

LEGISLATIVE ASSEMBLY

Wednesday, 11 May 1994

Mr Speaker (The Hon. Kevin Richard Rozzoli) took the chair at 2.15 p.m.

Mr Speaker offered the Prayer.

ASSENT TO BILLS

Royal assent to the following bills reported:

Judges' Pensions (Amendment) Bill
Lotteries and Art Unions (Amendment) Bill
Mines Rescue Bill
Supreme Court (Amendment) Bill
Criminal Appeal (Amendment) Bill
University Legislation (Amendment) Bill

CRIMES (FEMALE GENITAL MUTILATION) AMENDMENT BILL

Bill received and read a first time.

QUESTIONS WITHOUT NOTICE

APPOINTMENT OF COMMISSIONER OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Mr CARR: My question without notice is directed to the Premier. Has the acting head -

Mr West: On a point of order: the procedures of this House require a member, when asking a question, to refer to the Minister by his or her full title. It has been the constant practice of the Leader of the Opposition - though not of other members of the Opposition - to refer to the Premier by only one title, rather than by his full title.

Mr SPEAKER: Order! I uphold the point of order and ask the Leader of the Opposition to use the correct title.

Mr CARR: My question without notice is to the Premier and Minister for Economic Development and Minister for the Olympics.

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

member for Drummoyne to order.

Mr CARR: Has the acting head of the Independent Commission Against Corruption, John Mant, today accused the Government of undermining the fight against corruption because of the Premier's failure to appoint a replacement for Mr Temby? Why is the Premier refusing to appoint a new commissioner when he has had five years' notice of Mr Temby's retirement? When will an appointment be made?

Mr FAHEY: I also saw a statement issued by Mr Mant, the Acting Commissioner of the Independent Commission Against Corruption, to that effect. I find it intriguing to hear the Leader of the Opposition give veiled support for the ICAC, because ever since the ICAC has been in existence the Leader of the Opposition and members of the Labor Party have abused the ICAC and have not used it in any shape or form, or given it the support that it deserves.

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

Mr FAHEY: With respect to a permanent appointment to the ICAC -

Mr SPEAKER: Order! I call the Deputy Leader of the Opposition to order. I call the honourable member for Barwon to order.

Mr FAHEY: It must be made abundantly clear that the Government wholeheartedly supports the ICAC. The Government has been fully behind all the work that it has done.

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

Mr FAHEY: The Government believed it was important to create an institution to ensure that public sector corruption was removed from New South Wales. Institutions such as the ICAC are feared, of course, by Labor governments, not only in New South Wales -

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

Mr FAHEY: - but by the Labor Government in Canberra and Labor governments in other States.

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

Mr FAHEY: Those governments have never sought to emulate what this Government had the courage to do. Because of the uniqueness of the institution, it is essential that the successful applicant be capable of giving it leadership and have the necessary background to ensure that the ICAC remains an institution in this State. On a number of occasions, as the matter has been talked through, it has been put to me by the assessment panel involved in interviewing a number of applicants that the politicising of the ICAC by Labor in this State is a deterrent to anyone considering taking on the position of commissioner. That is a fact. It is clear that the ICAC is doing an outstanding job in this State. It saddens me that the honourable member for South Coast -

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

Mr FAHEY: - is seeking to play politics in his own peculiar way.

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

Mr FAHEY: The standing royal commission in this State, the ICAC itself -

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

Mr FAHEY: - knows all of the background and has all the necessary resources -

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

Mr FAHEY: - if the honourable member for South Coast is concerned about matters of corruption. On Monday morning of this week I listened with some interest to the Leader of the Opposition's usual weekly bulletin of his activities. He spoke about a judicial inquiry. If the Leader of the Opposition or any other member of this House has any evidence of corruption, that evidence should be referred to the ICAC. The Government certainly does not fear the ICAC. In fact, Labor sought to denigrate certain members on this side of the House in every shape and form. I refer to the honourable member for Maitland, and the Treasurer and Minister for the Arts. Labor sought to bring them down.

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

Mr FAHEY: There is absolutely no shred of evidence to suggest that the malicious allegations made by Labor against those members were dealt with other than appropriately by the ICAC. Their names were cleared. For that reason alone, thank God for the ICAC. It stops the lot on the other side of the House from playing their games. At present a number of people are being interviewed for the position. Those people give me great heart because they are of the calibre that the institution deserves. I am hopeful, if Labor and other members of this House do not continue to destabilise the ICAC -

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

Mr FAHEY: - that the Government will be in a position to appoint a person of the highest calibre in the not too distant future.

FEDERAL BUDGET EFFECT ON NEW SOUTH WALES

Mr HUMPHERSON: My question without notice is directed to the Premier and Minister for Economic Development. Has he been advised what effect the Federal Budget will have on New South Wales? Will he provide details to the House?

Mr Beckroge: On a point of order: Mr Speaker, I draw your attention to the fact that the honourable member for Davidson did not give the Premier his full title.

Mr SPEAKER: Order! No point of order is involved.

Mr FAHEY: The answer to the honourable member's question is of vital concern to the people of this State. The question does not play at the edges, as the Opposition does day after day in its questions in this House. Last night the Federal Budget was delivered. At best I can describe it as bland, but, perhaps more accurately, it was an opportunity lost. During the past years of recession, the Federal Government was clearly never prepared to tighten its belt, although it was prepared to make sure that the States were robbed of the funds that the taxpayers of each State were entitled to.

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

Mr FAHEY: During the recession New South Wales was fortunate. It made ends meet as best it could, while the Commonwealth Government expenditure continued to blow out. The first thing one looks for in any

budget is an increase in taxes. Last night there seemed to be a collective sigh of relief from a number of people because it contained no increases in taxes. In fact it did in some areas, but, more importantly, there was no need to increase taxes in the Federal Budget, because the Federal Government increased taxes last year -

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

Mr FAHEY: - and those tax increases will continue this year. Who will forget last year's wholesale tax increase? That increase was of course a slug on the people of western Sydney. In addition, the fuel tax increases impacted on the people of western Sydney just as much.

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

Mr FAHEY: Those taxes continue to bring more and more revenue to the Federal Government. The Federal Budget contains a number of presumptions, which might be best described as optimistic or, more than likely, incapable of being realised. One presumption suggested that business investment will increase by 14.5 per cent. Not stopping there, the budget suggested that in the current year business investment would be 20.5 per cent. The budget contained a presumption that employment would grow by 3 per cent. That figure is not matched by what some economic commentators believe to be the case. The New South Wales Treasury does not envisage employment growth of that level either.

The budget also contained a presumption that inflation would be pegged at 2.25 per cent. Economic commentators and the Treasury believe that inflation will be at least 2.5 per cent. The Commonwealth Government is banking on increased revenue during the next four years of \$33.7 billion, with increased revenue this year of \$8 billion. One would have thought in circumstances such as that, with increased revenue, that some attempt might have been made by the Commonwealth Government to cut spending. The

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Commonwealth Government will, in fact, increase spending by about 5.5 per cent, at a time when the funds it has given to the States as the return on money raised by the taxpayers of those States, including the New South Wales, have increased by only 0.5 per cent. The additional 5.5 per cent will be spent on bloating the Canberra bureaucracy. The Commonwealth Government has simply said to the States, "You make out as best you can. We are not going to stop our spending. In fact, we are going to increase it significantly."

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

Mr FAHEY: The Federal Government has attempted to reduce the deficit, and that is admirable. Everyone would like the Federal Government to reduce the deficit. One would have thought that an additional \$8 billion of revenue would go a long way to wiping out the deficit that grew at an alarming rate as a result of Federal Government mismanagement over a number of years. The only way the deficit will be reduced is if the Federal Government sells off some assets. The 75 per cent of Qantas that has not been disposed of has been put on the market, as well as other public sector institutions such as the Australian Industry Development Corporation. Government should not be involved in areas that are not legitimately the responsibility of government. No member on the Government side would argue against that. The sale of government assets is an example of even the Labor Party in Canberra recognising that governments should not be involved in certain enterprises. The only Labor Party in the western world or, perhaps, the only socialist party in any part of the world that believes government can still be involved in areas that do not specifically belong to it is the Labor Party of New South Wales.

The Federal Government proposes to raise approximately \$2.5 billion by the sale of assets, thus reducing the deficit from \$13.7 billion to \$11.7 billion. If the Federal Government does not raise those funds, the deficit will increase, another big "if" is attached to that. Last week the Federal Government trumpeted that it was going to do something for western Sydney by fast-tracking Badgerys Creek airport. The Budget contains an allocation of something like \$37 million for 1996-97 and a further allocation of \$36 million for 1997-98. So we will have to wait two years before any money is available for Badgerys Creek airport. How is that fast-tracking? Once again Labor in Canberra has deserted western Sydney, just as it did last year by slugging

the poor people of western Sydney with fuel excises and the wholesale sales tax. The great big announcement, "We are going to do something about Badgerys Creek", has been effectively put on hold for another two years. I would have expected an outcry from the Labor members of western Sydney who believe that Badgerys Creek airport will do a great deal for employment in that area - they are correct if they believe that - because the Federal Government has failed to deliver.

A number of other areas were not given any attention. In February this year I attended a Council of Heads of Australian Governments meeting in Hobart. The agenda was all about competition policy, and seeing that governments that had the monopolies ensured that there was a proper, competitive market in the interests of the community. Each of the States, not only New South Wales, said, "That is terrific. What do you want us to do? For example, do you want us to move out of the Hunter Valley rail system to give that most important industry for all of Australia, the coal industry, a chance to make economies of scale, and savings in the transportation of the coal"? The Prime Minister indicated that sympathetic support would be forthcoming. We have been writing, corresponding and encouraging, but not one cent was allocated in the Budget to ensure that the Hilmer report will bring about true competition.

It is obvious that the Labor Government in Canberra is not interested in competition. As much as we would all support any initiatives taken to achieve employment - a job statement was issued last week in respect of employment - the Labor Government has passed the most regressive industrial relations legislation that any of us could have seen in our lifetimes. It will ensure that employers think 15 times, not just twice, before they take on any employee; they know they will not be able to get rid of the employee when they might wish to without going through a process that will make it impossible to do so. On the one hand, the Budget provides funding for jobs, which the State Government supports; but on the other hand it will discourage an employer from taking on employees because of that legislation, which is in the name of the bosses of the Labor Party, namely, the union movement. This Government welcomes some of the Budget's social policy initiatives, but far too little has been done for breast cancer detection and for Aboriginal health. However, we are aware of the swansong of Graham Richardson, "I have left a lasting legacy for the people of this country: \$800 million to Aboriginal health". That figure varied widely and finished up as \$500 million last night - far short of what one might have expected in such circumstances.

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

Mr FAHEY: In the areas that we have seen some of that social policy funding, this State welcomes it and will work in co-operation with it. The Budget provided an opportunity for this nation to be set on a path of unprecedented growth. A proper approach was required from the Commonwealth Government to deal with its in-house problems and to cut its spending, but that has not occurred. Instead, there has been a significant increase in revenue and spending. Very little money is coming to the States. Nothing of any great value has been allocated for small business, which will be the saviour of this country and employment, no matter which government is in power. If no support is given to small business it will not function. An opportunity has been lost. If small business is not given support, sadly, this nation

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will not be the great nation it deserves to be. The Federal Government has made it that much more difficult for the New South Wales Government, but the people of New South Wales may rest assured that we will continue to address this problem of business confidence.

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

Mr FAHEY: It is made even more difficult because of the paltry approach taken by the Federal Government to give people in this State the opportunities they deserve.

DEPARTMENTAL OFFICE REFURBISHMENTS

Dr REFSHAUGE: My question without notice is directed to the Premier and Minister for Economic

Development. Did his Government spend \$52 million in the last year and \$200 million in the past three years on office fitouts and refurbishments? Will he now provide guidelines to contain this rapidly growing burden on New South Wales taxpayers?

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

Mr FAHEY: I welcome the question from the member for Marrickville.

Dr Refshauge: On a point of order: you have ruled, Mr Speaker, that members should be addressed by their appropriate titles. The Premier and Minister for Economic Development should be addressing me as the Deputy Leader of the Opposition.

Mr SPEAKER: Order! There is no tradition to support the point of order. So long as members are called by the names of their electorates or by their titles, it matters little.

Mr FAHEY: I would be happy to call him the Deputy Leader of the Opposition - I was not sure whether he still was the Deputy Leader of the Opposition. We have seen the great fracas continue with the poor old honourable member for Liverpool still trying to find a home somewhere, whether it be in the green room or in the red room. All sorts of deals are being tossed about. I cannot keep up with them. One of the suggested concessions is that the honourable member for Marrickville - who may well be the Deputy Leader of the Opposition at the present time - step aside and make way for the honourable member for Campbelltown to move in as the Deputy Leader of the Opposition.

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

Mr FAHEY: I am not sure what that means. Is that when we have a deputy leader who was of the left and may not now be of the left, but of the right?

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

Mr FAHEY: I will continue to call the honourable member for Marrickville the Deputy Leader of the Opposition provided he gives me a daily bulletin to confirm that he is still in that position.

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

Mr FAHEY: Once again we are able to compare the approach taken by Labor with the approach taken by this Government - the accountable Government, the Government that set up institutions to guarantee accountability, such as freedom of information and the Independent Commission Against Corruption. We have ensured that annual reports contain proper information, such as a budgeting process, which is able to be interpreted by the people of this State. We know where our money is going; we never knew under Labor. When the Labor Party was in government there was no such thing as a line item for office fitouts; there was no such thing as a line item for ministerial fitouts. That information was simply buried in the wake of other documents, hidden because Labor did not want them to appear.

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

Mr FAHEY: Yesterday the Deputy Premier, Minister for Public Works and Minister for Ports clearly indicated that many of the office fitouts of recent times have occurred for occupational health and safety reasons. For example, Pacific Power had to completely refit a multistorey building it owns because it was riddled with asbestos. We have also seen a proliferation of totalizer agency boards, which will ensure that there is a facility available for those who have a penchant to have a bet and that they have the capacity to do that in some degree of comfort.

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

Mr FAHEY: The great bulk of office fitouts have been referred to in the documents that were tabled yesterday. This Government has acted responsibly at all times. I assure the House that Ministers look very closely at any expenditure of this nature. It is clear to all senior public servants that if there is to be expenditure with respect to offices there has to be a legitimate reason for that to occur. It does not occur simply as a result of an ongoing program; it occurs because there is a legitimate reason for it. There are 300,000 public servants in this State. They have ever increasing demands and needs to carry out their duties and to serve New South Wales. Where appropriate, they will be given the facilities to carry out those duties.

FEDERAL BUDGET EFFECTS ON NEW SOUTH WALES

Mr BECK: I direct my question without notice to the Deputy Premier, Minister for Public Works and Minister for Ports. Is the Minister aware of how the Federal Budget will affect regional New South Wales? Does he expect any increase in infrastructure development as a result of the announcements?

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Mr ARMSTRONG: I thank the honourable member for Murwillumbah for his most timely question. To the last part of the honourable member's question, which asked, "Does he expect any increase in infrastructure development as a result of the announcements?" the answer is plainly no. That has been trumpeted across the electronic and print media throughout Australia today. The press has said that the Federal Budget has been strong on rhetoric, but without any substance. To use the words the Prime Minister once used when he was Treasurer, "It is all feathers and no meat". The deficit is projected to be \$11.7 billion; the growth rate, 4.5 per cent; and business investment, 14.5 per cent. Commodities account for 65 per cent of our exports.

The promises are funded by asset sales, growth and tax compliance. There are no spending cuts and no cuts in red tape or administration. That is the point the Premier and Minister for Economic Development made when referring to the overall impact. The Federal Government has made no spending cuts. It is not prepared to cut down the excesses this country has achieved in recent years. The Federal Government is going to sell off assets to fund promises, including the Federal Airports Corporation and the Australian Industry Development Corporation. That is a one-off exercise in order to fund the Budget. It is purely speculative.

What about the bush? What about regional development? There is nothing new for regional development. Instead, the Federal Government has increased the cost of Avgas and Avtur, making transport to rural centres more expensive. The cost to industry and to passengers will be at least \$20 million. That is what the Federal Government thinks about regional development. It has only increased the cost of access. That has diminished the chances of decentralisation and regional and industrial economic expansion in rural Australia.

The Federal Budget has provided for a minimal decrease in marine fuel - 2¢ - but there has been no assistance to get the product to the wharf. There is nothing to alleviate the fluctuating fuel prices in regional areas. Every honourable member knows that one of the major concerns of the broader community is the high and fluctuating cost - mostly unexplained - of fuel. There is nothing in the Federal Budget for small business - there is no incentive; there is scant mention of it. The Federal Budget has provided only \$29.1 million for regional development, of which \$13.7 million is to be spent in Canberra. Canberra will be the major recipient of funding for regional development.

On health, as the Premier said, \$208 million has been provided for breast cancer, \$169 million for mental health and \$93 million for health research and funding - spread over up to 10 years in some cases. In education, there is \$48 million for a foreign language strategy. A number of areas in primary industry have been singled out for assistance. Let us run through them: \$4.5 million over four years to the Australian Horticultural Council and \$500,000 to the Horticulture Policy Council over four years. Horticulture is one of

the fastest expanding industries in the country, particularly in regard to exports into Asia. That appropriation is an absolute insult. There will be \$595,000 over four years for the citrus industry to fund a tri-State fruit fly strategy - again over four years. What about the immediate needs? There will be \$25 million over three years for an ethanol bounty scheme and \$3.8 million for research and development in regard to ethanol. Here is an opportunity to make considerable savings not only in country Australia but right across Australia by advancing research into the use of ethanol. Rural access programs have been merged, with a funding increase of \$29.3 million, not for one year but for four years.

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

Mr ARMSTRONG: They are supposed to be the benefits to rural Australia. On the other side of the ledger, the wholesale sales tax on wine and cider will rise from 22 per cent to 24 per cent. The wine industry in New South Wales has been enjoying unprecedented growth, with predictions that it will be able to double its capacity by the year 2000, from a \$500 million a year to a \$1 billion a year industry if given a reasonable go. What does the Federal Budget do? It slugs the industry with an extra 2 per cent in tax to take the level to 24 per cent. Leaded petrol tax has increased by 2¢ a litre. There is a \$94 million cut in funding for rail and a \$200 million cut to road funding.

There is a cut of \$45 million to rural adjustment funds - in the middle of a recession. Unemployment is projected to remain at 9.5 per cent this year, and the Federal Government seems to be quite happy with that. Obviously, the Federal Government does not understand or really care about regional Australia. Other things that will not help people in the bush include the \$1.4 million for overseas aid and the \$23.1 million to fit out the offices of the Department of Foreign Affairs and Trade in Canberra. Yet the Opposition has the temerity today to question the cost of an office fitout by the New South Wales Government.

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

Mr ARMSTRONG: Yet in one department in Canberra \$23.1 million will be spent in one year on a fitout.

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

Mr ARMSTRONG: The cost of running the Public Service will increase by \$700 million. The departure tax will increase by \$2 and there will be a \$23 million rescue package for the Daintree region in northern Queensland. There is nothing wrong with that but the only reference to the environment in the Treasurer's speech was that package. Where is the
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commitment of the Federal Government to the environment? Where is it on salinity, noxious weeds and recognising programs of this Government involving total catchment management and land care?

Mr SPEAKER: Order! There is too much audible conversation in the Chamber. Members wishing to converse can do so outside the Chamber.

Mr ARMSTRONG: The best the Federal Government can come up with in 1994 is a rescue package for the Daintree, and a scant measure at that. Clearly, the Federal Government has taken no notice of the fact that salinity is one of the fastest increasing problems, not only across this State but across Australia. The whole Budget was predicated on trade growth. There was no attempt to curb the excesses of government spending. It is dependent on inflation and the subsequent interest rate rise that is being freely talked about in business circles this morning. It ignores the rural sector, both town and country. If it was in any way designed to assist rural Australia it has failed the test by every criterion that might be applied. No economic observer or commentator this morning has a good word to say about the Federal Budget's effect on rural Australia.

DEPARTMENTAL OFFICE REFURBISHMENTS

Ms ALLAN: My question is addressed to the Premier and Minister for Economic Development. Was \$606,000 in taxpayers' money spent fitting out new offices for the Minister for the Environment? Can the Minister explain why this fitout cost is three times the cost of the average Sydney home? Did he approve this record high expenditure?

Mr FAHEY: For about three years it has been Government policy, which I wholeheartedly endorse and support as appropriate for the taxpayers of this State, for government offices to be taken out of private sector rental and placed into buildings owned by the Government or the public sector, such as the State superannuation building. When private rental agreements expire all agencies of government are being moved to assets owned by the taxpayers. Over a period that will save literally hundreds of millions of dollars going from taxpayers into the private sector.

Mr SPEAKER: Order! I call the honourable member for Port Stephens to order. I call the honourable member for Kogarah to order.

Mr FAHEY: This is totally contrary to the policy of Labor. It sought the best possible views.

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

Mr FAHEY: Of course, we all know the policy of Labor in Canberra in spending money on rental. We are seeing the disaster of all times in public waste and mismanagement in the Labor Party building that is rented by the Auditor-General. Because of the increases in rental, in three or four years' time the current budget of the Auditor-General will be taken up totally in rental. Labor cannot avoid answering on this issue, nor should it.

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

Mr FAHEY: The lease for the office of the Minister for the Environment expired. As a result the Minister has moved his office into a building owned by the Government of New South Wales or one of its agencies. In recurrent rental about \$300,000 every year will be saved by the Minister's office and other adjacent sectors of his agency moving to that accommodation. When this Government, be it the Minister for the Environment or any other Minister, can make savings of that nature, that will occur. The cost of the fitout can be examined by anyone who wishes to see it in the documents that were tabled in the House yesterday.

FEDERAL BUDGET EFFECT ON NEW SOUTH WALES

Mr SCHULTZ: I address my question without notice to the Minister for Health. Has the Minister received advice from his department about the impact of the Federal Budget on the State's public hospital system? Can he inform the House of this advice?

Mr PHILLIPS: As has been evidenced in the past few weeks of this Parliament, the health issues that Opposition members and the Independents most want to carry on about are twofold. Those members say, first, that there is underfunding of hospital services and, second, that they are gravely concerned about the waiting lists. The Government has to do two things: it has to examine the accuracy of the reports coming from the other side of the House and it has to consider the performance of the Federal Government in relation to those two issues. I draw to the attention of the House examples from yesterday, when the Opposition wanted to ramp up the two issues by misleading the House. The Leader of the Opposition yesterday raised the allegation that Mr and Mrs Coleman paid more than \$380 to jump the queue for vascular surgery at Blacktown hospital. As the Premier indicated in the House yesterday, there is no vascular surgery queue to jump at Blacktown hospital. Within 30 minutes of question time yesterday the Deputy Leader of the Opposition was with the press, backtracking from his queue-jumping allegations.

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

Mr PHILLIPS: As the House now knows, the Colemans paid \$380 to become private patients so that they could have a doctor of their choice, which is every patient's right and is perfectly legal under the Medicare agreement. The House is witnessing an attempt at philosophical brainwash by the Deputy Leader of the Opposition. We all know that he believes that everybody in the State should be treated as a public patient, that there should be a single insurer - the Commonwealth Government - and that there should be only public hospitals.

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

Mr PHILLIPS: That is the recognised view of the Deputy Leader of the Opposition.

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

Mr PHILLIPS: I draw the attention of the House to another of the issues raised yesterday in the House by the Deputy Leader of the Opposition. Once again Dr Beat Up, as the Deputy Leader of the Opposition is being called, got it categorically wrong. Investigations undertaken last night into that matter showed that the woman in question, a woman from Maitland, never made a formal complaint to the hospital about this issue. In fact, it appears that she simply made an off-the-cuff remark at a dinner party, which remark was later relayed to the Australian Labor Party. I shall quote from a front-page article in today's *Maitland Mercury* headed "MP's remarks taint hospital's reputation". Let us consider what the Deputy Leader of the Opposition made of this issue.

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

Mr PHILLIPS: The article from the *Maitland Mercury* reads:

The Mercury contacted the woman last night who said: "I made a general comment about a male/female ward. They were innocent remarks which have been blown out of proportion. I am not criticising the hospital or its staff . . . the treatment I received was beyond reproach," the woman said.

The article continues:

"There was never anything mentioned about conversations being rude or suggestive," she said.

The claim of rude and suggestive conversations was made by the Deputy Leader of the Opposition.

Mr SPEAKER: Order! There is far too much interjection.

Mr PHILLIPS: The matter gets even worse.

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

Mr PHILLIPS: Despite the woman contacting the office of the Deputy Leader of the Opposition and pleading that her name not be released to the news media, the Deputy Leader of the Opposition went straight to the press gallery and gave the press her name.

Mr SPEAKER: Order! I call the Minister for Multicultural and Ethnic Affairs to order. I call the Chief Secretary to order.

Mr PHILLIPS: The Deputy Leader of the Opposition has a lot to answer for. He should apologise to the hospital and he should apologise -

Mr SPEAKER: Order! There is much too much interjection from both sides of the Chamber, which gives a very bad impression of the conduct of this Chamber to those sitting in the public gallery. It certainly does nothing to either enhance the dignity of the Parliament or facilitate the progress of question time. I ask all honourable members to use a little restraint, to exercise a little more decorum and to allow the Minister for Health to complete his answer in silence. I call the honourable member for Drummoyne to order for the second time.

Mr PHILLIPS: There is no question that the Deputy Leader of the Opposition -

Mr Mills: On a point of order: the Minister has been speaking for 3½ minutes now. The question concerns the impact of the Federal Budget. While I am interested in hearing the Minister's response to questions asked two days ago, I ask you, on the ground of relevancy, to direct the Minister to the question.

Mr SPEAKER: Order! The question does indeed address the fairly broad issue of the effect of the Federal Budget on State health provisions. The Minister for Health has departed somewhat from that. I ask him to come back to the subject of the question.

Mr PHILLIPS: In conclusion on that point, the Deputy Leader of the Opposition should apologise to the hospital and should apologise to that lady for breaching patient confidentiality on this issue.

Mr SPEAKER: Order! The Minister for Health will observe the direction of the Chair.

Mr PHILLIPS: The two biggest issues are lack of money for hospitals and waiting lists. Opposition members want to keep beating up these issues. The House should consider what the Federal Government did last night. Once again, the Federal Government walked away from the public hospitals and walked away from pensioners on waiting lists. Despite all the promises to Aboriginal people - promises that Canberra would finally make a commitment to real change in the health status of Aboriginal people - he came up with a lousy \$25 million this year for Aboriginal health, which is our greatest national disgrace.

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

Mr PHILLIPS: The Federal President of the Australian Medical Association rightly condemned the action of the Federal Government, and I join him in condemning this single creative accounting exercise, which is a disgrace on this nation. One would think Keating could not stoop any lower, but his creative accounting has surpassed that action. While Carmen Lawrence gloated about increases in health funding, the Treasury's documents told the real story. The Opposition's Canberra colleagues last night saw fit to cut hospital funding and make the States further prop up Medicare. Hospital services only received a 1.8 per cent increase this year - less than the expected consumer price index increase of 2.25 per cent. No allowance has been made for decreases in the rate of patients who are deserting private health insurance and becoming public patients, which alone will cost New

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South Wales \$60 million this year. The bottom line from Treasury papers is simple: again the Commonwealth has cut hospital funding.

The situation gets worse. Waiting lists is the biggest issue that members on that side of the House drive home, but \$20 million has been cut from the waiting lists package that the Federal Government brought forward. Funding has been reduced for the treatment of pensioners on waiting lists. Once again New South Wales must come to the rescue for people on waiting lists. Two weeks ago I announced a \$22 million package to reduce waiting lists and time, and to implement our new waiting list management strategy. The trials are working, but we have received absolutely no help from the Federal Government. Funding has simply been cut. The

Independents have made clear to this House their concern about waiting lists and lack of hospital funding. I am interested to hear their comments on what the Federal Government is doing about funding in this State.

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

Mr PHILLIPS: They know funding has been cut and that this Government is doing the right job for health care.

DEPARTMENTAL OFFICE REFURBISHMENTS

Mr MARTIN: My question without notice is to the Premier and Minister for Economic Development. Did the Department of Agriculture spend \$568,000 on alterations to its head office at Orange?

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

Mr MARTIN: Was this building purpose-built in 1991 to meet all the department's accommodation requirements? Why were these costly alterations needed?

Mr SPEAKER: Order! I call the Minister for Multicultural and Ethnic Affairs to order for the second time.

Mr FAHEY: I am surprised that the honourable member for Port Stephens is game to raise his head again after his disgraceful conduct in this House yesterday, as pointed out by my colleague the Minister for Health. If the member wants accurate information about expenditure, I refer him to papers tabled in the House, to information provided to the estimates committees and to documents that are made available through accountability, of which this Government is proud. A few years ago the Department of Agriculture moved to Orange, in the country, where it should always have been.

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

Mr FAHEY: The savings in rental from the move to Orange amount to \$1.3 million per annum. The department is now in the area where it should be serving the community: rural New South Wales. Massive savings are being made and the officers of the department have been given a new lease of life. They have said time and again that they wished it had happened ten years earlier because they now enjoy the lifestyle in Orange, as does anyone who has the joy of living in rural New South Wales.

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

Mr FAHEY: The honourable member for Riverstone appreciates the joys of having accommodation in rural New South Wales because he has a holiday home in Cootamundra. He knows that if you want a holiday and want to enjoy a lifestyle, you go to the country. The Department of Agriculture is in the country and its employees enjoy the lifestyle.

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

Mr FAHEY: I invite the honourable member for Port Stephens to visit Orange on some occasion. I doubt very much that he has ever been there.

Mr SPEAKER: Order! I call the Minister for Energy and Minister for Local Government and Co-operatives to order.

Mr FAHEY: He may learn that the Department of Agriculture is providing a service in this State that is better than ever because of the savings and the lifestyle now enjoyed by that department's officers in Orange.

TAXI AUDITS

Mr KINROSS: My question without notice is directed to the Minister for Transport and Minister for Roads. Has a team of auditors been set up to check the performance of New South Wales taxi drivers? Will the Minister advise the House of the findings of the audit team since it began its checks last month?

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

Mr BAIRD: That is an excellent question, and clearly shows the level of interest in this House with regard to taxis.

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

Mr BAIRD: Of course we know that taxi Tony from St Marys has a particular interest in taxis; I am sure he will take particular notice of my answer. Every member of this House has noticed significant improvements in taxi services since this Government came to office. That is borne out by regular surveys which show that the level of public satisfaction with most areas of the taxi industry has risen steadily in recent years. Certainly passengers believe that taxis are cleaner and safer and that drivers are more courteous. But the latest survey showed that there was still a high level of concern that some drivers do not know their way around Sydney and some do not have adequate English skills.

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

Mr BAIRD: Honourable members might recall that I announced that a team of auditors would be set up to ride anonymously in taxis to monitor the performance of drivers.

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

Mr BAIRD: A team of 10 auditors has been travelling around the city collecting information.

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

Mr BAIRD: So far they have undertaken 1,176 trips as professional passengers. The drivers are not told at the beginning of the journey that they are being audited; they are told at the completion of the journey. Initial checks show that the overwhelming majority of drivers are performing at a satisfactory or commendable level. Of the drivers audited, 93 per cent performed either excellently or at a satisfactory level in all areas of rating. On understanding directions, 44 drivers were ranked excellent and more than 1,100 were ranked good. Only two drivers were ranked as unsatisfactory, and a further two failed the communication skill test; in other words, they could not communicate in English. On taking the shortest possible route, 16 drivers rated satisfactory and the rest ranked excellent or good.

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

Mr BAIRD: It is interesting to note that more than 240 drivers were commended for their level of politeness, making that the category with the highest number of commendations. In total, only 84 or 7 per cent of the 1,176 drivers who have been checked so far recorded an unsatisfactory performance in any element of the test.

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

Mr BAIRD: But there were cases of major concern. For instance, a driver who picked up one auditor at the Regent Hotel could not locate St Vincents Hospital. In fact, the auditor reported that the driver did not know how to get to Darlinghurst. Given that drivers may be required to find a major hospital - such as St Vincents Hospital - in an emergency, that situation is totally unsatisfactory. Another driver was asked to take an auditor to Alfred Street at Circular Quay, but headed towards North Sydney. He was halfway across the Harbour Bridge before the auditor asked him where he was going. The driver turned the taxi around and headed back to Circular Quay, but still could not find Alfred Street.

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

Mr BAIRD: One driver, on a trip from Double Bay to Newtown, became hopelessly lost and simply dropped his auditor passenger at Randwick Racecourse. One driver was booked for exceeding the speed limit by more than 10 kilometres per hour during his hiring by the auditor; while another exceeded the speed limit by more than 20 kilometres per hour and, according to the auditor, played "chicken" with pedestrians. One driver who looked particularly scruffy explained to the auditor that he simply had problems shaving every day as he was allergic to soap. Any driver reported with deficiencies in English communication skills or poor locality knowledge will be examined by the Department of Transport in respect of the problem area detected by the on-road auditor, and every driver found to be inadequate in any of the areas will be re-examined.

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

Mr BAIRD: If the deficiency involves English knowledge, the drivers will be retested; if it is locality knowledge, the drivers will be retested. If they fail that test, their licences will be suspended. The Government will not tolerate inadequate performance.

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

Mr BAIRD: Drivers reported for unsatisfactory customer relations will be directed to attend a taxi driver training school for extra instruction. They will then be required to come back to the department and prove that they have reached a satisfactory standard. Let me stress once again that the vast majority of drivers performed very well and passed their audits without any problem. Further audits of some of the drivers showed that there had been a significant improvement in respect of the general presentation of the taxis. The Government is considering a driver award scheme for drivers who perform particularly well during their audits. The government intends to further improve the standards of entry to the taxi industry, especially in relation to English skills and locality knowledge.

The Government has recently awarded a contract to an English adult migrant firm to develop a new test to commence on 1 July that will screen every new entrant into the taxi industry. We are also developing with the University of Technology, Sydney, a new computer test on locality knowledge. I am sure honourable members have had their own experiences with taxi drivers in the city of Sydney. The Government recognises that there are still areas for improvement, but there is no doubt that the standard is improving. Performance in every major criteria is improving at a significant rate, and the Government is determined to make the taxi industry one of the most professional in the world.

DEPARTMENTAL OFFICE REFURBISHMENTS

Mr KNIGHT: I direct a question without notice to the Premier and Minister for Economic Development. Will the Premier detail to the House why \$75,000 was spent altering his office this financial year?

Mr SPEAKER: Order! I call the honourable member for Ku-ring-gai to order.

Mr FAHEY: I might say that that wonderful piece of architecture called the "black stump" - riddled with asbestos as it is and with lifts that make you take your heart in your mouth and say a quick "Hail Mary" on every trip - is in dire straits and very much in need of functional changes. I did not have a conference room, and one was created. I thought that the Premier of this State should have a table that he could put more than four chairs around when meeting members of the community. That is effectively what was done.

LEAD LEVEL REDUCTION

Mr O'DOHERTY: I direct my question without notice to the Minister for the Environment. What action is being taken to reduce problems caused by lead in the environment? Are these actions being stifled by a lack of co-operation and assistance from the Federal Government?

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

Mr HARTCHER: I thank the honourable member for his interest in environmental matters, unlike my colleagues who sit opposite. The Federal Budget brought down last night was noticeable for one thing: it slashed environmental expenditure by 6 per cent. An article in the *Australian* newspaper this morning referred to a \$30 million cut. It is significant that with regard to its commitment to the environment the Federal Government - one of the few remaining Labor governments in Australia - has slashed recurrent funding to the Federal Department of the Environment, Sport and Territories by almost 6 per cent for 1994-95. The article goes on to say:

... the Budget predicts that spending will fall during the next few years ...

Not only did the Federal Government slash spending last night; it expressly stated that environmental expenditure will continue to fall during the next few years - this from a Government that is taking hundreds of millions of dollars from the taxpayers of this State, in some cases under the guise of environmental policies. One of those, of course, is the lead levy imposed on car owners using vehicles which take leaded petrol. Honourable members are well aware of the concerns of this Government about the lead issue in this State, and the actions it has taken to address that problem.

This Government is regarded as being at the forefront of Commonwealth and State governments in tackling the matter of lead levels. That is a proud record of achievement. The Government acknowledges that there have been problems at Broken Hill - not that we hear any questions about them from the honourable member for Broken Hill - and there have been problems in the north Lake Macquarie area - not that the honourable member for Lake Macquarie or the honourable member for Wallsend would want to ask any questions about that. The problems in those areas, which in some cases are quite severe, are being tackled by the Government. The reason questions are not asked is that the problems have been tackled so well. I take that as a vote of confidence by members of the Australian Labor Party, and I thank them for it.

As the House would know, the Government recently announced a program to expend a major sum - \$3.3 million, the largest sum ever - on an environmental lead program at Broken Hill. That will allow the establishment of an environmental lead centre to educate people on minimising exposure to lead, and the conduct of a lead audit and extensive testing program to monitor blood levels in Broken Hill children. A number of lead-free houses will also be established to allow people with high blood lead levels to be accommodated while their blood lead levels are stabilised and their homes are de-lead.

In addition, the Government has announced a grant of \$50,000 to the Lake Macquarie City Council to develop strategies to reduce lead in the environment and in blood levels there. Further, the Government is at the forefront in ensuring that the amount of lead in petrol is reduced, with a 33 per cent reduction from December last and a further 25 per cent decrease predicted, hopefully by the end of this year. By contrast, the

Federal Labor Government, which takes hundreds of millions of dollars from Australian motorists through the lead levy, has done nothing in its recent budget, and nothing at all generally, to tackle lead levels. I note that the honourable member for Wallsend and the honourable member for Lake Macquarie are paying very little attention to lead levels as it affects their electorates and the people they are elected to protect.

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

Mr HARTCHER: They have nothing to say about the failure of the Federal Government to take any action; nothing to say about the Federal Government's lead levy, which is imposed on people using vehicles registered prior to 1986 -

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

Mr HARTCHER: - and nothing to say about this State's prior request to Canberra for assistance. Their silence is deafening to the people they are elected to represent. The Federal Labor Government increased its levy on petrol, as the House knows, to reap another 2¢ from every litre sold. The Federal Government now collects 25¢ for every litre of petrol sold. If it returned to this State only 2¢ from every litre, we would have \$60 million to expend on lead abatement programs.

Mr SPEAKER: Order! I call the Minister for Multicultural and Ethnic Affairs to order for the third time.

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[*Interruption*]

Mr HARTCHER: The honourable member for Liverpool interjects that more than that could be spent on my office. It is interesting to note that members of the Labor Party, in their gutless way, were not prepared to ask me about office expenditure. The honourable member for Blacktown, my shadow Minister, always shies away from asking me any questions. The honourable member for Liverpool referred to office refurbishment, and I should like to quote from a letter about ministerial accommodation, written by the secretary of the Public Works Department to the Minister for Planning and Environment and Minister for Consumer Affairs, 1 Oxford Street, Darlinghurst, in 1986.

[*Interruption*]

The Leader of the Opposition interjects. Guilt is written all over that gutless face. The letter says:

At these discussions it was indicated that an area was required, adjacent to the Ministerial Office, to accommodate 10 policy personnel and in addition -

This is the best bit:

- the Minister requested that the office presently allocated to the parliamentary liaison officer be added to his personal office for use as an anteroom.

He needed two offices - one for himself and one for his ego. I am obtaining that expenditure on his office refit. I am sure all honourable members will be delighted to hear about every last cent that was spent by the present and future Leader of the Opposition.

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

Mr HARTCHER: Bob, why not let the honourable member for Blacktown ask a question. Give her a

go! Let her ask a few questions on the environment, and you would not be called to order so often. The Leader of the Opposition is a role model in this House for good behaviour! He sets an example for his troops every day! Not a single day passes when he is not called to order three times. There is not a single day when his conduct does not transgress the accepted tenets of this House.

Mr Mills: On a point of order: for more than two minutes the Minister has strayed from the subject of the question. On the ground of relevance I ask that he be directed to complete his answer.

Mr SPEAKER: Order! I am grateful to the honourable member for Wallsend for the accuracy of his timekeeping. I generally direct the Minister for the Environment to return to the answer to the question.

Mr HARTCHER: It is good to see the Left coming to the aid of the embattled leader of the Right. The honourable member for Liverpool distracted me with his interjection about office refits. To return to the question asked by the honourable member for Ku-ring-gai, the Government has given the Environment Protection Authority a clear charter to monitor the environment and educate people about problems associated with lead. It is unfortunate that the Government will not receive any assistance from Canberra for that program. The Federal Government has done a wonderful thing. It has put Gary Sweet on television, and all honourable members have seen those lovely advertisements with him talking about how to fill a car with unleaded petrol. But the Federal Government has done nothing at all to address the needs of the people represented by the honourable member for Wallsend, the honourable member for Lake Macquarie and the honourable member for Broken Hill. It has done nothing about lead problems in the inner city electorates of Sydney, most of which are represented by members opposite.

The Australian Labor Party, which claims to represent disadvantaged people in this State and nation, has shown itself to be a party that not only has slashed environmental expenditure but has used the environment simply as a milch cow to raise money to cover its massive deficit. None of that money has been returned to the people in real need. The Government will continue its program to address the needs of those people. It will continue across the board to address the environment in this State. The Government acknowledges its responsibility, even if that responsibility is not shared by the Australian Labor Party.

PETITIONS

Bulli, Coledale and Port Kembla District Hospitals

Petition praying that the present level of services be retained at Coledale, Bulli and Port Kembla district hospitals, received from **Mr Sullivan**.

Wyang Hospital

Petition praying that Wyong Hospital be provided with a fully functioning obstetric and childbirthing facility, received from **Mr Crittenden**.

Ingleburn and Macquarie Fields Police Stations

Petition praying that the House provide, as a matter of urgency, a permanent police station at Ingleburn and upgrade the existing police station at Macquarie Fields, received from **Mr Knowles**.

Ingleburn Fire Station

Petition praying that Ingleburn Fire Station not be closed, received from **Mr Knowles**.

Home and Community Care Program

Petition praying that the Home and Community Care program be allocated growth funding in the 1993-94 period consistent with increasing community need, received from **Mr Bowman**.

Shellharbour Public Hospital Children's Ward

Petition praying that the children's ward of Shellharbour Public Hospital be reopened, received from **Mr Rumble**.

Warilla Police Station

Petition praying that more police be allocated to Warilla Police Station, received from **Mr Rumble**.

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BUSINESS OF THE HOUSE

Precedence of Business

Motion by Mr Nagle agreed to:

That General Business Order of the Day (for Bills) No. 15 (Industrial Relations (Contracts of Carriage) Amendment Bill) be re-ordered to take precedence on Thursday, 12 May 1994.

