining that name for his driver's licence? The fact is that his name really is Nicephorus Wing Hon Tan, and he is a minister of religion to boot!

Reverend Tan showed me an impressive collection of documentation proving that he really is Nicephorus Wing Hon Tan, including a certificate of Australian citizenship dated 17 May 1983, a current Australian passport, a letter of appointment as a Justice of the Peace dated 1989, a letter of reappointment as a Justice of the Peace dated November 2005, a certificate of baptism from 1979 from Hong Kong and identification tags from both the State Emergency Services and the Department of Corrective Services—he is a chaplain to both. But the coup de grace was a letter from the New South Wales Registry of Births, Deaths and Marriages appointing Reverend Nicephorus Wing Hon Tan as a minister of religion "authorised to solemnise marriages at any place in Australia."

I want honourable members to think about this. The bureaucrats at the RTA want the Reverend Tan to go down to the Registry of Births, Deaths and Marriages to change his name from Wing Hon Tan to Nicephorus Wing Hon Tan when both the registry and the department that administers it, the Attorney General's Department, recognise his name as Nicephorus Wing Hon Tan. The only other place in the world where I can conceive of anything as patently absurd as this occurring is Soviet-era Russia, where creating a labyrinth of red tape like this was part of the Kremlin's employment strategy. Fostering one of the world's most impenetrable bureaucracies generated plenty of jobs for the proletariat, as did make-work schemes like employing women to wind toilet paper onto cardboard rolls at the ends of hotel corridors.

How did this occur? How was it possible for Reverend Tan to have a certificate of Australian citizenship, a passport and a Justice of the Peace appointment in his own name and still be refused a New South Wales driver's licence as Nicephorus Wing Hon Tan? The answer lies in the more laissez-faire regime in place at the forerunner of the RTA, the Department of Main Roads [DMR], in 1980. When Reverend Tan arrived in this country he carried a Hong Kong driver's licence and because of that he did not have to pass a driving test in this country. He simply filled in some forms, showed the DMR officers his old licence and was issued with a new one.

The old licence was in the name of Wing Hon Tan, the name he had taken in 1972, replacing his birth name of Tang Wing Hon. Because of that, no amount of smooth talking by Reverend Tan, no producing of gilt-edged proof, such as his Australian passport or his certificate of Australian citizenship, would convince the RTA that his name really is Nicephorus. The cost of Reverend Tan registering his name change by deed poll is \$120. He objects to forking out this money, and who can blame him? After all, the Registry of Births Deaths and

Marriages already knows him as Nicephorus, or is it about to write to him withdrawing his approval to conduct marriages, as well as notifying the Justice of the Peace section of the Attorney General's Department that he is an impostor who should be struck off the list forthwith? Frankly, if it is good enough for the Department of Immigration and Multicultural Affairs, it should be good enough for the RTA. The Department of Immigration and Multicultural Affairs is the senior agency and is at the forefront of protecting Australia from terrorism.

The RTA has just about the worst press of any government agency—something that is fairly hard to achieve, given the level of competition! Some honourable members might be inclined to ask: Why would Reverend Tan bother? The answer is simple. In this society you have to have one name, not two—as Reverend Tan found to his cost when he went to open an account at the ANZ Bank. The bank refused to open the account in the name of Nicephorus Wing Hon Tan because—you have guessed it—that was not the name on his driver's licence. It did not matter that he had other documentation adding up to well over 100 points, including his passport. The bank was not interested. I have suggested to Reverend Tan that he takes his 100 points back to the bank and accepts no nonsense from them this time. I am hopeful he will be successful. The RTA is a different story. What is needed here is the personal intervention of the Minister for Roads, Eric Roozendaal, not only to ensure that Reverend Tan is given a licence in his real name, but also to ensure no other citizens of this State are subjected to this type of bureaucratic intransigence in the future.

ILLAWARRA INSTITUTE AWARDS

Ms NOREEN HAY (Wollongong) [5.52 p.m.]: The 2006 Illawarra Institute Awards evening was held recently at the Wollongong campus of Illawarra TAFE. I am pleased to inform the House that I was in attendance at these awards, representing the Hon. Carmel Tebbutt, Minister for Education and Training. I had the pleasure of meeting Sandra Yates, the Chair of the TAFE Board and Marie Persson, the Deputy Director General of TAFE. I also had the pleasure of the company of the Board of Adult and Community Education for the evening. TAFE fulfils many different roles for many different people. TAFE is training our next generation of child care workers and our community workers. TAFE is training apprentices that the New South Wales economy so desperately needs to keep our businesses and our local communities competitive now and in the future. Good vocational education and training relies on government, industries, training providers, employers, students, their families and communities working together. Institutes like the Illawarra TAFE provide excellent examples of how communities are able to work together to get the results that they need.

The Illawarra Institute plays a vital role in offering quality-endorsed qualifications to 40,000 students in a year. TAFE is involved with the Illawarra Business Chamber in a local Illawarra apprenticeship scheme and is constantly working with local industry and employers to find better ways to support their training needs. The evening was all about coming together to celebrate the achievements of students and staff at the Illawarra Institute. Our high-achieving students are excellent role models within industry and the community. These students give a higher profile to the Illawarra Institute, which in turn increases industry confidence—a confidence that is essential if we are to successfully attract development and business to the Illawarra region. Industries can locate in the region, knowing that high-quality training services exist to meet their needs.

To be awarded a State medal is indeed a remarkable achievement. A State medal recognises an individual's academic excellence. This standard of excellence is achieved only through commitment, hours of work and a determination to succeed. I have to say it was an honour to present a total of nine State medals. The recipients were Suzanne Shaw for financial services, Paul Thompson for hospitality management, Leanne Martin for remedial massage, Amanda Kezovski for architectural technology, Kevin Findlow for automotive, mechanical light vehicle, Jay Benjamin for automotive, mechanical heavy vehicle mobile equipment, Wayne Amour for automotive, mechanical heavy vehicle road transport, Caroline Griffiths for civil engineering, and Nathan Davison for surveying. The evening was also an opportunity to pay tribute to staff that have made an important contribution in assisting students to achieve. An incredible amount of commitment, persistence and skill is required of TAFE staff on a day-to-day basis. It is an honour to recognise many of the outstanding achievements that have been made by staff in 2005.

I also formally acknowledge the input and support of employers, community members and local businesses such as HATCH, Leisure Coast Copiers—Toshiba, the Illawarra TAFE Student Association, Bunnings Wollongong, Fuji Xerox Australia Pty Ltd, Hewlett Packard Australia, Illawarra Group Training, the *Illawarra Mercury*, the Illawarra Regional Development Board, Stockland Shellharbour and Wollongong City Council, who all played a vital role in the success of the students at the 2006 Illawarra Institute Awards, along with the everyday support of family, carers and friends. Working together, these groups are giving people the opportunity to develop their skills, confidence and motivation. Education is the key to our future. Through

education we can empower people to achieve their goals, allow individuals to make informed choices about their future and ensure a strong economy. I congratulate all the student winners this year and wish them all the best in their future endeavours.

I again acknowledge the commitment to young people of the New South Wales Iemma Government. I note, however, the Federal Government's failure to invest in the future of Australia by supporting New South Wales, particularly Wollongong, its failure to recognise a potential shortage of skills that currently exists, and its failure to invest appropriately in TAFE colleges. I condemn the Federal Government's determination to establish new colleges instead of contributing sound and solid investments in existing TAFE colleges, teaching staff and those who are involved in directing and guiding our young people. The Federal Government's performance is a shame. Nevertheless, I congratulate Illawarra TAFE, its teachers, staff and students on their wonderful achievements. The Wollongong area is all the better for their efforts.

F3 EXTENSION

Mr GEORGE SOURIS (Upper Hunter) [5.57 p.m.]: I join in the campaign for extension of the F3 Freeway between the Freemans Waterhole area and the area just north of Branxton. Recently the New England Highway near Branxton was upgraded to a four-lane divided highway. That literally represents the end of the extension of the F3 Freeway. The stretch of land between that extension and the F3 Freeway is a considerable distance. Roadworks to extend the F3 Freeway to the New England Highway would result in Cessnock and Kurri Kurri being bypassed. The extension would provide enormous benefits for all areas of the Hunter Valley, including the upper Hunter, the New England district and the North-west Slopes and Plains. It would reduce the travelling time between the Hunter district and the Sydney metropolis and, more generally, the travelling times between the Central Coast, Newcastle and the Lower Hunter area.

The reason I joined the campaign is that again local efforts are being directed towards convincing the Government to build an extension of the F3 Freeway. Such a project will require Federal funding and a reassignment of infrastructure priorities by the State Government, principally by the Roads and Traffic Authority, which has management of all road network projects in this State. The project to extend the F3 Freeway had a much higher priority in the past than it does currently. In the Integrated Transport Vision 2000, which was promulgated in 1996, the F3 Freeway was not only on the agenda but was given a very high priority. Subsequently the Integrated Transport Vision 2010 was produced. Unfortunately for the extension of the F3 Freeway project, but much to the benefit of other projects, a reassignment of transport priorities resulted in the F3 extension being dropped from the Integrated Transport Vision 2010.

The project was replaced by the triplication of lanes through the Central Coast area along a stretch of road that would be known very well by users of the F3 Freeway as the 90-kilometres-an-hour zone. It has had a good deal of money spent on it and it is now a three-lane carriageway that has been upgraded to a 110-kilometres-an-hour zone, except for a stretch of roadway approximately five kilometres long that retains the 90-kilometres-an-hour zoning out of necessity.

The next project that has priority over the extension of the F3 is the triplication of lanes through the Berowra area. As all who use the F3 know, that area is a bad bottleneck at the end of holiday periods, on weekends, on public holidays, during peak hour generally and particularly during morning in-bound trips. That also needs attention. The money that might have been required for extension of the F3 a few years ago is about the amount that has now been expended on the two intervening projects. In the meantime, the cost of the extension of the F3 has increased. I have joined the campaign along with my Federal colleague Joel Fitzgibbon, who has campaigned recently, and the *Singleton Argus*, which, only this week, included an article to reignite that campaign.

A higher communication prioritisation is needed between the Federal Government and the State Government. A funding allocation is also needed. In many respects funding will follow the prioritisation process. Some \$55 million has already been expended, but only for property acquisition and initial studies, particularly route selection, which has been finalised. The big job, which will take between one and two years, is completion, assessment and final approval of an environmental statement. At this stage that statement has not commenced. Funding would be welcome so that the process can get under way. The construction will probably take four years, so there is still a long way to go. The Federal Government does not need to allocate the entire amount in its next budget. However, sufficient money to advance to the next most important phase—the completion of the environmental statement and the accompanying approval process by the Department of Planning—will enable further progress, and I look forward to that.

CALLAGHAN COLLEGE

Mr JOHN MILLS (Wallsend) [6.02 p.m.]: Last week in the western suburbs of Wallsend there was a triple celebration for public education, in particular for all three campuses of Callaghan College—Wallsend, Waratah and Jesmond. First, the Minister for Education and Training went to Callaghan College last Friday to officially open the new modern facilities at all three campuses; second, Jesmond campus celebrated the golden jubilee of Jesmond High; and, third, Waratah campus celebrated its centenary. The Minister participated in the jubilee celebrations at Jesmond and Waratah during her visit. Waratah campus is in the Newcastle electorate, which is represented by my colleague Bryce Gaudry, who attended throughout the celebrations.

Perhaps more important as a cause for celebration than the new building works, important though they are for the local community, are the improved educational opportunities and outcomes for students that have flowed from the establishment of Callaghan College. The development of Callaghan has been a big win for students in Newcastle's western suburbs. The idea of combining Wallsend, Waratah and Jesmond was a local solution proposed by local people, especially the three principals—John McConnell, Robyn Cragg and Wilma Simmons—the District Superintendent of Education, Laurie Tabart; and Deputy Superintendent of Education, Louise Ferguson. It was proposed that the years 11 and 12 senior campus be at Jesmond, and the two middle school campuses be at Wallsend and Waratah.

The proposal was endorsed by parents, and I commend Margaret Bryden, the foundation chairperson of the combined parents and citizens associations, for her assistance and for gathering the opinions of the parents. The proposal was approved by the then Minister for Education, John Aquilina. The college was designed to rekindle the desires of local students to complete secondary education, to provide the widest curriculum choice available in the region, to enhance the educational opportunities for western corridor students by linking the college with the University of Newcastle and the Hunter Institute of TAFE, via a memorandum of understanding, and to use specialised teaching methods to encourage students and increase their desire to learn.

The parents and families love the college, the teachers are enthusiastic supporters of the new pedagogy and students are returning to public education in that part of the Hunter. Retention rates have improved strongly. Callaghan College represents a new and better way of delivering secondary education and developing the potential and aspirations of each of its 2,300 students. The concept was developed to its current success by foundation principal Graham Boyd, his successor Pam Wellham, and by recent campus principals Ian Nebauer and Peter McBeth and their teaching and support staff. I have to declare an interest: I serve as a community member on Callaghan College council. I acknowledge the contribution of the council, representatives from the community, the university, the Hunter Institute of TAFE, business, parents, staff and, of course, the students. The buildings have involved an investment of \$11.7 million in public education in Newcastle, a promise kept by the Government which it made when Callaghan was formed. The parents expect good facilities and the students certainly deserve them.

The Jesmond High School golden jubilee was celebrated last weekend. The Newcastle *Herald* published a magazine, *50 years—Walking up school hill*, dedicated to the jubilee. The official opening of the then named Jesmond Secondary School took place on Friday 12 April 1957. The first students attended the school in about September 1956. The Minister for Education at the time was Bob Heffron, who later became Premier. At the opening in 1957 he said that the school was one of the most expensive schools in New South Wales. At the opening the choir sang a piece from Brahms and an upbeat sea shanty. The *Herald* reported that there were "so many speeches".

Last Friday there were but four speeches, two by student leaders, and an enchanting performance of Pachelbel's "Canon" by Alana von Finster. The fiftieth anniversary celebrations proceeded and concluded with a dinner in the town on Saturday night. I congratulate the organising committee led by Ann Venaglia, Pam Marley and Clive Maddocks, on the celebrations, the great commemorative book *High on a Hill*, a DVD, and the commemorative port. It was a wonderful entertainment and a fitting tribute to the proud history of Jesmond Secondary School, Jesmond High School, Jesmond University High, and now Jesmond Campus Callaghan College.

GROUP TRAINING AND EMPLOYMENT SERVICES WORKERS COMPENSATION INSURANCE

Mr DARYL MAGUIRE (Wagga Wagga) [6.07 p.m.]: I raise concerns on behalf of Mr Peter Anderson, the Chief Executive Officer of Group Training and Employment Services [GTES]. The Riverina Group Training and Employment Limited is a not-for-profit entity that was established in 1985 to provide

services within the group training scheme. Since then it has successfully assisted in the completion of over 3,000 apprentices and trainees. Today it employs approximately 250 apprentices and trainees and 11 internal staff and provides Australian apprentices to more than 120 businesses, predominantly in the Wagga Wagga city areas. Training at GTES is primarily focused on the promotion of traditional trades and the furthering of qualified tradespeople in this sector.

