LEGISLATIVE ASSEMBLY

Thursday 16 November 2006

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

Mr Speaker offered the Prayer.

Mr SPEAKER: I acknowledge the Gadigal clan of the Eora nation and its elders and thank them for the custodianship of country.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Mr PETER DEBNAM: I seek leave to suspend standing and sessional orders to permit the introduction and passage through all its stages of the Parliamentary Contributory Superannuation (Criminal Charges) Bill.

Leave not granted.

CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) MISCELLANEOUS AMENDMENTS BILL

COMPANION ANIMALS AMENDMENT BILL

HOME BUILDING AMENDMENT (STATUTORY WARRANTIES) BILL

WORLD YOUTH DAY BILL

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

UNPROCLAIMED LEGISLATION

Mr SPEAKER: Pursuant to standing orders, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 17 November 2006.

VICTIMS SUPPORT AND REHABILITATION AMENDMENT BILL

Second Reading

Debate resumed from 14 November 2006.

Mr CHRIS HARTCHER (Gosford) [10.03 a.m.]: The Victims Support and Rehabilitation Amendment Bill arises from a statutory review of the Victims Support and Rehabilitation Act 1996 and various cognate Acts. The support of victims in New South Wales remains a serious and ongoing government and community responsibility. There is genuine concern that the legal system continues to look more to the accused than it does to victims. It is welcome then that the statutory review recommended various proposals to extend the rights of victims to compensation. It recommended to extend the rights of victims to claim for psychological and psychiatric injury; to extend the number of people in a victim's family who can make application to half brothers and half sisters and, in appropriate cases, to grandparents; to make allowances for payments such as funeral expenses; and to make allowances for an assessor to make certain determinations. All these changes are unexceptional and none of them are opposed.

The New South Wales Coalition continues to push, as it has over a long period, for proper acknowledgement of victims rights and proper compensation for those in society who are victims of crime. The Carr and Iemma governments have failed to address many of the fundamental and underlying issues relating to victim support. Only last week we read about the case of the Nam family in western New South Wales. The

accused, Mr Pestano, the person responsible for terrorising them, set out on a systematic campaign to frighten them, to cut off their electricity and water, to encircle their home, and to build fires around the place—all in an attempt to evict them from the premises. When Mr Pestano was shot by Mr Nam, who was exercising self-defence for himself and his family, the Pestano family estate received the benefit of $50,000 under the Victims Compensation Scheme.

An ongoing concern of the community is that money that should be going to genuine victims continues to go to people who simply purport to be victims. The Government allowed many criminals in gaol who were assaulted to make application under the scheme, but that was finally cut back only after enormous public outcry. Yet we still have cases like the one to which I have just referred. I suppose the Government's reply will be that Mr Pestano had not been charged or convicted with any offence and, therefore, he was a victim. Clearly, the legislation must be amended to ensure that when a person engages in a course of criminal conduct, even if that person is now deceased, he or she should not be able to benefit from that criminal conduct. There is nothing new in that. It has been a fundamental precept of common law since time immemorial that no-one can benefit from his or her crime.

That precept has been upheld in all Commonwealth countries and in the United States of America. Yet we have cases such as that which occurred only last week when Mr Pestano's estate was able to benefit from conduct that, effectively in his case, was criminal, and that tragically ended in his death. Nonetheless, that should not have entitled him or his estate to any compensation at law. As I said earlier, the Coalition is not opposed to this legislation. I place on record matters such as the one I referred to relating to the Nam-Pestano problem. I acknowledge that there is ongoing concern amongst victims of crime that, despite the statutory provisions relating to counselling, it is not always available. That is a logistic matter but it is something that the Government must address.

The Government cannot come into this Chamber, pass legislation and say, "You will be entitled to counselling for a two-hour period", as this legislation does, when no counselling is provided or available. That is especially the case in country areas. If people are to exercise their right to counselling they are often required to travel very long distances, which is simply uneconomic or impractical for them undertake. We need better reporting of the effectiveness of counselling, of the number of people who take it up, and of the ongoing results. Appropriate studies should be done about what happens to victims of crime.

I realise that that matter is not necessarily addressed in this bill but the bill arises from the statutory review of the victims of crime legislation. That is why it is appropriate that I raise the issue in this forum and in this debate. No study was done on what happens to victims, how they are dealt with by the system, whether they feel satisfied from the system, whether they believe that the compensation has been of real value to them, how speedily it was obtained, and how effective the counselling was. All those sorts of matters need to be better researched and the results collated so that we have a much better database to work from for future planning on the treatment and assistance given to victims. Having made those few remarks, I again indicate that the Coalition does not oppose the bill.

Mr PAUL McLEAY (Heathcote—Parliamentary Secretary) [10.11 a.m.], in reply: I thank honourable members for their contributions to the debate. The Victims Support and Rehabilitation Amendment Bill implements most of the recommendations of the five-year statutory review of the Victims Support and Rehabilitation Act. It makes a number of changes to the Act and includes a range of new benefits for victims of crime. The expansion of the compensation scheme will provide welcome financial relief from some of the expenses that victims incur as a direct result of the crime.

Victims of domestic violence and sexual assault will also benefit directly from the bill: they will have better access to the compensation and the counselling schemes established under the Act. The reimbursement of funeral expenses, even where there is no eligible family victim, will help to cover the funeral costs paid by an extended family member or friend. The bill enhances the operation of the approved counselling scheme and will ensure that victims of crime continue to have ready access to free counselling in most cases, up to a maximum of 20 hours. The Government is proud of its record of achievement. We will continue to listen to victims and their support groups to ensure that the services that we provide are of the highest quality and meet their needs. I commend bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

PARLIAMENTARY ELECTORATES AND ELECTIONS AMENDMENT (CHILD SEXUAL OFFENCES DISCLOSURES) BILL

Second Reading

Debate resumed from 15 November 2006.

Mr PETER DEBNAM (Vaucluse—Leader of the Opposition) [10.13 a.m.]: It is unfortunate that we have to talk about this bill today but it is a reality in New South Wales after 12 years of Labor. At the outset I say that the Coalition will not oppose the bill but we need to talk about why it has come about. The object of the bill is:

> To amend the Parliamentary Electorates and Elections Act 1912:
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> (a) to require candidates for election to Parliament to declare whether they have been convicted of the murder of a child or a child sexual offence or have ever been the subject of proceedings for such an offence or the subject of an apprehended violence order for the purposes of protecting a child from sexual assault, and
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> (b) to make it an offence, punishable by imprisonment for up to 5 years, to make a false declaration, and
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> (c) to require the Commission for Children and Young People to audit the declarations for accuracy and to report on the audit to Parliament, and
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> (d) to make other consequential amendments to that Act.

As we discuss this bill we obviously need to be very careful: there are charges pending and court cases to proceed. But if you go to the heart of the matter the fact of this issue is that the Labor Party does not check its candidates.

Mr Gerard Martin: Do you?

Mr PETER DEBNAM: We actually do a very solid check on all candidates who present themselves to the Liberal Party and for election to the Parliament of New South Wales. What has become apparent is that the Labor Party does not. In the Labor Party it is a matter of which union you are in or which family you are related to. That is how you actually get into Parliament. That is a sad indictment on the state of the Labor Party today. Somebody wrote to the newspapers in the last few days saying they had been a Labor voter all their life and will be a Labor voter in the future but will not vote Labor this time. The reason given in that letter is that they think the Labor Party needs a total clean-out.

That is why I have made the point this week that the Government is rotten to the core, absolutely rotten to the core. It has been demonstrated week after week that after 12 years the rot has set in and the rot is now rising to the surface. There is nothing members opposite can do to escape the fact that the rot is showing up day after day, week after week. Carl Scully stood in this House on 31 May 1995 and in his first speech as Minister spoke about the reintroduction of ministerial accountability in this House. Since then Labor members have totally ignored any sense of responsibility to the community and any sense of ministerial accountability.

As I said, we will not oppose the bill but the fact of the matter is that it highlights the fact that the Labor Party does not check candidates. The Labor Party does not check Ministers. It simply depends on who you are mates with as to whether you end up on the front bench. What we do is work on talent. We look through the candidates who offer themselves for election to Parliament. We do a check on them and it is only after we are satisfied with the results of that check that they can run as a candidate. When we choose candidates for the front bench we assess their talent and their ability to take the fight up to the Government and represent the interests of the people of New South Wales. It is on the basis of merit. This bill again shows that the Labor Party is only good at addressing the headlines; it is not addressing the issues.

Mr SPEAKER: Order! The honourable member for Bathurst will cease interjecting.

Mr PETER DEBNAM: That is why the Labor Party is in so much difficulty after 12 years in office, with Minister after Minister falling over—not just Carl Scully but other Ministers. But because the Labor Party does not hold Ministers to account, they are still on the front bench. So we have the Minister for Local Government, a dangerous driver, someone who uses taxpayers' funds to pay for a parking fine. We have the Minister for Energy—

Mr Alan Ashton: Point of order: The Leader of the Opposition says that he supports the bill. Standing Order 82: He cannot just roll off a whole lot of names and his imagination of characters. I know it is early in his attempt to cover up for yesterday's catastrophe. He should be brought back to the leave of the bill.

Mr Barry O'Farrell: To the point of order: A piece of legislation was rushed into this Chamber this week relating to the behaviour of a member of this Parliament who resigned on Monday. We cannot debate the bill without canvassing issues relating to the behaviour of members of Parliament. The whole purpose of this legislation is to prevent issues arising with members' behaviour in future. Mr Speaker, if you are not prepared to allow that ambit of this bill to be canvassed in this debate it speaks volumes not just about the attempts of the Deputy Whip to shut down the debate but about the gesture politics being engaged in by this Government in relation to this bill.

Mr SPEAKER: Order! Leaving aside his slightly veiled imputation in relation to rulings from the Chair, the Deputy Leader of the Opposition was correct when he said that debate on the bill is about what should occur in the future. The debate does not provide an ambit opportunity for members to contravene Standing Order 82 by imputing improper motives to, or making personal reflections on, members of this House and the other House. If the Deputy Leader of the Opposition wants to do that he must do it by way of substantive motion. He knows that. I uphold the point of order and ask all members who participate in this debate to heed the comments of the Deputy Leader of the Opposition. The bill is about future actions and how future governments should conduct themselves. It is not about passing judgment on the past actions—

[*Interruption*]

Mr SPEAKER: Order! I call the honourable member for Gosford to order. The debate is not about making imputations about current or past members of this House.

Mr PETER DEBNAM: Mr Speaker, you will have to stop exciting Opposition members. I was talking about the fact that this Government is rotten to the core. As one of my colleagues said, it is a necrotic government: the dead tissue is slowly progressing through the body and killing off any remaining living tissue. There is not much to do about that because the condition will progress through the entire body of the Government and the Labor Party. That is why that person wrote his letter to the editor. He simply said that, although he will vote Labor in the future, he will not do so at the next election because we need a total clean-out. I think it is important that, as Parliament considers this bill, we understand why it is before the House. It goes to the failure to call to account not only political candidates, members of Parliament and Ministers but the Government. It is most important we understand that. The recent sex scandal is the issue that has burst through and made this particular—

[*Interruption*]

Mr SPEAKER: Order! The debate will be conducted in a proper and orderly manner. It relates to legislation that will affect future actions. It is not an excuse to give the House a history lesson or to behave in a disorderly way. I will not allow that to happen, and I will not allow the banter that has been occurring across the Chamber. The Leader of the Opposition has the call.

Mr PETER DEBNAM: Hear! Hear!

[*Interruption*]

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

Mr PETER DEBNAM: It is important to acknowledge that this bill has come about because of the rotting of the Government and the latest sex scandal. It has now come down to an issue—which is played out in question time after question time and in the media—of who knew what when.

Mr Gerard Martin: That's the question you've got to answer.

Mr PETER DEBNAM: That is an interesting injection. When the Premier put that question to me during question time yesterday I tried to answer but the Government did not allow me to do so. I am very happy to answer that question now. I thank the honourable member for Bathurst for his invitation. I made yesterday exactly the same point that I have been making for little more than a week now: rumours about the investigation

of a Minister of the Iemma Government had been circulating in this Parliament for some time. It is very interesting that the only people who did not know about the rumours of an investigation were the Premier and the Deputy Premier. How believable is that? It is not believable. That is why, by Friday, the Premier was forced to backtrack and stop answering questions by saying that he had never heard those rumours when clearly he had.

We had all heard that there was a problem with a Minister. Various people had heard that there was either a police investigation or an ICAC investigation. Others had heard that the Minister was Milton Orkopoulos. It is simply inconceivable that the Premier, whose Chief of Staff is Mike Kaiser, had not heard about those rumours of an investigation. That goes to the issue of the rumours about an investigation into a Minister. Those opposite must hide under a blanket somewhere. Since the middle of last week I have been saying in the media that, yes, I was aware of the rumours. I intended to raise the issue in the first question that I asked of the Premier on Tuesday because I had heard consistently from a number of different sources that there was a difficulty with a Minister and that possibly a police or an ICAC investigation was underway. The Premier can ask me all the questions he likes, and I will keep answering them. The Opposition wants the Premier—

Ms Reba Meagher: You haven't answered them. Who is the Minister today?

Mr PETER DEBNAM: Watch this space.

Mr SPEAKER: Order! The Leader of the Opposition will address the Chair. The Minister will cease injecting.

Mr PETER DEBNAM: We want the Premier to answer the questions. As I am constantly reminded in this House by the Speaker, by Ministers and even by Bundy Bear, who is the biggest shareholder in Telstra, "It is question time, not answer time". But whenever Government members ask me a question I jump up immediately, prepared to answer it. I will continue to do that. I just responded to the honourable member for Bathurst about when I knew of the rumours. As I have said consistently—

Mr Paul McLeay: Who told you?

Mr PETER DEBNAM: Just about everybody in this House. As the Opposition said yesterday, Paul O'Grady, who is a member of the Australian Labor Party administration committee and who works for the Minister for Tourism and Sport and Recreation, was telling even Coalition members of Parliament about the allegations. Labor people were telling Coalition people about them. That is the fact of the matter. The rumours were solid, which is why I intended to ask about them. The second question is: Who knew about the allegations? That question goes to the nature of this bill. The question we all want answered is: If the honourable member for Wallsend knew about the rumours a decade ago, if the honourable member for Newcastle knew about them 18 months ago and if the Hon. Jan Burnswoods knew about them months ago, is it conceivable that other members—let us even say other members of the Left faction—did not also hear about the allegations some time ago?

Four months before a State election, the people of New South Wales want to know which Labor members knew about the allegations before the police investigation? We all heard eventually—during October—that there could be a police investigation. Everybody in Parliament heard about that, apparently except the Premier and the Deputy Premier. We want to know who knew about the allegations some time ago? That is the question we will put consistently to every single member of the Labor Party. We need to put that question to Labor members because the people of New South Wales know two things: they know that the Government is rotten and that they want the Opposition to hold the Government to account.

We will continue to hold the Government to account. The real question that each Labor member must answer is when he or she first knew about the allegations and what he or she did about them. We supported the Premier when last Wednesday morning he used the strongest possible rhetoric and talked about getting rid of anybody who knew about the allegations and did not do anything about them. We thought, "Good words; very strong message; now let's hope he backs up that message with strong action." But what did the Premier do? By Friday he was backing away from his words.

As it became apparent that the honourable member for Wallsend knew about the allegations a decade ago, that the honourable member for Newcastle knew about them 18 months ago, the Hon. Jan Burnswoods knew about them months ago and that Paul O'Grady knew about them and was telling Coalition people, the Premier backed away totally from his strong rhetoric. The Premier even dragged one of his advisers, who had

been chief of staff to Milton Orkopoulos, into his office and quizzed him about what he knew. That person works in the Premier's office and that person is now a candidate in the state election. On behalf of the people of New South Wales, it is very important that we keep asking who knew about the allegations, and when, and what they did about it. It is amazing that the honourable member for Wallsend, the honourable member for Newcastle, the Hon. Jan Burnswoods, Paul O'Grady and the candidate for Toongabbie have not made themselves available to the people of New South Wales to answer those questions. They are the questions that the people of New South Wales want answered. They also want to know what every other Labor member knew about it at that time.

This highlights the difference between the Premier's strong rhetoric and his lack of action. Every morning I have moved to debate the private members' bill that would provide for the suspension of the superannuation entitlements of Milton Orkopoulos and any other honourable member charged with serious offences until court proceedings have been completed. The Government has refused to allow that debate. I do not know whether the legislation will be dealt with today, but on behalf of the people of New South Wales I demand that it is, even though I know the Government was back-pedalling.

At 10.30 p.m. on Tuesday, the Coalition Leader of the Upper House received a phone call from the Hon. John Della Bosca asking whether the Coalition was serious about wanting the superannuation legislation to be dealt with this week. He asked the Hon. Michael Gallacher to ask me if I want the legislation passed. I sent a message back to the Hon. John Della Bosca because he indicated that he was talking the Premier about the issue. So it was an attempt by the Premier, through back channels, to ask whether I was serious about the superannuation legislation. My oath I am serious about it, and I want it debated in this House today. I do not want the Government to delay it any longer.

It is also important that the Hon. John Della Bosca, who initiated this conversation very late on Tuesday night, tell us what was in the voice and text messages from Milton Orkopoulos. The public has a right to know. Tell us. Was there some arrangement about superannuation with Milton Orkopoulos? Why has the Government delayed that superannuation bill? We want it debated and passed through both Houses today. I will release my version of the bill this morning. We want to ensure that it relates to 1 November this year, not to the future. I want to ensure that it will pick up this case. We do not know, because the Government has gone quiet on that bill. Hopefully we will see it today. However, after the late night phone call on Tuesday, I have my doubts. It is important that we find out what the Hon. John Della Bosca was doing. Was he negotiating the superannuation legislation with Milton Orkopoulos? Has he declared to anyone what is in the telephone and text messages?

This once again highlights that day after day this bungling Premier uses very strong rhetoric—because he has Mark Arbib standing behind him, holding him up, telling him which strong words to use and to face the camera—but he has taken no action against members of the Labor Party, whether they are honourable members or staff, who knew about these allegations long ago and did nothing. He has done nothing about the superannuation legislation, despite the fact that for the past two days I have been in this House calling for the bill to be dealt with by both Houses. In the end, this bill is all about trust in the Labor Party. The election on 24 March will also be about trust. The people of New South Wales will ask themselves whether they can trust Labor again. There is no doubt that the answer on 24 March will be a resounding no, they cannot trust Labor again.

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [10.36 a.m.]: I am happy to indicate, as did the Leader of the Opposition, that the Liberal Party does not oppose the Parliamentary Electorates and Elections Amendment (Child Sexual Offences Disclosures) Bill. The first important point that should be made is that had this legislation been effective at the start of this session or the previous Parliament, which commenced in 1999, and had the charges against the former member for Swansea been proven, he would not have been prevented from sitting in this place. This legislation would not have caught the former Minister because I have had no indication that he was subject to any of the triggers in it when he was elected.

Regrettably, once again we see gesture politics from the Iemma Government. This is probably the best indication that this Government is a continuation of the former Government. Labor has been in power for 12 years and over those years we have seen continual gesture politics. When the Government is in trouble with the media it puts something out in the expectation that the public will believe it will solve the problem. This legislation would not have stopped the former Minister taking his place in Parliament in 1999 and 2003.

Although the Opposition does not oppose this legislation, it has other concerns. I have always argued about our hypocrisy when we apply legislation to others but not to ourselves. On that basis, I suppose there is

consistency. However, the history of child protection legislation in this State sometimes indicates a degree of zealotry. That can be a good thing. However, Mr Speaker, as a former Minister for Education and a former teacher, you know that at times child protection legislation has resulted in unfortunate consequences for the teaching profession, and amendments have had to be made. Previous regulations dealing with children have created incredible obstacles for men wanting to enter the teaching profession.

I vividly recall being told by the Teachers Federation of a report about a teacher who was seen by a parent grabbing a child and pulling him back from a roadway. What that parent had not seen was that the child was about to step in front of a bus. A notation was put on that teacher's file. When I was the shadow Minister for Education the Teachers Federation argued that that notation remains on the teacher's file regardless of the outcome of the investigation. That is an example of the sorts of problems that can occur when we are being particularly zealous about such an important area. Clearly child protection is important, but we must properly consider the problems and the consequences of the legislation.

I have said many times this week and during the last sitting week that if we rush through legislation honourable members have no clear idea of how it will operate and whether it will do what the Government claims it will do. In the short time we have had the bill before us I have discovered one simple problem. This legislation provides that candidates will be required to fill out a declaration before an election, and those declarations will be given to the Electoral Commissioner. After the election they will be provided to the Commission for Children and Young Persons for auditing and verification. If newly elected members get a tick from the commission, they will be able to take their place in Parliament. However, the Government's briefing note states:

> Candidates would be given an opportunity to comment to the Commissioner if any inconsistencies between the records and the declarations are found. Those declarations that were false would be referred to Police for investigation and possible prosecution.

I have no problem at all with dealing strongly with false declarations, which the honourable member for Willoughby will address later, but imagine the practicality of this: A candidate for a seat, maybe the seat of Aquilina, has filled in a nomination form. That candidate is successful but some discrepancy arises when his form goes from the Electoral Commission to the Commission for Children and Young People. The briefing note and this legislation provide an opportunity for discussion between the Commission for Children and Young People and the candidate about the issue. The issue may not be a real issue but, because of the usual bureaucracy, it might take a week or two to decide. In the meantime the seat of Aquilina is not declared. What signal does that send to the electorate about that candidate? It will not take very long before delays in the declaration of a seat under this sort of regime may be inferred, imputed or even claimed to be connected with some problem in relation to the candidate and child sexual offences.

That is directly analogous to the problem that some of our teachers have faced, and continue to face, in relation to the way in which child protection laws have operated for them. It is an issue that the Teachers Federation has tried mightily to resolve, and I accept it is a difficult issue; but it seems to me that in one sense it is being replicated in this legislation. I am well aware that following the 2003 election campaign attempts were made to sort out these issues in relation to the teaching profession. I am also well aware that the Teachers Federation continues to this day to have concerns about the way in which this bill will operate.

Another example: Maybe four months before an election campaign a candidate, indeed it might be a member of Parliament, could be charged with child sexual offences. The motivation for those charges might relate to the break-up of a marriage and—something that one of my legal friends regrettably described to me a couple of years ago—the increasing array of tactics used these days in the break-up of families in an attempt to give one side an advantage in all those things that flow from marriage break-ups. We know that if that were to apply in November or December this year such a matter would not be resolved before the March election. But it may take a year to be resolved, and, under this legislation, merely being charged—not being convicted—with such offences would preclude a person from taking his or her seat in Parliament.

Honourable members might think that what I have referred to is unlikely to occur but I say that it is a real case. It did not occur to me or any member of the current Parliament, but at the end of a very difficult marriage break-up of course the person was found to be innocent of the charges laid against the person. In the meantime, under this legislation that person's parliamentary career either could not have started or could have been destroyed. Again that says to me that in this area, despite our desire to have the highest possible standards, this is the last piece of legislation that should be rushed through Parliament, given the history of the operation of legislation like this in other areas, such as with teachers.

The Opposition will not and does not oppose the legislation, but I say to the Minister—who has some understanding of these issues from her portfolio experience, and who I imagine in her constituent work has had to deal with teachers—that it is a difficult area. I have genuine concerns about the two issues I have outlined that are going to impact upon this place. I happen to enjoy being a member of Parliament, and I hope that my electorate enjoys me being its member of Parliament. It is both a privilege and an honour, and one of the things that gives great energy and uplift to all members of Parliament is our activities among our schools and the like. The implication in this legislation that every member of Parliament may have a problem is, I think, a terrible way to start out and a blight on our profession.

It is important to understand that in the 150 years of this place, to date we have had one member of Parliament subject to the sorts of horrific charges that we are currently seeing in the media. That is one member out of an existing Parliament of 135 people, 93 of whom are in the Legislative Assembly, and suddenly a complete jump to this legislation, to me, poses some issues, dangers and concerns, not because it does not seek to uphold a good intention but because its application may cause problems.

In 2003 Lindfield Public School celebrated its centenary at a time of great controversy regarding child protection legislation and teachers. This State's great Governor, Professor Bashir, visited the school and I could not help but note that she is a hugger. A few weeks ago at a school I was at she described herself as a granny. Well, she is a granny who hugs. Whenever she posed for photographs with kids she was hugging them, and not just lightly. They understood that this was a woman who loved children and who had good messages for young people.

This legislation will affect members of Parliament, and where will it stop? Are we now going to revert back to a century ago when Governors arrived in plumed hats, stayed three metres away from the kids, made boring speeches and left? Frankly, I think these sorts of issues need to be addressed. The issue for me is whether one such person in 150 years, with charges yet to be determined, is more pressing than looking at some other issues. Is it more pressing than perhaps ensuring that child protection legislation might apply to those who work in and around our cinemas, places where children hang out and adults work, and places where, presumably, given the terrible nature of our society, there might be problems?

Should legislation like this be applied firstly to adult shopkeepers who might, as many corner stores do, employ kids after school? Should it apply to those venues that I see increasingly growing up across Sydney that host parties for young people, operated by people who, as I understand it, currently are not caught by this legislation? If we are serious about child protection, as everyone in this House should be, surely legislation ought to be evidence based, logical, reasonable and certainly directed to achieving its aim.

If I were asked what are the lessons, logic and reasonableness of the issues of the past week, I would say they relate to the need to ensure that we are vigorous in relation to not only child protection but also mandatory reporting and what public officials know and do with relevant information. I am genuinely shocked that one member of Parliament says she knew of these rumours 18 months ago, another member of Parliament said he knew of them 10 years ago, another member of Parliament said he knew of them one year ago, and a former member of Parliament and a member of the Australian Labor Party administrative committee warned members of the Coalition that there was a police inquiry and ICAC investigation into the member involved.

As has been said by the Leader of the Opposition and by the honourable member for Murrumbidgee, if the person who works for a Minister in this place and who is on the New South Wales Labor Party's highest administrative committee, was tipping off the fourth most junior shadow Minister in the Coalition, what on earth was he saying to his colleagues? What on earth were his colleagues doing with that information? The person we are talking about is on the public payroll. If we want to get serious about what appears to have been happening here—and I do not want to prejudge the charges—we should look at the charges and say, "What are the real issues?" The issues go to what occurred when complaints were brought to the attention of people in public office, and that is something that regrettably the Premier is not addressing. He will not even tell this House when he first heard of the rumours.

Instead, we have this gesture politics. Legislation is rushed through to pretend that all is well, legislation is rushed through on the basis of one incident in 150 years that may have terrible consequences for current and future members of this House, not because they are child offenders or have committed offences against children, but because of the way this legislation has been drafted. Mr Speaker, you know as a former teacher and a former Minister for Education and Training of what I am speaking. I am speaking of the sort of death we saw in country New South Wales a couple of years ago when a young man was falsely accused by two

female students of harassment. He could not cope with the pressure brought to bear. He committed suicide and, of course, after the suicide it was found there were no charges to be answered. This legislation should not be rushed through. It should be evidence based, logical and reasonable, and we ought to address mandatory reporting and false declarations by Jan Burnswoods before we go down this path. [*Time expired.*]

Ms GLADYS BEREJIKLIAN (Willoughby) [10.49 a.m.]: In speaking to the Parliamentary Electorates and Elections Amendment (Child Sexual Offences Disclosures) Bill I want to pick up on a point exemplified by the Deputy Leader of the Opposition in relation to child protection matters and mandatory reporting. It is ironic that at this stage of parliamentary proceedings the Government is rushing this legislation through the Parliament, yet it has failed to act on very serious child protection issues raised by the NSW Ombudsman two weeks ago. The Minister for Community Services, and Minister for Youth has already introduced legislation dealing with child protection matters but she has refused to address the four major inadequacies highlighted by the Ombudsman in his annual report, namely mandatory reporting relating to notifications not being followed up and cases not being looked at in proper detail, and a lack of information sharing between agencies.

The Minister has failed to address these serious issues relating to child protection, which the Ombudsman placed on record in his annual report and the Department of Community Services has been aware of for some time. Instead, the Government is rushing through the Parliament this legislation, which, as highlighted by both the Leader of the Opposition and the Deputy Leader of the Opposition, is flawed in so many respects. We on this side of the Chamber fear that the legislation will not have the consequence the Government purports it will have. Again I urge the Minister to address the major concerns raised by the Ombudsman in his annual report. The Ombudsman actually had to make the comment, from memory at page 67, that he was concerned that children who are at risk in this State are not receiving the care and attention they need through proper assessment by the Department of Community Services [DOCS]. Why is the Government not acting on that report? Why is it not following up child protection matters that are placed before the department?

On a number of occasions the Minister has commented to the media about the increase in notifications of child protection matters. According to her figures, up to a quarter of a million notifications are now made each year to the Department of Community Services. Yet the Government remains silent on how many of those notifications are being followed up and how many families are receiving home visits. Indeed, during estimates committee hearings over the last fortnight the Director General of the Department of Community Services placed on record that he did not think collating information regarding home visits was a necessary part of child protection follow-up. These are serious inadequacies and concerns that have been placed on record in relation to child protection matters.

Over the past two days care and protection bills have been introduced in this place. During debate on those bills the Opposition raised its concern about the lack of follow-up on child protection. Yet the Minister did not even bother to mention the Ombudsman's findings and serious concerns, or what she intended to do in response to them. The irony here is that this legislation, which is being rushed through this place, is intended to have certain outcomes, but the Opposition fears it will not have those outcomes because of a lack of consideration given to various provisions.

On my understanding, the bill will not prevent a candidate from being elected to Parliament if he or she has not been honest in the provisions set out in a statutory declaration. Instead, as I understand it, the bill provides that the candidate will sign a statutory declaration prior to the election and the statutory declaration will be lodged with the Electoral Commission prior to the lodgement of nominations. While these declarations will become a matter of public record, a background check will be conducted into successful candidates only after the election, when the forms will be forwarded to the Commissioner for Children and Young People for auditing and verification. If an audit raises inconsistencies, the member will be given an opportunity to provide comment to the commissioner. Hence, we do not know what period of time might elapse before the public is made aware of any inconsistencies whilst the member has been able to continue to serve in their capacity.

This is just one issue of concern regarding the legislation. As the Deputy Leader of the Opposition said, there are a number of issues of concern regarding apprehended violence orders and other matters. Again I highlight the Opposition's grave concerns about the major flaws in child protection in New South Wales. The Ombudsman shares those concerns; indeed, he raised them just two weeks ago, on 25 October, when he tabled his annual report. Why is the Government not telling the people of New South Wales what it intends to do about those major concerns raised by the Ombudsman? Instead, the Minister took the opportunity in question time to speak about the State Plan and what it will do in relation to child protection. What about the major concerns

raised at the moment? Why will the Government not say how many mandatory reports are followed up? There is mandatory reporting in New South Wales but there is no mandatory follow-up.

Members on this side of the House remain extremely concerned about why the Government is glossing over the major concerns raised by the Ombudsman. What will the Minister do to address those concerns? It is extremely ironic that the Government rushes through this piece of legislation, which, as highlighted by both the Leader of the Opposition and the Deputy Leader of the Opposition, is flawed in many respects. We are concerned that the legislation will not serve its intended outcome, and that instead it could indeed jeopardise a number of issues surrounding members of Parliament and prospective members of Parliament in the future.

I again call on the Minister to use this opportunity to inform this place and the people of New South Wales of her response to the serious concerns raised by the Ombudsman in his annual report. When the Ombudsman of the State reports that he is concerned about children remaining at risk after they have been notified to DOCS and the Minister fails to address that, both in this place and outside it, we have a major issue. I urge the Minister to tell us in her reply what she intends to do about the issues raised by the Ombudsman in his report and why she has chosen to rush this legislation through the Parliament at this time.