SELECT COMMITTEE UPON THE OPERATIONS OF HOMEFUND AND FANMAC

Report

Mr HATTON (South Coast) [3.34]: I bring up and lay upon the table of the House the report of the Select Committee upon the Operations of HomeFund and FANMAC.

Ordered to be printed.

Mr HATTON: I also bring up and lay upon the table of the House the following documents:

1. Submissions to the committee
2. Evidence taken by the committee
3. Documents received from the Office of the Ombudsman, being:
 - (a) Report on the Operations of HomeFund and FANMAC, August 1993
 - (b) Report on the role of Consumer Affairs regarding HomeFund, October 1993
 - (c) Key documents from Department of Housing and Treasury files.

ROYAL COMMISSION INTO NEW SOUTH WALES POLICE SERVICE

Suspension of Standing and Sessional Orders

Motion by Mr Hatton agreed to:

That certain standing and sessional orders be suspended to allow consideration forthwith with precedence of all other business of the following motion:

(1) That this House calls upon the Premier, in consultation with the Leader of the Opposition, to establish a Royal Commission, staffed by personnel other than serving or former New South Wales Police, to inquire into the operations of the Police Service, with particular reference to -

- (a) Entrenched corruption within the New South Wales Police Service.
- (b) The activities of the Professional Responsibility and Internal Affairs Branches of the Police Service in dealing with any problems of corruption and internal investigations generally.
- (c) The system of promotion in the Service.
- (d) The impartiality of the Service and other agencies in investigating and pursuing prosecutions including, but not limited to, paedophile activity.
- (e) The failure of the internal informers policy.
- (f) Any other matter appertaining to the aforesaid matters concerning possible criminal activity, neglect or violation of duty, the inquiry into which the Royal Commission shall deem to be in the public interest.

(2) That if such Royal Commission is not appointed by 20 July 1994, the House shall meet for the despatch of business on Tuesday, 26 July 1994 at 2.15 p.m.

With the following time limits applying to the debate:

Mover of the motion;
Minister for Police; Premier; and
Leader of the Opposition Unlimited

Other speakers 20 minutes

Mover in reply 20 minutes

Consideration of Urgent Motion

Mr HATTON (South Coast) [3.38]: I move:

(1) That this House calls upon the Premier, in consultation with the Leader of the Opposition, to establish a Royal Commission, staffed by personnel other than serving or former New South Wales Police, to inquire into the operations of the Police Service, with particular reference to -

- (a) Entrenched corruption within the New South Wales Police Service.
- (b) The activities of the Professional Responsibility and Internal Affairs Branches of the Police Service in dealing with any problems of corruption and internal investigations generally.
- (c) The system of promotion in the Service.
- (d) The impartiality of the Service and other agencies in investigating and pursuing prosecutions including, but not limited to, paedophile activity.

(e) The failure of the internal informers policy.

(f) Any other matter appertaining to the aforesaid matters concerning possible criminal activity, neglect or violation of duty, the inquiry into which the Royal Commission shall deem to be in the public interest.

(2) That if such Royal Commission is not appointed by 20 July 1994, the House shall meet for the despatch of business on Tuesday, 26 July 1994 at 2.15 p.m.

This motion strikes an important blow for the vast majority of honest police in the New South Wales Police Service - for those too intimidated to speak out or forced to turn a blind eye. It especially gives hope and speaks out for those with courage who have spoken out, who have been ostracised, who have been vilified, who have been set up, who have been threatened, sometimes assaulted and, in two cases, shot at - of course, I refer to Drury and Katsoulas. Corruption is entrenched in senior levels of the New South Wales Police Service. Internal affairs is corrupt. Senior police officers in New South Wales close ranks to prevent exposure of corrupt activities. Those not part of this culture are spectators too afraid to do anything about the corruption or are whistleblowers who are immediately isolated, vilified and have their career paths curtailed.

The Independent Commission Against Corruption has been ineffectual and the Ombudsman's office is frustrated. The situation is extremely serious. We are faced with a completely ineffectual Minister and the failure of the ICAC and the New South Wales Crime Commission to effectively tackle entrenched corruption within the service. The Minister and Commissioner Lauer have failed to support and safeguard those in the service who are honest and

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brave enough to fight corruption. A royal commission with wide terms of reference could investigate and expose corruption inside the New South Wales Police Service, investigate links between some police officers - I stress some police - particularly at senior levels, criminals, and disgraced and other retired police in a network which allows organised crime to flourish.

Many people on both sides of Parliament were shocked when a bipartisan parliamentary committee unanimously found that Commissioner Lauer had threatened his then Minister, the Hon. E. P. Pickering. I apologise for the words in advance, but the committee accepted that the commissioner had used words to the effect, "If you put shit on me, I'll put shit on you". The committee found that this was a grave threat to the Minister. In my dissenting statement I stressed that this was sinister. One recognised the awesome power of the New South Wales Police Service behind Commissioner Lauer.

I have a signed statement from a former police officer - whose character I personally vouch for - that in the early 1970s, while a member of the CIB observation squad, he was requested to carry out a surveillance operation on the Hon. Frank Walker, who I believe was Attorney General at that time. This occurred on a weekday at noon. This officer is prepared to give evidence to a royal commission, if it were established, that he was given information "that the target was Frank Walker". The statement continues:

On two separate occasions I was requested to conduct surveillance operations on politicians.

It continues:

The first occasion occurred while I was a member of the CIB Observation Squad in the late 70's.

I do not recall who requested the operation but I do recall that the target was Frank Walker. I was given information that he was scheduled to have a clandestine meeting with a person at Butler's Restaurant, Victoria Street, Potts Point. I was requested to go and photograph that meeting and identify the other person with whom he met.

I do not recall who my partner was at the time but I do recall another police officer being with me when we went to the vicinity of the restaurant and took up position to take photographs and observe people entering and leaving the premises. This occurred on a

weekday at about noon.

I do not recall who arrived first but I recall Frank Walker meeting with a female person and sitting on the terrace with her.

I became suspicious about the motivation behind the request for the surveillance as no other person joined Mr Walker and the female.

I subsequently returned to the office and reported that I had been unable to identify the second party and I had not been able to obtain photographs as I formed the opinion that this meeting was personal and that there was nothing suspicious or sinister occurring.

The second occasion I was requested to perform surveillance on politicians was during my term as commander of the surveillance unit at IPSU, in late '86 or early '87. The request was made by Assistant Commissioner Eric Strong who was at that time Commander of Internal Security.

Assistant Commissioner Strong called me to his office and told me that he had information of a very sensitive nature and asked me if I would be prepared to conduct surveillance on politicians. I said that I was prepared to do surveillance on any person where there was a need to do so. He then went on to tell me that this surveillance was of such sensitivity that we would not be able to make written record in our duty books or by way official logs as if we were exposed there would be major problems.

I became suspicious of the motivation and questioned who the targets were to be. He told me that Commissioner John Avery had reliable information that the two prominent MPs were "bag men" for the Labor Party. They wanted surveillance to confirm the information.

I told Strong that I was prepared to do the surveillance under those conditions on the proviso that any information gathered which implicated the politicians in illegal activity would be proceeded with and not to be used to compile dossiers or held as "intelligence".

Strong indicated that this would be done and he would get back to me with details. The meeting then terminated and I was never again contacted in relation to the conversation we had had.

I was forcibly transferred from IPSU shortly thereafter.

I interpret that quite clearly as an effort of the Police Service to surveil politicians to try to get something on them for the purposes of using it for intelligence and not for the purpose of law enforcement. The other people with whom I discussed this at the time were my wife and another police officer, whom I can name if required and who, I believe, would remember my discussions. This is chilling evidence that senior police in New South Wales are indeed prepared to put members of Parliament under surveillance for what appears to be no purpose other than to collect intelligence. That the police force is out of control is beyond question when one considers that a police Minister must resign for misleading the House and the police commissioner is appointed for a five-year term when it is found that he is presiding over a department suffering gross inefficiency and mismanagement.

Minister Griffiths could not have known, in my view, what I have just revealed to the House. But he did know that his immediate predecessor had been threatened by Commissioner Lauer and that 400 items disappeared off the police commissioner's own computer. I stress that these are items of significant importance to involve or warrant notification of the commissioner. They are documents of the highest importance and of the highest level. These documents simply disappeared - there is no hard copy and no computer disk back-up in existence. This Minister was forewarned and forearmed by the unanimous findings of a bipartisan committee which revealed that when it suited police, senior superintendents, assistant commissioners, and even the commissioner himself lie under oath, and that hundreds of items and files could be made to disappear.

I believe that a royal commission, and in fact this Parliament today, must ensure that files in internal affairs, the fraud squad, gaming and drug squads and in other areas touched upon in this speech are made secure. Temby found in the Milloo inquiry

that records in large numbers disappeared or were sloppily kept. This has been the experience of the Ombudsman. This Minister knew that his predecessor, Ted Pickering, had been threatened by Commissioner Lauer, yet this Minister recommended Lauer for a five-year term as commissioner. This Minister knew that the police had made hundreds of items disappear and failed to trace witnesses when faced with a parliamentary inquiry. The Minister knew that Commissioner Lauer and senior police had lied to a parliamentary committee. The Minister knew that the Milloo inquiry had revealed gross inefficiency, loss of records and gross maladministration. All of these were exposed earlier by the parliamentary committee.

As this speech will reveal in graphic detail, there has never been a police Minister in a better position, armed as he is with the detailed findings of a parliamentary committee and the Milloo report. But, more than this, the Minister had been thoroughly briefed by his predecessor the Hon. E. P. Pickering on operations to do with entrenched corruption within the service. He knew that these operations had been severely compromised, I believe, possibly by Mr Lauer, as head of internal affairs before he became commissioner. This Minister was given the files by Mr Pickering - a once only opportunity to do something dramatic, to set up an in-depth inquiry, to at least establish independent lines of communication, to use the knowledge given. This Minister had been given an insight into the force which has taken me, Ted Pickering, Gary Sturgess and others over a decade to acquire.

Information has been given to confidential sessions of the parliamentary committee. This information should have been a red alert, but in the briefing given to the Minister by Ted Pickering - and if he had accessed the reports - he would have then uncovered the bombshell. If he has assessed those reports, why is he saying there is no entrenched corruption in the New South Wales Police Service? If he has not, why not? Incredible as it seems, this Minister handed it all over to Commissioner Lauer saying that he wanted to make a new start, and saying he wanted to leave it in the hands of the commissioner. He then incredibly hands over all of the files, paperwork and records obtained from Mr Pickering to the police commissioner and retires to his soundproof room. This information should have alarmed him, for it was about entrenched corruption within the force, as I shall reveal. That is something which the Minister has denied repeatedly in this House.

This is some of what Ted Pickering told the parliamentary committee of inquiry about Operation Asset on three separate occasions, "It was just blown straight out of the water almost overnight and the whole thing was a joke". This was an operation which had its genesis in surveillance, in intelligence, on up to 50 police officers with questionable associations, in some cases with criminals, information that was compiled by New South Wales police and the Australian Bureau of Criminal Intelligence. A second quote from Mr Pickering, "Their operation was compromised from the word go. It was unbelievably compromised. It was so bad that we just closed it up". Another quote from Mr Pickering, "It was at that time I realised New South Wales police could not be employed to investigate serious organised crime activities within the ranks of the Police Service". He is also on record on another occasion as saying that you cannot trust police officers within the Drug Enforcement Agency to inform on other police officers in the Drug Enforcement Agency.

Let us think about that in terms of whether we need a royal commission and why we need investigators who have no connections with the New South Wales police, remembering that the briefing given to Minister Griffiths by Ted Pickering contained evidence additional to that before the parliamentary committee. I will return to the findings of the parliamentary committee and put the findings of that committee into context with the work of the ICAC and other events. One section of evidence given to the committee, and most of it in confidential session, referred to Operation Asset. I now turn to this session and verify from an independent source a chilling situation. I have two signed statements from an ex-police officer involved in intelligence gathering. I have had the details checked by a second officer. I stress that Minister Griffiths either knows about this operation in depth or simply did not bother to follow up the red alert that he was given in evidence by his predecessor to the parliamentary committee. It involves a number of operations which were in part the subject of the "7.30 Report" this week. It is the story of operations Casper, Buckshot, Seeker and Asset. It is a story of intelligence on links between up to 50 serving and former New South Wales police in matters to do with illegal gambling, gaming machines, drugs, murder, prostitution, money laundering and fixing of cases. How bad can it get?

Operation Casper started initially in January 1987 and ended on 11 January 1989. It was overlapped with Casper 2, which in turn ended on 18 May 1989. New South Wales internal police security unit and Australian Bureau of Criminal Intelligence documents show that Casper 1 was initially directed at a former disgraced police officer, Keith John Kelly, directly linked to 16 then police officers and 15 former New South Wales police officers and with indirect links to eight former police officers with links to senior police exposed in the Fitzgerald inquiry, including one assistant commissioner. The Australian Bureau of Criminal Intelligence, which I shall refer to as ABCI, is a national intelligence gathering network on organised crime. The Casper operations were handed over to a joint task force involving the New South Wales and Federal police. These were made up of Mick Howe, Paul Wright, Margaret Wade - who was an analyst - and Bob Clarke. This joint task force was short lived; the operation was taken over by the New South Wales Crime Commission. The operation was renamed Asset.

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Operation Casper and Casper 2 were those of the New South Wales police. Evidence that Casper operations were leaking is in a statement given to me and recorded elsewhere. The belief is that the only police outside the operation proper who could have known these details was then Chief Superintendent Norman Maroney, then commander of the State investigative group which oversaw the unit conducting the operation. He is now Assistant Commissioner Maroney. I will be referring to some other officers named in the statement in other context, especially those still serving or who have retired. The statements I detail about concerns about leaks and their source were voiced to then Detective Superintendent Merv Schoeffel and Detective Superintendent Alan West of the offices of the internal police security unit at Regent Street, Ultimo and on another occasion to Commissioner John Avery; Assistant Commissioner Tony Lauer, Chief Superintendent Col Cole were present at a briefing at New South Wales Police Headquarters. I am told that this leak was not further investigated in spite of the obvious breach of the integrity of the operation and the serious nature of the allegation against the very senior officers of the New South Wales force.

I understand the nature of this allegation was never provided to the New South Wales Ombudsman as required by law under the Police Regulation (Allegations of Misconduct) Act. We should not be surprised at that when we see the track record of Cole in the matter of not informing about the drug-related circumstances surrounding the stabbing and then shooting of a police officer at Frenchs Forest police station in recent times - matters that should have been drawn to the attention of the parliamentary committee and were not. There is reference in statements to circumstantial evidence which points to Maroney as the leak. Project Buckshot was a highly sensitive intelligence probe into the importation and distribution of heroin in Australia, with the involvement of organised crime figures and the links between those figures and other criminals engaged in motor vehicle theft, gaming, prostitution, money laundering, and violent crime, including murder. Project Buckshot was also concerned with an inquiry into direct involvement of members and former members of the New South Wales police in these activities.

We must remember that in a 6 June letter - what became the famous 6 June letter - the former Minister for police, the honourable Ted Pickering made statements in no uncertain terms about police involvement in drugs, car stealing and other crime. Buckshot embraced re-examination of a number of law enforcement operations from different jurisdictions, along with proactive gathering of current intelligence by ABC officers. Included amongst the operations were Operation Stinger, Northern Territory police; Operation Flintstone, New South Wales police; Operation Hobby Horse, New South Wales Crime Commission; Operation Triangle, Queensland police; and Operation Chaff, New South Wales and Australian Federal Police. When you have access to that sort of intelligence across the States of Australia and you cannot trust the officers concerned or if you can trust the officers concerned but there are senior police who compromise those operations - shrink them to the extent of being meaningless and close them up - it is time that we had a royal commission. The following persons were amongst those members and former members who came under adverse notice as part of Operation Buckshot: Keith John Kelly, former detective sergeant; Brendan John Whelan, about whom I will have a lot to say later.

Mr Whelan: No relation.

Mr HATTON: No relation. He, frighteningly enough, was the chief investigator to the Woodward Royal Commission after the death of Donald Mackay and his job was to assist the Royal Commissioner with investigations into the mafia in the Riverina area. Others included John Openshaw, former detective sergeant; Nelson Rowatt Chad, former detective inspector; Bill McDonnell, former detective inspector; Kenneth Selwyn, former detective senior sergeant; Baden Brown, former detective sergeant; John James, former superintendent; Colin John Perrin, former deputy commissioner; Tracey Perrin, believed to be a current serving senior constable; John William Duff, former detective sergeant; Roger Caleb Rogerson, former detective sergeant; Norman Maroney, current serving assistant commissioner; Russell Cook, current serving assistant commissioner; Glen Johns, then serving, now former senior constable; Reginald Mahoney, believed to be a current serving superintendent; Daryl Wilson, believed to be a current serving chief inspector; Trevor Gore, believed to be a current serving inspector; William Hooke, former senior constable; Wilfred "Billy" Tunstall, then serving, now former senior sergeant; Tony Murphy, former Queensland police assistant commissioner; Alan Smith, then serving, now former sergeant; John Haeta, former New South Wales detective sergeant and former Northern Territory police detective.

Honourable members who know anything about corruption in the New South Wales Police Service will recognise the names of those who have since been charged, some convicted, some discharged from the service, and those who left the service under suspicious circumstances or whilst under investigation. All information concerning suspicious circumstances surrounding these officers was conveyed to the New South Wales police commissioner on more than one occasion. Project Buckshot examined the activities of and the links between a significant number of well and lesser known criminals and persons of criminal repute in New South Wales and elsewhere, one of which was Abe Gilbert Saffron and another Bruce Hardin. People who have been in this Parliament for a long time will remember Bruce Hardin, as will former Attorney General John Dowd, because he received a crime intelligence unit report on the antecedents of George Freeman, which was leaked by Tony Lauer when he was in the crime intelligence unit and tabled in part in this Parliament.

Whilst Project Buckshot was originally a wholly Australian Bureau of Criminal Intelligence conducted probe, regular briefings were given to Police Commissioner John Avery; the then Assistant
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Commissioner, Professional Responsibility, Tony Lauer; and Chief Superintendent Cole. ABCI officers, whom I could name, briefed senior New South Wales police on more than one occasion on operations that had been conducted by elements of that unit under the specific direction of Chief Superintendent Cole, who was then Staff Officer to police commissioner John Avery. I understand that the ABCI in Canberra has much of this information on file. Arrangements were made in 1990 for ABCI officers to attend Commissioner Avery's office. Present were Commissioner Avery, Assistant Commissioner Lauer, Chief Superintendent Cole, ABCI officers, Australian Federal police and Northern Territory and New South Wales police. An analysis and overview were given, with recommendations.

A special unit of four officers was set up under Operation Seca. In early 1991 New South Wales police Minister Pickering was briefed over a period of days with others, including Barry Thorley, who was then a member of the board of the State Crime Commission and later to become chairman of the Police Board. The House should remember that former Judge Thorley, as chairman of that board, was also in a position to vet officers who were given promotion. Operation Seca came to an end and was taken over by the New South Wales Crime Commission, led by Detective Inspector Schuberg. Schuberg, I believe, later worked for the Independent Commission Against Corruption. This operation was then to be called Operation Asset. The Hon. Ted Pickering had every faith in Schuberg, who later worked for the ICAC. Schuberg and Lauer had, as arranged by Sturgess, briefed Pickering when Pickering was in Opposition. Even then Lauer was the politician. Minister Pickering's faith in Schuberg may well have been misplaced: his faith in Lauer certainly was.

Pickering as Minister briefed the press in closed session. Members of the press will remember this - it was dramatic. Minister Pickering was seeking their co-operation. He had every faith in this high level operation that was going to expose a network of corrupt police in New South Wales. As part of Operation Asset, Diane Elphinstone and Mr Lionel Radom, civilian analysts attached to the commission, were provided to

access all the holdings from Project Buckshot and briefed thoroughly by Detective Sergeant Smith. After Schuberg, Elphinstone and Radom had gained access to ABCI holdings, the relationship between the ABCI and the New South Wales Crime Commission cooled, I am reliably informed. The ABCI felt that it was being obstructed from free access to current information. Surveillance operations on what were large and corrupt networks of police were scaled down. The heady days when the press were called together and given secret briefings came to nought.

Pickering was duped and misled. Operation Asset was white-anted by senior New South Wales police. It was progressively narrowed to become a skeleton of its former self. Operation Asset was structured from the outset to establish one issue only: the existence of links between Keith John Charles Kelly and narcotics trafficking. This was to the almost exclusion of other persons - and the House should remember that the corruption was widespread and that there were a number of tainted New South Wales police officers. I believe the number of officers was so great that this operation simply had to be curtailed. The enormity of the curtailment and the final closure of Operation Asset can be seen when, for the sake of brevity, I refer to some of the information shared between the law enforcement agencies.

ABCI officers prepared a report into a series of allegations against Wilfred "Bill" Tunstall, then a serving senior sergeant attached to Parramatta police station. These allegations, received from a number of sources, alleged involvement by Tunstall and other police officers in a number of suspicious deaths, including the murder of a prostitute at Strathfield in the early 1980s and the apparent suicide, but alleged murder, in 1990 of Noel Patrick Hogan, a former police officer turned private investigator. We are not talking about remote periods of time, we are not talking about history; we are talking about the graduation of officers into the senior ranks of the New South Wales Police Service. We are talking about what they know, what they did not tell the parliamentary committee, what they did tell their Minister and the way in which they duped Minister Pickering. I do not say that Tunstall is one of the officers who graduated, however.

The allegations further claim involvement by Tunstall, Roger Rogerson and John Haeta in the supply of heroin to prostitutes and that those men had been actively involved in facilitating the importation of heroin through Darwin and its distribution throughout Australia. Additional allegation surrounded Tunstall's involvement in the disappearance of a used car salesman-cum-heroin dealer named Harvey Francois Jones. These allegations included that Jones was lured into a meeting with Rogerson and John Openshaw - two notorious names now - in order to pay a bribe to have a firearms offence dropped and that he was abducted and thrown from a light aircraft somewhere off the coast. The allegations included that Tunstall had been involved in the cover-up of the facts.

The report raised points of concern over Tunstall's involvement in each incident, such as to warrant additional inquiry by the New South Wales Police Service in order to either substantiate the allegations or clear Tunstall once and for all. Director Askew, who had then taken over, I think from Mr Chalker, as the director of the ABCI, had hand delivered the report, code named Probe Viscount, to Commissioner Tony Lauer personally. Some several months later Director Askew received a visit from Detective Chief Superintendent Merv Schloeffel, Detective Superintendent Bob Myatt - now becoming well known to members of this Parliament, both through the Frenchs Forest incident and through the ICAC - and another detective inspector. All those officers were from the New South Wales Internal Police Security Unit. They attended the ABCI to

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discuss the report, and the unnamed detective and Myatt were quite negative about the matters raised by the report. They seemed more comfortable trying to discredit the allegations and the analysis of them than trying to conduct an investigation into the matters raised, I am reliably informed.

Director Askew challenged them by pointing out that instead of attacking the report they should go and conduct the proper investigation. Honourable members should remember that this is Myatt - Myatt who said, "Tear up that report that names police officers"; Myatt, against whom Temby recommended charges. It should also be remembered that Cook was the person who was supported in the findings of the ICAC. It was Myatt who said that he did not tell Lauer about the drug related circumstances surrounding the stabbing of Constable Bourke, 12 months later the shooting of Constable Bourke - and 12 months later the police commissioner said

he did know about that because he had not been informed by Myatt. That is something for the House to think about. There are many more matters to do with Myatt further down the track. It is my understanding that Tunstall was allowed to resign or retire from the New South Wales Police Service without ever having undergone any form of inquiry into the allegations or the other matters raised in the report.

This is consistent with the approach that it was easier for all involved if the apparently corrupt officers were forced to resign or facilitated to retire. It obviated the necessity of pursuing expensive investigations and having the name of the New South Wales Police Service dragged through the press. Minister Griffiths had the benefit of the committee's work but, more important, he had the benefit of his predecessor's experience, a thorough briefing on assent and corruption and access to documents. One must ask: what does it take to alert a Minister for Police and spur him into action? This Minister, because of his ineptitude and inaction in these overwhelmingly important matters, should, in my view, resign. The corruption, the culture and the system let down and undermined the honest police officer, particularly the young officers who want to be police, who want to do the job honestly, fairly and properly, and those remaining in senior positions who are overwhelmed by the culture of cover-up around them.

Today I detailed the cases and the links and the failure of the ICAC, the New South Wales Crime Commission and the circumstances that cry out for the establishment of a royal commission. Following the murder of Donald Mackay, I had been warned by retired Detective Sergeant Les Lundi that Brendan John Whelan - who was, I believe, an inspector at that time - could not be trusted. At the time I simply did not believe Lundi. Incidentally, Lundi also told me that Trimboli was behind the death of Mackay - and that was long before the matter ever came out in subsequent trials. He was acting as a private investigator in that area. While speaking of Mackay, Whelan and Trimboli, I mention that, at the request of the police Minister Griffiths' office, my research officer, Arthur King, undertook some research on Chief Superintendent Gilligan, who was up for promotion.

The research listed a number of public cases in which Gilligan had been involved, and directed the commissioner's office where to look. The Minister's staff was directed to a report into race fixing by Bob Trimboli and others that was written by Gilligan. This report had its origin in information that came from the Federal agency to New South Wales police and was a matter of some controversy at the time. Yet, incredibly, the New South Wales police were unable to find that report, saying that it had been lost when police files were culled in the 1980s - another example of vital intelligence and investigation implicating New South Wales police that mysteriously disappeared.

My interest in the case of retired Constable First-class Anthony Katsoulas has led me down a track that has revealed how Brendan John Whelan escaped from the force. I refer to information contained in statements from Katsoulas and retired police sergeant Kim Cook. Later I will reveal that Brendan John Whelan was charged, paid a \$2,000 fine and left the police force on full superannuation benefits. The background of the Katsoulas affair is that he is a whistleblower on crime connections in New South Wales police. Katsoulas was shot at. At 5.30 on the morning of 25 November 1986 Constable First-class Katsoulas, a highway patrol officer driving a marked police highway patrol vehicle, was fired upon by, he believes, New South Wales detectives. The shotgun blast penetrated a door and the pellets entered the rear of the driver's seat. Whilst attempting to escape the attackers at high speed, Katsoulas crashed, hitting two telegraph poles, which later had to be replaced, and came to rest against a third pole. Think about those circumstances, because later I will mention that the police say Katsoulas staged the accident.

The accident caused physical and emotional injuries to Katsoulas. Katsoulas was a whistleblower. He believes the offenders were detectives. He is now a cripple, is obese and suffers from a nervous disorder causing migraine headaches, long periods without sleep, constant pain, and is on permanent medication. I followed this case for some years. I have statutory declarations and other documents. Katsoulas had observed a criminal called Duros - it is interesting how paths have crossed with recent events - an underworld figure known to police and involved in drugs and illegal gambling. He had observed Duros pass a large amount of money to Brendan John Whelan. Duros, a well-known leading underworld figure, has since been murdered in a gangland style killing. Katsoulas says in his statements that he contacted Deputy Commissioner Barney Ross

and was told not to worry about the issues. On 23 October Katsoulas spoke to Sergeant Colnan of the Special Branch and then to Inspector Thoms of Internal Affairs on 25 and 27 November 1985.

By arrangement Katsoulas met Chief Inspector Len Topping, Internal Security - who I will mention later - and Sergeant Matchett in a room in the Ashfield Motor Inn at 63 Hume Highway, Ashfield.

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Katsoulas made a lengthy statement to the internal security unit officers. The officer in charge of the New South Wales police intelligence branch at that time was the person who is now Commissioner Lauer. Katsoulas received threatening phone calls. He became aware of a leak from Internal Affairs in April 1986. My experience and records show that Internal Affairs leaks like a sieve. Katsoulas advised Topping and reported on heroin dealing in Strathfield. In July he was threatened that he would meet with an accident. This accident occurred on 25 November 1986.

Incredibly, police fabricated the story that Katsoulas had shot at the car, got into it and caused the accident himself. When Katsoulas went before the Victims Compensation Tribunal on 21 September 1993 he was granted the maximum amount of \$50,000. The Chairman of the tribunal placed no credence whatsoever on the police case. Police charged Katsoulas with malicious damage to a motor vehicle. He was acquitted. They charged him with damage to the door of a motor vehicle and causing public mischief. Those charges did not proceed. The charge of negligent driving was dismissed, with costs being awarded. Most unusual, so the magistrate said at the time.

Who are these police who viciously pursued Katsoulas? The principal investigating officer was Detective Sergeant Peter Coe. Coe made a submission to the then Chief Superintendent of the Criminal Investigation Bureau, now Commissioner Lauer. Coe's job was to charge and discredit Katsoulas. He tried, but he failed. But he has destroyed Katsoulas physically and emotionally. Coe, as a detective sergeant in 1986, three years after commencing the investigation into the Katsoulas matter, was made a superintendent - another recommendation by Lauer.

Although Duros was known to police as a drug dealer and to be involved in illegal gambling, he was the subject of a surveillance operation by Penrith Task Force Two Police in the early eighties. He was under surveillance by the New South Wales police internal affairs because of his links with the then serving police Superintendent Brendan John Whelan and Detective Nelson Chad, who left the force disgraced and in recent times reappeared in matters to do with the fraud squad. Duros was also known to the police security unit because of information provided by Katsoulas. Yet I am advised that there was no satisfactory follow-up of the Duros connection with police. So, on 30 April 1993, I wrote to Mr Griffiths, the Minister for Police, and asked:

Prior to the death of Angelo Duros, were Police in possession of information that alleged Duros was paying Police for protection associated with his activities?

Did the Internal Police Security Unit or Internal Affairs investigate those allegations?

Minister Griffiths in his reply dated 28 June 1993, RML-23294, said:

There is no information which indicates Mr Duros was paying police for protection associated with his alleged activities . . . There is no record of either the Professional Integrity Branch or the Police Internal Affairs Branch having commenced any investigations into allegations that Mr Duros was paying police for protection associated with his alleged activities.

I wonder what else the Minister has told me and this House that is not true. What has the Minister not told us? Prior to the Katsoulas murder attempt Detective Sergeant Cook was commander of the Internal Police Security Surveillance Unit. His surveillance put Superintendent Whelan and former Detective Inspector Chad together in the vicinity of Duros's warehouse. He reported to Chief Inspector Snape that he had suspicions of connections and that "we ought to follow them up". Cook was in charge of the team that carried out surveillance on Chad's office in Neutral Bay. Chad later became a private investigator. Chad later set up connections with the fraud squad - I am talking now of about a year ago - when the fraud squad was carrying out

investigations for Chad's private organisation.

Whelan's office at Dee Why and residence at Gladesville, and Duros's residences at Summer Hill and Dulwich Hill were under surveillance. Chad may have been on suspension at that time from the New South Wales police force. After putting Whelan and Chad together, observations were concentrated on Satinvale - Chad's company at that time at Neutral Bay. This is the company to which I referred when I spoke about the relationship between Chad and the drug squad. More will be said about Satinvale and its relationship with the fraud squad. Surveillance continued on Whelan. Then, out of the blue, Chief Superintendent Snape called for all of the logs and photographs concerning Whelan, and Cook was given a new assignment.

Cook complained to Snape that he believed that the team was very close to obtaining conclusive evidence of serious corrupt dealings with Chad, Whelan, Duros and possibly one or more politicians. Obviously the Minister was not told that. I want to put on the record that I do not, under any circumstances, question the integrity or honesty of the Minister for Police, Mr Griffiths. I am attempting to demonstrate that he was in a position where he was told facts that any police Minister would give his arm to know. He was in a position to follow up these matters, to develop his own independent line of communications, to be suspicious, and to do something.

I want to put that on the record. Snape informed Cook that he was acting on instructions but was unable to do anything about it. Sergeant Cook later discovered that Whelan had been departmentally charged in relation to minor departmental breaches. Chief Superintendent Snape told Detective Sergeant Cook that there had been political interference and that a deal had been done with Whelan. Whelan was charged departmentally, fined a total of \$2,000, and exited the police force with full police superannuation entitlements. Had the police investigation proceeded with integrity, a major network of police corruption might have been exposed. Superintendent Whelan was allowed to retire. Why? Has Snape ever been asked? Where are the records?

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The operation was deliberately aborted. It screams out for a full inquiry; it screams out for a royal commission. This man Snape, at the centre of a surveillance operation on suspected activity between police and criminals - a key criminal was later murdered - does the classic thing. From my own experience of 20 years following the New South Wales police force I know about the classic way: call the police officer in, lay it before him, tell that police officer what you have got on him, come to a sort of arrangement, and, perhaps, if he is lucky, the police officer is charged with relatively minor offences and sent on his way.

I want to mention briefly a case while it is in my mind. It is the case of a woman police officer whom several police officers attempted to rape. At this time she cannot give evidence to me, but will definitely give evidence after her confinement and the birth of her child. I believe those officers would not have been charged at all except for Avery's insistence. But a way was found to charge them, not with the criminal offence of attempted rape, but with departmental offences. They were, therefore, able to retire from the force. Can anyone imagine anything more horrific?

Mr Fahey: You said she is expecting a child.

Mr HATTON: Thank you, Mr Premier, for asking me to make that clear. At the time she reported this matter, it was fully investigated. She would not say no: she kept pushing it and kept putting reports up. They did not want to know. Finally, with Mr Avery's support, the officers were charged. A way was found to charge them departmentally and get them out of the force. That was several years ago and the person concerned is still suffering stress. She is expecting a child and is due to be confined, and will not come forward at this time. I have had discussions with her and she is quite happy to come forward. A lot of this is on record, and she will detail her experience.

Chief Superintendent Snape aborted this operation. I believe that operation was deliberately aborted, using

the classic technique. These are the type of concerns that I believe the honourable member for Heffron has about paedophilia and extremely sensitive matters that scream out for investigation. Brendan John Whelan, to whom I referred earlier, was obviously a crook, yet he was the chief investigator for the Woodward royal commission inquiring into the mafia in Griffith following the death of Donald Mackay. Whelan was involved with Duros, a heavy underworld figure who was later killed. Whelan was charged with minor offences of misconduct, and left the force. The opportunity to reveal a possibly major corrupt network was aborted. I am in possession of signed statements and documents.

The link between Duros, Whelan and Katsoulas was well known, at least to Chief Inspector Len Topping of the Internal Police Security Unit, former Assistant Commissioner Eric Strong, Executive Chief Superintendent Bob Snape, and others. Commissioner Lauer, as officer in charge of the Criminal Investigation Branch, appointed Coe to head the investigation. Commissioner Lauer - remember, this is the Coe I referred to in the Katsoulas matter - after reviewing the investigation supported Superintendent Coe's findings. Then Commissioner Lauer recommended that Katsoulas be charged. Meanwhile, Minister Griffith is still in his soundproof room.

To enable an investigation of entrenched corruption within the New South Wales Police Service, it is obvious why the investigative arm of the royal commission must be comprised of other than serving police officers. I know that this will be a matter of concern to the Minister, and quite properly to the Premier, because - if there is agreement on this motion - there is no intent to do what will be widely interpreted as a slight on the whole force. But, when you are faced with such massive intelligence, when you are faced with such enormity, what option do you have to guarantee the integrity of an investigation other than a royal commission? I have demonstrated that Brendan John Whelan, a crook, was the chief investigator into investigations into the mafia advising the Woodward royal commission. It just boggles the imagination. So a commission can be nobbled.

The attempted murder of Constable First-class Katsoulas occurred on 25 November 1986. Chief Superintendent Snape aborted the surveillance operation on Duros and Brendan John Whelan by calling in Whelan and appraising him of the situation, in the same year, prior to Katsoulas's accident. I want to put these events together because it was Chief Superintendent Snape who charged Kimbal Cook with departmental charges on 25 May 1987, the following year. Now we know why Cook had to be charged. He had to be charged because he knew about the situation with Brendan John Whelan and how that operation was aborted. Or was it that he had to be charged because he was asked some time earlier to surveil politicians? In any event, he had to be charged. We have another link in the chain as to why Commissioner Lauer had to put Cook in the frame before the Independent Commission Against Corruption.

Remember also that Sergeant Cook refused to gather dossiers which could be used illegally against three Ministers - Attorney General Walker, sports Minister Cleary, and his own police Minister Paciullo. How chilling is that when a parliamentary committee, on a bipartisan basis, finds that Commissioner Lauer threatened his police Minister? Like Katsoulas and Cook, Detective Senior Constable Deborah Lee Locke had to be isolated. She was a whistleblower. She was persecuted and threatened with charges because she blew the whistle on illegal and improper activities in the fraud squad, the gaming squad and Parramatta detectives.

Detective Senior Constable Locke is a talented police officer with an associate diploma in criminal justice from the Charles Sturt University. She worked in general duties, Kings Cross drug squad and gaming squad areas. She learned that members of the

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surveillance unit of the gaming squad worked greatly reduced shifts, as little as eight hours in a whole week. She reported this to the head of the squad, Detective Sergeant Cook, who disciplined the officers and supported her.

Once she moved to Parramatta, the situation changed. She was assigned to Detective Constable First Class Rick Sitkiewicz. She became aware of illegal activities of Sitkiewicz's brother. Rick Sitkiewicz was associated with Louie Bayeh, Roger Rogerson, Billy Bayeh and Len McPherson. When she expressed her disapproval, she was assigned to another partner. She had suspicions about a break and enter, and took them to

Cook. In April 1989 Locke gave information on these activities and on a threat on Cook's life to Chief Superintendent Schloeffel and Superintendent Bob Myatt, a name we have come to know. Locke noticed that no notes were taken. Within a week Parramatta detectives made her realise that internal security leaked like a sieve. For her own safety she was transferred to the commissioner's policy unit, an administrative post, and sidelined. In about 11 statements from Locke she details her treatment. I quote from one of those statements:

At the Commissioner's Policy Unit, I was informed that Tony Lauer would speak to me, as he was going to be the next Commissioner. We discussed what sections I could go to and he said, "Police don't like whistleblowers". I said, "What's a whistleblower?" He said, "Police who dob in other police".

She said that later, when she told Lauer that a Parramatta detective had been given an expensive leather jacket by Louie Bayeh, Mr Lauer replied, "You don't understand what it is all about being a detective. It is going to be a problem where to put you. We will put you with Mick Drury. You are both outcasts". Honourable members will remember that Mick Drury was subjected to a shooting. Detective Locke goes on in her statement:

On several occasions I had reason to attend Chief Superintendent Col Cole's office in relation to the Task Force WAVE. On every occasion he was hostile towards me because I was a whistleblower. He even said on one occasion words to the effect, "Police don't do that sort of thing, we all have to stick together. This job is family and we all have to rely on each other. You let us down and caused us a lot of problems with what you have done".

He was referring to Parramatta detectives. This is Cole, who caught the psychiatric express out of the police force. This is Cole, who did not tell Commissioner Lauer about the drug-related circumstances of a police officer being stabbed and then shot 12 months later. This is Assistant Commissioner Cole, who lived down the corridor from Lauer. This is an assistant commissioner in charge of internal affairs. Yet I am being told the game is not crooked. Locke was granted a transfer to the fraud squad in May 1990. Her reputation preceded her, and she got heavy treatment from a number of the officers there, particularly Detective Senior Sergeant George McTaggart. The head of the fraud squad, Detective Chief Inspector Jamison, dismissed her concerns about Rick Sitkiewicz, who had joined the squad.

Honourable members will remember he was the officer the detective complained about at Parramatta. Not until December 1991, three years after the Parramatta allegations were made to Myatt and Schloeffel, did the police bother to interview Deborah Locke and obtain a statement about the matter. Sitkiewicz has since resigned from the New South Wales Police Service. Detective Locke's statements point to colleagues asking her whether she had her gun with her for her own safety, to leaks from internal affairs, and to an incident similar to that involving Cook where Chief Superintendent Bob Myatt - and it is important to note the timing - at 2.30 p.m. on Wednesday, 30 June 1993, at the professional integrity branch at North Sydney, directed Detective Sergeant Noonan to leave the room and rip up a briefing note about the Locke matters.

This was at the same time - I believe on the same day - that the ICAC commenced its hearings into the allegation against Myatt that he had directed Cook to tear up statements that mentioned police officers' names. According to the statement, on that same day or at about that time he directed another officer to do precisely the same thing. Complaints about McTaggart and Nelson Chad made it back to the fraud squad faster than Detective Sergeant Locke, McTaggart saying that the charges against him were only departmental and that he could talk his way out of them. I remind honourable members that I am not talking about historic events; these events happened last year.

Locke had reported that disgraced former police officer Nelson Chad was running a private investigation agency called Satinvale and that the fraud squad was doing work for Chad's company at public expense. Detective Chief Inspector Jamison was doing referrals to Chad; he was his agent. Detective Sergeant McTaggart was involved with others. The fraud squad was doing illegal motor vehicle licence and possible criminal checks for Nelson Chad. These are the sorts of things I have in statements. The fraud squad is about to be restructured with the same officers. The answer that keeps coming back is, "We have this restructure, we have this new policy, we have a new beautiful way of doing things." And the machine goes on like it always has.

Honourable members will remember that the present head of internal affairs is Assistant Commissioner Jeff Jarratt, a person of whom I had the highest opinion.

[Interruption]

He is in charge of professional responsibility, I believe. He supported Myatt against Cook at the ICAC. I have raised serious concerns about the honesty and or competence of Commissioner Lauer, former Assistant Commissioner Norm Maroney, former Assistant Commissioner Cole, Superintendent Myatt, Chief Superintendent Gilligan, former Superintendent Brendan John Whelan, Superintendent Coe and others. It is strange how public cases have come back to haunt the present Minister and Police Service. I have referred to Brendan John Whelan,

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who was chief investigator with the Woodward royal commission, and to Nelson Chad and his links with the fraud squad, and I now refer to Assistant Commissioner Norm Maroney, who was charged over the Frenchs Forest police station drug affair and counselled.

Maroney's track record goes back a long way. It goes back to the Juanita Nielsen case, which surfaced again recently in a report tabled by the Joint Committee on the National Crime Authority in Canberra in relation to the authority's use of the underworld figure James McCartney Anderson as a protected witness. This report is but a few weeks old. The senior investigator in charge of the Nielsen case - I believe he was a detective sergeant at the time - is in line for the job of commissioner. I refer to Assistant Commissioner Maroney. If honourable members do not take notice of what I am saying, I ask them to take notice of what the Deputy-President of the Senate, Senator Crighton-Browne of the Liberal Party, and Mr Stephen Loosley from the Labor Party side of politics said about the necessity to re-open the inquiry into how the investigation into the disappearance of Juanita Nielsen was conducted.