In its capacity as a franchisee for MAS National GTES is now also employing two staff members, providing Australian apprentice support services for the Federal Government. In short, GTES is ensuring that many apprentices are getting their qualifications by employing and placing them with businesses that might not otherwise be able to provide those opportunities. On many occasions those businesses are able to retain apprentices in employment when otherwise they may have become unemployed due to personal circumstances. The efforts and services that they are providing to the community are now placed in jeopardy as a result of the escalating cost of workers compensation insurance.

Recently GTES received its actual premium for 2005-06, which required an additional payment of \$11,167.38, taking the total premium for the year to \$347,238.38. Concurrently GTES received its premium estimate for 2007, which requires it to pay \$339,320.75. The premium has risen 51 per cent in three years. In that same period its actual wages paid have risen only 7 per cent. In 2003-04 its actual wages were \$5,078,169. The actual premium, including GST, was \$211,941.16, with the net cost of claims incurred totalling \$49,650.46.

In 2003-04 actual wages were \$5,078,169. The actual premium, including GST, was \$211,941.16, with the net cost of claims incurred totalling \$49,650.46. In 2004-05 actual wages were \$5,749,083. The actual premium, including GST, was \$293,775.10, with a net cost of claims incurred totalling \$176,658.38. In 2005-05 actual wages were \$5,467,000.33. The actual premium, including GST was \$347,238.36, with the net cost of claims incurred totalling \$20,056.55. As previously mentioned, the estimated premium for this financial year is \$399,320.75, yet GTES employee numbers are static and less than in 2004-05.

Last year GTES had minimal claims. I understand that the premium is calculated on the claims history and, as such, takes in the cost of claims for 2004-05. The Government claims that premiums should be reduced by around 20 per cent following its review of the calculation methodology. Given this, GTES is at a loss to understand the incredible increase in premiums when the cost mentioned is for only one claim. The increase in premium for 2004-05 resulted in the company posting a loss for the year. Unfortunately, 2005-06 will provide a similar result to the company, as its premium estimate for this year is almost \$400,000. That being the case, the future viability of the company might be jeopardised by the unfair nature of this scheme.

Mr Anderson pointed to the Victorian workers compensation system that exempts apprentices from workers compensation premiums. He said the Victorians obviously recognise the importance of keeping the cost of employing apprentices to a minimum. I met with Mr Anderson and he relayed to me his concerns. He informed me that four group training companies have gone to the wall and all of them have pointed to the outrageous increases in workers compensation insurance. I made representations to the Minister responsible for this portfolio. I urge him to address this specific issue. Apprentices cannot be thrown on the scrapheap because of a company's inability to afford these outrageous premiums.

DUBBO SHOEYEN GARDENS RESPECT FOR THE AGED DAY

Ms DAWN FARDELL (Dubbo) [6.12 p.m.]: On 13 September Dubbo's Shoeyen Gardens hosted Respect for the Aged Day, an event to which Dubbo's senior citizens were invited. The event was organised by the Friends of the Garden, headed by Brian Smith and his committee, together with Jane Bleechmore, Kerry Palmer and other Dubbo City Council staff who put together a wonderful program of entertainment in a magnificent setting. The gardens, which were officially opened four years ago, were donated by Minokomo, Dubbo City Council's sister city.

The forming of a wonderful friendship with Minokomo sowed the seeds of the offer of a traditional Japanese garden. Minokomo high school students designed the gardens and carried out the landscaping work. Many construction items were freighted from Japan to Dubbo, which took a long time. An authentic Japanese garden is now located in Orana Mall behind Big W in east Dubbo. The gardens are open every day from 10 o'clock to 4 o'clock and are staffed by wonderful volunteers. Under the guidance of Minokomo and Ken Rogers, Dubbo City Council's Director of Parks and Landcare Services, we now have a wonderful venue for the entire community to enjoy.

Shoeyen Gardens have become a haven in which to celebrate many festivals, and the gardens are the venue for weddings and tourists. Last week bush poet Ellis Campbell and a combined school choir entertained the seniors. I wish to read a poem that was written by Ellis Campbell, poet laureate in the area, which drew much laughter from all in attendance. His poem was placed second at the Wollondilly Fellowship of Australian Writers in Picton in 2001. I apologise to Ellis Campbell, who is renowned for his bush poetry, if I do not read the poem as well as he did. The poem, entitled *A Matter of Interpretation*, reads as follows:

A motley congregation lounged around the hotel bar,
smoke drifted from their cigarettes and someone's rank cigar.
Desultory conversation ebbed, for all seemed bored to death.
A teller from the local bank complained with wheezy breath.

"I'm on an R.D.O. today—as well I ought to be.
I've been flat out with M.B.O. and learning C.A.D.
I've been in charge of A.D.F—and also F.I.D.
An A.T.M.'s essential now—we're in the C.B.D."

A medico from uni said, "You hear of N.E.C.
and M.N.D. and R.S.I. and raging A.R.V.
So much to learn with I.V.F. and also P.I.D.;
and no one really understands the threat of H.I.V."

The fat policeman said, "We're busy holding R.B.T—
then charging them with P.C.A. and checking B.A.C.
The kids go mad on B.M.X. and now there's D.N.A.
I'm growing very weary and I need a holiday."

The politician grasped his chance and said, "This F.A.S.
was introduced by Labor—little wonder it's a mess.
We'll wipe it out—and F.B.T—we've had a D & M;
I'll guarantee this G.S.T. will prove a master's gem.

"Excuse me," said the shearer, "if I look a sorry mess—
I've been a bloody fortnight on the P.I. double S.
I only came to town to watch the S. of bloody O;
on T.V. at the bottom pub—and that's two weeks ago.

"I had a small investment on the footie T.A.B.
and backed the N.S.W. team against the Q.L.D.
I'm verging on the D.T.s now—it's been a hectic spree—
if I don't quit one day you'll read, 'Jack Hobson, R.I.P.'"

After Ellis Campbell read his poem about 40 primary schoolchildren from all the public and private schools in Dubbo sang for the seniors and their song, "We Are One But We Are Many", was well received. Those schoolchildren sang together regardless of their religion or the debate concerning the funding of private or public schools. The Friends of the Garden provided morning tea for all, which was served by high school students. There was wonderful interaction between seniors and young people. My thanks go to the Friends of the Garden, to Dubbo City Council staff, to the choir and, in particular, to the high school students who served the refreshments.

I also acknowledge the Dubbo sister-city relationship. I was once the chair of the Dubbo City Council committee and I acknowledge our wonderful sister-city relationship with Minokomo. Every year students from Minokomo come to us and we are now looking at sending our students to Minokomo. Nursing students from Minokomo attend Charles Sturt University campuses at Bathurst and Dubbo. Dr Yamado, who owns four hospitals in Minokomo, says he has all the equipment in the world but he prefers to bring his nursing students to Dubbo because he believes that Australian nurses nurse with heart. I acknowledge the work done by the late Tony McGrane, who passed away two years ago on 15 September. Without his initial groundwork and his visits to Minokomo, our sister-city relationship would not have been possible.

PORT MACQUARIE BASE HOSPITAL MASTER PLAN

Mr ROBERT OAKESHOTT (Port Macquarie) [6.17 p.m.]: Tonight I refer to Port Macquarie Base Hospital and to the welcome release of the master plan 17 months after the hospital buy-back. The master plan, a much-anticipated document, looks at the future infrastructure needs of a hospital that is servicing one of the fastest growing communities in Australia. Last week's visit by the Minister for Health was welcomed and I think the master plan has been well accepted. Some of the issues addressed in it include \$22 million of committed

works at the hospital site, in addition to an integrated cancer care facility that is to be opened in April next year. It also includes the fixed breast screen facility as well as the 12-bed gazetted mental health unit.

In the past, those who have had involuntary mental health episodes have had to seek treatment out of town. Finally, after a decade or more, the biggest population north of Newcastle will be able to be treated at Port Macquarie Base Hospital once this gazetted mental health unit is completed. Good aspects of the master plan include a site for the University of New South Wales and the rural medical school program that is being run in conjunction with Port Macquarie Base Hospital. It is probably not widely known that Port Macquarie Base Hospital is a key teaching hospital in Australia. I think that would surprise a few people and crack a few stereotypes about universities and traditional teaching hospitals primarily focused in Sydney.

Port Macquarie is a leader in the area of student training. This is reflected by the fact that the University of New South Wales now has a site allocated within the Port Macquarie hospital precincts. The master plan identifies parking at the hospital as a hot local issue. It foreshadows significant improvements to parking capacity as well as the construction of a second access road. The master plan also highlights the fact that a private facility is to be built nearby and earmarks a particular location for day procedures. So the equivalent of a day procedure hospital will be located within the hospital, which is most welcome.

Most pleasing from my point of view is the master plan's preferred model of a fourth hospital wing or pod, which for the past 17 months has been in and out of the plan. The implications of this proposal are significant because it will allow for the much-needed expansion of the intensive care unit and for the construction of a 20-bed mental health bed unit, both of which were key priority commitments made in February 2005 by the then Minister for Health, who is now the Premier of New South Wales. He stood on the doorstep of Port Macquarie hospital and acknowledged both that the intensive care unit was undersized and that mental health care was significantly underresourced.

I am pleased that the fourth pod is on the agenda. It will also deliver improved administration, a better library and improved clinical training. The master plan provides for the construction of a helipad on the roof, because it makes sense to locate it as close as possible to the accident and emergency department. Also pleasing is, on the last page of the master plan, the addition of the cardiac catheterisation unit, which will be located next to the new facility.

Issues arising from the master plan include time frames and costs, neither of which is identified. The entire local community and I will push for the allocation of time frames and costs to all the work. The master plan also opens debate about what to do with the old Port Macquarie Base Hospital site and facilities. I believe the site could be used to find true homes for community services such as drug and alcohol services and renal dialysis, which could be moved to the old hospital. There is a valid clinical argument for such relocation.

We could then look to secure a commercial return from the site that would allow us to bring forward some time frames, act on the good news, and provide much-needed services to our community. That is an issue for not only the Minister for Health but also the Treasurer. If the old hospital site is to be sold in the short to medium term, Treasury should not take its slice of the sale proceeds. We should instead use that money in the community to achieve good local outcomes.

Private members' statements noted.

[Mr Deputy-Speaker left the chair at 6.22 p.m. The House resumed at 7.30 p.m.]

DEATH OF THE HONOURABLE JACK GORDON BEALE, AO, A FORMER MINISTER OF THE CROWN

Ms LINDA BURNEY (Canterbury—Parliamentary Secretary) [7.30 p.m.]: I move:

That this House extends to his family the deep sympathy of members of the Legislative Assembly in the loss sustained by the death on 7 June 2006 of the Hon. Jack Gordon Beale, a former Minister of the Crown.

Mr PETER DEBNAM (Vaucluse—Leader of the Opposition) [7.31 p.m.]: I am pleased to have the opportunity to talk about Jack Beale, especially as members of his family are in the gallery. In its obituary the *Sydney Morning Herald* described Jack Beale as a visionary, one of the first people to realise what would become a vital issue in Australia: how very critical water is to us. He was one of the people who put water on the agenda. Dr Beale made an outstanding contribution to Australian society and beyond, not only as a member

of Parliament but also as a pioneer in the fields of resource development and environmental management. He was the honourable member for South Coast in the New South Wales Parliament from November 1942 until October 1973, and when elected he was one of the youngest members of the Legislative Assembly. When joining the Liberal Party in 1942 Dr Beale is reported to have said:

There must be complete unity amongst those fighting socialism and communism if we are to preserve our democratic way of life.

It is interesting that nothing has changed. We have to protect against socialists every single day of the week—and we have to do it here each day. During his career Dr Beale served as Minister for Conservation and Minister for the Environment as well as Minister Assisting the Premier and Treasurer. As Minister for the Environment, he made certain issues a priority, such as the water quality of Sydney Harbour, and sponsored early New South Wales laws relating to clean water, clean air, pollution control, and waste disposal, all of which I must add have unfortunately gone backwards in the past 12 years. He also introduced some of the first laws on pollution control, soil and forest conservation, and the National Parks and Wildlife Service.

As a Liberal Minister Jack Beale also commissioned river catchment studies collecting, for the first time, data on 32 major river catchments in New South Wales. There would not have been another Minister responsible for water anywhere in the world who had the engineering expertise to build and design dams, for which he was responsible. Projects such as the Brogo and Copeton dams are testament to his work and expertise. He was also a passionate advocate for the Snowy Mountains Hydro-Electric Scheme.

Dr Beale retired from Parliament in 1973. After his parliamentary career, he went on to serve as a part-time adviser to the United Nations Environment Program in Nairobi, undertaking missions to many countries, including Thailand, Sri Lanka, the Philippines and Venezuela. Dr Beale's pioneering drought-proofing work on water conservation and agricultural engineering in India from 1952 to 1959 was credited by India's former Prime Minister Pandit Nehru as saving millions of Indians from famine.

Dr Beale was listed by the International Biographical Centre in England as one of the 2,000 outstanding people of the twentieth century. He received honorary doctorates from the University of New South Wales and the Australian National University, the latter establishing a Jack Beale Chair of Water Resources. He became an officer in the Order of Australia [AO] in 1999. Dr Beale is survived by his two sons, David—who is here tonight—and Christopher, and two grandchildren who live in New York. With that list of achievements and such a focus on delivering for the people of this State, we realise that Dr Beale was truly one of the best public servants this Parliament has ever seen.

Mr ANDREW CONSTANCE (Bega) [7.38 p.m.]: I join with the Leader of the Opposition in paying tribute to the late the Hon. Jack Beale, AO, otherwise known as The Water Man. In doing so, on behalf of the House, I offer my deepest sympathy and that of the Liberal Party to his family and friends, particularly his sister Peggy Miller, brother Bill, his wife Pamela, sons David and Christopher, daughter-in-law Francesca and grandsons Julian and Andrew, who live in New York.

I first met Jack on the evening of my inaugural speech. Beforehand, I was preparing nervously in my office upstairs and in bowled Jack. A firm handshake, a smile, and we were straight into discussion about the Brogo Dam, a life-line to many communities and irrigators on the far South Coast. Beryl Schaeffer who has been awarded the medal of the Order of Australia for her service to the community of the Bega Valley shire, particularly through the agricultural show movement and the Country Women's Association, gives Jack enormous credit for the Brogo River system. Thirty irrigators supply 40 per cent of the milk to Bega Cheese from the Brogo system, and I know that many of the locals, 33 years after Jack left Parliament, are enormously grateful to the vision that he had to build this infrastructure.