Mr BRAD HAZZARD (Wakehurst) [10.55 a.m.]: As has been indicated, given the current political climate, the Opposition will not oppose this legislation. However, I make it clear that the bill has been introduced by shysters and frauds—the Labor Party—because they have a political problem and they are seeking to show the public they have some solution to it. The bottom line is that the bill is a pathetic attempt to shift the focus away from the current problems faced by the Government. Clearly the Government has a whole series of problems, including Ministers who have literally fallen off the rails. We have had Carl Scully removed from the Police portfolio for lying to the people of New South Wales; we have had the Minister for Local Government speeding up and down the highway using his government car, then copping parking fines and using taxpayers' money to pay them; and now we have allegations about a Minister with regard to paedophilia.

All those issues are very serious for the people of New South Wales to judge this Government on. However, the bill is simply a political solution—or at least that is what the Premier seems to think it is—to those political problems. It is not a bill of substance; it is a farce. As I said, it has been created by the shysters and frauds who currently occupy the Government benches, to make it look as if they are doing something. However, privately, not one Government member believes that the bill should be before the Parliament. Currently, people who wish to be members of Parliament can nominate for election, either as Independents or as members of political parties, and it is up to the populace to determine their success. There may be issues around whether people who commit criminal offences should be members of Parliament. My personal view is that people who have committed any sort of criminal offence should not be able to stand for Parliament. They should not be able to represent the community in this Parliament if they have failed in substantive issues along the way.

However, the bill will not change the current situation. It will not change the fact that a person can stand for Parliament, in a general sense, if he or she has committed a criminal offence. It will not change that situation except in very limited circumstances. For example, a person may have robbed a bank but because the Government does not have a political problem about bank robbers seeking to become members of Parliament—the Government certainly thieves from the New South Wales public—it does not focus on that. It simply focuses on this one issue, that is, sexual offences against children. As I said, I do not think anyone who has committed a criminal offence should be allowed to nominate for election to Parliament.

Getting to the detail of someone who has committed an act of indecency against a child, the Government has limited the scope of the bill to offences that attract more than 12 months imprisonment. If there is an element of logic in the bill—and I doubt there is—how does it make one iota of difference whether a convicted person can be gaoled for one day or 12 months? I would think most reasonable people would say they do not want in Parliament any person who commits an indecent act against a child. Where is the logic in the bill? The penalty proviso underpins the fact that there is no logic to it. Proposed section 81L, which relates to the making of child-related conduct declarations by candidates, has already been the subject of comment by a number of members. Amongst the information to be declared by the candidate and potential member of Parliament is a statement under subsection (1) (a) as to whether or not the candidate has ever been convicted of the murder of a child or of a child sexual offence. As I have said, that is qualified by the stipulation that that is only if the offence attracts a penalty of imprisonment for 12 months or more. Subsection (1) (b) requires the candidate to state:

> whether or not any criminal proceedings have ever been commenced against the candidate for the murder of a child, or for a child sexual offence, other than proceedings relating to a conviction disclosed under paragraph (a).

This bill is quite bizarre. Whoever drafted it obviously did not turn, or did not care to turn, his or her mind to the fact that criminal proceedings can be commenced any day, at any time, by anyone, against anyone. The police do not have to be involved in laying a criminal information. Over the years I have become aware of many instances where police, for a variety of reasons, have determined they do not want to commence proceedings, yet the individual who is aggrieved, or the individual who perhaps has a grudge against the other person, can sit down with the court registrar and satisfy the registrar, on the balance of probabilities, that he or she should be entitled to lay an information—in other words, to bring criminal proceedings against the other individual. The passing of this bill—proposed by the Government as an effort to smokescreen itself from its current problems—will open up a real snake pit of opportunities for those who want to preclude another person from embarking on a political life. The bill will enable individuals to preclude others from standing for political office by commencing criminal proceedings.

The bill has been created by the shysters and frauds currently occupying the Government benches in the New South Wales Parliament. It will not necessarily preclude other shysters and frauds who have committed child sexual offences from becoming members of this Parliament unless the penalty their offences would have attracted is imprisonment for 12 months or more. If you are a shyster or fraud charged with an offence that attracts a penalty of imprisonment for less than 12 months, you can still stand as a candidate. And, as I have indicated, the bill can be used to prevent people from standing for public office.

One has to ask why the Government has presented this bill. The reason is fairly simple. The bill is a political quick fix. But it has all of the problems of any quick fix: it has not been thought through properly. I doubt whether it will survive the next Parliament. The bill has been proposed to make it look like the Labor Government is doing something to clean up the mess that it has created by appointing to the front bench Labor members who clearly have problems. Former Minister Scully had problems, current Minister Hickey has problems, and other Ministers who have appeared on the front pages this week have issues.

There are major concerns about the way this Government is doing its political business as well as managing the State. It is doing both particularly poorly. People in the community are asking how Milton Orkopoulos got onto the front bench in the first place if rumours were circulating in the Labor Party as long as nine or 10 years ago. That is a relevant issue, because a careful Premier and a careful government would not appoint a member to the front bench until those sorts of issues about the member had been clarified, particularly where the rumours involved the most horrid allegation that can be made against an individual—paedophilia. Until 10.30 a.m. last Wednesday when I heard public reports about Minister Orkopoulos, I had heard absolutely nothing about those allegations. I may have had some views about his capacity as a Minister, but I had certainly never heard anything about the issues that have now occupied public discussion so completely for the past week and a day.

It disturbs me, as a member who has been in this place for 15 years, that some of my Labor colleagues in this House may have known of some of these allegations. If that is the case, I think there has to be a clear statement from Premier Iemma. If he wants to be afforded the trust and credibility that a Premier should have, he needs to give the community a clear statement of what he knew, and when he first heard the rumours, and what steps he had taken to investigate those rumours before appointing Milton Orkopoulos to the front bench. If those matters were investigated and the Premier drew a conclusion, there may be some logic to what he has done. But to appoint Milton Orkopoulos, or to appoint anyone who has that sort of horrific cloud hanging over him, really does raise issues about the ability of Premier of this State to carry on doing his job.

The Premier and the Government should have tested the rumours—which they obviously were aware of; there were sufficient amongst them who knew. But then there is the other issue—the reaction of the Premier of completely dispensing with the legal presumption of innocence of Milton Orkopoulos. He has not been convicted of anything yet. There are some real issues amongst members of Parliament and the broader community. Whilst we are absolutely disgusted by paedophilia, we must wonder about the capacity of a Premier who, having first appointed Milton Orkopoulos as Minister even though he had heard rumours without bothering to test them, then, when the veil was lifted by the media, cut him loose completely and denied him the legal presumption of innocence, which exists for all citizens of this State.

One really must question the capacity, decency and moral fibre of a man who, though he purports to be Premier, is prepared to appoint to the front bench a member who was the subject of rumours amongst members of his own party—rumours that the Premier is yet to tell us whether he knew about. Then later, when the issue became public, the Premier ignored a basic legal right of the individual. In a sense, some would hope that the former Minister is guilty, because if he is not then he has been put through a terrible ordeal that he and his

family should not have been put through. He has been denied legal safeguards that all persons in New South Wales would think they have. That is not to say that Milton Orkopoulos should not have been removed as Minister immediately. Of course, he should have been. That is one of the consequences of the high onus of responsibility on Ministers in office. That the Premier has talked about Mr Orkopoulos in very deleterious and fancy terms, without a determination or conviction, should be a concern for everybody.

This bill is part of the sham to divert attention from the incapacity of the Government to behave morally and decently in respect of all the citizens of New South Wales. It is a bill created by shysters and frauds to attempt to ensure that Labor is returned to government. I do not think anybody wins by this bill, but that is where we are at in New South Wales at the moment. As far as the Commission for Children and Young People is concerned, I cannot imagine that Gillian Calvert would have given the Government her approval or imprimatur for this bill. It is a farce, and it is a joke. I think Ms Calvert would know that it is a farce and a joke. The Opposition will not oppose the bill because Labor is in government until the next election. I say to the people of New South Wales that March will be their opportunity to say: it is time, the Government has run its course, it is time for the shysters and frauds to be thrown out, for the smokescreens and games to finish, and for substance and transparency to be returned to governance in New South Wales.

Mr ANDREW FRASER (Coffs Harbour) [11.10 a.m.]: I support fellow Coalition members—the Leader of the Opposition, the honourable member for Wakehurst and the honourable member for Willoughby—who have spoken to the bill. The real question is why the legislation has been introduced. It really has no substance. I am sure that anyone who has been charged with, and then found guilty of, an infamous offence that is subject to a bond or a term of two years or more imprisonment is excluded from this House. Legislation dealing with child sexual assault contains similar provisions. The legislation is nothing more than window-dressing. The legislation is the Government's attempt to promote a clean image and fix a problem. Unfortunately, it does not fix the problem. It indicates to the people of New South Wales that the Government is pretending to do something. All candidates for preselection in every party are asked about their criminal history. Based on my experience, the bill is farcical.

After my preselection for the by-election in Coffs Harbour I made known to my pre-selectors that I had been subpoenaed by police to give evidence in a court case about a drunken lout at a cricket match who had assaulted a number of people, including me, in front of my children. The Australian Labor Party in the Legislative Council made accusations about my being the person who committed the assault, which was totally erroneous and libellous, to gain some form of electoral advantage. But because the allegation was made in the other place, it was covered by privilege. I wonder whether the Government would make false allegations about an infamous crime, such as those mentioned in the bill, to prevent preselection of a candidate and then the allegations would not be proved. Based on its record in the past few weeks, I think it would. We have seen many false charges across the board. Mr Deputy-Speaker, I draw your attention to the fact that there is no Minister at the table or in the House. That is yet another example of the lack of form shown in the House by the Government.

Mr Richard Amery: She was briefing a member of the Parliament.

Mr ANDREW FRASER: Standing orders state that there must be a Minister at the table when bills are being debated.

Mr Richard Amery: Is that right?

Mr ANDREW FRASER: The honourable member for Mount Druitt has been here long enough to know that. Allegations may be made, but charges are not always proved. Often during a property settlement as part of a divorce an allegation of sexual assault is made or an apprehended violence order is issued to give one party an advantage over the other. In relation to the events of the past week involving Milton Orkopoulos, the former member for Swansea, we need to know why the Premier denied him what every person in New South Wales and Australia should be afforded—the presumption of innocence. Why did the Premier, if he was told on the Tuesday evening as he claims, immediately dismiss Milton Orkopoulos from the front bench? Charges had been laid, but nothing had been proved. If the Premier had only rumour, innuendo and the charge, why did he not ask the former Minister to stand down until the allegations had been determined in a court of law? Why did the Premier summarily dismiss him from the Australian Labor Party, and why did he call for his dismissal from Parliament? The Premier's actions suggest that he had far greater knowledge of this whole sordid affair than he is letting on prior to his being told on the Tuesday, if that is when he was told, and prior to his media conference.

The Premier must tell us what evidence he had, when he had it and why he did not let a court decide the matter, rather than his becoming judge, jury and executioner. This type of legislation, which has been hastily cobbled together, will create far more problems than it will solve. The Deputy Premier must tell us when he knew. He is the leader of the Left faction. He was known to have breakfast on a regular basis with the honourable member for Wallsend, the honourable member for Newcastle and Paul O'Grady, the adviser to Minister Nori. What did the Government know? The statutory declaration issued by Jan Burnswoods is an absolute disgrace. If anything needs to be held to account in this Parliament, it is that. There are huge questions that have not been answered. Who knew what, and when? Why did the Premier take the action he took so summarily, without giving Milton Orkopoulos the right under the legal system that everyone else in the State would expect?

I doubt whether those questions will be answered by Minister Meagher, but they need to be asked. The Government must answer who knew what and when, and why the Premier took this action if he did not have evidence to back up the allegations. As I said, many frivolous allegations are made and I have been subject to one of them. In my case the police asked me to take action against the person who made certain allegations. It was proved that the Australian Labor Party utilised that allegation in this Parliament in an attempt to besmirch my character and to put me at an electoral disadvantage. The legislation is window-dressing. It is not good enough for this Parliament or the people of New South Wales. We need honesty and decency from a Government that well and truly lost it long ago.

Ms REBA MEAGHER (Cabramatta—Minister for Community Services, Minister for Youth, Minister For Aboriginal Affairs, and Minister Assisting the Premier on Citizenship) [11.18 a.m.], in reply: The bill was introduced to reflect a reasonable public expectation that the community's elected representatives should be held to a high standard of behaviour. The provisions in the bill requiring background checks for candidates for election in New South Wales are modelled on those in the broader working-with-children check, which has been applied successfully in New South Wales. As part of the nomination process, all candidates for election to the New South Wales Parliament will be required to sign a declaration relating to sexual misconduct involving a child.

The declaration will be lodged with the Electoral Commission prior to nominations. Declarations will become a matter of public record, and will be forwarded to the Commission for Children and Young People for auditing and verification. Making a positive declaration does not preclude a candidate from contesting public office, but it gives the public the opportunity to make an informed decision. Penalties will be created for completing a false declaration. Consistent with the Constitution Act 1902, if convicted, a member is prohibited from sitting in Parliament.

The Deputy Leader of the Opposition raised valid concerns regarding disciplinary proceedings in the workplace, and in particular his concern for teachers. The Government was mindful of this concern when developing this legislation. That is why we support making information about sex offences involving children available so that voters can make an informed decision about the suitability of candidates for office. As such, the bill requires all criminal convictions and charges involving sexual misconduct with a child to be publicly disclosed. This will include cases where the criminal charges arise from sexual misconduct with children that occurred in the workplace. Candidates will clearly know when they have been charged or convicted of such offences. If an issue concerning an employee is serious enough to result in formal workplace disciplinary action, there is a very high chance that it will have resulted in criminal charges.

While the commission also holds information on its databases relating to workplace disciplinary proceedings, much of this material is of a very different nature to criminal convictions, charges and apprehended violence orders [AVOs]. Given that this is a public disclosure system with serious and hefty sanctions, candidates need to know exactly what it is they are required to disclose and what to disclose in relation to workplace disciplinary matters. As such, the bill limits the disclosure obligations to criminal charges, convictions and AVOs. Concern was also expressed in relation to delays in reporting by the commissioner. It is important to point out that the children's commissioner is to check the accuracy of the declarations. The Government notes the concern that a delay in reporting on one candidate would lead to adverse inferences. It is important to point out that the checking process does not begin until the successful candidate is known.

Further, proposed new section 81N (4) envisages a single report dealing with the results of all audits. While a separate reports can be prepared, the Government expects that the children's commissioner will not need to use the special discretion to report separately. In the contribution to the debate made by the honourable member for Willoughby, this House was subjected to her usual rant in relation to the child protection system in

New South Wales. Her contribution was part of a continuing demonstration that she does not understand the child protection system in New South Wales. Her point in relation to follow-up of child notifications has been the subject of numerous explanations to her on occasions when the department has been called to estimates hearings and the issue has been explained to her in this House. I am very proud to say that since the rollout of the reform program in New South Wales the department's ability to respond to vulnerable children and vulnerable families in New South Wales has increased exponentially.

In 2002 when the rollout began it was estimated that the department was able to respond to approximately 55 per cent of level one notifications, which are the most extreme cases. In the enhanced service delivery sites where additional case workers have taken up their position, the department is now able to respond to 100 per cent of level one notifications. It is very clear that we are building a strong and comprehensive system of child protection in New South Wales. That means we are able to offer vital services for the children in New South Wales who are at risk. This contrasts very significantly with the policy of the Opposition which is to cut $700 million from the department's budget.

Mr Chris Hartcher: Stick to the bill.

Ms REBA MEAGHER: I am simply responding to the concerns that were raised by the honourable member for Willoughby. I continually invite the Opposition to match this Government's commitment to building a strong and comprehensive network of careful vulnerable children and families in New South Wales. It is clear that this legislation is designed to ensure that the people of New South Wales may be confident about the candidates that are selected for public office. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

SALE OF GOODS AND WAREHOUSEMEN'S LIENS AMENDMENT (BULK GOODS) BILL

Second Reading

Debate resumed from 15 November 2006.

Ms DIANE BEAMER (Mulgoa—Minister for Western Sydney, Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [11.25 a.m.]: The Government supports this bill and thanks the honourable member for Tamworth for its introduction. The bill will provide clarity and protection to owners and purchasers of goods warehoused by others in bulk storage facilities, such as grain silos. The bill ensures that both owners and purchasers have rights to these goods, whereas previously it was unclear. Bulk goods are goods that have been deposited by their owners into storage with goods of the same kind that are owned by others. As such, the goods of one owner become intermingled with the goods of another.

At present, section 21 of the Sale of Goods Act provides that where there is a contract for the sale of unascertained goods, no property in the goods is transferred to the buyer unless and until the goods are ascertained. The storage of goods in bulk, such as grain, is considered to be unascertained. The goods become ascertained only when they are separated out from the bulk—for instance, when they are loaded onto a truck in preparation for delivery. The problems that might arise with the current wording of the legislation were demonstrated in the recent dispute over grain ownership during the collapse of Creasy Grain Enterprises. Creasy Grain Enterprises, which stored grain for growers, went into receivership. The receivers for Creasy Grain Enterprises then claimed ownership of the warehoused grain. This was contested by one of the grain owners and the matter was later settled out of court.

The changes proposed in this bill will ensure that owners and purchasers of bulk goods will have their rights and obligations to the bulk goods enshrined in legislation. While bulk goods are held in storage, it is common for transactions and contracts to be entered into regarding their sale. It is important that owners, purchasers and their financiers have greater certainty that these transactions will not be interrupted by arguments about ownership because the goods are warehoused in bulk. It would be an undesirable result, for example, if a seller of bulk goods became insolvent after payment had been made regarding the sale of the goods, but before the goods had been delivered an administrator or liquidator refused to complete the sale on the basis that title had not passed.

The bill amends the Sale of Goods Act 1923 by providing that where a buyer agrees to the purchase of a portion or all of the bulk and pays for some or all of that portion, the buyer becomes an owner in common of the bulk. The bill inserts a new provision into the Sale of Goods Act that applies to contracts of sale for unascertained goods which are part of a bulk quantity of goods of the same kind. When the bulk is identified by contract or by agreement between the parties and the buyer has paid for some or all of the goods that form part of the bulk, then property in an undivided share in the bulk is transferred to the buyer. The amount of the buyer's share at any time is equivalent to the amount that the buyer has paid for. Buyers who become owners in common are taken to consent to certain delivery and dealings with the goods out of the bulk, but only to the extent to which the contract applies and to the extent of their own and other owner's undivided shares in the bulk.

The bill also amends the Warehousemen's Liens Act 1935 by providing that when owners deposit their property into the bulk for storage, they are considered owners in common with other owners whose goods are held in bulk storage. The bill inserts a new provision into the Warehousemen's Liens Act that applies to goods that have been deposited with a warehouse by their owner and, because of the nature of the goods, have become intermingled with other goods of the same kind so as to form part of the bulk.

The owner's property in the goods becomes an undivided share in the bulk and the owner becomes an owner in common of the bulk. In relation to the undivided share, the owners and the warehousemen have the same obligations as they would have had in relation to the goods had they not been part of the bulk. An owner's undivided share at any time is equivalent to the quantity of goods that had been deposited by the owner less the quantity that has been delivered out of the bulk as ordered by the owner. The bill also makes provisions where the aggregate of all the owner's undivided shares in the bulk exceed the whole of the bulk. In these circumstances, the shares in the bulk are to be reduced proportionately so that their aggregate is equal to the bulk.

The provisions of this bill modernise the amended Acts and provide protection to owners and purchasers of bulk goods held in storage. The bill makes a great deal of sense. People who have deposited their own grain into storage deserve the right to know their clear ownership of rights and obligations. Amending the two Acts in a commonsense way provides ownership rights. I commend the bill to the House.

Mr CHRIS HARTCHER (Gosford) [11.30 a.m.]: The Sale of Goods and Warehousemen's Liens Amendment (Bulk Goods) Bill comes before the House for debate at 11.30 a.m. on Thursday 16 November 2006. The bill was introduced after midnight on Tuesday 14 November, in the early hours of Wednesday 15 November. The genesis of the bill is interesting. Unlike many aspects of law, the sale of goods is codified law. In other words, the entire legal system relating to the sale of goods is not left to common law principles; it was originally codified in the United Kingdom sale of goods legislation. The New South Wales Sale of Goods Act is modelled on the United Kingdom legislation. Therefore, amendments to what are codified Acts normally follow from a referral to the Law Reform Commission of this State, an independent body of eminent lawyers that deals with matters of law reform. On referral from the Attorney General, the commission deals with amendments of general statutes that are not of a political or urgent nature. There has been no referral of this bill to the Law Reform Commission.

The next point I make on this bill, which was introduced after midnight on Tuesday and is now being debated on Thursday morning, is that it had a considerable gestation period. Legislation of this complexity is not prepared by Parliamentary Counsel in just a few hours. There would need to have been instructions to Parliamentary Counsel at least some weeks before its drafting and there would need to have been some discussion with the Attorney General's Department or the Minister for Fair Trading. There would need to have been a determination by the State Cabinet as to its view of the bill. All of that would have take place over some weeks.

The honourable member for Tamworth, who claims to be an Independent member of Parliament, had not seen fit to advise members of the New South Wales Nationals or Liberals of his intention to introduce this bill, or of what it would contain. However, he presents this bill as being for the benefit of the general community. The honourable member for Tamworth, on the other hand, a so-called Independent member, has had a clandestine and secret relationship with the Government so that his bill could be prepared over some weeks without reference to the Law Reform Commission or to the New South Wales Coalition of this House. He introduced the bill after midnight on Tuesday, in the early hours of Wednesday morning, and then in a further deal, a special suspension of the standing orders was arranged with the Government and the bill is being debated this morning.

The standing orders were suspended yesterday so that his bill could be given preference. Had normal process been followed he would have been required to reorder his bill on Wednesday afternoon. The normal procedure of the House allows for a reordering of his bill, which had already been introduced. One can understand the ignorance of the honourable member for Tamworth. He does not participate very much in the affairs of the House and has not presented a private member's bill previously.

Mr Peter Draper: Point of order—

Mr CHRIS HARTCHER: He is indignant. He is hurt now, and rises on a point of order.

Mr ACTING-SPEAKER (Mr John Mills): Order! The honourable member for Gosford will resume his seat.

Mr Peter Draper: The honourable member for Gosford is misleading the House. I have previously introduced legislation.

Mr CHRIS HARTCHER: That is not a point of order.

Mr ACTING-SPEAKER (Mr John Mills): Order! The honourable member for Gosford has not been given the call. On this occasion there is no point of order. The practice is that a member does not make an allegation about misleading the House by taking a point of order. However, the honourable member for Gosford is guilty of serious tautology.

Mr CHRIS HARTCHER: The honourable member for Tamworth still does not understand the standing orders. How long has he been here now? He has been here some three years and still does not know the standing orders about taking points of order.

Mr ACTING-SPEAKER (Mr John Mills): Order! I suggest that the honourable member for Gosford address the bill.

Ms Diane Beamer: Point of order: We have been listening to the honourable member for Gosford for some five minutes. I ask him to return to the bill; he has not spoken about the bill at all.

Mr ACTING-SPEAKER (Mr John Mills): Order! I thank the Minister, but I had already given that direction to the honourable member for Gosford.

Mr CHRIS HARTCHER: The genesis of the bill is the bill. As to how it comes before the House relates to the bill. Therefore the honourable member for Tamworth had the opportunity yesterday to seek to reorder, but he did not take that opportunity, either out of ignorance or because he had already made his deal with the Labor Party to suspend the standing orders. The Independents always claim that they uphold the integrity of the standing orders. They vote against every suspension of standing orders and they are always ready to rush up and say, "We support the proper processes of the House and we do not believe that the Government should suspend standing orders on an ad hoc basis simply to achieve its own objectives."

However, when it suits the honourable member for Tamworth he does a special deal with the Government to suspend the standing orders to have his bill debated. What hypocrisy! The honourable member for Tamworth is revealed to be in a clandestine deal with the Labor Party. He is a total hypocrite. Everything he said, everything his so-called Independent friends have done over the past three years about the suspension of standing orders—and he demonstrated it last night when he supported the suspension of standing orders for his own purposes—is hypocritical.

Ms Diane Beamer: Point of order: I ask the honourable member for Gosford to return to the bill. He is yet to talk about it.

Mr ACTING-SPEAKER (Mr John Mills): Order! The honourable member for Gosford well knows the standing orders. I suggest he cease his present line of direct debate with the Independents and direct his remarks to the bill through the Chair.

Mr CHRIS HARTCHER: I am only too happy to do so. The honourable member for Tamworth, having done his deal, having voted for the suspension of standing orders, has, in effect, precluded debate on no

fewer than 17 other private members' bills, some of which have been listed before the House since 2003. The bills have had to wait three years, and now in the dying days of the Parliament in 2006, in its last week of sittings, the honourable member for Tamworth jumps the queue and knocks off 17 other bills that were ahead of his by doing a special deal on the suspension of standing orders. The honourable member for Tamworth is a hypocrite, and is engaged in dealings with the Australian Labor Party.

Mr Richard Torbay: Mr Speaker—

Mr ACTING-SPEAKER (Mr John Mills): Order! Has the honourable member for Gosford completed his contribution?

Mr CHRIS HARTCHER: No, I thought the honourable member for Northern Tablelands was taking a point of order.

Mr ACTING-SPEAKER (Mr John Mills): Order! The honourable member for Gosford does not give the call in this Chamber.

Mr Richard Torbay: Point of order: I thought he gave most things after that speech, but he cannot attack another member of the House except by way of substantive motion, as I understand the standing orders. I ask the honourable member for Gosford, given that he has been here a long time, to respect that.

Mr ACTING-SPEAKER (Mr John Mills): Order! There is a fine line between attack and personal criticism. A member is allowed to criticise other members for their policies, even if the member does use tautology such as "secret clandestine deal". I ask the honourable member for Gosford to resume his address and to address the bill.

Mr CHRIS HARTCHER: I will address the bill. At your suggestion, Mr Acting-Speaker, I ask the Hansard staff to use only one of the two adjectives, either "secret" or "clandestine." This legislation was presented in the dying days of this Parliament by the honourable member for Tamworth as his special contribution to the reform of the legal system in New South Wales. He has never had much to say about it in the past, and after March 2007 he will not be saying anything more about it either because the excellent Kevin Anderson will be elected as the new member for Tamworth. The Government wants to be seen as facilitating the honourable member for Tamworth. The Government wants to be seen to be trying to look after him. He has played the Government's role. He has always been there when the Government wanted him and, in return, the Government is repaying the favour.

The Law Reform Commission, or any bipartisan organisation, has not dealt with these changes to the law on the sale of goods. They have not been subjected to legislative review, one of the processes in this House that the Independents say they support, because the legislation has been rushed through the Parliament in a 36-hour period. The legislation, which has not been subjected to any of the normal processes that the Independents pretend they support when it suits them, has been introduced in this House. The legislation changes people's rights relating to the sale of goods and inserts a new section into the Act. Later, when I ask the Minister a few technical questions about that issue, I am sure she will be able to answer them.

What community consultation has there been in relation to these changes to the law? Has the Minister who presented the Government's case undertaken consultation with the community? Has the Law Society or the Bar Council been consulted? Have relevant organisations that deal in grain handling been consulted? Has the Grain Handlers Association been consulted? What evidence is there of community consultation, which the Independents regularly tell us is so important? When did that consultation take place? This legislation is nothing but hypocrisy. The process that the Independents pretend they support has been trampled on and the New South Wales Parliament has been dealt an interesting card: a clandestine deal between the honourable member for Tamworth and the Australian Labor Party. Process went out the window in an attempt to preserve the seat of the honourable member for Tamworth against Kevin Anderson, an excellent candidate.

Mr JOHN TURNER (Myall Lakes) [11.43 a.m.]: I support many of the comments made by the honourable member for Gosford relating to the introduction of this bill by the Independent member for Tamworth. In the term of the Government I am aware of only two members on this side of the Chamber who introduced private members' bills that were passed. The procedure to achieve that result is set out in this House. It took a considerable time for that legislation to be passed, even though it involved a pressing matter in my electorate. Clearly, the Government is being totally partisan to the Independents. It has played their game and it

is using them as pawns. The Independents in this Chamber have been seen through in the same way the Labor Government has been seen through. They are nothing more than pawns.

The bill is divided into two parts. The first part relates to the Sale of Goods Act. For the information of the honourable member for Tamworth, that matter comes under the portfolio of the Attorney General, which is why the honourable member for Gosford spoke earlier in the debate. The second part relates to the Warehousemen's Liens Act, which is fair trading legislation. As a matter of courtesy, any fair-minded and balanced Independent member would have spoken to me about these issues in my capacity as shadow Minister for Fair Trading. But it did not suit the Independents to do that because of their partisan arrangement with the Government.

This legislation resulted from the collapse of Creasy Grain Enterprises, which went into receivership. At the time five families had their grain stored at the Creasy grain facility in Premer. When the enterprise folded the families assumed that they would be able to retrieve their grain and resell it. However, the grain from each of the families was co-mingled and the receiver claimed that the title to the grain belonged to the warehouseman of the grain, in other words, the receiver. A 1993 High Court ruling supported the claim of the receiver that grain that had been co-mingled could not be subject to individual claims. Apparently, this amendment seeks to fix this problem by asserting that intermingled goods will be held for the owners as tenants in common, if we use the real property analogy.

Frankly, I am not quite sure whether this amendment will fix the problem. The Government should seek expert accounting advice in relation to this matter because I do not believe the bill will prevail over other legislation relating to the administration and receivership of companies. The Opposition supports the bill, but I believe honourable members will find that it is defective. It is not up to the Opposition to fix Government legislation or legislation introduced by Independent members when they are doing the Government's bidding.

Mr RICHARD TORBAY (Northern Tablelands) [11.46 a.m.]: I congratulate the honourable member for Tamworth on introducing this legislation. I also congratulate the Government on accepting the bill, which I believe will make a substantial difference. If there is a hung Parliament after the next election no doubt the honourable member for Gosford and the honourable member for Myall Lakes will be the team that will negotiate with the Independents. I look forward to discussing many issues with them. No doubt that will occur with the same sincerity the honourable member for Gosford has had for all his former leaders. The articulate member for Myall Lakes—isn't he a rocket scientist!—complained about certain provisions in the bill and then said that he supported it, which reveals the capacity of members of New South Wales The Nationals. The honourable member for Myall Lakes attacked the honourable member for Tamworth and then supported his bill, which highlights The Nationals concern for the Independent members in this place.

Mr Thomas George: He is acting like you do—

Mr RICHARD TORBAY: I remind the honourable member for Lismore that I am responding to the attack; I am not initiating it.

[*Interruption*]

The biggest word I know is "delicatessen." This bill does not reveal anything that we do not already know. The community, particularly the community in the region of the honourable member for Tamworth, has been raising this issue for some time. According to the honourable member for Gosford, the Opposition believes this bill to be the result of a "secret clandestine deal". In October last year this issue was reported on the front pages of most newspapers. It should not take too much research to find the headlines on the front pages of newspapers such as the *Northern Daily Leader*, which dealt with it. Concern was expressed about the ownership of bulk goods held in storage by a third party. In October last year the honourable member for Tamworth said he would do something about that and introduced legislation to correct the anomaly. Opposition members suggested that was not the case, which demonstrates they have not done their research.

The bill does not deserve the political invective of the honourable member for Gosford and others. The honourable member for Tamworth should be congratulated on honouring the commitment he gave to his constituents, in particular after Creasy Grain Enterprises collapsed in August 2005, leaving six local grain producers who had grain stored in the company's Premer silo facing the loss of their product. Those facts were contained in news reports from October last year. Reference was made to the prominent 1993 court case *Chapman Brothers v Vercoe Brothers* regarding the ownership of bagged grain. In that case the court ruled that

the ownership of grain could not be determined and the owner of the storage facility was deemed to be the owner of the grain. That caused enormous hardship, which this bill seeks to eliminate.