I note the questions asked by the honourable member for Eastwood as to the favourable treatment and favourable cross-examination of Mr Lauer by the ICAC. I refer also to what the police committee was told about the extraordinarily favourable cross-examination of Lauer by the then chairman of the State Drug Crime Commission, Judge Thorley, in relation to the Frenchs Forest drug-related matters. I ask honourable members to listen to their colleagues in Canberra. The comments of Senator Crighton-Browne and Stephen Loosely amount to a bipartisan call for a reinvestigation of the Nielsen case. Yet when I put a question on notice to the Minister for Police recently, he responded that there was no need for a reinvestigation. Once again the Minister is in his sound-proof room. Does he not investigate public cases? Does he not listen to what is happening in Canberra at the National Crime Authority? Does he access any of this information? Does he take any notice? I need to remind the House briefly of the circumstances of the Nielsen case. Assistant Commissioner Maroney was a detective sergeant, and, with Detective Sergeant Karl Arkins, botched the investigation into the murder of Juanita Nielsen, which remains unsolved today.

Mr Fahey: What was the date of that?

Mr HATTON: I do not have the date here, but I may have it in some document. It would certainly be in the 1970s. I am fortunate that, as well as official sources, I have quite good information from my research officer, Arthur King, who was involved in the Victoria Street, Kings Cross, protests against development by Abe Saffron and who was kidnapped, he believes by arrangement through police officers, taken away in the boot of a car and kept overnight in fear for his life. He first came to me together with a journalist, Peter Rees, who at that time was working for the *West-Australian*. They were writing a book on the disappearance of Juanita Nielsen. The documents and the solid nature of the evidence in this case cannot be denied.

Mrs Nielsen was last seen alive in a club owned by Abe Saffron and run by Jim Anderson, a friend of the developer of Victoria Street, Mr Frank Theeman. When staff member Eddie Trigg, later convicted of a conspiracy to abduct Mrs Nielsen, was interviewed by then Detective Sergeant Maroney, he gave a version of his meeting with Mrs Nielsen that contradicted a version he had given to duty police a day earlier. In the course of the next few weeks of investigation the following facts came to light: the property developer had paid

Jim Anderson \$25,000 six weeks before Mrs Nielsen's disappearance; the property developer's son worked for Jim Anderson in the same club; the resident action group opposed to the development of the street told police of the developer's son's job at the club; and Mrs Nielson's vocal opposition to development via her newspaper.

Another club employee, Loretta Crawford, was present on the morning that Mrs Nielsen disappeared, but was not spoken to by police until 11 days later, and a record of interview was not taken at that time. When a record of interview was eventually taken, more than a year later, Ms Crawford revealed vital pieces of information. Maroney ignored all of these leads until the trail was cold, pursuing instead a report by an associate of Jim Anderson that he had seen Mrs Nielsen enter a yellow car and leave the area. Of course, the yellow car and Mrs Nielsen's murderers have never been found.

Honourable members are aware of the work of what was an unprecedented parliamentary committee. I stress that it did not go into matters of corruption, but what it uncovered, and the evidence it received, screamed out for follow-up action. The silence was deafening. All the blame does not go to the Minister, by any means. I want to know what the Independent Commission Against Corruption has done about the enormous amount of intelligence that was passed on to it. I want to know why Temby has not investigated these matters and why we have not heard anything from him. Add to that the enormous number of files given to him by the head of the Cabinet Office, Mr Sturgess, and by the Minister. I want to know why the ICAC has failed to perform and why there is a deafening silence about widespread corruption within the ICAC.

The Milloo inquiry inquired into some members of the gaming squad and, I believe, charged nearly all of the members it looked at. It did not go any further. The unanimous findings of the bipartisan committee revealed that: when it suited, police, senior superintendents, the assistant commissioner and even Commissioner Lauer would lie under oath; hundreds of items and files could be made to disappear; and 412 items were lost from the commissioner's computer. The parliamentary committee revealed that police were prepared to involve themselves in a conspiracy against the truth; there was collusion in statements; inability to find essential witnesses who

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were publicly listed; and inability to trace some records when the tracing of those records proved no problem for the committee - and these were the honest police trotted out before the parliamentary committee! These are the police who are supposed to clean up the force!

The committee found that the drug exhibit room at Central police station, which at any one time held up to \$200 million worth of drug exhibits, remained insecure for 15 months, despite demands by Commissioner Avery, Minister Pickering and Premier Greiner to make it secure. Only corrupt and naked power at the highest level can resist such demands and get away with it for so long. Finally, the police produced a deficient specification to ensure that surveillance cameras could be switched off from the inside. That is when Ted Pickering blew his stack; that is when Ted Pickering said to the officer, "Take away that specification if you want to keep your job". Honourable members should think about that.

This room held kilos of heroin with no test for purity. Heroin of, perhaps, 80 per cent or 100 per cent purity could be replaced by a powder of 10 per cent or 20 per cent purity. People could walk away with hundreds of thousands of dollars worth of drugs, secure in the knowledge that no system was in place to detect such a theft. To this day we do not have purity testing legislation, but I understand that it is foreshadowed by this Government. Honourable members of this House are only too aware that drugs are freely available in the streets of western Sydney, Kings Cross, and other suburbs and cities in our State. It is a public market - but a public market cannot operate without police involvement or knowledge. The police commissioner felt so secure that the parliamentary committee unanimously found that he acted against the advice of the head of the Premier's Department.

I believe that the evidence before the committee, properly analysed, shows that senior officers were prepared to lie under oath time after time in support of their commissioner. It took the *Sydney Morning Herald* to reveal the loss of marijuana exhibits at the Frenchs Forest police station and the replacement of those exhibits by police going to nearby forest land and harvesting it. There were allegations of cocaine trafficking associated

with that police station. One officer was not questioned prior to going to South America. He was put on customs alert, yet upon his return he was not questioned for six weeks. Finally, he was allowed to resign while under investigation.

Some officers have been charged, but what was really going on at Frenchs Forest police station, and for how many years? What was happening at other police stations? In the New South Wales Police Service, drugs and the shooting of an officer are not matters of which Commissioner Lauer is appraised. Believe that, if you will! What was really behind the Frenchs Forest stabbing, then shooting; the smoking of marijuana by officers in the station; the stealing of marijuana exhibits; either the growing of marijuana by police or the harvesting of it by police? Were none of these circumstances known to Commissioner Lauer? I, for one, in my minority report in the police committee, make it quite clear that that is not possible. If it is possible, Commissioner Lauer should not be there, because the force is out of control. Neither was the force in the control of Minister Pickering if the police commissioner could threaten him.

Minister Pickering resigned for misleading Parliament, but the commissioner was re-appointed for five years. I believe that the force is not in the control of the present Minister and I believe that we need a royal commission. Commissioner Lauer expects us to believe that he knew about the shooting but not about the criminal drug offences that had been going on for two years. He said he was not told. Chief Inspector Myatt of internal affairs did not tell him; the head of the shooting team did not tell him; Commissioner Cole, the head of internal affairs, did not tell him. He did not ask Commissioner Cole, who lived just down the corridor, why a police officer was stabbed and then shot. Lauer maintained that drugs and shooting are an internal affairs matter under Commissioner Cole. He neither informed his Commissioner nor obeyed the law.

When I asked the present Minister questions on notice, what answers did I get back? "Do you normally visit a police officer when he is shot?" - "Yes, I do". "Why did not Commissioner Lauer visit this police officer?" - "Because his story was inconsistent at the time." That was at the time of the shooting, yet it was 12 months before it was revealed, 12 months in which the parliamentary committee was not told, 12 months when Commissioner Lauer did not ask about the inconsistencies in the stories or know about drugs at Frenchs Forest. He has to be joking!

Cole and Myatt gave Lauer his alibi for not telling the parliamentary committee about drugs at Frenchs Forest, when specific questions were being asked about drug security at police stations. Cole caught the psychiatric express out of the service. Commissioner Lauer is a former head of internal affairs; the person who was the key, who was at the crossroads of information, as I have shown the House today - documented in operations Casper, Casper 2, Buckshot, Asset and Seca. He is the man who is supposed to know. He became commissioner and knew nothing when it suited him.

The Cook affair reveals that Lauer supported Myatt, as did the present head of internal affairs. He praised Myatt: "I likewise find him an officer of the highest integrity; one that has been prepared by the acceptance of his duties to challenge corruption. He is a competent professional, knowledgeable and of the highest integrity". What a wonderful reference. It is now clear that Lauer had to support Myatt and rubbish Cook before the ICAC because Cook was a whistleblower. As I have revealed today, Cook has a lot to tell, Cook has a lot of knowledge, Cook is a brave man, Cook has stood up, Cook has been vilified, Cook has been threatened - but he got no support. He was vindicated by the Independent Commission Against Corruption.

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This Minister talks endlessly about reports of initiatives and new programs, such as the internal informants' policy, but the corruption, vilification and sidelining of honest officers goes on. I say this with full confidence. I know that people have been in touch with me and people have been in touch with them. There are dozens of police officers who will come forward; but they will not come forward without a royal commission. They know that the ICAC leaks; and I can produce evidence of that if the House wants me to. Police officers know that the ICAC leaks, that they are vilified, that the internal informants' policy does not work.

For example, Detective Senior Constable Locke was not assigned a mentor under that program. It would take too long to tell the House what a sham that was. She received no protection under this new informants policy. Who was responsible for the internal informants policy? Chief Superintendent Myatt. You would have to be joking! Those honest police want to speak out; they want to tell the story. A royal commission with interstate investigators will enable them to tell their story. It is quite obvious that what we have is totally ineffectual.

All of the matters I have detailed today are known to this Minister or are easily accessible, many of them clearly flagged by reports and by the parliamentary committee. I emphasise that all the information I have comes from police sources, either from serving police officers or retired police officers. I have in my possession signed statements and documents, statutory declarations, sworn evidence before the ICAC and the Milloo inquiry, sworn evidence before the parliamentary inquiry, records of interview, letters and expert evidence.

Does the police Minister accept that his responsibility ends when he hands this stuff over to the ICAC? Does he know what is really happening in the ICAC? Does he care what is happening in the ICAC? Did he ask for regular reports? Does he get regular feedback? Does he know what stage the investigations are up to? Does he look at Milloo and see how limited it is? Does he ask what is going on with the allegations in all of the operations involving interstate criminal intelligence agencies and New South Wales criminal intelligence agencies which impinge on the integrity, to use the Minister's words, of "my officers"? Does he ever ask?

I have seen no evidence in this Parliament of this sort of follow-up that one would expect to be the key responsibility of a Minister for Police. When matters are raised in the Parliament the Minister's response is to pompously strut the stage and, on at least one occasion, to arrange for the gallery to be stacked with senior officers - and to play to the gallery - and shoot the messenger. The Minister constantly talks about "my officers" and "my commissioner". He talks about corruption in terms of the rotten apple theory. This is a man who has access to all of that information. He struts the stage, saying that those who are corrupt will not be tolerated.

Yet the Minister does not give support to honest police who speak out - Katsoulas, Jurotte, Locke, Cook and another officer I have not named who is under particular stress. I am reliably informed that that person's parents went to see the Minister for Police. The Minister for Police and Minister for Emergency Services is either too naive, lacks the courage, lacks the commitment or lacks the insight - I do not believe that he is dishonest - or he is so obsessed with his own importance as not to understand or listen to what the former Minister, the parliamentary committee, the Milloo inquiry, the whistleblowers, the Australian Bureau of Criminal Intelligence, the National Crime Authority and reports tell him. A wide-ranging royal commission simply has to be established.

Mr FAHEY (Southern Highlands - Premier, and Minister for Economic Development) [4.56]: For the past hour and a half or thereabouts I have listened with particular attention to the matters that have been raised by the honourable member for South Coast. This motion is one of great seriousness; it is one of significant consequence for public administration in this State. By bringing this motion forward, the honourable member for South Coast has effectively indicated that, in his view - and he is asking the Parliament to support his view - the police force in this State is out of control. On numerous occasions throughout his address he used those very words.

The honourable member has indicated through this motion that he trusts no other means to get to the bottom of problems which canvass many views, stretching from the mid-1970s, when Juanita Nielsen disappeared; to the late 1970s when a former State Labor Minister, Mr Walker, was under surveillance by the police; through to various operations in the 1980s that were named by the honourable member. There was not much mention of the 1990s, other than reference to various officers who are still serving, a number of whom are facing departmental charges at this very moment. That is a damning indictment of the police force. In putting together hundreds of names, and dozens, if not hundreds, of events, allegations and accusations, the honourable member for South Coast indicated that it may well be taken that a motion of this nature is an attempt to

destabilise the police force, or that may well be the defence that is used against the motion.

At the outset I shall say a couple of things. First, I have not the slightest hesitation in taking any steps, no matter what they might be, that will address any evidence of corruption, root out that corruption, and deal with those who are associated with that corruption. I will never walk away from that; I will walk away from this Parliament before I walk away from that. I believe that that is a view shared by all members on this side of the House. Second, when it comes to taking steps with the consequences that have been foreshadowed in this motion - for which the honourable member for South Coast seeks the support of the House - there is a responsibility bestowed on all of our shoulders to act appropriately, to act responsibly and to act in the best interests of the

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people of New South Wales. We cannot take such steps lightly. I am no expert on the facts that have been put before the House. They were very confusing to me as I endeavoured to listen - I am not saying that as a criticism; it is because of the sheer weight of the facts and the linkages that were drawn by the honourable member for South Coast.

I make no comment other than to say this: many of those facts, many of those circumstances and many of those names have been the subject of many inquiries before. That is not to say that, when the inquiries occurred before, the outcome was always the correct one. It may not have been. But the Government members have to deal in facts. We have to deal in hard evidence. We cannot deal in hearsay. We cannot simply take hold of what might be the rumour of today or statements that are made by anybody, in whatever circumstances, or even the conclusions drawn. I might say that I draw conclusions on many of these matters and I might share a few of my conclusions before I am finished, but I will do it in a qualified fashion because I have no right as the Premier of this State and a responsible member of the community and of this Parliament to make accusations that I cannot substantiate with evidence. Whatever I might feel, I have to deliver.

That is the difference among members in this Parliament. The honourable member for South Coast can make accusations such as have been made today, very serious accusations against the current Commissioner of Police, and allegations against the current Minister for Police. At one stage I thought of raising a point of order but believed it was important for the flow of what the honourable member for South Coast wanted to say not to interrupt him. The point of order I considered was that some of the allegations and imputations of the statements made against the current Minister for Police warranted a substantive motion. One cannot make the accusations in the manner they were made unless one is prepared to go on with them. I regret that the accusations were made. In the early stage of the remarks of the honourable member for South Coast this afternoon he stated unequivocally and clearly that he had not the slightest doubt about the integrity of the current Minister for Police. He then proceeded to make all sorts of allegations about neglect of duty, failure to act and information that was or could be in his grasp which should have been followed through by the current Minister.

Over the past 18 months the New South Wales Police Service has been under enormous scrutiny. In many instances it was warranted - not in all. I will not walk away from the fact that it has occurred or seek to hide that the scrutiny was warranted. I again state in this House, as I have on a number of occasions, that when former Commissioner of the Independent Commission Against Corruption, Mr Temby, spoke to me on the last occasion prior to his retirement he expressed the view, which I fully concur with, that the Police Service in this State ought to be allowed to get on with the job. The destabilisation and debilitating accusations, the manner in which they have been placed before the public of this State, the ridicule in many instances and the manner in which the police have been painted by many people - frequently using the coward's castle, the House of Parliament, to suggest that we have an inferior police force, to put it at its kindest, or to suggest as we have heard today endemic corruption in the police force - have not been in the interests of this State.

If there is hard fact, let us see that hard fact. I have noted with interest that over the past week a report released by the news service Australian Associated Press of allegations made by Mr Black - an anonymous name - covered the entire gamut of crimes from fraud through to murder and everything in between. It was indicated that this information was given to AAP. It has also been a fairly badly kept secret that that

information has been in the hands of the honourable member for South Coast for some time. I do not argue about a member of Parliament having the right to be approached by anybody. I note that that report is what has been used to substantiate, in 1994, allegations of endemic corruption in the police force. I will not attempt to argue about what has occurred in the past. I am not in a position to do so. I have not been here for 22 years as the honourable member for South Coast has; I have been here for only 10 years, and I certainly was not in a position to access much of the information or participate in the debates going back to the mid-1980s or debates about the behaviour of Ministers in the late 1970s or early 1980s, which have been referred to today.

Perhaps the most serious of all the allegations which have been made today was the honourable member for South Coast throwing out the challenge that the people of this State can no longer have confidence in the man that heads the police force, particularly in respect of operational matters. I thought the honourable member for South Coast lost sight of the role of the Minister in operational matters as against his responsibilities, broadly speaking, on behalf of the people of the State for the proper administration of the police force. The most serious allegation is that we have been told that the Commissioner for Police is not a fit and proper person to continue in his position with the thread of accusations that have been made throughout the statements made by the honourable member for South Coast. I think the Minister for Police could probably go into more detail, but I have taken copious notes of a number of things that have been said. I want to go back to some of the matters which I think are of substance in the debate.

We have a standing royal commission in this State. It is called the ICAC. If this motion is carried - I ask all honourable members to listen to these words and take them seriously - that is the end of the ICAC. If we walk away from the ICAC, the standing royal commission with all the powers and all the functions of any royal commission, its structure and resources, then we are saying today as a Parliament that the ICAC is no longer relevant in this State. At some stage there was an accusation of corruption within the ICAC. Before sitting in this

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Chamber this afternoon I had never heard that. I would sincerely like the honourable member for South Coast in his response to elaborate on that matter. He referred to the deafening findings of the corruption within the ICAC itself. In that regard I am simply amazed that this body that has earned the respect of all that abhor corruption, all that abhor what is wrong with public administration - or has been wrong in this State with it - should now be regarded as a lame duck incapable of proceeding with an inquiry in respect of many of these matters.

We had an inquiry set up by this House, with the urgings of the honourable member for South Coast, into the relationship between the former Minister for Police and the current commissioner. I recall conversations leading up to that matter. I do not intend to repeat those conversations. Mr Pickering and I genuinely wanted, and I know the honourable member for South Coast wanted, to get to the bottom of what had occurred. There were matters that emanated from that inquiry which disturbed me but I had to deal in hard fact and hard evidence. I cannot go on intuition. I cannot go on gut feelings and I cannot go on rumour. That is what we have seen in many of the accusations today.

That inquiry ultimately delivered, with the exception of the honourable member for South Coast, findings that had bipartisan support - I am sorry because I think the Hon. Elisabeth Kirkby, who is a member of the Australian Democrats, may have disagreed as well. The Labor and Liberal members used their judgment and, on the balance of probability on the evidence placed before them, they delivered the best findings they could, which I believe have led to a better police force. The action of the Government afterwards - an action that was foreshadowed by me the very day after the former Minister for Police left his position - was what I believe was necessary. I might say that I was given a great deal of advice and counsel on what was necessary at that time in September 1992 by former Minister for Police Pickering. What came to pass after an expensive inquiry - and an opportunity for all committee members to examine, cross-examine and continue examining and cross-examining as and when they saw fit to come to a conclusion - was a majority report supported by coalition members and Labor Party members.

I shall share a few of the feelings that I do not like. We are told - and one must deal in hard facts - that

despite there having been a report in the *Sydney Morning Herald* in February 1993 concerning drug involvement at Frenchs Forest police station, despite there having been an incident there in the previous July and despite there being senior officers such as Assistant Commissioner Myatt and Assistant Commissioner Cole - who is no longer able to be questioned - that the commissioner did not know of that drug involvement. Whatever my views might be, I cannot deal in other than fact. It is my sincere hope that somehow, somewhere and some time very soon a way will be found to get people off the psychiatric express referred to by the honourable member for South Coast.

That psychiatric express is the biggest blight on the New South Wales Police Service today - that when in trouble, get to a psychiatrist and then get out. I am not skilled enough to find an answer as to how I as a member of a Parliament or how any other person who is unskilled can argue against an independent psychiatrist who is prepared to put forward a report - as has frequently occurred. A committee is being established at this very point in time by the Minister for Police to find ways around the practice by which some people get a free run out of the police force and as a result thereof are not required to give evidence or be dealt with in terms of departmental exercises first and thereafter - which is of much more consequence - be dealt with within the law. That is the biggest blight on the service today.

I cannot call any of the assistant commissioners or any other witness to the Gay inquiry, as it was called, chaired by Duncan Gay, a liar. Those people gave their evidence. I was not a committee member. I did not have a chance to examine them. I did not even have a chance to observe their demeanour. However, I do find it extraordinarily difficult to believe that people can work on the same floor of the same building month after month and not give information, as was alleged by those officers before the committee. There is no hard evidence to the contrary that allows me to refute that evidence with fact. I cannot do that until such time as Assistant Commissioner Cole ultimately becomes available for some form of evidence. It is now known that he is no longer in the police force, because of the psychiatric express that is available to members of the police force. That disturbs me. As I have said, I sincerely hope we find a way of ensuring justice but nevertheless allowing the safety net that is currently there to stay there.

I now return to the substance of the motion. We are finished with the Independent Commission Against Corruption here and now, this day, if this motion is carried. It is my intention to move amendments to the motion of the honourable member for South Coast and to give some assurances with those amendments. I ask the honourable member for South Coast to give serious consideration to the amendments in what will probably be a fairly long debate. I want a proper examination. Members of this Parliament cannot undertake a proper examination of many of the facts that have been collated in some fashion by or on behalf of the honourable member for South Coast, which facts, because of their nature and because of the sheer volume of them, will occupy many pages of *Hansard*.

I know that many of those accusations have been examined many times before. I have no idea how one could reopen the Neilsen inquiry. I also know that any of the evidence available from the parliamentary committee, the Gay inquiry, was provided for the ICAC. I say again that it is not within the power of the Minister for Police or, so far as I can see, anyone to do more than simply ask what is happening and whether investigations are being continued in respect of evidence made available. From time to time I

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might have a discussion with the ICAC commissioners such as, "How is that going?". I do not believe that I have any right to tell those commissioners how they should conduct their investigations or what resources should be applied to particular investigations. I sincerely hope that a proper investigation will be carried out there; there should be and the resources will be available.

In moving an amendment to the motion of the honourable member for South Coast I intend to seek to get the inquiry into the ICAC as the standing royal commission in this State to investigate all matters of corruption. To do otherwise would be to say that we no longer want the ICAC, and that would be a very sad day. I say that despite the fact that many of my colleagues on this side of the House have not exactly had a very comfortable time because of the existence of the ICAC - we know the substance of many of the accusations, of course, and the motivation behind them. They have gone through the ICAC investigations and they will stand by the need

to have an effective anti-corruption body such as the ICAC.

In addition to moving an amendment to the motion, I shall give an undertaking that if there is a necessity for resources, those resources will be provided. If there are concerns about the existing personnel in the ICAC - and accusations were made - I assure the honourable member for South Coast and all honourable members that I would not seek to have current or former serving police officers assist in such an inquiry before the ICAC. I would seek to get additional resources, resources that would ensure that there be no suspicion about the manner of the investigation into the multitude of facts placed before the Parliament this afternoon by the honourable member for South Coast. That would clearly require the services of a person acting as a commissioner for a fairly lengthy period. I assure the honourable member for South Coast that I would be happy to confer with both him and the Leader of the Opposition as to who the acting commissioner of the ICAC might be in such circumstances.

I come to the conclusion of my remarks and shall leave it to the Minister for Police to go into some of the details of all of those operations and all of the connections. This Government will not stand idly by and allow any accusation to go untested. I do not want to see any corruption in the New South Wales Police Service. In my view, no one in this Parliament wants that. Whatever might have been the position of former parliaments - parliaments before most of us came to this place - it is my belief that no member of this Parliament would want corruption to go undetected. I simply ask that the information be provided to the correct body for investigation, that body be the ICAC itself, that we allow - with resources - an independent process to occur and perhaps even put in place a mechanism under which a report would come back to this Parliament for further examination. It is possible that a timeframe might be sought, but I feel that most investigations would go beyond the restriction of a timeframe. One investigation leads so quickly to another investigation that it would probably be impossible to impose a timeframe.

We have to believe in our institutions. At times it may be hard to believe in our institutions. But if we continue to undermine our institutions - whether they be the Police Service, the Independent Commission Against Corruption, or any other arm of government - as a State we run into some difficulty and have little future in terms of the democracy that parliaments are all about. Today I reiterate my belief that the overwhelming majority of serving police officers in this State do a magnificent job and serve the community in a way that few police forces in the world could hope to emulate. That is not to rule out that all officers are acting in a proper and responsible manner, or even that all officers are acting within the law. We want to find those officers who are not, and my full support and the full support of this Government will be given on the occasions any accusations are made.

It is wrong to use Parliament to bandy about wild accusations. It is clear that honourable members have to address these matters in relation to the current commission, and in relation to the powers, and the access to information by the current Minister. In saying that New South Wales has a very good Police Service, I have to say that I am embarrassed and I apologise to certain people who were named as having been treated in a shabby fashion. I name two of those people: Sergeant Kim Cook and Senior Constable Locke - although I am not entirely certain of the latter's rank. All members of Parliament would recognise that those people were not treated properly by the Police Service and, as best one can say it on an occasion such as this, I apologise to both of them. The way in which they were treated was not good enough. Irrespective of what occurred in so many instances of complaints they made, those two people did not get the right treatment.

Assistant Commissioner Myatt is before the police tribunal in respect of charges that emanated from the Milloo inquiry. That procedure must be allowed to take its course. I have said to the Minister for Police and many other colleagues that I am particularly interested in that case because of material that emanated from the Gay inquiry about that officer. I also know what Mr Temby said. I regret that accusations have been made against Mr Temby suggesting that he did not do his job correctly. Mr Temby did his utmost to get to the bottom of matters related to corruption. If he failed to do that as well as some people might wish, so be it.

No one in this Parliament could hope to comprehend the series of accusations that have been made. The honourable member for South Coast struggled with his words in many instances, because of the sheer volume of

the material, as he identified the links in the material and how they might relate. All the material has been examined, whether it relates to paedophiles or to any other inquiry. Information of this nature should be examined by the appropriate body set up by this Parliament. If that is not allowed to occur, the ICAC is finished. If that is what Labor

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wants, that may well result. I do not believe that is what the honourable member for South Coast wants. I move:

That the motion be amended by omitting all words after the word "That" and inserting instead the following words:

this House requests the Independent Commission Against Corruption to investigate with personnel other than serving or former New South Wales police and report into the operations of the Police Service, with particular reference to -

- (a) Entrenched corruption within the New South Wales Police Service.
- (b) The activities of the Professional Responsibility and Internal Affairs Branches of the Police Service in dealing with any problems of corruption and internal investigations generally.
- (c) The system of promotion in the Service.
- (d) The impartiality of the Service and other agencies in investigating and pursuing prosecutions including, but not limited to paedophile activity.
- (e) The failure of the internal informers policy.
- (f) Any other matter appertaining to the aforesaid matters concerning possible criminal activity, neglect or violation of duty the Independent Commission Against Corruption deems to be in the public interest.

The amendment encapsulates the motion of the honourable member for South Coast, but rules out an independent royal commission. I am happy to confer on the appointment of a suitable person in an acting capacity. The motion states that current or former police officers should not be part of the investigation. I am also happy to make a commitment to provide appropriate resources. I say to the members of this House: do not turn your back on the ICAC. If we bypass it for a special purpose, as it were - a royal commission - the ICAC will be finished. A royal commission has no more powers than an ICAC; and an ICAC has no more powers than a royal commission.

The ICAC has resources but also it has expertise despite that it may have been denigrated today. This information should be put before a body such as the ICAC and in due course that body will make available a public report, which should be available for discussion in this House. Accusations must be carefully looked at and supported with fact. Many of these accusations have been around for a long time and there have never been facts to support them. I do not know that any further inquiry will bring those facts forward.

Mr CARR (Maroubra - Leader of the Opposition) [5.24]: Police have been unjustly accused on some occasions. In some cases good police have been unjustly accused by bad police. The Opposition has been involved in fighting for justice for such police. It is our view that the vast majority of police in this State are honest. The Premier's inactivity has forced this House to contemplate a royal commission into substantial and serious allegations of police corruption. The Premier's inactivity has brought this matter to a head. The Premier's failure to respond to matters raised in this Parliament has led to a situation where the Parliament must look at the last resort - a royal commission. I will detail five substantial reasons as to why the Opposition believes this royal commission is justified. Police matters were last debated in this Parliament in March. In concluding a no confidence motion directed at the Minister for Police I said:

I rather suspect that, if this motion is not carried and if this Minister survives for the time being, we will . . . find ourselves reopening this debate.

If the Minister's record is any indication, we will be doing so sooner rather than later. Within two months we now revisit the subject of this Minister's incompetence and the danger that that creates for the Police Service and the men and women of the State. I also said on that occasion:

The honourable member for South Coast has maintained an urgent need for a royal commission into policing in New South Wales. That is one response to the persistence of problems with the New South Wales Police Service.

During this debate my various colleagues will present material that leads them to believe a royal commission is the only way forward. The honourable member for Charlestown, a former serving officer in the New South Wales police, will present material to the House about police links with brothels and the inactivity of police in responding to serious and legitimate complaints. The honourable member for Heffron will talk about the material that led her to champion successfully in this Parliament in November a motion calling for a judicial inquiry into paedophilia and police involvement in covering up paedophilia. Surely there is no more serious, extreme and grotesque example of police corruption. Other Opposition members will detail a range of matters of concern.

The honourable member for South Coast has presented a damning case to this Parliament. He has detailed material given to this Minister by his predecessor that points to a network of police corruption in this State that this Minister has failed to follow up. Some of that material deals with the scandal of drug exhibits and kilos of heroin; it deals with allegations of new material pointing to substantial corruption in the fraud squad. If what the honourable member for South Coast says is true, the fraud squad is engaged in a ludicrous example of privatisation and contracting out of its work, with pay-offs to a disgraced former police officer operating as a private detective.

The honourable member for South Coast rehashed the question of the former police Minister's evidence about police in drug work trapped in a culture that prevents them informing on other police. If ever there is any suggestion of police corruption spanning paedophilia and drugs, I suggest that there is an urgent requirement on this House and every member to take notice. The fundamental question is: will any of us be happy walking out of this Chamber

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tonight knowing in the face of this evidence that we voted against a full and open inquiry in the form of a royal commission?

Do honourable members want to have that on their conscience, as elected members of the New South Wales Parliament? Evidence suggests there is a case for believing that the problem of corruption in dealing with drugs and of police involvement with paedophilia - this most grotesque form of police corruption - have been left unresolved. When we are presented with evidence like this do we go for the bold course of a full and powerful inquiry to have the matters resolved to the satisfaction of the public, or do we live with the Premier's half measures? In view of the persistence of the evidence, I say we go for a full and open inquiry, that we have a royal commission.

Here is a Premier who, in his previous role as Minister for Industrial Relations, without any agonising, without any hand wringing, without any debate, established an inquiry into the building industry to rub out the building unions. The inquiry continued for how long? The inquiry soaked up how many millions of dollars of public money? Not one officer of a building union is behind bars. There has been no result. The lawyers walked away with millions of dollars but, in terms of priority, what counts more? Does not the possibility of police corruption involving sexual assault on children and the possibility of police corruption in the retailing of drugs count more? Would this not justify a royal commission more easily, more readily? If honourable members had to take their chances, would they opt for it in this case, rather than an inquiry into industrial relations in the building industry?

If one-quarter of what the honourable member for South Coast said turns out to be true, Opposition members would have it on their consciences if they did not opt for a royal commission. The reasons the

Opposition believes a royal commission is justified are: first, the case for a judicial inquiry into the failure of police to resolve the matter of the Blue Mountains bombing. The Minister would not answer four questions in this Parliament on that issue, which leaves the Opposition with no alternative but to seek a judicial inquiry. If there is to be a judicial inquiry on that matter, why should the Government not wrap it up with a royal commission on the range of matters that the honourable member for South Coast has also presented?

Second, in November this Parliament passed a very considered resolution requiring a judicial inquiry into allegations of paedophilia - the involvement of public officials, including police, in covering up this most obnoxious of crimes. That resolution is on the books. The Government expressed a preference for an inquiry by the Independent Commission Against Corruption, and I listened to the Attorney General put his case on that. When all is said and done, however, the case for a royal commission into police involvement in paedophilia and other matters of policing, is overwhelming. This is the position. The Parliament, I would think, is ready to listen sympathetically to debate on a motion calling for a judicial inquiry into the failure of police to investigate the Blue Mountains bombing and the Parliament has already carried a motion seeking a judicial inquiry into paedophilia. With those two resolutions, we are three-quarters of the way towards a royal commission on police matters in general.

Third, the batch of new allegations about the presence of racism within the Police Service justifies a royal commission. The honourable member for South Coast presented evidence that, on its face, leads one to believe that there is horrendous prejudice against an Aboriginal police officer. That comes on top of evidence presented earlier in this Parliament concerning the Vo matter, which suggested obnoxious police behaviour towards an Australian of Asian descent. I believe this Parliament ought to be sending an unambiguous message to the community that racism in our institutions - least of all in the police force - is not to be tolerated. Let us put an end to that. The Minister for Multicultural and Ethnic Affairs is prepared to preen himself whenever he thinks he can get some good publicity, saying the politically correct and appropriate things, but the Government is prepared to delay an open and honest inquiry that is needed to put an end to any hint of racism in the Police Service.

I come to another matter that has greatly concerned me for the past six months. The Jewish community in this State has been appalled by fire bombings of synagogues and community centres. If a similar attack had occurred on the Christian community, it would be equivalent, perhaps, to the fire bombing of 10,000 churches in this State. That is the proportionate measure of this crime. Can we really live with a situation where the police are unable to solve that crime; are unable to come up with an answer to a crime of hate and violence directed against one of the ethno-religious groups that make up our multicultural society?

The Jewish community has been quiet about this matter. Police investigations have continued for years and no conclusion has been reached. My patience on this matter, given my contacts with the community, is at an end. I want to know why the Police Service cannot resolve these crimes of hate. Why can there not be effective police measures that guarantee one part of the Australian community protection from these crimes of hate and violence. If it cannot be done, if it is beyond the capacity of the Police Service to resolve such a crime - to get National Action, or whoever else is responsible - I want to know why, because the community is not being given the level of protection it deserves.

Another reason which demonstrates a royal commission is unavoidable relates, of course, to the weighty matters raised by the honourable member for South Coast. At the top of the list of my concerns in respect of the material the honourable member has brought to the attention of this House, is the evidence of entrenched and systematic corruption in the fraud

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squad. The final reason for the Opposition's justification for supporting a royal commission is all the evidence, climaxing today in statements by Mr Mant, about the Government's determination to wind down the ICAC. The Premier ended his defensive speech to the House this afternoon by saying that this would be a vote of no confidence in the ICAC.

Let me table 24 statements by Ministers in this Government, attacking the ICAC. Honourable members

will remember the famous statements by the honourable member for Barwon and all the madcap boyos in the National Party - someone called Mr Moppett complaining of trial by innuendo in November 1989; saying that it was no longer possible to await the ICAC's final report before questioning whether the commission was serving the public interest. The attacks by this Government continue for page after page. On 29 May 1990, the honourable member for Barwon said there would need to be changes to the ICAC, "things to be put in and things to be taken out". The mind boggles. The sooner the honourable member retires to shoot pheasants at Moree, the better.

It was not so long ago that the former Deputy Premier suggested the ICAC was dealing in methods "more appropriate to the Spanish Inquisition than to Australia in 1990". There are pages of attacks on the ICAC, reaching the position today where the acting commissioner had to accuse the Government of behaving either corruptly or incompetently in its dedication to winding down the ICAC. The Government should not, least of all today, push the ridiculous line that somehow this motion, supported by the Opposition, is an attack on the ICAC. Let me deal with one of those concerns in particular, and that is the question of the Blue Mountains bombing. I want to make this point. I am not talking about the allegations that have been made involving the honourable member for Blue Mountains; I am talking about the bombing of the Blue Mountains City Council chambers in 1992. The Opposition has given this Government every opportunity to provide an explanation for this most serious question of why police investigations into that bombing came to nothing. I will give honourable members an account of it. In this Chamber on 12 April I asked the Minister for Police and Minister for Emergency Services:

Have police still not found the person responsible for the bombing of Blue Mountains City Council chambers in March 1992?

That was the question. What was the reply? The Minister said:

After a break of a few weeks we could not have had a more bumbling question than that. I will look at the specific questions and advise the Leader of the Opposition in due course.

Dismissed out of hand! Not to be deterred, on 14 April I asked the Premier - why question the monkey when you can question the organ grinder:

Has the Premier sought an explanation for the complete failure of the police to find the person responsible for the bombing of the Blue Mountains City Council in March 1992? Have the police offered any reason why, in two years, the matter has not been resolved? That was a genuine inquiry. A building was bombed. By sheer chance no one was killed, because one minute before the bomb went off someone walked through the door to which the bomb was attached and entered the council chamber. He saw the device and assumed it was a practical joke. Some joke! Council chambers were bombed. All sorts of promises were made by the local constabulary that there would be a proper inquiry. That bombing occurred in March, and we were told in the *Sydney Morning Herald* on 16 March 1992 that the police investigation was headed by Detective Sergeant Bill Herron of the northwest major crime squad. The next day, according to the police reports, they had 40 suspects; a fortnight later, they had only one. Within days there were reports to police in the Blue Mountains of bomb threats being made against constituents.

In mid-August a Katoomba detective sergeant, Phil Gaspert, appealed for the public to come forward with information. He said investigations had come to a halt. That is just about the last we heard about it, until the Opposition raised in this Chamber the matter of the bomb threats and the 1992 bombing. We have done that, as I said, on these several occasions. In fact on 14 April I asked two questions directed to the Government about whether there was any available explanation - just out of interest, just in passing - why the police investigation into this serious crime had come to absolutely nothing. On 5 May the Deputy Leader of the Opposition asked a question directed to the Premier:

Have police yet offered an explanation for the failure of the first inquiry into the Blue Mountains bombing? Will the Premier order an inquiry into the failure of the investigation?

That was the fourth question the Opposition asked in a couple of weeks about what I would think by any test is a

serious concern: whether the bombing of a public building, the Blue Mountains City Council chambers, had been properly investigated and whether there was any explanation for the fact that the bomber had not been apprehended. Again the Premier said, "There is an investigation taking place now". But as on the previous occasion that was not the question. The Opposition wanted to know why the original inquiry had failed, why there had never been an explanation for its failure, why this most serious crime was just allowed to slip away, and why interest in it was allowed to peter out. That was the question. It has never been answered, and the Minister wonders why the Opposition is supporting a move for a royal commission. I do not think it is good enough for you to say, "We can live with a bombing of council chambers. Investigations will come to nothing. How dare you get up in the Parliament and ask about it!"

I have copies of four questions in *Hansard*, including: "Give us an explanation. Will there be an inquiry? Will there be a proper investigation?" "No", says the Minister, "We are just going to let this one peter out". No explanation, no answers. Then, of course, we were forced to raise in the Parliament the condemnation of the detective sergeant who was

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involved in this matter. Detective Sergeant Gaspert, who was in charge of this investigation, was condemned. We read the letter of 27 April, in which the Ombudsman told the honourable member for Heffron that he had found that Detective Sergeant Gaspert had failed to properly and competently investigate a complaint made in relation to a sexual assault upon a child. There is the condemnation.

The same police officer was in charge of the investigation into the Blue Mountains bombing. The Minister is telling us and, through us, the people of this State, that we have to live with that level of incompetence and lack of integrity in New South Wales policing. The message he is sending out to the men and women in the New South Wales Police Service is that he will allow that to take place, that he regards that as standard and acceptable behaviour. Does he not have any inkling, stupid as he is, of the way he is devaluing the work of the men and women in the New South Wales Police Service? Does he have any idea what a betrayal his approach is of those honest men and women who are struggling to do a good job in the New South Wales Police Service?

Mr ACTING-SPEAKER (Mr Hazzard): Order! The Leader of the Opposition has the call.

Mr CARR: The approach of the Government to the allegations made - the package of material presented by the honourable member for South Coast, the approach by this Minister to the matters the Opposition has raised four times in the Parliament about the Blue Mountains bombing - represents a betrayal of those men and women in the Police Service, but it also represents a huge lost opportunity to do better with policing in New South Wales. The people the Labor Party represents have never paid more in State taxes and charges and they have never received less in terms of a government commitment to give them a safer community and effective policing. The men and women in the front line of the New South Wales Police Service are risking their lives. They have never been called on to do more, and the Minister cannot even effectively resolve their current industrial campaign. Such is his support for them that he is leaving them the lowest paid police in Australia. That is his support for them! That is the level of his commitment to them.

Let me summarise the Opposition's case for a royal commission. It is a case that will be elaborated on by my colleagues with specific interests and concerns. Our patience with this Government has run out. This Minister is not reacting to legitimate public concern. I said, when we concluded the debate in March, that this matter would be revisited and, knowing the inadequacies of this Minister, that it would be sooner rather than later. And here we are! A judicial inquiry into the Blue Mountains bombing, for which I believe majority support exists in this Parliament, and a judicial inquiry into paedophilia, which is already the subject of a resolution of this Parliament, take us already three-quarters of the way towards a royal commission and into a broader range of matters of police integrity.

In addition to that, the allegations of racism in the service mean that all of us, aware as we are of representing a multicultural society, are obliged to speak out and call for effective action. All the allegations raised by the honourable member for South Coast must be explored rather than left unexplored, especially those

most serious allegations about the fraud squad. In the context of this Government's commitment to wind down the ICAC, it is incumbent upon this House to carefully weigh the arguments for a royal commission as opposed to an ICAC investigation.

There is no reason that a royal commission cannot work closely with the existing apparatus of the ICAC, but a royal commission has that additional focus. If there were any reservations about the stand the Opposition would take, the Premier's trepidation this afternoon, his defensiveness when faced with the prospect of a royal commission, would, I am afraid, tip the balance. Let police whistleblowers come forward with the full range of protection being offered by the royal commission. Do not let it be on our consciences that we walked out of this Parliament tonight not having provided for the fullest investigation of the matters that have been placed before this Parliament.

Ultimately, the argument for a royal commission is this: it is the Government's inactivity that has left the Opposition with no alternative. If the Opposition did not want a royal commission, if it were seeking arguments against having a royal commission, the Government's inactivity on all these fronts - the evidence of racism in the force, the matters raised by the honourable member for South Coast on drug exhibits, the fraud squad, the failure of this Minister to act on matters put before him by his predecessor, the question of paedophilia, the Blue Mountains bombing above all, the strange inactivity, the reluctance to answer questions put to the Minister on that score - would make the difference.