Jack's lifelong commitment to public service was part of our discussion on the evening that we first met, and I wish to honour that service this evening. Many come to this place with an aspiration that when it comes time to leave, their electorate and the world will be a better place than when they arrived. That certainly can be said of Jack Beale. He was a remarkable Australian. He made an outstanding contribution to Australian society and societies elsewhere around the globe, not only as a member of Parliament but as a pioneer in the fields of resource development and environmental management. In paying tribute to the man Jack Beale, we are remembering a legacy that will impact the lives of millions of people for decades if not centuries to come.

Born in Manly in 1917, he attended public schools at Scone, Newcastle and Sydney. He qualified for an honours diploma in Mechanical Engineering from Sydney Technical College and worked as a chartered engineer. At 25 years of age he became the youngest member of the Institute of Engineers Australia, later

becoming an honorary fellow. In 1942 Jack entered Parliament at the age of 25 following the passing of his father, who held the seat of South Coast prior to Jack. He held the seat for 31 years, having won three elections as an Independent and eight elections as a member of the Liberal Party. He served as a Cabinet Minister for the last nine years of his parliamentary career.

Following the election of the Askin Government in 1965, Jack Beale was offered the Public Works portfolio, a portfolio he refused. His ambition was to make a difference in an area in which he was a specialist and as a result sought to become the Minister for Conservation, where he was responsible for the State's water, soil and forest resources. He embarked on a program to develop the State's water resources, undertaking comprehensive river valley surveys and an infrastructure program in the construction of new dams and weirs.

In 1971 he became Australia's first Environment Minister and was instrumental in creating the Environment Protection Authority and the National Parks and Wildlife Service. As Minister he sponsored legislation relating to clean water, clean air, pollution control and waste disposal. At the time he was also Minister Assisting the Treasurer and was actively involved in discussions with Canberra about revenue sharing. He was an outspoken advocate for the Snowy hydro scheme and instrumental in the establishment of the Australian Water Resources Council, the National Flood Mitigation Scheme, the National Soil Conservation Program, the National Conifer Planting Program, the National Water Resource Development Program and the Australian Environment Council. In 1955 he initiated the Water Research Foundation.

Jack Beale's tribute in the *Sydney Morning Herald* of 16 June 2006 was titled "Guardian of that precious resource". He was a true champion of the cause of water. If only today we had the vision of Jack Beale with the many difficulties facing metropolitan and regional Australia. He held a Master of Engineering and honorary doctorate from the University of New South Wales, with which he maintained a close association throughout his working life. The annual Jack Beale Lecture on the Global Environment is just one of the legacies of his commitment to the environmental. On 22 April 1999 Jack was recognised with an honorary degree at the Australian National University. Professor H. A. Nix, Director of the Centre for Resource and Environmental Studies at the Australian National University, gave a citation that I think was at the heart of Jack Beale. It stated:

Jack Beale's work on water conservation and agricultural engineering in India from 1952 to 1959 was credited by former Prime Minister Pandit Nehru as saving millions of people from famine through the concept of drought proofing.

A concept which he also applied in Australia, leading to the expansion of the irrigation industry and the establishment of the first privately owned network of hydropower generators, which is currently reducing Australian greenhouse emissions by 170,000 tonnes a year.

In fact Jack would be proud to know that the far South Coast community—his former constituency—is leading the way in community activism to reduce greenhouse gas emissions through the Clean Energy for Eternity Campaign, which has been established by local orthopaedic surgeon Matthew Knott. Only recently 3,000 people stood on Tathra Beach to protest climate change. Jack helped establish comprehensive environmental control systems for the whole of the Australian continent and contributed towards the development of the United Nations Environment Program. The International Biological Centre in Cambridge listed Jack among the 2000 Outstanding People of the 20th Century for his contributions to humankind living in harmony with the environment, as well as among the 2,000 Outstanding Scientists of the 20th Century, for his contributions to water resources.

Jack held the view that Australians took their precious resources for granted. He was probably right. The degradation of our environment, the diminution of biodiversity and the abuse of underpriced and precious resources are a disgrace. Too often public debate on the environment is forced inside the constraining paradigm of: development bad, protection good. These incredibly complex issues deserve more than simplistic, knee-jerk responses. Some people lack the attention span to care or understand, but it definitely can be said of Jack Beale that not only did he understand but he also had a vision to deal with the challenges. It is sad that so many of our leaders come to this debate interested in it only if there are votes attached. Jack did not allow politics to affect his judgment when it came to environmental and resource management. He was a man who had a vision and who acted on that despite criticism on a couple occasions.

I think everyone would agree that the broader policy questions about the environment mean surely it is time to dare government and citizens to consider every option—alternative energy, recycling of water, charging market price for the resources we use, and many other ideas. Too often we hear it said that we do not face a

crisis today, but we are creating one for tomorrow. However, we must draw our inspiration from the legacy left behind by Jack Beale. These are his words:

Today's research is tomorrow's practice.

University of New South Wales Professor Garry Smith, Director of the Institute of Environmental Studies, said in Jack's honour:

Jack Beale achieved outstanding success in so many aspects of his life; as an engineer, a scientist, a businessman, a politician, a generous benefactor and a kind, respected, ethical person.

This House, indeed I think everybody, would agree that he was a kind, respected and ethical man.

Mrs SHELLEY HANCOCK (South Coast) [7.46 p.m.]: I am honoured this evening to contribute to the condolence motion for the late Hon. Dr Jack Beale, former member for South Coast, and to express the great honour I feel to have followed in his footsteps to this place as the current member for South Coast—although most would know that the electorate is now very different from what it was many years ago. I did not know Jack Beale very well, but I am certainly aware of his legacy to the area. It remains with us today.

People still talk about Jack Beale and the period over which he remained committed to the electorate of South Coast, his passion for the electorate and his commitment to the environment. His commitment to water and water efficiency in the area was well known not only in this State but throughout Australia. Any member for South Coast must have a commitment to the environment and to water conservation. The honourable member for Bega spoke about Jack Beale being known as The Water Man. Given the latest controversies about the Shoalhaven River, I hope to be called the water woman when I no longer represent this electorate, because it remains a controversial issue, as are the environment on the South Coast and its protection. I will say more later about Jack's strengths on the environment.

I was very proud on the evening of my inaugural speech to have Jack Beale sitting in the gallery with an extremely noisy group from the South Coast. He hung in there all night. He met me before I made my speech and wished me well. We had a very interesting discussion. I am sure he sat there, looking down on me, and wondering and pondering how I would perform in the electorate following in his footsteps. I hope that I will do him proud. I was immensely grateful for his kind words of support that evening and for joining the throng from the South Coast.

Jack Gordon Beale was born in 1917 in Manly and was elected to the New South Wales Legislative Assembly on 14 November 1942, where he remained until 1973, holding the Conservation and Environment portfolios. He was one of the youngest members to be elected to the Legislative Assembly and was the longest-serving member of the South Coast electorate—31 years, a long time! John Hatton served for more than 20 years. Longevity in this position is not something experienced in the past 12 years in the electorate of the South Coast, perhaps due to the changing demographics of the area. But I imagine that a man or woman of Jack's ability, commitment, dedication and talent will aspire to that challenge, although it will be a challenge.

Jack Beale served with distinction as New South Wales Minister for Conservation from 1962 to 1971, and from 1971 to 1973. He was the first Minister for the Environment anywhere in Australia—there is something to be said for that. He was also Minister Assisting the Premier and the Treasurer. In 1999 Jack Beale was presented to the Chancellor of the Australian National University for an honorary degree—no surprises there. The following remarks are taken from the speech given at the time by Professor H. A. Nix, Director of the Centre of Resource and Environmental Studies at the time:

As Minister for Conservation he administered the largest ever resources construction program in New South Wales and his ministerial roles were characterised by innovations in environmental management.

Professor Nix goes on to say that Jack Beale commissioned the river catchment studies, which, for the first time, collected resource data on 32 major river catchments in New South Wales. He introduced systematic charging for irrigation water, and he was responsible for the first specific allocations of water to the environment in the Macquarie Marshes, 25 years before environmental flows became fashionable. It was an achievement to think about environmental flows in those days. He was one of the few Ministers for water resources anywhere in the world who was capable of designing, building and operating the dams and related works for which he was responsible. New South Wales legislation relating to clean air, clean water, waste disposal, pollution control, soil and forest conservation, and the National Parks and Wildlife Service were initiated by the Hon. Jack Beale,

another incredible fact to ponder this evening. They were pioneering in Australia at that time, and he certainly was a pioneer.

In 1971 Jack Beale formulated the first guidelines for environmental impact statements in the world. Nationally he was an outspoken champion and foremost advocate of the Snowy Mountains Hydro-Electric Scheme. Jack Beale was instrumental in establishing the Australian Water Resources Council, the Australian Forestry Council, the National Flood Mitigation Scheme, the National Soil Conservation Program, the National Conifer Planting Program, the National Water Resources Development Program and the Australian Environmental Council. He served with distinction on the Commonwealth and State ministerial councils for water resources, forestry and agriculture and for the environment.

I sometimes wish he was still with us to assist me and advise me about the controversy on the South Coast and the Shoalhaven River. It would be interesting to hear his comments. Internationally, from 1974 to 1977 he was a senior part-time adviser to the United Nations Environment Program and its Environment Program. He undertook some of the first United Nations Environment Program advisory missions to help many countries, especially developing countries such as Thailand, Venezuela, the Philippines and Sri Lanka with national environmental institution building. He was a ranking Australian delegate to the Water for Peace Conference held in Washington in 1967 and to the United Nations Conference on the Human Environment held in Stockholm in 1972.

Jack Beale's motto throughout his long professional career was "today's research is tomorrow's practice", and that certainly has been a hallmark of his career. His work in research and development has paid off for so many of us today. I and the people of New South Wales, particularly those in the electorate of the South Coast, are so grateful to him for that. As many of you would know, the South Coast is an area where you have to be committed to your environment because that is what we value on the South Coast. But at the same time we have to balance our need to grow and develop. It is worth noting that there are so many fields in which Jack Beale was a remarkable achiever. So many things have changed from the South Coast electorate that Jack Beale knew. It was a much larger electorate in his day.

There were no offices as we know them and very little secretarial assistance. The electorate went almost down to the border and up to Shellharbour, which is now probably covered by four electorates. To cover that area of the State and other areas underlines the remarkable person that he was. I am honoured to be one of the successors of the Hon. Jack Beale. I am also deeply privileged to make this contribution to the motion. I convey my deepest sympathy to his family, his son David, whom I met earlier this evening, his friends and former colleagues. I know that you will miss him. I look forward to reading more about him. As we continue our research we will learn more and more about the Hon. Jack Beale. In the last week or so I have discovered things I did not know. I was aware of his commitment to his electorate, but I have learned so much more about him and his work for the environment and conservation in Australia.

Mr IAN ARMSTRONG (Lachlan) [7.55 p.m.]: It is with great sadness that I speak about the loss of a great Australian, the Hon. Dr Jack Gordon Beale. I extend my sympathy to his sons, Mr David Beale and Mr Christopher Beale, his grandsons and his family. Of the 2,000 outstanding people of the twentieth century, none is more outstanding than the Hon. Dr Jack Gordon Beale. I first met Jack Beale in about the mid 1950s when I was about 22 or 23, at either the Boorowa show or the Young show. At the time my father was an executive of the New South Wales Country Liberal Party, and I think he brought Jack up to open the show. He was a fascinating man. As a young and probably fairly cheeky 22 or 23-year-old, I could relate to him. He was exciting and informative. His enthusiasm was absolutely infectious. The last time I saw Jack was about 12 months ago, but I have never forgotten his warm, outgoing, extraordinary, infectious personality. You wanted to talk to him, and he always had something to say. It is summed up somewhat in the extraordinary amount of information that is available on Jack Beale. I refer to the citation for his honorary degree from the Australian National University, in which the Chancellor said, in part:

Jack Beale's professional qualifications are in mechanical, electrical, civil, agricultural and biological systems engineering. He has worked as a consulting engineer in more than 60 countries over a period of 56 years. His work on water conservation and agricultural engineering in India from 1952 to 1959 was credited by India's former Prime Minister, Pandit Nehru, as saving millions of people from famine through the concept of 'drought proofing'. A concept which he also applied in Australia, leading to the expansion of the irrigation industry and the establishment of the first privately owned network of hydropower generators, which is currently reducing Australian greenhouse emissions by 170,000 tonnes a year.

The man was a human dynamo. Obviously, his capacity to relate to people led to his international fame. What did people think about Jack Beale? He has one of the longest biographies of honours bestowed on any member of this Parliament that I have seen in my 25 years in this place. I will read only part of it:

One of the 50 Greatest Living Legends Internat. Biographical Centre 2005, Nobel Laureate American Biographical Inst. 2004, One of the Greatest Minds of the Twenty-First Century American Biographical Inst. 2004, recipient da Vinci Diamond and admitted into the Hall of Fame Internat. Biographical Centre (Cambridge, UK) 2004, Centenary Medal 2003, American Medal of Hon, 2002, NSW Parliament Centenary Medallion 2001, awarded Medals by the American Biographical Inst. (Raleigh, USA) for: Great Minds of the 20th Century 2002, Internat. Peace Prize for creating Harmony of Humankind United Cultural Convention (USA) 2002 and its Noble Prize for Outstanding Achievement and Contributions to World Harmony 2001, Career Achievements and Soc. Contributions 2001, One of 2000 Leading Intellectuals in the World 2000, One of 1000 Great Scientists of the 20th Century 1999; awarded Medals by the Internat. Biographical Centre (Cambridge, England) for: Lifetime Achievement 2002, One of 1000 Great Scientists of the World 2000, Outstanding Contribution to the Environ. 1998; Outstanding People of the 20th Century 2000; *pub.* Harnessing Snowy Waters 1949, National Water Plan 9066, Drought Proofing 1970, Water Resources of New South Wales 1971 ...

The citations in the list are probably four times greater than the number I have read into *Hansard*. We have lost a truly great Australian. I have many fond memories of Jack. Over the years that I have been a member of this House, I recall proceeding to the foyer after question time. Jack would immediately come over and have something positive to tell me. He would say to me:

Ian, we have to store more water. We must have more water, Ian, because we are going to have drought.

He used to say:

Australia is the lowest, flattest, hottest and driest continent on the earth and we have to manage it accordingly. If we are going to have development, two things must happen: the first is water; the second is a road to get to the water.

He also used to say:

Even when Phillip first came to the colony, the first thing he did was look for fresh water and then build a track to it.

Jack Beale had a simplistic way of explaining the most highly technical matters. He had an extraordinary grasp of ideas concerning the environment, the land, and the art of communicating. He did not play politics at all, yet he did very well because he knew his facts and that is what he told people. He also had such enthusiasm that people could not help listening to him, not so much out of admiration but out of the desire to soak up information like a sponge—information that was unique and came only from that man on this earth at that time. That is why it is my privilege tonight to speak to this motion of condolence.