The bill will clarify the ownership of bulk goods such as grain, wine and other goods produced by individuals but stored in a communal facility. Commonsense dictates that the owners of the goods are the people who stored the product in the facility, but the law says differently. The bill clarifies the situation. Instead of making politically charged comments, some of which I have responded to, we should be saying, "This is good legislation that clears up ownership issues." The honourable member for Tamworth should be congratulated on introducing the bill and members on both sides of the House should be congratulated on supporting it.

Mr PETER DRAPER (Tamworth) [11.50 a.m.], in reply: I welcome this opportunity to reply to the second reading debate on the Sale of Goods and Warehousemen's Liens Amendment (Bulk Goods) Bill. I thank the Minister for Fair Trading for her lucid and detailed précis of the bill. It was clear that the Minister had read the bill, unlike the honourable member for Myall Lakes and the honourable member for Gosford, who spoke unsubstantiated nonsense and failed to address the substance of the bill. I also thank the honourable member for Northern Tablelands, with whom I have had a number of discussions about the bill, and the honourable member for Dubbo.

The bill was prompted by the serious challenges that face country communities. We are in very difficult circumstances at present. Even though it is now raining outside, the drought is certainly not over. What happened to Creasy Grain Enterprises could happen to anyone. That organisation collapsed and left six local grain producers at Premer—including the Whillocks, with whom I have been in close contact since the incident occurred in 2005—facing the loss of their product. I gave them an undertaking that I would negotiate to introduce legislation in this place to address their problem. Today sees the culmination of those efforts. I worked extensively with the Attorney General's Department and, to a lesser extent, with the Office of Fair Trading. I am pleased with the result. The bill follows on from laws in the United Kingdom and amendments to those laws and addresses a problem in Australia that has been resolved in the United Kingdom.

I believe this is excellent legislation. Despite the nonsense spoken by the honourable member for Gosford, a copy of the bill was forwarded to The Nationals. I have already received favourable feedback from the community. People are pleased that the problem was not only recognised but acted upon. As the honourable member for Northern Tablelands said, the bill received widespread coverage in the *Northern Daily Leader*, the *Namoi Valley Independent*, the *Quirindi Advocate* and other local newspapers that are concerned about issues that impact on farmers. We must do whatever we can to make sure that our farmers come out the other side of this drought. The bill means that people may be able to avoid significant hardship in the future. It is a good solution to a serious problem, and I commend it to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

PARLIAMENTARY CONTRIBUTORY SUPERANNUATION AMENDMENT (CRIMINAL CHARGES AND CONVICTIONS) BILL

Bill introduced and read a first time.

Second Reading

Ms DIANE BEAMER (Mulgoa—Minister for Western Sydney, Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [11.55 a.m.], on behalf of Mr David Campbell: I move:

That this bill be now read a second time.

The Parliamentary Contributory Superannuation Amendment (Criminal Charges and Convictions) Bill ensures that members who are the subject of criminal charges will be treated in exactly the same way in relation to superannuation regardless of whether they remain in Parliament or they cease to be members prior to being convicted of a serious offence. The New South Wales Government considers that this bill will address legitimate community concerns that have arisen in relation to the issue of access to superannuation by former members of Parliament who cease to be members while criminal charges are pending.

Since last week the Government has been taking advice on its options for addressing the issue of superannuation entitlements for members facing serious criminal charges. This legislation will ensure that members who are the subject of charges for an offence carrying a gaol term of five years or more will not have access to their publicly funded superannuation until the conclusion of those proceedings. This will apply regardless of whether or not the member remains in Parliament to face those charges. As the law currently stands, if a member continues to sit in the Parliament and is found guilty of an offence punishable by five years or more imprisonment, the member's seat is vacated under section 13A of the Constitution Act.

Section 19 (7) of the Parliamentary Contributory Superannuation Act currently provides that members whose seats are vacated lose their entitlement to the taxpayer-funded part of their benefits from the parliamentary superannuation scheme. All these members receive is a refund of their own contributions. One way in which members can avoid the operation of this provision is by resigning from Parliament before criminal charges are finalised. There is considerable public disquiet as to whether this is appropriate. There is a very strong argument that a member who ceases to be a member, and who is ultimately convicted of charges that were pending at the time he or she resigned, should be in no better position in relation to superannuation entitlements than a member who remains in Parliament while the charges are dealt with.

The bill provides that, when a member is facing criminal charges, at the time when they cease to be a member their entitlement to a superannuation benefit will be suspended. This entitlement will be suspended pending resolution of the criminal charges. The normal entitlements of the member will be restored at the completion of any legal proceedings if there is an acquittal or the charges are withdrawn. If the charges are proven and the former member is convicted, there will no longer be any entitlement to the publicly funded part of the superannuation benefit. A convicted former member will receive a refund of the contributions that have been deducted from his or her salary.

This bill will address a significant anomaly in the superannuation legislation. It will ensure that community concern regarding access to publicly funded superannuation entitlements in cases where serious criminal wrongdoing is involved is addressed. It should also be noted that the bill includes amendments that provide that section 4 of the Act does not apply in respect of this bill. Section 4 provides that the Parliamentary Remuneration Tribunal must approve amendments to this Act. Section 4 was originally inserted as a check to ensure that members of Parliament do not consider amendments that might benefit them without first having those amendments independently reviewed by the tribunal. While the Government has sought the relevant approval, the tribunal has indicated that it wishes to have more time to consider the matter. Of course, these changes clearly are not intended to benefit members. Given the urgency of this matter, the Government considers it appropriate that the bill proceed without the need for approval from the tribunal. I commend the bill to the House.

Debate adjourned on motion by Mr Daryl Maguire.

SUPERANNUATION ADMINISTRATION AMENDMENT (TRUST DEED SCHEMES) BILL

Second Reading

Debate resumed from 24 October 2006.

Ms PETA SEATON (Southern Highlands) [12.00 noon]: The Opposition does not oppose the Superannuation Administration Amendment (Trust Deed Schemes) Bill. It has a number of concerns and wants to raise a number of very important questions which it expects the Minister for Western Sydney will answer. The Government outlines the objects of the bill as being to amend the principal Act to provide for certain persons, not necessarily employees, to also have the benefit of trust deed schemes. Those persons are local government councillors, and spouses or de facto partners of persons who otherwise have the benefit of a trust deed scheme.

Interestingly, the bill also validates the prior extension of trust deed schemes to such persons. The Opposition is greatly concerned about that issue in this legislation because it is yet another case of government legislation being brought in to fix up an administrative and financial mess that it created by neglecting provisions in existing legislation. We now have a situation where people who have become members of this scheme have potentially had their superannuation funds, their futures, put at risk and made vulnerable because they have been operating under a scheme which, unless this legislation is put in place, has not been legal.

Failure to answer these questions fully and transparently will confirm our concern that the bill is actually a device to cover up significant breaches of the law by government instrumentalities and their Labor masters, and our concern that superannuation investments and contributions of hardworking employees who have been given membership of two government superannuation funds, have been put at risk. I note advice from Seija Wolk from the office of the Treasurer, Michael Costa, on key points of this bill. First, that it applies to the Local Government Superannuation Scheme and, second, to the Energy Industries Superannuation Scheme [EISS]. I note the Government briefing papers states:

> The Government's intentions are that the Superannuation Administration Act 1996 is to be amended to enable spouses or de facto partners of members of the Local Government Superannuation Scheme and the Energy Industries Superannuation Scheme to also become members of those schemes, and it will enable local government councillors to become members of the Local Government Superannuation Scheme.

The Superannuation Administration Act 1996, which regulates the two superannuation schemes, currently allows only employees to be members of the respective schemes. Both funds have accepted spouse members into those schemes since 1998, and local government councillors into the Local Government Superannuation Scheme since June 2004. The Government says that this discrepancy arose due to an oversight of the superannuation schemes and legal advisers at the time. This potentially leaves those people at risk as well as the funds in which they have invested in good faith, believing that they had become members of this scheme under the protection of the law. According to the Government, members previously sought to include their spouses as members of these funds to facilitate superannuation spouse contributions.

The real issue is the incompetence and the slack, lazy mismanagement of the finances of New South Wales and these two superannuation schemes, on which the financial security of thousands of public sector employees depends. The bill seeks to post-validate practices that have been allowed to happen since 1988 and 2004, despite the fact that there was no legal provision to do so. The Local Government Superannuation Scheme annual report for 2004-05 is available to honourable members. It states:

> **We're looking to improving services to make your future brighter**
>
> As a member of the Local Government Superannuation Scheme, you belong to a Scheme that is run exclusively for Local Government employees in NSW.

That is not true. In this bill Minister Costa admits that it has not been for the exclusive use of these people: other categories of people have become members since that time and before, no doubt believing that they enjoyed the same full legal status as other members, but that was not the case. At what risk did the Labor Government put these people? At what risk did it put the funds and the contributions of these people? Will the Minister answer a number of very significant questions? How many people became members of superannuation funds in breach of this legislation? How much contributions money was put at risk in this legal no-man's land? How many local government councillors, and in which council areas, became members? Why would councillors, who, according to the Minister's second reading speech, are not employees and do not attract employer contributions to the fund, will be attracted to this fund? Furthermore, why does the Local Government Superannuation Scheme's accumulation scheme documentation state, in contradiction to what Minister has said, that local government organisations "may make" contributions to these funds?

I know my colleague the honourable member for Wagga Wagga shares my concerns and will also raise these concerns in some detail in his contribution. We want to know what local government areas were involved in these contributions and membership acquisitions in breach of the law as it was at the time. For example, was Liverpool council involved? Which councils were involved and at what risk were members put? Essentially they were allowed to become members even though the legislation at the time prevented them from being members.

The same questions need to be answered in relation to the Energy Industries Superannuation Scheme [EISS]. Let us have a good look at the EISS because a number of significant questions arise out of this legislation and out of current events. The trustees of the EISS include some of the great Labor mates of the Treasurer, Michael Costa, and the Minister for Energy, Joe Tripodi. In fact, in his maiden speech Mr Costa called Joe Tripodi, and a number of other people, his "special friend". The EISS is in fact a Michael Costa mates club. In fact, two of the people singled out for the special honour of being a "special friend" are funnily enough on the EISS board, Bernie Riordan, the former State Secretary of the Electrical Trades Union [ETU], who since June has been the State President of the Australian Labor Party, and John Whelan of the Labor Council of New South Wales. Two other union appointees are Paul Marzato, of the United Services Union, and Warwick Tomkins, also of the ETU.

At present some very concerning matters are emerging regarding the direct intervention by the Transgrid shareholder Minister, Michael Costa, in the achievement of Labor President Bernie Riordan's wishes in respect to the make-up of the EISS board. This is emerging as a very murky business, a classic Labor manoeuvre of the whatever-it-takes variety. The chairman of Transgrid recommended a particular person, backed by advice from Transgrid's legal counsel, to occupy an upcoming vacancy on the EISS board. This recommendation and course of action was endorsed by the managing director of the company, a State-owned corporation, and by Transgrid's in-house legal counsel.

Bernie Riordan—one of Michael Costa's and Joe Tripodi's "special friends"—apparently then got wind of this and decided he wanted his own hand-picked candidate to be appointed to the EISS board instead. He favoured an existing EISS director, David Croft, whose claim to that directorship would lapse after 1 January 2007 on account of Mr Croft's resignation from the position of managing director of that company and the need to reassess him on account of his resignation from that role. Mr Riordan's claim for Mr Croft's continued service on the EISS board and as chairman of the EISS is analogous to a member of Parliament retiring from the Parliament but wanting to remain as a Cabinet Minister. It simply makes no sense. There is no authority or basis on which that would be a legitimate claim.

But Michael Costa was not to be stopped. He hauled the chairman in for a meeting on 2 November and instructed the chairman that Mr Bernie Riordan's will would be done—in front of Mr Riordan, whose presence at the meeting was inappropriate and questionable at best; he is not on the TransGrid board, he is not a director. He was one director of many on the EISS board. Yet he could pull the strings of Michael Costa and direct the appointments made by a State-owned corporation in which he has no legitimate interest. The meeting with the shareholder Minister might have legitimately included the other Minister, or the general manager, or the portfolio Minister, or other directors, but not a "special friend" of Michael Costa. What conceivable authority did Bernie Riordan have to exert his personal will on the business of TransGrid, a State-owned corporation, which ought to be managed and administered in the interests of the people of New South Wales?

When the TransGrid chairman protested, and defended TransGrid's choice of EISS nominee, Michael Costa started to threaten. It was agreed that the discussion would be resolved after a 24-hour break, but Michael Costa sent in the storm-troopers before the end of the day and informed the chairman that a special meeting of shareholders, that is Mr Costa and Mr Della Bosca, had resolved to sack the chairman. So the reputation of a man who served without criticism for 12 years was meaningless when Michael Costa and Joe Tripodi wanted to deliver a deal to their Labor mate Mr Riordan.

There are significant issues in this matter regarding the failure to adopt due process, the rejection of legal advice from a TransGrid legal officer, and general thuggery and intimidation by Labor. This is all about doing a favour for a Labor mate. It is a mate's deal, and nothing else—and more evidence that the Labor Government is rotten to the core. The real issue is: What was so important to Michael Costa, Joe Tripodi and Bernie Riordan that they would do whatever it takes to achieve their own appointee to the EISS board, when that appointee was no longer TransGrid's nominee—the basis on which the previous tenure on the EISS was given? I also note the statement by Seija Wolk in the briefing papers that the two super schemes apparently "operate independently of the public sector".

We need some questions answered by the Minister about the involvement of Chifley Financial Services, of which Mr Riordan apparently is a director. We want to know the extent to which EISS has invested in Chifley Financial Services. Do they intend to invest in Chifley Financial Services? And what steps, if any, have Michael Costa, Joe Tripodi and John Della Bosca taken to consider any possible conflict of interest that might arise from the following issues: first, that State Labor President Bernie Riordan has direct interests in Chifley Financial Services? Here we have a situation where that same person, the State Labor president, the "special friend" of Michael Costa, is pushing his personal choice of chair onto the EISS, against the legal advice of TransGrid, and against the wishes of the TransGrid board, which is responsible for filling the position.

These are very murky and very questionable events. They have so concerned the Opposition that I am today referring these matters to the Independent Commission Against Corruption. I have today prepared a letter to the Commissioner of the Independent Commission Against Corruption, the honourable Justice Jerrold Cripps, referring these matters for the consideration of the Independent Commission Against Corruption because I believe they constitute grounds for concern that there has been an inappropriate exercise of power, that inappropriate actions have been taken by a Minister, and that those actions have been motivated not by the interests of the people of New South Wales and the fortunes of TransGrid but by other matters.

My letter to ICAC sets out a number of concerns, many of them arising from reports of the meeting on 2 November, at Mr Costa's request, between Mr Costa and Mr Higginson, which was apparently a meeting between a shareholder Minister and the chairman of a State-owned corporation regarding that corporation's legitimate administrative actions. But the presence of Mr Riordan at such a meeting is puzzling as he is not a director or executive of TransGrid. It could be construed that undue influence was being placed on the chairman, with the support of the shareholder Minister, for an outcome that was not consistent with the State-owned corporation's considered recommendation and intention. On what authority was Mr Riordan, an agent, a provocateur, at this meeting? What legitimate role did he have to be at such a meeting between the shareholder Minister and the chairman of a State-owned corporation?

The former chairman also has indicated to me that statements were made to him that could be construed as threats against his reputation if he did not fall in with Mr Riordan's wishes or the wishes of the Minister. Further concerns arise out of reports that TransGrid was being forced to take on debt on behalf of another energy utility, and that when the chairman requested that such a direction from the shareholder Minister be issued in writing, this was refused. There are also allegations conveyed to me that the Director General of the Department of Energy, Utilities and Sustainability, who is also identified in Michael Costa's maiden speech as a close friend and intellectual soul mate, also indicated to the managing director of TransGrid that the Government was marshalling its spin doctors to mount a campaign to discredit the outgoing chairman.

These are very, very serious issues. They are questions that the Government must answer. They are issues relating to this bill, and the Parliamentary Secretary must answer them in detail if there is to be any hope of any confidence in the legitimacy of this bill. But, most importantly, it is now time to get the Government to come clean. If it does not come clean on these matters relating to the TransGrid EISS scandal, the proper body to put those concerns to is the ICAC. That is exactly what I will be doing today.

Mr DARYL MAGUIRE (Wagga Wagga) [12.17 p.m.]: I wish to contribute to the debate and put to the Parliamentary Secretary some probing questions about the bill that I believe need to be answered. I have read very carefully the second reading speech of the Minister. I have also read the Act and got a copy of "Your Guide to the Local Government Accumulation Scheme Product Disclosure Statement". I have spent quite some time on this matter because my reading of the second reading speech prompted in my mind some questions that need to be asked on behalf of councillors and taxpayers, and importantly to ensure that the Government is being transparent about what is occurring and what has occurred. The Minister said in his speech:

> The bill also retrospectively validates past ministerial approval of trust deed amendments that would otherwise be invalid. The Superannuation Administration Act 1996, which facilitates the legal and legislative framework under which the Energy Industries Superannuation Scheme and the Local Government Superannuation Scheme are established, requires the two schemes' trust deeds to be consistent with the requirement of a regulated fund under the Commonwealth's Superannuation Industry (Supervision) Act 1993.

This legislation must have been known about for a number of years because technically the Government originally allowed members to become part of the scheme illegally. Which Minister was responsible and who signed off on this without introducing appropriate legislation to ratify what happened and to ensure transparency and accountability? This is another example of a lazy Government that has not paid proper attention to the legislative requirements of this State. It has allowed a Minister to sign off on something that has enabled councillors and their spouses to become part of a scheme that has been operating illegally because the appropriate legislation was not in place.

In the second reading speech the Minister said, "Councillors will not be classified as employees entitled to compulsory employer contributions to superannuation." He also said, "The Local Government Act 1993 at section 251 (1) specifically excludes councillors being deemed as an employee of a council for the purposes of any Act." That is very clear in the way it was expressed by the Minister. I refer the House to the document called "Your Guide to the Local Government Accumulation Scheme", which says:

> If you are a full member or an optional member, your Local Government employer may make additional contributions for you of SG contributions. These may be compulsory contributions under an industrial agreement, award or under salary sacrifice arrangements.

Although I understand that councillors and their spouses will be treated as optional members, the superannuation documents say that councils may make contributions to the superannuation fund. Has this occurred? If it has, has it occurred under some kind of agreement between councillors, spouses and the council? What councils have taken part in this scheme? How many councils have been operating under this agreement, signed off on by the Minister when not subject to legislation in this place? How many councils in New South Wales have allowed councillors to participate? How many councillors have been allowed to participate?

After reading this document and looking at its returns, I cannot see any benefits to councillors, their spouses or others for whom the door has been opened. I cannot see any great cost savings from which they will benefit. My assumption is that elected councillors—most of whom come from very successful backgrounds or have been employed in some kind of industry—would have had some kind of interaction with business and industry and would have been offered membership of superannuation funds, whether it be with a private provider, one of the multinationals, or an industry scheme.

I have read the document backwards, forwards and upside down, but I cannot see where in the second reading speech the Minister has laid out the benefits of opening up this scheme to councillors, spouses and others as against councillors having a portable scheme of which they probably had membership. The document states that in certain circumstances, depending on income, contributions may be tax deductible. The Minister did not refer to that. He said only that the Government wanted to give councillors, their spouses and people who work within the energy industry access to the fund. At no time has he described the real benefits of allowing councillors to become members of the scheme.

For the life of me, after reading this document I cannot see the benefits. The returns of the fund are about the same as those from all other funds. However, I note that the costs are somewhat different. According to the documents, the costs for full members—employees of councils and the electricity industry—are minimal. The operational costs, or the charges for being a member of the fund, appear to be reasonably low. But in the scheme of things I cannot see that the costs are far lower or would offer any great benefit for anyone joining the fund.

The Local Government rollover plan has no entry or exit fees, no contribution fees, no administration fees, no withdrawal fees, switching fees, or selection on investment options fees. It has a very small management charge. But that is not the scheme that is available to councillors and their spouses. The web site refers to another scheme and superannuation splitting. It has plenty of information. The Local Government Allocated Pension Plan also has low fees or no fees, but councillors and their spouses are not eligible to join the scheme. On my reading of the bill the only scheme they can join is the Accumulation Scheme.

I ask the honourable member for Heathcote, the Parliamentary Secretary at the table, to spell out to the community the real benefits of opening the door for councillors to contribute to the scheme. Is it that councillors may be able to take advantage of the Government's co-contribution scheme? Once they reach the minimum limit of $1,000 do they qualify as full members, which gives them access to the death benefit? I note that the scheme provides automatic cover for death or invalidity benefits for a full member. Is there some strange twist by which a councillor becomes a member of that scheme and then qualifies for some benefit that we are not being told about?

I have no objection to people providing for their future. It is very wise to encourage people to put money away for their retirement, to take care of themselves and to provide for a decent lifestyle in their retirement. I know that councillors serve the community with dedication. They work very hard on our behalf. They are elected officials and they need to be able to secure their retirement future. But the Government, as has been the case on many occasions, introduces legislation and does not explain the full detail of what it is trying to achieve for the benefit of councillors who choose to use this fund.

Which Minister validated the trust deed but failed to introduce legislation to ensure that the regulation required by the Federal Government was adhered to? What extra costs, if any, may be incurred by the fund as a result of amendments to the legislation? What councils, by name, have used the scheme? How many councillors have taken up the offer to join the scheme? Which councils do they belong to? I would like to know also whether councillors can roll over funds into the scheme and what benefits they will derive from rolling over those funds. Is there a technical hitch in this that allows salary sacrifice? As I said earlier, what are the real benefits available to councillors by opening up the superannuation scheme? [*Extension of time agreed to.*]

Much has been said during this debate about superannuation funds, transparency and the Government setting out its legislation and its actions in the marketplace for everybody's edification and comprehension. This morning I was alarmed to read in either the *Australian Financial Review* or the *Daily Telegraph*—

Mr Paul McLeay: Or the *Daily Telegraph*?

Mr DARYL MAGUIRE: I read both newspapers because I like to keep an eye on financial matters. This morning I was alarmed to read about the actions of the Treasurer, Michael Costa.

Ms Katrina Hodgkinson: Tell us about the article.

Mr DARYL MAGUIRE: I will. The article makes interesting reading when one considers the goings-on of superannuation boards and organisations and the efforts of Michael Costa to have his mates appointed to the boards. The article states:

> NSW Treasurer Michael Costa has defiled any reputation NSW may still have enjoyed with global business circles with his disgraceful treatment of former TransGrid chairman Phillip Higginson. In attempting to coerce the respected business professional into appointing a nominee favourable to the ALP and the NSW trade union movement to the board of Energy Industries Superannuation Scheme (EISS), he was effectively telling Higginson to ignore the accepted principles of sound corporate governance and bend to the will of state Labor and its union allies.

As recently as this morning I pointed out the failure of the Minister, who will remain nameless, to adhere to corporate governance. That is a characteristic of this lazy Labor Government that has mismanaged many portfolios in this State. Superannuation is just another example of its tardiness. The article goes on to state:

Mr Paul McLeay: Who goes on?

Mr DARYL MAGUIRE: The article goes on. It states:

> It would seem from the manner in which Higginson was treated that Costa has little understanding of the code of conduct which governs companies. As the chairman of the board of a state-owned company, Higginson properly acted within his constitutional rights to nominate the chief executive of TransGrid to represent that company's interests on the board of EISS.
>
> David Croft, who was no longer on the TransGrid board, was clearly not in a position to best represent TransGrid's interests.
>
> Costa seems not to care so much about the interests of TransGrid, which must by law be paramount to its chairman and directors, but more about the interests of the ALP and the trade union movement, as represented by the state ALP president and the state ETU boss Bernie Riordan.
>
> It was not only the height of bad manners for Costa to have Riordan present when discussing TransGrid's representation on the EISS board, it was totally unethical as well as being in breach of corporate best practice.

Time and time again honourable members see examples of that in this House. The article goes on to state:

> It was the sort of stunt that cowboy state governments such as that run by the disgraced former Western Australian premier Brian Burke used to resort to when they were playing footsie with corporate criminals like Alan Bond and Laurie Connell during the heyday of WA Inc.

What a damning indictment of the Parliamentary Secretary's Treasurer.

Mr Paul McLeay: By?

Mr DARYL MAGUIRE: By this article. The article goes on to state:

> Unlike Costa and the former union hacks who infest the NSW Government, Higginson has spent more than 40 years building a solid reputation as a serious figure in the business community through a series of senior management positions in manufacturing and mining, and by working for such public institutions as the Botanic Gardens, the Conservatorium of Music, the Salvation Army and the University of NSW. His record of private and public service would shame anyone sitting on the Government benches. He not only knows how governments work, having dealt extensively with both major parties, but also has a clear understanding of boardroom issues and good governance. TransGrid has prospered under his 12 years as chairman.
>
> He was fighting an attempt by the NSW Treasury to hide a $1 billion debt incurred by another state utility in TransGrid's books when he was shafted.
>
> Under his chairmanship, Higginson built TransGrid into one of the world's power-distribution success stories, despite the fact that the Labor Government rewarded former transport minister Brian Langton, the subject of a finding of corruption by ICAC over misuse of parliamentary travel warrants (who left politics with a $90,000 indexed entitlement), with a seat on TransGrid's board.
>
> The NSW Labor Government is deservedly under fire for its handling of almost every portfolio. Hospital waiting lists are a disaster, even though one of former premier Bob Carr's first unkept promises was his pledge to resign if they were not reduced; the state teachers' unions run roughshod over the desires of the Government and parents; public transport is less reliable than it was pre-WWII; environmental policies have created Molotov cocktails in the state's national parks; the Lands Department ignores the communities it is meant to serve; and IPART and ICAC seem to have lost any independence they may have enjoyed.

What a damning indictment of this Government. I could read more of that article, but I think honourable members will get the drift of the point I am making. I know that Opposition members certainly do. This legislation represents a catch-up attempt by a government that has been lax and lazy and by a Minister who

signed documents to allow people to become members of superannuation schemes and make contributions, but did not ensure that the arrangement met Federal requirements. I think the points that I have raised are valid from the point of view of whether there are any real benefits for councillors and their spouses in investing in the scheme. That matter ought to be made clear.

As I stated earlier, the Opposition will not oppose the legislation because we think people should be encouraged to put funds aside for their retirement and wellbeing. It is incumbent upon this Government when it introduces legislation to explain its provisions properly, but this Government never does. It glosses over the provisions and is lax in providing details so that people can have a thorough understanding of its implications. The Government attempts to cover up the real intent underlying its legislation, but I hope that that is not the case on this occasion. I await with interest the reply by the Parliamentary Secretary. If he does not address in detail the issues I have raised, I will ensure that the issues are raised in another place.

Mr PAUL McLEAY (Heathcote—Parliamentary Secretary) [12.37 p.m.], in reply: Legal advice sought by Treasury from the Crown Solicitor has confirmed that the Superannuation Administration Act 1996 needs to be amended if existing and future spouses and local government councillor members of the privately run energy industry and local government superannuation schemes are to be legally valid members of funds. The Crown Solicitor has advised that the Superannuation Administration Act 1996 is currently directed toward employees and not additional persons, and that local government councillors or members' spouses who have been admitted as members of the schemes since as far back as 1998 are not currently legally valid members of the schemes.

The proposed bill will allow readdress of this legislative deficiency by amending the Superannuation Administration Act 1996 to enable trustees of trust deed schemes established under the Act to make provision in their trust deeds for additional classes of persons to be admitted to the schemes. Provision has been made within amendments to retrospectively validate the past ministerial approval of trust deed amendments that would otherwise have been invalid. Contrary to the honourable member for Wagga Wagga's assertions, the New South Wales Government, through the New South Wales Treasury, sought advice from the Crown Solicitor to clarify the legal status of these members. Oversighting was provided by the scheme's private sector legal advisers, not by the Crown.

On advice from the scheme's trustee, the former Treasurer signed off. The Local Government Superannuation Scheme and the Energy Industry Superannuation Scheme are the two trust deed schemes that have been established under the Superannuation Administration Act. Both schemes have trust deeds and associated schemes that set forth their superannuation scheme's rules. The deeds empower the trustees, with the consent of the Ministers, to amend their deeds. The respective superannuation schemes have advised that there are approximately 250 members of the Local Government Superannuation Scheme and 150 members of the Energy Industries Superannuation Scheme affected by the invalid deeds.

Both funds have accepted members into their scheme since 1998 and local government councillors into the local government superannuation schemes since 2004. Membership for partners and spouses and local government councillors is optional. Benefits may include the option to make post-tax contributions, with spouse contributions splitting, which may be more tax-effective for individuals. Obviously people who have chosen to become members can see a benefit. I advise those members of the fund to seek independent financial advice. In relation to TransGrid, I referred to a statement made this morning by the Treasurer, the Hon. Michael Costa. He said:

> I refer to media reports today.
>
> Directors are required to represent the shareholders.
>
> Under the *State Owned Corporations Act* and the *Energy Services Corporation Act* shareholding ministers can remove a director for any reason.
>
> The Government's policy, in line with good corporate practice, is to rotate directors periodically.
>
> Mr Higginson had been a director of TransGrid since 1995.
>
> His replacement as Chair is an existing director of TransGrid, Dr Paul Moy, an acknowledged expert in state owned businesses and highly regarded in the corporate and electricity sectors.
>
> Under the Government's capital structure policy, the capital structure of state owned businesses are independently reviewed.
>
> There is no attempt to hide debt. This would be impossible under current accounting and governance procedures.

The finances of these companies are transparently reported to the NSW Parliament and are reviewed by the Auditor-General.

Any changes to the capital structure of individual businesses has no impact on the overall total of state debt.

The Energy Industries Superannuation Scheme (EISS) is the NSW energy industry superannuation scheme.

The prime purpose of the fund is to provide superannuation benefits for workers in the industry.

Trustees of the fund represent the interests of the members of the fund.

TransGrid has performed well since its inception in 1995 under the former CEO David Croft.

I have been advised by Dr Moy that Mr Croft is considered a more than suitable representative from TransGrid on the board of the EISS.

In line with industry fund practice, the appropriate unions are represented on the board.

I have been advised the unions have agreed to forgo their turn to chair the fund.

The NSW Government thanks Mr Higginson for his service and wishes him well for the future.

The changes to the Act are as a result of the fund directors getting high-powered legal advice from the independent legal firms. The Government intervened and said that that should be checked. Advice from the Crown Solicitor is that—

Mr Daryl Maguire: Point of order: In my contribution I asked the Parliamentary Secretary under what conditions may councils make additional contributions. He has not addressed that in his answer. I am particularly interested in it and I would like him to explain under what conditions councils may make additional contributions.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! I am sure the Parliamentary Secretary will answer that question soon.

Mr PAUL McLEAY: It is optional. Councillors may choose to contribute. If their partners choose to contribute, benefits may include the option to make post-tax contributions and spousal contributions by splitting, which may be tax effective for them. If they choose to go above and beyond the superannuation guarantee and go into a portable system—

Mr Daryl Maguire: Point of order: I may not have explained myself clearly enough. The document says that if a person is a full member or an optional member, their local government employer may make additional contributions. It is in that regard that I asked the question. Under what conditions may they make additional contributions?

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! The Parliamentary Secretary may respond.