A royal commission provides a focus, some guarantee to the community that these matters will be exhaustively explored. The Government's readiness to hold a royal commission when it thinks it can bully the building unions stands in stark contrast to its fear of a royal commission on this front. I believe the case is overwhelming. I believe the balance of probabilities pushes towards the inevitability of this full, comprehensive and powerful public inquiry into the matters before the House today.

Mr GRIFFITHS (Georges River - Minister for Police, and Minister for Emergency Services) [5.51]: I support the Premier's and the Government's opposition to the motion. Two things are significant. For the past 30 minutes I have listened to the drama queen. Then he scurried out of the House. He is not interested in the debate. He has walked out. Where is the honourable member for South Coast? Where has he been for 45 minutes? He has been giving a press conference. He is not interested in this debate. What do we have? Carr's chaos; absolute chaos.

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This motion is nothing less than a vote of no confidence in the Independent Commission Against Corruption, and that is what one gets from Carr's chaos. We have listened to the drama queen - part of a deliberate campaign to undermine public confidence in the great institutions of this State. The aim is to destroy the confidence in the New South Wales Police Service. I have said it is the best in the world: it is. Yet honourable members have to sit and listen to the garbage trawled out by the drama queen and by the little corruption fighter from the South Coast.

I remember saying last year that the Government sent people far and wide to find out what evidence he has ever provided, what corruption he has found, but they all came back with a blank sheet of paper. The result, I believe, will be to destroy the confidence in this Parliament if we continue down this track. Those who support the motion should take a long hard look at the motives of Carr's chaos. Do they honestly wish to achieve something of value in the area of police corruption or are they only interested in their personal and political agendas or tomorrow's headlines? It makes one wonder.

Does the Opposition have evidence or does it have vague rumour, speculation and personal prejudice, which are the hallmarks of the honourable member for South Coast? If this motion is to be judged on the facts, it will fail. If we look back in history - and hell, we have been taken back 20 years tonight; I do not have a clue who the Minister was 20 years ago - there are many examples of police conduct of which we would all be ashamed. The scale of corruption in New South Wales, up until 1988 -

[Interruption]

I will get to Wran soon. The scale of corruption was so extensive, so all-pervading that it was acknowledged by everyone, except perhaps the governments of the day.

[Interruption]

The ICAC should investigate many things. On many occasions in the recent past the Parliament has debated political issues. The honourable member for Waratah said he did not know the difference between the left-wing and the right-wing of his own party. That is why he has been consigned to the backbenches and that is where he will stay until he departs. He has no interest whatsoever in the discussion. On many occasions in this House we have reflected on the shameful era when the Australian Labor Party presided over a corrupt police service and gave the green light to Neddy Smith and to Roger Rogerson. What about Bill Allen? The Opposition can pin medals on its chest for that.

[Interruption]

Members of the Opposition do not like it, do they? The truth is hurting. Benny is trying to get his numbers to roll Bob, because after the drama queen's performance tonight, Benny is a shoo-in. He has to take him.

Mr ACTING-SPEAKER (Mr Hazzard): Order! I call the honourable member for Ashfield to order.

Mr GRIFFITHS: The honourable member for Ashfield will certainly lose, and he has the numbers, but I know that the honourable member for Ashfield is not telling the Leader of the Opposition. He is trying to keep it confidential. He does not have an electorate, but he might get the leadership.

[Interruption]

I have an electorate. Does the honourable member for Ashfield have an electorate? Carr's chaos!

Mr ACTING-SPEAKER (Mr Hazzard): Order! I call the honourable member for Cronulla to order. I call the honourable member for Ashfield to order for the second time.

Mr GRIFFITHS: Now we know we are striking a real nerve in the incompetents of Carr's chaos: the corruption over which the ALP prevailed. The police force of the early 1980s was described by Mr Justice Lusher as poorly managed, poorly structured, poorly trained, tolerant of corruption and unresponsive to the community. Any reasonable person knows two significant events changed that sorry picture for ever, and I defy him to disagree with me. The first was the appointment of John Avery as Commissioner of Police in 1984; the second was the establishment by the Government in 1988 of the Independent Commission Against Corruption. It is, perhaps, difficult for those whose lifework has been dedicated to the proposition that all our police are corrupt to accept that New South Wales is a very different place from what it was 20 years ago.

It may be even more difficult to accept that there have been achievements without any personal glory accruing to them. However, those are the facts. New South Wales as a whole, and its Police Service in particular, is a much cleaner place than it was two decades ago, yet we have today the perverse notion that because this Government has brought numerous corrupt officers to book, the Parliament and the community can have no confidence in the work of the standing royal commission on corruption, the ICAC. That is complete and absolute nonsense. Would the honourable member for South Coast be satisfied if no police had been investigated, charged or dismissed from the Police Service since the institution of the ICAC? I think not.

Would he be happy if 100, 1,000 or 10,000 officers were purged from the New South Wales Police Service? Of course not, for he would then say that it was conclusive evidence of a police service riddled with

corruption. It is simply a case of heads I win; tails you lose. I take this opportunity to refer the House to *Hansard* of 26 October last when, in debate concerning the findings of the Chief Magistrate in the Australian Capital Territory in the Winchester case it is recorded that the Coroner said:

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I have no doubt that Mr Hatton and others sincerely believe that their theories are correct . . . I gained the clear impression that Mr Hatton held his beliefs and theories on this question so strongly that he appeared unwilling to jeopardise those theories when faced with hard evidence or arguments to the view that was contrary to his own. He seemed to be operating from the perspective that his theories and views on the subject were absolutely correct and that despite evidence forthcoming that might cast some doubt upon his theories, somehow, a wider and deeper inquiry would produce evidence that would verify his theories.

Today the same scenarios were being played out in this House; his paranoia coming through once again. There is no question that the honourable member for South Coast holds the strongest conviction on this matter - I do not doubt that. There is no question that he believes his theories - I do not doubt that. The question is: should this House vote down the most powerful anti-corruption institution ever seen in this State's history on a theory held by one man, no matter how well motivated? The question for this House is whether it will join him in this most cynical of motions. The Government and I are rightly proud that in the past two years at least 57 officers have left the Police Service while under investigation. If it is to be argued that they should, perhaps, have been brought to book, we need to closely examine that contention. I did so as I, like many others, was uneasy that there was an appearance that these people were walking away from the most serious of allegations.

Let me for one moment consider the situation with some rationality, something that is devoid of Carr's chaos. First, no person, whether within or outside the police, is above the law; no person is beyond the reach of the criminal justice system. It matters not whether they remain in a police uniform. In fact, there have been a number of celebrated cases in which former officers have been prosecuted for corruption matters - Roger Rogerson is one such case which readily springs to mind. However, let us be quite open about this. There is a notorious reluctance in the criminal courts to convict police officers accused of corruption. There are a number of reasons for that, including the fact that corruption allegations are a very convenient way for criminals to divert police from their job. Also, the only evidence of such acts often relies on persons of questionable character. Juries rightly find it extremely difficult to accept the credit of such persons without substantial corroboration.

If we are looking solely to the criminal justice system to rid our Police Service of corruption, that may not achieve the results we all desire. Even the Police Association acknowledges that the acquittal rate for police is much higher than the rate for any other class of defendants. One alternative is to use the police discipline process to act against those suspected of corruption. It is at this point that we must be very clear. The most serious penalty that can be imposed on an officer under discipline is dismissal. When during the course of an internal investigation a suspect seeks to resign from the Police Service, a value judgment must be made. Should the resignation be accepted and that person removed from the Police Service immediately, or should it be rejected and the disciplinary process completed in the hope of a dismissal some time in the future?

The decision in New South Wales has been to remove officers under investigation at the first available opportunity. If a resignation is offered, it would as a rule be accepted. In that way the community is protected from corrupt officers immediately. One other point needs to be understood on the matter: that even if an officer is eventually dismissed for misconduct, there is little if any impact on that officer's superannuation or other entitlements. Whilst the same may not always be the case when there is a criminal conviction, dismissal for disciplinary offences currently carries no significant pecuniary penalty.

The other aspect which cannot be lost in the maze of allegations is that before a police officer is discharged from the Police Service on medical grounds he or she must satisfy an independent committee - I stress, an independent committee - that he or she is suffering from a real duty-related injury. It is not a case of people simply slipping out the back door; they must face a committee of the superannuation authority. That is a matter in which the Government has already signalled an interest, and it will no doubt be addressed in the current

review of police discipline by the justice committee of the Cabinet. On this issue, when looking at the situation in comparable jurisdictions, I received some reassurance from the memoirs of Sir Robert Mark, a former commissioner of the London metropolitan police. That organisation has faced similar problems in the past 10 years. Sir Robert said:

Perhaps the best evidence of the effectiveness of the discipline system is that during my four years and 11 months as commissioner, 478 men left the force following or in anticipation of criminal or disciplinary proceedings. Only 76 of them have been subjected to the formal proceedings, 50 of them by way of prosecution. 402 had therefore anticipated their likely fate by resignation.

That statement is from a commissioner of police who faced the same problems being tackled in New South Wales today. I, for one, am not prepared to say that he was wrong. Nor will I say that the current approach is wrong. Much has been made of the way in which those officers within the Police Service who have had the courage to come forward in the past 10 years have been treated by their colleagues. All right-minded members of the community share that concern. They are called whistleblowers, but to me they are simply honest police who take seriously their sworn duty to serve the public without fear or favour.

Let us examine what has been done to deal with these most serious issues. In response to the difficulties uncovered by the recent Independent Commission Against Corruption inquiry, the Police Service implemented an internal informers policy. I will in no way move away from the position that there have been internal informers in the New South Wales Police Service treated in a manner that I consider quite shameful. The Premier nominated two of those officers tonight. I will not mention names. I have

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always made it a habit not to name officers in any way. I have seen too many officers' careers destroyed and their families devastated by the irresponsible actions of members opposite in naming officers - and we have seen it happen in the last few days.

Those people have not been treated well in the past. That will change, and we will make sure that it does. The service was endorsed by the ICAC; it was not as a result of any royal commission or any legislation from this place. There has been considerable interest from around Australia in this scheme. It is acknowledged that New South Wales leads the country in providing the protection and encouragement so desperately needed for such individuals, to protect them from harassment or worse. The scheme will continue to be developed. One cannot walk away from the past and deny how shamefully some officers have been treated. I was delighted to hear the Premier offer an apology on behalf of the Government in that regard.

The Senate Select Committee on Public Interest Whistleblowing has shown considerable interest in the New South Wales police scheme. Given the long-held interest of the honourable member for South Coast in public sector whistleblowing, I wonder whether he will persist in his condemnation of the Police Service's efforts in this field. I wonder whether his objections are not really based on the fact that the scheme was developed without his direct input. I will not compromise that scheme by publicising its fine detail in this place. The well-being of those individuals is simply too important for them to be used as some type of political cannon-fodder in this debate.

The scheme is in place, it has been endorsed by the Independent Commission Against Corruption and it will be continually reviewed in consultation with the ICAC to ensure that it meets the needs of those who seek its protection. There is no doubt that what we are witnessing is a justifiable outpouring of anger, frustration and resentment from those who had the courage to come forward over the past decade. The Government is doing everything it can for those individuals. But the scars are fresh; they will heal with time. The real test is whether an officer who comes forward today receives the same treatment as those who came forward five years ago. Some may be sceptical; I am more optimistic. I believe that once again the problem needs to be tackled in a systematic way. I believe it will be tackled by people with great resolve.

What we have seen today is nothing more than the latest instalment of the vendetta of the honourable member for South Coast against the Commissioner of Police. Make no mistake about that. This Parliament has had many opportunities in recent times to examine the circumstances which surrounded the resignation of

my predecessor. A joint select committee examined the issue for over a year. It produced a sensible and balanced report, a report which was accepted by all responsible members of this Parliament. That report, of course, was rejected out of hand by the honourable member for South Coast. The reason for that rejection was that the facts, the evidence presented, did not fit with his conspiracy theory. If it does not fit with his conspiracy theory, he rejects it. This is the same behaviour that motivated the honourable member's actions in regard to the Winchester inquest and, indeed, this motion.

The honourable member for South Coast is incapable of accepting the umpire's verdict. Since the select committee reported, the honourable member has continued to pursue his own theories, like a poor man's Sherlock Holmes. Let there be no mistake: this is not a motion about police corruption. If it were, new evidence would be presented. I love the way the honourable member for South Coast reels things off, gets confused, gets disjointed, and then says, "I have just given you the evidence". That is why it never goes anywhere. It is fantasy, not fact. This is a motion about the honourable member for South Coast and his attempt to bring down the Commissioner of Police at any cost. It bemuses me that a man who has gone about this town boasting himself as a corruption fighter would pick as his target someone who has stood in the front line of the fight against corruption. As the more sensible members opposite - I grant you that there are not many; I know of one - will attest, the commissioner was the man who exposed the notorious activity of George Freeman.

Mr Gibson: Which one?

Mr GRIFFITHS: The honourable member for Liverpool. He was punished by the police hierarchy for that exposure and sent to the Blue Mountains. He was the man hand-picked by John Avery to break up the corrupt networks in the CIB. The commissioner is a man who has built his career on integrity. He is seen by most dispassionate observers as the epitome of the honest cop. Given these facts, can we honestly entertain the notion that this commissioner would be tolerant of corruption? Of course not. Indeed, in many of the cases trawled before the Parliament today the commissioner was the instigator of action against corruption. I return now to the real effect of this motion, which is to undermine the one institution that can provide us with a real and sustainable cultural change in the New South Wales Police Service - the Independent Commission Against Corruption.

In effect, what the motion says is that the ICAC cannot be trusted to pursue police involved in corruption. I was astounded to hear the honourable member for South Coast say that the ICAC is corrupt. Everyone is corrupt except the member for South Coast. He trivialised not just the work done on major investigations, such as that into the release of confidential government information, which was known as Operation Tambo, and that into the relationship between police and criminals, Operation Milloo, but also its corruption prevention projects. What those whose preoccupation is with scalps fail to realise is that action against corruption needs not just individual vigilance but strict structural guidelines to

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minimise opportunities for corruption. That approach recognises the reality that police, particularly in high risk areas such as gaming, vice and drugs, stand at the very edge of corruption. There must be put in place systems which prevent, not just pursue.

That is certainly the case in the areas already addressed by the ICAC, such as the management of criminal records, systems of criminal investigations and the dealing with internal informers. The ICAC was closely involved in the development and monitoring of the Police Service's corruption prevention plan. It is now said that they were worthless exercises. It is now alleged that the comments of the then Commissioner of the ICAC saying that there has been a noticeable turnaround in the willingness of the Police Service to participate in such projects were corrupt. A royal commission must necessarily traverse the same ground already covered by the ICAC. Passing the motion means that the body cannot be trusted to do the work this very Parliament entrusted it to do. What if the royal commission does not produce the results so fervently pursued by the honourable member for South Coast over the past 18 years? Paranoia personified. What if there is no damning indictment of every serving police officer in this State? Will this House then face a motion calling for another inquiry into the royal commission? Will we then be asked again simply to accept that the honourable member for South

Coast is the final authority on police corruption matters?

This is an issue fundamental to the peace and good order of the government of New South Wales. This is an attack on the very institutions of our State that have achieved direct results in cleaning up the Police Service. It is a crusade which, if allowed to succeed, may ultimately jeopardise the future of policing in New South Wales. In many ways we have seen the business of government thrown into chaos by the deliberate obstruction of the Opposition, occasionally aided and abetted by the mover of this motion. In my experience that has been no better demonstrated than in the progress of the New South Wales Police Service. A royal commission would serve to do nothing other than distract those very police who are charged with maintaining the momentum built up under this Government to drive corruption out of the New South Wales Police Service. Those efforts would be suspended for who knows how long - six months, a year or two years - while a royal commission lumbered along, consuming millions of taxpayers' dollars to rake over the coals of the fevered imagination of the honourable member for South Coast, to feed his paranoia. As taxpayers, we cannot afford to feed his paranoia.

This is not a prospect that should be tolerated by this House. The Parliament's obligation is first and foremost to the people of this State, not to the member for South Coast. In fulfilling that obligation every member of this House must look closely at the facts. They must be put into proper context. Members must look to their own consciences and decide what is best for the State. In this case the choice is clear: either some self-defeating exercise in political opportunism or, as this motion implies, a destruction of the work already done and the work that is in progress.

No one would seriously suggest that police corruption is not a serious issue. No one would suggest that every one of the 12,000 sworn officers is above suspicion. But no reasonable person could not say that under this Government there has been real progress and an absolute commitment to hounding out those acts that are a stain on the character of every honest and dedicated police officer. The passage of this motion would signal an end to the process of opening up the Police Service to the scrutiny of the watchdogs that were put in place by this Government, or whose powers have been immeasurably strengthened by it. Only one responsible option exists: to send the allegations made today to the standing royal commission on corruption, the Independent Commission Against Corruption. If there is substance, they will be investigated and the findings will be made public.

[Mr Acting-Speaker (Mr Hazzard) left the chair at 6.17 p.m. The House resumed at 7.30 p.m.]

Mr GRIFFITHS (Georges River - Minister for Police, and Minister for Emergency Services) [7.30]: I shall now turn briefly to the other matters raised in the motion. There is no doubt that when I became Minister I was shocked at the lack of professionalism in the Police Service's own integrity watchdog, the professional responsibility command. That command was burdened by a mountain of paperwork. It seemed that it was somewhat caught by the rapid increase in the number of complaints made against police. The Ombudsman's inquiry into the Angus Rigg matter, the findings of the Joint Select Committee upon Police Administration, and the recently completed Milloo inquiry by the Independent Commission Against Corruption provide graphic evidence of the potential consequences of that situation. In the critical area of information records management the Police Service has already commenced the most comprehensive review in its history. The servicewide review was preceded by a review into the internal affairs branch. As a result, a new computer system has been installed. The new system records each complaint and tracks its progress.

The odds of cases falling through cracks are now much lower than they have been at any time in the history of the Police Service. Since my appointment as Minister there has been action, not just words; and that action has spread from the top of the service to the bottom. A new dynamic commander, Assistant Commissioner Jeff Jarratt, has been appointed to the professional responsibility command. Even the honourable member for South Coast says that he has respect for Assistant Commissioner Jeff Jarratt. I am delighted that the honourable member for South Coast has now come into the House. I was under the impression that he was no longer interested in the debate. He showed a shameful reticence to support his own police during the Angus Rigg inquiry.

Mr Hatton: That's a lie.

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Mr GRIFFITHS: The people of Milton know that their local member went missing when the chips were down, when it really counted.

Mr Hatton: That's a lie.

Mr GRIFFITHS: I shall talk about lies in a minute. The professional responsibility command has been reorganised. A new Commander of Internal Affairs, formerly with the ICAC, Chief Superintendent Geoff Schuberg, has also been appointed. For the record, one should disregard 90 per cent of the allusions made by the honourable member for South Coast in relation to people and appointments because 90 per cent of them were wrong. He spoke about internal affairs being corrupt and being off track and then he told us what a great guy Chief Superintendent Geoff Schuberg is. Chief Superintendent Schuberg is a great guy. He is also the commander of internal affairs - another confusion on the part of the honourable member for South Coast.

Even more important, systems have been introduced and a close working relationship with the ICAC and the Ombudsman has been established. These structural and system reforms give real support for the Government's police reform program. The entire thrust of those reforms is to promote police accountability, integrity and management. Since the new arrangements have been put in place an unprecedented agenda of policy reform, in conjunction with the ICAC, has been embarked upon. The reform process has produced real results, as detailed in the Milloo report. Perhaps even more important, the new command team is dedicated to the promotion of a culture of integrity amongst police officers. If we are to build a new culture among police officers, this is perhaps the most important reform of them all.

I shall speak briefly on the integrity of the police promotion system. The claims that have been made form another attack on what has been a very effective watchdog in the most sensitive of areas. In the past the police promotion system was one of patronage, of ensuring that one's mates were promoted. That was clearly evidenced by the promotion of Bill Allen to the position of deputy commissioner when there were real questions about his integrity. What a disgraceful action! Everyone knows that Bill Allen was subsequently demoted to the rank of senior sergeant. Some would say that he should not have been promoted in the first place. If only the former Premier and the Minister of the time, the current but temporary member for Liverpool, had the political will to impose integrity in the promotion system.

As the honourable member for Liverpool knows well, police promotions have always been controversial. The former Labor Government struggled long and hard for a promotion system based on merit. All that was achieved was a promotion system that had the potential for abuse. My predecessor, recognising the abuses under the Labor Government system, established a select committee of the Legislative Council on police promotions. That committee found substantial abuses under the Labor Government scheme. We are constantly reminded of the 12 years of hard Labor to which this State was subjected. The committee's findings were the impetus for substantial reforms that introduced integrity into the promotion system by removing the opportunity for hometown rorts.

At the most senior levels of the Police Service promotions are the responsibility of the Police Board. As a result of amendments passed by this Parliament last year the Police Board comprises five prominent citizens of high integrity. I defy the Opposition and I defy the honourable member for South Coast to cast aspersions on the integrity of those people. The Commissioner of Police and the Director-General of the Ministry of Police are non-voting members of the board, as agreed to by this House. The current members of the board are Mr Don Mackay, Mr George Bennett, Mr John Marsden, Mr Bert Gardner and Ms Cathy Devyre. All current members of the board are persons of the utmost integrity, as were their predecessors - people such as Sir Maurice Byers, Sir Gordon Jackson, Sir James Rowland and, as she is now, Justice Mahla Pearlman. Those people have ensured that senior police promotions are made on the grounds of integrity. Surely even the

honourable member for South Coast cannot impugn the integrity of the past and present members of the Police Board. I challenge him to do so if he is so inclined.

Let us stop to examine the recent history of the Police Board. When questions were raised recently concerning the promotion of a certain officer, the board approved the formation of a special internal affairs task force to examine those allegations. Those inquiries extended beyond the New South Wales Police Service and included, for example, the National Crime Authority. Is that the action of an administration under a Minister in a sound-proofed room? What outrageous allegations! The honourable member for South Coast is a disgrace to this House!

Even more telling is the other line of inquiry of the honourable member for South Coast. What was the result of those inquiries? The result was nothing more than a handful of old press clippings and more vague allegations. The honourable member for South Coast goes out to little Arthur and gets his riding instructions. It was little Arthur who gave us all the so-called facts, which are just a series of little notes. I think the problem is that he was locked in that trunk for too long. All that has come forward has been a handful of press clippings and more vague allegations - and, John, you have to admit that. The House is now asked to set up a royal commission to examine police promotions. The history of royal commissions in this State shows that they are successful only if focused on specific incidents. A succession of high-priced lawyers pontificating on a subject about which they know little is not a recipe for good public policymaking.

I now turn to the impartiality of the service and other agencies investigating and pursuing prosecutions, including but not limited to paedophile activity - which is a disgraceful activity, a heinous

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crime. I have said on many occasions that there is no more abhorrent crime than the abuse of children, particularly the sexual abuse of children. This is an issue pursued with great vigour by the honourable member for Heffron and one that has been extensively debated in both Houses. The matter has been referred to the ICAC. Once again the honourable member for Heffron scoffs at the ICAC - another member of Carr's chaos casts aspersions on the Independent Commission Against Corruption. The matter is in the hands of the ICAC and again we have a vote of no confidence in the ICAC led by the honourable member for Heffron.

I shall now refer to the investigation of the 1992 bombing of the Blue Mountains City Council, which matter has been raised by the Leader of the Opposition. We saw the drama queen in full flight. The Opposition continually raises this matter for no purpose other than to attract publicity and to divert the Parliament from its important business. There may be cause for concern if there was any question that the police investigation of the attack on the Blue Mountains City Council had not been properly carried out. If that were the case, the Government would support a full inquiry by the most appropriate authority - perhaps the Independent Commission Against Corruption. However, again we have been treated to a paper thin treatment of the allegation by the Leader of the Opposition - another tissue of vague allegations, innuendo and complete lack of facts.

For a change, let us look at the facts. I am advised that at about 11.19 p.m. on 3 March 1992 an explosion occurred at the Blue Mountains City Council following a council meeting. Fortunately, no person was seriously injured, though one person was treated for shock. Katoomba police immediately responded and commenced investigation. Those detectives were assisted by members of the physical evidence unit, which collected samples of the device for scientific analysis. I am informed that since that time more than 50 persons have been interviewed, including everyone who was present at the meeting that evening.

It appears that there are no witnesses to the actual planting of the device. A number of persons were nominated during initial inquiries as potential suspects. I am advised that every one of those leads was pursued by investigating police. I am also advised that each person produced a satisfactory alibi for his or her whereabouts. No doubt in ordinary circumstances this would be a difficult investigation. Let there be no mistake: little or no direct evidence is available. The police report of the investigation has been hampered by what can only be described as factional fights both within the Blue Mountains City Council and within sections of the Blue Mountains community.

These disputes have led to allegations and counter allegations by the pro-development and the anti-development lobby groups. The allegations extend to the point at which anonymous letters have been received by the police seeking to implicate various individuals from either side of the development fence. Of course, those allegations have not been ignored. In fact, each letter was fingerprinted in an attempt to identify its source, but without success. This investigation is open and ongoing; it may only require some genuine co-operation to advance it. I say genuine co-operation because I have in mind the sham that has been perpetrated in this place over the past six weeks by the Opposition.

That investigation is not the only action taken by the Police Service in this matter. Honourable members would recall that following the raising of certain allegations by the Opposition concerning threats allegedly made to a local newspaper an investigation was launched by detectives from the major crime squad at Parramatta. The second phase of that inquiry is about to commence. Again it is worth restating the terms of reference for that investigation:

1. To review the quality of the original investigation carried out into all matters reported to the police on this subject; and
2. To make appropriate recommendations (disciplinary and/or procedural) on the above point.

That is the task that has been given to the major crime squad. Despite the best efforts of the Leader of the Opposition, I assure the House that the police have been proceeding with that inquiry without fear or favour. If the Leader of the Opposition were attempting to deliberately derail that investigation for his own shabby political ends, he could not find a better way than these continual attacks under parliamentary privilege on the integrity of the Police Service. We have been subjected to the drama queen in full flight attacking the Police Service without evidence.

To insist on a judicial inquiry at this stage is an absurdity. Police investigations are proceeding; the case is not closed. This motion is a prank of the honourable member for South Coast, and the Leader of the Opposition is copying it - "Let us get the investigation under way, let us jump in while the Minister for Police and the Commissioner of Police cannot comment as the investigation continues". They come into this House with their shabby accusations. The honourable member for South Coast is a disgrace in the way he carries on. Ron Cahill told us that the honourable member never deals with facts. We know he is paranoid about the whole issue.

When will he deal with facts and not fiction? He is constantly bringing fantasy into this House. We experienced his disjointed presentation today when he lost his place on 11 occasions after preparing the matter for three months and having three staff assisting him. That is a disgrace. If we were to have such an inquiry into every unresolved crime, perhaps the Australian Labor Party would seek to have the bashing of Peter Baldwin as the first inquiry: that has not been solved. Maybe we need to go back to Enmore to find out why Peter Baldwin was bashed. Maybe we need to investigate the cabcharge scandal in Enmore. Maybe a few other things need to be

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examined. We can certainly do that. Perhaps the Opposition would like to see a judicial inquiry into the Botany council affair or the rezoning of the Coogee Bay Hotel.

Mrs Grusovin: You are very relaxed about that.

Mr GRIFFITHS: The honourable member for Heffron is awake but not too worried. She will be. Let us be serious for the moment. Would the Opposition support an inquiry into the two tragic cases, the Belanglo State Forest murders or the Wanda Beach murders? Many serious crimes remain unresolved, which saddens me, but it is a reality. This motion is not supported by any evidence. If it succeeds, the Opposition and any member who supports it will be guilty of the most gross political interference in this inquiry. No self-respecting judicial officer would conduct an inquiry while a police investigation was ongoing. It would simply turn into another talkfest for the Labor lawyers who have made their hold on Sussex Street so obvious in

recent weeks - jobs for the boys and girls.

Under this Government the legal professional has been overhauled and the fat cat Labor lawyers do not like it; we hear them squealing every day. They now have to compete. They have had their restrictive work practices broken; they have been opened up as never before. It would seem that the last bastion of redundant Labor lawyers is now the judicial inquiry. The drama queen will continually call for judicial inquiries to feed his Labor mates. If there is any evidence to support the motion, it should be laid on the table for the Government to consider. The honourable member for South Coast and Opposition members must do what they have failed to do since 1988 - put up or shut-up. He has had almost seven years and all we get is a blank piece of paper. What a disgrace! This is not facts, not evidence, just fantasy he calls facts. It is disjointed garbage.

The substance of this motion, or its lack thereof, has been splashed around this Chamber with great fanfare. None of these matters is new, but I get angry when I hear officers' names thrown around with gay abandon. He destroys officers' lives and careers and traumatises their families. The honourable member for South Coast does not care one iota about the lives he destroys, and particularly the families. He has no consideration for the morale and welfare of those officers. He glances down at his navel and his notes because he is too disgusted to look when I say that he is a disgrace in this House. He has destroyed lives. I find his presence in this House an obscenity.

In particular, a perusal of the proceedings of the joint select committee of this House shows the repeated raising of issues by the honourable member for South Coast. We go through it all the time. He has also deliberately misconstrued the findings of the Joint Select Committee upon Police Administration. As Ron Cahill says, "He never let the facts get in the way of his paranoia". This man has a problem, and I say with all sincerity I pity him for being so twisted in his concern. The insecurity must be eating into him. However, the honourable member for South Coast has made one direct allegation which is new - strange, but it is new. The new allegation is that I, as the responsible Minister, received evidence from the former Minister of gross and widespread corruption in the New South Wales Police Service and that I did nothing about it.

He further charges that the former Minister provided me with numerous files on this matter and that I failed to act, but merely referred them to the Commissioner of Police. That is a barefaced lie and I declare the honourable member for South Coast a liar. It is an absolute lie. It is true and perfectly natural that an incoming Minister to a sensitive portfolio would discuss the current issues. It is not true that I received any evidence which would have led me to seek a further investigation on these matters, particularly on what the honourable member has referred to as Operation Asset. He got confused as he went through names, places, dates and all the rest. As I understand it, that was a matter raised by the former Minister in closed session of the joint select committee. The honourable member for South Coast forgets where he hears some of this rumour and innuendo.

Following the leaking of sensitive information from this closed session to a journalist - yes, a joint parliamentary select committee - which information was the subject of consideration by the Privileges Committee of this Parliament - I wrote to the joint select committee seeking access to those transcripts. I never received them. Similarly, the Commissioner of Police wrote to the committee seeking access to that information. The parliamentary committee refused access to those documents. I am not privy to the deliberations of the joint select committee on this matter, nor should I have been. However, the honourable member for South Coast was a member of that committee and must have participated in its deliberations. He knows that no confidential transcripts were ever supplied to me. He has deliberately lied to this House on this issue - a disgrace.

Those lies cannot go unchallenged. To suggest that I received large numbers of files from the former Minister is again incorrect and a blatant lie. When I assumed office I inherited a clean floor on level 20 of the Avery Building. I am advised that it was some months later, after conclusion of the joint select committee, that I received a number of papers at my Parliament House office. I am also advised that those documents were checked and they contained nothing of any real substance. They, as with the honourable member's allegations, are a tissue of lies and half-truths.

Some two months ago we sat here and endured one of the most cynical exercises ever seen in this place. The Leader of the Opposition moved a motion of no confidence in me that was so patently without substance that the shadow minister hung his head in embarrassment - one could see it. The Leader of the Opposition said then that there were no grounds for a

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royal commission into the Police Service. His thesis was that the ICAC, the Ombudsman and the Police Board provided sufficient independent review of the New South Wales Police Service, and for the first time in my experience he was right. It is rare for the drama queen to be right, but on this occasion he was.

Following the preselection problems at Liverpool, ones that he engineered in the Liverpool south branch, and the ones that are coming like a freight train at Ashfield, he has done a backflip and supports the fevered rantings of the honourable member for South Coast - his continued paranoia. There is no one around who is not aware of the paranoia. Members of the Labor Party have no respect for him but they will follow him to hell because it suits their political ends. When one has a leading member of Carr's chaos who is rarely awake, one can understand why they are going nowhere and will go nowhere.

The Leader of the Opposition has absolutely no shame. He will use and abuse not just the processes of the Parliament but any member when it suits his purposes. He will knife them in the back when he is ready. The honourable member for Liverpool knows it and the honourable member for Ashfield is lining up. We all know that there are problems in the New South Wales Police Service; make no mistake about that. The only way they will be fixed is to support the honest cops now in place, to support the ICAC in its work, and to oppose this motion. What we cannot do tonight is allow cynical politics and obsessed egos to triumph over common sense and effective ongoing reforms. If we bow to the paranoia of the honourable member for South Coast, I will be ashamed to be in this House.

[Debate interrupted.]

FISHERIES MANAGEMENT BILL

Bill read a third time.

ROYAL COMMISSION INTO NEW SOUTH WALES POLICE SERVICE

Consideration of Urgent Motion

[Debate resumed.]

Mrs GRUSOVIN (Heffron) [7.58]: I welcome and support the Hatton motion calling for a royal commission into the New South Wales Police Service. In 1989 I believed that ultimately there had to be a full and public inquiry into the Seabeach Mr Bubbles case. I never gave up the hope that one day a royal commission would expose the truth of the largest child sexual assault case in the history of Australia. How naive I was in those days and how little I really knew, but how much I have learned since! What I - not a professional investigator - have found in the intervening years has become a flood of material which convinces me that we must have a royal commission in New South Wales to expose once and for all the truth of a number of matters which are of grave concern, or would be of grave concern to the community if it were aware of what had been happening in those matters.

I wish I had unlimited time because there are a number of matters that I would like to canvass in this debate. However, I will do the best I can in the space of time allotted to me. I hope that the Minister for Police takes note of matters I shall bring forward in this debate. In the past few weeks I have watched the police professional integrity section and the Director of Public Prosecutions stuff up - and I use that phrase advisedly -

two cases in the Downing Centre of three detectives involved in an alleged paedophile protection extortion racket. It was the Churchill, Hazel, Wells case, which was successfully divided and we have since seen those people acquitted and walk from the courts. I watched the proceedings in those courts and I was disgusted. I made several comments long before those cases were completed about my views on these matters, and those views have intensified.

I am more than ever convinced that these are matters that need to be thoroughly investigated. Before the case began, the Director of Public Prosecutions and senior officers in the professional integrity branch told one of the chief witnesses in the case, Colin Fisk, that he was not to talk about his nearly 20-year association with Churchill and other detectives even though it was fundamental to the prosecution, and indeed the rationale behind the whole case. They told Fisk it would not be raised by them, and it was not raised. One result of this was that the cases were divided, with the two serving officers - Hazel and Wells - being heard first, and Churchill being heard separately and later. As a result, neither jury heard the entire story so that they could make sense of the allegations.

As a result, the cases failed but the reality was that they were doomed from the start because of the continuing incompetency of the police and the Director of Public Prosecutions, whose motives must now be seen to be deeply suspect. The reality was that this extortion case began when an undercover police officer, who was legally wired for sound, was told by two men - one of whom had no criminal record - about the \$40,000 extortion. What was important was that it was unsolicited, high-quality evidence, but that incident was never related to the jury. The tape recording in which the paedophile protection extortion racket is discussed was never played to the jury and I have grave fears that the tape no longer exists. I have grave fears that there no longer exists also other material provided to the police at the time that the paedophile informant first gave a lengthy statement to the police - and I am going back to 1989.

That former police officer was not called to give evidence in either trial, though he would have been happy and willing to testify. That officer would have made an extremely credible witness, but he was not contacted by the professional integrity branch or the DPP, which ran the case. One would have to ask, why? Neither the police officers who could testify to the long association between Fisk and Churchill nor other police officers, including the man in charge of the failed "Mr Bubbles" investigation, Detective Ron Fluit, were called to give evidence. In fact, the professional integrity branch went to extraordinary lengths to ensure that the jury did not get to hear about or see that link.

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Those parts of Fisk's statement - which was freely available to the magistrate who committed the detectives for trial - which mention Fisk's meeting with other police officers were blacked out. For the information of the Parliament - and, perhaps, the Minister for Police and Minister for Emergency Services, if he has time to pay attention - I am happy to table as evidence the blacked-out copies of the witness's statement. It was blacked out and handed back to the witness. Any mention of the names of other police officers had been expunged from the record of interview that had been taken previously and was of great importance in this case. I am not sure if I am breaking protocol, but the Minister is welcome to see that document. I am absolutely disgusted at what occurred in that case.

Mr Griffiths: I hate paedophiles.

Mrs GRUSOVIN: I am rather more concerned about people who protect paedophiles and, in the process, gain financially. When a police task force, imaginatively called "Speedo", was established to investigate this self-confessed paedophile's material, it concluded that corruption existed. However, it was only after I made revelations about the existence of this corrupt paedophile protection racket in this House in September 1990 that the then police Minister, the Hon. E. P. Pickering, established the task force and called on the Independent Commission Against Corruption to oversee the investigation. I have always maintained that the then Minister for Police did that for two reasons - one, to silence me; and, two, to cover his backside in case the truth came out on a future occasion. I have made that clear in the intervening years.

Mr Griffiths: We all hate paedophiles.

Mrs GRUSOVIN: Well, I wish someone would stop talking about it and do something, for a change. In fact, the ICAC had very serious questions to answer. Mr Minister, could I retrieve that document for the purposes of the debate? I will be happy to provide it later. Even though the then Minister said that the ICAC would oversee the police task force, ICAC officers attended only two of the scheduled three-monthly task force review meetings before concluding that they were satisfied with the police investigation. Even more important, the ICAC had every opportunity to independently investigate these serious allegations of police corruption and the paedophile networks, but declined to do so. That is why I am concerned that in May 1994, following the resolution of this House on 18 November calling for a judicial inquiry, no inquiry has been set up. Lengthy negotiations have taken place but no judicial inquiry has been set up. We do not have a judicial inquiry but we have terms of reference for the matter to be heard by the ICAC.

Mr Griffiths: It is with the ICAC.

Mrs GRUSOVIN: It may be at the ICAC, but nothing has happened. I assure the Minister that I have made contact in recent days -

Mr Griffiths: What did they say?

Mrs GRUSOVIN: We have no one set up to take over this matter. The interim commissioner has his hands full with other matters and was not aware of what was happening in this case.

Mr Griffiths: He was not aware?

Mrs GRUSOVIN: He was aware, but he is involved in handling other matters. I am very concerned that this reference was made to the ICAC. I have never believed that the ICAC is the appropriate body to handle this matter. I believe that the ICAC has some questions to answer in relation to the way it handled the earlier investigations, following the then Minister taking material to the ICAC in September of 1990. In 1991 the ICAC independently received allegations of police corruption from convicted armed robber and murderer Arthur "Neddy" Smith, and his offsider "Abo" Henry. As part of this investigation, code named Milloo, two ICAC officers went to the Spencer Street remand centre in Melbourne on 12 March 1992 to interview Colin Fisk, who was serving a nine-month sentence after admitting the earlier 1972 offences.

The two ICAC officers, New South Wales police officers on secondment to the ICAC, sought information and a statement from Fisk about the incident in which Ian Marshall Moore allegedly bribed police prosecutor Mal Spence over a court case involving the Sydney Swans football player Greg Smith. However, according to Fisk, despite his willingness to discuss the overall paedophile protection racket matters, "They did not want to hear anything about the other allegations I have made". Fisk heard that he was later branded as unco-operative and they told him that he would not be needed to testify at the ICAC public hearings.

On page 104 of his February 1994 Milloo report, titled "An investigation into the Relationship Between Police and Criminals", the then ICAC commissioner, Ian Temby, briefly acknowledged Fisk's existence, although not his contribution to the inquiry, and concluded with the cursory statement, "In view of the antecedents of Fisk it was decided not to call him as a witness and I do not attach much significance to his statement". That is a very peculiar statement from the ICAC commissioner, given the circumstances. It is a mockery for the ICAC to say it was concerned about the antecedents of Fisk when the whole reason for the commission's inquiry into the police was as a result of a complaint by Arthur "Neddy" Smith, a notorious armed bank robber and convicted murderer, then serving a life sentence.

It was also a most unusual stance to take, considering that the very information about the bribery of police prosecutor Mal Spence by Ian Marshall Moore originated with Fisk in his statement to the police in 1989. It is also a strange position to take, in light of the fact that the New South Wales police force's investigation of Fisk's

allegations - Operation Speedo - supposedly overseen by the ICAC, found that the majority of Fisk's allegations were true, and in the report he was described as a "reliable informant".

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The New South Wales Ombudsman, who also investigated most of the Fisk allegations, found Fisk's evidence reliable. In those circumstances it is difficult to understand why the ICAC would not place any weight on Fisk's evidence. Ironically, the most damning indictment of the ICAC in this regard comes from the ICAC itself. The veracity of Fisk's allegation was proved by the fact that Marshall Moore admitted in an open ICAC hearing that he bribed Spence to obtain a reduced sentence for his client, the Sydney Swans star Greg Smith. In fact, this was the only direct admission to come out of the ICAC Milloo inquiry. As a result of that evidence, Temby recommended that both departmental and criminal charges be laid against police prosecutor Mal Spence. Especially after the damning admission from Marshall Moore, the ICAC had the perfect opportunity to question Spence further about the paedophile protection racket and the paedophile network.

In fact, Fisk had already made a specific allegation that, using exactly the same method and the same personnel, Marshall Moore had helped a paedophile escape a heavy sentence after he assaulted two little girls at Reef Beach. But this allegation was not even mentioned in the Milloo report and I believe was not even investigated. More than this, with his position in society and his involvement in the paedophile network over the years, the vulnerable Marshall Moore, who had already admitted to a crime, was in the perfect position to help authorities with inquiries in this regard. Why did they not ask him about a number of incidents involving prominent members of society whom he knew to be paedophiles or part of the paedophile network?

Instead of pursuing these vital avenues of investigation, the Independent Commission Against Corruption took it no further. Rather, the ICAC commissioner recommended that Marshall Moore be given indemnity from prosecution so that he could testify against Spence and no further action was recommended against Marshall Moore on the Swans matter or on any other matter. Mr Temby said in his report that he felt Marshall Moore had been "dealt with" because the Bar Association had struck him from the roll of barristers. Why did not the ICAC inquire further into these allegations of police corruption involving paedophiles? These allegations were clearly within its ambit.