I thank Jack Beale's family for allowing their father, their grandfather and their relative to be available to society and to this Parliament in particular. There can be no doubt that this Parliament is much richer for his contribution over the years when he was a member. The New South Wales Parliament is the oldest working Parliament in the Commonwealth of Australia. It was the first Parliament to be established in Australia. Jack Beale's influence must be counted among the influence of the top half dozen individuals who have served in this Parliament in the context of their effect on society in the longer term. I again extend my sympathy to Jack's family.

Mr ANDREW HUMPHERSON (Davidson) [8.02 p.m.]: It is also my privilege to endorse the remarks of speakers who have preceded me and acknowledge the contribution to this State, this country and the world made by Jack Beale. I extend my condolences to his family, especially his son, David, and friends of the family who are present in the gallery. In June I was saddened to hear of Jack's passing and, as Jack was approaching his tenth decade, very surprised and disappointed. Indeed, his death was hard to believe because he was always so energetic and enthusiastic. Whenever I saw him in Parliament House, he seemed ageless.

Jack has left an amazing legacy. He has made an enormous contribution to the affairs of this State, as other members have attested. I pay a tribute to him as a champion of major projects, particularly the Snowy Mountains Hydro-Electric Scheme, and as a great visionary with regard to water resources management. He was also at every level a very effective and very great politician. Jack was this State's first environment Minister. He was a Liberal Party member of Parliament for the South Coast electorate for 31 years and in that time contributed not only to his local electorate but also to the State's affairs. From 1942 to 1973, he served in this Parliament, and that is an amazing term. He was a passionate and champion advocate for the Snowy Mountains scheme.

The Snowy Mountains Hydro-Electric Scheme, enormous though the project was, would not have become a reality if it had not been for the Jack Beales of this State. It is the benchmark for major infrastructure projects in this country to this day. It required people of vision, determination, advocacy skills and an understanding of how it could be delivered. Frankly, we need more Jack Beales in the future. We need people

who not only know what the problems are and how to deliver but also understand how to participate in the political process to ensure that the projects come to fruition. Jack Beale made an enormous contribution to the Snowy Mountains project and it is beyond doubt that we need projects of comparable scale to secure water resources in this country in the future.

As a Minister in the Askin government, Jack was Australia's first environment Minister and he held that position for eight years. Initially he was the Minister for Conservation and subsequently became the environment Minister. He initiated advanced laws to control air and noise pollution, waste disposal, water conservation and soil conservation. He was very proud of being Australia's first environment Minister. He was also very keen to point out to people throughout the length and breadth of politics that it was a Liberal Government that produced the first environment Minister. One of his legacies is the contribution he made to the environment. With his engineering background, he brought a very practical approach to matters pertaining to the environment.

Jack established the National Parks and Wildlife Service and the State Pollution Control Commission, which later became the Environment Protection Authority [EPA]. As a fellow engineer, I had many discussions with him about the lamentable state of infrastructure in this State, particularly concerning water resources. We also lamented the lack of vision, foresight and capacity of many decision-makers and their inability to look beyond the political cycle or the four-year term. One thing that should never be forgotten is that Jack looked beyond the political cycle to 10, 20 or 50 years ahead. We need more people like him to govern, especially for decision-making in regard to infrastructure and water resources.

Jack first knocked on my door when I was appointed the shadow Minister for the Environment in 2001. He introduced himself and was very encouraging and supportive. He offered me advice and thereafter he frequently knocked on my door when he was in Parliament House and we would have a chat. As the honourable member for Lachlan, Ian Armstrong, has already said, Jack was always positive and enthusiastic, supportive and encouraging. I have the privilege of hosting the Institute of Engineers fellows' luncheon a couple of times a year in Parliament House. Jack and David frequently attended and would knock on my door 15 minutes or so before the luncheon to ask about the story I was going to tell. I was always pleased he did that. If the circumstances had been reversed, I would have been a little reticent to knock on his door. Jack was a very amiable person and very approachable. He was a person who offered enormous support and was very positive.

It is important to note that Jack was also very well regarded in the engineering profession. Fellows of the Institute of Engineers Australia acknowledge that he was a very great engineer. He was across many fields of the profession and made a great contribution. I am sure I speak on behalf of the wider engineering profession when I say that Jack was regarded as a visionary and a trailblazer in engineering. He was a consulting engineer for approximately 63 years, which is an amazing span of professional service, and his contribution to the profession already has been mentioned in detail. When he was the Minister in charge of water resources, he was uniquely capable of not only managing the portfolio but at the same time designing, building and operating the dams and works for which he was responsible. He understood his portfolio from back to front. He was an initiator, a champion and an active supporter of water resources research in this country.

In 1955 he established the Water Research Foundation and was its Executive Chairman for 51 years, an amazing contribution. His contributions to Australian society were broad and included science and technology, resource development and engineering management. He had a vision for politics, another amazing contribution. Jack Beale should be remembered for being an energetic visionary. He achieved outstanding success as an engineer, businessman, scientist, and politician and as a generous benefactor. He made great contributions in a number of areas. His achievements and contributions have been acknowledged internationally.

I may be corrected, but I believe Jack Beale had some involvement in the design, and possibly the later construction, of extensions to this Parliament. If my memory serves me well Jack Beale had a fair bit of involvement in making sure that the facilities that we enjoy here, which were ultimately extended and renovated in the 1970s and which had been talked about for a long time, were eventually provided. He should be acknowledged for that also. Jack was always positive, approachable and encouraging. In effect, he was a mentor for the members who followed him. That does not happen too frequently around here. Many members who walk out of Parliament's door, voluntarily or involuntarily, do not look back. Jack was often here and became a mentor for many members of Parliament, particularly on my side of politics. I acknowledge that and thank him for it. He had a remarkable life, he was a remarkable man, a great Australian, and I am pleased to have the opportunity to pay tribute to Jack Beale.

Ms KATRINA HODGKINSON (Burrinjuck) [8.11 p.m.]: I also pass on my sympathy to the family of the Hon. Dr Jack Gordon Beale, AO, whose reputation was impeccable. I get the sense that he was larger than life, and there is no doubt that the respect he enjoyed from his colleagues in this place was second to none. As we have heard tonight, his environmental legacy will live on through legislation and the physical development of major infrastructure projects around the State. On reading the speeches given by Jack Beale in this place I noticed his maiden speech was given on 16 March 1943, in the middle of World War II. One of the first things he said in this place, on an interesting topic, was:

The man in the street is now placing a big question mark before such things as depressions, unemployment, poverty and malnutrition; all those social evils that disgrace our young democracy.

In the middle of a war that would have been a pressing issue. Today we do not really have to think about that in this place. We have a good standard of living, and this country is not at war. We have healthy and civil dialogue between the different political parties and between each other. However, on 16 March 1943 in the heat of battle during a war, things would have been different. We should look back and be grateful for what we have today; we should appreciate how our forefathers in this place fought for a better life for us. I am tremendously grateful for people such as Jack Beale, and for the wonderful life they have provided for my children and me. I know how hard they fought to make sure that we live in a better place, and that our democracy is a true and honourable place in which to live. During one of his contributions Dr Beale said:

I have always subscribed to the principle of a fair day's pay for a fair day's work.

I wish more people would subscribe to that extremely honourable philosophy, one we should all emulate. The documentary *2000 Outstanding People of the 20th Century* states that the Hon. Dr Jack Gordon Beale made a big impression on various countries that perhaps were not of the same level of prosperity as Australia. In fact, the former Prime Minister of India, Pandit Nehru, credited him with a "drought-proofing idea" which saved a million people from perishing from famine in one area of that country. What a man Jack Beale was.

As honourable members have already said, Jack Beale was a member of the New South Wales Legislative Assembly for 31 years. He served as Minister for Conservation from 1965 to 1971, as Minister for the Environment, the first in Australia, from 1971 to 1973, and as Minister Assisting the Premier and Treasurer from 1965 to 1973. He served from 1965 until 1971 on the Ministerial Australian Water Resources Council and Ministerial Forestry Council, which he had initiated in 1961 and 1963 respectively. I sense that Jack Beale was a special and honourable man. As a member of Parliament whose electorate covers much of the Snowy Hydro scheme, I thank him for his vision, his ingenuity and his passion to deliver key infrastructure projects to the people of New South Wales. The State is all the better for having had Jack Beale in a position of power. There is no doubt that his legacy lives on.

Members and officers of the House stood in their places.

Motion agreed to.

DEATH OF THE HONOURABLE KEVIN JAMES STEWART, AO, A FORMER MINISTER OF THE CROWN

Mr BOB DEBUS (Blue Mountains—Attorney General, Minister for the Environment, and Minister for the Arts) [8.15 p.m.]: I move:

That this House extends to Mrs Stewart and family the deep sympathy of members of the Legislative Assembly in the loss sustained by the death on 22 August 2006 of Kevin James Stewart, a former Minister of the Crown.

It is my honour to move the motion of condolence for Kevin James Stewart, a member of this House between 1962 and 1985, one of the most respected sons of the district of Canterbury, which he represented during all of that time. During the Wran Government Kevin Stewart was Minister for Health, Minister for Youth and Community Services and Minister for Local Government. He also served a term as Minister for Mineral Resources. He was awarded the Order of Australia in 1989 and after his retirement from politics he was Agent General for the State of New South Wales in the United Kingdom for a number of years. I am aware that he was an extremely popular member of the London diplomatic corps during that time.

A number of honourable members will speak of the life of Kevin Stewart. Perhaps I am now one of a quite small number of people who served with him and, in consequence, a person who was aware of the astonishing ebullience and wit of Kevin Stewart. Anyone who served with him could not fail to be aware of his

devotion to the Canterbury Bulldogs Rugby League Club, of which he later became president. I recall that when I was a very young member of Parliament Kevin Stewart was the Minister for Community Services. He came to Katoomba, in my electorate, to open an office of the Department of Community Services, the first that existed in that place. It was perhaps the first time that I had spoken to him at any length.

I recall him explaining to a group of people who were there to celebrate the opening of the office that it was somewhat different from the previous office that he had been in. He said that he had recently opened an office, gone in to inspect it, and found nobody there. He said that he had seen, however, that there was a large button on the wall, a bell to press, and he had done so. He said that nothing happened for a few moments, nobody from the department came to see him, but nevertheless someone came in from the pub next door with two schooners. That was the kind of observation one expected from him.

I was quite startled when he told that story, as was everybody else who attended what was thought to be a sober opening of a Department of Community Services office. I remember being told about another event that occurred when Kevin Stewart was attending a family lunch. I know that members of Kevin's family are in the gallery. I believe that Sunday lunches for the Stewart clan in the Canterbury district were famous institutions. Needless to say, there were large numbers of small children at those family gatherings. On this occasion a young woman knocked on the door and said, "Mr Stewart, I am collecting for Dr Barnardos", to which Kevin said, "Certainly, my dear, take as many as you like."

I was just saying to the honourable member for Mount Druitt that Kevin Stewart is the only person I have known in this Parliament who could match him for stand-up comedy. It was endless, it was amusing and it enlivened the life of this House. I know the honourable member for Lachlan will agree with me when I say that. We will always remember Kevin for it. We all remember the great friendships he had. In the early 1980s, or perhaps the mid-1980s, I recall that the honourable member for Lakemba, Vince Durick, the honourable member for Bankstown, Doug Shedden, and possibly one or two others were frequently in the company of Kevin and they were known collectively in this place as the Canterbury Road mob. Kevin was always the doyen of that group—a kind of uncrowned king of that whole part of Sydney and a representative of a tradition that, unfortunately, is almost gone.

I recall that Kevin rose from his position as a union official in the public transport area to become a member and then a senior Minister and a man of the greatest esteem. It is with the most intense affection that I remember Kevin Stewart. I wish his family the best memories of a man who lived life to the full, a man who achieved wonderful things and left behind him many monuments that will never be forgotten. But as I understood that man, the greatest monument of all was his family, the only thing that he loved more than the Canterbury Bulldogs Rugby League Club.

Mr IAN ARMSTRONG (Lachlan) [8.23 p.m.] It is with a heavy heart that I participate in debate on this condolence motion to remember the life of Mr Kevin Stewart, a former member of this House. I extend my sympathy to his widow, Jean, and to his family. Kevin Stewart was a member of this House and a Minister when I first became a member of Parliament on 19 September 1981. At the time he was Minister for Health and he sat on the end of the government frontbench. Kevin Stewart was many things, but I remember him as one of the last of the old working-class Irish with a fantastic sense of humour. He had great communication skills and a great love for life.

In many ways Kevin was one of life's characters and, therefore, a very effective member of Parliament and a most effective communicator. As the Attorney General said, Kevin made a major contribution to this House and to New South Wales. I will remember Kevin for many reasons. I had been a member of Parliament for only three or four months when, as bold as brass, I decided one night to speak in debate on a piece of legislation. Prior to that I had made only about two speeches. I got up, threw out my chest, thumped the rostrum and spoke about health. When I finished Kevin Stewart got up and carved me into very small pieces. Later, when we walked out of the Chamber, Kevin said to me, "Come and have a beer, son. That was your first lesson." It was a good lesson that stood me in good stead.

I got on well with Kevin and I enjoyed his company. Kevin had a sense of purpose. There were many sides to Kevin, but the one I admired the most was his sense of responsibility to his job. He was a very proud member of Parliament who liked people. Kevin never made any enemies. He made his points and managed his parliamentary business without being offensive or hurting anyone—an important skill in politics and in business. As the Attorney General said, after Kevin Stewart retired he was the Agent General in London. He and his wife, Jean, were gracious hosts. In 1987 I remember going to London on a Commonwealth Parliamentary

Association study trip, as they were called in those days. Every afternoon at about 4 o'clock Kevin and Jean used to put on afternoon tea. I remember going to two or three of those afternoon teas, which were most enjoyable. My health might not necessarily have been good the next day, but that was beside the point.

Kevin invited to his afternoon teas business people, members of Parliament and a broad cross-section of people from Commonwealth countries who were visiting London. It was a good opportunity to discuss anything from religion through to business and world politics. Kevin hosted great and enjoyable forums. If I ever wanted a ticket to go to the cricket Kevin would arrange that for me. I might have been at the back row and Kevin might have been at the front row, but that was beside the point—I was at the cricket, the tennis, or whatever. Kevin Stewart did his job very well. Society continually changes, which is to be expected, but we are the poorer for the loss of characters like Kevin Stewart.

Kevin was born into a railway family and he obviously battled. I think he attended three primary and secondary schools in the western suburbs but he did not receive any tertiary education. We need a few more people who understand how society works, who have a feel for society and who have a capacity to communicate in this Parliament. Kevin Stewart was one of those people. It is with a sad heart that I participate in debate on this condolence motion, but I am proud and thankful that I had the honour to serve in this Parliament with Kevin Stewart and that I knew him as a man and as a friend.