Mr PAUL McLEAY: I am advised that there are no additional employer contributions. Members of the fund can make additional contributions, and should do so, particularly given that the Howard Government refused to increase the superannuation guarantee levy. It is frozen at 9 per cent since the Howard Government came into power and clearly is not enough for people to fulfil their future requirements. That will not give them a sound financial base for their future. I commend the bill to the House.

Mr Daryl Maguire: Point of order: I am loath to interrupt, but the document I referred to is the guide to the local government accumulation fund. Page 8 refers to employer contributions pre-tax and says that in the case of a full member or an optional member, which is what I have referred to, their local government employer may make additional contributions for them, to top up their SG contributions. Under what circumstances may they make them? What are the rules that allow councils to make additional contributions on behalf of councillors or their spouses? Are there some agreements in place that we do not know about? Are there AWAs? How does it work?

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! That is not a point of order. However, the Parliamentary Secretary appears to have some information for the honourable member for Wagga Wagga. In future, questions such as that should be raised in another forum.

Mr PAUL McLEAY: In 15 minutes of dissertation, we had more from Piers Akerman than poignant questioning. The document that the honourable member for Wagga Wagga has resourced is not a government document, but I clarify that local government employees who are members of the fund can have contributions to the scheme where there may be some additional employer contributions involved with their industrial agreements that have a co-contribution capacity.

Mr Daryl Maguire: Optional payments.

Mr PAUL McLEAY: That is right, optional payments. The amendments to include councillors and their spouses are not affected by that, because there is no industrial agreement that covers them. They are not considered to be employees. There may be some local government instruments that have employer contributions that match employee contributions, but that does not include the members we are adding today.

Mr Daryl Maguire: It excludes optional members.

Mr PAUL McLEAY: It does not include them, I am advised.

Mr Daryl Maguire: So the document is wrong. Thank you.

Mr PAUL McLEAY: That is correct.

Motion agreed to.

Bill read a second time and passed through remaining stages.

RURAL LANDS PROTECTION AMENDMENT BILL

Second Reading

Debate resumed from 24 October 2006.

Mr THOMAS GEORGE (Lismore) [12.48 p.m.]: On behalf of the Coalition I advise that the Coalition will not oppose the Rural Lands Protection Amendment Bill. The background of the bill is that the Rural Lands Protection Act 1998 established rural lands protection boards and a State Council of rural lands protection boards. The 47 boards across the State delivered services such as animal health and pest management, protection of rural lands, management of travelling stock reserves, and emergency response capability. A new Act was introduced in 1998 and brought boards under the Public Finance and Audit Act 1983, making the Auditor-General responsible for audit requirements.

In 2002 audit costs to rural lands protection boards increased by about 75 per cent—from $170,000 to $300,000 a year—a cost that they just cannot afford. This issue is of major concern to rural lands protection boards and to State Council. It is great to see the honourable member for Burrinjuck in the House because she and her family have played an integral part in rural lands protection boards throughout this State. Her late father was a great contributor to rural lands protection boards. The Richmond-Tweed Rural Lands Protection Board, which is based in Lismore, and the Casino Rural Lands Protection Board do a tremendous job, just as the 47 rural lands protection boards throughout this State do a tremendous job. I pay tribute to them.

This bill will extend from four to eight months the time within which State Council has to submit its annual report. I hope that gives State Council sufficient time to prepare a report on the auditing of the boards' financial statements, and to foster responsible reporting. Key changes to the reporting requirements include replacing audit requirements under the Public Finance and Audit Act 1983 with appropriate cost-effective arrangements that comply with Australian accounting standards and public accountability requirements. The new arrangements will include requiring boards to keep accounting records that explain their financial position and preparing financial reports that comply with Australian accounting standards. Boards will be required to appoint independent auditors to be approved by State Council to audit their financial reports.

The bill establishes who can be an auditor and the powers and obligations of auditors to ensure that high standards of public accountability are maintained. The Auditor-General may conduct a special audit if required or asked to do so—an important protective mechanism, given that these boards are statutory bodies. As I said earlier, the Opposition does not oppose this bill. I pay tribute to the work done in this area by the shadow spokesman, the Hon. Duncan Gay, in the Legislative Council. I am sure he will have a lot more to say about this issue.

Ms KATRINA HODGKINSON (Burrinjuck) [12.53 p.m.]: I will make only a brief contribution to the Rural Lands Protection Amendment Bill, a relatively non-controversial bill that seeks to include different provisions relating to auditing requirements for rural lands protection boards. As my colleague the honourable member for Lismore just said, the Opposition does not oppose this bill. I note that the shadow Minister for Primary Industries, the Hon. Duncan Gay in the other place, consulted widely in relation to this bill. At this stage he has not received any opposition to it. In 2004 there was a fairly comprehensive review of the Act. Under section 248 of the Act a five-year statutory review was required.

As would be expected, stakeholders were consulted and of the order of 190 submissions were received as a result of that consultation. At the time wide-ranging recommendations were made to amend the Act. The purpose of this bill is to put in place the first of those recommendations. Opposition members have been advised that a subsequent bill will be introduced after there has been further consultation with interest groups. However, that bill will be dealt with at another time. Key changes to the reporting requirements include extending the time for State Council to submit its annual report from four to eight months after the end of the financial year. Local rural lands protection boards have expressed concern to me and to several members of Parliament about the time constraints for auditing boards' financial statements.

Four months is a tight time frame. I believe eight months to be more acceptable and do not have any problem with that provision. In fact, it is something for which rural lands protection boards have been calling for quite some time. Forty-seven boards in this State deliver services such as noxious weed control and feral animal management and, to a large extent, they do a very good job. Elections are held on a regular basis and there is always competition to see who can get onto rural lands protection boards, as they are an important and well-respected part of our farming community. Those boards operate within the constraints delivered by the State Government and by various local government institutions, and they also have funding constraints.

Other key changes to the reporting requirements include replacing audit requirements under the Public Finance and Audit Act 1983 with appropriate cost-effective arrangements that comply with Australian accounting standards and public accountability requirements. The new arrangements include requiring boards to keep accounting records that explain their financial position and preparing financial reports to comply with Australian accounting standards. The bill will ensure consistent reporting by specifying what information is to be included in the financial reports and auditors' reports, which seems sensible to me. The new arrangements also include requiring boards to appoint independent auditors to be approved by State Council to audit their financial reports.

Auditors' reports must comply with standards and pronouncements of the Commonwealth Auditing and Assurance Standards Board, which will ensure that best practice auditing standards are upheld. The bill establishes who can be an auditor and the powers and obligations of auditors. It is vital for us to ensure integrity so that high standards of public accountability are maintained across this State. The Auditor-General may conduct a special audit if required or asked to do so. This is an important protective mechanism, given that boards are statutory bodies. I think those are sensible amendments to the Rural Lands Protection Act.

As my colleague the honourable member for Lismore said earlier, this bill appears to be relatively non-controversial. Consultation has been conducted with relevant rural and farming associations and other bodies and industry groups around the State. The Opposition has not received any opposition to the bill from those industry groups. The Opposition does not oppose this legislation.

Mr PAUL McLEAY (Heathcote—Parliamentary Secretary) [12.59 p.m.], in reply: I thank honourable members for their contributions to the debate. The Rural Lands Protection Amendment Bill will improve efficiency and reduce the administrative burden on rural lands protection boards, while maintaining public accountability and transparency. The bill represents a sensible compromise between reducing the administrative and reporting obligations on boards and ensuring that the new reporting requirements meet current accounting and auditing standards. Boards will be removed from their current obligations under the Public Finance and Audit Act. Instead, a new reporting framework will be introduced. Among other things, this will allow boards to appoint independent auditors, who will have wide powers to obtain any information necessary to complete their audit properly.

Boards will still be required to keep careful records that substantiate their income and expenditure. They will also be required to present their reports to the State Council within strict time frames. That requirement will ensure that high levels of transparency and accountability are maintained. The bill provides for the highest standards of accountability and transparency for State rural lands protection boards in financial

record keeping, auditing and financial reporting. At the same time it will deliver cost-effective and streamlined financial processes. Taken together, these outcomes provide for the responsible financial management of these important statutory boards. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

[*Madam Acting-Speaker (Ms Marie Andrews) left the chair at 1.01 p.m. The House resumed at 2.15 p.m.*].

VARIATIONS OF PAYMENTS ESTIMATES AND APPROPRIATIONS 2006-07

Mr John Watkins tabled, by leave, variations of the payments estimates and appropriations for 2006-07 under section 24 of the Public Finance and Audit Act 1983 flowing from the transfer of functions from the Department of the Arts, Sport and Recreation to the Department of Commerce.

STANDING COMMITTEE ON PUBLIC WORKS

Report

Mr Kevin Greene, as Chairman, tabled report No. 53/08, entitled "Inquiry into Sportsground Management in NSW", dated November 2006.

Ordered to be printed.

PETITIONS

Rural and Regional Police Resources

Petition calling upon the Iemma Government to allocate more police resources to rural and regional communities throughout New South Wales, received from **Ms Katrina Hodgkinson**.

Bus Service 352

Petition requesting extension of bus service 352 to operate on nights and weekends, received from **Ms Clover Moore**.

Police Resources

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

CountryLink Rail Services

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

Forster-Tuncurry Policing

Petition requesting a permanent 24-hour police station at Forster-Tuncurry, received from **Mr John Turner**.

Rouse Hill High School Construction

Petition requesting funding for the immediate construction of the Rouse Hill High School, received from **Mr Steven Pringle**.

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 **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**.

Lourdes Hospital Hydrotherapy Pool, Dubbo

Petition requesting funding for repairs to the Lourdes Hospital Hydrotherapy Pool, Dubbo, received from **Mr Andrew Stoner**.

Community-based Preschools

Petition requesting increased funding to community-based preschools so that young children are able to access two years of preschool before they start school, received from **Mr Greg Aplin**.

Sow Stall Ban

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

Rural Lands Protection Boards Funding

Petition requesting funding for the rural lands protection boards, received from **Mr Adrian Piccoli**.

Recreational Fishing

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

Private Native Forestry

Petition requesting a review of the draft code of practice for private native forestry, received from **Mr Andrew Stoner**.

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**.

Caringbah Traffic Conditions

Petition requesting the installation of a right turn arrow at the intersection of The Kingsway and Gannons Road, Caringbah, received from **Mr Malcolm Kerr**.

Inner City Bicycle Lanes

Petition requesting dedicated bicycle facilities for the entire length of William Street, and on Craigend Street and Kings Cross Road, received from **Ms Clover Moore**.

Blacktown Traffic Arrangements

Petition requesting the permanent closure of Dunstable Road at Sunnyholt Road, Blacktown, received from **Mr Andrew Stoner**.

CSR Quarry, Hornsby

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

QUESTIONS WITHOUT NOTICE

MINISTERIAL CONDUCT COMPLAINT

Mr PETER DEBNAM: My question is directed to the Premier. Given that it is four months before the election and ministerial accountability is a critical issue in this State, is the Premier today in a position to tell the people of New South Wales if, in a series of meetings in January this year, a complaint was lodged with the Police Integrity Commission by a Wood royal commission informant about the misuse of ministerial power by one of his Ministers?

Mr MORRIS IEMMA: Yesterday the Leader of the Opposition got up in this House and, in a disgraceful smear and slur, traduced the reputation of every Cabinet Minister in the Government.

Mr SPEAKER: Order! The Leader of The Nationals will resume his seat and stop interjecting.

[*Interruption*]

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

Mr MORRIS IEMMA: He has now had 36 hours to come before this House and produce his evidence. Yesterday the Leader of the Opposition said there was another Minister under investigation. What he has to do is justify that slur. He should not come into this House and attempt to cover up what he said yesterday when the onus is on him to say that what he said yesterday was—

[*Interruption*]

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

Mr MORRIS IEMMA: He should withdraw and apologise or put it on the table.

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

Mr MORRIS IEMMA: Where is the evidence, the information to justify the slur of yesterday that there was another Minister—they are his words—under investigation?

Mr Barry O'Farrell: Point of order: My point of order relates to Standing Order 138. The Premier has been asked the same question on two days. Today he was given more information to help his memory. Can he please answer the question?

Mr SPEAKER: Order! There is no point of order. The Premier is answering the question. The Premier has the call.

[*Interruption*]

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

Mr MORRIS IEMMA: The first thing is to put the information on the table to justify what he said yesterday—and I quote his words—"There is another Minister under investigation." Put it on the table! The Leader of the Opposition has had 36 hours, and what has he just done? Yet again he continued the slur and the smear without putting on the table evidence or information to justify yesterday's statement that there was another Minister under investigation. That was either deliberately negligent or a calculated attempted to smear.

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

Mr MORRIS IEMMA: This is just another attempt by the Leader of the Opposition to smear with innuendo, and to traduce the reputation of people in this Chamber. In asking his question today, like yesterday, if he has information or evidence, produce it! If he has information or evidence, get up and justify the statement.

Mr SPEAKER: Order! The Deputy Leader of the Opposition will stop calling out. I call the Deputy Leader of the Opposition to order.

Mr MORRIS IEMMA: The Leader of the Opposition got up in this House yesterday and said there was another Minister under investigation. Get up and justify that statement! It is now 36 hours. This Parliament will sit for another couple of hours today. Put the information on the table about another Minister being under investigation. That is what the Leader of the Opposition has to produce. He should not come into this Chamber and attempt to cover up what he did yesterday by continuing the same tactics, the same innuendo and smearing of the reputations of the people in this Chamber.

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

Mr MORRIS IEMMA: He will get another four questions. Put on the table the evidence to justify what he told the Parliament yesterday. His words were that there was another Minister under investigation. That is what he has to justify. So far he has failed to do that. The clock is ticking and it is his character that is on trial here. We are still waiting. There is plenty of opportunity and time for him to put on the table the evidence of the statement that he made yesterday that there was another Minister under investigation.

PARLIAMENTARY BEHAVIOUR STANDARDS

Ms ANGELA D'AMORE: My question is addressed to the Premier. What is the Government's response to community concerns about parliamentary standards and related matters?

Mr SPEAKER: Order! I call the honourable member for Coffs Harbour to order for the second time. The Premier has the call. He will be heard in silence.

Mr MORRIS IEMMA: It is ironic that the Leader of the Opposition complained so bitterly on the weekend that he was himself being used—

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

[*Interruption*]

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

Mr MORRIS IEMMA: The crocodile tears did not last so long! How does he respond to the crocodile tears of the weekend? We saw that yesterday when he came into the Parliament and smeared everyone. He stood in here and said there was a third Minister under investigation.

Mr Chris Hartcher: Point of order: Mr Speaker, I refer you to the ruling you gave earlier today under Standing Order 82 about casting aspersions on other members of the House. You upheld the point of order taken by a member of the Government that aspersions about other members need to be made only by way of substantive motion. I now invite you, Mr Speaker, with a memory recall of at least four hours, to uphold the point of order, as you did earlier today.

Mr SPEAKER: Order! I have every intention of complying with the standing orders. It was noticeable that the honourable member for Gosford could not put his point of order with a straight face. The Premier has the call.

Mr MORRIS IEMMA: The Leader of the Opposition remained hiding in his office, cowardly refusing to repeat his allegations, or even explain his actions to the people of this State. Since the call for him to put up or shut up, he and his staff and the Leader of The Nationals have sought to rewrite history on his performance yesterday. Cowering in his office, the Leader of the Opposition has sent his troops forward, claiming to journalists that the grubby tactics employed yesterday were simply about asking questions. The Leader of The Nationals, this morning on radio 2GB, said:

> It was a fair question. He simply asked— are there any other Ministers under investigation, and I think that question deserves an answer?

But when the interviewer asked:

> Why hasn't Mr Debnam come out and said something this morning?

The loyal Leader of The Nationals said:

> I think you need to talk to Mr Debnam about that.

Not much solidarity in The Nationals in that one! The interviewer then said:

> We can't, so that's why I'm asking you.

The Leader of The Nationals then responded:

> I haven't spoken to him as yet.

History cannot be rewritten. The Leader of the Opposition knew exactly what he was doing in question time yesterday—and it was not getting up just to ask a question. He knew exactly what he was doing: he was launching a grubby attack. When question time had finished, he compounded the matter in the debate on which urgent motion should have priority by saying, "There is another Minister under investigation." The Leader of the Opposition deliberately set out to smear every member of the Government, a smear he has so far failed to address with any facts.

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

Mr MORRIS IEMMA: And he cannot be allowed to get away with suggesting he was seeking honest answers, because in the debate following question time he repeated his smear, not as a question but as an assertion. I have shown that the Leader of the Opposition set out not to ask a question but to smear with that assertion that there was in fact a third Minister under investigation. That is typical of the tactics that he employs—similar to the sorts of tactics that he has employed from the time that he became Leader of the Opposition. While he wants to get up and lecture people about standards—

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

Mr MORRIS IEMMA: —what has he done about Pru Goward's revelations about shady land deals, development approvals and Liberal Party branch corruption? Nothing.

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

Mr MORRIS IEMMA: Or Mr Smith's improper phone calls? Or Mr Humpherson's branch-stripping activities? Or John Hyde-Page's allegations of intimidation in Liberal Party branches?

Mr Wayne Merton: That's peanut stuff!

Mr MORRIS IEMMA: Yes. Land deals and branch corruption, he says, are peanut stuff. That is the record of the Leader of the Opposition. When confronted with this sort of material and these issues in his own party, he either denies it or sticks his head in the sand. Do you know why? Because he is not really in charge of his party. He is not the real Leader of the Opposition. He is the one to whom extremists that have taken over his party say: We will tell you how to run the Liberal Party; we will tell you who you can have in your team, and who you will not have in your team. That is the record of the Leader of the Opposition. His absence from the media all of yesterday afternoon indicates that his tactics were part of a premeditated campaign to place on the parliamentary record a rancid allegation of breach by one of my Ministers. Let us be absolutely clear. The Leader of the Opposition, for his own base political motives, sought to send each one of my Ministers home last night with an accusation having over their heads. Two days ago the Leader of the Opposition launched that advertising campaign.

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

Mr MORRIS IEMMA: It is a rotten advertising campaign by a rotten Leader of the Opposition, who throws rotten accusations without any basis, without any evidence. All he seeks to do is to traduce the reputation of people in this Chamber and to mislead this House. That is something he ought to be ashamed of. He should stand up and withdraw those accusations.

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

Mr MORRIS IEMMA: He has added to them again this morning with his comment "Watch this space" when he was asked the question. We are still watching the space. The space is for him to get up and justify the statement he made yesterday with information or evidence that there was another Minister under investigation. The Leader of the Opposition's inability to get up in this Chamber today with that information, and his inability to get up anywhere this morning and back up what he says condemns him as someone who is not fit to hold the office that he holds. He is simply running with smear and innuendo, and without any courage to get up and back up what he said yesterday. That is why later today we will be moving a censure against the Leader of the Opposition.

MINISTERIAL CONDUCT COMPLAINT

Mr PETER DEBNAM: My question is to the Premier. Given that the collection of evidence and information by the Police Integrity Commission is oversighted by the Attorney General's Department, and the Attorney General is the subject of a complaint, is it not appropriate that the Attorney General stand down from his position pending the outcome of the Police Integrity Commission's assessment or a public hearing be conducted, or is it more appropriate that the assessment be completed by an independent, arm's-length law enforcement agency?

Mr MORRIS IEMMA: What the Leader of the Opposition is attempting to continue to do is to smear one of my Ministers with his continual campaign of smear and innuendo. If he has evidence or information, produce it. It is not enough for him just to get up and make that kind of statement. He has to get up and justify his statement yesterday that a Minister is under investigation—not to continue making those sorts of statements about people's reputations. The material the Leader of the Opposition puts before this House is along the lines of the same grubby smear raised by the upper House member Mr Lynn more than three years ago. In a desperate attempt to justify his comments of yesterday, the Leader of the Opposition—

Mr Peter Debnam: Point of order: Just to help the Premier, he is wrong.

Mr SPEAKER: Order! The Leader of the Opposition will resume his seat. The honourable member for Ballina will come to order. The Premier has the call.

Mr MORRIS IEMMA: The Police Integrity Commission [PIC] does not report to the Attorney General. In his desperation to justify the comments of yesterday the Leader of the Opposition has reached back to reuse a grubby, discredited allegation levelled by his right-wing friends in the upper House. The Leader of the Opposition has form on this matter. He knows very well that the tactic he has employed is so far from what he is required to do today to get up and justify the smear yesterday. So far all he has done is simply attempt to cover up that grubby smear of yesterday through the statements he made this morning.

PARLIAMENTARY PRIVILEGE

Mr BARRY COLLIER: My question without notice is addressed to the Attorney General. Will the Attorney explain to the House the nature and limits of the legal principle of privilege and related matters?

Mr BOB DEBUS: Mr Speaker—

Mr Chris Hartcher: Point of order: Questions cannot ask for legal advice. That is set out in the standing orders, which the Clerk is about to tell you. The legal limits on privilege is a question asking for a legal opinion. It is contrary to the standing orders.

Mr SPEAKER: Order! The question does not ask for a legal opinion. It asks for the nature and limits of a legal principle.

Mr Chris Hartcher: That's nonsense!

Mr SPEAKER: Order! If the honourable member for Gosford wants to challenge my ruling he may do so. The Minister has the call.

Mr Andrew Fraser: Point of order: I suggest that if the honourable member for Miranda wants to now about privilege, Erskine May is here. He should read it.

Mr SPEAKER: Order! The honourable member for Coffs Harbour will resume his seat and stop wasting the time of the House. The Attorney General has the call.

Mr BOB DEBUS: Let us be clear: I am not under investigation for anything, nor have I ever been found by any tribunal of fact anywhere to have committed even the slightest transgression. Nobody in this place believes the nonsensical allegations that the Leader of the Opposition is raising. This is my challenge to you—you grub—walk 15 paces out there and say it again. Say it now.

Mr Chris Hartcher: Point of order—

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

Mr BOB DEBUS: He should stand up and say it out there. Will he move? Will he go? Now?

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

Mr Barry O'Farrell: Point of order: We are not going to take lectures from him on parliamentary privilege—

Mr SPEAKER: Order! There is no point of order. The Deputy Leader of the Opposition will resume his seat.

[*Interruption*]

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

[*Interruption*]

Mr SPEAKER: Order! The honourable member for Blacktown will come to order. The Attorney General has the call.

[*Interruption*]

Mr SPEAKER: Order! I call the honourable member for Blacktown to order. The Attorney General has the call.

Mr BOB DEBUS: I will say one or two things about privilege and about the shame that the Leader of the Opposition brings on this place. In my 19 years in this place I have seen, I think it is eight or nine Leaders for the Opposition. Each one of them attempted, in some way or other, to contribute to the substance of the institution of this Parliament, but he does not.

Mr SPEAKER: Order! The honourable member for Blacktown will come to order and allow the Attorney General to present his response.

Mr BOB DEBUS: This is the sort of behaviour that causes the public to query whether parliamentarians deserve special protection from prosecution for speaking their mind on a matter of public importance.

Mr Chris Hartcher: What's the legal advice?

Mr BOB DEBUS: Here is the legal advice for the honourable member for Gosford. There is a doctrine of parliamentary privilege that goes back to Article 9 of the Bill of Rights in 1688 and it provides that freedom of speech, debates or proceedings in Parliament ought not be impeached or questioned in any court or place out of the Parliament. That is what they said way back then. Members of Parliament are given a special legal status because it is recognised that the tasks they have to perform require additional powers and protections. They are necessary because of the need to be able to debate matters of importance freely and to ventilate grievances, real grievances. John Hatton, the former member for the South Coast, knew how to do that. A few other people also knew how to do that. The Leader of the Opposition does not. It is a privilege that needs to be used with commonsense and integrity, not speculatively, and not with vindictive intent.

We have come to understand that the Leader of the Opposition cares nothing for reasonable standards of parliamentary behaviour. His attitude to the law and standards of behaviour in general are completely cavalier. The Leader of the Opposition either does not know the limits of these standards or he does not care. I point out that the honourable member has displayed similar negligence when it comes to the law in general. In an interview on 2UE in July this year he was asked if he believed in the doctrine of the separation of powers, just like Joh Bjelke-Petersen before him. He was asked, and this was his response, "Which separation of powers are you talking about?" The announcer said, "Sorry?" The Leader of the Opposition said, "Which separation of powers are you talking about?" The announcer said, "If you don't know then we have a problem." And indeed we do. The Parliament has a big problem, and its name is Peter Debnam.

The Leader of the Opposition is the same man who seeks to lead this State and who says that police should charge people that they assume to be offenders with "anything". He said that in July on 2UE. It is a new criminal offence, "anything". In August this year in the *Australian* he said, "I am happy to give the judicial system a kick in the arse any time." He uses violent rhetoric, he uses abuse and he trades on trashing the reputation of his opponents and people he has never laid eyes upon. Heaven help us if he should ever sit on a Government bench in any capacity! It bears stating that the kind of behaviour we saw yesterday in this place would not be treated lightly by a court. In any other environment a claim without substance, a claim where not even an informant would support him would result in perjury charges, an offence punishable by 14 years—

Mr Chris Hartcher: Point of order—

Mr BOB DEBUS: Is the honourable member for Gosford worried about the legal advice again?

Mr Chris Hartcher: I draw your attention once again to Standing Order 82. I draw your attention to the total hypocrisy of the Attorney General, who was prepared to traduce the reputation of Greg Smith, the Deputy Director of Public Prosecutions—

Mr SPEAKER: Order! The honourable member for Gosford will resume his seat. There is no point of order.

[*Interruption*]

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

[*Interruption*]

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

Mr BOB DEBUS: If the honourable member for Gosford should like, I again challenge the Leader of the Opposition to take 10 steps outside this Chamber and say those things. Have the guts to say them! If he cannot, he should resign. This Parliament cannot afford a man like him, nor can our system of justice. It cannot afford his ill temper, his abuse and his callous disregard for the system of justice that some of us at least hold to be a rather important thing.

MINISTERIAL CONDUCT COMPLAINT

Mr PETER DEBNAM: I direct my question to the Premier. Will he request the Attorney General to inform him in writing by 5.00 p.m. today of his knowledge of the complaint concerning his conduct while Minister for Corrective Services and what he understands to be the status of the assessment of the complaint?

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

Mr MORRIS IEMMA: The Leader of the Opposition just digs a bigger hole for himself. That question leads us to this conclusion: Barry, it is time! Get up, stand up and strike a blow for the leadership. Be a real leader.

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

Mr MORRIS IEMMA: The Leader of the Opposition should answer these questions: where is his evidence for what he said? He said there was a Minister under investigation—produce the evidence, produce the

information! He has had more than a day to show this House that he has some character. He is on trial here. This is his trial and he is going down. He has not been able to produce anything—not one shred of information or evidence. Accusation does not equal allegation. Accusation does not equal evidence. Accusation does not equal guilt. What the Leader of the Opposition has done today is continue the smear that he began yesterday. I can tell him one thing: it is he who is on trial. He is on trial today—his character.

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

Mr MORRIS IEMMA: The Leader of the Opposition has neither the character nor the authority to hold the office that he holds, let alone does he have the character to be the Premier of this State. He does not have the authority to run his own party, let alone to continue to occupy the office he holds with his smears and innuendoes and his gutless smear and innuendo of the Attorney General. Yesterday the Leader of the Opposition said he knew there was an investigation. Get up and prove it! Do not make more accusations. They do not equal evidence. They do not equal information.

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

Mr MORRIS IEMMA: Get up and produce! Show some character and produce the evidence; otherwise, withdraw and apologise. If he cannot do that, he should get out of this place and give Barry O'Farrell a go. Perhaps then the Liberal Party will get a real leader, not the pathetic excuse who parades as a leader—a person who finds no difficulty in traducing the reputation of everybody he comes across. If you are a senior public servant, he has no difficulty in calling you corrupt. If you are the Commissioner of Police, he has no difficulty traducing your reputation. If you run the Roads and Traffic Authority [RTA], he has no difficulty traducing your reputation. If you are a Minister in this Government, he has no difficulty in smearing and traducing your reputation.

One thing the Leader of the Opposition always has difficulty with is backing up what he says, and the other thing he has difficulty with is showing some leadership, some courage, some authority and some character. What we have learned from that spineless man from Vaucluse over the past 15 months is that he does not have the authority or the character to ever be Premier of this State. It is no wonder so many people from all walks of life in this State are coming to that conclusion.

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

Mr MORRIS IEMMA: The Leader of the Opposition has just come from a business luncheon where everybody sat there and shook their heads. They said, "He had half an hour to speak on infrastructure and he did not have one single initiative to announce—not one." Every single day in this place the only thing that he can ever put forward as policy is the Peter meter—the $25 billion expenditure, or the 29,000 public servants who will get the sack if he ever becomes Premier of New South Wales. His lack of character and his lack of authority and leadership are shown by the simple fact that on the day the High Court brought down a decision that said WorkChoices was legal but not fair, did he have one word for the workers and their families who will lose their jobs and have their pay packets eroded? No!

He has had plenty of opportunity today to come into this House and produce the evidence, and so has the Leader of The Nationals. Why will the Leader of The Nationals not back up in this House what he stated in his local newspaper last week when he too said there was another Minister under investigation? Every day that passes in this House he gives more strength and weight to Steve Price's assessment that he is ignorant and an idiot—a first-class ignorant idiot. The Leader of the Opposition is the one who has questions to answer and he should answer them. He is the one whose character is under examination. He should show that he has some character rather than that he is a gutless spineless spiv from Vaucluse.

POLICE INTEGRITY COMMISSION ROLE

Mr PAUL LYNCH: I address my question without notice to the Minister for Police. Will he explain to the House the role of the Police Integrity Commission [PIC], the standards of integrity and honesty expected of NSW Police officers, and related matters?

Mr JOHN WATKINS: I am happy to do so, but before I do, I point out that it is interesting how language changes in this place—from investigation to complaint. It was "investigation'; now it is "complaint". It is the old Debnam trick of rewriting history. As the Chair of the oversighting Committee on the Office of the

Ombudsman and Police Integrity Commission, the honourable member for Liverpool is well aware of its role. The other members on the Government side of the House are also well aware of the role and responsibility that the Police Integrity Commission [PIC] has in our community. But clearly, members on the Opposition side are not.

For the benefit of the Leader of the Opposition, I point out that the primary function of the Police Integrity Commission is to detect, investigate and prevent police corruption and serious police misconduct. The commission was established as an independent oversight agency in response to a recommendation made by the Wood royal commission. In this respect the Police Integrity Commission Act provides that most reports of the Police Integrity Commission are made to the Presiding Officers of each House of Parliament, not to the Government. Furthermore, the Police Integrity Commission Act 1996 provides extensive and onerous provisions relating to secrecy, disclosure and admissibility. Breaches of these provisions carry large fines and extensive gaol terms.

All of these facts, which are available to any member of this House through the Police Integrity Commission web site or the governing legislation passed by this House, make the behaviour yesterday of the Leader of the Opposition, the honourable member for Vaucluse, even more offensive and more ridiculous than before. His sweeping allegations during question time, which were repeated during the debate on the motion for urgent consideration, were that a Minister was under investigation and that the Premier should demand answers from the Police Integrity Commission. Those comments defy the most important aspect of the commission's operations.

Firstly, it should conduct its inquiries with the utmost secrecy. What the Opposition did yesterday trashed that, if in fact the Police Integrity Commission was undertaking an investigation. Secondly, this important body is independent of the Minister, the Premier and even the Commissioner of Police. The claim made by the Leader of the Opposition, Peter Debnam, that the Premier should somehow haul the Police Integrity Commissioner down to his office to be given an operational rundown defies the exact reasons this standing commission was created in the first place. The Police Integrity Commission was set up in the wake of the Wood royal commission, which revealed that the most rampant corruption was underway under the nose of the previous Coalition Government. At the time it even opposed the creation of the Wood royal commission. The claims made yesterday were typical of the Leader of the Opposition—desperate, tacky, ill-advised and reeking of a man who does not have the support of his party.