The ICAC Milloo report was damning, but did this form of corruption - protecting paedophiles - take it that one step too far even for the ICAC or its investigators? In fact, the word paedophile was not even listed in the ICAC report index. Yet another avenue - a very important and, in many ways, the most appropriate avenue - of public disclosure and action on this important issue was closed. We have to ask why. Perhaps the most shameful aspect of this whole episode was that the Government and the Independent Commission Against Corruption said they were satisfied - I use that word - with the police Speedo investigation. How could anyone have been satisfied with the police investigation of their fellow officers and of the paedophiles?

The internal police security unit Speedo task force came to the conclusion that "corrupt practices did exist between serving police officers in the New South Wales Police Service and paedophiles until 31 March 1989". The report went on to say that police had identified 41 paedophiles, although most were not named in the report, and 14 police officers - again, many of whom were not named in the report - who were allegedly involved in some form or another in the police paedophile protection racket. I think I have sufficiently canvassed that issue here to have people understand that these matters were not properly investigated or handled. The ICAC had the perfect opportunity to look into the whole area of police corruption but it failed to do so. We have to ask ourselves why.

The ICAC Milloo investigation was too restrictive, specifically excluding difficult and highly controversial areas like paedophile protection. Nor did it look at areas like the police involvement in drugs distribution. One of the obvious problems is that the ICAC investigators are police officers on secondment from the New South Wales police force and former officers. The ICAC has failed to properly tackle the broader entrenched issues, and that is why there must be a fully independent inquiry into police corruption with wide-reaching powers. That is why I believe the House must support a full and open royal commission into these matters. I

am most concerned that here we are, in May 1994, and none of these matters has been resolved satisfactorily.

I want to raise another issue involved in this matter that I am most concerned about. We have a witness who is a vital witness for the inquiry that we are still awaiting. I would hope now that the inquiry will take the form of a royal commission. At this stage that witness does not know what the future holds. That witness needs to be given protection. I raised that matter with the Minister for Police over a period of time towards the end of 1993 and again early in 1994. I was a little distressed to find that the Minister was chiding me in correspondence and saying that my request for consideration that Colin Fisk be maintained in witness protection was a matter that he thought could have carried a suggestion of political interference.

I do not believe I was involved in political interference. My concern was with the continued well-being of Colin Fisk because I believe he will be a most valuable witness in the inquiry. I said in my return correspondence to the Minister, "Let me make it quite clear. My concern is for the continued protection of an indemnified State witness, so it should be your concern". It was presumably because of the value of this witness's evidence to the Crown, in a matter which again came before the courts in March 1994 - at that time I was anticipating cases that have currently been before the courts - that John Dowd, a former Attorney General in this Government, provided indemnity not only to Colin John Fisk but to two other paedophiles who were witnesses in that case.

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If I see Colin John Fisk treated any differently from one of the other paedophile witnesses in this case for whom a deal was arranged between the New South Wales and Queensland police to enable him to be present in New South Wales to give evidence, if I find that there is any attempt to have this witness not available, if I find that any harm comes to this witness, I will continue while ever I am in public life to raise this matter in the House.

Mr Griffiths: I have given you assurances.

Mrs GRUSOVIN: I know, and I have kept copies of the correspondence. But I am concerned that those cases have concluded and I am not sure what is going to happen. That witness must be available and should be there to provide the evidence that he is prepared to provide to the inquiry.

Mr Griffiths: I was disgusted by the results of those three cases.

Mrs GRUSOVIN: I think those cases are a very clear indication of something that is severely and absolutely wrong with the system. I have questions to ask the police and the Director of Public Prosecutions. For that reason I am very pleased with the terms of reference that have been suggested by the motion of the honourable member for South Coast. I believe that with those terms of reference we may finally get to the bottom of these matters. Members of the community want this Government to give priority to these matters to enable their children to be protected and to enable them to feel safe in the community. These matters are regarded as serious crimes because of the consequences to those who are caught up in these networks. The networks are very powerful, crossing all social strata in public and private life. They must be arrested. [*Time expired.*]

Mr ARMSTRONG (Lachlan - Deputy Premier, Minister for Public Works, and Minister for Ports) [8.18]: This exercise is really a vote of no confidence in the Independent Commission Against Corruption. However one views the contributions by the honourable member for South Coast, the mover of the motion, and by the Leader of the Opposition and the honourable member for Heffron, one could draw no other conclusion than that their presentation is designed to undermine the Independent Commission Against Corruption in New South Wales. That commission, as the Premier said this afternoon, has been a resounding success. However, it does not enjoy complete support.

No commission of inquiry, royal commission or police inquiry will ever enjoy complete community

support, but the Independent Commission Against Corruption is the toughest, most thorough and most comprehensive inquiry facility this State has ever had. The motion is an attempt to replicate the Independent Commission Against Corruption, which is already well established, with its own personnel, respectability and public presence. The royal commission that may be set up as a result of the motion will need to establish all those characteristics. I might be so bold as to suggest that the record of royal commissions in this State and throughout Australia and the British Commonwealth is that their findings merely keep the dust off the previous commission's report.

Once again the honourable member for South Coast is indulging in his favourite pastime of trundling out old and reworked rumours, innuendo, conspiracy theories and character assassinations. However, on this occasion he is seeking to seriously undermine the integrity and reputation of the State's Police Service. He is doing it a great disservice by using the privilege of State Parliament to string together a series of fragile theories and present them as a case for a royal commission. He knows only too well the damage his assertions will inflict on the morale and dedication of the State's 16,000 Police Service personnel. The wide scope of his suggested terms of reference for a royal commission provide him with a field day for his corruption fantasies. How many times have we witnessed the honourable member for South Coast initiate these inquiries, and how many scalps has he pinned to his belt? None! For 20 years he has been indulging in these activities, but he does not have one scalp on the belt. For 20 years he has been pursuing the Police Service, and what has he achieved? What has been the result of his obsession, his crusade against the corruption that only he sees behind every police door? The only result has been to drag the reputation of the Police Service through the mud.

From time to time the honourable member for South Coast pumps up his profile with these spurious claims of entrenched corruption in the Police Service. Except for his flimsy and unsubstantiated claims strung together from newspaper clippings and dressed up with creative statements from notorious criminals, the honourable member for South Coast has no substance, no clear-cut evidence, to back up his call for a royal commission. From time to time one finds corrupt police. There always have been, and always will be, corrupt police, but the Independent Commission Against Corruption and the Ombudsman are there to weed them out. The presence of some corrupt police in a service with 16,000 personnel does not warrant a royal commission. Under this Government the Police Service has been transformed into a much more professional service than it was under Labor. The Police Academy is producing well-educated young police officers. The small percentage of corrupt officers is steadily being isolated.

Mr Anderson: We did that.

Mr ARMSTRONG: Labor has to get one right every now and then. The honourable member for South Coast is on record as hailing the creation of the ICAC as the greatest instrument against police corruption. They are the words of the honourable member for South Coast, who has moved this motion. He was a member of the ICAC committee; he helped to create the commission. He said, "We all must feel proud of the fact that the creation of such an independent commission against corruption is a world first". Why then is he now denigrating the role of the ICAC by calling for a royal commission into the Police Service? Instead of using Parliament for his

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annual outpouring of police corruption theories and leaving an indelible stain on the service, the honourable member for South Coast surely would have acted more properly had he presented his so-called evidence to the ICAC instead of labelling the Police Service as corrupt with his reckless statements. Could the honourable member for South Coast be unloading all these theoretical corruption allegations collected by him over 20 years as his swansong because he realises he will not be here after 25 March next year? He has a long and unimpressive record of making baseless allegations, of casting slurs and of failing abysmally to produce the goods.

The House should be reminded of the extraordinary public attack in February 1987 by the honourable member for South Coast on Judge Anthony Collins, who, he claimed, had lied to the Court of Criminal Appeal. The honourable member was widely criticised from all quarters for his cowardly and unjustified attack on Judge Collins. The then Attorney General, Terry Sheahan, said, "Because of a 10-minute political trick by the

honourable member for South Coast, his [Judge Collins'] whole reputation is to be traduced in the media before he has had an opportunity to give his response". The Attorney General was reported as saying he could drive a truck through Hatton's version of events. The New South Wales Bar Association weighed in heavily to criticise the honourable member for South Coast. If that was not enough, the honourable member for South Coast claimed that Goulburn police were corrupt. In May 1989 the *Illawarra Mercury*, a responsible and reliable daily newspaper, under the heading "The Victims of Cowards Castle. Hip Shot Hatton Draws a Blank", reported, in an article written by the editor, Peter Cullen:

It was vintage Hatton, blasting from the hip and damaging the reputations of policemen unable to defend themselves at the time these accusations were being made against them . . . But Mr Hatton's parliamentary allegation had left a hole in this man's character. I find that disgusting.

Another article in the *Illawarra Mercury*, written by the editor, read:

Let's face it. The man [Hatton] pines for a headline . . . John Hatton does not enjoy too much political respect from either of the major parties. He has a bad reputation for shooting from the hip . . . There are those who believe he is a pushover for anybody who wants to tell him a story. "Tell him anything at all and he'll try and raise it in the Parliament", an MP told Peter Cullen . . . But John Hatton's credibility nosedives when he maligns honest people under Parliamentary privilege . . .

In another edition of the *Illawarra Mercury* a retired chief superintendent, commenting on police corruption allegations made by the honourable member for South Coast, was quoted as saying:

That is John Hatton at his hip-shot best, firing off in any direction. If you are unlucky enough to be in range, you get hit . . . John never lets the facts spoil a good story.

The honourable member for South Coast appeared as a witness at the Winchester inquiry and again drew widespread criticism for his baseless allegations. He was threatened with contempt of court for having written an accusing article in the *Bulletin*. He then went close to being charged with perjury over statements he made to the inquiry which were branded malicious and contrived to damage the standing of the Australian Federal Police. The track record of the honourable member for South Coast is less than impressive. It is peppered with wild accusations, baseless assertions and reckless claims. How can this House accept with any credibility the claims he has attempted to present as justification for a royal commission?

By any standards the establishing of a royal commission is an extremely serious matter. More than public talk and a fertile imagination are needed to convince the House of the need for a royal commission. Instead of launching this unwarranted attack on the New South Wales Police Service, the honourable member for South Coast should be acclaiming the service as one of the finest in the world. He should be thankful for the law and order it provides to him and to the community. He should be proud of the young men and women who enter the Police Service because of a sense of duty to their fellow citizens and who serve with honesty and integrity. Instead, the honourable member for South Coast has cast an ugly slur over the entire Police Service in pursuit of his obsession with, and paranoia about, police corruption. It is fair to say that in the library of this Parliament there is available literally a stack of press cuttings encompassing comments by the honourable member for South Coast. Most of them are similar to those I have read. The whole motivation and reasoning of the honourable member for South Coast for moving this motion must be questioned. Why is he doing it? Why is he seeking to leave the framework of the institution that he himself supported so strongly, namely the Independent Commission Against Corruption, when it was introduced into this Parliament?

Why has he decided, now that he has his own agenda, that it cannot be encompassed within the ICAC? This afternoon the Premier has offered an opportunity for the most meritorious and the best recognised Independent Commission Against Corruption in the southern hemisphere to inquire into this matter, yet the Opposition is seeking to score some cheap political points, again at the expense of the Government. As I said a while ago, the bottom line is that in a police force of 16,000 from time to time there will be some corruption, as there is in any group of people in the community. The accountability of the police force is often called into question. The management skills that it employs can, no doubt, be improved. The Minister for Police and

Minister for Emergency Services and his predecessor have done much to address those management skills that were so lacking in some areas of the police force before we came to government in 1988.

Customer service, which was a term seldom heard before 1988, is now paramount in the New South Wales police force. It has come about because of the policies, the encouragement, the direction and

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the support that the Ministers and this Government have given to the police force since 1988. That is one of the reasons why it is without any effort at all that members of the Government can support as a genuine gesture the credibility of the New South Wales Police Service. It will be a sad day, if this motion is supported by the Parliament, for the Parliament in New South Wales and for the New South Wales Police Service. There is only one way to resolve this question and that is to accept the Premier's amendment. I urge members from both sides of the House, particularly members of the Opposition who at various stages have served in the New South Wales Police Service, to think about the professionalism and the integrity of the Police Service from the point of view of a policeman, instead of trying to support some cheap political stunt by the Independent member for South Coast.

Mr ANDERSON (Liverpool) [8.32]: I am absolutely stunned that the Deputy Premier of this State would commit two of the great sins in discussing this matter. There was, first, the classic shooting of the messenger and, second, a return to the rotten apple theory. Mr Justice Lusher disposed of that theory in 1981 and everyone else has disposed of it. I will tell honourable members opposite what it is like to be a working police officer, as can the honourable member for Charlestown and my colleague the honourable member for Mount Druitt - something none of the members of the Government can do. The police force is not the army. I will tell the Government what the problem is -

Mr Fraser: How long ago?

Mr ANDERSON: It was a long time ago.

Mr Fraser: A long time ago.

Mr ANDERSON: My oath it was a long time ago. I am proud to have been a wallower in this State, but I will tell honourable members something, it is hard.

[*Interruption*]

Tell the two fellows sitting in the front row. Tell Mr Cook. Tell what was done to him and tell every decent copper in this State who has had to -

[*Interruption*]

The Minister should not talk rubbish. He is talking a lot of tripe and he knows it. I will tell the Government what the reaction of the New South Wales rank and file police will be. They have a choice tonight: one goes with the royal commission or one goes with the ICAC, which is what the Government wants. If the Government were to take a plebiscite of New South Wales rank and file police it would discover that they would choose the royal commission over the ICAC any day. They have been through the ICAC in more than one inquiry. The Government should ask the working police. The Government should think for one minute about the police officers and their families. In the past week an article appeared in a newspaper regarding a Federal report stating that law enforcement agencies, police forces in Australia, have been infiltrated by organised crime.

Today the stream of allegations is continuing, but who is making these allegations? Who is responsible for these allegations? The honourable member for South Coast is being blamed, but there are two other people, one of whom is Gary Sturgess, the architect of the Government's 1988 victory, the head of the Cabinet office and the creator of the ICAC. But who is the third person? Who is this third villain responsible for our

debating this motion today? It is none other than the Hon. Ted Pickering, the longest serving police Minister in New South Wales, once the most powerful figure in the Liberal Party in this State. It is Mr Sturgess, the honourable member for South Coast and Mr Pickering.

I note that the Deputy Premier did not drop the bucket on Mr Sturgess or on the Hon. Ted Pickering; he simply dropped it on the honourable member for South Coast. I do not agree with everything that the honourable member for South Coast said today, but I do agree that those matters should be properly investigated. The Government has had its chances. It had a bipartisan approach on the select committee for a year, yet it has done nothing since. It had a recommendation for an oversight committee on the crime commission but the Government did nothing. The Opposition warned the Government that if it did not set up the committee a new measure would be taken, but the Government has done nothing with regard to those matters.

I refer to Operation Asset. The Leader of the Opposition and I were taken into the room of the then Leader of the House, the Hon. John Dowd, and I think the Hon. Ted Pickering was there, as well as senior police. We were told, "You have to play the game right. We have spoken to the editors and the media. Everything is fine". The Opposition did the right thing in a bipartisan approach to an important issue, but no one bothered to tell the Opposition that the Government had called it off. For how long did the ICAC have Operation Speedo? For how long has the ICAC had the information sent to it by the select committee? What has happened?

The Government has the ICAC and the Ombudsman. The Ombudsman is substantially and deliberately underfunded so that he cannot carry out the role that this Parliament has given him or his broader role that legislation gave him not too long ago. He cannot conduct his inquiries. Yet the Government has the hide to say that this issue should go to the ICAC. A lot of police officers were named today, some of whom I know and some of whom I do not know. The Minister for Police and Minister for Emergency Services made mention, as did some others, about a fellow who was sitting in the gallery last night as a guest, Mr Gilligan. I was involved in the inquiry set up by the commissioner to ascertain his integrity. I spoke freely, voluntarily and truthfully.

My view, as it is with everything else, is that if Mr Gilligan is crook, produce the evidence and get rid of him. If he is not crook, the time is right for him

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to be able to continue his career without further interruption. Other people sitting in the gallery tonight have copped a serve. They are entitled to have the matter tested. If they were given the choice as to whether they wanted it tested in an open royal commission or in a closed hearing, perhaps in the ICAC, I think I can tell the Government which one they would choose. It is time that these issues were determined once and for all so that the members of the police and their families can get on with their lives.

Mr Cochran: To satisfy the political whims of Hatton.

Mr ANDERSON: And Mr Sturgess and Mr Pickering. The Minister mentioned neither of them. The Minister for Police and Minister for Emergency Services did not object to Mr Sturgess putting the coalition into Government, nor did he object to the Hon. Ted Pickering making promises to the New South Wales Police Service, promises which he never kept. A number of inquiries could be instituted. I should like the Minister to tell me about Operation Raindrop and what has been done in its aftermath. Two men went to gaol; two men were destroyed. What about the careers of the other eight officers who were subsequently discharged at trial or whose matters were not dealt with? Can the Minister tell me about Bill Ellis? It took the select committee and three years of work by me to rectify that situation. Can the Minister tell me about Paul Kenny? The Minister opposed me at every turn until, finally, the Opposition got the numbers, thanks to the Independents, to force the Government to do something. The Opposition forced the Government into the select committee and the Opposition has had to force the Government every step of the way. I should like to refer to the case of Bill El-Azzi. He has been suspended for eight years. The Minister laughs.

Mr Griffiths: Are you going to defend him?

Mr ANDERSON: I am saying -

Mr Griffiths: Are you going to defend him?

Mr ANDERSON: I am not -

Mr Griffiths: Are you going to defend him?

Mr ANDERSON: The Minister should allow me to have my time. His time was unlimited, but I have only 20 minutes in which to speak.

Mr Griffiths: Are you going to defend him?

Mr ANDERSON: The Minister should not act like a fool. If El-Azzi is crook, the Government should produce the evidence, but he has beaten the Government at every turn. Can the Minister tell me about Trevor Otton? He should read about Otton.

Mr Cochran: Give us some answers, not the questions.

Mr ANDERSON: I am giving the Government the answers. The answer is that the Minister is paid the money, he gets the white car, and he gets the power given to him by this Parliament to be responsible for what happens. When that story broke on Monday night the response of the Minister was, "I have called for a report". He should pick up the ball and run with it, not dog it at full-back, but take the ball up and run with it. I am amazed at the change in the Minister's attitude since the Government came to power compared with what he expected of Ministers beforehand. I want the royal commission to look at the Drug Enforcement Administration and the New South Wales Crime Commission. I want someone - we can never ask questions in here because objection is taken - to ask about the \$800,000 in drug buys that went missing. If the Minister wishes, he can inform honourable members about those issues in his reply.

I ask the Minister for Police to tell us about operations Hawkesbury and Collector. I have already mentioned Speedo. I ask him to tell us about Seabeach. I received information yesterday, which I still have to pursue, about two young police who have attempted to do something decent - like the people I have referred to in the gallery - and are now living in fear. Things have taken an interesting turn. If the Government is fair dinkum it will support the royal commission so we can deal with this once and for all. I ask the Minister to tell me about his witness protection program. It took me a year to get the original promises fulfilled for a man in witness protection. He had given evidence in a murder trial on major drug matters and was then duded. When he sought to come to see me, and it was found out that he was coming to see me, the protection officers were taken off him. Tell me about that one.

I ask the Minister to tell me about the person who has just written to me from gaol. He has just given evidence in major criminal matters and the minute it was over he was dropped. What happened? He got scared because he got a hiding and he took off. What was the response? Put him back in protection? No fear - charge him with breach of parole. The Minister has the letter; let us see what he does about this case. Witness protection needs to be looked at. The honourable member for Heffron warned the Minister about Fisk. I want a royal commission. I want Fisk put in the box first. I do not believe that he will make it to the witness box. The Government is terrified about what he will say - not because it is implicated, but because it will show that there is a necessity to address the issues. It is not just the New South Wales police - a lot of other people, including very powerful people, want to make sure that Fisk never opens his mouth in a witness box in New South Wales or is allowed to say what he needs to say.

Mr Griffiths: If you have evidence, give it to us.

Mr ANDERSON: The Government gave him immunity. The Government gave those three paedophiles immunity. I did not.

Mr D. L. Page: Do you agree with Hatton on Lauer?

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Mr ANDERSON: The honourable member knows my views on Lauer; I have said them here time and time again, and I have said them publicly. Until such time as evidence is produced which justifies action against Lauer, he will continue to have my support and the support of the State Opposition. If honourable members opposite believe in Lauer and think he has any chance of doing his job, with all this continuing to go on, they are not as smart as I thought they were. Let him do his job.

Mr Griffiths: Do you believe there is entrenched corruption?

Mr ANDERSON: I keep trying to tell the Minister -

Mr Griffiths: You won't tell me, will you?

Mr ANDERSON: Let me answer your question, boofhead.

Mr Griffiths: Okay, stupid.

Mr ANDERSON: You got up and quoted Sir Robert Mark. You should not take the quotes out of my previous speeches; you should read the book. You should read Mark, read Murphy, read Avery, read Whitrod.

Mr ACTING-SPEAKER (Mr Rixon): Order! I remind honourable members that the honourable member for Liverpool has the call. I suggest that the honourable member for Liverpool address his remarks through the Chair.

Mr ANDERSON: If the Minister reads the work of those learned people with respect to policing he will find that the only way he will achieve reform is if a reformist commissioner is working with a reforming Minister and a Government committed to the cause. On some future occasion I would be happy to debate a comparison of the Government's efforts on policing since 1988 with the efforts of the Labor Party when it was in government. The Minister had the hide to stand up and talk about promotions. He should have a look at the person in the front row of the gallery who has quite rightly been promoted to assistant commissioner, who had no chance. We asked 23 questions in this Parliament and none of them were answered. It took the select committee on policing to get some form of answer - not the complete one, mind you. Finally something has happened.

Before we came to government there was not an inspector of police under the age of 50. We now have chief superintendents in their early 40s and we have a couple of young assistant commissioners. That is appropriate. They were promoted on merit. Of course there are problems with the promotion system. The Government has had the select committee report for three years and has done nothing about it. The Minister should not tell me about his problems - he is the Minister. I do not mind fixing the problems when I am in government, but I cannot fix all of them when I am in Opposition.

Mr Griffiths: You were hopeless.

Mr ANDERSON: The Minister keeps interjecting and saying that I was hopeless. Even Ted Pickering says what a great Minister I was.

Mr Griffiths: Is that a recommendation?

Mr ANDERSON: I will give the Minister a big tip right now to be recorded in *Hansard*. If by some misfortune for the people of New South Wales the coalition wins government at the next election, Ted will be a Minister, but will you?

Mr Griffiths: How much? \$500? No guts! Will you take it?

Mr ANDERSON: The Minister has offered \$500. He is the bloke earning the big brass; I am just a lowly backbencher.

Mr Griffiths: Who won't be here next term?

Mr ANDERSON: I will be here.

Mr Kerr: He has a plan.

Mr ANDERSON: It is not a plan. Do I want to take a point of order on him? No, I do not. I want to get all the interjections into *Hansard*. The Minister talked about promotions. I refer to the Vo matter which we debated and the matter of Ken Jurotte, which has received some publicity in recent times. Those matters need to be resolved. Wherever the truth might lie, they need to be resolved. I have a matter in my electorate. A young fellow came into my office with his mother the morning after his arrest, looking like he has done 10 rounds - without lifting his hands - against Kostya Tszyu. Yet I have a 174-page police report which says that he did not have a mark on him. This is why the terms of reference are as they are. These matters need to be addressed. It is important not only for the public of New South Wales to have faith in its police service, but for the police to have faith in the system.

I have said before that we cannot have an investigation system that puts police in limbo for 12 months, 18 months or two years while an allegation is dealt with by the Ombudsman. Yet the Government continually underfunds the Ombudsman. Compare funding that is provided to the Ombudsman with the funding provided to the Independent Commission Against Corruption - and look at the results. I am not saying that the ICAC has not and cannot play a role in some things. We will not get the result with regard to these matters that the people and the police of New South Wales require unless we have a full, open royal commission.

There have been successful royal commissions. Some royal commission reports have gathered dust, but the royal commission with regard to Harry Blackburn did not gather any dust. Indeed, the public does not know what the ultimate payout was in that matter. As I was saying, we cannot leave matters hanging without a proper resolution. The honourable member for South Coast referred to the Detective Senior Constable Locke case and that of another female officer. If the Minister thinks that is acceptable, if there is a scintilla of evidence to support

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that allegation, then that in itself is worthy of a royal commission. Anybody involved in the cover-up of that matter ought to be charged - and I do not mean departmentally. It is a perversion of justice if that happened.

Pickering and I gave evidence before Temby on the second part of the Milloo inquiry on the police culture. All we ever do is talk about the police culture because it is not that easy to fix. To suggest that lawyers and doctors do not have a culture is foolish. Of course the police have a culture; it is produced under pressure; it is produced because they have to rely on their partners not just for their job but for their safety. We have to get to a situation where police who say, "I am not prepared to condone that behaviour because it is illegal" are not the villains in the piece. I do not know the truth of the matter raised by the honourable member for South Coast today, but it needs to be investigated. I do not want people to tell me that I am naive; I am not naive.

Mr Griffiths: Yes, you are.

Mr ANDERSON: I have heard about the Minister's army career - but we are not getting into humour now. If police officers cannot report illegality that they observe, if they are not entitled to say, "I will not

participate and I will not condone," where on earth are we?

Mr Griffiths: We all agree with that.

Mr ANDERSON: If the Minister agrees with it, what has he done about it?

Mr Griffiths: A bloody lot - more than you ever did.

Mr ANDERSON: More than I ever did? My record is there; the Minister's is yet to be seen. I have warned the Minister before that he has to get out of the building, stop having a policeman drive him everywhere and stop going everywhere with the police. He should separate himself from the police. He is not a police officer - he is the Minister under the Westminster system. It has to be separate. What about some of the people in the gallery who wanted to see you without everyone else knowing they were coming to see you - as Eddie Azzopardi used to come to see me when I was Minister?

Mr Griffiths: Did you enjoy it?

Mr ANDERSON: I did: I took him off the vexatious letter writers list. It took him 20 years to get justice. I hope it does not take 20 years for some other people to get justice.

Mr Griffiths: Who solved Eddie Azzopardi's problems?

Mr ANDERSON: I am sorry I let you speak uninterrupted. It will not happen again. We cannot let these issues continue. The job the police have to do is too important for police to be continually distracted by these allegations. All of us get them regularly. Most of them can be discounted but we cannot discount allegations that police may have been involved not simply in the distribution of drugs, gaming and prostitution but in murder. That is what the allegations are.

Mr Griffiths: Have you got evidence? Put it in ICAC.

Mr ANDERSON: Put it in ICAC! Mark it urgent ministerial 24-hour response and we will never see it again. The Minister must address those issues. All of us are constantly confronted with allegations of brutality and of police being involved in drug dealing. If there is any chance of what happened at Frenchs Forest being repeated anywhere in New South Wales that is surely enough to excite interest. That was a complete and utter debacle. I agree with the honourable member the South Coast. I sat there for a year taking a bipartisan and constructive view, which the Minister publicly praised me for, yet we are not allowed to question things. It is all right while ever I am doing what the Minister thinks is right.

Mr Griffiths: Question logically and rationally.

Mr ANDERSON: I question logically and rationally. I am proud to have been a member of the New South Wales police and I hope that the existing and future members will be proud to have been members. They will be if we have a full and open royal commission rather than the ICAC arrangement the Minister is talking about. I commend the motion, not the amendment, to the House. I hope that something constructive will happen in the interests of the people of this State and their police.

Mr KERR (Cronulla) [8.52]: After the next State election Liverpool at least will be a quieter electorate. The honourable member for Liverpool mentioned his record and it is worth comparing what was done by previous administrations with what has been done by this administration. To the credit of former Premier Wran he set up an inquiry under Mr Justice Lusher. What happened to the recommendations of the Lusher report? Those recommendations seemed remarkably contemporaneous when the Joint Select Committee upon Police Administration looked at them. It took the present Minister for Police to implement a number of the recommendations that were outstanding from Lusher's time. Why was that? Where was that great corruption fighter, the honourable member for Liverpool, when he was in government?

We remember Bill Allen and the questions that were asked by the former member for Lane Cove and the present speaker. The honourable member for South Coast will remember those questions and the then police Minister and the then Premier stonewalling them. We remember a Cabinet Minister who served with the honourable member for Liverpool, Mr Rex Jackson, who went to gaol as a result of questions that were asked by members in the now Government who were then in Opposition. The honourable member for South Coast will remember those questions being asked. He will remember questions about the former Chief Stipendiary Magistrate. Some of them were

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asked by the honourable member for South Coast. He might remember what the then Labor administration answered in relation to those questions. He might remember that Mr Farquhar's term was extended by Mr Wran as a result of a Cabinet decision.

There was ample evidence of corruption in the judiciary, the Executive and the Legislature and people went to gaol. But did the honourable member for Liverpool denounce that corruption when he was in its midst? No. He was part of an administration that did for integrity in public life what King Herod did for babysitting. He was part of a government that one would think fell off the back of a truck. And he has the nerve to criticise the Minister for Police and this administration! The answer of the Labor Government to corruption was to set up a commissioner of public complaints. The honourable member for South Coast might remember that.

Mr Hatton: Only too well.

Mr KERR: Only too well. He might remember that the commissioner did not manage to get into the phone book. He might remember the terms of the legislation that put the complainant more at risk than the person he was complaining about. That was the answer to corruption in the 1984 election, when it was very much on the agenda. The honourable member for South Coast would have to agree that in the 70s and 80s we had major problems which were not met by resolute action by the Government at the time.

Mr Hatton: That is correct.

Mr KERR: The honourable member agrees. After we were elected in 1988 we set up the Independent Commission Against Corruption. We were not required to do so as an election promise.

Mr Gibson: You caught your own Premier.

Mr KERR: Yes. It could not have been more independent.

Mr Griffiths: Without fear or favour.

Mr KERR: It was set up without fear or favour. Now it is to be put on trial as a result of this motion. It was set up as a standing royal commission. One aspect of Milloo that was not open to criticism is the segment on the gaming squad. It was a proactive operation which achieved significant results. It showed what the ICAC could do. That segment was presided over by Peter McClellan, Q.C. That has been one of the most effective examples of dealing with police corruption. It shows that the ICAC can effectively deal with police corruption. This Government set up the ICAC and the New South Wales Crime Commission and staffed and resourced those bodies.

The honourable member for South Coast and an opportunist Opposition do no credit to the rule of law in this State. As a government we appreciated that conventional law enforcement may not be adequate when there is corruption in high places. We gave the ICAC and the former State Drug Crime Commission - now the New South Wales Crime Commission - powers that were not available to ordinary law enforcement agencies. Today people have been named in the Parliament. Many of the people named have distinguished records in law enforcement. The honourable member for South Coast acknowledges that. Many of the people named have put their lives on the line.

Mr Hatton: I do not agree with that.

Mr KERR: They put their lives on the line in making arrests. Look at the records of the people we are dealing with. All those people have been tarred. Their families will have to live with the stain for ever. All the people named are entitled to the presumption of innocence. But tomorrow morning in every newspaper in Australia, not just in New South Wales, this matter will be reported. The families of the people named will read about what has happened. The honourable member for Liverpool, a former police Minister, spoke for his full 20 minutes but at no stage did he answer the question of whether he believed there is entrenched corruption in the police force. Surely that is central to this debate. At no time did members hear the Leader of the Opposition say whether he believed there was entrenched corruption in the police force - all he talked about was the seriousness of the allegations. He did not get too close to the allegations and did not adopt them; he simply left them in the air and said that they were serious. He left sufficient space between himself and the honourable member for South Coast so that if any of the allegations were disproved he would be able to say that he had not made the allegations, he had just thought they should be investigated.

It is very easy to trawl through a series of allegations received from people who come to us as members of Parliament. It is very easy to come into the House, without any evidence, and simply repeat allegations that we have heard - whether made by people who have an axe to grind or matters of hearsay. One cannot prove innocence instantly. If an allegation were made about any one of us here in the House, it would take literally weeks to assemble the facts and prove the allegation false. Sometimes evidence by which one can prove innocence is not available. It will always be possible to set up people and to make serious allegations - that is why all members of the House have a responsibility. Good intentions are not good enough.

Whatever inquiry is set up as a result of what is said in the Chamber today, the statements made here this afternoon and tonight will be repeated in a great many places. Allegations made affect not only the individual directly concerned but also that individual's family. I do not suppose that the honourable member for South Coast would say that the families of many of the people he has named tonight have done anything wrong, but he would realise the pain and suffering occasioned when unjust allegations are made against a husband or a father. This State has existing mechanisms for the receipt of complaints and investigation into allegations. The Independent Commission Against Corruption is entitled to investigate any matter brought before it.

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Mr Gary Sturgess, who was present at the creation of the ICAC legislation, has made considerable criticism. He has said that Mr Temby did not act quickly enough in relation to material on police corruption brought before him. Ultimately, there was a large-scale inquiry by the ICAC, the Milloo inquiry. The honourable member for South Coast is a member of the Committee on the Independent Commission Against Corruption. That committee has had Mr Temby before it every six months. The honourable member for South Coast would agree that the committee has been very active and that, in terms of what could be put to Mr Temby, no impediment or fetter has been placed on any member.

Substantial reports have been made during the time that I have been chairman of the committee. All of the reports have been unanimous. The committee has never shirked from its responsibility and certainly it has not adopted a partisan stance in relation to matters and complaints brought before it. The committee has acted in an effective and bipartisan way. Many witnesses have been brought before the committee and a great deal of its deliberations have been held in public. After five or six years in operation, the ICAC would have compiled a great degree of intelligence as a result of the Milloo inquiry. I still have confidence in the ICAC and I believe that had these allegations been referred to the commission it would have made an attempt to reach the truth. The ICAC has the same powers as a royal commission, and it has the advantage of five years' experience and having assembled considerable information. A royal commission, however, will have to start from scratch.

I imagine that the cost to establish a royal commission on this matter would be \$15 million to \$20 million. Probably 500 or more police officers could be provided for that cost. At the end of the day I wonder what will

be achieved by a royal commission that could not be achieved by an ICAC inquiry. It is wrong for the honourable member for Liverpool to say that a royal commission would be conducted openly whereas an ICAC inquiry would be conducted, in effect, in camera. The honourable member for South Coast sat on an inquiry conducted by the Committee on the Independent Commission Against Corruption in relation to private and public hearings. He knows that if it could be said that that committee had any bias, that bias would be towards public hearings. Our committee did point out, however, that the hearing of evidence in camera is justified on several occasions, for example, when the confidentiality of an informer is being uncovered and when a criminal trial would be prejudiced by a public hearing. Royal commissions do not always sit in public and would also justify the hearing of evidence in camera.

In this State we have either rule of law or licence. If we have licence, under which members can march into the House and make allegations against individuals, then we destroy the institutions of this State. It is not only the Police Service as an institution that is under threat - it is the criminal justice system and the concept of the Independent Commission Against Corruption. The honourable member for Liverpool concluded his address by saying that he was proud to have been a member of the New South Wales police force. I would hope that each serving member of the New South Wales Police Service would be able to make that statement. I do wonder, though, how many of them would be able to make that statement - with allegations being made, calls for a royal commission and demands for reports from the ICAC.

It is wrong that authorities can keep on investigating people and paralysing their effectiveness so that all of their energy and resources are taken in investigations of their own. Neither the drug trade nor organised crime in this State has disappeared. The care and attention that will be devoted to those problems by the Police Service could well be reduced because a great deal of attention will be taken up with the proposed royal commission. I reiterate my contention that any achievements made by a royal commission could be made by putting the allegations before the ICAC. The Commissioner of the Independent Commission Against Corruption would have to face the Committee on the Independent Commission Against Corruption. There is also a second mechanism of accountability, the Operations Review Committee. The honourable member for South Coast must appreciate that it is an imperfect mechanism, but it is one that seeks to address the institutions problem of who guards the guardian. The concept of having the Operations Review Committee is correct because the commissioner cannot be allowed to determine the priorities. To have people drawn from the community who are truly accountable is one way of meeting that problem.

If the honourable member for South Coast has a better mechanism, he should tell the House. Our committee has published a report on the Operations Review Committee and has suggested improvements. A series of meetings will be held with that Operations Review Committee. It is difficult to establish mechanisms for accountability. We have two with the ICAC, one of which is parliamentary. I could not think of anything more disastrous than for a group of politicians to determine the operational side of the ICAC. The time will come when a government will enjoy a majority in this House. If politicians are allowed to determine how the ICAC operates, the problems and results that have previously occurred in New South Wales will return. We should look at the problem responsibly. The honourable member for South Coast was a member of the Joint Select Committee upon Police Administration. The Minister for Police responded and legislation that enjoyed partisan support was proposed. In the past six years accountability and changes to police conduct have improved. [*Time expired.*]

Mr FACE (Charlestown) [9.12]: After 21½ years in this Parliament I say with all the vigour that I can muster that I never thought I would see the day when I would support a motion to create a royal

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commission into the Police Service. From my speech to the House a few weeks ago as a consequence of certain things that have happened to me since early March, I understand finally how the honourable member for South Coast feels. My family and I have experienced what he and numerous members of the Police Service have experienced over a period of time when they rocked the boat. As a member of the Police Service you are expected to go along with everything, say that everything is right, that there is no problem and accept things blindly.

Since late 1988 and early 1989 my family and I had a problem and police had to be dragged like the reluctant bride at every juncture trying to get justice to clear my name. I assure the House that I did not go grey in the last three or four years through worry about my job as shadow Minister; it is the result of sleepless nights as a consequence of the vilification and inquiries to which I have been subjected while trying to help a few kids. The treatment I have received has been unbelievable, but no one would believe my story. It was not until the Ombudsman said that for different reasons an inquiry had never been held into these matters that I finally received justice.

In the days prior to Christmas the Ombudsman said, "Unfortunately, of course, the major perpetrator resigned on 14 December and we cannot do anything to him". Tough luck! I said, "I have been pursuing this since 1991 when I produced a 29-page description of what was happening to me, my wife, my family and people close to me, and no one lifted a hand". The Ombudsman said that he was satisfied now; and "With all the power I have, because you asked questions in Parliament" - which I was completely reluctant to do - "we reached a final solution". But it was too late. As a result, one girl who may never return to work, one who works only two days per week, my wife, my family and I, are all victims of a particular senior sergeant of police who wrote the most scurrilous and defamatory document in 1988 discrediting me and accusing me of knocking off money from police youth clubs and a variety of other things.

No one did anything to support me. Former Assistant Commissioner Cole virtually told me to pull my head in and directed me to north region. He told me to run away; "Run away, don't you worry or you will be seen to be vindictive". I have reached this conclusion in the past few weeks when I lost faith in the system of a job that I loved and with which I am still involved in the youth club movement despite all that has been done to me. I am taking a group of kids to Wellington this weekend because I love to do that. The Commissioner of Police and the Minister will be joining us. I have great respect for them. If it was not for the Minister and the Chief Secretary, I would still be dealing with my present problem. Despite what others might say, the Minister for Police was the one person who provided a ray of sunshine at the end to help me out of that trouble.

During the Address-in-Reply debate I referred the House to a matter concerning a constituent of mine. The matter related to brothels and a particular superintendent of police, who is an honest cop. Various people have said that he is a zealot. He just happens to like his job but he has been called a zealot because he is honest and has pursued the closure of brothels in Newcastle at the direction of the commissioner. My views about the commissioner are the same as those of the honourable member for Liverpool. I have known the commissioner through the Police Association and socially. He has had my support and always will. If anyone suggests anything unfavourable about Tony Lauer, they should prove it.

This motion is not discrediting the commissioner, because as State Commander and later Commissioner of Police he told Superintendent Cleary to start closing brothels pursuant to the Disorderly Houses Act. Cleary has been held to be a campaigner and a moralist. He was doing what he was told: no more, no less. When his wife visited me, I did not know what the matter was about. She produced evidence that he told the commissioner several times, "It is not going on in Sydney, it is not going in Wollongong, why do you want me to continue?" I have said time and again that the previous Government should have done something about legalising brothels. As long as there are brothels there will be corruption within the Police Service and by criminals associated with it.

Police officers have always faced temptation. In the short time that I spent in the licensing branch, police officers were always involved with grog, SP betting, gambling and brothels. Any officer placed in an illegal gambling establishment knew that it had all been arranged. One bloke with whom I grew up and played football said to me, "I've got my bail tonight. I may as well go with you rather than somebody else". The system was a joke. I have been there; I have seen it. Apart from a few illegal card clubs, SP betting and illegal gambling is pretty much on the wane. There is not as much peddling of illegal grog now as there was when I was a member of the police in the 1960s. Brothels have prospered. As long as brothels exist, there will always be complications and problems with police.

This all blew up in Newcastle because a particular person was trying to do his job. On 6 October 1993 an

inspector informed Cleary that a meeting of brothel owners and police in Newcastle on the previous day had discussed means of getting rid of Cleary because of his actions relating to Newcastle brothels. Cleary informed the Police Service. Information obtained at a later date - which I have handed to the Independent Commission Against Corruption, unlike other members here tonight who said I should provide evidence - indicated that the meeting was held in a cafe in Newcastle. The police were unable to find out where the meeting was held, but I found out. It was held in a cafe in Watt Street, Newcastle. I learned that police were present - which I have always suspected - together with brothel owners and solicitors. There was even an agenda: brothels, drugs and "get rid of Cleary".

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A Sydney brothel owner also attended the meeting, but no one wants to know about that. I know about it because he is under State protection. I do not propose to reveal his name because his life would be in jeopardy, but the State task force knows that he was in Newcastle on that date and for that purpose. The fact is, it could be one of dozens of people. It has been suggested that a former vice squad detective is associated with a brothel in Newcastle; that the district commander and a solicitor agreed that a charge would be withdrawn. It was suggested to one person that, if he did not do the right thing and lay off, his son would not graduate from the police academy. A police prosecutor has been told time and again not to become involved in the withdrawal of a charge because it has to be dispensed with by the court. The matter had to be heard; not just taken before a magistrate and withdrawn.

Regardless of the warnings, they proceeded down that track. An inspector from internal affairs - whom I do not intend to name, because everyone is worried about people being named - went to Newcastle to conciliate the charge although he had not even seen the brief of evidence. On his own admission, he had not seen the brief of evidence. Another fellow involved himself in a traffic matter. I am sure that many of my constituents facing similar charges would welcome the opportunity to have their matters similarly dealt with. I have people coming into my electorate office every day, saying that in their dealings with traffic police they have been hard done by, and within a fortnight or so the matter could be dispensed with.