Mr RICHARD AMERY (Mount Druitt) [8.28 p.m.]: I join with the Attorney General and the honourable member for Lachlan in paying tribute to Kevin Stewart and extending condolences to Jean, to all of his family and to the friends who worked with him for so long. Even though I have spent some 23 years as a member of this House, I do not dare think that I am in a position to be a witness to the long and distinguished career of Kevin Stewart. Like the honourable member for Lachlan and the Attorney General, our time in this place overlapped by only two or three years. In that period and in the years after his retirement I got to know Kevin fairly well. Like so many, I always enjoyed his company, although in recent years that became fairly infrequent.

Joining the Labor Party in the 1970s as I did, names like Stewart, Hills, Mulock, Cox, Paciullo and many others were identified with what was New South Wales Labor and the rise of Neville Wran, first as Leader of the Opposition and then as our most successful Premier. Getting into Government in 1976 was a great team effort by Wran and a strong shadow cabinet. Kevin Stewart is written into the history of this place as a major player in that struggle and in our ultimate success in 1976, which started many years of Labor government. In fact, Kevin Stewart was a candidate for the leadership prior to the 1976 change of government. I do not know whether it is a secret, but my predecessor, Tony Johnson, who was then the member for Mount Druitt and later became the member for Riverstone, voted for Kevin in that ballot.

I would like to make a few observations about Kevin Stewart. Like other members, I got some great words about Kevin Stewart, courtesy of Phil O'Neill, from his former Chief of Staff, Jim Blackwell. When Kevin was appointed Minister for Health following Labor's election win on 14 May 1976—honourable members may recall that it took a long time to count the undecided and marginal seats—he used to say that it followed a 22-year apprenticeship. That is how long he served on the board of Canterbury Hospital in the days when every public hospital in New South Wales had its own board of directors. In fact, Mr Stewart served with distinction for 21 of those years as chairman of the board. The sad historical footnote is that Kevin passed away in that very hospital in the early hours of Tuesday 22 August 2006.

Kevin used his period of service on the Canterbury Hospital board to learn the Health portfolio thoroughly to the extent that he remains to this day among the most celebrated Ministers to serve in any portfolio in the history of the New South Wales Parliament. Yet much of the legislation that Kevin introduced in the first of four portfolios that he occupied during the 10 years he was a Minister in the Labor Government was controversial. Much of it brought him into conflict with the policies of the medical profession and other health professions of the time. Kevin's decision to recognise chiropractors as legitimate health professionals by introducing legislation to give them registration was bitterly opposed by doctors. The dental profession was similarly obsessive in its resistance to the granting of chair-side status to dental technicians.

But Kevin Stewart encountered strongest resistance when he issued a directive that beds be closed in inner-city teaching hospitals in order to fund hospitals and other contemporary health services in outer Sydney and in other major centres of population in New South Wales. My electorate of Mount Druitt and neighbouring electorates benefited from that groundbreaking policy change. This was the start of the decentralisation of health services in New South Wales. Many subsequent Ministers have made similar decisions but Kevin was the

groundbreaker in that area. As unpopular as the implementation of those kinds of policies was, it paled into insignificance when compared with Kevin Stewart's decision to honour an undertaking given when he was Opposition spokesman on health to appoint a nurse to the five-member Health Commission of New South Wales—and not just a nurse, but a woman! Even that decision was perceived to be controversial when Stewart bypassed the industrial elements of the nursing profession to appoint the apolitical Janet Noble to the position. Prior to her appointment, Ms Noble had been Director of Nursing at the Royal Alexandra Hospital for Children at Camperdown.

The then Premier, Neville Wran, confided to Kevin Stewart after he had served five and a half years as Minister for Health that he recognised that Kevin had weathered many storms and deserved a shift to something a little less arduous. Kevin resisted but, as the record shows, he went on to serve with distinction in portfolios such as Youth and Community Services, Mineral Resources, and Local Government. The honourable member for Murray-Darling, who is a strong advocate for local government—unlike me, who has never served in that area—wanted me to put on record that Kevin was the best local government Minister ever. That is a great tribute from the honourable member for Murray-Darling, who has been passionately attached to local government for many years and is a good judge of such things.

Much of Kevin's experience in dealing with the business end of these portfolios served him well during the nearly three years that he served as the New South Wales Agent General in London. The honourable member for Lachlan also mentioned his service in that office. I must also relate a story told to me by the former member for Seven Hills, Bob Christie, who suffered a heart attack while on a Commonwealth Parliamentary Association trip to the United Kingdom when Kevin was Agent General. The situation was serious, Bob was distraught and there was a lot of concern. Bob said that he cannot speak highly enough of the role that Kevin Stewart played in helping Bob return to Australia and in comforting him during that time of crisis.

Throughout his career highlights, and the few low lights that he experienced, Kevin Stewart was supported by his wife, Jean, and by their seven children—Anne, Frances, John, Margaret, Anthony, Mary and Helen. I think no-one could recall having a long conversation with Kevin when he did not mention Jean and the family. When Kevin married Jean Keating on 12 January 1952 he was still an officer of the New South Wales railways, where he worked in the pay office. I am told that he went to the railways with his Intermediate Certificate gained at the De La Salle College, Marrickville, which he attended after completing primary school at St Joseph's, Belmore and St Thomas's Christian Brothers School, Lewisham. In his railway job Kevin had the weekly responsibility of working out how many of each denomination of banknotes and coins were required to pay the railway workers in the division in which he was employed. He would then go off to the bank with a cheque and walk back to the office carrying hundreds of pounds worth of notes and coins of the realm and then sit down to fill the pay packets with the designated amounts. As we know, there were no electronic bank transfers in those days.

Much of Kevin's repartee and humour that has been mentioned in this place was picked up during his visits to Jury's Hotel in Dublin, where he attended the Saturday evening variety show that consisted largely of Irish jokes—some of them a bit risqué. I might mention one shortly. These ultimately became stock in trade for Kevin Stewart's sorties into the world of entertainment. This aspect of his persona endeared the Minister to everyone, except of course a few Opposition members who were the victims of his cutting wit in the House or in public.

The Attorney General and the honourable member for Lachlan have already described Kevin Stewart. However, when someone's name is mentioned two or three things always come to mind, and I would like to share some stories about Kevin with the House. I have three memories of incidents the like of which, unfortunately, are often related only during discussions of condolence motions. The first occurred in the mid-1980s when I was a relatively new member of the House, still finding my way around its various institutions. I was quite chuffed—a bit overawed, actually—to receive a telephone call at home from Kevin. He was involved in the parliamentary bowls clubs. It was a tradition of the club at that time during the interstate parliamentary bowls carnival, a very important event, for Labor members to get together on Wednesday night for dinner and a singalong. On this occasion the event was being held at the home of Kevin and Jean. Kevin said, "I want you to come along; the bowls carnival is a great institution, you are a new member and I want you to join." He concluded the call by saying, "And don't forget to bring your lovely wife, Marie, along."

We attended, not knowing what to expect, and joined not only members of the New South Wales group, such as Vince Durick, Wes Davoren, Richard Face, Brian Bannon and Bob Christie, but people from other States, such as Tom Burns and Neville Warburton, who were at one time Labor leaders of the Queensland

Parliament. Following that function I was worked on by a group of people, who had been set upon by Kevin Stewart, to join the parliamentary bowls club. I did, and, as president, I kept Kevin informed in more recent years of all the matches. I am pleased to say that, although Kevin did not come along very often, he played one or two matches with us. But I think he came along not to show off his prowess but to take the opportunity of meeting friends and former members of the House.

The second story I want to relate also happened in the 1980s. Kevin accepted my invitation to be guest of honour at the Riverstone SEC Annual Dinner, another great gala event. It was held at the Lethbridge Park Community Centre, a fantastic venue. When we think of the Opera House and the Entertainment Centre we think also of the Lethbridge Park Community Centre. It was a relatively small, council-constructed hall—they build them much bigger these days—with a small stage. On the night it was full to capacity with about 130 people, who were mostly my branch members from the Mount Druitt area.

The first time I came across Kevin Stewart's sense of humour was in that little hall, where as the local member I traditionally welcomed the guest of honour and thanked everyone for their attendance and those who worked at the function. I said what a great Government it was and what a lousy Opposition we had at the time. Kevin approached the microphone and thanked people in the usual way. He said nice things about me, the local member, good things about the Government and not so kind things about the Opposition. He then said to the audience "Hands up any council workers?" A few hands went up and Kevin, as the Minister for Local Government, said to them, "I am sorry, but you are not going to have a very good night." Kevin had the audience breaking up with laughter for more than 20 or 30 minutes and as a new member of Parliament I was surprised that a Minister could be so serious and professional and then break into humour and crack everybody up.

I still recall one yarn and, with the indulgence of the family and the House, I will tell it—although it might be a little risqué. Kevin told of a young attractive woman who came to see him in his office to complain about an employee on Canterbury council—I know members of the family have heard this. He said she had come from her home to his office and was slim and wore hotpants—that dates the joke—and a skimpy top, had long blonde hair and looked somewhat like a model. The audience in the Lethbridge Park community hall sat on the edge of their chairs and listened to every word Kevin said.

He said the complainant said, "I was out the front of my yard, Minister, pruning the roses when I saw a council worker on the other side of the road on a ride-on lawnmower mowing the grass." Kevin said, "Yes, what happened then? What's wrong with that? What was he doing wrong?" She said, "No, it's not that." She said, "I then approached him and said, 'Excuse me Mister, but if I gave you \$10 would you cut my nature strip?'" Kevin then said, "What's the problem with that? What did he say?" She said, "He turned to me, looked me up and down, and said, 'Love, for \$10 I'll also cut your underarms as well.'" I apologise to anyone who might be offended. Kevin told the joke much better. That was typical of a person who could play many roles. He told many other jokes.

The third point I want to record is more serious, and I am sure other members could recount many similar stories. Throughout the 1970s a campaign was conducted to establish the Mount Druitt Hospital. My predecessor Tony Johnson was at the forefront of that campaign. History shows that the hospital was opened by Her Majesty, in 1983 I think.

The Minister of the day was Laurie Brereton but Tony Johnson always quite correctly acknowledged that the Department of Health was never in favour of such a project and told me and anyone else who would listen that the Mount Druitt Hospital would never have been built had it not been for the role of Kevin Stewart and, I might add, his close association with Tony Johnson as the local member. Mount Druitt Hospital is now more than 20 years old and is strongly supported by the local community. I put on record that the Mount Druitt community recognises the Minister who gave that facility to it in the first place, that is, Kevin Stewart. I close by referring to the words of Jim Blackwell:

Kevin Stewart was the most cordial, unassuming and endearing man ever to wear the robes of high office...

He is survived by Jean, his seven children and their spouses, 24 grandchildren and two great grandchildren, five of his six siblings—Jack, Joan, Mary, Vincent and Margaret (his brother Frank predeceased him)—and a swag of nephews and nieces. To all of these he was just plain Uncle Kev, but in his highly successful professional life, as in his commitment to family, he was revered as a man amongst men; personable, dedicated, industrious, hilarious and, above all else, a thoroughly nice bloke. He loved life and shared that life with countless numbers of people who join in mourning the great sense of loss that is the passing of Kevin James Stewart.

Jean, to you and all the family: We all miss him greatly. We are all enriched by the memories and service he gave to this State.

Mr TONY STEWART (Bankstown) [8.44 p.m.]: On behalf of my constituents in Bankstown and my family I pass on my condolences to Jean and children, John, Anthony, Anne, Frances, Margaret, Mary and Helen and the 24 grandchildren and two great grandchildren. I have been to the Stewart household many times and on each occasion I have to find my way into the place because there is always a passing parade of family going in and out. I have always felt warm and welcome there, which is what families should be about. It has taught me a great deal about how the focus of a family should be in terms of community. There is not a day in my life when someone does not ask me, "Are you Kevin Stewart's son?" Of course, his son Tony is here and the same happens to him: everyone thinks he is the honourable member for Bankstown or I am Kevin Stewart's son. That has been a great luxury in my political career because it gives me a lot of credibility in what people think of me. Although I wish I were, I am not related to the Kevin Stewart family.

That has created some interesting situations in my life. In fact, I probably would not be in this Chamber if it were not for Kevin Stewart. I do not think he quite understood even though I related this story to him on a couple of occasions. My background was as a teacher and I was itching to get into a political career. When I was a teacher I was a union representative, or shop steward. I got involved in local politics but I never realised that a bloke called Kevin Stewart was not far away from where I lived at Lakemba. I was not very involved in the overall political scene at that stage but I applied for a job at a place called the Trade Union Training Authority [TUTA], a statutory authority of the Federal Government at that stage, that taught trade union members, delegates and shop stewards better union skills and provided them with a background to deal with management. I saw a job in the *Sydney Morning Herald* and applied for it. I was teaching at Leichhardt High School at the time. The interviewing panel for the job at TUTA was bigger than Ben Hur, with eight or nine people, one of whom was Laurie Short, a great legend in the trade union movement. After the interview Laurie said to me:

Look I'm really sorry. We can't give you the job that has been offered at the moment but we are going to offer you a secondment with TUTA for 12 months. You can get out of the job that you are in if you want to, come over here and work with us.

I thought it was terrific as it was the first time I had applied for a job out of teaching and thought I would have to apply for a number of jobs before I got one. When I started with TUTA, every day people would say to me, "How's your dad?" I would say, "He's pretty good." Probably about two weeks later the assistant director of TUTA, Brian Davies, cornered me in the storeroom and said, "Does your dad like London?" I said, "He really doesn't like pommies a lot and he has never been to England." The penny dropped and he said "What do you mean?" I said, "My dad lives in Bankstown." He said, "Isn't your dad Kevin Stewart?" I said "No, he's Jimmy Stewart."

Ms Linda Burney: The actor?

Mr TONY STEWART: No, James Cyril Stewart. He was an electrician. I remember the grey look that came over Brian Davies' face; TUTA had made a mistake and had assumed that I was the long-lost Tony Stewart who had somehow found his way into politics. For the life of them they could not contact Kevin Stewart, who was the Agent General London at the time, as it was too difficult or awkward. They thought that if Tony has turned up for a job they should look after him, so they looked after me and that is how I got my first job out of teaching. From then I had to prove myself but it was in Kevin's light that I moved into a different world and gained a perspective that allowed me to move towards the political career that I now enjoy.

When I was the candidate for the seat of Lakemba, the seat next to Canterbury, I went to Kevin for advice. It was straightforward, succinct and pragmatic, and very helpful to me on the street. He always had good anecdotes about people he had met and how to treat them. I recall, in about February 1995, putting up a campaign sign on Railway Parade, Lakemba. As I was doing that a little old lady came up to me and said, "That's you in the photo, isn't it?" I said, "It sure is," proudly continuing with putting the sign up. She said, "Tell your dad he's a wonderful man." I said, "I certainly will." That is how I lived my political career from there on. I never dared tell people, "He's not really my dad," because they would question me and say, "You don't know what you're talking about. Of course he's your dad."