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

Mr JOHN WATKINS: In fact, members of the Opposition are already speaking in hushed tones around Parliament House about the blunder by their so-called Leader yesterday. For a while, yesterday's tactic may have been straight from the pages of the same well-worn Liberal handbook owned by such luminaries as David Clarke, Charlie Lynn and even Bill Heffernan.

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

Mr JOHN WATKINS: Those members of the Coalition who retain this Parliament's respect would never have employed those tactics. The honourable member for Epping, the honourable member for Lismore and the honourable member for Lachlan would never stoop as low as the Leader of the Opposition did yesterday, and is prepared to go on a daily basis. Whether it is questions by the Leader of the Opposition under the cowardly cover of parliamentary privilege or the whispering campaigns of these washed-up, bitter, low-rent candidates, the Leader of the Opposition has firmly turned to the politics of smear and innuendo to mask his lack of policy for the people of the State. This reminds me of a recent comment by the Leader of the Opposition when he admitted that he would do or say anything to get a headline. On 24 September this year he told radio 2BL about his approach to issues in the media. He said:

> If they're not controversial you're never going to hear about them.
>
> The news will only deal with controversial issues and so by its very nature, whatever I talk about it, if you hear it it's likely to be controversial …
>
> If it's not controversial you won't hear about it, it won't actually be covered in the media and that's one of the challenges for the Oppositions and that's why we resort to other tools to get the message out.

Clearly, the "other tools" he referred to were these ongoing, dirty, gutter tactics that he is employing in this House. Two days ago in Liberal Party advertising the Leader of the Opposition invoked his naval service as a

credential for the high office of Premier of this State. According to the Navy's web site, the Navy values honour above all else. It states:

> Honour is the fundamental value on which the Navy's and each person's reputation depends.
>
> To demonstrate honour—

Mr Adrian Piccoli: Point of order: It is a principle in here that we do not attack people's military service for Australia. There is a plaque on the wall—

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

[*Interruption*]

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

[*Interruption*]

Mr SPEAKER: Order! I remind the honourable member for Murrumbidgee that he is on three calls to order. He will resume his seat.

Mr JOHN WATKINS: The Navy web site states:

> To demonstrate honour demands honesty, courage, integrity and loyalty and to consistently behave in a way that is becoming and worthwhile.

Clearly the Leader of the Opposition cast those ambitions aside when he took on the political sphere in which he now works. Somewhere along the line he lost sight of the values that he presumably once held; or did they find out that he never lived up to those Navy expectations.

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

Mr JOHN WATKINS: In his shameful acts yesterday and today he showed no integrity, no honesty and certainly no honour.

RENEWABLE ENERGY

Mr DAVID BARR: My question without notice is addressed to the Premier. Recently the Premier announced a renewable energy target of 15 per cent by 2020. How will that be achieved? Why did he not adopt the peak environment groups call for a target of 25 per cent by 2020?

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

Mr MORRIS IEMMA: Living in one of Sydney's iconic seaside suburbs, the honourable member for Manly knows all too well the very real risks that global warming pose to the future of his electorate, and that is why he asked the question. I note his recent statement that The Corso could well turn into a canal in the next 50 years unless we reduce greenhouse gas emissions. The very real possibility that our beautiful, clean, sandy beaches could disappear should be enough to get even The Nationals out of its policy stupor. The honourable member for North Shore, of all people, does not seem to think that climate change or reducing greenhouse gas emissions is relevant or will have any impact on her electorate.

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

Mrs Jillian Skinner: Well, bring him to order, Mr Speaker.

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

Mr MORRIS IEMMA: But we hear nothing from—

Mrs Jillian Skinner: Point of order: The Premier put words into my mouth that were not spoken. I ask you to make sure that the record is correct.

Mr SPEAKER: Order! There is no point of order. If the honourable member for North Shore feels aggrieved she can give a personal explanation at another time.

Mr MORRIS IEMMA: We hear nothing from the honourable member for Coffs Harbour, the honourable member for Clarence or the Leader of The Nationals on this issue, which threatens the economies and environment of their coastal communities. While New South Wales waits for an Opposition policy, the Government is getting on with the job. Last Thursday, as one of the first announcements from the State Plan, I announced the Government's policy for renewable energy at a Green Capital breakfast, attended by several hundred senior business people and prominent conservationists. Over the next few years, as part of our State Plan, we will use the market to achieve 10 per cent consumption of renewable energy in New South Wales by 2010, rising to 15 per cent by 2020.

That target will provide the investment incentive for businesses to get out there and rapidly expand wind, solar, biomass and other renewable technologies. That means that New South Wales will be driving the development of the renewables industry. As I said to the Green Capital breakfast last week, New South Wales is open not only for business; it is open for green business. In this venture the Government will be working closely with our State colleagues who have also set renewable energy targets. We will ask Victoria to administer our scheme together with its own, cutting down on red tape and making it much easier for business to operate across State borders. At the same time we will ensure that there is no double dipping and that renewable energy generated to meet another State's target will not count towards ours.

The New South Wales renewable energy target will be legislated in the first session after the March 2007 election. It will establish a scheme under which energy retailers in New South Wales will have to purchase certificates from accredited renewable energy producers to demonstrate that they have met our mandated targets. Failure to purchase the required number of certificates will result in hefty financial penalties, but there will be no major financial penalties for consumers who, at the peak of the scheme in 2020, will pay about $1 a week for green electricity, falling to less than 20¢ a week by 2030. This is just the first stage of the Government's renewable energy policy. We will also legislate for a mid-term review to occur in 2013, which will analyse progress and adjust the targets as required. The only rule we will set is that the target can only go up. No wonder Renewable Energy Generators of Australia, the national industry peak body, welcomed our policy.

[*Interruption*]

Where is the Opposition's policy?

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

Mr MORRIS IEMMA: Where is the Opposition's policy? It should develop a policy. Go and do some work for once. Let me quote the endorsement of the national peak industry body. In a media release dated 9 November 2006 Susan Jeanes, Chief Executive Officer, Renewable Energy Generators of Australia, stated:

> The NSW Renewable Energy Target will drive the development and deployment of renewable technology industries and projects, not only in New South Wales but around the country and will assist in positioning Australia as a supplier of long term solutions to the global challenge of climate change.

The Public Industry Advocacy Centre also welcomed the scheme on behalf of consumers. In a media release dated 9 November 2006 Jim Wellsmore, Principal Policy Officer, Public Industry Advocacy Centre, stated:

> This scheme is a simple and fair way to get better environmental outcomes for NSW.
>
> The conservation movement—

Mr Andrew Stoner: This is boring.

Mr MORRIS IEMMA: The Leader of The Nationals finds renewable energy policy boring, which says it all. The conservation movement, including the State's peak environment body, the Nature Conservation Council, and Greenpeace have also welcomed the Government's initiative. For the benefit of the honourable member for Manly, I know that conservationists would have liked a higher target. We will certainly consider that over the next few years leading to the mid-term review. In the meantime we have listened to the community during the consultation for the State Plan, and its concerns are being addressed. We now have a solid plan that

deals with this major threat to our prosperity, our environment, and our way of life. The honourable member for Manly recently announced a renewable energy target of 15 per cent by 2020.

Mr Andrew Stoner: Barr?

Mr MORRIS IEMMA: The honourable member for Manly has been hard at work developing policy. He ought to be congratulated on that, unlike those opposite. The only comments they ever have are criticisms. We know what they are against but we do not know what they are for, except sacking nurses, teachers and police.

SCHOOL STUDENTS ACADEMIC INTEGRITY STANDARDS

Mr KEVIN GREENE: My question without notice is to the Minister for Education and Training. What steps has the Government taken to ensure that students adhere to the highest standards of integrity?

Mr Adrian Piccoli: They don't watch question time.

Mr SPEAKER: Order! The honourable member for Murrumbidgee is on three calls to order. I have extended considerable latitude to him. That has now come to an end. The Minister for Education and Training has the call.

Ms CARMEL TEBBUTT: I found the interjection of the honourable member for Murrumbidgee interesting. If we were trying to instil values in New South Wales students we would not ask them to come into this Chamber to observe the behaviour of the Leader of the Opposition. They certainly would not learn anything about the values we want to instil—the values of respect, integrity and honesty. They would not be learning those values from the Leader of the Opposition.

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

Ms CARMEL TEBBUTT: Members of the Coalition often use education as a backdrop for claiming higher moral grounds and values. In the past 36 hours we have seen just how hollow their claims are. No doubt values are important to schooling and education.

Mr SPEAKER: Order! The Minister has the call. I call the honourable member for Wakehurst to order for the third time.

Ms CARMEL TEBBUTT: We expect our students to learn the basics of literacy and numeracy but we also want them to learn values that will take them through to adult life, values that will build a sustainable community, values that will contribute to a strong civic life. The Leader of the Opposition shows very few examples of those values in action. Values are being taught every day in New South Wales public schools. Through the curriculum and extracurricular activities, students gain a sense of the civic and personal pride and responsibility that underpin our democratic society. Public schools practice what they teach. Primary school students learn about the Australian flag, civics and citizenship, as well as the origins and significance of Anzac Day.

New South Wales is the only State with a mandatory test in civics and citizenship at the end of year 10. Earlier this year these initiatives were complemented by the introduction of the Premier's Respect and Responsibility Plan. Respect and responsibility values are not taught in abstract; we expect students to demonstrate those principles in practise. For example, from this year students will not be able to commence their Higher School Certificate without first successfully completing a new academic integrity program—All My Own Work. They will also sign an enrolment declaration form that makes them aware of their ethical responsibilities and spells out the consequences of unethical behaviour.

A respect and responsibility forum showcased a range of government and non-government schools demonstrating best practice examples of the teaching of respect and responsibility in New South Wales schools. A DVD of this highly successful forum has been sent to all schools to celebrate the success of this initiative and to provide practical examples for New South Wales public schools. A web site has been developed to provide schoolteachers and parents with tips and hints on how to integrate important values into schools and the home. The new Values Education web site promotes teaching values to New South Wales students. It is important that

our schools incorporate respect and responsibility, fairness and excellence, co-operation, and honesty in everything they do.

The web site gives teachers ideas for classroom activities that could reinforce these values. It also gives advice on how relationships in the school community should reflect these values. This Government is committed to ensuring that students are learning the values they need to make a success of their lives in adulthood and to make a positive contribution to the community in which they live. The Leader of the Opposition should log onto the web site of the Department of Education and Training and look at some of the values education there. He could certainly do with it.

MILTON ORKOPOULOS CRIMINAL CHARGES

Mr ANDREW STONER: My question is directed to the Premier. Does the Premier believe that it is wrong that members of his Government knew of the details of the allegations made against Milton Orkopoulos but failed to appropriately report them? If so, when will he take action against the honourable member for Newcastle, the honourable member for Wallsend, and the Hon. Jan Burnswoods?

Mr MORRIS IEMMA: The Leader of The Nationals asked me that question yesterday, and my response is the same. I suggest that he peruse *Hansard*. While we are referring to the word "knew", which Opposition members said that they knew? Starting with the Leader of the Opposition, he said that he knew of allegations and an investigation—not of rumours. When the whole matter broke a week ago he said that he knew of rumours, scuttlebutt, innuendo, gossip and corridor talk. The story changed. By the end of the week he no longer knew of rumours or a story—for example, "Have you heard this?" or "Have you heard that?" He knew. He knew that a police investigation had leaked.

Why does the Leader of The Nationals not ask the Leader of the Opposition what he knew and who told him? Did the Leader of the Opposition tell the Leader of The Nationals that a criminal investigation had leaked? The Leader of the Opposition, on his own admission in that same radio interview, said, "I knew months ago." He then said, "I knew two or three weeks ago. I was waiting for Parliament to resume to ask the Premier." The Leader of The Nationals should ask that question of his leader. He knew a criminal investigation had leaked. Who told him? That is a question for him. Who told him? When did he know? What did they tell him and what did he do? Did he contact the police commissioner?

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

Mr MORRIS IEMMA: No, he waited. He wanted to wait with information that there was an investigation and that it had leaked. It was a criminal investigation of the most serious and shocking of charges. He said that he sat on that information. The Leader of the Opposition knew not that there was a rumour or corridor talk but that a criminal investigation had leaked. But he was going to wait for the resumption of Parliament to attempt to exploit that information for his own base political purposes. That is what the Leader of the Opposition was doing. I notice that the Leader of the Opposition has run from the Chamber—it is just like yesterday, when he scuttled out of here. Why does the Leader of The Nationals not turn to the Leader of the Opposition and ask him the question. What did he know? Who told him? When did he know it? What did he do about it? And why did he just sit on the information, waiting for Parliament to resume?

CHILD PROTECTION SERVICES

Mr STEVE WHAN: My question is addressed to the Minister for Community Services. What is the Government's response to the Opposition's plans to slash child protection services?

Ms REBA MEAGHER: Recent events have brought sharply into focus the need to do everything we can to protect the most vulnerable members of our society.

Mrs Jillian Skinner: You certainly do.

Ms REBA MEAGHER: That is right. We all have a responsibility to create the strongest child protection system possible.

Mr SPEAKER: Order! The honourable member for Ballina will come to order. The honourable member for North Shore will come to order.

Ms REBA MEAGHER: In stark contrast to the Coalition's record, it is Labor that strengthened the rules and is comprehensively rebuilding the child protection system in New South Wales. It is Labor that put in place a detailed system of screening and advocacy to protect children. And it is Labor that created the Children's Guardian and the Commission for Children and Young People. These are the valuable independent watchdogs that the Opposition claims have been abolished.

Mr SPEAKER: Order! The honourable member for Willoughby will stop calling out.

Ms REBA MEAGHER: They protect the interests of vulnerable children.

Mr Brad Hazzard: Point of order—

[*Interruption*]

Mr SPEAKER: Order! The honourable member for Wakehurst will address the Chair. Members of the Government will cease calling out.

Mr Brad Hazzard: Standing Order 138 requires that an answer be relevant to the question asked. The Minister for Community Services is misleading the House: The Government created the Children's Guardian and then it sacked the Children's Guardian.

Mr SPEAKER: Order! There is no point of order. The honourable member for Wakehurst is wasting the time of the House.

[*Interruption*]

Mr SPEAKER: Order! The honourable member for Wakehurst will resume his seat. The Minister has the call.

Ms REBA MEAGHER: It was under Labor that New South Wales became the first State in Australia to introduce a working-with-children check. The Iemma Labor Government's $1.2 billion investment in the Department of Community Services is building the strongest child protection system in the country. We are recruiting more than 1,000 extra caseworkers and doubling our front-line capacity to make sure we get to the kids who need our help. We are injecting $150 million into early intervention services to help families who are doing it tough. This is the biggest reform of children's services in the State's history.

Just last night Parliament passed tough new laws that put first the interests of children whose families have a history of abuse and neglect. We are leading the way by building a system that puts the safety of children first. So the way forward for the Leader of the Opposition is very clear. He should have stood up in this House and committed to matching the funding levels that the Iemma Government has committed to this area. But, instead, the Leader of the Opposition sits on the sidelines and slings mud in a desperate bid for attention.

As we have seen today, the Leader of the Opposition does not have the heart to match our funding package and he does not have the character or the integrity to follow through on his claims and accusations. The Leader of the Opposition can talk the talk but he cannot walk the walk. We know that the Leader of the Opposition plans to slash $700 million from the Department of Community Services. He is going to cut 675 front-line caseworkers from the department. He is going to withdraw $18 million in funding for joint investigation and response teams that investigate child abuse. The Opposition is a disgrace when it comes to funding valuable services for children in this State. The Opposition will not make a commitment because Opposition members are too busy smearing everybody in this Chamber. The Leader of the Opposition had the opportunity to seize the day, and he blew it. He had the opportunity to let the people of New South Wales know where he stood on child protection, and he blew it. He had the opportunity to make a positive contribution to raising the standard of people who run for public office—

[*Interruption*]

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

Ms REBA MEAGHER: And what did he do? The Leader of the Opposition threw mud and hid under a rock.

Questions without notice concluded.

CLIMATE CHANGE

Personal Explanation

Mrs JILLIAN SKINNER, by leave**:** During question time the Premier suggested that I had said that the people of North Shore and I are not interested in climate change. That is not true. I did not say that.

Mr SPEAKER: Order! I have heard sufficient of the personal explanation. The honourable member for North Shore will resume her seat.

RENEWABLE ENERGY

Personal Explanation

Mr ANDREW STONER, by leave**:** During question time today the Premier accused me of saying that renewable energy policy was boring. I said no such thing, and I ask him to correct the record. I can prove it.

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

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Mr DAVID CAMPBELL (Keira—Minister for Water Utilities, Minister for Small Business, Minister for Regional Development, and Minister for the Illawarra) [3.26 p.m.]: I move:

That standing and sessional orders be suspended to:

(1) provide that the routine of business be varied to not call on motions for urgent consideration, matters of public importance, the taking of notices of motions (general notices), and private members' statements at this sitting; and

(2) permit the consideration of the following motion forthwith:

That this House:

(1) censures the Leader of the Opposition for misleading the House in relation to allegations he raised in the House yesterday; and

(2) calls on him to withdraw those allegations and apologise, or resign.

Yesterday and today the Leader of the Opposition came into the Chamber and made claims that he is unprepared and unable to back up. He has been hiding all day from public scrutiny by the media. As the Premier said today, the character of the Leader of the Opposition is very much in question. His backbone—his courage—is very much in question at this stage. Consideration of the censure motion provides an opportunity for the argument against the Leader of the Opposition to be prosecuted. It also gives the Deputy Leader of the Opposition the opportunity to perhaps stand up and be counted, and to determine whether he has the courage to go on with it.

He did not have the courage before to stand up and have a go, but he will have another opportunity to do that in this debate. It is all about the integrity of the Opposition, from the Leader of the Opposition down. It is all about the integrity and the sanctity of this Chamber. Those issues need to be debated in the context of a censure motion. That is why we should suspend standing and sessional orders and make sure that the Leader of the Opposition has an opportunity to put up, shut up or get out.

Motion agreed to.

LEADER OF THE OPPOSITION

Motion of Censure

Mr MORRIS IEMMA (Lakemba—Premier, Minister for State Development, and Minister for Citizenship) [3.28 p.m.]: I move:

That this House:

(1) censures the Leader of the Opposition for misleading the House in relation to allegations he raised in the House yesterday; and

(2) calls on him to withdraw those allegations and apologise, or resign.

Mr Brad Hazzard: Two chances.

Mr MORRIS IEMMA: The honourable member for Wakehurst says that we have two chances. Yesterday the Leader of the Opposition launched an unprecedented attack by smearing the entire Cabinet. He was not asking a question—that was just a cover for his disgraceful smear on the entire Cabinet. The Leader of the Opposition then compounded the smear after question time by stating to the House unequivocally that there was a Minister under investigation. They were his words.
That is what he has to justify; he has to come into the House, or into the public, and place on the record his information and evidence. He made the allegation yesterday afternoon, and what he has been doing is cowering in his office, hiding in this building, and hiding under parliamentary privilege without being able to back up what he said.

It is not sufficient for him in this House this afternoon in question time to just continue accusations; nor is it sufficient for him to come in here and, under the cover of the statements that he made, try to reheat unsubstantiated, unfounded allegations against the Attorney General. The are allegations of wrongdoing on the part of the Attorney dating back many years. The Opposition has form: the equally disgraceful smear launched by Mr Lynn in the upper House in May 2003. What he did today when his character was on trial was to try to reheat material that had been dismissed with contempt in 2003. That is what he did today under the guise of the statements he made during question time. Today he failed the test. Today he was on trial. Today the character of the Leader of the Opposition was on trial and today he was found guilty of being incapable—

Mr SPEAKER: Order! Almost a dozen members of the Opposition are now walking around the Chamber. If members do not want to listen to the debate or partake in it they should leave the Chamber. If they remain in the Chamber they should take their seats and comply with the standing orders. I call the honourable member for The Hills to order. I call the honourable member for Burrinjuck to order. I call the honourable member for Gosford to order. I call the honourable member for Southern Highlands to order. The Premier has the call.

Mr MORRIS IEMMA: Today the Leader of the Opposition is on trial and today he has been found guilty of being incapable of holding the office he has. Today he has been found guilty of smear, innuendo and traducing the reputation of Cabinet, particularly the Attorney General. Yesterday the Leader of the Opposition said there was a Minister under investigation and today he has not produced any evidence or information to back up that statement. Nor has he produced any material relating to wrongdoing or impropriety on the part of any Minister or the Attorney. What he had to produce was evidence to justify his statement in the Parliament yesterday.

Mr SPEAKER: Order! There is too much audible conversation in the Chamber. I call the honourable member for Gosford to order for the second time.

Mr MORRIS IEMMA: Evidence to justify the statement; not to come in here and make another statement that something was being said by someone about a Minister or about the Attorney. That is what he did today. Yesterday he launched the attack, made the smear, levelled the accusation, and then ran out of this Chamber and hid without any courage or conviction for a long time until he could slink back into this House under the cover of parliamentary privilege. He then attempted to compound yesterday's smear, innuendo and the traducing of people's reputation by attempting to reheat another equally scurrilous, slimy accusation launched by Mr Lynn in 2003, dating back to the time the Attorney was the Corrections Minister. He has not been the Corrections Minister since 1999.

The Leader of the Opposition has been caught out, and in a desperate attempt to justify the disgraceful performance yesterday he has attempted to reheat something dating back to 2003 which was investigated and thrown out. He has not come into the House and justified that statement that there is a Minister under investigation. He has not come into the House and produced the evidence and information. What he has done is come into the House and level another accusation. The Leader of the Opposition believes that rumour equals guilt, rumour equals investigation, accusation equals guilt, and accusation equals investigation.

Of all the people in this Chamber, one would think the Leader of the Opposition would be the one who would be sensitive about rumours. He owes his position as Leader of the Opposition to the disgraceful events that happened to the Hon. John Brogden when he was leader and the victim of character assassination and

rumours. Of all the people who ought to be sensitive about that, it ought to be the Leader of the Opposition. One would think he had learnt his lesson when his own people assassinated the former leader, but no. He trades on rumour, he trades on innuendo, he trades on accusations, and he parades them around this Parliament, he parades them around the corridors, he parades them outside, he parades them to the press gallery and to anyone who will listen. He tells them, "It's not a rumour, it's not a story, it's not gossip, it's not corridor talk, it's evidence, it's information, it's an allegation, it's a conviction, it's guilt of wrongdoing and impropriety."

The only person who is guilty today is the Leader of the Opposition. He is guilty of not having the character to hold the office he holds. He is guilty of not having the character for the office he seeks. He is not fit to govern this State. He is not fit to run his party. The responsibility rests with those who remain in his party—the ones that have not lost their preselections and have not been turfed out by the extremists—to stand up and strike a blow. Stand up for the Liberal Party and get themselves a real leader, one who will show some backbone for the people of New South Wales, one who will show some principle, one who will stop trading in rumour, innuendo and smear and stop traducing people's reputations.

Someone who has the authority to be a leader, someone who has the authority and the character to be a real leader; someone who will take charge of the Liberal Party and turn out the extremists; someone who will take some action against the extremists that have taken over the Liberal Party; someone who will do something about the allegations of corruption within the Liberal Party, that is, the trading of votes in the branches; someone who will heed the words of Patricia Forsythe, who said the party lacks any basic decency; someone who will listen to Pru Goward, who said, "Are you prepared to be corrupted?"; someone who listens to the Deputy Leader of the Liberal Party, who said, "I can't take on the leadership, even though I have got the numbers, because I am going to be white-anted." He said "white-anted".

We all know what that means. We all know that there are people in the Liberal Party who want to destroy the Deputy Leader of the Opposition. So he did not take on the leadership. He did not run in that ballot. Someone who will lead the Liberal Party, who will show some authority; someone who will stand up for the people of New South Wales on WorkChoices and stand up for them when it comes to getting a better deal on the GST; someone who will show some principle, someone who will get out of the gutter, someone who will understand the basic legal principles. As we heard from the Leader of the Opposition when he was asked by Mike Carlton and Peter FitzSimons about the separations of power, he gave us the Joh Bjelke Petersen response: "What separation of powers? What is that about?" "Don't you worry about that; we'll just round them all up and arrest them."

That is the principle by which the Leader of the Opposition lives. Today he had his chance. He had time to recover from the shock of yesterday of going too far—and that is what happened. He wanted to come into the Chamber and level the accusation and traduce everybody and scutter out of here without anybody realising. But he asked the question—he was not interested in the question—and after that he just went that bit too far. He got up. He forgot himself. He said the first thing that came to his head after question time. He said, "There is another Minister under investigation." When he realised what he said, he scuttered out of this Parliament and hid. The man who parades himself as a man of conviction and principle has in fact been exposed as a man that lacks principle, lacks conviction, lacks authority and above all lacks the character to hold the office that he holds and the office that he seeks, the office of Premier.

The Leader of the Opposition had his chance today. Five questions in question time and did he back up what he said yesterday with any evidence? No. Did he back up anything that he said yesterday with information? No. Did he get up here and justify what he said yesterday: that there was another Minister under investigation? That required more than for him to throw something across the table of the Chamber in an attempt to reheat something that had been put round by the equally disgraceful and discredited Charlie Lynn. Did the Leader of the Opposition go further and provide that information? No, he did not. Do you know why? Because there was not any. All he was doing yesterday was traducing people's reputations. All he was doing yesterday was smearing. All he was doing yesterday was what he has always done—trade in rumour and innuendo, and smear, because the gutter is where he belongs, the gutter is where he lives, and the gutter is where he will go down.

The Leader of the Opposition stands convicted, guilty of lack of character. He is guilty of having deliberately misled the Parliament. The hypocrisy of the Leader of the Opposition! He starts his newspaper advertisement lecturing the Government about standards. Three weeks ago we lost a Minister for misleading the House, for misleading the Parliament. Yesterday the Leader of the Opposition got up in this House and deliberately said another Minister was under investigation. He has been unable to prove that accusation. He is

guilty of having wantonly misled this House. He ought to apply the same standards that he seeks of others to himself. He has misled this Parliament, he has misled this House, and he has done that deliberately, negligently, and he ought to get out of here. He ought to finally show some character and get out of this Chamber.

The Deputy Leader of the Opposition ought also finally show some courage and launch that leadership challenge that he goes around this Chamber so desperately seeking. He ought to finally stand up, strike a blow for his party, strike a blow for the people of New South Wales, and finally get rid of this man who masquerades as a leader but is in fact a nondescript, a man who slimes around in rumour and innuendo, who enjoys the task of pedalling rumour and gossip as if it was fact, a man who enjoys getting up and saying that simply raising an allegation equals a conviction, that simply raising an allegation means you are guilty, that simply spreading rumour and innuendo equals guilt. Well, it does not.

No wonder he does not understand the distinctions, because a man that does not understand the separation of powers is a man that does not understand those basic principles of justice. That is why he disqualifies himself from holding the office that he holds, and why it also disqualifies him from attempting to get to the office to which he aspires. He had his chance. We have been going many hours today, and still he cannot produce; still he cannot get up here and show some principle, some authority and some conviction, and produce evidence of what he had to say yesterday. All he was able to do today was show how much lower he can get by using four questions in question time to just do more smear and innuendo. He showed yesterday what we all thought: that he just was not up to it. Today he gave us conclusive evidence that he is not up to it. He gave us conclusive evidence that he is not fit to hold the office of Leader of the Opposition. Above all, he gave the people of New South Wales the conclusive evidence that he will never be fit to be Premier. [*Time expired.*]

Mr PETER DEBNAM (Vaucluse—Leader of the Opposition) [3.43 p.m.]: What hysteria! Last night, when the Government realised it had a problem, what did the Premier do? He called a press conference at 6.15 and went ballistic—went hysterical!

Mr John Watkins: At least we called them. We will stand up in front of you.

Mr PETER DEBNAM: Calm yourself!

Mr SPEAKER: Order! The Deputy Premier will resume his seat.

[*Interruption*]

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

Mr PETER DEBNAM: The Labor Party's bovver boy, John Watkins!

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

Mr PETER DEBNAM: Mr Speaker, can I see what the honourable member for Bathurst is holding up? Is he holding up what I think it is?

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

Mr PETER DEBNAM: Is that the same one you are holding up?

Mr SPEAKER: Order! The honourable member for Murray-Darling will resume his seat.

Mr PETER DEBNAM: I take my job very seriously, both as a member of Parliament and as Leader of the Opposition. That is why I prefaced my questions with a statement that it is four months before the State election and the people of New South Wales—

Mr John Watkins: No-one believes you.

Mr PETER DEBNAM: John, no-one would ever believe you.

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

Mr PETER DEBNAM: That is why I prefaced my questions with the statement that, given it is four months till the State election, the people of New South Wales have a right to know some things about this Government. What they would really like in New South Wales is for this Government, this Premier and these Ministers to actually answer questions. That is what we have sought for 12 years. Do you know why you have got yourself into this rotten state? You have got yourself into this rotten state because you have never held your members of Parliament or your Ministers accountable. The job of the Opposition is to do exactly that, and that is what we do.

One of the points I make to members of Parliament, and I make to members of the public, is that, as a member of Parliament, you will never get the opportunity to actually meet all constituents in your electorate. As Leader of the Opposition, obviously you will never get the opportunity to meet everybody living in New South Wales. You might meet a relatively small percentage of them, but the rest of the people of New South Wales have never met you, but they just hope when you get to a difficult situation you will make the right decision. That is the principle I have operated on since I came into this Parliament in April of 1994. Whatever I have done in my public life, and whatever I have done in this Parliament, I have considered very carefully. I have also considered very carefully the wording of the questions I have put to Ministers over 12 years.

What have not been considered carefully are the responses that we get to our questions. Today we had another demonstration by the Premier, the Deputy Premier, the Attorney General and every other Labor member in this Parliament that they believe rhetoric will win everything over. They simply believe if they can get up here and use rhetoric at high decibels they will win every argument. I do give it to you that, with the resources of government, you have a lot more firepower than we have got to get your decibels up and get your rhetoric out there. That is why we stick very closely to the issues, and that is why we keep raising issues. That is why I keep highlighting the fact that when Carl Scully made his first speech as Minister in this place on 31 May 1995 he talked about the reintroduction of ministerial responsibility. Twice in that speech he spoke about the reintroduction of ministerial responsibility. For the next 12 years all on the Government side regarded that as a foreign concept.

Do you want to know why the people of New South Wales are so angry? Do you want to know why the people of New South Wales are actually reaching for 24 March? It is because Labor members have never held themselves to account, and you have become rotten. I think it is very important to go back and have a look at the ministerial code of conduct, which was in place when Labor came to office. It was put in the cupboard for 10 years, until it was re-issued in September this year. If you held your Ministers to account against your own ministerial code of conduct, you would find they have failed: you would have found that Carl Scully had failed; you would have found that the Minister for Local Government had failed; and you would have found that the Minister for Energy had failed.

It is important that the Government go back to those issues and have a look at them. Why did the Government not hold them to account? That is our job. We get very few opportunities to highlight the failures of government. One of those opportunities is during question time. That is why we actually come in here and we ask questions on behalf of the people of New South Wales that we hope the Government will answer. The Government has not answered them and traditionally it has never answered the question, which is why it has ended up in such difficulties. If the Government looks at the questions I asked in the past 24 hours, which I will run through again, it would see that what I said in the first question yesterday, which was to the Premier, was:

> Given that there are just four months until the State election, will he tell the people of New South Wales whether, besides Minister Tripodi and former Minister Orkopoulos, any other Minister is the subject of investigation by any law enforcement agency?

The Premier dismissed it out of hand; he did nothing. Instead, he went hysterical and ballistic.

Mr Gerard Martin: He just destroyed your argument, your credibility.

