

# LEGISLATIVE ASSEMBLY

Wednesday 6 April 2005

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

**Mr Speaker** offered the Prayer.

## AUDIT OFFICE

### Report

**Mr Speaker** tabled, pursuant to section 38E of the Public Finance and Audit Act 1983, the performance audit report of the Auditor-General entitled "Managing Air Quality: Department of Environment and Conservation", dated April 2005.

**Ordered to be printed.**

## COAL ACQUISITION AMENDMENT (FAIR COMPENSATION) BILL

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

### Second Reading

**Mr KERRY HICKEY** (Cessnock—Minister for Mineral Resources) [10.02 a.m.]: I move:

That this bill be now read a second time.

The object of this bill is to amend the Coal Acquisition Act 1981 to make provision for the payment of fair and consistent compensation under that Act. The bill amends the Act to ensure fairness between all compensation claimants. It will mean that a small group of remaining claimants' compensation claims will be assessed under the same royalty regime as that used for those claimants whose claims have already been settled. The Coal Acquisition Act 1981 was introduced on 1 January 1982 to effect the acquisition of privately owned coal rights by the State. A compensation scheme was instituted under the Coal Acquisition (Compensation) Arrangements 1985. The Coal Compensation Board determines and pays compensation to former private owners of coal that was acquired by the State in 1982.

Payment of compensation pursuant to the Coal Acquisition (Compensation) Arrangements 1985 is known as the Compensation Scheme, which has four claims for loss of estate in coal remaining of a total of almost 28,000. The former Coalition Government introduced the Coal Ownership (Restitution) Act in 1990, which allowed some owners to apply for the restitution of their coal rights in lieu of receiving compensation. Subsequent amendments to the Coal Acquisition Act made by this Government in 1997 re-acquired some previously restored coal titles that were valuable to the people of New South Wales, and required the compensation payable under the Coal Acquisition (Re-acquisition) Arrangements Order 1997 to be just and equitable. The Re-acquisition Scheme was established in accordance with these amendments and it has 125 applications remaining from a total of 400.

Since the Coal Compensation Scheme began, compensation of more than \$650 million has been paid to date to former owners of private coal. Following the Commonwealth Grants Commission recommendation the New South Wales Government moved to an ad valorem coal royalty regime in line with that of other States. At the time of this recommendation the Grants Commission indicated that New South Wales would be further penalised if it failed to implement this policy. The introduction of the ad valorem coal royalty regime on 1 July 2004 and recent litigation have increased the board's compensation liability by \$116 million. Potential litigation from applications yet to be determined may further increase liability by more than \$50 million.

The Coal Acquisition Amendment (Fair Compensation) Bill 2005 makes four key changes to the Coal Acquisition Act 1981 and does not affect the established entitlements to compensation for the 129 claims and applications that remain to be settled as they existed prior to the introduction of the ad valorem royalty scheme.

This legislation is required to implement consistency in all the claims and applications for compensation. They were received at the same time and should all be assessed under the same flat rate per tonne regime that has applied to the more than 28,000 claimants who have already settled their claims. The people with the remaining 129 claims for coal compensation should not have the advantage of an unexpected windfall gain, estimated at \$116 million, which could be better spent on teachers, nurses and police.

The Government is unashamed in wanting to direct these savings to front-line services. This decision is in the interests of consistency for all claimants and for the benefit of the people of New South Wales. This bill will ensure that coal compensation is based on the longstanding royalty rate of \$1.70 a tonne. It will do so by inserting a proposed section 6A (2) into the Coal Acquisition Act 1981. Firstly, the bill removes the windfall financial benefits that accrue to the two-thirds majority of affected claimants arising from the introduction of the ad valorem coal royalty regime on 1 July 2004. Secondly, the bill restores fair compensation to the approximately one-third of claimants who may potentially be disadvantaged by the introduction of the ad valorem royalty scheme.