This culminated about four years ago in my being interviewed by Ray Hadley on 2GB about an entirely different issue. Ray, who regards himself as something of a scoop artist, decided to pull on national radio the scoop that I was not really Tony Stewart. It had been perhaps alleged to him that I was really Muhammad Mustafa Khalid, who had changed his name by deed poll, moved into Lakemba, and decided to assume the

name of Stewart because it was the natural thing to do: here was a hero, a living legend, so I had taken the name in the hope of maybe making something of myself. It was not real hard to check out, but the check was not done. Of course, I quickly told Ray Hadley, "One of the few bits of dignity you get in the game of politics is your own father's name, and I am very proud to retain that; James Cyril Stewart is my father." That aside, it was still regarded as fact that I had assumed the name of Stewart, but by this time the story had been enlarged from moving into the area and using the name.

As I said, I am very proud to be associated with the Stewart family. I wish I were related, because it would be one of the greatest assets I could share with those with me today in the House. Jean, you can be very proud of what your husband has achieved; children, what your father has achieved; and, grandchildren, what your grandfather has achieved. He is a living giant amongst men. I say "he is" because he still is as far as I am concerned. The foundations that he put in place have made our future what it is today, particularly in my local area. I enjoy it, and I share it every day of my life as I walk around my area and talk to constituents. It really was Kevin and the foundation he put in place that made this happen.

I am very proud to be part of the proceedings tonight. As the honourable member for Lachlan said, this is a sad occasion; it is sad because we miss Kevin. But it is not sad that we celebrate Kevin's life—he was a giant amongst men, a man who was able to achieve more than anyone I have known in my life. I mean that dearly. When Kevin died I was in Tanzania, Africa, with John Ballesty, who, ironically, was the Secretary Manager of Canterbury Leagues Club. I was there with John to look at orphans and orphanages for Father Chris Riley's Youth Off the Streets. Our visit to Tanzania simply would not have happened without Kevin Stewart's imprimatur; he supported it and pushed it through the leagues club board. It was unusual, but he decided that it could and should be done—and there we were, supporting Father Chris Riley, through Canterbury Leagues Club.

While we were in Tanzania we knew that Kevin was critically ill in Canterbury Hospital. Every day, two or three times a day, we would phone back for news. When we phoned the morning he died we were told the news, and John and I shared a cuddle. The cuddle was about us sharing the life of Kevin. We were not unhappy, we were not sad, because we knew that Kevin had suffered some pain in his last months. We knew now that he had gone to a better place and, most importantly, that we could celebrate a life that was incomparable to any other. Tonight I share that with you. I am very pleased, proud, and humbled to stand in this place and celebrate the life of probably the greatest person I have ever met.

Ms LINDA BURNEY (Canterbury—Parliamentary Secretary) [8.53 p.m.]: Kevin Stewart was the member for Canterbury from 3 March 1962 until 31 December 1985. But Kevin never really retired. In the community of Canterbury, he was always active. His work for Canterbury Hospital has been mentioned this evening, as has his work for the Canterbury Bulldogs. He was larger than life, one of the great rocks of Canterbury. He had a great sense of humour. I often speak in this House about walking in the shoes of others. As the member for Canterbury, it is impossible to try to fill the shoes of Kevin Stewart. It will always be impossible, but it is a goal to work towards. It is both an honour and an enormous responsibility to walk in the shoes of Kevin Stewart.

Kevin was on the board of Canterbury Hospital and was chairman for approximately 21 years. He oversaw the new state-of-the-art Canterbury Hospital, which opened in 1997. As the honourable member for Bankstown said, it is a great irony, and perhaps a great comfort, that Kevin passed away in that very hospital.

I attended the mass in St Mary's Cathedral for Kevin Stewart. As I walked in with Kevin Moss, the member for Canterbury who succeeded Kevin Stewart, I was met by a wall of people who were there to celebrate the life of a great man and who stood with his wife, Jean, and his family. It was a great family affair. There were former Prime Ministers and former Premiers. The present Premier, Morris Iemma, was there of course, as were Paul Keating, Bob and Helena Carr, and Barrie Unsworth, along with many past and present members of Federal and State parliaments, and from both sides of politics. The beloved Bulldogs players were there. Prominent through that incredibly outstanding hour and a half, which will stay with me forever, were the family of Kevin Stewart.

On the back of the Order of Service is a photograph of Kevin and Jean, and 24 of their children and grandchildren. Among the wonderful parts of the service to celebrate Kevin's life were the Prayers of the Faithful. Each of Kevin's children spoke in the service. It was wonderful that they were all involved. John, probably your words are most appropriate for this House. John Stewart said this:

We pray for those in public life. May they serve, as Dad did, with compassion, loyalty and integrity.

Lord, hear us.

What we have heard tonight certainly told us that Kevin did that. The words "compassion, loyalty and integrity" are not often in evidence in today's cut and thrust of politics, but they are nonetheless important words for those of us who serve the public. Another wonderful part of the service was the inclusion of a well-known saying in the Order of Service. I read it again tonight because it gathers up everything that has been already said:

God grant me the Serenity to accept the things I cannot change
Courage to change the things I can
And Wisdom to know the difference

What a fitting tribute to the late Kevin Stewart. One of the hilarious things said at Kevin's service—I am not quite sure who said it—made me think I was going to laugh my head off. One of the children spoke about Kevin's pecuniary interests. He was asked by a journalist, "Do you have any other interests, Mr Stewart?" He replied, "Yes, livestock. I have seven children." I thought that was absolutely fantastic. It is wonderful that Phil and Jan O'Neill are here with us this evening, as they also are great stalwarts of the Canterbury area. In all the articles in our local paper the one word that travelled with Kevin Stewart was "stalwart". We would all absolutely agree with that. I have only been the member for Canterbury for four years, but in those four years people talk to you a lot, and I can honestly say that no-one has ever said a bad word about Kevin Stewart. It is the same in this House. It is a great achievement for someone in public life to retain his or her integrity and wisdom.

The one word that captures the spirit of Kevin Stewart is "generous". I was someone he had never met, yet I experienced it. He and Jean came to our Christmas drinks, he supported our fundraising, and he issued invitations to the Bulldogs rugby league games. Until I met Kevin Stewart I was not much of a rugby league person. He got me involved in football in such a way that I was able to follow it and understand it. This year has been very difficult for me, and Kevin and his family have rung on a regular basis to see how I am. It meant a great deal to me.

Jean and Kevin were married for more than 54 years. I am in absolute awe of people who have a love and respect for each other that lasts for so long. I am sure it would have lasted another 54 years, Jean, had there been the opportunity. Kevin Stewart knew what service was. He loved, and was loved, in Canterbury. He was from the old school. He was a gentleman and he was truly a man of the people. We can all spend 50, 60, 70 or even 80 years on this earth. Some of us make a difference, and some of us do not. But as you know, your husband, your dad, your pop made a difference. It is a great honour to leave this earth knowing that you have made a difference.

This evening I was coming through the foyer and Jean gave me a cuddle. She said, "We've stood in the same shoes." This year we have. But I did not have the 54 years she had. People tell me that if you have lost someone you love you never get over it, but you learn to accommodate it. I hope that is a comfort to Jean. Her support and Kevin's support of my family is something I will never forget.

The Dogs play on Friday night, and I hope they flog the living hell out of the Broncos. It will be a great legacy if the Dogs win this season. This is my prediction: I reckon they will do it for Kevin Stewart. He was a loved man. His legacy will live forever through his family. I know it will be honoured and protected by people who are extraordinarily honourable and great citizens of the wonderful electorate of Canterbury—wonderful because your father, your pop and your man were among those who built a city that is proud of itself, a city that holds its head high, a city that is important to Sydney. Canterbury is a lesser place for losing Kevin, but a greater place for having had him. My heart goes out to all of you.

Mr JOHN MILLS (Wallsend) [9.04 p.m.]: I bring condolences and greetings from Kevin's many admirers and friends in Newcastle and the Hunter. I have been in this place since the end of 1988, which is a fair while, but Kevin had left Parliament and was Agent General in London. I know he was a good mate of my predecessor, Kenny Booth. Jean and the family would know the stories about them. Ken used to tell stories to his State Electorate Council [SEC] delegates. I was one of Ken's admirers on his SEC for a long time. He would tell us stories about these larger-than-life people, and Kevin was one of them. He enjoyed Ken's company, and the respect was mutual. It is logical that because there were so many friendships around football and politics between Newcastle and Sydney in those days, the newly emerging Knights football club started to become dominated by players and coaches who had strong associations with Canterbury.

My predecessor Ken did not live long enough to see the Knights blossom and succeed in rugby league, but what he told us about Kevin and his strong contribution to the labour movement and policy in New South Wales, particularly health, means that his memory is treasured in Newcastle and the Hunter. He will always have our respect for his political and social contribution to life throughout New South Wales. To all of his family: our respects and condolences from Newcastle and the Hunter. May your grief be accommodated. We will remember Kevin Stewart as we remember our heroes from the labour movement in the Hunter for their contributions to government and the State.

Mr CHRIS HARTCHER (Gosford) [9.06 p.m.]: I join with other members in honouring the memory of Kevin Stewart, who was a great Australian and a great stalwart of the Australian Labor Party and the people of Canterbury. I never had the honour of meeting Kevin. However, I had the honour of meeting his brother Frank—who was the member for Lang for many years—through John Armstrong, who had been Lord Mayor of Sydney and a Senator for the Australian Labor Party in the 1950s. I spent a very pleasant week at Cronulla as a guest of the Armstrongs in the early 1960s. Frank came around and we had a great barbecue. I remember that he told me many stories about himself, life in Parliament, and life in the Australian Labor Party. It was quite an inspiring talk. I was very impressed to meet such a fine man.

Mr Milton Orkopoulos: Why didn't you join?

Mr CHRIS HARTCHER: It was when I came into this place I realised that they are not all like that. Would that they were. After that I took an interest in Kevin. I read about him as Minister for Health. When I came into this place I was told about his extraordinary wit. As a backbencher in the 1980s and 1990s I sat up the back. Repartee would flow across the Chamber. Again and again, senior members of the Coalition parties—Liberal and National—would tell me that no-one in this place was as good as Kevin Stewart. He was the king of repartee in the Parliament. He had the fastest wit and the wittiest wit. But it was never malicious. It was always very clever and very funny. I regretted that I was not around to hear what he had to say.

I once worked with Kevin, although all our communication was by telephone. I was a solicitor on the Central Coast, at The Entrance. An old couple from Canterbury who were moving to The Entrance wanted to sell their home, but the Department of Main Roads had decided to resume their home for road widening. Like all government departments, having decided to resume the land and therefore prevented anyone else from buying it, the department was laggard in effecting the sale. They were keen to buy a home at The Entrance. The father and husband had developed lung cancer and was dying, but he was absolutely determined to see his wife move from Canterbury up to The Entrance, where her family lived, and to know, before he died, that she would be safely settled. Kevin and I spoke a number of times over the telephone. At that time the Askin Coalition Government was in power. Kevin approached the Department of Main Roads, fought hard, and got the department, against its will, to co-operate. As departments do, Main Roads put up every excuse that we have all heard over the years, including that it did not have any money, that the resumption was part of its long-term planning, and that the department was waiting for a special allocation from Treasury.

Kevin fought the department all the way and was successful. The department purchased the couple's home, years ahead of when the department planned to acquire it, and the couple moved up to The Entrance. That was just a minor incident, but I was so impressed that a member of Parliament would strive in such a determined fashion. After all, he stood to gain nothing in terms of votes because the family was moving out of Canterbury and would not be able to vote for him any more. They were moving to the Central Coast, which was then a Labor stronghold, so I did not stand to gain, either. Kevin was so determined to ensure that this elderly couple was looked after that he gave massive amounts of his time and energy, and that was clearly the mark of the man and of his brother.

I hope Jean will forgive my retelling the famous story about the Mater hospital. Under Premier Wran, the Government decided not to proceed with its promise to rebuild the Mater hospital at North Sydney and instead to focus government resources on the Royal North Shore Hospital. Kevin was the Minister for Health at that time. For the benefit of those who may have forgotten, I point out that Bishop Muldoon was styled in the great tradition of the Irish bishops. He was a prince and he was a bishop, and nobody argued with him. I can still remember as a boy that when Bishop Muldoon entered a room, everybody stood, and everybody sat down only when he sat down.

Bishop Muldoon decided that he would not take lying down the Government's refusal to rebuild the Mater hospital. He described Neville Wran in his memorable phrase as "Pharaoh reincarnated", and got stuck into the Minister for Health, who happened to be Kevin. When the Minister for Health said, "Look, this is not an

anti-Catholic bias. After all, I'm a Catholic and the father of seven children", Bishop Muldoon replied, "Give me a strong Mason rather than a weak-kneed Catholic any day," which was so in keeping with the bishop's style. I was a lawyer at the Central Coast at that time. I remember that after Bishop Muldoon apologised for his statement and said he had not been referring to the Minister for Health, Jean said, "Well, who, in the context of his remarks, could he have been referring to, other than my husband?" Kevin was not prepared to take on the bishop, but Jean was. Jean stood up for her man and her family, and what a proud moment that must have been in the Stewart household.

I missed the opportunity to meet Kevin and to hear his wit in full flight, but he leaves a legacy of an example of a person who was deeply committed. The story of the couple who wanted to move to The Entrance demonstrates that Kevin was a man who was deeply committed to less fortunate people in his electorate and he was prepared to fight for them. He was a man who, all his life, was deeply committed to his religious faith and who stood up for his church and his faith. He was committed to his political cause, the Australian Labor Party. He was a man who had grown up hard in the times when many Australians grew up hard. He believed, as many Australians did in those days, that the Australian Labor Party was a vehicle for working-class people to attain their one opportunity at some success in life. He believed passionately in all of that, he lived all of that, and he achieved all of that.

Kevin and his brother were two great Australians and two great representatives of their electorate in the Canterbury area. They were two people who left an indelible mark, not only on their families but also on all those who had the honour to know them. I know that Kevin will rest in peace because good men do. I express my best wishes and my condolences to Jean and to all her family.

Mr SPEAKER: I join with the honourable the Attorney General, the honourable member for Lachlan, the honourable member for Mount Druitt, the honourable member for Bankstown, the honourable member for Canterbury, the honourable member for Wallsend and the honourable member for Gosford in extending my sincere condolences on behalf of this Parliament to Jean, to Kevin's children, Anne, Frances, John, Margaret, Tony, Mary and Helen, to his 24 grandchildren and his two great-grandchildren in a loss which we have all experienced. I note that this is the eve of Kevin's seventy-eighth birthday. Tomorrow he would have been 78. On behalf of those of us who had the privilege of knowing Kevin, I say sincerely that in every sense his passing is a sad loss.