Mr PETER DEBNAM: He would do better if he actually answered the question. I came in here today and I asked another question, because clearly there was considerable doubt in the Premier's mind about the particular issue I was addressing so I was a little more specific. I said:

> Given that it is four months before the State election and ministerial accountability is a critical issue in this State, is the Premier today in a position to tell the people of New South Wales if, in a series of meetings in January this year, a complaint was lodged

> with the Police Integrity Commission by a Wood royal commission informant about the misuse of ministerial power by one of his Ministers?

That was fairly specific, and it went straight to the heart of the matter. The Premier continued to go on because all he is interested in is getting the name of the Minister out there. So we asked a second question:

> Given the collection of evidence and information by the Police Integrity Commission is oversighted by the Attorney General's Department and the Attorney General is the subject of the complaint, is it not appropriate that the Attorney General stand down from his position pending the outcome of the Police Integrity Commission's assessment or a public hearing be conducted, or is it more appropriate the assessment to be completed by an independent, arm's length law enforcement agency?

All we have been asking the Government to do is to explain what the issue was about. That is our job and that is why the Parliament is provided: To try to hold a government to account. It was important, given the Premier responded only with rhetoric to all those requests for information, that we ask another question, and that question was to the Premier:

> Will the Premier request the Attorney General to inform him in writing by 5.00 p.m. today of his knowledge of the complaints concerning his conduct while Minister for Corrective Services, and what he understands to be the status of the assessment of the complaint?

That is a very reasonable flow of questions, and it successfully sought information for the benefit of the people of New South Wales. I think it was very important that they be answered, but if the Government had actually answered all the questions about Carl Scully misleading the Parliament, about Kerry Hickey, about Joe Tripodi or about the Attorney General it would have set a precedent, because for 12 years it has never answered them. That is why ministerial accountability in this State has become an issue. It is something that people focus on. It is why we spoke a few days ago about the rotten State, and it is why I made the point that if it is rotten, it is rotten. And if it is rotten to the core there is only one thing you can do and that is to get rid of it. It is why one of the Government's Labor voters wrote to the newspapers today and said that he had previously voted Labor, he will in the future vote Labor, but this time, at this State election, he will not vote Labor because the Government needs a total clean-out.

Ministerial accountability has come up as a major issue in this State, and it has come up as one of my responsibilities to pursue it. And I am very happy to do that on behalf of the people of New South Wales, because I feel a very deep sense of responsibility to all the people who cannot get access to the Government, who cannot get an answer out of any of the Ministers and who are not getting the services or infrastructure they need. If we go back over 100 years to look at the concerns of electors when they go to a State election it was health, education, and law and order. In this State now infrastructure is a major issue, because governance has failed over 12 years to deliver the real infrastructure that people need to grow the community and grow the economy. That infrastructure includes water infrastructure. People increasingly do not understand why the Government was so incompetent in dealing with the water issue. They do not understand why it did not put in place any of the many measures that we have spoken about to deliver water infrastructure. They did not understand.

Ms Linda Burney: Sorry, but we're not God.

Mr PETER DEBNAM: The honourable member says, "We're not God." I assume that is a reference to the drought across New South Wales. I think we are all agreed that the Government cannot break the drought. But what it can do is support farmers properly and support small business in rural and regional areas and in metropolitan areas, and especially on the Central Coast it could do a lot more to provide water infrastructure. Yet the Government has not done it in 12 years. It simply has not done it. The other issue that has come up in New South Wales is the economy, because after 12 years of high taxes, the high cost of administrative government and high regulation under that lot has driven the New South Wales economy towards recession. Those opposite may not understand that, but if they got out of here and talked to people they would understand it.

The other issue the Government has brought to the surface is ministerial accountability, which comes from the first speech by the first Minister in 1995, and it was Carl Scully who spoke about it. It is now very much a raw nerve with the people of New South Wales, because after 12 years they are simply sick to death of that lot and they want to get rid of them because they have continually failed. I say again to the Premier: What you need to do is answer the questions. We have been very specific on the questions, and not only these questions. We have been very specific on all the questions over the years, and especially over the past year. It was very important that the Premier come in here to address the real issues. That is why I said to him today would he ask for a written explanation by 5.00 p.m. today—

Ms Linda Burney: Have you seen the State Plan?

Mr PETER DEBNAM: I have seen the State Plan. I have seen that very glossy brochure. The Government is very good at that. There are hundreds of photographs in it, and I compliment the photographer. They are fantastic. But it is in the style of a coffee table book selling real estate on the Gold Coast. That is what the Government's plan is about. It is not a plan for New South Wales, it is a State Labor election plan. That is why I want the Government to release all the market research data that it paid for with taxpayers' funds to produce an election document. It is very important that there is an action plan on each issue to get on with it and achieve something in a very short timescale. Over the years the Government with Carl Scully successfully demonstrated perfection in doing it: It produced glossy election brochures, but that is all it produces. It is important that governments get back to the substance of each issue for the people of New South Wales and deliver it to a timescale, and that has been the problem.

The censure motion is a political exercise from the Government. Obviously it has the numbers to do what it wants with a censure motion, but it does not have the courage to actually answer questions in this House. That is what we have been doing on behalf of the people of New South Wales. As I indicated at the outset, I take my responsibilities very seriously. There are very few people who get the opportunity to speak publicly about issues of concern to the people of New South Wales. I am one of those who get that opportunity, and I have been very careful over the years with what I have said and what I have asked. When the Deputy Premier responds to the motion it is very important that he delivers substance in the debate. That is what the people of New South Wales have asked for for 12 years. They have not received it and that is why they are angry. That is why when I talk about the Government being rotten the people of New South Wales nod their heads and they say, "You're right." Whether it is the sex scandal, whether it is Carl Scully or whatever, it is rotten. [*Time expired*.]

[*Interruption*]

Mr DEPUTY-SPEAKER: Order! There is gross disorder in the Chamber. Opposition members should listen to the speeches. I should censure them all, but I now call the Deputy Premier. The honourable member for Gosford will resume his seat.

Mr JOHN WATKINS (Ryde—Deputy Premier, Minister for Transport, and Minister for Police) [3.58 p.m.]: If the first question asked today by the Leader of the Opposition—the honourable member for Vaucluse— is analysed it will show that he is asking about a complaint to the Police Integrity Commission by an informant to an inquiry 12 years ago about a Minister who held a certain portfolio seven years ago, which has no connection to the Police Integrity Commission anyway, after that Minister had already been cleared following a Liberal smear three years earlier. The Leader of the Opposition is right to hide, and it is right for this House to censure him. The question that must be answered by the Leader of the Opposition this afternoon is whether he will go to the press gallery today and explain himself. He did not do that yesterday. Somehow I do not think he will do it today.

As a member of this Parliament, I am appalled at the gutter tactics used by the Leader of the Opposition yesterday and today. I am saddened and disappointed that he used Parliament as a cover for dirty politics. Yesterday proved that he is not fit to be a member of Parliament, let alone an alternative Premier. He has no idea of the privileged position he has, as a representative of the community or as a member of this Chamber. Yesterday proved that he has no sense of responsibility and no judgment because he abused his position in the worst possible way. Yesterday the Leader of the Opposition used the cover of Parliament to smear the entire Government with an unsubstantiated slur.

The election will be close, but bad behaviour is not what the community expects from an alternative Premier. However, it seems his vile tactic has had some success because it has meant that today this Chamber has discussed these matters instead of matters of state—the State Plan, the announcement last week about the biggest rolling stock order ever, the continual driving down of crime, and record numbers of police officers. That is what honourable members should be discussing in this Chamber, not wild accusations asserted by the Leader of the Opposition yesterday and again today. One reason for the tactic of the Leader of the Opposition is clear: it is to cover the fact that, as the Leader of the Opposition, he has no plans for the people of this State.

The Leader of the Opposition has deliberately dropped allegations onto the public record under cover of Parliament and scampered back under his rock to hide. He refused to face the media the whole time yesterday and today. That is not good enough. He must come clean or resign—it is as simple as that. Yesterday the actions

of the Leader of the Opposition proved what a poor standard of individual he is as a Leader of the Opposition. He smeared every Minister in this place with his grubby game.

[*Quorum formed*]

Politics brings out the best and the worst in people. For some it is uplifting, for a few it is corrosive. Yesterday it brought out the worst in Peter Debnam—a sad corrosive destructive personality.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [4.03 p.m.]: This censure motion is the desperate act of a desperate Government in its dying days. What we are seeing today is the rank hypocrisy of the Australian Labor Party in sharp focus. A short time ago we witnessed the Iemma-Costa Labor Government's use of parliamentary privilege to launch a grubby and vicious attack on the Liberal candidate for Epping. It was a sustained, grubby, muck-raking exercise that lasted for the entire parliamentary week and which concerned a highly respected legal officer in this State who does not have the opportunity to respond in this place. What was his crime? He had received a phone call from the Leader of the Opposition and he was a former member of the Labor Party who had seen the light and joined the Liberal Party. Now Labor hypocrites have moved a censure motion on the spurious ground that the Leader of the Opposition has smeared the Labor Cabinet.

Mr Andrew Fraser: How could he smear it?

Mr ANDREW STONER: As the honourable member for Coffs Harbour points out, the Labor Government has done a great job of smearing itself. Recently the honourable member for Smithfield, Carl Scully, resigned in disgrace for repeatedly misleading the Parliament. We have seen the Minister for Energy, Minister for Ports and Waterways, and Minister Assisting the Treasurer on Business and Economic Regulatory Reform, Joe Tripodi, under investigation for his role in the sale of public properties to a close friend or business associate of a company in which the Minister had a stake. Milton Orkopoulos resigned in disgrace after being charged with numerous child sex and drug offences. That followed the departures of Bob Carr, Michael Egan, Craig Knowles and Andrew Refshauge after they trashed the State and oversaw disasters such as the Cross City Tunnel, public hospital failures, a failure to invest in infrastructure and a secure water supply, and the sad decline of the New South Wales economy. It was more than reasonable for the Opposition to ask whether any other Labor Minister is under investigation—a question the public rightly wants honestly answered.

Despite prior knowledge of the Orkopoulos scandal, after failing to act to protect children with whom that former Minister had contact, yesterday the Premier again failed to answer the question about whether any other Minister was the subject of serious complaints. Today the Premier was asked in very specific detail about a matter concerning one of his Ministers which was before the Police Integrity Commission. The Premier again failed to answer any of the specific questions asked. He has instead used this censure motion to go on the attack to avoid dealing with the serious issue of a lack of ministerial accountability in this Government. In so doing, he again failed to show the leadership this State desperately needs—leadership that is needed to address the real issues in this State, to kick-start the economy, to rebuild our infrastructure, to fix the health system and to address serious law and order issues. That is the leadership we need, but the Premier has put his head in the sand and has failed to acknowledge the problems that exist within his own Government.

Repeatedly the Premier has shown that he is not prepared to address the rottenness that permeates this Labor Government. It is rotten to the core. All that the Premier has done in relation to the rottenness of this Labor Government is become what a senior media commentator has termed a "cardboard cut-out". A "plastic politician" is another term I have heard. The feigned indignation that was on display during last night's media conference was again on display in this Chamber today. The Premier's posturing is nothing but a smokescreen for his own lack of action in addressing the issue of ministerial accountability, or the lack thereof, in his Cabinet. This censure motion is nothing but a pathetic cover-up for Labor's rottenness and the Premier's failure to deal with it.

Mr Andrew Fraser: Whatever it takes.

Mr ANDREW STONER: As the honourable member for Coffs Harbour points out, *Whatever it Takes* was the title of the book written by the Premier's mentor, Graham Richardson. Today's version of *Whatever it Takes* is censure, feigned indignation, an allegation, and a smear campaign against the Coalition side of politics. The hypocrisy shown here today is simply unbelievable. This censure motion is, of course, a ruse by the Government. It is part of an ongoing cover-up for the rottenness and lack of accountability in the Labor Cabinet. It is a cover-up also for a failure to deal with the real issues as demanded by the people of this State. [*Time expired.*]

Mr BOB DEBUS (Blue Mountains—Attorney General, Minister for the Environment, and Minister for the Arts) [4.08 p.m.]: The Leader of The Nationals speaks of feigned indignation. I have to tell you, mate, my indignation is not feigned! You are a grub. In my 19 years here I have never seen such a disgraceful display as you and your leader have put on today. I have listened to what he had to say, I have listened to the fake calm, the fake reasonableness with which the Leader of the Opposition spoke. The fact is that what we are talking about here is an astonishing smear on the whole Cabinet and in particular, as it happens, upon me. And yet, you have nothing to back it up, you have nothing to say. You are prepared to ask questions that have the effect of traducing a person's reputation, but you cannot back it up. As a matter of fact, you cannot even back it up under parliamentary privilege very well, let alone outside. Earlier today I said that I have seen eight or nine Opposition Leaders; they do come and go rather frequently in this place.

Mr Andrew Stoner: And you're about to go.

Mr BOB DEBUS: I am about to go, but not in the same circumstances that the Leader of the Opposition is about to leave. I am about to go with my reputation intact; he is not. I have had quite a lot to do over the years with Peter Collins and John Dowd. I still see John Dowd from time to time; he is an honourable man. I have had a lot to do with John Brogden and with Kerry Chikarovski. I never heard any of them make this kind of low, manipulative, deceptive smear. As I said before, this is the kind of behaviour that does cause the public to query whether parliamentarians deserve the special protection from prosecution that they get from speaking their mind on matters of public importance. This is the kind of behaviour that leads people to ask why it is that members of Parliament should not be subjected to the ordinary laws of defamation within this Parliament. The Leader of the Opposition does not appear to understand that there is a profound responsibility that runs with the rights of a member of Parliament to speak in this place.

Mr DEPUTY-SPEAKER: Order! The honourable member for Coffs Harbour will refrain from interjecting.

Mr BOB DEBUS: As I said previously, we have come to understand that the Leader of the Opposition has nothing in his mind that would cause him to support reasonable standards of parliamentary behaviour. Ultimately he does not know why it is that we are here. He thinks he can use parliamentary privilege for political advantage, but he cannot even get that right. He has stuffed up his parliamentary attack. He used privilege to smear my name and that of the rest of the Cabinet, but he still messed it up. Go and have a look at the web site for the *Sydney Morning Herald.* I just saw it, it says, "Grub Debnam names the Attorney General".

Mr Andrew Fraser: Have a look at this!

Mr BOB DEBUS: No, Andrew, what you should do is get tomorrow's *Sydney Morning Herald.*

Mr DEPUTY-SPEAKER: Order! The honourable member for Coffs Harbour knows the rules of the House. He should put that document away.

Mr BOB DEBUS: I remind the House what the Leader of the Opposition said in the *Australian* this year. He said, "I'm happy to give the judicial system a kick in the arse any time." Actually, he is happy to give the parliamentary system a kick in the arse at any time as well. He is not a man who gives any respect to the standards that the public expects that those of us in this House will exercise. He is not a person who has in any way shown that he understands what the Westminster system or the separation of powers is for. I repeat: Go outside and say those things. You are a spineless, gutless coward! [*Time expired*.]

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [4.13 p.m.]: Only in New South Wales after 12 years of Labor—or, on the basis on which the Premier has been counting today, 15 years of Labor, because apparently there were 36 hours between yesterday's question time and today's question time—is it possible for a question about inquiries into Ministers to be turned into an accusation. Only in New South Wales after 12 years of Labor where ministerial accountability has been turned on its head, does a Premier on two occasions refuse to answer a question as to how many of his Ministers are under investigation. I do not know what the Premier's problem was yesterday or is today. I do not know whether it was because, unlike in *Who Wants to be a Millionaire*, he could not phone his friend Mark Arbib.

I do not know whether—thanks to his chief of staff, the convicted fraudster Mike Kaiser—he has set up an arrangement of plausible deniability since he became Premier. Things happen, but he is not told about them. I will come back to that. The issue that most particularly pains me is that touched upon by the Leader of The

Nationals: the rank hypocrisy of those opposite today during question time and in this debate in relation to the standards that they now apply. On a couple of occasions the honourable member for Coffs Harbour referred to the former Deputy Director of Public Prosections, Greg Smith. The reality is that on 19 September in this place, despite his claims today about the "profound responsibility" upon members of Parliament in relation to using privilege, the Attorney General accused the former Deputy Director of Public Prosecutions of corrupt conduct.

Under parliamentary privilege the Attorney General accused the former Deputy Director of Public Prosecutions of perverting the course of justice. Yet, I suspect as he did so he knew that what the former Deputy Director of Public Prosecutions had done in relation to the matter referred to was in accordance with the guidelines of the Premier's Department's director general. So much for profound responsibility! On the same day, despite what he now describes as "gutter tactics" and "being saddened and disappointed by the misuse of privilege", under parliamentary privilege the Deputy Premier accused the former Deputy Director of Public Prosecutions of protecting a paedophile. The truth was—and as the Minister for Police he should understand this—the former Deputy Director of Public Prosecutions was exposing corrupt police who were protecting paedophiles.

Out of their mouths today, compared to their statements two months ago, the Attorney General and the Deputy Premier have convicted themselves of hypocrisy. The Premier in his contribution today said, "Accusations do not equal evidence, allegations do not equate with guilt". Tell that to Mr Smith in relation to what the former Minister for Police has said in this place on nine occasions, what the Attorney General said on 19 September, and what the Minister for Police, and Minister for Transport said today. Again, what was done by that officer in the Office of the Director of Public Prosecutions was in accordance with the Premier's Department's guidelines. Did the Attorney General defend him? No, he engaged in the verbal kicking that that bloke got in this place under privilege. The Attorney General is not prepared to repeat those claims outside this House. That just confirms the hypocrisy of his extraordinary performance today.

It is fairly simple. The Premier could have answered the question yesterday and he could have answered the question today. Today the Leader of the Opposition gave more information in relation to the Police Integrity Commission matter. The Premier could have answered that matter when he came into the Chamber today for question time. He could have answered it during the censure motion. He might answer it when he seeks to wrap up debate on this motion. The Attorney General could have answered it during the censure motion, but no! The culture after 12 years of Labor under Premier Carr and Premier Iemma is, "Never admit to anything. Never ask questions because you might find out information and you might be forced to take action."

I find it interesting that this week we started with the most serious allegations about a member of Parliament that we have ever heard in the history of this place. What is central to that is what public officials knew and what they did with that information. The other question that the Premier did not answer this week is what he did when he first heard of the rumours about Mr Orkopoulos. We know that the honourable member for Wallsend knew about them 10 years ago, the honourable member for Newcastle knew about them a year ago, the Hon. Jan Burnswoods knew about them 18 months ago, and they did nothing. The hypocrisy in the Chamber today is astounding. It does nobody any good. It certainly does not raise the standards of this House. [*Time expired*.]

Mr PETER DEBNAM (Vaucluse—Leader of the Opposition) [4.18 p.m.], in response: Obviously it is normal to have an opportunity to reply to what Government members have said and what the Government has put on the record. I expected to hear something from the Government that would be substantive, but I have not. I simply heard the continuing rhetoric that I have heard for many months and years, which is a problem. As I indicated before, all we asked the Government to do over the years, and all we have asked it to do in recent weeks is simply to answer the questions. We are very careful with the wording we use because we are just seeking information.

In fact, the rules of the House are such that we cannot put much information into the question. If we do it is ruled out of order. That is why it is important for the Government to provide information. This is something that the people of New South Wales have seen over the years. The Deputy Leader of the Opposition referred to a number of concerns that the Opposition has had in recent weeks. I note that the honourable member for Newcastle has just come back into the Chamber. One of the things that we have been looking for is a simple explanation as to who knew about allegations relating to that sex scandal years ago.

We heard that the honourable member for Wallsend apparently knew a decade ago. Despite the Premier's very strong rhetoric on Wednesday last week that he would take action against anybody who knew

about the allegations and did not do anything about them, we are yet to hear from him. We are yet to hear from the honourable member for Wallsend, the honourable member for Newcastle, the Hon. Jan Burnswoods and Paul O'Grady about what they knew back then. That is the problem. All the Government has done over the years is try to put a lid on every issue.

Mr John Watkins: What are you going to do today? Are you going to go down to the press gallery and explain? Ask him. He is your leader. Is he going to go down to the press gallery? He won't.

Mr SPEAKER: Order! The Deputy Premier will come to order.

Mr John Watkins: Get on the radio and explain it to them.

Mr PETER DEBNAM: The Deputy Premier, the Hon. John Watkins, has been a spectacular failure in each of his portfolios. If we go back to the time when he was police Minister we find that he was the man who started cutting police numbers.

Mr John Watkins: No-one believes you! No-one believes your leader!

Mr PETER DEBNAM: Police numbers were cut.

Mr John Watkins: No-one believes your leader!

Mr PETER DEBNAM: This is interesting. On a day when we are dealing with a very serious matter the Deputy Premier says—

Mr John Watkins: You should pop down and have a word to them.

Mr SPEAKER: Order! The Deputy Premier will come to order.

Mr PETER DEBNAM: In his portfolio the Deputy Premier started the cutback of 650 police. He left the Police portfolio before that cut was completed and he only cut police numbers by 380, but he never admitted that. He never owned up to what he did as Minister. He never answered a question correctly and he never provided accurate information. That is the problem. That is why the people of New South Wales have got the message through to us that they want the Government to be held to account.

Mr SPEAKER: Order! The Deputy Premier will come to order.

Mr PETER DEBNAM: As difficult as it might seem, that is our job. Our job is to establish the failings of Government and to highlight them. We do that at every opportunity we can and we use every forum we can. We certainly try to set out an alternative agenda, but it is mostly ministerial accountability that people want. Earlier I indicated to the House that ministerial accountability was first referred to in a speech by a Minister in 1995. That is something to which the Government should have stuck. It is just a matter of sticking to the standards of ministerial accountability. Eventually the Government updated its ministerial code of conduct.

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

Mr PETER DEBNAM: Government Ministers have simply ignored it, which is why we had to call the former Minister for Police, the Minister for Local Government and the Minister for Energy to account. That is why Opposition members put questions to the Government about the Attorney General. The Deputy Premier could have provided information yesterday. He could have provided information in answer to my first question today.

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

Mr PETER DEBNAM: He could have provided information in answer to my second and my third questions today, but he chose not to do so. He has chosen instead simply to launch an attack on me, which is fair enough. That is politics and that is the nature of this Chamber, which is often called the bear pit, but it has been known in recent times as the sand pit because of the antics of Government members. We take our job very seriously. As I indicated in my earlier contribution to debate on this motion, it is important that members of

Parliament not only take their duties and responsibilities very seriously; they must also speak in this House very seriously. On behalf of the people of New South Wales, if an issue needs to be raised—

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

Mr PETER DEBNAM: If an issue needs to be aired in this House I will not step back from airing it. I will take every opportunity to raise it in this House time and again. That is why the Deputy Leader of the Opposition and I are in this Chamber. If an issue needs to be raised we can raise it in this House.

Mr John Watkins: Point of order: Channel 10 News goes to air in half an hour.

Mr SPEAKER: Order! There is no point of order. The Deputy Premier will resume his seat. The Leader of the Opposition has the call.

Mr PETER DEBNAM: That is why I indicated that at every State election for the past 100 years the major issues have been health, education and law and order. Infrastructure is now up there as a major issue. The way in which the Government has trashed the economy is a major issue. Ministerial accountability is also a major issue. It is important that people are held to account. It is important for the Opposition to do its job and to raise questions in this House. The people of New South Wales see it as appropriate that the Government answers those questions. It has not done that in the past. Opposition members will continue to raise questions. We hope that, eventually, at the end of its 12-year term, the Government will provide information.

Mr MORRIS IEMMA (Lakemba—Premier, Minister for State Development, and Minister for Citizenship) [4.28 p.m.], in reply: The Leader of the Opposition was given 15 minutes to detail—

Mr Steve Whan: Twenty-five.

Mr MORRIS IEMMA: The Leader of the Opposition was given 15 minutes to start with and another 10 minutes for good measure to detail the allegations against him. He was to explain—

Mr Thomas George: You didn't even get that right.

Mr MORRIS IEMMA: And the honourable member will not be getting his five minutes next week. The Leader of the Opposition just made contradictory and unintelligible claims after spending 24 hours in hiding following yesterday's bungled claim at the end of question time. All he has done today is raise further claims and further questions that only he can answer. Yesterday he stood up in this Chamber and deliberately misled the House when he referred to a Police Integrity Commission [PIC] investigation into a Minister. Today it has been watered down by the cowardly Leader of the Opposition to a complaint to the PIC that appears to have no relevance to police misconduct and dates back to the Wood royal commission of 12 years ago, apparently based on a series of meetings earlier this year. The Leader of the Opposition needs to provide that information. He should tell us what he is referring to. Where did he get this information? What meetings is he claiming occurred?

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

Mr MORRIS IEMMA: What is the crime that the Leader of the Opposition is alleging? How did it occur? What are the wrongdoing and impropriety that he is alleging? All these questions arose from the events of yesterday, including the statement of fact about a Minister being under investigation. The Leader of the Opposition has had more than 24 hours to answer these questions. He had more than 45 minutes in question time today to provide the information and the evidence, but he failed to do so. On top of that, he had 25 minutes in this debate but he was unable to deliver because his stories lack credibility. They are simply stories—rumour, innuendo and sleazy slander of people's reputations.

The Leader of the Opposition even got the basics wrong regarding who the PIC reports to. The PIC is an independent authority with responsibility to a joint parliamentary committee. The Attorney General's Department does not control the PIC. The Leader of the Opposition could not even get that right. They are the sorts of smear stories that the Leader of the Opposition tells in this place. Even the staff members in the office of the Leader of the Opposition from whom he stripped the 4 per cent pay increase could have told him who the PIC reports to, who oversights the PIC and what its jurisdiction is. Maybe that is a good enough reason to

restore their 4 per cent—or perhaps even give them a bonus! They might be able to tell the Leader of the Opposition what other oversight bodies are in this State and whom they report to.

I listened to the two speeches by the Leader of the Opposition. They revealed yet again that he is full of hot air. When action is required to be taken, I have taken it. If there is wrongdoing, I stand by the statements that I made last week and the statements that I have repeated this week. That contrasts starkly with the actions of the Leader of the Opposition. The Leader of the Opposition stood up in this place and deliberately misled the House. If we were apply to the Leader of the Opposition the same standard that I applied to one of my Ministers, the Leader of the Opposition would be forced to resign. The Leader of the Opposition stood up in the House at the end of question time yesterday and said that a Minister was under investigation. He has now watered it down and says it was a complaint. God knows what will happen by tomorrow morning!

The Leader of the Opposition has shown by his disgraceful conduct that he lacks the character to retain the office of Leader of the Opposition. He is full of hot air. He lectures people about standards, yet when he deliberately misleads the House he will not apply to himself the sanction that is applied to others and which was imposed on a Minister in this Chamber some weeks ago. When action was required to be taken, I took it. When action is required from the Leader of the Opposition, he never takes it because he is too weak. Why? The Leader of the Opposition does not run his party. He lacks the authority to run his party. He lacks the control and the power to run his party. The Leader of the Opposition is too weak to apply the standards of appropriate behaviour and conduct to his own people.

The honourable member for Coffs Harbour, who is always full of hot air, assaulted another member of Parliament in this Chamber. What was his punishment? Nothing. That is just one example. The honourable member for Coffs Harbour got a slap on the wrist—a little suspension from the service of the House for a couple of days. He is the only member ever to assault another member of Parliament in the Chamber of a Parliament in this country. Yet the sanction that the Leader of the Opposition imposed on the honourable member for Coffs Harbour was a slap on the wrist—"You naughty boy!"

The Leader of the Opposition got to his feet in the Chamber yesterday and traduced the reputations of an entire Cabinet and deliberately misled the House. What sanction does he apply to himself? None. He is too gutless to accept responsibility for his actions, just like he is too gutless to sanction the extremists that have taken over his party. He has ignored the allegations of corruption from Pru Goward, and he has ignored allegations of indecent behaviour and a lack of respect and decency levelled by Patricia Forsythe, who was run out of the parliamentary Liberal Party.

Every time there is an allegation of wrongdoing on the part of members of the Liberal Party, the Leader of the Opposition buries his head in the sand and ignores it, or lets it wash over him. He is too weak to stand up to those in his party who are doing the wrong thing and to those on the Opposition front bench who do not live up to the standards about which he lectures others. That is exactly how the Leader of the Opposition would run New South Wales: he would not stand up for the people of this State because he simply lacks the character to do so.

Today the onus was on the Leader of the Opposition to come into this Chamber and justify his outrageous slur of yesterday. The questions that he asked of the Government are questions for him to answer. He should provide evidence and information to this Chamber. He should account for what he knows, when it occurred and how he will justify the statements he made yesterday. The Leader of the Opposition said that a Minister was under investigation—not that a complaint had been made or that an allegation had been dragged up from 12 years ago. He then added the slur that there was wrongdoing, corruption and guilt. The Leader of the Opposition made more accusations again today. He is simply unable to draw a distinction between rumour, scandal and innuendo and facts and evidence. To the Leader of the Opposition, accusation equals fact. To the Leader of the Opposition, accusation equals guilt. That is the standard that he lives by.

If the Leader of the Opposition has allegations or information about wrongdoing he should produce them. Come forward! The Leader of the Opposition has had 24 hours, 45 minutes in question time and 25 minutes in this debate to do that. I make the Leader of the Opposition this offer: The Government will make the Parliament available to him at any time to detail his evidence under parliamentary privilege. The Leader of the Opposition should detail his information. He should put on the table the evidence and the information that justify the accusations he has made. That will help him to rebut the claim that he has misled Parliament. The House will sit for three days next week. I will make the same offer to him then. We will make time available to the Leader of the Opposition to come into the House at any time—tonight or next week. [*Time expired*.]

Question—That the motion be agreed to—put.

The House divided.

Ayes, 47

Ms Allan	Ms Hay	Mr Pearce
Mr Amery	Mr Hickey	Mrs Perry
Ms Andrews	Mr Hunter	Mr Price
Mr Bartlett	Mr Iemma	Ms Saliba
Mr Black	Ms Keneally	Mr Sartor
Mr Brown	Mr Lynch	Mr Shearan
Ms Burney	Mr McBride	Mr Stewart
Mr Campbell	Mr McLeay	Ms Tebbutt
Mr Chaytor	Mr McTaggart	Mr Tripodi
Mr Collier	Ms Meagher	Mr Watkins
Mr Crittenden	Ms Megarrity	Mr West
Mr Debus	Mr Mills	Mr Whan
Ms Gadiel	Mr Morris	Mr Yeadon
Mr Gaudry	Mr Newell	*Tellers,*
Mr Gibson	Ms Nori	Mr Ashton
Mr Greene	Mrs Paluzzano	Mr Corrigan

Noes, 28

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

Pairs

Mr Daley	Mr Armstrong
Ms Judge	Mr Souris

Question resolved in the affirmative.

Motion agreed to.

WATER INDUSTRY COMPETITION BILL

CENTRAL COAST WATER CORPORATION BILL

Messages received from the Legislative Council returning each bill with an amendment.

Consideration of amendments deferred.

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Special Adjournment

Mr DAVID CAMPBELL (Keira—Minister for Water Utilities, Minister for Small Business, Minister for Regional Development, and Minister for the Illawarra) [4.47 p.m.]: I move:

That:

(1) standing and sessional orders be suspended to permit:

(a) the resumption of the adjourned debate and progress through all remaining stages forthwith of the Parliamentary Contributory Superannuation Amendment (Criminal Charges and Convictions) Bill;

(b) at the sitting on Friday 17 November 2006, the following business only be conducted:

The introduction up to and including the mover's second reading speech of the Avalon Police Station (Public Ownership) Bill, and the taking of up to 24 private members' statements, at the conclusion of which the House shall adjourn without motion moved; and

(2) the House at its rising this day do adjourn until Friday 17 November 2006 at 10.00 a.m. and then meet again on Tuesday 21 November 2006 at 2.15 p.m.