Tickets to a particular New Year's function were sent to a superintendent in an attempt to compromise him. A breach of the Liquor Act was involved, but a local senior policeman went to the function and gave it tacit support. On 31 January a detective at Newcastle informed Superintendent Cleary that newspapers had inquired of him, "When is Cleary being transferred over the brothels?" In another case, a police prosecutor scratched out the names of the informants on an original incident in November and substituted Superintendent Cleary's name. The matter was then referred to the newspapers in order to start a war and further discredit people. How the matter would ever get into the newspapers is beyond my comprehension. A journalist was called to headquarters and told the graphic details, and it appeared in the newspaper for all to see.

The program "A Current Affair", having been supplied with information, went to the home of a particular person and camped there for five hours; that person could not gain entry to his home. It is unbelievable that this could have occurred. Now the internal affairs unit, north region, is conducting a witch-hunt because someone has had the audacity to rock the boat. I could go on for hours. In another example a former detective who is involved in brothels is constantly in the company of the most senior policeman in the area, and no action has been taken. As I said earlier, I have handed over the evidence I had. I will continue to do so and will not be deterred. I can inform honourable members that, this week, the members of a solicitor's practice said to Cleary, who has now taken legal advice, "This is an exact parallel with the Harry Blackburn case. You mark my words, it has every symptom of that". I raised this matter and made no judgment on the case. I merely handed over the material. I did not name the damning evidence but I have been pilloried ever since.

In the past week a chief inspector of police visited the workplace of Superintendent Cleary's daughter, who is not a member of the Police Service. A document I have refers to him as Inspector Hobden, but I understand he is a chief inspector. With another officer, he visited her place of employment at police headquarters, Sydney. Ms Cleary said that Inspector Hobden was aggressive. She said he had told her superior the previous day not to advise her that they were coming. She is a police employee but not a member of the Police Service.

Ms Cleary told Inspector Hobden that she did not wish to be interviewed and she would contact her solicitor - she is a very smart girl. She said that Inspector Hobden's words to her were particularly aggressive and offensive and that, in the presence of the other police officer, he stated, "We are not after you; we are after Face and your father".

What are this State and this country coming to? I have already conciliated one matter with a senior member of the service for whom I have deep respect, because I have made some inquiries since. I thought the matter had been finalised, but here is a chief inspector of police harassing a girl at her workplace. I now find they have removed documents from some place where they have been making inquiries. The documents have nothing to do with the New South Wales Police Service; they are Commonwealth documents. They have been to the university and on both occasions said, "We have a complaint". The people who represent Cleary, his solicitor and his barrister - who would be well-known to the Police Service, having handled the Blackburn case - were told, "We do not have a complaint, at all". Yet, Hobden is running around saying that he is going to get Face and Cleary.

There is no complaint. If you rock the boat and you have the hide or the audacity to stand up, you will be harassed and intimidated. I could have come into this House and taken a point of privilege but I thought that all it would do was expose all of these people to a great deal of trouble. I have raised this matter tonight because I have heard other things since and I am satisfied that I do have matters of concern. I have done nothing wrong. The Government asks why the Opposition wants an inquiry? I am just undertaking my duties, without fear or favour. The Opposition asked a question recently about Operation Choke in Newcastle - and the Minister wonders why it is getting into trouble! I asked whether two police involved in Operation Choke removed a well-known and respected architect in the Newcastle area from the Newcastle Building Centre at Broadmeadow - hardly an unidentifiable place - during a prominent seminar involving the earthquake. The answer was no.

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The next part of the question was, "If so: (a) What was the purpose of his removal?" They took him out to question him about the earthquake, but according to the police the incident did not take place. The next part of the question read, "(b) Why was it chosen to do it in that way?" There is no doubt that the reason was to embarrass him. The question continued, "(c) Is he a well-known person residing in the area and would not have been difficult to locate?" There would be no problem at all. The next part of the question was, "(d) Who were the two police officers . . ." They claim the incident did not occur, but I do not ask questions to which I do not know the answers. The officers were Detective Senior Sergeant Tate, who objected to being counselled afterwards, and an officer called Pont, who is, of course, a continual agitator against Cleary. Mr Hobden had visited this particular place to get the papers, but Pont could be in Chief Superintendent Moeller's office within 30 minutes of Cleary visiting the place.

Who is he working for? Is he working for the police or the particular group? I can tell the House how it happened, and that is why the Minister is in trouble. Questions like that received a blanket "No" answer. I knew the answer or I would not have asked the question in the first place. What is this State coming to? We can do nothing but support the motion. As I said in my opening remarks, I never thought I would see the day that I would have to support a motion like this. Things are out of hand. The 99.9 per cent of the Police Service who are decent men and women would welcome a final clearing-out of those who continue the mentality and culture that every time you say something, you are pilloried or find yourself in the same situation as I am. I walk home from the football now because I am not game to drive. I never thought that as a former policeman who is still involved on the periphery of the Police Service and respects police officers, I would ever reach that stage. If honourable members think I am emotional, I have every reason to be. I want an answer, as do many other people. The honourable member for Liverpool and I are former police officers. I was pleased to be a member of the Police Service, and members of my family are still in the service. [*Time expired.*]

Mr COCHRAN (Monaro) [9.32]: I oppose the motion and support the Premier's amendment. I want to raise a number of concerns, but initially I should like to say, in relation to the contributions by the honourable member for Liverpool and the honourable member for Charlestown, who are both former police officers, that I

also served for a short period of time with those who are known as the perspex police or, at one stage, the plastic police - the Federal Police. I have a high degree of respect for the New South Wales Police Service. I share the same regrets as the honourable member for Liverpool and the honourable member for Charlestown that we have reached a point of time when, as a result of allegations made by the honourable member for South Coast, we are debating the prospect of a royal commission. That is nothing new. This has all happened on previous occasions. I should like to read to the House part of a contribution from the Address in Reply to the Governor's Speech on 16 September 1980, to find out whether honourable members find anything familiar in what is occurring in the State in recent times. I quote:

The facts are that the police commissioner could argue in public with his Minister and he could resign on full superannuation benefits without a full investigation. His resignation was based on an anonymous document that made some shattering observations about the New South Wales police force, referring to illegal casinos and starting price betting operating under an elaborate system of police protection. Senior officers were involved in bribery and corruption. Criminal Investigation Bureau members were heavily involved in organized crime including armed hold-ups, robberies, gambling, drugs, dealings with criminals, prostitution and corrupt lawyers substituting smaller charges when serious offences were committed. Vital evidence in court was withheld, briefs permitted active interstate criminals to operate with assistance and immunity upon the payment of large sums of money or part of the proceeds of crimes committed.

At that time a royal commission was in place. Since then the Australian Labor Party has had 12 years in government. Nothing has changed; it has all happened before. Let me read on and let us see if we can guess who is making the speech. I read further from the same contribution to the Address-in-Reply debate:

I am stunned that this Parliament has not been given an opportunity to engage in a full debate on organized crime; the Baldwin bashing; the Woodward Royal commission - which cost more than \$3 million; the retirement under a cloud of Police Commissioner Wood; the results of the Australian Royal commission on drugs and the trail of unanswered questions; the proliferation of illegal gambling, prostitution, drug trafficking and the penetration of organized crime into the police force, the professions and the Parliament; and a host of other matters of great concern to the citizens.

Do honourable members know who made that speech? It was none other than the honourable member for South Coast, John Hatton. This is on 16 September 1980. He continued:

There is no more important subject than organized crime.

Here is a newly elected member saying there is no more important subject than organised crime. He continued:

It threatens the very fabric of our democracy and law and order in this State. Premier Wran, in answer to a question I asked on 23rd February, 1979, said that the Government believes the Parliament to be the place for members to question, probe, criticize and oppose incidents of organized crime.

There he is, the guru himself. I will repeat it. This is the honourable member for South Coast speaking about the Hon. Neville Wran:

Premier Wran, in answer to a question I asked on 23rd February, 1979, said that the Government believes the Parliament to be the place for members to question, probe, criticize and oppose incidents of organized crime.

In that instance I agree with Premier Wran. The honourable member for South Coast continued - and I might add that he is referring to the Australian Labor Party; nothing much has changed:

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And yet the Government has gone out of its way to prevent that from happening. Why? Honourable members are entitled to know why. I express utter disgust that this House has not even passed a motion of regret concerning the bashing of a member of the Parliament to within an inch of his life. The bald statement was made that only the Leader of the Opposition was entitled to speak. The red alert must sound when the political party in Government acknowledges responsibility for the Baldwin bashing, does not deny any

link between the Australian Labor Party and organized crime in city branches of the party, and does not specifically invite - in fact demand - that the most efficient investigatory law enforcement agency in the State - and I am talking about the Crime Investigation Unit and the federal law enforcement agencies, and I shall mention this later - investigate urgently the threat to peace, good order and democratic government.

He continued:

When thugs and criminals and others can conspire to undermine the pre-selection process of candidates for government -

What has changed, I might ask?

- and local government - and in one instance thereby tried to remove no less a person than the Chairman of Committees of this Parliament - and for this Government not only to fail to initiate a full-scale debate but to block such a debate deserves censure of the highest order.

This is the honourable member for South Coast in 1980 quoting Justice Williams in the report of the royal commission into drugs in Melbourne. I am speaking about the honourable member for South Coast, a man obsessed with corruption. The report goes on to say:

Everywhere I go I am told - heroin. It does not matter whether it comes from Western Australia, Melbourne or Queensland. The bulk of it seems to be on its way to Sydney before it is redistributed back to these places.

Mr Gibson: What has your Government done about it?

Mr COCHRAN: What did the Labor Party do about it when it was in government? It had 12 years to do something about it, but did absolutely nothing. It is absolute hypocrisy for the two previous speakers to bleat about being former members of the police force. The honourable member for South Coast in his time in this House has attacked personally, without regard for the families involved, police, prison officers, private citizens and even members of the judiciary. Who does he trust? He does not trust a royal commission, and I will talk about that in a moment. He does not trust police, prison officers, or private citizens. He does not trust members of the judiciary; he does not trust the royal commission - and I will prove that in a moment; he does not trust the Independent Commission Against Corruption. He certainly does not trust honourable members opposite. We have just heard all about that. I refer to the *Hansard* of 18 February 1987. The matter reported relates to the judiciary. The honourable member for South Coast gave the following notice of motion in the House on that day relating to Judge Collins, and it has been referred to by the Deputy Premier:

1. That this House expresses alarm at the action of District Judge A. D. Collins in lying in a handwritten report to the Court of Criminal Appeal in the case of Andrew John Williams.

The motion continues, but it was subsequently amended on a point of order. The motion, as amended, reads:

That this House expresses alarm at the action of District Judge A. D. Collins in lying in a handwritten report to the Court of Criminal Appeal in the case of Andrew John Williams.

He was discredited in the media, across the State and even by members of the Opposition. In that instance the honourable member for South Coast had an alternative. He had an option. In every instance that he has raised cases of corruption in this place there has been an alternative, but he chooses not to take that alternative because he is a publicity seeker every time there is to be an election. This is what Attorney General Sheahan said:

The honourable member for South Coast basically supported the provisions of the Judicial Officers Bill. Had the honourable member made an inquiry of me as to my intentions in respect of the matter that he raised today - and it was actually raised publicly by the well-known Dr Vinson - I would have told the honourable member exactly what I had done. Having decided not to do that, but to give notice of motion, I am compelled to raise this point of order to suggest to you, Mr Speaker, that though this is the first time the issue has arisen since the passage of the legislation, the commission does act judicially in dealing with matters referred to it by me or

complained about by the public. The honourable member for South Coast saw fit not to use his undoubted rights as a member of Parliament and as a citizen to lodge a complaint in accordance with the statute and decided to bring this serious allegation to the Parliament in such colourful language.

The honourable member for South Coast is not unfamiliar with royal commissions. I refer to 13 May 1987 when he gave notice of a motion in the House with regard to the incidence of marijuana growing in the vicinity of Goulburn. In his answer to the motion the following day, George Paciullo, Minister for Police at the time, said:

Yesterday, by way of notice of motion, the honourable member for South Coast called for an independent investigation of matters concerning the growing of marijuana in the Goulburn police district, and implicated a number of officers.

That is the same pattern: without any regard for the anxiety and the distress of the families of the police involved or the police officers themselves, he immediately raised the matter in the House. However, he had alternatives. George Paciullo later said:

In my discussion with Justice Stewart he indicated he would be happy to meet with the honourable member for South Coast in the light of his allegations.

The alternative was there again, but the honourable member for South Coast chose to take the public stand, chose to grandstand in the Parliament and raise the issue in the public arena, making best use of the publicity available to him leading up to the election. I should now like to refer to the case of Col Winchester which flows on from the matters spoken about in the House on that day, 14 May 1987. Mr Ron Cahill, Chief Magistrate and Coroner in his report delivered on 8 November 1991, in relation to the honourable member for South Coast, said:

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Calls for wider inquiries and a royal commission into the general issue of police corruption and marijuana plantations, is of no relevance to my task. I simply have no credible evidence before me to assist the task of identifying the murderer of Winchester. I have no doubt that Mr Hatton and others sincerely believe that their theories are correct. I am not in a position, nor is it appropriate for me, to either pursue those theories or pass comments upon them. I am required to act on hard evidence and my task is a restricted one. At times, during this inquest, I gained the clear impression that Mr Hatton held his beliefs and theories on this question so strongly that he appeared unwilling to jeopardise those theories when faced with hard evidence or arguments to the view that was contrary to his own. He seemed to be operating from the perspective that his theories and views on the subject were absolutely correct and that despite evidence forthcoming that might cast some doubt upon his theories, somehow, a wider and deeper inquiry would produce evidence that would verify his theories.

The honourable member was condemned by Mr Ron Cahill, the magistrate involved in the inquest into the death of Col Winchester. At a later stage he is further critical of the honourable member for South Coast. He said:

I reject the criticism by Mr Hatton that the AFP was responsible for performing the investigatory task on my behalf at this inquest. The crime logically falls within their jurisdiction. They have at their control, the material concerning most of the issues that have arisen. It is not always the custom that an outside investigatory agency is brought in when a senior police officer is murdered. There are examples in the past of unsuccessful enterprises where this ploy has been adopted.

Finally, I regard Mr Hatton's criticism as a slur upon myself and the able investigation team led initially by Mr John Dee QC and later Mr John Winneke QC. The investigation in this matter was controlled by me with the expert assistance of that team. In my view that negates the uninformed speculative comment made by Mr Hatton in this regard.

Thank the Lord someone had the guts to take the honourable member for South Coast to task, as Mr Ron Cahill did. Further, in response to specific recommendations by the various parties involved, Mr Cahill said in his report:

The call for an inquiry for a royal commission by Mr Hatton and others into the whole question of Operation Seville remains, in my opinion, essentially a political question.

In another part of the report Mr Cahill said:

The AFP have recommended I consider support for a perjury charge to be laid against Mr Hatton in respect of the evidence he gave before me.

At a later stage of the report he said:

I find no credible evidence before me to base any finding of corruption against any member of the New South Wales Police Force, past or present.

I refer to the allegations made by the honourable member for South Coast in this House on 14 May 1987 when he implicated a number of officers and he was taken to task by the Hon. George Paciullo, the Minister at the time. Who does the honourable member for South Coast trust? We have established that he does not trust the police or Mr Cahill. In the final moments available to me I shall look at the record of the honourable member for South Coast. I went to the library this afternoon to try to establish the record of the honourable member in raising issues in this House relating to corruption. He has asked a litany of questions since he entered the House in about 1979 - all of them relate to corruption and, to the best of my knowledge, they are of little or no consequence except that they brought anguish and grief to the families of the individuals concerned. I refer to a question he put on notice in 1987 relating to police corruption. His question was:

In 1977 did the then Crown Prosecutor Mr John Laurence identify 14 police officers in connection with a stolen car racket in association with Reginald John Varley?

In some cases the honourable member for South Coast has been spot on; but it does not take a royal commission to resolve these issues. Many of his questions are the same. We can all remember the case of Buckets Jackson. The honourable member, to his credit, was involved in those inquiries. The honourable member has asked many other questions, which are available for all honourable members to see in their own time. None of the issues he has raised requires a royal commission. Finally, I share the concerns of many in this House with regard to the obsession the honourable member has with corruption. I refer to some words of Justice Moffitt when addressing a matter relating to Sergeant Jack McNeil and the evidence he had given before a royal commission. Justice Moffitt said:

His evidence is so patently unreliable at so many points I am forced to the conclusion that the falsity of much of his evidence is not by mistake but at least on some points is knowingly.

I often wonder whether those words refer to the honourable member for South Coast. I wonder whether this is a cheap political exercise for the honourable member for South Coast to be re-elected. This exercise is nothing more than a callous disregard for the human dignity of those members of the New South Wales police force - *[Time expired.]*

Mr GIBSON (Londonderry) [9.52]: I support the motion moved by the honourable member for South Coast. I cannot believe the attack Government members have made on the honourable member for South Coast in this Chamber tonight. One wonders what they have to hide. It is a right of every member in this Chamber to raise anything in the interests of the public. That is the job of a member of Parliament. I do not agree with everything the honourable member has said now or in the past. However, the honourable member has plenty of guts and he stands behind what he says. He is prepared to show his true colours. That is something that a lot of people on the Government side do not do. Government members have spoken tonight about the Independent Commission Against Corruption and have said we do not need a royal commission in New South Wales; the ICAC is there to do this.

In the early days the ICAC would not have tracked an elephant through snow. It had a lot of legal people

who knew absolutely nothing about police work. The Government talks about victims and how
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many scalps the honourable member for South Coast has. How many scalps does the ICAC have? The ICAC went out and looked for the easy target - who did it catch? It caught probably the most honest member of Parliament ever on the coalition side, the Hon. Nick Greiner. Nick Greiner also went to court and it was proved that he was innocent. That is how good the ICAC is. Government members are saying, "Let the ICAC do it. You don't need a royal commission". We do need a royal commission.

The issue of naming people has been raised in this House tonight. In 1991 I agonised for about six months with respect to naming certain members of the New South Wales police force. Some of my best friends, from when I was playing rugby league, are members of the New South Wales Police Service. I have a son who wants to join the service. He would be very proud to join the force. I will support him as much as I can to do so. There is a small percentage of dishonest cops, and the rest are an asset to this State. I agonised for a long time as to whether I should name these police. I was sitting in my office one night and I got a telephone call from downstairs to the effect that a certain gentleman was here to see me. He was one of the highest ranked police officers in New South Wales.

He said, "I believe you have something to drop over the next few weeks in the Chamber about police corruption". I said, "Yes, I have". He said, "When are you going to do it?" I said, "Channel 2 has been doing some work on it for the last six months to back up what I am saying. Probably in four or five weeks". He said, "Let me tell you that the story down at the big house is that if you don't drop it tonight you will not be able to drop it". He said, "You won't be dead, but you won't be able to give evidence in this Chamber for a long time to come". Prior to that visit I had spoken to the then Premier, Nick Greiner about this situation. I went to see him again that night. We organised that we would get suspension of standing orders so that I could tell the House about the situation. That happened. Most of the policemen I named in 1991 were proven to have something to answer for - but it took a long time.

The person I went to see Greiner about was none other than a so-called Mr Big of crime - and I have no doubt that he is. He is a fellow by the name of Louie Bayeh. I have no barrow to push for Louie Bayeh whatsoever. If he is guilty of anything, lock him up and throw away the key. Louie Bayeh was charged with assault when he was 16 years old for fighting in the street. If he is a Mr Big of crime, how come we have not picked him up before today? That question must be answered. Only a royal commission can give us that answer. Bayeh came to see me and convinced me over a period of time that he had a case. He told me that he had been set up by the New South Wales police. Bayeh told me that he had been paying three squads of the New South Wales police off for 14 years through the prostitution racket. He paid \$1,000-odd a week to the three of them. He then stopped paying. After he stopped paying he was told that if he did not start paying again he would be set up.

Bayeh was picked up at Kings Cross one night and charged with being in possession of heroin. Bayeh maintained that he was innocent. After he gave me some proof of that, I believed that he was innocent. It does not matter whether you are a criminal, a politician, a priest or a pauper, if you have been set up, you have been set up. There is no doubt in the world that Bayeh had been set up. I spoke to the then Attorney General, John Dowd, many times about this matter. The advice I got from John Dowd in the end was, "Look, go home and look after your family because this is over your head. Forget about it". That was good advice, and I probably should have taken it. The then Premier, Nick Greiner, was very helpful, as was Peter Collins when he was Attorney General.

I organised to see the Premier, Gary Sturges and everyone else concerned. I put it to them that they should think about no billing Bayeh's case. I did not do that because I wanted to help a crim, but because I honestly believed that Bayeh could prove that he was innocent. I did it so it would not cost the taxpayers of this State any money. No one went along with that suggestion, and I will say a little more about the help I got from Mr Temby and the ICAC later. Bayeh was charged and went to court. He finally went to court on 24 June 1993 and the case was settled some time before Christmas.

I refer to the charges I spoke about in 1991 and the reason we asked for a no bill. The magistrate acquitted Bayeh on the basis that the police had fabricated the evidence against him and in effect had loaded him up. On the acquittal of Bayeh the court ordered that the police also pay his costs. So far the taxpayers of this State have paid \$55,000 for Bayeh's costs. Since then Bayeh has taken out a defamation case against the Government. He could get \$200,000 to \$300,000 for that. He has won his day in court. There is a fairly good chance that he will win the defamation case.

The taxpayers of this State have been slugged three or four hundred thousand dollars, which has been given, in the words of the ICAC and everybody else, to a Mr Big of crime. We are supporting the Mr Bigs of crime. Bayeh was brought to my office by a doctor who felt that he had a case. On 17 July 1991 I started getting telephone death threats. They continued on 18 July. I was told that I was going to be put into a cement box, fitted with a cement suit and all the rest of it. On the same days Bayeh also got death threats. On 22 July 1991, after attending a meeting of the Henry Lawson Club, I visited my office about 9.45 p.m. for a short time. On leaving the office just prior to 10 o'clock I saw that people in the car park appeared to be trying to steal my car. There were three or four of them and when I went over to see what was going on I received a hiding. Subsequently I received two other hidings, not knowing who did it or where they came from.

Since having the temerity to speak about these people in this Chamber I have had bullets in the front door of the centre where I am and a call the next day to say that next time the bullets would not be in the

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door but in me. I had blood spilled over the bonnet of my car and my car smashed. All these matters were brought to the attention of the ICAC. The ICAC did not want to know too much about them. The chairman of the ICAC committee spoke in this debate earlier. He told us what a great job the ICAC has done. The Parliament's ICAC committee investigated the charges I made. I might say that no one has been held responsible for any assault on me. Nothing has been followed up. None of the charges I made at the time about me or anything in connection with them has been followed up. There has been no conclusion to any of them. That is just not good enough.

When the parliamentary committee investigated the matter it did not even invite Bayeh. He was not even invited to the Parliament to give evidence, nor was his lawyer or solicitor. When the committee met I do not know who it talked to and where it got its information. The main culprit was Bayeh and he was not even brought before the committee. The name of Gary Sturgess has been mentioned quite a few times tonight. He is the person who created the ICAC for the Government. At the time it was claimed that the ICAC would be a panacea for all evils. Gary Sturgess has some reservations. He wrote:

In November 1990, the Member for Londonderry, Mr Paul Gibson . . . approached the former Premier, Mr Nick Greiner, about the arrest of a Kings Cross identity, Mr Louie Bayeh . . .

He went on in the letter to state that I asked at the time for a no bill and the reasons for doing so. He continued:

There the matter rested until 18 July 1991, when the (then) Premier's Chief of Staff, Ken Hooper, rang me following a call from Paul Gibson. Mr Hooper advised me that the case had still not been finalised by the IPSU, and that Bayeh had been advised to get out of the country by the NSW police.

That was Ken Hooper telling the story. The letter continues:

Given the name of one of the police officers which was mentioned to me at the time, I took this to be a veiled threat from the corrupt elements within the NSW police force.

It cannot be taken in any other way.

Mr Hatton: And that is the head of the Cabinet Office.

Mr GIBSON: Yes. Mr Sturgess continued:

On . . . 26 July, 1991, I communicated information about the assault to the ICAC, the NSW police and the Minister for Police.

They are the three top authorities. Gary Sturgess put my case to these three bodies and three years later I still have not heard anything in response. For any member of Parliament to be treated in such a fashion places our parliamentary system in this western democracy in jeopardy. The whole parliamentary system is at stake. It is not about John Hatton or his fight with Tony Lauer; we are sticking up for the people and democracy in this State. Mr Sturgess continued:

That same day, I spoke to Mr Ian Temby . . .

When I had the temerity to raise some of these matters with Mr Temby he said, "I am too busy. I am too precious to talk about corruption". He did not want to pursue hard core corruption. All he wanted to do was pursue the easy corruption, the Nick Greiner types of corruption. I might add that when Nick Greiner fell not one of the members opposite stood behind him. Mr Sturgess continued:

That same day, I spoke to Mr Ian Temby about this whole affair because of my concern about the ICAC's initial mishandling of the Bayeh matter and the need for ICAC supervision of the remainder of the investigation. I also told him about the bashing of Mr Paul Gibson and expressed my view that this was a serious allegation, warranting the full attention of the ICAC.

Mr Temby was most reluctant to become further involved. He rejected my suggestion that [the head of the ICAC at the time] had completely mishandled this matter. He would only acknowledge that it could have been handled better. He said that the ICAC could not pick up a matter everytime the police could not handle it. I replied that I thought this was something a little more serious than just another matter the police couldn't handle. He also suggested that the ICAC lacked the resources. I pointed out that the Act gave them the capacity to set up a hand-picked taskforce. He acknowledge that that was a possibility and told me that he would think about my comments.

He went on to say:

The same day I also spoke by phone and then in person to Mr Pickering about this matter. He expressed concern at ICAC mishandling of the affair, but . . . did not show sufficient concern at the alleged assault of Mr Gibson and was unsympathetic to the difficulties of arranging attention for Mr Bayeh in these circumstances.

I saw the Bayeh case as the best way to open the Pandora's box of corruption in New South Wales. Bayeh was prepared to give evidence on his case only - as much evidence as we wanted. I peddled Bayeh around - I wondered why and I know now - to people like Col Cole and Bob Myatt. I had many meetings with him. Now we know why I did not get anywhere. He told me all the time, "Mr Bayeh will go a certain way but he will not give us all the information we want". Let us have a royal commission and then see how much information we get out of the Mr Bayehs.

Mr Cochran: And you too.

Mr GIBSON: You can throw up about me what you like. I have a letter here about the Minister for Police that I might table at some stage. It is from Valerie Murphy, the sister of Chris Murphy. We will see how that is handled at the right time. That is something else for another day. Mr Sturgess continued:

On 8 August 1991, I took the unprecedented step of writing a letter to the . . . Premier outlining these matters and expressing my grave concern at ICAC inaction over police corruption.

He wrote:

I want it to be clearly understood that I am offended that this Government is unwilling to do anything or incapable of doing anything about a core of corrupt police officers who are prepared to threaten the State itself. In effect they are saying: "Touch us, and we will hurt you."

That is exactly what they were saying:

I regard the bashing of a Member of Parliament as a threat to the very institution of government itself. It needs to be remembered that in the fight against organised crime in this State in recent decades, one MP has been brutally bashed (Baldwin) and a candidate for Parliament has been killed (McKay) by organised crime . . .

Further on in the statement Mr Sturgess said:

Mr Greiner later gave me a brief summary of what was discussed at this meeting. Mr Temby would not admit that the Bayeh matter had been mishandled, only that it could have been done better.

And:

In late September I again spoke to the Premier expressing my concerns on ICAC inaction . . .

This next quotation is something that one could hang one's hat on:

The (then) Premier was opposed to a royal commission because of the high costs associated with this institution.

A royal commission into police corruption was talked about even when Mr Greiner was Premier. Mr Sturgess finished his statement by saying:

I acknowledge that much has been done since John Avery became Police Commissioner to improve the situation within the NSW Police Service concerning serious corruption. It is my view, however, that serious problems remain.

It is a matter of grave concern to me that three attempts at conducting a comprehensive investigation into police corruption during the life of the Greiner Government were frustrated. The first of these was Operation Asset, which was compromised through the extremely narrow terms of reference which it was given. The second was an NCA investigation, founded after a reference by Mr Pickering (the fate of which is uncertain, but seems to be tied to Operation Milloo). The third was this attempt to have Mr Temby conduct a proper inquiry into police corruption. This ended in Operation Milloo, which . . . has produced very mediocre results.

I went into some detail on the statement of Mr Sturgess because he was the creator of the Independent Commission Against Corruption. He told us in that statement - early last week before the Committee on the Independent Commission Against Corruption, chaired by the honourable member for Cronulla - that the ICAC is not doing the job for which it was set up. The honourable member for Cronulla has the temerity to say that honourable members should not worry about a royal commission, which has much wider terms of reference, because the ICAC could do the job. In the statement made to the Committee on the Independent Commission Against Corruption the creator of the ICAC says that the ICAC cannot do the job, is not capable of doing the job - or, if it is capable of doing the job, does not want to do the job that should be done.

Mr FRASER (Coffs Harbour) [10.12]: A couple of weeks ago I told the House that I was sad to be contributing to a debate on health funding. That debate also was brought about by the honourable member for South Coast. Tonight I am saddened that the House has before it a motion based on the theories and the prejudices of the honourable member for South Coast, Mr John Hatton. The honourable member said in the previous debate that he felt it was an interesting debate because one learned much about other members. He obviously felt that he had learned a lot about me that night. He is going to learn a lot more about me tonight.

The honourable member for South Coast is the most sanctimonious little man I have ever met. Evidence I shall present before the Parliament this evening will prove that he makes up his mind on what should happen with him as de facto premier of New South Wales and decides that this Parliament must agree with him. I bring to the attention of honourable members correspondence I have laid before the House previously. The

Illawarra Mercury in April 1991 ran an article headed "Hatton 'a perjurer'". The honourable member for South Coast perjured himself then. He now is perjuring himself before the House. The article to which I have referred states:

Independent Member for South Coast John Hatton should be charged with perjury and police suspect David Harold Eastman with murder, lawyers told the Winchester Inquest yesterday.

It continued:

Mr Maguire, counsel for the Australian Federal Police, said Mr Hatton's denial was part of a plan that was "malicious, injurious to the public good . . . and contrived to do damage to the standing of the AFP".

That is no more than the honourable member for South Coast is doing today. He has decided that there is corruption within the New South Wales Police Service and he has decided that Commissioner Tony Lauer is corrupt. In the Chamber this afternoon he said that he had no beef with the Minister; he said that he thinks the Minister is a good fellow. He then called on the Minister to resign over what is going on. This man, the honourable member for South Coast, is off the rails; he believes his own rhetoric. The *Sydney Morning Herald* of 24 April 1991 stated:

Meanwhile, the Australian Federal Police, (AFP) have recommended that the Member for the South Coast, Mr John Hatton, should be prosecuted for perjury.

The article continued:

Counsel for the Australian Federal Police, Mr Brian Maguire, QC, said he would make no submission regarding Mr Eastman.

However, he said Mr Cahill should consider recommending to the Director of Public Prosecutions that Mr Hatton be prosecuted for perjury. He said Mr Hatton had denied, when giving evidence last year on potential witnesses, that he had spoken to a group of Victorian policemen.

But Mr Maguire said one of these policemen had told the inquest later that he had spoken to Mr Hatton between one and three days before Mr Hatton gave evidence.

That is proof that the honourable member for South Coast has perjured himself in court. He is perjuring himself before the people of New South Wales and this Parliament. The article in the *Sydney Morning Herald* also stated:

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There was no basis for criticising any AFP officers - investigations into the Pine Lodge police raid of the late 1970s and Operation Seville shed no light on the murder. Operation Seville revolved around police sanctioning marijuana plantations at Bungendore to trap drug runners in the early 1980s.

The article went on to state:

He said Mr Hatton's criticism of the inquest in an article in *The Bulletin* on April 2 should be considered a contempt of court.

The honourable member for South Coast has decided that he wants a royal commission. It does not matter how many times he raises this issue and is proved wrong, he will take it one step further. He will not accept that the ICAC and all the other bodies that have examined allegations of police corruption have made findings that are contrary to his own thoughts and beliefs. He then decides that if he cannot get what he wants he will waste millions of taxpayers' dollars on a royal commission to somehow taint the police force of New South Wales. I believe the New South Wales Police Service to be hard working and honest. Last Saturday night I went around the electorate of Coffs Harbour in the company of police to see the problems within the electorate and the way

in which the police conduct their operations. The police in my electorate are beyond reproach: they are good people, people who deserve the confidence of this Parliament and of the Minister, which they have been given.

The honourable member for South Coast has decided that he does not want to confirm that confidence so, just to get his own petty attitudes across, he has gone out on a limb and called for a royal commission that will cost millions of dollars. I draw to the attention of the House an article written by Ken Hooper that appeared in the *Daily Telegraph Mirror* on Saturday, 21 August 1993. The article makes mention of the honourable member for South Coast. The House should remember that the honourable member for South Coast, the man who talks about corruption, is the man who has blackmailed this State into giving him an extra staff member because he is an Independent member. He told the Government that he would sign an agreement if the Government looked after him and gave him an unfair advantage over every other member of Parliament, apart from Independent members.

Mr ACTING-SPEAKER (Mr Tink): Order! I call the honourable member for Wollongong to order.

Mr FRASER: He said that he wanted an extra staff member, to which no other member was entitled. He held the Government to ransom. The honourable member for South Coast told the Premier that he would sign an agreement if the Premier agreed to his terms and I believe that to be corrupt conduct under the Independent Commission Against Corruption Act. The honourable member for South Coast has compromised the Premier and the Executive Government. He held them to ransom.

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

Mr FRASER: He has said, "You will do this or I will not support you". This is the man who talks about corruption. John Hatton's behaviour is corrupt conduct. His behaviour is unacceptable to the people of New South Wales and this Parliament. He sits there, with an innocent look on his face, saying, "I am the defender of the people". Sorry, John Hatton, you are a perjurer.

Mr Hatton: On a point of order: I object to the phrase "You are a perjurer". I ask for a withdrawal and apology.

Mr ACTING-SPEAKER: Order! I direct the honourable member for Coffs Harbour to withdraw the remark and apologise.

Mr FRASER: I withdraw and apologise. Mr Hatton is quoted in the newspapers as being a perjurer. I have laid that evidence before the House; the House and the public can make a decision about it. I quote from Ken Hooper in the *Daily Telegraph Mirror* of 21 August:

John Hatton got extra spending for his South Coast electorate, Peter Macdonald demanded that the Government close its North Head sewerage treatment plant . . .

I was present at some of the meetings which led to the eventual signing of that agreement and I could honestly tell the ICAC that all three of those Independents asked for a series of electoral and other inducements (including parliamentary reform) before they would sign. They even negotiated extra staff for themselves.

As Snodgrass, QC would say: "They are guilty of the crime of which they accuse others. One only needs to examine the extra spending in their electorates and the outrageous demands they have made upon Premiers to see the proof of their guilt."

For that man to stand before this House and call for a royal commission into police corruption in this State is nothing short of hypocrisy. It is hypocritical for this man to stand up, wring his hands and nearly come to tears, as he did this evening, in an attempt to convince the public gallery, the press gallery and the Parliament that he is doing it for altruistic motives. This man is corrupt. He has indicated that under the Independent Commission Against Corruption Act he has put pressure on the Government -

Mr Hatton: On a point of order: I object to the phrase "This man is corrupt". I ask for a withdrawal and apology.

Mr ACTING-SPEAKER: Order! I direct the honourable member for Coffs Harbour to withdraw the remark and apologise.

Mr FRASER: I will withdraw and apologise, but I will also quote from an article that shows that the actions taken by the honourable member for South Coast and his Independent colleagues would, under the definition of the Independent Commission Against Corruption Act, if put to the test, be proved corrupt because they have inhibited the Premier, the Executive Government and the Governor in the execution of their duties. They have asked for special privileges that are not afforded any other member of this House. At times Mr Hatton has indicated that other members

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should probably have extra staff. I believe that his guilty conscience causes that attitude. Mr Hatton and the Labor Party, by its support for his motion, are playing games with the people of New South Wales. They are denigrating good police officers; they are denigrating the reputation of the police force. They are implying that police in New South Wales are corrupt.

This side of the House has not denied that in every profession there would be corruption. It has been proved to this House and to the people of New South Wales that there are corrupt police officers. However, to call for a royal commission and to put a slur of corruption on police officers in New South Wales at a time of high unemployment, unruliness and disregard for the police force - as I witnessed last Saturday night and Sunday morning - when we need confidence in our police officers, to stand on the soap box and say, "I believe, and because I believe it must be right, that police officers are corrupt" is unacceptable to me and to most people in New South Wales. The honourable member for South Coast has tainted the good reputation of the police officers in my electorate. I will stand up for the officers in my electorate day in and day out and support them for the great job they do in trying circumstances. I cannot stomach people like the honourable member for South Coast making accusations in Parliament about police officers. I quote a transcript of an interview on "Alan Jones Live" of 24 June 1992:

Mr Hatton, more about him in a moment - said on television last night and I quote accurately "I acknowledge the Greiner Government as the cleanest government I have seen in my nineteen years in Parliament" unquote. But on a separate television programme last night he said in relation to Mr Greiner, and I quote "I have made my assessment of the unacceptable nature of the behaviour of both ministers in the Metherell affair . . ."

This relates to the removal from Parliament of Mr Greiner and Mr Moore. Mr Jones continued to quote Mr Hatton:

". . . my mind was made up prior to the use of the word 'corrupt' ". In other words, John Hatton is trying to tell us he made his mind up that Nick Greiner was corrupt even before the release of the Temby report".

He has assessed the New South Wales police department. He was a member of a joint parliamentary committee and he heard the evidence. The majority of members of the committee agreed there was no ground for Mr Hatton's dissent. But once again Mr Hatton made his mind up, before he went into that committee, that certain officers of the police force were corrupt. The committee did not change his mind. He dissented from its decision; he has now gone to look for a head on the block.

He has decided that the royal commission will prove him right. Where do we go from here? What happens at the end of the day when Mr Hatton's royal commission finds there is no corruption? Where does he go? He will find some other avenue to say, "The people are not listening to St John. I walk on water. I should be Premier. I think I am God. The people are not listening to me, therefore, I am right. The public must believe I am right. I will continue to pursue it until the bitter end". It is interesting that he makes the allegation within the coward's castle - in this House. His evidence about police corruption is on the table, and it

was recommended that Mr Hatton be charged with perjury about that evidence. The prosecution could not prove a case against him and backed off. He has decided that he is right.

He has pre-empted the jury. He said, "I am correct; you people will listen to me and you will give me what I call for, and that is a royal commission". Why does he not trust the ICAC? I suspect the reason is that if the ICAC looked at his agreement with the Government, and also with the Opposition, it would be found that the Premier, the Executive Government and the Opposition had been compromised to the extent that his behaviour amounts to corrupt conduct under the meaning of corruption in the Independent Commission Against Corruption Act. He has influenced and he has altered the process of correct government by saying, "I will give you support but only under these conditions". That is frightening. I want to put on the record an editorial in the *South Coast Register* of 1 July 1992. The editorial talks about Nick Greiner, and reflects on the job that the honourable member for South Coast was doing for his electorate. It said:

Now that Nick Greiner has been forced to resign, it is hoped that our State member for the South Coast, John Hatton, will concentrate on the many problems in his region.

Since the NSW elections which unfortunately placed Mr Hatton in a position of great power as "leader" of the Independents on whom the elected Government relies to pass legislation, he has been most outspoken about its policies, and seems determined to force another costly election.

One has to remember that Mr Hatton is a former Labor Party member, commencing his political life twenty years ago on a Labor ticket, and was a staunch supporter of the Teachers Federation, leaving very little room for sympathy with the Liberal Government regardless of its performance.

Mr Hatton, the South Coast has the highest youth unemployment in the State and relies on small business and tourism for its economic survival.

With the Princes Highway south of Huskisson the worst stretch of highway in NSW, tourists are deterred from travelling the region and little is done by the public servants at all levels of Government to assist small business.

Our hospitals are archaic and according to yourself are underfunded.

Mr Hatton, you have been our member during this demise and the taxpaying public has yet to see any funding.

Is it possible to forget the power and glory of toppling elected Governments, and support your electoral neighbour, Mr John Fahey, now Premier, in his endeavours to bring NSW out of its financial ruin, inherited from former, longstanding leaders and their parties.

The South Coast, not Port Macquarie, Mr Hatton, has been your loyal domain for twenty years.

It is time that loyalty is repaid.

This matter is yet another example of Mr Hatton not representing his electorate. He is running off on one of his own topics, which has been proved in the past to be not correct. The honourable member is now

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trying to waste taxpayers' money and this House should not support a man newspapers have indicated is a perjurer; a man who prosecutors have said should be charged with perjury. I believe he has repeated that tonight. He is misleading the House and the people of New South Wales, and I cannot support the motion.

Mr NEWMAN (Cabramatta) [10.32]: What a pathetic performance by the honourable member for Coffs Harbour! Well should he leave this Chamber with his head bowed. History will prove the honourable member for South Coast to be a crusader for law and order in this State, and I support his motion for urgent consideration. It is vital that, at this time, the Parliament should debate, and indeed carry, the motion for the appointment of a royal commission into the New South Wales Police Service. As a member of this Parliament,

I know all too well what the honourable member for South Coast has gone through as a result of his history as a crime fighter in New South Wales. I have a similar problem in the electorate of Cabramatta in respect of organised crime and the Mr Bigs of this world.

It is a sad indictment of this Parliament and the Police Service that members of Parliament have to endure the attacks that have been made on my property and the assaults that I have heard about from the honourable member for Londonderry, as a result of our stand against the criminals of this State. I find it difficult to relate to the Parliament the incidents that I have experienced but, last November, prior to introducing anti-crime campaigns in my local electorate, I was the subject of an attack. A bucket of red paint was thrown all over my car, which was parked at my home. I assure honourable members that red paint stands out graphically on a white Fairlane. I was with a delegation in China when I received a telephone call from my secretary to tell me of the attack on my car. I knew it was as a result of action I had taken in that week: speaking out against home invasion robbery, delivering pamphlets in the Cabramatta shopping centre, and warning shopkeepers to put their money in the bank and not take it home. I also suggested other initiatives to encourage people to take fewer risks of this type of attack.

As a result, I was the victim of an attack. When I telephoned to find out what was happening, I received very little response. I thank the President of the Legislative Council, who was the leader of the delegation, for assisting me to contact the Minister, who, incidentally, is not in the House. I recall that when he was present during the contributions of a number of previous speakers he leaned over and wanted to know where the honourable member for South Coast was. The Minister has been absent for some time now. He should come into the Chamber and listen to this part of the debate, because it is important.