As I look around tonight, I see a Chamber full of people and members who were contemporaries of Kevin—the Attorney General, the honourable member for Mount Druitt, the honourable member for Lachlan and me. I see people like Neville Wran, Jack Ferguson, Pat Hills, with whom Kevin sparred on many occasions, Peter Cox, Ron Mulock, Lin Gordon, Terry Sheahan, who spoke so eloquently during his eulogy at Kevin's mass, Ken Booth, who was at the opposite end of the Labor spectrum, Michael Cleary, who is a great joke maker, George Paciullo and Don Day, all of whom are great Labor Party legends. Not long ago, they were our contemporaries and they are all present in the Chamber tonight. I am sure that everyone present in the Chamber is wishing all the very best for Kevin and doing their best to ensure that Kevin passes away in the best possible style.

There are many of us who owe a lot to Kevin. A number of members have related personal recollections tonight and among the stories there were quite a few gems. On occasions like this it inspires me that we hear the best about people. It is sad that they are no longer with us and are not able to hear for themselves how much we really treasure them and how much they have meant to us in a very personal way. Every member tonight has spoken of some personal experience or some personal impact that Kevin has had on his or her life, and I am the same. There are so many things that Kevin did for me personally that nobody else is aware of, and I will touch on just a couple of them.

Kevin came into this Chamber after having defeated a sitting member at preselection. In the Labor Party that is not always the best thing to do. When he became a member of this House in 1962, he had defeated Canterbury's sitting Labor member of Parliament, Arthur Tonge. I also defeated a sitting Labor member, and I found it to be a very unpleasant experience. It was something I did in order to come into this Chamber. When I came here, there were many Labor people who turned their shoulder towards me and made my first few years in this House very hard. Kevin was not one of those people because he came to understand what it was like. He befriended me and helped me along when others said I had chosen a very tough road.

It was Kevin who gave me very early helping hands in my career. Today, as others have acknowledged, I celebrate 25 years as a member of this House and I celebrate being the father of the House along with my

colleague the honourable member for Lachlan, who also entered this Chamber for the first time 25 years ago today. For me it was a difficult time, but I survived that because of the friendship that Kevin gave me. I remember very well the lunches he used to have on Fridays in his ministerial office. I always felt very privileged to be one of the people to be invited to go along to those lunches. After what was sometimes a traumatic week in the Parliament, it was nice to let one's hair down on a Friday afternoon, and Kevin was in every sense a great host.

His jokes, his familiarity and his encouragement were always there. If anyone felt lonely at times, he was the one to pick them up and help them along. Sometimes I wonder how some of our newer members of Parliament survive, because we have become very isolated these days; there is not quite the same camaraderie that there was 20 or 25 years ago when I first came into this place. I would like to think that we will have other Kevin Stewarts, helping the newer members who need to feel a sense of belonging and need to feel there is someone there to pick them up. I would like to think that I could play a role in that regard, although it is very difficult. I try to do that to all members on both sides of the House. In doing that I remember those who gave me support and assistance; and certainly Kevin was foremost among them.

Another way in which I owe Kevin a very deep and personal tribute is that he and Eric Bedford—sadly, another great Minister, a great Labor Party legend, who recently passed away and about whom we will have something to say in the near future—resigned their ministries in December 1985 and created the two vacancies which in February 1986 enabled Kenny Gabb and me to go into the ministry. For that I am personally grateful because it enabled me to advance my career at that time. I can well recall the words of encouragement that Kevin gave me at that time, and the way in which he helped me and Ken Gabb in caucus to be unopposed into a ministerial position.

That has always been a deep and very personal debt I have felt to Kevin. In later years I was privileged to be able to attend his home for the famous Sunday afternoon barbecues, and they were great. Again, as a young man feeling somewhat lost in the big world of politics, it was very nice to be welcomed into a big family. The big family was not only the Labor family in a sense but also the Stewart family in the Canterbury area. Coming from Blacktown that was a little out of my way. I never knew the same bonding in the Blacktown area; we did not have a football code there in the same way that the Canterbury district had. Certainly it was wonderful to see that in Canterbury.

Kevin Stewart has left behind many great things. A number of members have referred to his wit and humour. Those of us who were privileged to be with him in Parliament can recall many moments. I remember one occasion when Kevin was Minister for Health and Ken Booth as Treasurer had brought in his budget. I recall Rosemary Foot, who was the shadow Minister for Health, taunting Kevin about how he could possibly get so many beds into hospitals with his budget. She said there was no way that that would happen because the budget he had delivered would accommodate only half the number of beds he had proposed. Kevin just nonchalantly turned back, looked at Rosemary, and said, "Rosemary, you missed the point completely. We are going to introduce double beds." That completely broke everybody up. I do not believe there are any double beds in any of our hospitals. But his retort just captured the moment and destroyed the entourage of interjection. Everybody cracked up, as we have now. That was an example of Kevin's humour, one of the many occasions that may go unrecorded. I remember precisely that specific moment. Again, it speaks volumes of the great man that Kevin Stewart is and will continue to be for this Parliament.

On behalf of all of us in this Parliament, including the Clerks at the table and all the staff of the Parliament who have no voice in this place—and it is a pity that they do not get the opportunity to speak on their own behalf, because I know they have their own feelings about so many of the members who come through here, and certainly many members of the staff in this Parliament remember Kevin with great fondness and admiration—I offer sincere condolences. Kevin was a friend of the staff and occasionally shared a beer with them—another theme that always comes forward about Kevin—particularly Mr Doug Wheeler, the former Clerk who has also gone to his maker.

On behalf of everyone here, on behalf of everyone who has spoken, on behalf of those who cannot be here today but who nonetheless are sitting around this Chamber, some of whom I have mentioned, on behalf of 25 years of representation in this Parliament, on behalf of the many thousands of people in the electorate of Canterbury who have benefited directly from Kevin's contribution to public office, on behalf of his family, on behalf of his State to whom he has done such grand service, thank you, Kevin. Sincere condolences to his family and best wishes to everyone.

Members and officers of the House stood in their places.

Motion agreed to.

CRIMES LEGISLATION AMENDMENT (GANGS) BILL**POLICE INTEGRITY COMMISSION AMENDMENT BILL**

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

ROAD TRANSPORT LEGISLATION AMENDMENT (DRUG TESTING) BILL

Bill introduced and read a first time.

Second Reading

Mr MATT BROWN (Kiama—Parliamentary Secretary) [9.28 p.m.], on behalf of Mr David Campbell: I move:

That this bill be now read a second time.

The purpose of this bill is to provide NSW Police with new powers to detect drug drivers and to create new drug-driving offences. The bill introduces random roadside drug testing and provides for drug testing of any driver, rider or supervising licence holder involved in a fatal crash. The bill amends the Road Transport (Safety and Traffic Management) Act 1999 and other legislation to ensure that motorists who take drugs and drive can be detected and penalised just as those who drink-drive. The incidence of drug-driving in New South Wales is alarming. A study on drug-driving commissioned by the Roads and Traffic Authority in 2003 found that 43 per cent of a sample of drug users in New South Wales admitted to driving while affected by drugs.

Fewer than three in 10 of these drug users thought it was likely that police could detect them for drug-driving. A 1999 report showed that 24 per cent of drivers killed in New South Wales in the years 1997 and 1998 were found to have drugs in their system. Random roadside drug testing is a road safety initiative designed to keep drug-drivers off our roads. The driving skills of motorists with active drugs in their system are affected. Drugs affect a driver's judgment, concentration, and ability to react quickly and appropriately. Stimulants like speed and ecstasy can also lead to aggressive driving and cause motorists to take risks they would not normally take. Drug-driving and its resulting trauma cause grief and distress not only for the victims themselves but also for their families and friends. People who have active drugs present in their system should not be driving on our roads.

Existing New South Wales legislation allows police to test for drugs in limited circumstances, where the police officer has a reasonable belief that a motorist may be under the influence of an illicit drug. The bill gives police the power to drug test drivers without prior evidence of impairment in two additional situations—randomly at the roadside or following a fatal crash. Let me begin by discussing that part of the bill that allows random roadside drug testing. Random roadside drug testing will be based on the successful model in place in New South Wales for random breath testing for alcohol. Following the introduction of random breath testing in New South Wales in 1982, the incidence of drink-driving sharply declined, fewer people were killed on the roads, and drink-driving became socially unacceptable.

This bill aims to achieve similar outcomes for drug-driving in New South Wales. I am confident that a reduction in road deaths and trauma will be achieved over time. The bill allows police to randomly test drivers for the presence of three illicit drugs in oral fluid. These are speed, ecstasy and THC, the active ingredient in cannabis. These drugs are illegal, they are the most commonly used drugs in the community, and they all affect the skills and sound judgment required for safe driving. The bill will make New South Wales one of the first jurisdictions in the world to conduct random roadside drug testing. Victoria introduced random roadside drug testing for THC and speed in December 2004, and South Australia commenced such testing in July this year.

In Victoria, police have tested more than 21,000 drivers since random roadside drug testing began, with 436 drivers confirmed to be positive for drugs by the Victorian analytical laboratory. This represents one in 49 drivers testing positive for illegal drugs. In Victoria, there was bipartisan support for the continuation and expansion of random roadside drug testing, which Parliament made permanent from July 2006. Victoria began testing for ecstasy from September and is increasing the penalties for driving with the presence of THC, speed or ecstasy. South Australia has also announced it will now test for ecstasy as well.

Recent advances in technology mean that police can now screen for certain drugs in saliva or oral fluid in a roadside environment. The Government undertook a rigorous expression of interest process for the selection of the most reliable oral fluid drug-screening devices to be used at the roadside. Only devices that met the strict

selection criteria were chosen for use in New South Wales. The devices chosen for use here are the same as those used in Victoria and South Australia. The bill gives police the authority to test anyone driving, attempting to drive, or supervising a learner licence holder.

Police will conduct the random roadside drug test through the window of the driver's car. The driver will be required to lick the test pad of the preliminary testing device. An indicative result will be known within a few minutes. Based on the experience in Victoria and South Australia, most drivers will test negative and will be able to drive away. Any drivers who test positive to this preliminary test will be required to undergo a second screening test in the police drug testing support vehicle at the scene. If this test is positive the driver will be prohibited from driving for 24 hours and the remaining oral fluid sample from this second test will be sent to the Government's analytical laboratory for confirmatory analysis.

Police will have the power to prosecute the driver for the new offence of driving with the presence of one or more of the three illicit drugs, if the result from the laboratory is positive. There will be no need for police to prove that a person's driving was impaired; it need only be proved that the drug was present in the person's sample. This sends a clear message to motorists that driving with any amount of these illegal drugs in the body is not tolerated in New South Wales. The bill also creates offences for failure to co-operate in tests and refusal to submit to tests. These offences are similar to those that already exist in relation to the drink-driving scheme.

A person who is physically unable to produce an oral fluid sample as directed by police—for example, because of medical inability—may be taken by police to hospital to have a blood sample taken by medical professionals. The blood sample will be analysed at the Government's laboratory for the presence of THC, ecstasy and speed. A person who has a blood sample taken in lieu of an oral fluid sample will be subject to the same penalties. The primary focus of police operations will be heavy vehicle drivers and locations where police intelligence indicates there may be drug use. A purpose-built NSW Police drug-testing support vehicle will initially be used to conduct random testing across the State. The introduction of the drug-testing bus is the first step in a planned rollout of random drug testing.

I turn now to the second major part of the bill, which enables compulsory drug testing of drivers, riders, and supervising licence holders following fatal traffic crashes. A fatal road crash is a very serious matter and often involves dangerous or illegal actions by one or more of the drivers involved. If drivers involved in fatal crashes have alcohol or drugs in their system when they crash, police should be able to gather that evidence and present it for consideration by a court when determining the driver's culpability for the crash. The bill permits police to require any driver, rider or supervising licence holder involved in a fatal traffic crash to be taken to hospital for the purpose of having a blood sample taken and tested for drugs. The blood sample will automatically be tested for drugs, regardless of whether the person is injured.

Police will not need to form any sort of reasonable belief that the driver is under the influence of drugs before proceeding with a blood test for drugs. The bill gives police a period of four hours from the time of the crash to obtain these samples. The analytical laboratory will analyse the sample for alcohol and a wide range of legal and illegal drugs known to impair driving. Based on the results of the drug analysis the driver may be charged with driving under the influence of drugs. The penalty for this offence is a maximum fine of \$2,200, at least six months licence disqualification, and gaol for a maximum of nine months. If a driver is charged with driving under the influence of drugs, the evidence can be used to support a further charge of dangerous driving occasioning death.

The bill also creates the new offence of driving with the presence of cocaine or morphine, if identified as resulting from heroin administration, in blood or urine. The penalty for this offence is a maximum fine of \$1,100, and three to six months licence disqualification. This offence is consistent with the other aspects of this bill which take a clear zero tolerance approach to drug driving. This additional drug presence offence can be used to detect and prosecute drivers who have been blood tested and found to have one of these other two illicit substances in their system when driving. During the consultation process on this important bill, consideration was given to minimising the impact on hospital emergency departments of the additional blood sampling after fatal crashes. I must emphasise that the number of extra blood samples to be taken at any one hospital will be minimal. To ensure that this is the case, the bill will allow prescribed sample takers to take blood samples from uninjured, arrested drivers. The Government will contract private pathology service providers to come to hospitals and take samples.

The Government will pay for the new drug testing arrangements by using funding from NSW Health drug budget 2 and by increasing driver licence fees by \$2. This is a small price to pay to remove drug-drivers from our roads. The Government will conduct a review of the legislation after 12 months to ensure it is achieving its objectives and that these objectives remain valid. A report on the review will be tabled in both Houses of Parliament. Drug-drivers are a threat to everyone using New South Wales roads and these tough new powers are about removing this threat from New South Wales roads. The new laws will allow the Iemma Government to be as tough on drug-drivers as it is on drink-drivers. The bill is consistent with the Iemma Government's commitment to law and order, and to ensuring that New South Wales roads are safe for all road users. I commend the bill to the House.

Debate adjourned on motion by Mr Russell Turner.

BAIL AMENDMENT (LIFETIME PAROLE) BILL

Bill introduced and read a first time.

Second Reading

Mr BOB DEBUS (Blue Mountains—Attorney General, Minister for the Environment, and Minister for the Arts) [9.40 p.m.]: I move:

That this bill be now read a second time.

The purpose of the Bail Amendment (Lifetime Parole) Bill is to amend the Bail Act 1978 to provide for a presumption against bail for people who are on life parole and who are charged with a further offence carrying a penalty of imprisonment. This is a targeted amendment that will apply to a small group of prisoners who have had a life sentence imposed upon them but who have been released on parole for the rest of their life. To be on parole for life a prisoner must have been sentenced to imprisonment for life before the introduction of the so-called truth in sentencing reforms, which commenced in 1989, and have had their life sentence redetermined under the transitional provisions. This category of person is quite unlike any other group in society. The community might reasonably expect that lifetime parolees, following release from prison, should make every effort not to come into contact with the criminal justice system again.