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [4.48 p.m.]: The Opposition does not oppose the motion to bring forward the parliamentary superannuation bill. After all, that suggestion was made by the Leader of the Opposition during the weekend, which the Government finally accepted, as the Leader of the Opposition said this morning, despite an attempt on Tuesday night by the Leader of the Government in the Legislative Council to put off the issue completely. I move the following amendment:

That the motion be amended by leaving out all words after "private members' statements" in paragraph 1 with a view to inserting instead "followed by the routine of business, including Question Time".

I say again that if Parliament is going to have a sitting in addition to the three sitting days next week to which the Minister is apparently referring, there ought to be a question time. I am not quite sure why the Government is concerned about having a question time tomorrow. Routine of Government business means we should do all of that business, not just the bits that suit the Government, and not deny the Government any requirement to be held accountable by non-government members of Parliament.

Question—That the words stand—put.

The House divided.

Ayes, 46

Ms Allan	Mr Greene	Mrs Perry
Mr Amery	Ms Hay	Mr Price
Ms Andrews	Mr Hickey	Ms Saliba
Mr Bartlett	Mr Hunter	Mr Sartor
Mr Black	Ms Keneally	Mr Shearan
Mr Brown	Mr Lynch	Mr Stewart
Ms Burney	Mr McBride	Ms Tebbutt
Mr Campbell	Mr McLeay	Mr Tripodi
Mr Chaytor	Ms Meagher	Mr Watkins
Mr Collier	Ms Megarrity	Mr West
Mr Crittenden	Mr Mills	Mr Whan
Ms D'Amore	Mr Morris	Mr Yeadon
Mr Debus	Mr Newell	
Ms Gadiel	Ms Nori	*Tellers,*
Mr Gaudry	Mrs Paluzzano	Mr Ashton
Mr Gibson	Mr Pearce	Mr Corrigan

Noes, 33

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

Pairs

Mr Daley	Mr Armstrong
Ms Judge	Mr Piccoli

Question resolved in the affirmative.

Amendment negatived.

Motion agreed to.

PARLIAMENTARY CONTRIBUTORY SUPERANNUATION AMENDMENT (CRIMINAL CHARGES AND CONVICTIONS) BILL

Second Reading

Debate resumed from an earlier hour.

Mr PETER DEBNAM (Vaucluse—Leader of the Opposition) [5.00 p.m.]: I am pleased to have the opportunity to finally speak to the Parliamentary Contributory Superannuation Amendment (Criminal Charges and Convictions) Bill at the end of the parliamentary sitting week. Obviously, it is not something that anybody would be pleased to discuss. The bill contains major amendments to the parliamentary superannuation scheme, which is probably one of the reasons the Government had such difficulty bringing it before the House this week.

On the weekend I indicated that I would introduce a private member's bill to amend the superannuation legislation to ensure that a member of Parliament who resigned from the Parliament having been charged with serious offences could not access superannuation payments. The bill effectively does that, and I seek clarification on only one point. At present a member of Parliament vacates his or her seat if the member is convicted of an offence punishable by life or imprisonment for five years or more, or is convicted of an infamous crime under section 13A of the Constitution Act 1902. In that case section 19 (8) of the Parliamentary Contributory Superannuation Act 1971 disqualifies the former member from receiving any pension that the former member would have been entitled to under that Act and provides instead for a refund of the member's superannuation contributions.

However, the object of the bill is to amend the Parliamentary Contributory Superannuation Act 1971 to provide the same disqualification from receiving a pension if the person ceases to be a member while relevant serious offence proceedings are pending and is later convicted. In addition, the former member's pension under that Act is suspended while any such criminal proceedings are pending, but the suspension is lifted if the proceedings do not lead to a conviction for the offence. The bill will apply to a person who ceased to be a member before the commencement of the proposed Act, but only if criminal proceedings were pending against the person on the commencement of the proposed Act. The commencement date is 15 November 2006. Obviously the intention is that the amendments will apply to members of Parliament who have charges pending against them. New section 19AA, in item [1] of schedule 1 to the bill, states:

> (3) If the finalisation of the proceedings results in the person not being convicted of any serious offence, the suspension of pension entitlement is lifted and the person's entitlement to a pension is reinstated.
>
> (4) If the finalisation of the proceedings results in the person being convicted of a serious offence:
>
> (a) the person ceases to have any entitlement to receive a pension under this Part, and
>
> (b) the person's net contributions are to be refunded to him or her.
>
> (5) If proceedings for a serious offence cease to be pending before the proceedings are finalised, the suspension of pension entitlement is lifted and the person's entitlement to a pension is reinstated.

It is a straightforward bill and it is one we have discussed since the weekend, when these horrendous charges came to light. We indicated that we would introduce a private member's bill if the Government did not introduce its own bill. Over the last five days I have indicated that if the Government introduced a bill that achieved the same objectives, we would support it. We will certainly support it today. It is worth making the point again that the bill is a consequence of the Labor Party not doing checks on its candidate. That is the problem.

Without going into all the horror or the scandal of the last week or into the nature of the Labor Party culture at the moment, that is the fundamental point. That is why the Government has introduced separate legislation for checks against candidates, which is extraordinary. We spoke to that bill this morning and we indicated that we would not oppose it. But it is a real indictment of the Labor Party in New South Wales. We will support the rapid movement of the bill through both Houses of Parliament.

Ms LINDA BURNEY (Canterbury—Parliamentary Secretary) [5.05 p.m.], in reply: To clarify the position for the Leader of the Opposition, I draw his attention to new section 11, in item [3] of schedule 1 to the bill, which states:

> **11 Criminal charges and convictions—section 19AA**
>
> (1) Section 19AA extends to a person who ceased to be a member before the commencement of that section (and to any entitlement of the person to a pension that accrued before that commencement), but only if proceedings for a serious offence were pending against the person:
>
> (a) when the person ceased to be a member, and
>
> (b) on the commencement.

I hope that clarifies the position for the Leader of the Opposition.

Motion agreed to.

Bill read a second time and passed through remaining stages.

ABORIGINAL LAND RIGHTS BILL

Second Reading

Debate called on, and adjourned on motion by Mr Barry O'Farrell.

LEGAL PROFESSION FURTHER AMENDMENT BILL

Second Reading

Debate resumed from 27 October 2006.

Mr CHRIS HARTCHER (Gosford) [5.09 p.m.]: The way this bill is being dealt with is the usual metaphor for the extraordinary way in which this Parliament is run by the Government. Bills are listed and then taken off the list. While negotiations are taking place with parties, the incompetence of the Government continues. The incompetence of the Parliamentary Secretary at the table, the honourable member for Canterbury, is plain when legislation that is listed for debate is called on to be debated and then is postponed.

Ms Linda Burney: And I love you, too.

Mr CHRIS HARTCHER: That says a lot about her knowledge of what is going on and her ignorance of the ordinary procedures and courtesies of the Parliament.

Ms Linda Burney: I am not even going to respond to that.

Mr CHRIS HARTCHER: When a bill is called on and the process collapses, suddenly the Legal Profession Further Amendment Bill is called on to fill the gap. In the Government's usual fashion, legislation is being raced through without proper notice and without proper courtesy. The disarray of dealing with legislation reflects the disarray in the Government. In one respect, that is understandable because Ministers are toppling all the time. Ministers are under investigation, Ministers have been caught out speeding, and Ministers have been caught out defrauding revenue by having their parking fines paid out of taxpayers' revenue. We are faced with an endless sequential list of incompetents piled upon incompetents and that filters through to the administration and running of the Parliament. The Government does not even know what is happening in its own Parliament. It repeatedly calls on legislation for debate without warning and without notice. That is a very telling point.

Ms Linda Burney: Point of order—

Mr CHRIS HARTCHER: The honourable member for Canterbury said she would not respond. She is thin-skinned now, is she not?

Ms Linda Burney: Despite my alleged incompetence, I ask you to direct the honourable member for Gosford to redress his remarks to the bill that is before the House.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! I ask the honourable member for Gosford to speak to the bill.

Mr CHRIS HARTCHER: I am speaking to the bill. I am outlining how the bill has been brought before the House, which of course is speaking to the bill. But the Parliamentary Secretary would not understand that. She reads whatever notes are put in front of her without understanding them. The Parliamentary Secretary said she would not respond, but unfortunately the matter got the better of her. Notwithstanding that, in addressing the bill, I note that the House has already dealt with one legal profession bill this year, and now we are dealing with another. In the case of this bill, I understand it does not evoke any objections from the Law Society or the Bar Association of New South Wales, which are the bodies responsible for the administration of the legal profession in this State.

Through the national competition policy and subsequently through the Standing Committee of Attorneys-General, the Commonwealth Government sponsored a proposal for the establishment of a national model code for lawyers in the separate or combined roles of barrister and solicitor. This legislation is intended to bring the legal profession more into line with a national model and code. The bill deals with procedures for admission of persons to the legal profession by the Admissions Board. It removes the power of the Admissions Board to refer to the Supreme Court issues relating to the suitability of persons for admission to the legal profession and replaces it with an appeal mechanism for people who want to appeal to the Supreme Court against decisions made by the Admissions Board.

The bill provides for additional changes to the administration of payments from and repayments to the Public Purpose Fund. For many years and on many occasions the current Government in particular has played around with the fund, but did not seem to be able to get it right. Hopefully this bill will effect some improvement. By a beautiful phrase that is almost George Orwellian, it will "dispense" with the Legal Profession Advisory Council. In other words, the Legal Profession Advisory Council will be out the door, but the term that has been used is "dispense with". The bill will also align the Act more closely with the model Australian legal profession legislation.

It is important for the legal profession in New South Wales to continually evolve toward a national system. The Federal jurisdiction continues to widen through the work of the High Court and the Federal Court. Members of the legal profession who appear in Federal matters before the Federal Court, the High Court, Federal Magistrates or the Federal Administrative Appeals Tribunal will be required to observe uniform standards that will apply throughout Australia in places including Tasmania, New South Wales and the Northern Territory. As almost half of Australia's legal practitioners practise in Federal courts or tribunals, it is appropriate to have a national standard. For the sake of consistency, it is also appropriate for national standards to filter through to State standards. When was the High Court's WorkChoices decision?

Ms Linda Burney: Tuesday.

Mr CHRIS HARTCHER: I am indebted to the Parliamentary Secretary.

Ms Linda Burney: So I am not all that incompetent?

Mr CHRIS HARTCHER: No. The Parliamentary Secretary is actually quite nice. The decision made by the High Court on Tuesday will expand enormously the Federal jurisdiction in all work-related matters and that will have a substantial impact on the role of State industrial relations bodies. It is expected that the Federal jurisdiction will continue to increase through the Commonwealth's exercise of the corporations power. As a result, lawyers will be increasingly involved in dealing with Federal legislation than has been the case in the past and they will appear more frequently in Federal courts. With the introduction of Federal magistrates, lawyers will appear at that level of jurisdiction and in Federal summary courts. Family law was long ago appropriated by the Federal Government. Establishment of a national model is important. I am sure everybody would agree with it.

I am constantly confused by ongoing changes to the administration of the Public Purposes Fund. The bill will amend section 290 to cover all aspects of its administration in respect of repayments and reimbursements. There is an admission in the explanatory notes to the bill that dispensing with the Legal Profession Advisory Council is in fact the abolition of the Legal Profession Advisory Council. The Law Society and the Bar Association are well qualified to provide advice to governments relating to legal matters and represent the legal profession well in that capacity. I do not know whether the profession needs a separate legal profession advisory body because I am not familiar with the role of the existing advisory council. Perhaps the honourable member for Cronulla will inform the House in relation to that matter. From my point of view, I do not think there is a particularly onerous issue involved because the first two great legal professional bodies of this State have served the legal profession well over the past 180 years since the Third Charter of Justice established the Supreme Court and the English common law system in New South Wales in the 1820s.

At that time the colony of New South Wales progressed from what was essentially martial law, which was administered through the colony's Governors and the services, to common law. The Bar Association and the Law Society rapidly evolved to represent the two strands of the legal profession and they continue to do an excellent job in serving the profession. Schedule 2 will amend the Legal Profession Act 2004 to align the Act more closely with the model legal profession legislation. In July 2006 the Standing Committee of Attorneys-General approved the second edition of the legal profession model bill.

We continue to evolve towards one national system, one national standard. When I started law some years back Federal legislation played an extremely small part in a lawyer's practice. Taxation was a significant part of Federal legislation that lawyers had to deal with. Family law was also a significant part, but that was about it. Now industrial relations and, since the High Court decision, the corporations law and huge areas of government administration have come under Federal jurisdiction. It is essential that lawyers seek to develop one Federal standard to adequately ensure that the law will be the same, be it in New South Wales or in any other State. There are some transitory amendments about barristers admitted to the court in the Australian Capital Territory. That is no longer required and is to be taken out of the legislation. I acknowledge the sterling role by the honourable member for Cronulla in representing not only his constituents but lawyers throughout New South Wales. The New South Wales Coalition will not oppose the bill.

Mr MALCOLM KERR (Cronulla) [5.20 p.m.]: As the honourable member for Gosford said, the Legal Profession Further Amendment Bill abolishes the Legal Profession Advisory Council. He said that I might know the role played by that council; unfortunately, that is a matter I would have to take on advice. A speech in reply might address the issue he raised.

Ms Linda Burney: The issue for you?

Mr MALCOLM KERR: No, the issue that clearly concerns this House; a matter raised in the course of debate. I am once again indebted to the Legislation Review Committee in relation to this. It is as well to put the purpose and description of this bill on the record. The bill revises the role and procedures of the Legal Profession Admission Board. I know that a number of members of this House came through the Legal Profession Admission Board, either via the Solicitors Admission Board or the Barristers Admission Board, as did the honourable member for Baulkham Hills. He will be saddened to learn that the bill removes the power of the admission board to refer to the Supreme Court issues relating to the suitability of persons for admission to the legal profession.

The bill revises the procedures regarding payments into or out of the Public Purpose Fund. The honourable member for Gosford spoke in relation to that. As I said earlier, the bill dispenses with the Legal Profession Advisory Council and aligns that Act more closely with the legal profession model legislation, and the bill repeals transitional provisions concerning barristers of the Australian Capital Territory. The bill amends the Administrative Decisions Tribunal Act 1997, in relation to the qualifications for appointment of a person as the divisional head of the Legal Services Division of the Administrative Decisions Tribunal. The Legislation Review Committee provided background for this. It is important that the House be aware that the second reading debate, given by the Parliamentary Secretary, the honourable member for Tweed, stated that the Standing Committee of Attorneys-General developed a national legal profession scheme and model legislation designed to achieve greater consistency and uniformity in legal profession regulations in order to facilitate legal practice across State and Territory boundaries and to standardise consumer protection across jurisdictions.

New South Wales enacted this model in the Legal Profession Act 2004. The model bill has since been amended and this bill amends the Act to maintain uniformity with the updated national model. It also makes a

number of minor amendments requested by the legal profession regulators to improve the processes of administering the legislation. The Opposition will not oppose the bill. I commend the concept of having a national approach to the legal profession.

Mr WAYNE MERTON (Baulkham Hills) [5.24 p.m.]: I support the Legal Profession Further Amendment Bill. The history of the admission of solicitors has certainly changed in recent years. As the honourable member for Cronulla correctly said, the Solicitors Admission Board and the Barristers Admission Board, affectionately referred to as the SAB and the BAB, controlled the admission of both barristers and solicitors. In the very early days when I was involved, the Solicitors Admission Board conducted the examination process. In those days there were no lectures. Students were merely sent a very brief syllabus advising what subjects would be examined and a list of textbooks that should be read, but were not even wished good luck with the course. Students embarked upon unknown and uncharted waters.

There were no lectures, no seminars, no tutorials and one was the master of one's own destiny. Students who worked hard passed the examinations without the benefit of tuition, seminars or even a correspondence course. In those days the failure rate was quite high. That has changed over the years with the introduction of seminars and tutorials. Today we are making further changes to the legal profession with this bill. Among the objects of the bill is to revise the role and procedures of the Legal Profession Admission Board in connection with the admission of persons to the legal profession, to remove the power of the Admission Board to refer to the Supreme Court issues relating to the suitability of persons for admission to the legal profession, to revise the procedures regarding payments from and repayments to the Public Purpose Fund, to dispense with the Legal Profession Advisory Council, and to align the Act more closely with the legal profession model legislation.

Recently I attended an admission ceremony. Many years ago, when I was admitted, I was admitted as a solicitor and attorney and proctor of the Supreme Court of New South Wales. A few years after that I moved an admission for someone, and that person was admitted as a legal practitioner. At the last admission ceremony I attended the person was admitted as a lawyer. The world of the admission of legal practitioners keeps changing. The honourable member for Gosford correctly said that many years ago the legislation that concerned the average legal practitioners, other than the more specialised legal firms, which in those days were situated mainly in Sydney's central business district, was State legislation.

One of the big changes that affected many lawyers with Federal legislation was in family law in 1975. Family law had been under the Federal Matrimonial Causes Act 1961, which took the place of State divorce legislation going back to 1936. The law has moved a long way in recent years. The changes in work loads means that the average suburban solicitor is involved in more than straight conveyancing. Lawyers now deal with changes to workers compensation, third party legislation, and other and newer fields of law. Even suburban lawyers are becoming more specialised. Federal legislation plays a greater part in their daily activities. Obviously it is essential that certain national standards be adopted. This bill is in keeping with that ideal and ambition.

The bill removes the power of the Admission Board to refer decisions relating to suitability to the Supreme Court. The board will now make the decision itself, subject to a right of appeal to the Supreme Court. I have no objection to that provision. The Opposition does not oppose this legislation, which reflects a change to the legal world as we know it. As was pointed out on Tuesday this week, the emphasis is on Federal legislation. I am sure the Parliamentary Secretary will confirm that that is the date on which the High Court made a specific, strategic and defining ruling relating to the WorkChoices legislation. As that one aspect of the legislation will affect the lives of people in New South Wales, we must move to a national model and standards—something that is reflected in this legislation.

Ms LINDA BURNEY (Canterbury—Parliamentary Secretary) [5.31 p.m.], in reply: I thank the honourable member for Gosford, the honourable member for Cronulla and the honourable member for Baulkham Hills for their contributions to the debate on this bill. The new national legal profession regime represents a major milestone in achieving consistency in the regulation of the legal profession in Australia, and in facilitating legal practice across our State and Territory boundaries. I am hopeful that by mid-2007 all other jurisdictions will have followed the lead of New South Wales by implementing the updated model bill.

The Government is confident that the updated national regime establishes a regulatory framework that meets the needs of the profession while, at the same time, providing a high degree of protection for consumers. It is important that we have a consistent and efficient national regulatory regime, particularly when the legal profession in Australia is entering into a period of significant change. The primary functions of the Legal

Profession Advisory Council, set out in part 7.2 of the Legal Profession Act 2004, are to review and advise on the structure and functions of the legal profession in New South Wales. The council also advises on any proposed regulations referred to it by the Attorney General or any proposed legal profession rules. The council was established in 1987 when the profession largely regulated itself. Since 1994 an independent government regulator, the New South Wales Legal Services Commissioner, has overseen the handling of complaints by lawyers in New South Wales. The Office of the Legal Services Commissioner now plays a significant role in advising the New South Wales Government on systemic issues relating to the regulation of the profession.

Since October 2005 legal profession legislation in New South Wales has been largely based on the national regulatory standards and practices contained in the national legal profession model bill. With this move to a national scheme of legal profession regulation, the case for maintaining a State-based advisory group is difficult to sustain. The National Legal Profession Joint Working Party now performs this advisory function. The joint working party consists of representatives from each State and Territory and four representatives from the Law Council of Australia. The independent government regulators and professional regulatory bodies are regularly consulted by the joint working party to ensure that proper consideration is given to consumer protection issues at a national level.

Under the amendments contained in this bill the New South Wales Legal Services Commissioner will continue to have a role in advising the Attorney General in relation to proposed regulations and legal profession rules. This is an important safeguard that ensures the voices of consumers of legal services in New South Wales are heard. The Legal Service Commissioner's access to statistical data about the thousands of inquiries and complaints with which his office deals each year means that he is better placed to advise on these issues than the lay members of an advisory council relying mainly on anecdotal evidence or limited personal experience.

The abolition of the Legal Profession Advisory Council will not stop members of the public who wish to raise concerns about systemic issues concerning the legal profession in New South Wales from having their voices heard. They can continue to write to the Attorney General or his department about their concerns. The joint working party also takes submissions from interested parties who wish to comment on the national model legislation. I am confident that the national legal profession framework, in particular, the amendments in this bill, will assist the profession to meet the challenges it currently faces.

The national framework does this through the creation of a streamlined regulatory regime that reduces compliance costs for national law firms or practitioners who practice across State boundaries, in particular, in the areas of cost disclosure and trust accounts, and increases professional mobility. Consumers will also benefit from the creation of common standards of ethical conduct and increased protections in the areas of trust accounts and external intervention. This bill is an important step in ensuring that the national framework is as robust and responsive as possible. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

ROAD TRANSPORT LEGISLATION AMENDMENT (EVIDENCE) BILL

Second Reading

Debate resumed from 14 November 2006.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [5.37 p.m.]: I lead for the Liberal-Nationals Coalition in debate on the Road Transport Legislation Amendment (Evidence) Bill. We do not intend to oppose the bill in this Chamber. However, we reserve the right to consider amending it in the other place following further consultation with stakeholder groups, as the Government did not provide adequate time for this bill to be considered in detail by all the groups that might be affected. There has not been sufficient time for the Regulation Review Committee to consider the bill, which is especially desirable, given that its provisions open up the prospect of inconsistency with other legislation in relation to onus of proof.

It is a sad indictment on this Government that it dumps this legislation on the table just a few days before the end of this term of government. It means that affected parties have insufficient opportunity to consider its impact prior to its passage in this place. Labor has had 12 years to get this right and it is now rushing through an important bill at the end of the year. This is demonstrated by the fact that I understand the

Government wishes to move an amendment to this hastily introduced piece of legislation. I understand that this amendment relates to the issue of the use of hand-held radar devices, LIDAR detectors, or speed guns as they are sometimes called, and the ability of the enforcement agencies to send out infringement notices to drivers rather than police having to pursue them.

Given that this is a road safety issue and given that earlier this week we had a tragedy involving a highway patrol officer, obviously the Opposition will not oppose that amendment. The purpose of the Road Transport Legislation Amendment (Evidence) Bill is to require a higher standard of evidence to be produced in court when appealing a speeding offence or any other offence issued as a result of a speed-measuring device. The legislation currently provides for the following evidence to prove a speeding offence: firstly, photographic evidence of speeding; secondly, certificate evidence verifying the testing and calibrated accuracy of the device; and, thirdly, certificate evidence of the inspection of the device to ensure it was operating properly.

Under current laws, this evidence can be displaced by "evidence to the contrary." Problems have arisen because some judges have interpreted the phrase rather broadly, and allowed evidence of any nature—according to the Government, such evidence has included a motorist's mere assertion that he or she was not speeding—to overrule the photographs and certificates presented to the court. It can be argued that decisions of this nature may confuse the public and undermine the community's confidence in the system. Cases such as this could lessen the potential road safety benefits of speed cameras. With this year's road toll standing at 455, that would cause great concern in the community.

The proposal before the House will require defendants to adduce expert evidence that raises a reasonable possibility that a device was not operating properly. The Government proposes that a review of the provisions be conducted after 12 months of operation, with a report to be provided to the Minister for Roads and the Attorney General. The Opposition, which will probably be in government by then, will certainly be very interested in the outcome of that review.

Mr Kevin Greene: You almost had a straight face when you said that.

Mr ANDREW STONER: I thought it through and realised that in 12 months we will be in government. Despite the fact that the Government allowed inadequate time for proper consideration of the bill, the Law Society of New South Wales has provided some comments to the Opposition. The Law Society's Criminal Law Committee has considered the bill and I will read onto the record the contribution of Ms June McPhee, the President of the Law Society of New South Wales. She wrote:

> I refer to the above Bill which was introduced into the Legislative Assembly on 14 November 2006. The Law Society's Criminal Law Committee has reviewed the Bill and provides the following comments for your consideration.
>
> The Bill, particularly proposed section 73A, moves towards a reversal of the onus of proof of certain matters by requiring an accused to prove that a device is unreliable and the only way to do so is by way of expert evidence.
>
> The burden of proof under section 73A is far more stringent than for other similar offences where an accused has to prove a matter, for example Deemed Supply (section 29 *Drug Misuse and Trafficking Act 1985*), and Goods in Unlawful Custody (section 527C *Crimes Act 1900*), the standard of proof is on the balance of probabilities. The test in proposed section 73A is far more onerous, being "evidence that is sufficient to raise a doubt". The Committee submits that the evidentiary test should be framed in the same way as the offences mentioned above, so that the standard of proof is on the balance of probabilities.

That is the advice from the Law Society. It raises legitimate concerns about the potential for inconsistency in terms of the standard of proof in various pieces of State legislation. If the Government had consulted the legal profession perhaps the bill would not have given rise to these concerns. I ask the Parliamentary Secretary to address this issue when she replies to the debate. Depending on her response, the Opposition reserves the right to move amendments to the bill in the upper House.

I will place on record some other concerns the Opposition has regarding the bill. First, it is concerning that it has taken more than a decade—12 years, in fact—for the Labor Government to act to amend this legislation that affects all motorists in New South Wales. The Government encountered a similar problem earlier this year on 24 August when Sydney District Court Judge John Nicholson, SC, handed down a decision. He ruled that photographs used to convict drivers were meaningless as the digital camera used was calibrated not daily but yearly. This meant that every photograph issued since 1999, when the digital technology was introduced, could be considered invalid, which set the Government up for a potential $1 million class action. Such a potentially expensive action would obviously affect the funds available for fixing crumbling infrastructure such as roads, hospitals, schools and trains.

In January 2001 my colleague the honourable member for Myall Lakes, who at the time was shadow Minister for Roads, warned the then Carr Labor Government of possible legal challenges resulting from the introduction of digital technology, including tampering. However, the Carr-Iemma Government did not make changes to the regulations until 2005, despite knowing for at least four years about the potential problems. The last thing taxpayers should be expected to do is fork out millions of dollars to bail out this incompetent Government, which failed to act when the problems were identified initially. As one would expect, cases such as the one I have outlined cause the community to doubt the effectiveness of speed cameras and speed-measuring devices generally.

As of April this year there were 113 fixed speed cameras in New South Wales. Last year $57.3 million worth of speed camera fines were issued, which was an increase from $50.9 million in 2004 and $41.6 million in 2003. As more charges are dismissed against those caught speeding by speed cameras, the public is rightly asking: How effective is the system in reducing the road toll and is it simply another revenue raiser for the Government? These are two valid questions to which I believe the community deserves a response. A full audit of current fixed speed cameras should be conducted regularly to ensure that they are being used in black spots and in other areas where motorists are known to speed regularly, especially where the road condition is poor. Speed cameras should not be used in areas where there is simply a high volume of traffic, and hence a greater chance of issuing fines and raising revenue. Road safety must be the priority, and it should always be the main objective in the selection of speed camera locations.

When delivering the second reading speech the honourable member for Heathcote highlighted the fact that speed remains the largest single contributing factor in fatal crashes on our roads. In view of these comments and the fact that this year's road toll stands at 455 to date, it is clear that we urgently need more highway patrols on our roads as well as speed cameras. A visible police presence is the key to reducing road deaths in New South Wales. This view is shared by the wider community. The NRMA recently found that nine out of 10 motorists supported more highway patrols on New South Wales roads as an effective way of countering speeding.

Despite this finding, the Government has cut the number of kilometres travelled by highway patrols. For the first five months of this year highway patrols in one district travelled only 46,691 kilometres, which is 7,000 kilometres less than during the same period in 2003. That pattern is being repeated across the State, and it is a concern. We need highway patrols, especially in country New South Wales, where more than 60 per cent of road fatalities currently occur. We need a visible police presence on our roads and a real investment in providing better road infrastructure if we are to reduce road deaths in New South Wales.

Labor's increased reliance on speed cameras is proven by the increase in their number, combined with the reduction in the number of kilometres travelled by highway patrols. It is also confirmed by this legislation, which seeks to tighten the screws on those motorists who are caught by the Government's camera network. The Government's speed camera revenue addiction is a direct result of Labor's financial mismanagement and the ensuing budget crisis. Fixed speed cameras are simply unthinking revenue-raising devices that have minimal running costs compared with highway patrol officers.

But Labor should realise that cameras cannot detect drunk or drugged drivers, unregistered vehicles, outstanding warrants, unlicensed drivers, unsafe vehicles or other offences. Having raised those issues, I restate the position of the Liberal-National Coalition in relation to this bill. We will not oppose it pending further comment from stakeholder groups, such as the NRMA. I repeat my request that the Parliamentary Secretary, the honourable member for Canterbury, address in her reply the legitimate concerns raised by the legal fraternity in relation to proposed new section 73A, which substantially changes the onus of proof and could lead to inconsistency with other legislation.

Ms LINDA BURNEY (Canterbury—Parliamentary Secretary) [5.50 p.m.], in reply: I thank the Leader of The Nationals for his contribution, into which he has put a lot of thought. He obviously understands the subject very well. Before speaking more generally in reply, I refer to two concerns raised by the Leader of The Nationals. The first is in relation to whether the system of speed camera fines was just a revenue-raising exercise, and of course it is not. In fact, I reject out of hand the notion that somehow stopping speeding drivers is about revenue raising. That is certainly not what this bill is about. It is about safety and the effective enforcement of road safety laws. These laws are in place to protect the community.

The bill is also about protecting the lives of hardworking police who enforce those laws. The Leader of The Nationals referred to the tragic death of Senior Constable Wilson on the F3. That has shown just how

dangerous this work is. The demonstrated capacity of speed cameras to save lives has already been outlined in this debate. It is simply wrong to suggest this bill is about raising revenue. It is about protecting the public and discouraging people from speeding in cars and it is about saving lives and making a safer working environment for our police officers.

The second matter to which the Leader of The Nationals referred was expert evidence in speed camera matters. Introducing the requirement for expert evidence in this bill is a sensible move. Both the Leader of the Opposition and the Leader of The Nationals are on the public record calling for the closing of what they have referred to as a loophole in the legislation. The Leader of The Nationals referred to this loophole on radio on the 23 March this year. This bill will close this perceived loophole, and ensure greater consistency in judicial interpretation. The Government's advice has been that, given the breadth of the interpretation applied by some judges, the high standard of the proof referred to by the Leader of The Nationals was necessary to protect the integrity of camera enforcement. I ask the Leader of The Nationals to note that that matter has been taken on board.

To recap, this bill is primarily about road safety. It may appear to be only a technical legal amendment, but it is important because it will ensure the ongoing effectiveness of camera-based enforcement of road safety laws in New South Wales. It will support the Government's objective of reducing the death toll on our roads as outlined in the State Plan. The bill is not only about saving the lives of motorists. The bill amends section 179 (12) (c) of the Road Transport (General) Act 2005 to permit small, hand-held digital cameras to be used in conjunction with light detection and ranging-based sensor, known as LIDAR, and other speed measuring devices. The cameras will need to be approved by the Commissioner of Police.

The cameras will record the licence plate of the speeding vehicle, allowing a penalty notice to be sent to the registered owner by mail pursuant to section 179. It is proposed that the cameras and LIDAR would be deployed as follows. LIDAR will be deployed at selected locations where there is a high risk of speed-related accidents, principally where vehicles are travelling at high speeds or where there are multiple lanes in each direction. The units will also be deployed at other locations, such as school zones. Appropriate warning signage will be erected. A statewide memorandum from the commissioner will reinforce the need for supervisors to ensure officers are briefed in and comply with current operating procedures in undertaking the above, and the units will only be deployed from stationary police vehicles.