For example, some claimants' compensation is based on coal mined from areas of low-value coal for domestic electricity generation markets, where the ad valorem royalty may be less than the traditional royalty rate of \$1.70 a tonne. In this way the bill ensures that the method of calculating compensation for the remaining claims is consistent with that used for the claims already determined by the Coal Compensation Board. Thirdly, the bill clarifies the law in relation to super royalty. "Super royalty" is the term commonly used to refer to additional payments of royalty that were provided for in certain circumstances under the former Coal Mining Act 1973 and until 1 July 2004 under the Mining Act 1992. The provisions relating to super royalty under the Mining Act 1992 were repealed on 1 July 2004. Super royalty was abolished by the repeal of the Mining Regulation 2003. Under subsections (3) and (4) of proposed section the calculation of super royalty may relate only to a period occurring before 1 July 2004.

Fourthly, the bill ensures that no compensation is payable from contracts negotiated in conjunction with tenders for coalmining leases for supply of coal at favourable prices by inserting proposed section 6A (5) into the Coal Acquisition Act 1981. A specific example is for the supply of coal for generating electricity. The Wran Government's acquisition of private coal rights in 1981 through the Coal Acquisition Act was a decisive and visionary act which provided that all the people of New South Wales should benefit from the resources of the State rather than a few who acquired private coal rights through a historical accident. Royalties that would otherwise have been diverted into the hands of the lucky few were instead channelled by the Government to benefit all the people of New South Wales regardless of land ownership or geology. The Government provided for compensation to be payable for eligible former private coal owners by enacting the Coal Acquisition (Compensation) Arrangements 1985. The methodology for calculating that compensation recognised that coal in the ground is worth nothing—there is no market for private coal. It is not until the coal is mined and processed to generate electricity or make steel that the coal acquires value. The prospect or possibility that the coal might be mined gives that coal in the ground a potential value.

The companies that mine coal in New South Wales have to invest hundreds of millions of dollars in order to add value by extracting the coal in a manner that is safe and environmentally friendly and efficiently utilises the State's resources. The former private coal owners add nothing to the mining process. By a quirk of history they were the passive recipients of a proportion of the royalty for coal mined at a rate determined not by them but by the State. This bill will remove from the compensation formula the windfall which has not been available to all claimants and would otherwise flow to a select few. These windfall benefits would cost the State significant amounts of money which could be better used to benefit all the people of New South Wales in providing schools, hospitals, police services, transport and infrastructure.

The impacts of the bill are limited: No compensation claims in the compensation scheme or compensation applications in the Re-acquisition Scheme which have already been finally determined by the Coal Compensation Board are affected through proposed section 6A (7). However, the bill will affect claims that are the subject of an appeal, judicial review or re-determination as in proposed section 6A (6). The Nardell Colliery Pty Ltd test case litigation gave substantial compensation benefits to claims in the Re-acquisition Scheme. Recent litigation has flowed these benefits to the few remaining claims for loss of estate in coal outside a colliery holding, in the Compensation Scheme. The bill does not remove any of the benefits won by claimants in the Nardell Colliery test case.

The formula for compensation in line with the Nardell Case has been agreed and these entitlements are recognised by the Government. Nardell-dependent claimants will remain eligible to be compensated for a

proportion of the payments made to the State by mining companies when a lease is granted, commonly called front-end payments. These claimants will also be entitled to the benefits of dividend imputation in the discount rate, and for super or additional royalty prior to 1 July 2004, when it was removed by the introduction of the ad valorem royalty regime. Coal compensation will continue to be just and equitable, but the provisions of this bill will prevail over the obligation for compensation to be just and equitable to the extent of any inconsistency by proposed section 6A (1).

It is worth noting that the change to an ad valorem system came about following years of sustained pressure from the Commonwealth and its agencies. In February 1999 the Public Inquiry into the Australian Black Coal Industry undertaken by the Productivity Commission recommended that the New South Wales Government should adopt an ad valorem royalty system. The Federal Government supported the Productivity Commission's recommendations. Furthermore, in its review of States' capacities to raise mining revenue, the Commonwealth Grants Commission assessed that New South Wales's need for Commonwealth funding could be further reduced on the basis that *prima facie* it could raise \$87.6 million per annum more in mining revenue than it had actually raised.

The vast majority of eligible persons have been paid compensation under the Compensation Scheme and the Re-acquisition Scheme based on the coal royalty at \$1.70 fixed at that rate since 1981. The compensation of the remaining claimants will be calculated in a similar way to the 99.5 per cent of people whose claims have already been determined. Similarly, the commencement of the ad valorem royalty terminated super royalty in addition to the fixed rate of royalty. The benefits of super royalty up to the introduction of ad valorem royalty on 1 July 2004 will be preserved by proposed section 6A (3). However, by proposed section 6A (4) this bill will ensure that compensation will not include super royalty after that date.