I will now outline the provisions of the bill. The amendments to the Bail Act are contained in schedule 1 to the bill. Item [1] inserts proposed new section 8E into the Bail Act. The new section imposes a presumption against bail on any person who is accused of an offence for which a penalty of imprisonment may be imposed and who is serving a sentence of imprisonment for life and is on release on parole. The new section applies to persons who have been released on parole after having had non-parole periods determined by the Supreme Court under the Crimes (Sentencing Procedure) Act 1999, which applies to life sentences imposed during a particular period.

Item [2] of schedule 1 amends section 9 to make it clear that the presumption in favour of bail does not apply to people to whom proposed section 8E applies. Item [3] amends section 9D to make it clear that the presumption against bail under that section will still apply to people to whom proposed section 8E applies who are accused of serious personal violence offences. Item [4] amends section 32 to make it clear that the criteria for determining bail apply to people to whom proposed section 8E applies. Item [5] amends section 38 of the Act to require the reasons for granting bail to people to whom proposed section 8E applies to be recorded immediately. Item [6] inserts part 17 into schedule 1 of the Bail Act so that the changes made by this bill apply to a person who is accused of committing an offence before the bill commences if a person is charged with the offence on or after that commencement. The bill is a measured response to ensure that if life parolees come before the courts again they will bear the burden of convincing the court that bail should be granted. I commend the bill to the House.

Debate adjourned on motion by Mr Russell Turner.

PROFESSIONAL STANDARDS AMENDMENT (DEFENCE COSTS) BILL

Bill introduced and read a first time.

Second Reading

Mr BOB DEBUS (Blue Mountains—Attorney General, Minister for the Environment, and Minister for the Arts) [9.44 p.m.]: I move:

That this bill be now read a second time.

New South Wales is the leading jurisdiction in Australia with respect to professional standards legislation. New South Wales has had professional standards legislation in place since 1994, and it was followed by Western Australia in 1997. In the past few years all other States and Territories have enacted professional standards legislation based on the New South Wales Act. This followed decisions by the Insurance Ministers Forum and the Standing Committee of Attorneys General in 2003 to implement nationally consistent professional standards legislation.

Professional standards legislation was one of a number of strategies adopted by governments across Australia to address the ongoing availability and affordability of professional indemnity insurance. Professional standards legislation facilitates the capping of occupational liability while also protecting consumer interests through requirements for insurance and the implementation of risk management strategies and complaints and disciplinary procedures. In New South Wales there are presently eight schemes approved under the Professional Standards Act. These schemes cover accountants, legal practitioners, engineers, surveyors and valuers.

The Professional Standards Amendment (Defence Costs) Bill implements a decision of the Standing Committee of Attorneys General to enable professionals who are members of schemes to hold either costs-inclusive or costs-in-addition insurance policies. Costs-inclusive policies are inclusive of defence costs, while costs-in-addition policies cover defence costs in addition to the indemnity amount. The Professional Standards Council, which is the independent body that approves schemes under the Act, has received legal advice that the current wording of the Act means that only costs-in-addition policies are acceptable under the Act.

New South Wales solicitors hold costs-inclusive policies and other professionals who are members of schemes also hold such policies because they are more widely available in the market. The bill will amend the Act to give flexibility for professionals to hold either costs-inclusive or costs-in-addition policies. Consumers will not be disadvantaged if they deal with a professional holding a costs-inclusive policy because the professional's maximum liability to the consumer will be the amount of the cap applying to the professional. That is, defence costs will not erode a defendant's liability for damages to a successful plaintiff.

I now turn to specific provisions in the bill. Item [1] of schedule 1 inserts a definition of "costs" into the Act. Item [2] replaces the existing definition of "damages" in the Act with a more comprehensive definition. Item [3] inserts a definition of "amount payable" under an insurance policy to include defence costs where those costs are payable out of the one sum insured under the policy, and any excess payable under the policy. Sections 21, 22 and 23 of the Act provide, respectively, that liability may be capped by insurance arrangements, by reference to the amount of business assets or by a multiple of the fees charged. Items [4] to [7] of schedule 1 reframe sections 21, 22 and 23 by using the new definition of "amount payable" inserted by item [3].

Item [9] inserts proposed new section 26A into the Act to make it clear that a professional's liability to a client cannot be less than the cap applying to the professional where the professional holds a costs-inclusive policy. Item [10] applies the amendments in the bill to schemes already in force and validates those schemes. It also applies the amendments to proceedings pending before a court. This bill is strongly supported by the Professional Standards Council. It is also supported by key professional bodies, including CPA Australia, the Law Society of New South Wales and the Law Council of Australia, which were consulted during the drafting of the bill. I commend the bill to the House.

Debate adjourned on motion by Mr Russell Turner.

SUCCESSION BILL

Bill introduced and read a first time.

Second Reading

Mr BOB DEBUS (Blue Mountains—Attorney General, Minister for the Environment, and Minister for the Arts) [9.50 p.m.]: I move:

That this bill be now read a second time.

Succession laws, or laws relating to wills and the administration of estates, were imported into the Australian colonies from English law. Over time the succession laws applying in each jurisdiction changed and diverged,

with the result that there was little consistency between succession laws across the States and Territories. In 1991 the Standing Committee of Attorneys-General [SCAG] initiated the uniform succession laws project. The objective of this project is to develop model legislation to be used as the basis for reform by Australian States and Territories with a view to each jurisdiction adopting uniform, or at least consistent, succession laws. Having uniform or consistent succession laws is expected to make it easier and less costly to administer the estates of people who have moved between, or who have held assets in, different jurisdictions.

In 1995 the National Committee for Uniform Succession Laws, chaired by the Queensland Law Reform Commission, was established to examine four discrete areas of succession law—the law of wills, family provision, intestacy and the administration of estates. In December 1997 the national committee presented a final report to SCAG on the law of wills. The Law Reform Commission in each State and Territory then released the report. The New South Wales Law Reform Commission released report No. 85 on the law of wills in April 1998. The Law Reform Commission reports contain a model wills bill. The model bill was generally based on the Victorian Wills Act 1994, which in turn was based on a bill contained in the Victorian Parliament's Law Reform Committee's 1994 report, "Reforming the Law of Wills."

The Succession Bill largely mirrors the model bill. It also adopts some of the adjustments made in other jurisdictions as they have implemented the model bill. Victoria, the Northern Territory, Queensland and Western Australia have implemented the model bill. The bill will replace parts 1 and 1A of the Wills, Probate and Administration Act 1898 other than sections 30 and 31. The Wills, Probate and Administration Act will be renamed the Probate and Administration Act 1898 and its remaining provisions will continue in force. Some people have queried why the bill is called the Succession Bill rather than the Wills Bill, as it only contains provisions relating to wills. The title is necessary as in the future it is intended to include other provisions relating to the law of succession in the Act. These provisions will be included as New South Wales implements the other Law Reform Commission reports relating to succession.

The bill makes a number of important changes to the law of wills in New South Wales, namely: making provision for court-authorised wills for people who lack testamentary capacity; giving statutory guidance to the court when it considers authorising a minor to make a will; including new rules about beneficiaries who witness wills, survivorship, who is entitled to see a will on the death of a testator and the deposit of wills with the court; revising the law on foreign wills; and including provisions relating to the admission of limited evidence to aid in the interpretation of wills. I will highlight some of the key changes made by the bill that bring the law of wills into the twenty-first century.

In relation to court-authorised wills for persons lacking testamentary capacity, clauses 18 to 26 of the bill expand the Supreme Court's jurisdiction by enabling it to authorise the making, alteration or revocation of a will on behalf of a person who lacks testamentary capacity. Testamentary capacity is essential to the making of a valid will; it requires a testator to know and understand the nature of what they are doing. The testator must also understand the extent of the property they are dealing with by the will and be able to comprehend and appreciate the claims to which they ought to give effect.

A person who lacks testamentary capacity may never have had the capacity to make a will or may have lost capacity, for example, due to injury or disease. Currently when the person dies, their property is distributed according to the intestacy rules. In the case of a person who has lost capacity, the person may have previously made a valid will which is no longer appropriate due to a change of circumstances, for example, the subsequent birth of a child not mentioned in the will. In those circumstances, the child would have to bring a family provision application for a share of their parent's estate. There is no restriction on who can apply for a court-authorised will for a person lacking testamentary capacity. Having regard to interstate experience, it is anticipated that most applications will be made by the person's spouse, family member or guardian. Important safeguards are built into the process for applying for a court-authorised will. An applicant must first seek leave of the court to apply for an order. The requirement for leave is intended to perform a screening function to allow only adequately founded applications to proceed.

A leave application must be accompanied by comprehensive material including evidence of: the person's lack of testamentary capacity and the likelihood of acquiring or regaining it; the size and character of the person's estate; the person's testamentary wishes; the terms of any previous will; the likelihood of someone bringing a family provision application in respect of the person's estate; the circumstances of any other person for whom the person lacking testamentary capacity might reasonably be expected to make provision for under a will; and any other persons who might be entitled to claim on intestacy. Requiring the applicant to provide such detailed information at this stage will enable the court to gauge the dimensions of the application at an earlier

stage of the process. There will be an opportunity for persons with an interest in the proceedings, such as the person alleged to lack testamentary capacity, family members, et cetera, to be separately represented and heard at an application for leave hearing.

The court cannot grant leave unless satisfied that: the applicant is an appropriate person to make the application; adequate steps have been taken to allow all persons with a proper interest in the application to be represented; there are reasonable grounds for believing the person does not have testamentary capacity; the applicant's testamentary proposal is, or may be, what the person would have done if he or she had testamentary capacity; and it is, or may be, appropriate for an order to be made in relation to the person. Once leave has been granted, the next stage is for the court to consider the actual application. In this regard, the bill allows for the merger of the leave application and the application proper. When it considers the actual application, the court may consider any of the information given to it in support of the application, may inform itself of any other matter in any manner it sees fit and is not bound by the rules of evidence. The will must be signed by the Registrar of the Supreme Court and retained by the registrar until further court order, or the person dies or acquires or regains testamentary capacity.

This new aspect of the court's jurisdiction also applies to minors; it is intended to complement the court's jurisdiction in respect of competent minors. This means the court can make a statutory will for a minor to whom the court cannot otherwise give authorisation because the minor lacks the requisite degree of understanding, for example, because of immaturity or because of a particular incapacity. Many aspects of the bill reinforce previous reforms to shift the emphasis from matters of "form" to the intent of the testator; it moves us from a system where formalities were paramount to one where the court has greater discretion to interpret the testator's intentions. This underlines the policy thrust of the bill: that the greatest possible effect should be given to the testator's intentions.

I turn now to court-authorized wills for minors. Clause 16 of the bill gives statutory guidance of the matters that the Supreme Court may consider when authorising a minor to make a will. Before exercising this jurisdiction, the court must be satisfied: that the minor understands the nature and effect of the proposed will; of the extent of the property to be disposed under it; that the will reflects the minor's intentions and that it is reasonable in all the circumstances that the order should be made. The Registrar of the Supreme Court must be a witness to the will and must retain it in safe custody.

I refer to new rules about beneficiaries who witness wills. Clause 10 of the bill changes the interested witness rules that operate to disqualify the spouse of an attesting witness or a person claiming under the spouse of an attesting witness from benefiting under the will. These rules are usually justified on the basis that allowing a spouse of a beneficiary to witness a will provides an opportunity for the person to exert undue influence over the testator. Unintended consequences flowed from the application of these rules. For example, wills have been witnessed by spouses of persons who were not contemplated at the time of execution as being a potential beneficiary, but who through the passage of time became a beneficiary because others died before the testator. The rule meant that any dispositions to these witnesses failed. To address this, the bill provides that a gift to an attesting witness or interpreter for a will is void: unless the court is satisfied that the testator knew and approved the making of the gift and the gift was made freely and voluntarily; or all of the people who would benefit if the gift to the witness was void consent to the witness receiving the gift; or there are at least two other witnesses to the will who do not receive a gift under the will.

I refer to the anti-lapse rule. Clause 41 replaces section 29 of the Wills, Probate and Administration Act, which contains the anti-lapse rule. The anti-lapse rule provides that a benefit left to children or other issue by a will does not lapse if the person fails to survive the testator. Instead the gift passes to the children who survive the original beneficiary. I refer to the law relating to foreign wills. Clauses 47 to 50 essentially restate part 1A of the Wills, Probate and Administration Act. However, the definition of "internal law" has changed slightly to reflect the definition used in other jurisdictions.

I refer to new rules about who is entitled to see the will of a deceased person. As a general principle, only a named beneficiary has a right to see the will. The bill inserts a new provision in the Act that will require the person who has custody or control of a will of a deceased person to allow certain categories of people to inspect the will and copy it. The entitlement extends to a part of a will and to purported wills and revoked wills, and parts thereof, as well as copies. These testamentary instruments can be significant to the determination of questions concerning, for example, the testator's capacity, undue influence or interpretation.

The provision is intended to ensure that persons with a proper interest can see the contents of a will prior to the will's admission to probate, upon which it becomes a public document. Providing individuals with a right to see the will may assist those who wish to make a claim against the estate, for example, dependants of the deceased person who wish to make a family provision application. The categories of persons eligible to access a will represent persons considered to have a proper interest in the will, for example, possible beneficiaries or other claimants against the deceased's estate, such as a person entitled to make a family provision application. The provision will apply to all wills, regardless of when they were made.

I refer to savings and transitional arrangements. I stress that valid wills made prior to this legislation will continue to be effective. People do not have to remake their wills just because we have a new Act. However introduction of this legislation is a good reminder for people to make a will or to review their will. A large number of people do not have a will, even though they may own property or have children. Other people may have made a will many years ago when their circumstances were very different. It is important to have a will. A will allows a person to say how he or she wishes to have their property distributed after their death. If someone dies without a will, their estate is distributed according to the intestacy rules, which may not reflect the person's wishes.

I refer to implementation and education arrangements. The bill will have a wide impact on the people of New South Wales. It is important that people are made aware of the impact of its changes. My department has formed a committee to plan how to implement the bill and educate the legal profession and community about the changes. The committee includes representatives from the Supreme Court, the Public Trustee and trustee organisations, the legal profession, legal educators and government. I expect that it will take some months to complete these preparations. The bill will commence once these preparations are complete. This bill reforms and modernises the law of wills in New South Wales. It represents a step closer to achieving consistency of succession law across Australia. It is my hope that more people will be encouraged to make wills and to keep them up to date. I commend the bill to the House.

Debate adjourned on motion by Mr Russell Turner.

FAIR TRADING AMENDMENT BILL

Message received from the Legislative Council returning the bill without amendment.

The House adjourned at 10.04 p.m. until Wednesday 20 September 2006 at 10.00 a.m.