This amendment will help to save the lives of police officers conducting dangerous enforcement work to make our roads safer for the community. Earlier I referred to the tragic death last week of one of our fine police officers. We were all saddened to hear of the death of Senior Constable Wilson, who was killed while conducting operations with a LIDAR speed gun. His death is the subject of a coronial investigation. The Government is committed to ensuring that officers engaged in traffic enforcement are as safe as possible while performing a job that can never be risk free. A range of interim measures have been put in place while the Coroner's investigation is completed, and traffic services is reviewing its standard operating procedures regarding LIDAR operations.

Currently, officers deploying LIDAR need to enforce a breach of the speed limit by initiating a high-speed pursuit, or by attempting to flag down the speeding vehicle themselves. Both of those options may sometimes be necessary, but clearly there is inherent risk. Alternatively, police can manually record the licence plate and then personally serve a penalty notice on the registered owner at their home. But this is clearly a time-consuming exercise for our police. The amendment will allow officers to use a camera alongside the LIDAR unit. The camera will be used to photograph the vehicle's licence plate, which will allow a penalty notice to be sent to the registered owner by mail. That will reduce the need for officers to flag down vehicles or pursue them at speed, and that will clearly make our roads safer for the whole community.

As I have said, the safety benefits of speed cameras have been well demonstrated. Speed is still the largest single contributing factor to crashes on our roads. It is a factor in 40 per cent of fatal crashes. Statistics show a 90 per cent reduction in fatal crashes when speed cameras are introduced, and a 20 per cent reduction in injury crashes. The next iteration of that is how much that saves our medical system and family heartache. It will ensure that drivers who jeopardise the lives of others by speeding or running red lights will face appropriate enforcement action. The amendment will help protect the lives of police working hard to keep our roads safe. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 7 agreed to.

Ms LINDA BURNEY (Canterbury—Parliamentary Secretary) [5.59 p.m.]: I move the Government amendment as circulated:

Page 3, schedule 1. Insert after line 8:

[2] Section 179 (12), definition of "camera recorded offence"

Insert at the end of paragraph (c) of the definition:

, or

(d) a speeding offence in respect of which:

(i) the penalty notice or the court attendance notice indicates that the offence was detected by an approved speed measuring device within the meaning of the *Road Transport (Safety and Traffic Management) Act 1999*, and

(ii) the number plate of the vehicle concerned was recorded by a police officer using photographic or video equipment approved by the Commissioner of Police for the purposes of this paragraph.

Mr BRAD HAZZARD (Wakehurst) [6.00 p.m.]: I place on record the concern of the Opposition that this is yet another Government bill that the Government has had to amend before it passes through this House. I think I speak on behalf of the people of New South Wales when I say it would be helpful if the Government got these bills right in the first place. However, this measure provides a formal method of issuing penalty notices and obviating the problem of police having to chase offenders brought to their attention by the use of camera recording devices. The Coalition is keen to protect police, a point of significance brought home to all of us this week. The Opposition will not oppose the amendment.

Ms LINDA BURNEY (Canterbury—Parliamentary Secretary) [6.01 p.m.]: I make the point, in response to the comment made by the honourable member for Wakehurst, that this sensible amendment was the subject of close negotiation with the Opposition.

Amendment agreed to.

Schedule 1 as amended agreed to.

Schedules 2 to 4 agreed to.

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

ABORIGINAL LAND RIGHTS AMENDMENT BILL

Second Reading

Debate resumed from 26 October 2006.

Ms LINDA BURNEY (Canterbury—Parliamentary Secretary) [6.03 p.m.]: I support the Aboriginal Land Rights Amendment Bill 2006. As it is late in the day, I will keep my remarks fairly brief. However, some important points need to be made. The bill is the outcome of extensive consultation with Aboriginal people across New South Wales. In 2004 the former Minister for Aboriginal Affairs, the Hon. Andrew Refshauge, MP, announced a review of the Aboriginal Land Rights Act and established a task force to oversee the review.

The bill will improve Aboriginal land council governance and management. It will modernise the legislation to acknowledge that the Aboriginal Land Rights Act is moving into a new area of economic and social development for Aboriginal land councils. I well remember that in 1983 the then director general of the Department of Aboriginal Affairs put in place what was an absolutely revolutionary arrangement. Part of it was that the Aboriginal land council would benefit from investment of 7.5 per cent of New South Wales land tax

revenue, with a sunset clause. I am sure the Minister and the honourable member for Wakehurst would agree that that investment fund has been an enormous success.

The bill will modernise Aboriginal land council structure. Local Aboriginal land council business enterprises and investment will be regulated by a system to assess the merits and viability of any particular business or investment proposal. The functions of the registrar and the Pecuniary Interest Tribunal have been expanded to more effectively deal with misbehaviour of councillors, land council members, land council board members and staff. The bill also deals with regional Aboriginal land councils; I will come to that in a moment. Consultation on these measures, which has taken place over a period of two years or more, has been very broad.

The bill sets out the functions of Aboriginal land council boards, ensuring a better system of governance. There are at 121 land councils in New South Wales, reflecting the environment of Aboriginal populations across the State. The Iemma Government is committed to working with the Aboriginal people of New South Wales to ensure that all members of Aboriginal communities are able to benefit from and participate in the management of their lands and their assets. I pause there to make the point that the premise of the New South Wales Government on Aboriginal affairs is the principle of self-determination. That is a far cry from movements in Aboriginal affairs under the Commonwealth Government, where there is no recognition of self-determination. Things going on in Aboriginal land management are absolutely frightening, such as amendments to the Northern Territory land rights legislation and abolition of permit fees. I cannot think of any other group of people in Australia who do not have control over who comes onto and goes off their properties.

We have listened to and consulted with the community and have responded accordingly with a series of amendments to meet their concerns and their needs. I would like to recognise the many Aboriginal people from communities, land councils and State land councils who have done a magnificent job of working with the Government to achieve a win-win outcome through this legislation. I place on record my congratulations to the Minister for Aboriginal Affairs, Reba Meagher, and her staff. I thank the staff of the Department of Aboriginal Affairs for their work and commitment to developing this legislation and for the flexibility they have demonstrated in taking into account the needs, aspirations and suggestions of Aboriginal people right across New South Wales. They are in the Chamber tonight, and I wish to recognise them and thank them for their efforts.

The bill provides for a direct and democratic system of electing board members; the existence of nine regional representative councils, rather than six, to allow for adequate representation of Aboriginal people across New South Wales; and full-time elected representatives of the New South Wales Aboriginal land councils, instead of part-time representatives. Those provisions will be wholeheartedly welcomed. Many of us who have full-time jobs know that trying to discharge the duties of councillor on a local council is almost impossible. This amendment will enable those elected by democratic process to a State land council to commit themselves entirely to that work, to understand that their responsibilities are not part time and to understand they will be expected to work full time and be properly remunerated for that.

The Government will conduct further consultation about the appropriate way to manage the growth of the Statutory Fund of the New South Wales Aboriginal Land Council. In any forum the Statutory Fund has been very well managed and maintained at the appropriate levels by the New South Wales Aboriginal Land Council. The Statutory Fund is critical. It provides for the ongoing work and growth of the State and, therefore, regional and local land councils across New South Wales. I am pleased that the Opposition has recognised the long-held tradition and the long-held mode of operation in this State of a bipartisan approach to Aboriginal affairs. On many occasions I have heard the honourable member for Wakehurst refer to such an approach.

Aboriginal affairs and social justice for Aboriginal people are too critical and too crucial to be caught up in the cut and thrust of political argy-bargy. I know that often happens, but at the end of the day one starts to understand that social justice issues for Aboriginal people in New South Wales—life expectancy, incarceration rates, outcomes in schools, infant birth weights and infant morbidity rates—are crucial not just for Aboriginal people but also for the people of New South Wales.

I know that these amendments will be welcomed by 99 per cent of Aboriginal people in this State. It is important that we work with the three tiers of land council to ensure that the needs and aspirations of Aboriginal people in New South Wales are carried forward. That has to be done in partnership between Aboriginal communities, governments and, increasingly, the private sector, particularly the mining and pastoral industries. The way in which people have been listened to and the amendments negotiated is a tribute to the process. I commend the bill to the House.

Ms REBA MEAGHER (Cabramatta—Minister for Community Services, Minister for Youth, Minister for Aboriginal Affairs, and Minister Assisting the Premier on Citizenship) [6.13 p.m.], in reply: I thank all honourable members for their contributions to the debate. This is a landmark bill, and a new and positive step for land rights in New South Wales. The changes to the Act will pave the way for Aboriginal people to manage their land and assets in new ways. Since the implementation of the original Act, too many land councils have come under administration and only 10 per cent of eligible Aboriginal people are members of their land council. The legislation will ensure that assets are managed transparently, and that decision makers are held accountable and required to undergo training in organisational management. This will do much to prevent further maladministration, and will assist greatly in increasing membership numbers. In turn, all members of Aboriginal communities will have increased opportunities to participate in, and benefit from, decisions that affect them.

With this in mind the Government has engaged in further consultation since the introduction of the bill. We have spoken with Aboriginal people and various elected representatives, including the Opposition spokesperson. This has resulted in a number of amendments, primarily to ensure that our shared goals of requiring greater accountability in decision making and allowing all Aboriginal people to benefit from management of their land are met. The amendments include a number of technical adjustments and some further substantive changes. The bill provides for a direct system of electing board members of land councils to ensure a democratic process. All members will be directly elected through the system. It also provides for nine regional representative councils rather than six, so that diverse groups within the Aboriginal community receive adequate representation across the State and have a greater voice.

The bill provides for full-time elected representatives of the New South Wales Aboriginal Land Council instead of part-time representatives. This will ensure a dedicated and committed team that will work hard for all members. Furthermore, in response to the needs of community groups the Government will now conduct further consultation to determine the appropriate method of indexing the minimum level of the Statutory Fund of the New South Wales Aboriginal Land Council. We have all worked together within quite short time frames and under difficult circumstances. I am very pleased to be able to commend the bill to the House, and in doing so thank the Department of Aboriginal Affairs, my staff and also the New South Wales Opposition for its co-operation in attempting to maintain and promote a bipartisan approach to Aboriginal affairs in New South Wales.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 5 agreed to.

Ms REBA MEAGHER (Cabramatta—Minister for Community Services, Minister for Youth, Minister for Aboriginal Affairs, and Minister Assisting the Premier on Citizenship) [6.16 p.m.], by leave: I move Government amendments Nos 1 to 38 in globo:

No. 1 Page 4, schedule 1 [6], lines 8–12. Omit all words on those lines.

No. 2 Page 9, schedule 1 [18], proposed section 52B (4), line 25. Omit "to a person".

No. 3 Page 9, schedule 1 [18], proposed section 52B (4), line 27. Omit "by that person".

No. 4 Page 12, schedule 1 [21], proposed section 54 (3) (a), line 28. Omit "qualified". Insert instead "eligible".

No. 5 Page 12, schedule 1 [21], proposed section 54 (3) (b), line 31. Omit "so qualified". Insert instead "qualified for inclusion on the membership roll".

No. 6 Page 14, schedule 1. Insert after line 27:

[37] Section 57 (4)

Omit "Chief Executive Officer of the New South Wales Aboriginal Land Council".

Insert instead "Registrar".

No. 7 Page 18, schedule 1 [40], proposed section 66 (1) (e), line 27. Omit "full-time".

No. 8 Page 22, schedule 1 [41], proposed section 78B (1) (i), line 10. Insert "or ceasing to be a voting member of a Local Aboriginal Land Council" after "Council".

No. 9 Page 29, schedule 1 [44], line 27. Omit "**Regional Electoral Forums**". Insert instead "**Regions**".

No. 10 Page 29, schedule 1 [44], line 28. Omit all words on the line.

No. 11 Page 30, schedule 1 [44], proposed Division 2 of Part 6, lines 16–28. Omit all words on those lines.

No. 12 Pages 32 and 33, schedule 1 [46], proposed section 106 (5), line 37 on page 32 to line 6 on page 33. Omit all words on those lines.

No. 13 Page 34, schedule 1 [46], proposed section 107 (1) (c), line 15. Omit all words on the line.

No. 14 Page 36, schedule 1 [46], proposed section 109 (4), lines 4–7. Omit all words on those lines.

No. 15 Page 41, schedule 1 [46], proposed section 120 (1), lines 4–6. Omit "for each Region (the ***elected councillors***) and not more than 2 other Aboriginal councillors appointed by the Minister (the ***appointed councillors***)". Insert instead "elected for each Region".

No. 16 Page 41, schedule 1 [46], proposed section 120 (2), line 8. Omit "part-time". Insert instead "full-time".

No. 17 Page 41, schedule 1 [46], proposed section 120 (3), line 9. Omit "an elected councillor". Insert instead "a councillor".

No. 18 Page 41, schedule 1 [46], proposed section 120 (4), lines 13 and 14. Omit all words on those lines.

No. 19 Page 41, schedule 1 [46], proposed section 120 (5), lines 15 and 16. Omit "or re-appointment".

No. 20 Pages 41 and 42, schedule 1 [46], proposed sections 121 and 122, line 24 on page 41 to line 15 on page 42. Omit all words on those lines. Insert instead:

121 Election of councillors

(1) Each councillor is to be elected in the manner specified in this Division to represent a Region.

(2) The regulations may make provision for or with respect to the election of councillors.

(3) The Registrar is to be the returning officer for elections of councillors.

(4) A person is not qualified to stand for election, or to be elected, as a councillor representing a Region unless the person is a voting member of a Local Aboriginal Land Council the area of which is within the Region.

(5) A person is entitled to vote at an election for a councillor to represent a Region if the person is a voting member of a Local Aboriginal Land Council the area of which is within the Region.

(6) A person is only entitled to cast his or her vote in respect of the Local Aboriginal Land Council area in which the person has voting rights.

122 Timing of elections

(1) Elections of all councillors are to be held:

(a) not sooner than 3 years and 9 months, and

(b) not later than 4 years and 3 months,

after the previous election of all councillors.

(2) The Minister, in consultation with the New South Wales Aboriginal Land Council, is in accordance with this section to determine a date for the election of all councillors and is to notify the returning officer of that date.

123 Declaration of election

If the returning officer for an election of councillors is advised by a regional electoral officer that the result of the counting of votes is that a candidate has been elected, the returning officer must immediately publicly declare the candidate elected as a councillor.

124 Councillors pending determination of disputed return

(1) Section 123 applies even if the election of the candidate (or of any other candidate in the election) is the subject of an application under section 125 disputing the validity of the election of the candidate.

(2) A candidate who is publicly declared elected as a councillor by the returning officer holds that office until the determination of any proceedings disputing the validity of the election of the candidate.

(3) A candidate referred to in subsection (2) is taken to hold office, and is competent to carry out all the functions and duties of a duly elected councillor, from the date on which the returning officer declares the candidate elected, until:

(a) the Court hearing an application under section 125 disputing the validity of the election of the candidate determines otherwise, or

(b) the term of office of the councillor expires or becomes vacant,

whichever is the earlier.

(4) The New South Wales Aboriginal Land Council in which a candidate referred to in subsection (2) holds office is not invalidly constituted for that reason.

125 Method of disputing elections and returns

(1) The validity of an election for a councillor to represent a Region, or of any return or statement showing the voting in any such election, may be disputed by an application to the Court, and not otherwise.

(2) Any person may make an application to the Court under this section within 28 days after the returning officer has publicly declared the result of the election that is the subject of the application.

(3) In determining an application under this section, the Court has the same powers as are conferred by section 161 of the *Parliamentary Electorates and Elections Act 1912* on the Court of Disputed Returns.

(4) The returning officer is entitled to be represented at the hearing of an application under this section.

126 Procedure

(1) The procedure of the Court on an application under section 125 is to be determined by rules of Court, or in the absence of rules of Court, by the Court or a Judge of the Court.

(2) The Court is not bound by the rules or practice of evidence and can inform itself on any matter in such manner as it considers appropriate.

(3) Despite section 125 (3), the Court may make an order for costs in respect of an application under section 125 only if the Court is satisfied that there are exceptional circumstances that warrant the making of such an order.

127 Immaterial errors not to invalidate election

(1) An election of councillors of the New South Wales Aboriginal Land Council, or any return or statement showing the voting in an election, is not invalid because of:

(a) any delay in taking the votes of the electors or in making any statement or return, or

(b) the absence of any officer, or

(c) the error or omission of any officer,

that could not have affected the result of the election.

(2) If a person was prevented from voting in an election because of the absence of any officer, or the error or omission of any officer, the Court must not admit any evidence of the way the person intended to vote in order to determine whether or not the absence, error or omission could have affected the result of the election.

128 Decisions to be final

(1) A decision of the Court in respect of an application under section 125 is final and conclusive and without appeal, and is not to be questioned in any way.

(2) Section 58 of the *Land and Environment Court Act 1979* does not apply to any such decision of the Court.

No. 21 Page 42, schedule 1 [46], proposed section 123 (1), line 19. Omit "elected".

No. 22 Page 43, schedule 1 [46], proposed section 124 (2), line 3. Omit "an elected councillor". Insert instead "a councillor".

No. 23 Page 44, schedule 1 [46], proposed section 126 (1) (i), line 23. Omit "full-time".

No. 24 Page 44, schedule 1 [46], proposed section 126 (1) (l), line 30. Insert ", other than on the ground that the person is a councillor" after "member".

No. 25 Page 49, schedule 1 [47], proposed section 138A (1) (i), line 33. Insert "or ceasing to be a voting member of a Local Aboriginal Land Council" after "Council".

No. 26 Page 50, schedule 1 [50], lines 16 and 17. Omit all words on those lines. Insert instead "Omit section 142 (1) (a) (ii)".

No. 27 Page 50, schedule 1 [53], line 31. Omit "Regional Electoral Forums,".

No. 28 Page 51, schedule 1 [56]–[58], lines 10–21. Omit all words on those lines.

No. 29 Page 54, schedule 1 [82], proposed section 176 (1), lines 25 and 26. Omit ", or member of a Regional Electoral Forum". Insert instead "or an".

No. 30 Page 71, schedule 1 [122], line 9. Insert "or chief executive officer of a Local Aboriginal Land Council" after "Board member".

No. 31 Page 71, schedule 1 [123], proposed section 242 (1) (b1), line 12. Omit "a Regional Electoral Forum or". Insert instead "an".

No. 32 Page 71, schedule 1 [125], line 20. Omit "or member of a Regional Electoral Forum".

No. 33 Page 73, schedule 1 [134], lines 2 and 3. Omit all words on those lines. Insert instead "Omit the paragraph".

No. 34 Page 74, schedule 1 [138], proposed schedule 3, lines 3 and 4. Omit ", **Councils and Forums**". Insert instead "**and Councils**".

No. 35 Pages 77 and 78, schedule 1 [138], proposed schedule 3, Part 3, line 14 on page 77 to line 25 on page 78. Omit all words on those lines.

No. 36 Page 84, schedule 1 [141], proposed clause 43, line 1. Omit "**and elections of Regional Electoral Forum**".

No. 37 Page 84, schedule 1 [141], proposed clause 43, lines 2 and 3. Omit "Regional Electoral Forums to be constituted and".

No. 38 Pages 87 and 88, schedule 1 [142], proposed schedule 5, line 5 on page 87 to line 14 on page 88. Omit all words on those lines. Insert instead:

Central Region

The Central Region consists of the following Local Aboriginal Land Council areas:

Dubbo, Gilgandra, Mudgee, Narromine, Nyngan, Quambone, Trangie, Warren Macquarie, Weilwan, Wellington.

Central Coast Region

The Central Coast Region consists of the following Local Aboriginal Land Council areas:

Birpai, Bowraville, Bunyah, Coffs Harbour, Forster, Karuah, Kempsey, Nambucca, Purfleet/Taree, Stuart Island Tribal Elders Descendants, Thunggutti, Unkya.

Northern Region

The Northern Region consists of the following Local Aboriginal Land Council areas:

Amaroo, Anaiwan, Armidale, Ashford, Coonabarabran, Dorrigo Plateau, Glen Innes, Guyra, Moombahlene, Nungaroo, Red Chief, Tamworth, Walhallow, Wanaruah.

North Coast Region

The North Coast Region consists of the following Local Aboriginal Land Council areas:

Baryugil, Birrigan Gargle, Bogal, Casino, Grafton-Ngerrie, Gugin Gudduba, Jali, Jana Ngalee, Jubullum, Muli Muli, Ngulingah, Tweed Byron, Yaegl.

North Western Region

The North Western Region consists of the following Local Aboriginal Land Council areas:

Baradine, Brewarrina, Collarenabri, Coonamble, Goodooga, Lightning Ridge, Moree, Mungindi, Murrawari, Narrabri, Nulla Nulla, Pilliga, Toomelah, Walgett, Wee Waa, Weilmoringle.

South Coast Region

The South Coast Region consists of the following Local Aboriginal Land Council areas:

Batemans Bay, Bega, Bodalla, Cobowra, Eden, Illawarra, Jerrinja, Merrimans, Mogo, Ngunnawal, Nowra, Ulladulla, Wagonga.

Sydney and Newcastle Region

The Sydney and Newcastle Region consists of the following Local Aboriginal Land Council areas:

Awabakal, Bahtaba, Darkingjung, Deerubbin, Gandangara, Koompahtoo, La Perouse, Metropolitan, Mindaribba, Tharawal, Worimi.

Western Region

The Western Region consists of the following Local Aboriginal Land Council areas:

Balranald, Broken Hill, Cobar, Dareton, Ivanhoe, Menindee, Mutawintji, Tibooburra, Wanaaring, Wilcannia, Winbar.

Wiradjuri Region

The Wiradjuri Region consists of the following Local Aboriginal Land Council areas:

Albury and District, Bathurst, Brungle/Tumut, Condobolin, Cowra, Cummergunja, Deniliquin, Griffith, Hay, Leeton and District, Moama, Murrin Bridge, Narrandera, Onerwal, Orange, Peak Hill, Pejar, Wagga Wagga, Wamba Wamba, West Wyalong, Young.

Mr BRAD HAZZARD (Wakehurst) [6.17 p.m.]: This has been a difficult process for both the Government and the Opposition. The bill was introduced far too quickly. When I spoke to it in the second reading debate I noted that it was introduced at 11.05 p.m. on Tuesday of the last sitting week, and it was expected that the second reading debate would be concluded by the Thursday morning of that week, although in the end that did not happen. Intervening issues with Milton Orkopoulos made it more difficult for the Government and the Opposition to deal appropriately with the bill. It was introduced after consultation with Aboriginal communities over the past two years, but it was not available until it was introduced into this place just over two weeks ago.

As the Minister said, during discussions and negotiations a number of concerns were expressed by Aboriginal people. And as the honourable member for Canterbury said, there is a variety of views among Aboriginal communities on these issues, as is often the case in relation to other substantive issues. In the spirit of bipartisanship the Opposition has endeavoured to work with the Government, and that has been acknowledged by the new Minister for Aboriginal Affairs, the Hon. Reba Meagher.

A number of substantive provisions have been amended that make it easier for the Opposition not to oppose the bill. However, the Opposition has indicated to the Minister and the Government that it reserves its right to consider the provisions of the bill further when it is debated in the upper House. I am not foreshadowing that the Opposition will oppose the bill in the other place: I merely point out that every extra minute and hour that is available before the bill is passed provides Aboriginal people with opportunities to consult with the Opposition and the Government in relation to changes they may consider appropriate or imperative. If other matters require amendment, I hope that the Minister will be as flexible and reasonable in dealing with them as she has been in the past 24 hours. Her approach is noticeably different from that of her predecessor.

These amendments appear to have addressed the substantive issues. There are six pages of them. I was presented with the amendments at 5.00 p.m. and they are being dealt with at 6.20 p.m. With assistance from my sole staff member, Ms Lee Dixon, the Minister's staff, and an adviser from the department, as far as I am able to tell the amendments reflect each of the matters referred to by the Minister in her reply. It should be noted that one of the important issues for Aboriginal people is that the original bill provided for 13 regions to be reduced to six regions. By balancing competing considerations, the regions have been reduced to nine, and the Opposition is prepared to agree to that.

The Government had intended to make two ministerial appointments to the State Land Council, but that will no longer occur. The two ministerial appointments have been withdrawn and both the Coalition and the Government believe, upon reflection, that that is appropriate. If the Parliament is still committed to Aboriginal self-determination it is logical that there should not be ministerial appointees on the State Land Council. Discussion centred on whether councillors of the State Land Council should be full time rather than part time. On behalf of the Opposition I acknowledge that although there are arguments both in favour of and against that suggestion, the point made by the honourable member for Canterbury earlier is well considered.

There will be only nine full-time councillors. Their role will be to provide a service for approximately 123 land councils throughout the State and their members. In those circumstances it seems to be not unreasonable to accept the arguments advanced by various Aboriginal groups in favour of full-time councillors. That decision has financial implications, but it also means that the councillors will be looking after the interests of land councils full time.

A number of groups, including the Darkinjung Land Council, were particularly concerned about the collegiate model, and that issue has also been addressed. The CPI that effectively would have been imposed

upon the Statutory Fund was a matter of concern to the Opposition. During the second reading debate two weeks ago I said it seemed to be a little unfair for the Parliament to impose a requirement for CPI to be applied to the Statutory Fund, even though it is hoped that the land councils would receive even more than that.

It seemed that the application of the rate of CPI was overly prescriptive against the background of large investment funds, including superannuation funds, experiencing negative growth on some occasions. The Opposition felt that the provision was inappropriate because it would have imposed requirements and responsibilities upon the land council. I am pleased to note that the Government has withdrawn that provision and will hold further discussions with Aboriginal people. The Opposition welcomes that approach.

Without unduly taking up the time of the Committee, I indicate the Opposition's view that most of the amendments are beneficial. Because the Government has listened, and Aboriginal groups across the State support the amendments, the Opposition is in a position not to oppose the bill. Certainly the Darkinjung people, who have been disappointed with court proceedings determining their financial matters, may want to have other issues addressed, and the Opposition is amenable to considering them. The honourable member for Gosford has worked closely with the Darkinjung people and has tried to liaise on their behalf with the Government for improvements. He has been able to achieve some of the changes requested by the Darkinjung people, although not all of them.

The Coalition would have preferred the bill to have been circulated in draft form and for more time to have been provided to examine it. Because the Government delayed the introduction of the bill—which is not the current Minister's fault but the fault of her predecessor, Milton Orkopoulos—it is very difficult to do justice to the bill at this late stage of the parliamentary session.

The Opposition recognises the urgency of the legislation. That was very clearly expressed to the Opposition this week during meetings with Aboriginal people representing communities throughout the State. They indicated that they fervently desire the reintroduction of democratic elections to the State Land Council. To be able to do that, the legislation is urgently needed. The bill will have to be passed within a time frame that will allow full democratic elections to be held, based on the new nine-region model to which I referred earlier.

As is the case in relation to much of the legislation considered by this Parliament, while the Opposition may not agree with all of it—certainly the Opposition has expressed concerns relating to it on behalf of the Darkinjung people—it is a step, albeit perhaps an imperfect one, along the way to restoring democratic processes. The Opposition recognises that that is as good as it gets when dealing with the current Government and will therefore not oppose the amendments.

I formally acknowledge that the current Minister has been far more co-operative than her predecessor. I believe it appropriate to thank her for dealing with this bill, despite having been lumbered with it at short notice. I am grateful for the helpful assistance of the Minister's staff, Danielle Ireland-Piper and Marcus Schintler, and Lindon Coombes from the Department of Aboriginal Affairs. I also thank my staff member, Ms Lee Dixon, for assisting the Minister's staff to get the amendments together. While reserving the right to examine the bill in the upper House and to consult with the Aboriginal community on whether additional amendments may be required, on behalf of the Coalition I express the hope that the legislation will be passed without delay.

Mr CHRIS HARTCHER (Gosford) [6.29 p.m.]: I do not claim to have great expertise in Aboriginal matters, although I have an involvement with the Darkinjung Council in my area on the Central Coast. Obviously the council is experiencing quite serious difficulties with the Government. Further orders were made today in the Supreme Court decision in respect of their matter. I will comment on certain of the amendments that have been moved by the Minister. I do not claim to be the spokesperson for the Darkinjung people, but I have an interest in them and wish to ensure that, as far as possible, their legitimate interests are protected by Parliament and by the legislative process. The Darkinjung people are pleased about the switch from the collegiate model to the direct election model, and I acknowledge that. I acknowledge also the Minister's willingness to co-operate in that respect.

The number of ministerial appointees the reorganisation of them, and the withdrawal of some of them is acknowledged and appreciated. It is now likely that the number of land councils will be nine rather than six, and that is also appreciated. The Darkinjung people would like to meet with the Minister on Monday 20 November, and hopefully that is possible. They wish to discuss other outstanding issues—some of their concerns about ministerial control matters with this bill. It would be appreciated if the Minister were able to meet with them.

They are keen to achieve Aboriginal self-determination and the advancement of Aboriginal peoples. That is an aspiration we all share, regardless of our political background. It is important that they be encouraged and that their legitimate views be heard. I express my appreciation, and that of the Darkinjung people, of the honourable member for Wakehurst for his willingness to meet with them and to ensure that their views were articulated. In conclusion I thank the Minister for what she has done so far and I hope that there can be further progress in these matters.

Ms REBA MEAGHER (Cabramatta—Minister for Community Services, Minister for Youth, Minister for Aboriginal Affairs, and Minister Assisting the Minister on Citizenship) [6.32 p.m.]: I acknowledge the contribution of Opposition members. I acknowledge that there was a great effort to consult widely in achieving these amendments. That commitment to consultation stands. I advise the honourable member for Gosford that today my office attempted to meet with the Darkinjung people, but that was not possible because they were in another place. The offer stands to the shadow Minister for Aboriginal Affairs that when a suitable time permits we meet together with them to discuss their outstanding concerns. As I have maintained during my week in the portfolio, it is very important in the approach to Aboriginal affairs in New South Wales that bipartisanship is at the very top of the priority list. I commend the amendments to the Committee.

Amendments agreed to.

Schedule 1 as amended agreed to.

Schedule 2 agreed to.

Bill reported from Committee with amendments and passed through remaining stages.

WATER INDUSTRY COMPETITION BILL

CENTRAL COAST WATER CORPORATION BILL

In Committee

Consideration of the Legislative Council's amendments.

Mr ACTING-SPEAKER (Mr John Mills): Order! The Committee will deal first with the Water Industry Competition Bill.

Schedule of the amendment referred to in message of 16 November

Page 7, clause 14. Insert after line 28:

(2) The amount so determined must not exceed the cost of administering this Act, during the year to which the fee relates, in relation to the licensee.

Legislative Council's amendment agreed to on motion by Mr David Campbell.

Mr ACTING-SPEAKER (Mr John Mills): Order! The Committee will deal now with the Central Coast Water Corporation Bill.

Schedule of the amendment referred to in message of 16 November

Page 5, clause 5. Insert after line 12:

(b) to maximise water conservation, demand management and the use of recycled water,

Legislative Council's amendment agreed to on motion by Mr David Campbell.

Resolutions reported from Committee and report adopted.

Messages sent to the Legislative Council advising it of the resolutions.

POLICE POWERS LEGISLATION AMENDMENT BILL

REGISTERED CLUBS AMENDMENT BILL

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

EDUCATION LEGISLATION AMENDMENT BILL

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO. 2)

Messages received from the Legislative Council returning the bills with amendments.

Consideration of amendments deferred.

The House adjourned at 6.37 p.m. until Friday 17 November 2006 at 10.00 a.m.