On my return from China, with the aid of the Minister, I was met by members of special branch at the airport. Thereafter, I was able to tell the officers that an associate of mine - a young lady who worked for the Oceania English School at the time - because of her association with me had been visited by a couple of henchmen whose intention apparently was to intimidate her. She was not present in her office at the time but they removed a photograph from the desk and she later received a letter containing a death threat.

I anticipated that the police would investigate the matter. I did not hear a great deal from them thereafter. In early January I received a direct death threat on my answering machine. I reported it to the police and, surprisingly, nothing happened. I reported the incident on the Wednesday and, on the Saturday night of the same week, my home was attacked again. This time the paint was blue and not red. The car had just been repainted when another assault occurred on my property. Prior to that I had been active in anti-crime activity in the Cabramatta area. This was the second occasion. I went the car for repainting again, and the insurance bills were paid. It was simply another vicious act against the local member of Parliament who was attempting to do something about crime in his electorate.

The police were informed but there was little response. Surprisingly, officers from the technical branch at least assisted me to put a camera in my home and offered advice about security. I have since spent a considerable amount of money improving the security of my home, putting in lights and other things to avoid another attack. I was shocked in April when another attack occurred while I was doing my duty in the community as an instructor at a youth club. I had parked outside the club and this time metallic paint was thrown over the car. That indicated to me that the culprits knew where I was going and were seeking to continue the intimidation. I reported that attack to a detective at Cabramatta police station. Later, I attempted to find the tin that had contained the paint. I found the container and took it to the police station. I left it there for the police, hoping they could fingerprint the can and get back to me. I did not get a call and I did not hear from the police again. Frankly, I consider that that is utterly disgraceful.

The only people who have contacted me since have been officers from the police technical branch, bless their hearts. They checked on the camera and gave me advice about the angle and that sort of thing. It is a sad indictment of this Parliament that the vehicle of a member of this House can be the subject of three paint attacks causing about \$8,000 worth of damage. I will have to spend about \$10,000 on security for the house but, as yet, I still have no clear-cut information about the position. I also received a second death threat. The Chinese

New Year celebrations in Cabramatta are usually attended by 3,000 or 4,000 people. I was quite nervous on the day of the celebrations. I informed the police of the second death threat, and I believe they informed special branch. I thought that at least I would have some protection.

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During the day a troubled bystander whom I did not know poked me with an umbrella. I thought it was a knife and I was a little shocked. I handed the umbrella back to him. It could have been a knife, and I did not see any police officer acting as a guardian angel for me. Nevertheless, that is my experience of dealing with the police. If I was at risk again I very much doubt that I would call Cabramatta police. I would handle the matter myself or call some other station because, frankly, apart from giving notice of an insurance claim at that particular station, I would not be bothered making contact. It is sad to say that, but apart from the officers from the technical branch, the response I have received up to date has been a little lousy.

This motion is vital and important to this Parliament. A royal commission investigation will show that the Minister has politicised the Police Service, and that police have become involved in politics through no wish of their own. Let me give honourable members an example of the rubbish that the Police Service has had to tolerate. In 1993 I moved that the House note as a matter of public importance the need to increase police resources. The Minister for Police visited Cabramatta and consulted with the community. The *Police Service Weekly* of 3 May 1993 contains a typical example of the muck that the Police Service has to tolerate in terms of the politicisation by the Minister of the good service it provides. The Minister for Police visited Cabramatta to announce that eight additional officers were to be assigned to the police station. The embarrassed district commander had to parade down the street accompanied by the Minister for Police and members of the Liberal Party.

The *Police Service Weekly* of 3 May contains an article about the Minister's visit to Cabramatta. The article is accompanied by a photograph that is captioned "Police Minister Terry Griffiths visited the Cabramatta Patrol" The photograph shows the Minister talking to four so-called concerned members of the community. When one looks closely at the photograph, one finds that the person to the left of the Minister is none other than a retired Liberal member of the Legislative Council, Frank Calabro - and I cast no aspersion upon him. Next to him in the photo is Michael Maher, chairman of the Young Liberals in Cabramatta. Next to him is a Mr Chung, a member of the Liberal Party fund-raising committee in Cabramatta, and next to him is the Hon. Helen Sham-Ho. That is the extent of the Minister's consultation with the community.

Is it any wonder that the Police Service is not only embarrassed but wonders what the Minister's policies are all about and in what direction they are being pushed? The article contains some incorrect information in relation to police numbers in Cabramatta. It states, "In fact, in 1988 there were only 24 officers in Cabramatta - we have already trebled that" What utter rot! I received a letter from George Paciullo dated 24 November 1987, and at that time Cabramatta had 39 police officers. An article in another local newspaper of 6 January 1988 quoted the district commander as saying Cabramatta had 69 officers.

These claims are completely lacking in fact. The Police Service has to cope with those misguided facts. Is it any wonder there are problems? The honourable member for Smithfield will deal at length with the Vo case, the terrible atrocities committed, the terrible language used, and the racial prejudice shown by two low-life police officers. That case highlighted the problems in relation to some members of that patrol. The vast majority of officers are good policemen; they are not racist. Unfortunately, I believe a number of officers are racially prejudiced and should not be in the Cabramatta patrol. I will cite some of my experiences with that patrol.

Some years ago an Asian man came to my office with five stitches in the side of his face. He had been in an altercation with another man at the BTR plant at Fairfield. The police failed to charge the non-Asian man, although the Asian man was badly assaulted. As a result of my intervention a charge was finally laid. On another occasion a Vietnamese man came to my office. He had been pulled up by a police officer who thought his driving was rather poor. He did not issue him with an infringement notice. He simply took his licence

away, and later lost it. This fellow said to me, "Are the police allowed to take your licence away?" It would not have happened if a non-Asian person was driving the car.

I intervened in relation to that matter. That young officer not only was made to replace the licence but also had to pay for it. A pregnant lady had advances made to her while police were searching her home. I do not believe that would have happened in a non-Asian home. The last incident I will mention involves a Vietnamese man whose vehicle, it was suggested, was involved in an accident. The police visited his house and literally took over the home. They used the telephone without asking and swore at him. It would not have happened in a non-Asian home. They would not have had the hide to take over in that way.

It is good to see that the Minister has returned to the Chamber. He sneaked in the backdoor with his tail between his legs, and is having a natter about how he is going. It is good to see you, Minister. The honourable member for South Coast has been here during the whole debate. Those incidents I have mentioned are of concern to me, but more so is the concern that the Cabramatta patrol has not been able to keep its Vietnamese police officers. For some years I have been urging the Cabramatta patrol to employ a police officer of Vietnamese origin. It had one earlier this year, but he lasted only two months. I am told by a good source from the Vietnamese community group, a welfare worker, that he did not get the support that was necessary. Therefore, two months later he was transferred out of Cabramatta, where he is needed. When I visited the United States I discovered that it had a different approach to policemen of Vietnamese origin. They are used very well there.

It is very important for us to engender confidence in the police force, but we will not be able to do that until men and women of Asian origin become members. New South Wales has

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approximately 12,900 police officers, the majority of whom are good, hard-working police officers who are not racist. It is unfortunate that a minority of police officers are involved in this sort of nonsense. It is pleasing that the police Minister is back in the Chamber. I think he was rather frightened to be here because of some of the issues I might have raised.

Mr Scully: What about the ticket?

Mr NEWMAN: I might pass on the ticket to my friend, who may raise it. It is important that the royal commission address the matter of racial prejudice within the police force, with particular emphasis on the Asian community.

Mr TINK (Eastwood) [10.52]: Unlike a number of other people who have spoken in this debate, I have had a longstanding interest in matters relating to the police and the Independent Commission Against Corruption and, as the honourable member for South Coast knows better than most, I have been pursuing these issues in the ICAC hearings with Commissioner Temby. In particular, as the honourable member for South Coast will recall, the committee asked a number of questions relating to the shortcomings of Operation Milloo in relation to Sergeant Cook and some of the issues that were left unanswered by that report. I do not hesitate to say that the Milloo report was incompetent and incomplete and will for ever reflect very badly on Commissioner Temby and the ICAC.

However, given that that may now be widely perceived to be the outcome, the question is whether the honourable member for South Coast has put in the balance the future of the ICAC. That is what is happening here. I direct those comments particularly to the honourable member for South Coast, who has a track record on the Cook matter and the Milloo matter, and I ask him to bear that in mind. I have sat in this Chamber and in my room listening to the monitor, listening to the Australian Labor Party speakers. I say to the honourable member for South Coast, the honourable member for Manly and the honourable member for Bligh that nearly all the speeches that have been delivered tonight by ALP members could equally have been delivered and would have been in order on a second reading of an ICAC abolition bill.

As far as the ALP is concerned, this motion and this debate is about the abolition of the ICAC. There are

a number of shortcomings in the Milloo report and I have had a number of concerns about police investigations that have come to a dead end at the ICAC, but to put the future of the ICAC in jeopardy at this point is a grave mistake. If this seems somewhat melodramatic, I invite the honourable member for South Coast, in particular, as well as the honourable member for Manly and the honourable member for Bligh, to read the second reading speech of the Leader of the Opposition on the original ICAC bill. In those days his speech was lukewarm. The speech I heard was a declaration of war on the ICAC.

As the honourable member for South Coast would know better than most, because he is crucially interested in ICAC matters, it is no secret that the Government has not been finding it easy to fill the position of the Commissioner for the ICAC. If this motion is passed, it will be impossible to fill that position with anyone meaningful. Is that really what the honourable member for South Coast wants for the ICAC? If the right person does not fill the job, that will be the end of the ICAC. One has only to read the speeches that have been made by honourable members on all sides of the House tonight to understand the tension that exists about the ICAC.

I suggest to the honourable member for South Coast that this is the last best chance for the ICAC. In the next Parliament this Government - or, heaven forbid, the Opposition - in 99 chances out of 100 will control the House, and if the ICAC is nobbled, I do not see how it will be resuscitated. I implore the honourable member for South Coast, as someone who has had a longstanding interest in public administration, a longstanding interest in corruption issues, to think long and hard about it. Sometimes it is difficult to know who is running the ALP. Honourable members on the opposite side speak with forked tongues; about three tongues seem to be talking.

The Leader of the Opposition for the time being appears to be in charge, but one does not know from day to day who will be in charge. I suggest to the honourable member for South Coast that someone who has and will have in the foreseeable future a very strong influence on ALP matters in this State and a very strong interest in the ICAC, is none other than Neville Wran, who is in no doubt whatsoever about the future of the ICAC. I invite the honourable member for South Coast and the other two non-aligned Independents to look at some press clippings that are no more than eight days old. They will see the heading, "State corruption circuses infringe civil rights: Wran". He is referring to the ICAC.

He is saying that after the next election the ICAC ought to be abolished. He is saying that the laws of the ICAC are a blot on New South Wales. At other times he has been quoted as saying that the ICAC will finally disappear up its own fundamental orifice investigating itself. I am asking the honourable member for South Coast and the other two non-aligned Independents: are they, tonight, wittingly or unwittingly to become co-conspirators in this exercise? If they support this motion for a royal commission in lieu of referring the matter to the ICAC, that is what will happen. It is a green light to people such as Neville Wran to take the running of this issue in the parliamentary Labor Party to abolish the ICAC. Those words, spoken by Wran, could not possibly be stronger, and are capable of being repeated in this House. I have no doubt about that.

For many years I have supported the concept of an independent standing royal commission, which is what the ICAC is. Is the honourable member for South Coast going to turn his back on it and walk away? I do not mean in any premeditated sense, because I think his heart is still in it, but that will be the consequence of his act. There is no love for the ICAC on the other side of the House and precious

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little for it on this side of the House. The speeches in this debate could have been equally in order in a debate on an ICAC abolition bill. How does the amendment proposed by the Premier fit the bill in regard to the concerns that both the honourable member for South Coast and I have had on the shortcomings of the ICAC investigating the police?

I suggest to the honourable member for South Coast that the amendment moved by the Premier fits very well. First, as I understood what the Premier said, he invited both the Leader of the Opposition and the honourable member for South Coast to make a contribution to the selection of the person who would, as an acting ICAC commissioner, investigate this matter. That is not a matter of small moment. It is an open

invitation, and a very important one, which seems to get around one of the fundamental problems which has manifested itself in the way in which Mr Temby - who will for ever rue the day that he wrote the Milloo report - conducted himself in that matter. The second concern relates to a matter that the honourable member for South Coast and I have shared an opinion on in the past. Who will do the actual investigating? It has been made quite plain by the terms of the amendment moved by the Premier that personnel other than serving or former New South Wales police will be doing the investigating.

At the end of the day, the important point - it is a matter of great symbolism - is that it will be done under the overall umbrella of the Independent Commission Against Corruption, notwithstanding that for all material or operational and investigative purposes the two key principles will be met. First, there will be consultation around the Parliament with respect to who will run the investigation and who will staff it. Second, if the amendment is not carried and the matter goes to a royal commission, I ask the honourable member for South Coast, the honourable member for Bligh and the honourable member for Manly to contemplate the signals that will be sent to those who might otherwise be competent to run the ICAC for the next five years. We are flat out trying to get someone now. If a royal commission is established we will have no chance. Is that what the Independents want? The substance of what they are contemplating doing tonight is to close down the ICAC. I have heard from the gallery "Hear! Hear!" whenever there is a suggestion that the ICAC be closed down.

[Interruption]

The honourable member for Wollongong has been making inane interjections all night. He is burying himself at every attempt. I ask the Independents to contemplate that. That is the level the matter has reached. The contributions of the honourable member for Wollongong and every other member of the Opposition are a cause for grave concern in relation to where we go from here on this matter. That is why I feel very comfortable, having pursued the Milloo matter in this House more vigorously, I suggest, than anyone on the Opposition side and as vigorously as anyone in this House, bar the honourable member for South Coast. I ask the honourable member whether that is what he wants to see happen. I feel comfortable with the amendment of the Premier, which is able to get around most of the problems that we have been concerned about which arose in Milloo. I ask the honourable member for South Coast to take those matters into account before making a decision on this motion.

Mr ACTING-SPEAKER (Mr Hazzard): Order! I call the honourable member for Wollongong to order.

Mr SCULLY (Smithfield) [11.3]: I must respond to the hysterical outburst from the honourable member for Eastwood. I was on the Committee of the Office of the Ombudsman with him, where he was a quiet and gentle chap. We proceeded with a bipartisan approach.

Mr ACTING-SPEAKER: Order! I call the honourable member for Eastwood to order.

Mr SCULLY: I am astounded. Someone must have put a little bit of rocket fuel in his drinks tonight. I do not know how he came up with the views he recently expressed. He spoke utter nonsense. He should not try to cloud the issue. There seems to be an attempt to create a smokescreen on this, to somehow pretend that it has something to do with the abolition of the Independent Commission Against Corruption. I cannot believe, Mr Acting-Speaker - and you would really appreciate this - how one of your colleagues could say that we have the temerity to suggest that we should abolish the ICAC. What is the Government going to do with this man? This is absolutely ridiculous; it has nothing to do with the ICAC. Honourable members should look at the litany of cases that have been brought to the attention of this House in the last six years and recently with the no confidence motion against the Minister for Police and Minister for Emergency Services and the motion of the honourable member for South Coast tonight.

Many honourable members would be familiar with the case that I have had some interest in with regard to two officers at Cabramatta. I intend to look at that matter again. That matter - where a Mr Vo was allegedly assaulted by two police officers - lead me to question whether it was an isolated incident. The assault was

particularly brutal. An independent witness was dismissed by police officers at the scene as being a wog and he was told that he would be arrested for hindering police. The inquiry was incompetent and corrupt. The investigating officer had the temerity to ring the two police officers concerned to tell them to get their stories together. Mr Acting-Speaker, as you would recall, get their stories together they did. It was only because of telephone intercepts that we know about it.

Mr Griffiths: By New South Wales police who charged them.

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Mr SCULLY: I will get to that. The investigating officer found them not sustained. In the second investigation the superintendent found that there was no collusion, no racism, despite the fact that the telephone transcript is littered with the words wog, boofhead and gook.

Mr Griffiths: That sounds like some of your interjections, Carl.

Mr SCULLY: I suggest that the Minister read the Ombudsman's report; he is speaking from ignorance now. The Minister should read the report - I have it here. The Minister will see that he is an embarrassment to himself. He should have looked through the report. The second investigation found that the complaints were not sustained. In fact, he found the investigating officer to be a model citizen of the police force - the investigating officer was the one who telephoned and said, "Hi, boys, I'm going to investigate you. Better get this one under wraps. Go and talk to so and so and sort your stories out. No problems". They would have got away with it.

Mr Griffiths: That is the third time you have made that remark. Table it.

Mr SCULLY: I am not going to table it. You listen to this. Tell us about the parking ticket. The honourable member for Hurstville knows all about the parking ticket. That is corruption, and you know it.

Mr Griffiths: Say that outside. You haven't got the guts.

Mr ACTING-SPEAKER: Order! I call the honourable member for Smithfield to order. I call the Minister for Police and Minister for Emergency Services to order. I direct that the debate be directed through the Chair, not across the table.

Mr SCULLY: I am concerned that the Minister for Police, yet again, dismisses this particular matter as an isolated incident.

Mr Griffiths: Never! I have never dismissed it.

Mr SCULLY: He just said that he never dismissed it. Every time there is a problem in the New South Wales police force the Minister says, "That is only a couple of rotten apples. We'll toss them out. End of problem. They were all isolated incidents". This is why we have the motion before the House tonight. We are sick and tired of hearing this said by the Commissioner for Police, by the Minister for Police and by the Premier. We want it dealt with.

Mr Griffiths: Do you believe in entrenched corruption?

Mr SCULLY: I am concerned about the level of corruption. How can we know, Minister? We do not know.

Mr ACTING-SPEAKER: Order! I have directed the honourable member for Smithfield to direct his comments through the Chair. I ask the Minister for Police and Minister for Emergency Services to cease interjecting.

Mr SCULLY: I accept that, but I am prepared to respond to the interjection of the Minister. I do not know the answer to that question. I suspect that there is not corruption from the senior level down to the junior level. However, I suspect that there is corruption across the Police Service - the extent of which we do not know. I am confident that that corruption is not controlled at the senior level. However, a royal commission will discover the length, breadth and extent of corruption in the New South Wales Police Service. I hope that at the end of that inquiry we can be as confident as the Minister. He dismisses these sorts of allegations. He says, "We have the Don Bradman of police commissioners; he is scoring centuries and double centuries. Don't worry about it. Every police officer in New South Wales constitutes the best Police Service in the world". That is nonsense. The Minister cannot say that. When he does he makes a fool of himself.

Mr Griffiths: Don't you have faith in the commissioner?

Mr SCULLY: I will get to the commissioner. I will read to the Minister part of the covering letter that the Ombudsman sent to me on the Vo matter. It states, "Police officers maintain very different standards for the investigation of criminal conduct of alleged civilian offenders compared to an alleged offender who is a member of the New South Wales police force". That probably is one of the most important findings from that incident. The Ombudsman went on to say:

It is impossible to estimate how widespread the sorts of practices exposed by this report may be. By the attitude of the police before the inquiry it would not be safe to assume that this is an isolated incident.

Mr Griffiths: They tell me he is a lawyer.

Mr SCULLY: Let us see if the Minister is still in that chair.

Mr Griffiths: Come on bumfluff, we will listen to you.

Mr SCULLY: The Minister has his audience in the gallery. He is referred to as the doormat by senior police in this State. He is an embarrassment. At least Ted Pickering had a go. Look at you: you are the lick spittle of the New South Wales Police Service. That is all you are. They walk over you. They wipe their boots on you. Look at you. You are an embarrassment. Why do you not stand up and show some spine. Why do you not take control of the New South Wales Police Service. Ted Pickering is laughing at you.

Mr ACTING-SPEAKER (Mr Hazzard): Order! The Chair was about to take the next step. Honourable members perhaps realise that they were exceeding the bounds of reasonableness and decorum in the House. The House would like both members to cease the level of disputation across the Chamber and direct their comments through the Chair. The House is entitled to a level of decorum so that debate proceeds in a reasonable way. I ask both members involved in the exchange to acknowledge that. The honourable member for Smithfield may continue.

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Mr SCULLY: Thank you, Mr Acting-Speaker. I hope that the royal commission takes into account some of the matters I have raised in relation to the Vo report. I refer to fabrication of evidence, collusion and incompetent inquiries. One of the things that has always concerned me is the level of acquittals in relation to charges brought against police officers. I used to be of the view that maybe police officers were being unfairly charged. That may well be the case, but I would be interested, after having a detailed look at the report from the Ombudsman, whether a small or a large element of the acquittals are because of the things that were discovered in the Vo matter. Is there collusion? The term "get back to the code of silence" was used. One of the witnesses before the Ombudsman's inquiry actually said that police officers regularly get their evidence together. It would be quite easy for a royal commissioner to investigate a number of the acquittals that have occurred in respect of police officers over the last six years and compare the evidence given by police witnesses in those inquiries, as he did in this case.

We would soon be able to discover whether identical stories are constantly being given before tribunals, courts and inquiries. Certain conclusions may or may not be able to be drawn. This is something that we must get to the bottom of. We must be able to say to the people of this State that police are not giving crook evidence; they are reliable and honest witnesses and they are not doing the things that the Ombudsman suggested they might be doing. I am concerned about the delay in charges being brought against police officers in the Vo matter. It took five months for charges to be brought and I understand that the matter will not be heard until some time well into next year. The member for South Coast has had his integrity and motives drawn into question and scrutinised by the honourable member for Coffs Harbour. The only thing that needs to be said here tonight about the honourable member for Coffs Harbour is that he did himself a grave injustice by opening his mouth. The less he speaks the better.

Mr West: It is about time you both woke up to yourselves.

Mr SCULLY: What does the Minister think about police corruption? Let him speak in the debate. We all want to hear the Minister defend the actions of mates of this Government such as Col Cole, the man who loves psychiatric reports. He is very sick. I hear that it is a bit of a chuckle amongst Government members that they managed to wheedle their way out of the Frenchs Forest affair by allowing the Police Service to let Col Cole off the hook. It is disgraceful, Minister.

Mr Griffiths: He is not off the hook; he will present evidence and we will continue to pursue him.

Mr SCULLY: When? I would be very interested to know when Col Cole will be giving evidence because I do not believe he ever will give evidence. A royal commissioner has to inquire into these sorts of things. Can people in the Police Service who are allegedly involved in improper conduct get out of being scrutinised and questioned by presenting psychiatric reports? This is a thing that has to be resolved.

Mr Griffiths: How do you refute a psychiatric report, son? Come on bumfluff, tell us.

Mr SCULLY: Mr Acting-Speaker, I would like to respond. This man needs to be told certain things. If he continues to interject, it is with some control that I will resist the temptation of responding. If the Minister wants to know the answers to the questions he should support the motion.

Mr Griffiths: Come on, bumfluff.

Mr SCULLY: You suggest that you know something about the presentation of medical evidence.

Mr Gibson: On a point of order: it has been the practice of this House for a long time that the person who has the call is the only member who may speak. The Minister has been sitting at the table all night interjecting. I have noticed that you have called both parties to order a number of times but I point out that the Minister is the culprit in most instances. I ask you to call him to order.

Mr Griffiths: On the point of order: the honourable member for Londonderry has endeavoured to make a point of order but has jumped to conclusions and has not listened to both sides. He has not been in the House all the time to make an assessment. It is necessary for him to have been here for the whole debate when the youngster started his speech so that he heard everything that the youngster said and the offending statements that he made.

Mr ACTING-SPEAKER (Mr Hazzard): Order! The level of interjection has not helped in maintaining the level of decorum that should be maintained in the House to ensure a reasonable flow of debate. I have issued a number of warnings and requests and I again state that the Chair would prefer a lower level of interjection so that the debate may continue in a reasonable way. The Chair will not be averse to calling members to order again if interjections become beyond the bounds of the cut and thrust of debate.

Mr Sullivan: On a point of order: I object to the Minister referring to an honourable member as "the youngster". That is demeaning and quite deliberately so. I ask you to instruct the Minister to refer to the honourable member for Smithfield with the appropriate respect and decorum due to the honourable member for Smithfield. The Minister should observe the proprieties of the House at all times.

Mr Griffiths: On the point of order: if anyone in this House finds being called a youngster offensive, I will withdraw the term. Most people in the gallery and in this House would find being called a youngster an absolute thrill.

Mr ACTING-SPEAKER: Order! The Chair is grateful for the Minister's response. There is no point of order.

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Mr SCULLY: I do not mind being called young. At least I am not suffering from senile decay. Before I was rudely interrupted by the Minister I was presenting to the House some of the problems relating to Col Cole. It has been suggested that he would have difficulty in giving evidence. I would certainly like him to come clean about the Frenchs Forest affair and his relationship with the Commissioner of Police. And I would like to hear what the Commissioner of Police has to say when that evidence is presented before a royal commission. I would like to know - I posit the question - whether the commissioner would survive a royal commission to which evidence was presented by Col Cole concerning that relationship. I would like to know whether there is a conspiracy between the commissioner and Col Cole. These are the sorts of things that will not be resolved by the Independent Commission Against Corruption. They will not be resolved by a parliamentary or judicial inquiry on its own; they can only be resolved by a royal commission.

Mr Griffiths: Do you have no confidence? Should we abolish it?

Mr SCULLY: Mr Acting-Speaker, I recommend that certain action be taken against that gentleman -

Mr Griffiths: Young John.

Mr SCULLY: - that senile gentleman. That will occur after the royal commission has released its findings. Surely the royal commission would have to find that the present Minister for Police is one of the most incompetent Ministers for Police this State has ever had.

Mr Griffiths: On a point of order: I find it outrageous that the incompetent young honourable member for Smithfield could make such an assertion.

Mr ACTING-SPEAKER: Order! There is no point of order.

Mr Kerr: Tell us about the ICAC.

Mr SCULLY: I would like to tell the honourable member about the ICAC. I do not have any faith in the Independent Commission Against Corruption dealing with allegations of police corruption. One has only to examine the Collins affair to be concerned about the dealings of the ICAC. One has only to look at the report -

Mr Griffiths: Found innocent.

Mr SCULLY: The Minister considers that the ICAC should carry out an inquiry into improper conduct and impropriety. Allegations of improper conduct and impropriety were made in relation to the Collins affair. In that regard the ICAC held a private inquiry. It closed the doors, the proceedings were held in camera. And did the ICAC examine anyone? No. The commissioner decided to check out a few documents; he decided to nose through a few bits of paper and come to a finding.

Mr Griffiths: On a point of order: the young honourable member for Smithfield is attacking the integrity of a member who is not in the House to defend himself. The member has been found to be innocent. It is outrageous for this youngster to be making such ridiculous assertions.

Mr ACTING-SPEAKER: Order! There is no point of order. The honourable member for Smithfield should proceed.

[*Interruption*]

Mr ACTING-SPEAKER: Order! The Chair is not prepared to tolerate the exchanges between the Minister and the honourable member. If there is another exchange like that, I will put both members on three calls to order immediately.

Mr SCULLY: I have no confidence in the ICAC dealing with the matter, because of the kinds of reports that were produced on the Collins and the Blackburn matters. I am concerned that the commissioner and the ICAC would close the doors when they were considering evidence. The public would not know what was going on. The report produced would be a whitewash. There has to be a royal commission. Hearings have to be public and people have to be examined and cross-examined. I draw the attention of the House to the Barry Morris affair. If the matter of the bombing of the Blue Mountains City Council went to the Independent Commission Against Corruption, the same result would be produced as was produced in relation to the Blackburn affair and the Collins affair. The issue would go off to an assistant commissioner; the doors would be closed; a few documents would be checked and a report would be produced. That would be the end of the matter. That is not what is expected.

Mr Griffiths: On a point of order: the Blue Mountains affair is under active investigation by the Police Service -

Mr Scully: For two years.

Mr Griffiths: - and two parts to the terms of reference of that investigation were issued in the House two weeks ago: the first being that the allegations made by the Opposition were to be investigated in detail -

Mr ACTING-SPEAKER: Order! There is no point of order.

Mr SCULLY: As in Queensland, many things will come out of the woodwork when a royal commission is established. Mr Acting-Speaker, you will freak when you hear some of the allegations that come out. [*Time expired.*]

Mr WHELAN (Ashfield) [11.23]: I am disappointed that the Minister for Police is leaving the Chamber. I can understand his sensitivity about this issue, an important issue that concerns the House deciding today either that it supports the resolution of the honourable member for South Coast that the time has come for a royal commission into the New South Wales Police Service or that it supports the

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Government's amendment that the matters be referred to the Independent Commission Against Corruption. The Parliament has been asked to decide not about today's issue, whether there is a substantial case to be made for or against corruption, but to which jurisdiction the matters of corruption should be referred. Both in the Chamber and in my office I have listened to the debate. The Government has said nothing about the potential failure of a royal commission. On the Government's own admission, however, myriad examples have been put forward in which the Independent Commission Against Corruption was not a suitable vehicle.

I should like to make a few points in relation to the Government's argument that the matters should go to the Independent Commission Against Corruption. It is not widely known that on 18 December 1993 an advertisement appearing in the *Sydney Morning Herald* called for a commissioner for the Independent Commission Against Corruption. No commissioner has since been appointed. The management consultant

appointed by the Government to go through the list of applicants was none other than a former Liberal Party member of Parliament, Lloyd Lange. As a management consultant, the former Liberal Party member of Parliament is now being paid a handsome sum by the Government to refine appointments for the next chairperson of the ICAC.

Mr Temby gave the warning in December and again in March that, because of the process of selection of the Independent Commission Against Corruption, it would take almost eight weeks to make an appointment. An appointment has to be approved by Cabinet; it has to be affirmed by the Parliament - and 30 days remain. Even if the Government were to make the appointment tomorrow a commissioner for the Independent Commission Against Corruption would not be appointed for at least two months. What is the Government's motivation in the delayed appointment? Honourable members should consider the comments made by the honourable member for Barwon. Consideration should be given to the comments made by all members.

[Interruption]

There are plenty of people outside the political spectrum - people who are not members of Parliament, people who are not current legislators, people who are not responsible for the administration of the ICAC - who could make valid criticisms or speak in support of that body. The Independent Commission Against Corruption is not being muzzled by the Parliament; it is being misled by the National Party interest in the New South Wales Cabinet. Several Cabinet members have appeared before the ICAC. When that debate raged in this Parliament I told the House about the potential abuses of power. There was so much interest in the legislation that the Government had to bring it in three times. I continued my warning about abuses of power. I remember one particular night when John Dowd, who was then leading for the Government, answered an interjection of mine. I asked what the real purpose of the ICAC was. His words ring loud still: "The purpose of the Independent Commission Against Corruption is to get the Labor Party".

The Independent Commission Against Corruption has not got the Labor Party. The whole of the 1988 election campaign was all about people in the Labor Party being on the take - being crooks, being cheats. The only people who have slipped into the net of the ICAC are Government members, and the majority of them are National Party members. That is why no commissioner has been appointed to the ICAC. The Government wants to wind down the commission. That is why the Government is using this debate as a vote of no confidence in the commission. The Government wants to abolish the commission. It is a wonder that the Government has not introduced legislation abolishing it already.

The time is right to clear the air in relation to the New South Wales Police Service. At worst, we have been bombarded by allegations of systemic police corruption. At best, we have been bombarded by claims of bungled and gross maladministration. The Police Service cannot have any confidence in itself, nor can the public have any confidence in the Police Service, while allegations of the sort heard from the honourable member for South Coast and other honourable members of Parliament today continue to be made in public. That is my primary motivation in supporting this motion.

Over the past five or six years we have been regaled with actual accounts and allegations that must shatter everyone's confidence in the Police Service - from the shooting of Brennan and Gundy to deaths resulting from high speed police chases, from allegations that police have been involved not only in covering up crime but have been involved in a range of serious crime, including armed robberies. For the past six years this Parliament has been involved in one way or another with allegations of police corruption culminating in the ICAC Operation Milloo. That ICAC inquiry only dealt with the relationship between police and their informants.

As the honourable member for South Coast said in his speech, there are allegations of corruption that go way beyond Operation Milloo to police relationships with paedophile networks and drug runners. I was pleased to hear the Minister for Police say, after he had listened to the honourable member for Heffron - who has pursued paedophile maladministration in this State by a variety of people, whether by wilful failure to prosecute or deliberate inaction, say, when she raised the two latest failed actions against Churchill, Wells and Hazell last week - that he thought it was disgusting. He felt that case was an absolute disgrace. He also said

he would do what he could - and so he should.

If members do not believe what the honourable member for Heffron has said, just believe the fact that certain witnesses were not called in the court case. Members should also believe that in some of the cases before the court in the last couple of weeks in relation to paedophile activity in New South Wales society the

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police evidence was perverted. Is there a worse crime? This is not a political matter between the Government and the Opposition. That is tantamount to the most massive maladministration of justice in the State. I was a member of the parliamentary police committee. In regard to certain material revealed to the press - so I am not giving committee secrets away - I was shocked.

Did anyone know that the policeman in charge of paedophile prosecutions in the New South Wales police force was the principal paedophile protector? That had been known for years and years before anyone did anything about it. Here I am, a member of Parliament, supposed to know what happens in society. I attended the police committee and heard this confidential information. Of course this sort of thing is shocking, but what have we done about it since the police report? Nothing has happened. In the two major paedophile cases in New South Wales the State has been beaten. The State has been beaten because of perversion of justice in that matter and in other cases.

My colleague the honourable member for Londonderry has been beaten not once but several times. He has also been threatened. Sometimes he shrugs it off. This is important not because he and I or anyone from the Government - or anyone else for that matter - are more important than other persons, but because it shows what can happen in our society. Something must be done. That is why we should have this royal commission. It is time the air was cleared. The only way that can be done - and it will be of benefit to the Police Service and the public - is by holding a royal commission. The honourable member for South Coast raised a number of fresh, serious allegations relating to police corruption and the persecution of whistleblowers within the service by the State's most senior police.

If these allegations prove to be true, no doubt confidence in our Police Service will be further eroded. However, these allegations and a range of other serious matters must be investigated. The only way that these issues can be addressed is through a royal commission. I want to say something about the Independent Commission Against Corruption. Maybe I have had a battering since 1988 because of allegations of how crook the Labor Party was and how we were all on the take. I want to refer also to some of the promises that the Government has made over the past couple of years at least. In August 1992, following an ICAC report of former judge Adrian Roden into the unauthorised release of government information, my counterpart, the Attorney General in the upper House, announced the following:

the Attorney General moves on ICAC Report.

Criminal law will be amended as suggested by Commissioner Roden, and I expect this legislation to be in place by the end of the year [1992].

Something must have happened because in December 1992 he released another exposure bill on reforms relating to official corruption and again promised to introduce legislation. In the Governor's Speech in 1993 it was announced, "Legislation will be introduced to reform the criminal law in this area". It is now May 1994 and what have we got? Since August 1992 the Government could not even bring in a bill to define bribery and corruption. For almost two years the Government has had the opportunity - after receiving a report from a judge who chaired the ICAC committee on its terms of reference dealing with the unauthorised release of government information - to do something but nothing has been done.

I want to refer to some matters raised by the honourable member for South Coast. Senior Constable Locke gave details in a statutory declaration, which she prepared this year, of what happened in regard to the systemic corruption of police and the hostility towards and persecution of whistleblowers. She details, as has the honourable member for South Coast, what appears to be a most alarming conversation with the

Commissioner of Police just prior to his appointment. She alleges that she was ostracised by Mr Lauer and by Col Cole and other police. According to the honourable member for South Coast, her statutory declaration states that Assistant Commissioner Tony Lauer said, "Police don't like whistleblowers . . . police who dob in other police".

This is an astounding allegation against the State's most senior policeman. On anyone's view, it requires urgent investigation, as does her allegation that a member of the fraud squad touted for business for Nelson Chad's private investigation agency and during police working hours actually worked for Chad's company. I have had representations from one of my constituents who has experienced a major problem involving fraud. His tale to me is one regrettably of a litany of failure. If there is a ring of maladministration - even though it may not be deliberate - people will be suspicious and say something is seriously wrong.

My constituent's allegation of fraud passed through five police officers before anything happened. And what happened? A year ago the policeman caught a plane to go to interview the suspects. Since then, nothing has happened. My constituent's solicitor has told him that it is not a civil matter but that it is a criminal matter. Yet, after having received legal advice, the criminal investigation of police has not taken place. That is a serious matter. If this motion is carried, I will certainly implore my constituent to go before a royal commissioner.

The honourable member for South Coast referred to matters raised with the staff of the present Minister for Police about the promotion of a senior policeman. I want to know why the Minister for Police remained silent about that allegation. I believe it was incumbent on the Minister to make a public statement about the issue. There may have been a valid reason for not doing so - the matter being sub judice and possibly a few other reasons - but I believe if someone has made a serious allegation, such as that raised by the honourable member for South Coast in this Parliament, surely the Minister for Police should taken some action.

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The honourable member for South Coast claimed that the Minister did nothing about the issue. In my view, that requires urgent attention, as does his allegation that operations Casper and Casper 2 were compromised by leaks involving the now assistant commissioner. Myriad other matters require swift action. I am told by the honourable member that at least 12 current and former police officers have agreed to testify before a royal commission. Others have mentioned Operation Asset. It was important enough for the then Attorney General and the then Minister for Police, the Hon. E. P. Pickering, to brief the Opposition, to ring the newspaper editors and advise them that Operation Asset was an investigation into 50 serving and former New South Wales police officers allegedly involved in illegal gambling, drugs, prostitution, money laundering and case fixing.

I can understand why the then Attorney General, Mr Dowd, and the then Minister for Police approached the Leader of the Opposition, Bob Carr, and the honourable member for Liverpool, and rang the newspapers to say, "What we want is absolute secrecy about this issue. We do not want it to be leaked". That is important and it is an illustration of how both sides of politics should work. The allegation of the honourable member for South Coast is that Operation Asset was totally compromised by leaks to the target of the investigation by someone who now holds a senior position in the New South Wales Police Service. The entire operation was compromised.

In that instance the political parties were agreed but, suddenly, the whole operation was white-anted by police within the system. I understand that this very serious allegation is supported by statements by police officers. On another occasion Commissioner Avery, then Assistant Commissioner Lauer and Chief Superintendent Col Cole were briefed by police. My understanding is that the Office of the Ombudsman was not informed of the allegations, despite a legal requirement to do so. The report of the Australian Bureau of Criminal Intelligence into the activities of Detective Sergeant Tunstall reported that he was involved in a number of murders, drug trafficking, importation and prostitution.

According to the honourable member for South Coast, the report shows that Tunstall was involved in the murder of a prostitute at Strathfield in the early 1980s and the possible murder of a private investigator Neil Patrick Hogan in 1990. Are they not substantial allegations? It is alleged a police officer was involved in the murder of a prostitute and a private investigator. The honourable member for South Coast made a series of allegations which he said are based not only on fact but on statements by police officers. No one I have spoken to believes that every member of the Police Service is without sin, but I suggest that 99.999 per cent are honest. *[Time expired.]*

Mr WEST (Orange - Minister for Energy, and Minister for Local Government and Co-operatives) [11.43]: There is no doubt that tonight's motion is in many ways the result of frustration on the part of the honourable member for South Coast, who has spent 20-odd years in this Parliament and who many would regard as having taken the cause of police corruption in this State upon himself. Debate in this House will always be emotional. The forum of the Parliament, like no other, provides an opportunity for members of Parliament to come before the House and quote all the innuendo and hearsay possible. Tonight, I have witnessed members of Parliament at each other's throats, using language that I regard as unbecoming to the Parliament. I say to honourable members on both sides of the House that I am disgusted at some of the performances I have witnessed here tonight. The thrust of the motion is the establishment of a royal commission. It is easy to talk about establishing a royal commission. It is easy to grab a headline and say you have pushed for it. Honourable members should think about what royal commissions have achieved. How many royal commissions has this State had since the late 1880s? There have been 214. Can honourable members remember the last royal commission?

Mr Whelan: Yes, the building industry royal commission.

Mr WEST: What about the one before that?

Mr SPEAKER: Order! I take it that the Minister for Energy and Minister for Local Government and Co-operatives is directing his remarks through the Chair, and that does not invite response from the Opposition bench.

Mr WEST: New South Wales has had 214 royal commissions since the late 1800s.

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

Mr WEST: The recommendations of the bulk of those are lying around archives in this State, gathering dust. They have achieved very little in terms of ongoing results and being able to produce a report and put in place mechanisms to overcome the problems which caused the need for a royal commission in the first place. I suggest the process of a royal commission is not the way to go, particularly as we have the Independent Commission Against Corruption. It was because of the failure of successive royal commissions, because of the failure over the years of just about every parliamentary and public inquiry, and every attempt by a Minister for Police to put in place anti-corruption procedures, that the Government moved to establish the Independent Commission Against Corruption. What did those royal commissions achieve? They undertook high profile investigations but they achieved very little in terms of implementation. And what about the ongoing supervision of that implementation? There was none.

That is the reason the Government appointed the ICAC, a commission independent of government, a commission answerable to this Parliament. As other honourable members have said, the Parliament has the

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ability to ratify the appointment of the Commissioner for the Independent Commission Against Corruption. If the Parliament is not satisfied with the person selected, it can say, "No, find someone else in whom the Parliament can have confidence". It is not merely a case of members of Parliament having confidence in the commissioner; it relates to the perception of the people of this State and whether they also have confidence. That is vital.

What honourable members heard tonight from the honourable member for South Coast covered matters relating not only to the period 1988 to date, but also to the period prior to 1988. That is why I believe his motion is probably expelling his frustration. When the ICAC was established and Mr Temby was appointed commissioner, he made it clear - and there are letters on file from the former commissioner - that he was not prepared to investigate matters that have to do with former administrations. It is little wonder that the honourable member for South Coast has been unable to get the ICAC to examine the matters that he has raised tonight that go back into the past. Honourable members do not have to ask why the commission has not investigated the matter since that time.

Might I suggest to the honourable member for South Coast and to all honourable members that it may be that we have failed. Maybe we, as members of Parliament, have failed, because what we have not done is give a joint reference to the ICAC to have investigated the matters we want investigated. What this House should do tonight is give the ICAC that chance. The success of a motion for the establishment of a royal commission will not only be a vote of no confidence in the ICAC, it will also send a message to the people of this State that they can no longer have confidence in anything done by the ICAC. It will be a vote of no confidence in the overall administration of the ICAC and in any investigation it might undertake in regard to police corruption. Earlier today the acting commissioner issued a press release urging the Government to permanently appoint a new commissioner. The press release indicates that because the commissioner holds such a serious and high-profile position, notwithstanding the amount of money paid, very few people are prepared to take it on. That is what it indicates, if only those opposite would think through the process.

If the ICAC is undermined and if we say we do not want someone who is independent of the Government to fill the position, potential applicants will be told, in effect, not to apply. The role of the ICAC is not only to do what a royal commission does, that is, to conduct an investigation at the heart of the matters that have been raised by members in this debate and by witnesses who would appear before a royal commission. The ICAC has those powers. If the ICAC conducted the investigation, it would be able to recommend what immediate and long-term changes need to be made to overcome the police culture about which everyone is so concerned.

Governments change, and that is the difficulty faced by the honourable member for South Coast. If the government changes, who will be the independent watchdog? If the Australian Labor Party attained office tomorrow - God forbid! - who would oversee the royal commission's recommendations? The new government could whitewash the recommendations because no one would have the requisite independence. That is the real crux of the powers of the ICAC. The ICAC has successfully played an education role in particular areas. It has said, "To avoid the potential of these processes, you need to put these mechanisms in place". That has not been done with the Police Service.

The terms of reference put forward by the honourable member for South Coast, and which are supported by the Government in its amendment, provide the opportunity not only to blow corrupt police out of the water but the serving officers who are genuinely concerned about the future will have the opportunity to get on with the job. They will be able to say to their mates who are not pulling their weight, "Get out of way, we want to work with the people of New South Wales and provide them with the proper mechanisms". Royal commissions fail in relation to the ongoing implementation of recommendations; the ICAC is the body that can deal with ongoing recommendations.

After the Premier had moved the amendment to the motion I had discussions with him. I firmly reiterate to the Parliament that the Government is committed, if the amendment is carried, to making this a joint reference, to appointing an assistant commissioner to deal specifically with the terms of reference and to making sure that he has the resources to do so. In relation to resources, I understand that there is some concern about the way in which the ICAC has worked in the past in that it has to use existing mechanisms and the Police Service to conduct investigations. The motion of the honourable member for South Coast alluded to that when it provided for the use of personnel other than serving or former New South Wales police. That provision was adopted by the Government.

I acknowledge the point made by the honourable member for South Coast. Both the commissioner who

conducts the investigation and those who back it up must be independent. I am able to commit those resources to the honourable member for South Coast and to this Parliament. We must make sure that the ICAC does not fail in its task. The honourable member for South Coast has been a member of the ICAC committee. He has had an opportunity to pursue these matters. Perhaps he has not been able to pursue them in that forum in the way he would have liked, but the only way this Parliament can rebuild confidence in the ICAC and not drag it down to the point where people lose confidence in it is to make sure that the reference is a joint reference, that an assistant commissioner is appointed and that he or she is given the necessary resources. We should give the

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ICAC some real teeth. I urge the honourable member for South Coast and others, when they vote on the motion, to bear in mind what I have said, and to bear in mind the commitment of the Government to use the ICAC as the independent body that is rightfully charged with carrying out this investigation.

Mr HATTON (South Coast) [11.55], in reply: I thank all honourable members who have made genuine and thoughtful contributions to the debate. I express my disappointment at those who did themselves little credit by not thinking about the subject seriously and by using the debate as an opportunity to try to denigrate other members. This motion is for honest police; it is for the vast majority of police. It is a watershed. There is now no doubt in New South Wales - and I have longed to reach this point for many years - that there must be a wide-ranging inquiry into entrenched corruption in the New South Wales Police Service.

That call has been supported by the Premier, and I thank him for that support. It has not been supported by the Minister, and I fail to understand why. I have many confidential discussions and I do not break confidences. However, I know that there is a great deal of concern on both sides of the House about what is happening in the Police Service. The level of concern is unprecedented in my experience. The only difference between the Government and the Opposition is the question of what structure will be used in the investigation. I thank the Premier for his response. I thank also the Leader of the Opposition for his thoughtful contribution.

The Premier's amendment provides for an inquiry into entrenched corruption within the New South Wales Police Service, the activities of the professional responsibility and internal affairs branches of the Police Service in dealing with any problems of corruption and internal investigations generally, the system of promotion in the service, the impartiality of the service and other agencies in investigating and pursuing prosecutions - including but not limited to paedophile activity - the failure of the internal informers policy, and any other matter appertaining to the aforesaid matters concerning criminal activity, neglect or violation of duty. The Premier has not come to that position lightly or because of unsubstantiated and fanciful allegations, as the Minister chooses to term them, by the honourable member for South Coast.

The amendment moved by the Premier is an indication of the real and deep-seated concern at the heart of Government about what is happening. It is also a recognition that what I have put on the table today is serious and well based. It comes from police sources and it will be verified. The Premier's response was reasoned, concerned and thoughtful. The Minister's response was histrionic, personal and shallow. His contribution contained no specifics. He played to the members of the public gallery, many of whom are senior police officers. I understand, and this is the measure of the men.

I correct the honourable member for Ashfield. I made no allegation and I make no allegations against the Minister's staff; that might have been a slight misunderstanding. I was very disappointed when the Minister made a personal allegation about one of my staff Arthur King. It was beneath him. For the Minister to say that he got out of the trunk too soon when this man, because he stood up against Abe Saffron and corrupt police, was carted away in the boot of a car and had his life threatened, spoke volumes for the New South Wales Minister for Police.

There is a necessity for an investigation team to be made up of police not connected with the New South Wales Police Service. It is an amazing breakthrough when both sides of the Parliament agree on that point. The honourable member for Eastwood impressed me, as he always does, with his thoughtful contribution. I have known him for many years and I have a high regard for him. He spoke of the Milloo inquiry being incomplete and, in some way, flawed. He spoke of the ICAC being in jeopardy. The Premier said that the

royal commission would be the death knell of the ICAC. The honourable member for Eastwood based his comments on Mr Wran's opposition, but everyone knows my track record on the Wran Government. The honourable member for Coffs Harbour might have a look at it from time to time.

If I genuinely believed that this motion would undermine the ICAC after my 15-year battle of giving hundreds of people somewhere to take matters of corruption, I would certainly not recommend a royal commission. I have given strong support to the ICAC and to Mr Temby. The case of the honourable member for Eastwood is flawed. What is the ICAC and what does it do? It inquires into corruption and into a climate conducive to corruption in government agencies. It tackles the question of corruption prevention, risk management and education very well. His case and the case of the Premier fall on history. The ICAC has been successful, even though it does not handle police corruption adequately, and that is the reason we have come to this point tonight.

Why should not the ICAC investigate? It has a poor track record. It is not trusted by police officers. I know from firsthand knowledge that police officers would attend a royal commission, but they would not attend the ICAC. They have experienced leaks from the ICAC. Mr Katsoulas attended the ICAC, walked out the door, got into his vehicle and had a motor accident because the brake line of his vehicle was cut, such is the contempt of some corrupt police, in my view, who did the job for the ICAC. I might be wrong.

Honest whistleblowers feel naked and unprotected before the ICAC. The methodology of the ICAC is flawed. Police are alerted early, they can get their stories together. Compare the treatment of Mr Cook with that of Commissioner Lauer, as clearly highlighted before the parliamentary committee

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in its open hearings when Mr Temby was cross-examined by the honourable member for Eastwood. There is no mechanism in the ICAC to inquire into the top level of the police force because the ICAC is an ongoing structure and depends on the police force for co-operation. Who will invigilate the Commissioner of Police or the deputy commissioners of police? A perusal of the cross-examination of Commissioner Lauer by the State Drugs Crime Commission when Mr Thorley was in the chair would make anyone sick.

Commissioner Lauer was handled with kid gloves by the ICAC in Milloo. The ICAC has had this material from which I quoted today at length since 1992: Casper 1, Casper 2, Seca, Buckshot, Asset. I am in good company. Former Premier Greiner criticises the ICAC for its failure in the investigation of police corruption. The Hon. Ted Pickering is disappointed, as is Gary Sturgess as head and later former head of the Cabinet office. The ICAC failed to act on a wealth of material given to it. Milloo was limited, but the ICAC has and is doing excellent work in many areas.

It is easy to dismiss comments by fellow parliamentarians, but I am talking about the longest serving police Minister in this State. I quoted him earlier in my speech, so I will not go through them all again, but I will chose one passage in which he said, "It was at that time I realised New South Wales police could not be employed to investigate serious organised crime activities within the ranks of the Police Service". That is absolutely staggering. He is on record as saying that officers within the Drug Law Enforcement Agency cannot be trusted to inform on other police officers in drug enforcement. What more do I need to say?

I want to set the record straight. I have checked the unedited version of *Hansard*. I have been misquoted by both the Minister and the Premier. I have never said that the ICAC is corrupt. I have said that it is ineffectual in regard to police investigations and I have said that there are leaks in the ICAC, and I stand by that. Unlike the ICAC, which is an ongoing institution and demands the co-operation of the police, a royal commission has a specific focus: it does not have to worry about its future; the staff is not bound to safeguard future careers, and that is a problem with the ICAC. The police in the ICAC have to look to their future. They have to return to the service. The ICAC can co-exist with a royal commission.

A wide-ranging inquiry into corruption in the New South Wales Police Service has never been conducted in this State. The honourable member for Orange, who always impresses me with his contributions, said, "What have royal commissions done in the past?" The prison royal commission did quite a lot and the building royal

commission did quite a lot, as did the Chelmsford royal commission, as did the Moffitt royal commission, but a lot of royal commissions fail because they are set up by the Government, terms of reference are chosen by the Government and the royal commissioner is chosen by the Government. I was very grateful for the offer of the Premier for co-operation in terms of the ICAC. I would like that same co-operation extended to the royal commissioner.

More important, the Government chooses the chief investigator, and I have already shown that Brendan John Whelan, the chief investigator for the Woodward royal commission, was corrupt, as was council assisting. There are grave concerns on both sides of the House, but when the Minister is playing to the gallery he underestimates the police force, its intelligence and its integrity. The police can see through him and his histrionics. Members of the New South Wales Police Service have grave concerns about a wide variety of matters within the police force and there is a push for change within the New South Wales police force. It is frightening for this Minister to say that it is preferable to get people out of the service rather than go down the track of charging them in some instances.

This is the Minister for law enforcement. Think about that. All equal in the matter of the enforcement of the law. Crimes have to be investigated and crimes have to be punished. When those responsible for law enforcement commit crimes, they particularly have to be dealt with by the full force of the law. This was a genuine mistake made by Mr Avery. We have the Nelson Chad's, the ex-police and a whole host of others working on wharves and in airports, working as security officers, private investigators and facilitators for crime. I have given details of Nelson Chad and his company Satinvale, and how he works with the fraud squad, how the fraud squad puts briefs his way, how the fraud squad does work for him, and how the taxpayer pays. One wonders why serious fraud in this State has a poor track record of investigation.

The Premier said that we should allow the Police Service to get on with the job. Mr Temby also said that, and I took him to task on the matter. He said, "It may be easier to let the police get out of the force". That statement shocked me. The fact is that corruption prevents the good police from getting on with the job, and it prevents them from getting the reward they justly expect of promotion for doing the job. Those who do the job, and speak out against corruption and fight it actively, have their career stopped - they are vilified, they are spat upon and they are punished. They should be exalted.

We talk about the delay in the appointment of the Independent Commission Against Corruption commissioner in the same breath as we say that we have every faith in the ICAC. We have talked about giving this huge reference to a new commissioner or deputy commissioner, who will now have to walk into an organisation and get to know it, the 90 staff, who is who, who can be trusted, et cetera, with no adjustment period. This Parliament then says, "We

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are going to dump on you these wide-ranging terms of reference. You must then take on all of this investigation".

Mr West: So does a royal commission.

Mr HATTON: The Minister for Energy and Minister for Local Government and Co-operatives just said, "So does a royal commission". The royal commission would have a particular focus, and would choose its staff for that focus. It would have to start from scratch, but it would not have to come to grips with the internal problems, the culture, the existing staff and the whole range of responsibilities outside the specific terms of reference, as does the ICAC. I mention in passing the snide remark made about Eddie Azzopardi. That betrayed the attitude of the Minister; I think it is disgusting. I put that on the record for Eddie Azzopardi. Every honourable members knows his record. That is why this Parliament supported him.

The honourable member for Coffs Harbour referred to the recommendations of the police counsel that I be charged with perjury in the Winchester inquiry. I did not find that upsetting at all; I found it flattering. I had to be destroyed at the Winchester inquiry. I knew that when I went there. I challenge the Minister for Police to tell me how somewhere between \$5 million and \$10 million of marijuana can disappear; how his police

officers at the senior level can, with mafia figures, grow and harvest marijuana and have a large quantity of it disappear. That question was never addressed by Winchester; he never approached that question. It has never been answered. I challenge the Minister to answer it.

We have not seen confidence evident in many police who stand up in the Police Service. This motion stands up for the Tony Katsoulases, the Deborah Lockes and the Kimba Cooks of this world - those people who have real and raw courage. Their families have been vilified. The honourable member for Cronulla, in his sanctimonious way, talked about how I am spraying police by mentioning their names in this House. He ought to talk to the police who are subjected to the vilification, who are stood on by these mean, pernicious, dishonest members of the police force; their lives are made an absolute misery and, in several instances, they have been totally destroyed. He will then understand why I stand up and do something that I do not like doing, but I do it with the full force of the feeling in my heart that something has got to be done.

We have to believe in the institution, as the Premier said - and many honest police want to sincerely believe, some of them do, in the institution. A royal commission will lance the carbuncle and the rottenness will come out. We will have to address the problems, and the ICAC will have a big job to do in doing that, as will the Ombudsman, the New South Wales Crime Commission and all the other institutions that have been creditably and properly put in place by this Government. People will come forward and give evidence with confidence. I reject the Premier's amendment. I ask the House to carry my motion.

Question - That the amendment be agreed to - put.

The House divided.

Ayes, 45

Mr Armstrong	Mr Morris
Mr Baird	Mr W. T. J. Murray
Mr Beck	Mr O'Doherty
Mr Blackmore	Mr D. L. Page
Mr Causley	Mr Peacocke
Mr Chappell	Mr Phillips
Mrs Chikarovski	Mr Photios
Mr Cochran	Mr Richardson
Mrs Cohen	Mr Rixon
Mr Collins	Mr Schipp
Mr Cruickshank	Mr Schultz
Mr Debnam	Mrs Skinner
Mr Downy	Mr Small
Mr Fahey	Mr Smith
Mr Fraser	Mr Souris
Mr Glachan	Mr Tink
Mr Griffiths	Mr Turner
Mr Hartcher	Mr West
Mr Hazzard	Mr Windsor
Dr Kernohan	Mr Zammit
Mr Kinross	<i>Tellers,</i>
Mr Longley	Mr Jeffery
Mr Merton	Mr Kerr

Noes, 46

Ms Allan	Mr Markham
Mr Amery	Mr Martin

Mr Anderson	Mr Mills
Mr A. S. Aquilina	Ms Moore
Mr J. J. Aquilina	Mr Moss
Mr Bowman	Mr J. H. Murray
Mr Crittenden	Mr Nagle
Mr Doyle	Mr Neilly
Mr Face	Mr Newman
Mr Gaudry	Ms Nori
Mr Gibson	Mr E. T. Page
Mrs Grusovin	Mr Price
Mr Harrison	Mr Rogan
Mr Hatton	Mr Rumble
Mr Hunter	Mr Scully
Mr Iemma	Mr Shedden
Mr Irwin	Mr Sullivan
Mr Knight	Mr Thompson
Mr Knowles	Mr Whelan
Mr Langton	Mr Yeadon
Mrs Lo Po'	
Mr McBride	<i>Tellers,</i>
Dr Macdonald	Mr Beckroge
Mr McManus	Mr Davoren

Pairs

Mr Humpherson	Mr Carr
Ms Machin	Mr Clough
Mr Petch	Dr Refshauge

Question so resolved in the negative.

Amendment negatived.

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Question - That the motion be agreed to - put.

The House divided.

Ayes, 46

Ms Allan	Mr Markham
Mr Amery	Mr Martin
Mr Anderson	Mr Mills
Mr A. S. Aquilina	Ms Moore
Mr J. J. Aquilina	Mr Moss
Mr Bowman	Mr J. H. Murray
Mr Crittenden	Mr Nagle
Mr Doyle	Mr Neilly
Mr Face	Mr Newman
Mr Gaudry	Ms Nori
Mr Gibson	Mr E. T. Page
Mrs Grusovin	Mr Price
Mr Harrison	Mr Rogan

Mr Hatton	Mr Rumble
Mr Hunter	Mr Scully
Mr Iemma	Mr Shedden
Mr Irwin	Mr Sullivan
Mr Knight	Mr Thompson
Mr Knowles	Mr Whelan
Mr Langton	Mr Yeadon
Mrs Lo Po'	
Mr McBride	<i>Tellers,</i>
Dr Macdonald	Mr Beckroge
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Mr Armstrong	Mr Morris
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Mr Collins	Mr Schipp
Mr Cruickshank	Mr Schultz
Mr Debnam	Mrs Skinner
Mr Downy	Mr Small
Mr Fahey	Mr Smith
Mr Fraser	Mr Souris
Mr Glachan	Mr Tink
Mr Griffiths	Mr Turner
Mr Hartcher	Mr West
Mr Hazzard	Mr Windsor
Dr Kernohan	Mr Zammit
Mr Kinross	<i>Tellers,</i>
Mr Longley	Mr Jeffery
Mr Merton	Mr Kerr

Pairs

Mr Carr	Mr Humpherson
Mr Clough	Ms Machin
Dr Refshauge	Mr Petch

Question so resolved in the affirmative.

Motion agreed to.

CHAIRMAN OF COMMITTEES

Suspension of certain standing and sessional orders agreed to.

Motion of No Confidence

Mr WHELAN (Ashfield) [12.28 a.m.]: I move:

That this House deplores the action of the Chairman of Committees when during the proceedings of the Committee of the Whole on the Crimes Legislation (Unsworn Evidence) Amendment Bill on 3 May 1994 he did not comply with the provisions of Standing Order 162 and therefore no longer possesses the confidence of the House.

Honourable members will recall that I raised points of order during debate in Committee on the Crimes Legislation (Unsworn Evidence) Amendment Bill under Standing Order 162, which reads:

If any objection is taken to a ruling or decision of the Chairman of Committees, such objection must be taken at once -

I complied with that requirement of the standing order:

... and if the Committee so decide (no debate being allowed, except a statement of the objection limited to five minutes), the Chairman shall leave the Chair and the House resume ...

The essence of my objection and my motion of no confidence arises from the fact that the Chairman of Committees at that stage ignored the standing orders of this House. The standing orders that relate to my amendments are crystal clear. Before I deal with those amendments I wish to deal with the ruling that the Chairman of Committees referred to. Only one precedent was cited in the Parliament, that is, the precedent of 30 May 1928 in regard to the Financial Agreement Ratification Bill that was being debated by Mr Lang, the then member for Auburn. At that stage Standing Order 175B had been applied. Honourable members would be aware that, in the last couple of days, Standing Order 175B has been used on a number of occasions. During debate -

Mr West: There was no 175B notice.

Mr WHELAN: According to page 1105 of *Hansard*, under the heading "Financial Agreement 30 May 1928 Ratification Bill", the Chairman referred to Standing Order 175B and said:

I allowed the Leader of the Opposition to speak as a matter of courtesy, but under the circumstances I refuse to accept his motion of dissent. I rule now that there can be no discussion, and I will at once put the question.

The Chairman was saying in that debate that he refused to accept the motion of dissent because of the automatic gag that had been applied. Let us not get too excited about a single precedent in relation to the interpretation of standing orders in 1928. Standing Order 162 of this Parliament states that the Chairman of Committees has an obligation to leave the chair. That is what the Chairman of Committees should have done. He cannot point to a single precedent to disavow the standing orders, rules, regulations, laws and proceedings of this Parliament. He referred to an obscure case in 1928 and departed from the essence of
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Standing Order 162. If a Chairman of Committees decides not to accept an amendment for reasons best known to himself or herself, no Government or Opposition member can move an amendment. Amendments have to be within the discretion of the chairman at the time. That is my principal objection.

If the Parliament has a high-handed chairman, no amendments can be moved. The Chairman of Committees will have an opportunity later to speak in this debate, but that is exactly what is meant by Standing Order 162. That is what I put to the House. I submit that the amendments I moved were clearly in order. I will refer to that matter later. If my amendments were in order the Chairman of Committees had an obligation, as I had taken a point of order in accordance with the standing orders, to report to the Parliament. Standing Order 162 states, "the Chairman shall leave the Chair and the House resume, and the matter be laid before the Speaker". That is what I requested. I complied in all respects with Standing Order 162. It must be understood by honourable members that the Chairman deliberated and made his remarks in good faith. I have no doubt about that. But he was wrong. It would be different if he made his remarks in good faith and he was right, but he was wrong. On page 86 of the *Hansard* galleys of 3 May the Chairman said:

The long title of the bill currently under consideration is "a bill for an Act to abolish the right of an accused person to give unsworn evidence or to make unsworn statements in criminal proceedings and to make consequential amendments to the Crimes Act 1900 and the Mental Health (Criminal Procedure) Act 1990. Accordingly, the principle of the bill is to abolish unconditionally all unsworn evidence. That is what the House has agreed to at the second reading of the bill . . . The principles of the bill agreed to at the second stage leave no scope for such modifications. There is either provision for unsworn evidence or not.

The Chairman was wrong on both counts. He was wrong because Standing Order 271 states:

After the preamble has been agreed to, if any amendment shall have been made in the bill, not coming within the original title, such title shall be amended, and a Question put "That the title as amended be the title of the Bill," and the amendment thereof shall be specially reported to the House.

In other words, Standing Order 271 states that if the bill takes a different form, the title can be amended. The Chairman of Committees was also wrong on fact.

Mr Turner: It is Standing Order 261.

Mr WHELAN: I am reading Standing Order 271. Standing Order 261 is another matter, which I will deal with later. The Chairman of Committees was wrong. It is all right for the Government to amend section 405 of the Crimes Act, which is what has been done. The Government wants to amend section 405, but it will not let members of the Opposition do that. How ridiculous that is! I want the Chairman of Committees to note that the Government wishes to amend section 405 of the Crimes Act, but how will it do that? The Government wishes to amend it as follows, "Every accused person on his trial, whether defended by counsel or not" - then the Government wishes to leave out several words - "after the prosecutor has addressed the jury or has declined to address the jury, may, personally or by his counsel, address the jury".

That is the Government's proposed amendment to section 405 of the Crimes Act. The amendment ends with the following words, "may, personally or by his counsel, address the jury". That means that an accused person may make a statement to the jury. The Government does not wish to abolish that privilege. I attempted to modify this amendment to qualify the extent to which and the circumstances upon which an accused person can address the jury. That is a very important principle. If the Opposition is rolled on this motion, the Parliament will have to think seriously about how amendments will be made. When the Labor Party is in office in 1995 members opposite will be very worried as they will be subject to the same ridiculous rulings that Opposition members are now. Members will never be able to submit amendments. Once a decision is made by the Chairman, that decision will be final.

Historically, the Westminster system and Erskine May provide that the independent arbitrator in the Parliament is the Speaker. When I asked for this matter to be put to the independent umpire, the Speaker, my request was refused. What else could I do other than move a vote of no confidence in the Chairman of Committees? This will happen every time that we put up valid amendments. I do not care what the Government says; the fact is that the Government has had an opportunity to amend section 405 of the Crimes Act, but the Chairman of Committees said that the amendments I put up were invalid. The Government seeks on page 2 of the Crimes Legislation (Unsworn Evidence) Amendment Bill to amend section 405 of the Crimes Act. The Opposition is also entitled to amend the Crimes Act. For that reason alone my amendments should have been adequate in the circumstances.

The Chairman of Committees said that my amendments were not valid. That is another important reason why I have moved a vote of no confidence in him. In my view he erred in respect of the matters to which I have referred. When I moved, "That you do now leave the chair, report progress, and seek leave to sit again tomorrow", the Chairman said:

I am of the opinion that the motion by the honourable member for Ashfield is one of delay and is likely to cause obstruction. Therefore I do not accept the motion.

It is not up to the Chairman of Committees to determine what motivated me to move my motion. I moved my motion because that is what is provided in the standing orders. The standing orders provide that any member can do that, but the Chairman of Committees unilaterally decided, in his high-handed manner, that my motion was one of delay and was likely to cause obstruction, and did not accept the motion before the Chamber. Honourable members would be aware of what happened then. The Opposition spent most of that night sitting on one side

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of the Chamber. We divided on that motion until 1.18 a.m. The House then decided to recommit the matter for reconsideration in accordance with Standing Order 277.

My reasons are that I do not believe the 1928 precedent to be adequate in the circumstances - it is older than Methuselah; I do not believe the Chairman of Committees has acted in accordance with Standing Order 162; I do not believe that anything I have done was for the purposes of delay or to cause obstruction; and I do not believe that the amendments I have moved are inadmissible and out of order - they were clearly in order. If it is all right for the Government to amend section 405 in relation to the address of jury members by the accused, it should be permissible for the Opposition to do so also.

Probably the most important matter in relation to my amendment is that the Government did not think of proper ways to solve the problem constructively. Only after the Opposition, having consulted with and subsequently obtained the concurrence of the Independents, came up with positive methods by which the law could be reformed did the Government decide that it had better get out from under. On this matter the view of the Australian Labor Party is very clear. Mr Speaker, if this motion were to be defeated, my only option, regrettably, would be to move dissent from your ruling. I would have to take some other advisings about what should be done in that respect because it would be a matter of serious concern. If the motion were defeated, I would seek the concurrence of the Leader of the House and would hope that the matter might be dealt with then and there.

Mr West: In that unlikely occurrence, I would be happy to discuss the matter.

Mr WHELAN: We have such fun in Parliament House. Recently I was flicking through some old precedents. I have in the Chamber with me the "Parliament of New South Wales Legislative Assembly Fact Sheet", a document from 1991, not 1928. In relation to amendments, that publication states that an amendment which alters the main question by substituting a proposition with the opposite conclusion is admissible.

The document was written as a compendium of advice. I admit that its weight is not equal to that of the standing orders or the law of the Parliament, but it was written as a guide for members. I raise the point because it appears that the fact sheet may need to be corrected. That 1991 document, prepared by the Parliament, states that a proposition with the opposite conclusion can be moved as an amendment. Standing orders provide that members can move amendments. I will not accept, and neither will the Opposition in general, that Chairmen of Committees should be the persons who dictate what happens in this Parliament. There is one, neutral referee who determines what happens. If there is a dispute, it is not for the Chairman of Committees to take a unilateral, high-handed action. It is the Speaker of the House who makes a determination. That is why I have reservations about the next step should the Opposition go down on this issue.

My reservation is that I shall have to move dissent from the Speaker's ruling. A Speaker's ruling is like the decision of a neutral umpire. The Opposition accepts decisions, but it is my hope that as a result of some of the arguments put to you, Mr Speaker, you might be persuaded to allow the debate to continue and to grant the relevancy of the Opposition amendments. In view of what to me is an obvious breach of the standing orders of the House, I ask that the House uphold the vote of no confidence in the current Chairman of Committees.

Mr WEST (Orange - Minister for Energy, and Minister for Local Government and Co-operatives) [12.45 a.m.]: I am not a lawyer but I would have to say that if the honourable member for Ashfield were representing me, I would hate to be facing the gas chamber because I would be there right now. The honourable member for

Ashfield fails to tell the whole story. He has just been quoting from a fact sheet. He quoted a statement that the substitution of a proposition with the opposite conclusion was admissible. The honourable member should have gone back a little further. This situation is a little similar to the amendment to a motion that the House has just considered - that when an amendment removes all the words after "That", all the words after "That" become admissible, even though it is the opposite. The honourable member for Ashfield has failed to say why it is admissible. The honourable member should relate the full quotation.

The honourable member for Ashfield said that the Committee was amending section 405. That is correct. The honourable member failed to say that the Government amendment was to omit words, not to amend words. The House had made a decision by the second reading stage that dock statements would be abolished. Under no circumstances can it be permissible for a member to then move an amendment that is a negative of a decision that has already been made. That is the real point. The honourable member for Ashfield pointed out that the Chairman of Committees had to go back to 1928 for a precedent. The reality is that since 1928 no member - until the honourable member for Ashfield - has had the gall to try to overturn something that has been accepted for 150 years of the Westminster system in this Parliament. The same rules are used in local government and at meetings everywhere.

A parliament cannot make one decision and then come up with the total opposite. If the honourable member for Ashfield did not want to vote for the bill, he should have had the courage to vote against it at the second reading stage. That is what he failed to do. The honourable member for Ashfield spoke of his reliance on Standing Order 162. Again, the honourable member's memory is appalling. He is quoted in *Hansard* as saying, "I raise an objection and my objection is in writing". Standing Order 162 requires that if an objection is taken to a ruling or a decision of the Chairman of Committees, objection must be taken at once and must be made in writing. The honourable member for Ashfield failed to give that notice; he shoved it back in his pocket. Neither the Chairman of Committees nor the Clerks of the House received his notice.

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Mr Whelan: I did not write it out. Do you know who wrote it out? It was the Clerk.

Mr WEST: That still does not make it right for the honourable member to shove it back in his pocket. He has to complete the procedure and give the notice to the Chairman of Committees. It is like writing a letter, putting it in an envelope but failing to put a stamp on the envelope - it will not go anywhere. The Chairman of Committees was fully within his rights. In all of his reading of the standing orders, the honourable member for Ashfield failed to go a little further on. It seems that he can count up to No. 271 but no further. It is clear that he read Standing Order 271 because he made reference to the title. Standing Order 271 states that amendments can be moved to the title. A member may not, however, move an amendment that is outside the leave of the title. The honourable member for Ashfield has failed to understand the rationale behind the standing orders. The Chairman of Committees has counted a little further. He moved on to Standing Order 330, which states:

In Committee of the Whole on any Bill or Resolution, no Member shall make any motion for the Chairman, to leave the Chair which, by the ruling of the Chairman without debate, shall be held to be of an obstructive character or not consistent with the regular and orderly conduct of the business of the Committee.

It became the prerogative of the Chairman of Committees to make that decision. The Chairman of Committees had that capacity and he decided, within his prerogative, to take that decision. It was clear that every move the honourable member for Ashfield was taking was obstructive. If this motion of no confidence in the Chairman of Committees is carried, the rules of this Parliament will be turned back. The honourable member is saying we should forget about the standing orders. If the majority of the members of this Parliament control this House to the point where there is no order, there will be total anarchy. Many countries around the world have moved away from such a position, but the Australian Labor Party is trying to take us back to that. The honourable member for Ashfield has no other alternative but to withdraw his motion if he does not want a lot more egg on his face. He has failed on every account to present details to this House that substantiate his case.

The amendments the honourable member for Ashfield attempted to move in Committee were out of order. They were outside the leave of the bill. The honourable member had no alternative. He was not prepared to accept the Chairman's ruling. That is why he spat the dummy and started this procedure. The Chairman of Committees was within his rights. I ask all honourable members to think very carefully about this motion because if they vote for it they will rewrite history - not only in New South Wales but in every meeting that is conducted. Control will be lost merely because the honourable member for Ashfield wants to score some cheap points. He has failed and he has lost the plot.

Mr WHELAN (Ashfield) [12.51 a.m.], in reply: We did not lose the plot. If anyone lost the plot it was the Government. The Opposition's amendments were positive and constructive amendments to the Crimes Legislation (Unsworn Evidence) Bill. The Government's action was a political con trick. The opportunity to reform dock statements has been lost once and for all. The House never had the opportunity of having all the Opposition's amendments considered by the Parliament because the Chairman of Committees ruled them all out of order.

I should have prepared a series of pages for all 15 amendments and moved them one by one - and had them defeated bit by bit - rather than table the whole lot. I tabled them so that everyone would understand them. This Chairman of Committees ruled the three pages of my amendments out of order before they came up for consideration by the Parliament.

Mr W. T. J. Murray: That is his job.

Mr WHELAN: It is his job under Standing Order 162 to report to the Speaker, the independent umpire, and the House. I have been here for a long time. To accuse me of not complying with the standing orders at this stage, and of not putting a document in writing to the appropriate place is as ridiculous as it sounds. The Chairman of Committees at that time could have ruled me out of order and said that I did not put the amendments in writing and did not submit them, but he did not say that.

Mr W. T. J. Murray: You admit you were wrong?

Mr WHELAN: No I do not. All I say is that I strictly complied with the standing orders.

Mr W. T. J. Murray: Except you put them in your pocket.

Mr WHELAN: No I did not. I complied strictly with the standing orders because they are very specific about amendments being in writing and they were presented by me. The honourable member should think about what I have said. The Minister made up a story about my not complying with the standing orders. I repeat that if I had not complied with them, why did the Chairman of Committees not say that I was out of order? It is an absolute deliberate make-up and the Minister cannot expect the House to believe that. Standing Order 162 is specific and the standing orders I have relied on are specific. Section 405 was amended by the Government and the Opposition should have had an equal opportunity to amend it. My amendments were in order. The Government is relying on a 1928 precedent that has no validity in 1994.

Mr West: Why?

Mr WHELAN: Because according to what the Minister has said, there is a single departure. Standing Order 175B provides a trigger, an automatic guillotine. That is what the Chairman of Committees said at that time. He said that that was the end of it. That was the decision. This case is different and is founded on three erroneous decisions made by the Chairman of Committees at that time. I am annoyed that the Government is making up this story about non-compliance. That does it no credit.

Question - That the motion be agreed to - put.

The House divided.

Ayes, 43

Ms Allan	Mr Markham
Mr Amery	Mr Martin
Mr Anderson	Mr Mills
Mr A. S. Aquilina	Mr Moss
Mr J. J. Aquilina	Mr J. H. Murray
Mr Bowman	Mr Nagle
Mr Crittenden	Mr Neilly
Mr Doyle	Mr Newman
Mr Face	Ms Nori
Mr Gaudry	Mr E. T. Page
Mr Gibson	Mr Price
Mrs Grusovin	Mr Rogan
Mr Harrison	Mr Rumble
Mr Hunter	Mr Scully
Mr Iemma	Mr Shedden
Mr Irwin	Mr Sullivan
Mr Knight	Mr Thompson
Mr Knowles	Mr Whelan
Mr Langton	Mr Yeadon
Mrs Lo Po'	<i>Tellers,</i>
Mr McBride	Mr Beckroge
Mr McManus	Mr Davoren

Noes, 48

Mr Armstrong	Ms Moore
Mr Baird	Mr Morris
Mr Beck	Mr W. T. J. Murray
Mr Blackmore	Mr O'Doherty
Mr Causley	Mr D. L. Page
Mr Chappell	Mr Peacocke
Mrs Chikarovski	Mr Phillips
Mr Cochran	Mr Photios
Mrs Cohen	Mr Richardson
Mr Collins	Mr Rixon
Mr Cruickshank	Mr Schipp
Mr Debnam	Mr Schultz
Mr Downy	Mrs Skinner
Mr Fraser	Mr Small
Mr Glachan	Mr Smith
Mr Griffiths	Mr Souris
Mr Hartcher	Mr Tink
Mr Hatton	Mr Turner
Mr Hazzard	Mr West
Mr Humpherson	Mr Windsor
Dr Kernohan	Mr Zammit
Mr Kinross	
Mr Longley	<i>Tellers,</i>
Dr Macdonald	Mr Jeffery

Mr Merton

Mr Kerr

Pairs

Mr Carr

Mr Fahey

Mr Clough

Ms Machin

Dr Refshauge

Mr Petch

Question so resolved in the negative.

Motion negatived.

CRIMES LEGISLATION (UNSWORN EVIDENCE) AMENDMENT BILL

In Committee (Recommittal)

Mr HARTCHER (Gosford - Minister for the Environment) [1.6 a.m.]: I move:

Page 2. After line 9, insert:

Amendment of Mental Health (Criminal Procedure) Act 1990 No. 10

4. The Mental Health (Criminal Procedure) Act 1990 is amended as set out in Schedule 2.

SCHEDULE 1 - AMENDMENT OF CRIMES ACT 1900

(1) Section 404A:

Before section 405, insert:

Abolition of an accused's right to make unsworn statement or to give unsworn evidence

404A.(1) Any rule of law or procedure or practice permitting a person who is charged with the commission of a criminal offence to make an unsworn statement or to give unsworn evidence in answer to the charge is abolished.

(2) Nothing in this section prevents a person from giving unsworn evidence under Part 6 of the Oaths Act 1900.

(2) Section 405 (**Address to jury by accused**):

(a) From section 405(1), omit "make any statement at the close of the case for the prosecution, and before calling any witness in his defence, without being liable to examination thereupon by counsel for the Crown or by the Court and".

(b) From section 405(1), omit "may,".

(c) From section 405(3), omit "or unsworn statement".

(3) Section 405A (**Notice of alibi**):

From section 405A(1), omit "or assert in any statement made by him under section 405(1) that he has an alibi".

(4) Section 409C (**Limitation on dock statements in certain sexual offence proceedings**):

Omit the section.

(5) Eleventh Schedule (**Savings and transitional provisions**):

After Part 4, insert:

Part 5 - Crimes Legislation (Unsworn Evidence) Amendment Act 1994

Application of abolition of accused person's right to give unsworn evidence or to make unsworn statement

13. Section 404A, and the amendments to Sections 405, 405A and 409C made by the Crimes Legislation (Unsworn Evidence) Amendment Act 1994, apply to the trial of a person charged with an offence on or after the commencement of that section and those amendments.

SCHEDULE 2 - AMENDMENT OF MENTAL HEALTH (CRIMINAL PROCEDURE) ACT 1990

(1) Section 21 (**Nature and conduct of special hearing**):

From section 21(3)(d), omit "or to make an unsworn statement".

Page 2352

(2) Section 41:

After section 40, insert:

Savings and transitional provisions

41: Schedule 1 has effect.

(3) Schedule 1:

At the end of the Act, insert:

**SCHEDULE 1 - SAVINGS
AND TRANSITIONAL PROVISIONS**

Application of abolition of accused person's right to make unsworn statement.

1. The amendment to section 21 made by the Crimes Legislation (Unsworn Evidence) Act 1994 applies to a special hearing conducted in respect of an offence with which a person is charged on or after the commencement of the amendment.

Mr WHELAN (Ashfield) [1.6 a.m.]: The Opposition accepts the decision of the House in relation to the dissent. It expresses disappointment that the Government did not seize the opportunity to reform the law. However, the Opposition accepts the decision with a deal of anguish. Government amendments incorporate the original bill initiated by the Government dealing with amendments to the Crimes Act in sections 404A and 405. As has been indicated publicly, our position is simple: if we were not successful in moving the amendments that the House has now ruled out of order, we would vote for the bill as prepared by the Government. In other words, if we could not get the necessary reform, we would vote, however regrettably, for the abolition of dock statements.

Dr MACDONALD (Manly) [1.7 a.m.]: I see this procedure as resurrecting the bill to achieve what the Government originally intended. Quite clearly, I am unhappy with the abolition of dock statements. I am equally unhappy with the retention of dock statements in their current form. I indicate to the House that tomorrow I shall give notice of a private member's bill to attempt to achieve what was sought last week by this

bill, that is, the retention of dock statements with necessary amendments to prevent the type of abuse that we have witnessed. I am not happy with the outcome and that is the way I shall seek to resolve it.

Ms MOORE (Bligh) [1.8 a.m.]: I regret that dock statements cannot be retained in a different form. I support the honourable member for Manly, who expressed his attitude well. I will support a private member's bill, of which he will give notice tomorrow, to retain dock statements in an amended form. I place on the public record that the behaviour of the Attorney General in relation to this complex bill has been quite despicable. On regional radio last week he targeted the Opposition and the Independents - especially me - and suggested that they supported rapists and child molesters in preference to women and children. That was despicable, as his behaviour has been on a number of other issues, especially discrimination. I cannot understand the agenda of the Attorney, other than blatant expedient politicking. It is a disgrace for the leading law officer of the State to no longer support the presumption of innocence and to so badly misrepresent members of this House. He is beneath contempt.

Mr HARTCHER (Gosford - Minister for the Environment) [1.10 a.m.]: The Government remains proudly committed to its declared policy of the abolition of dock statements in New South Wales. The Attorney General has carried this difficult issue through to completion and upheld the declared policy of the Government to protect the innocent and ensure that those who have sought refuge in dock statements, especially by using them to discredit witnesses and victims, will no longer be able to do so. The fundamental right of silence remains; the fundamental right to go into the witness box and give evidence remains. All that is taken away is the historical anachronism that has been abolished in virtually every other common law jurisdiction in the world, as is well known to the honourable member for Ashfield. This legislation will bring New South Wales at last headlong into the twentieth century.

Mr WHELAN (Ashfield) [1.11 a.m.]: Ordinarily I would not speak at this stage, but the Minister has made a most amazing outburst, and made gross inaccuracies in law. The bill will do nothing to prevent people from being abused. Why does the Minister not understand that is what the reform is all about? The bill will do nothing to protect victims, because it contains nothing to prevent an accused person from making an outburst against a witness - except the reforms the Opposition introduced in 1982 and 1987, reforms that I wanted to bring before this Parliament. The Minister should not speak to me about victims. In the upper House, after Cabinet approved of it, amendments were made to the victims compensation legislation that provided that victims of crime would not be able to claim compensation. That was replaced by this esoteric consolation verdict so that any victim of crime, any victim of a sexual assault, will receive a consolation award.

Victims of crime will no longer be able to obtain compensation. The Government has removed the right of appeal to the District Court. The other thing members opposite, who pretend to look after victims, have done is introduce for the first time a threshold. Victims should understand that the threshold the Government introduced is \$4,000. That will mean that if a woman walking down Martin Place is knocked over, kicked in the stomach, kicked in the teeth and has her bag stolen, she will not get \$4,000 but will be disentitled from making a claim to this Government's Victims Compensation Tribunal. The Minister mentioned victims. I will tell him about victims. The Government should introduce that bill. It is about time the people of New South Wales understood the political stupidity of the Minister for the Environment. I shall give him some advice that I hope he will heed: hand in his legal practising certificate. He is an embarrassment.

Amendment agreed to.

Recommitted bill as amended agreed to.

Bill reported from Committee secundo with a further amendment and passed through remaining stages.

The following bill was returned from the Legislative Council without amendment:

Gaming and Betting (Telephone Betting) Amendment Bill.

**FILM AND VIDEO TAPE CLASSIFICATION
(AMENDMENT) BILL**

Bill received and read a first time.

House adjourned at 1.16 a.m., Thursday.