It is the practice of this Government to manage the State's resources carefully, particularly where it concerns our environment and the safety of our mineworkers. For example, when the Government tenders coalmining leases for areas suitable to supply coal for electricity generation, the Government on some occasions accepts the tender that will provide the lowest priced coal to the electricity generator. This means that the State of New South Wales obtains a benefit of affordable electricity for the people of New South Wales. The Government awarded the tender for the Mount Arthur Coal mining lease to the company that offered the lowest price coal to Macquarie Generation. Claims are now made for additional front-end payments, for a share of the value of this contract and on the basis that this decision has limited the royalty under the ad valorem scheme and hence their compensation payments.

A front-end payment is a payment under the Mining Act 1992 made to the department in respect of the grant of some mining leases. These claims have the potential to increase the Government's liability under the Re-acquisition Scheme by a further \$50 million. The bill ensures that compensation does not include windfall benefits or losses arising from arrangements requiring the holder of a mining lease to supply coal at a particular price. The benefit, which this Government has earned the people of New South Wales in obtaining affordable coal to fuel our power stations, was obtained through the Government's strong negotiation with the coalmining companies. The reduced price of coal is a commercial transaction between a coalmining company and an electricity generator and is in no way analogous to a front-end payment.

It is unfair to the wider community that compensation is now being sought for what was a mutually beneficial commercial arrangement. As such this is not a front-end payment for the purposes of the Mining Act and does not apply to any compensation determination. That is the reason this Government intends to clarify the law so that front-end payments, an entitlement that some claimants may be eligible for, are distinct from these types of commercial arrangements. At the same time this bill will ensure that compensation is fair and consistent between the vast majority of claimants whose claims have already been finally determined and the less than 0.5 per cent of claimants still awaiting final determination by removing the market price for coal from the calculation of compensation. This bill will protect the public of New South Wales and secure the benefits won for them by this Government. The changes in this bill are sensible and practical responses to the problems I have described. I commend the bill to the House.

**Debate adjourned on motion by Mr Daryl Maguire.**

## GAME AND FERAL ANIMAL CONTROL AMENDMENT BILL

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

### **Second Reading**

**Mr KERRY HICKEY** (Cessnock—Minister for Mineral Resources) [10.18 a.m.]: I move:

That this bill be now read a second time.

Introduced species of animals are an important issue facing this state. Some types of introduced animals inhabit over 95 per cent of New South Wales. These wild game and feral animals include species such as foxes, feral pigs and rabbits that are well known for their agricultural and environmental impacts. These animals also include less well known species such as feral goats and wild deer. We are all aware of the damage that can be caused by introduced species of animals and birds. They eat native vegetation and damage sensitive environments. They destroy crops, pasture and fencing, and they can also spread parasites and disease.

To deal with this problem, the Government established a strong legislative framework to control the impact of these animals, for example, the Threatened Species Conservation Act 1995 with provisions to manage key threatening processes and help recover populations of threatened species and the Rural Lands Protection Act 1998 with provisions requiring pest animals to be controlled. One thing that has sometimes limited the capacity to address these impacts in the past, particularly in the case of species that cause widespread damage, was a way to better co-ordinate the use of responsible hunters as a resource to help control these animals.

The need to identify, train and license responsible hunters is addressed by provisions in the Game and Feral Animal Control Act, which also contains provisions to regulate game hunting. The objectives of the Game and Feral Animal Control Act are to provide for effective management of introduced species of game animals, and to promote responsible and orderly hunting of those animals, on both private and public land, and hunting of certain pest animals on public land. The Act established the Game Council to oversee these functions. The council provides advice to the Government on game management, and co-operates with other agencies on game animal control measures. The Game Council also works with government and responsible hunters to help restore natural animal habitat in New South Wales, and, when it is financially responsible to do so, will fund conservation projects on rural lands.

Another way in which the council carries out its role is through orderly licensing of game hunters to hunt wild game and feral animals. Programs being developed by the Game Council offer significant potential benefits to the State's native flora and fauna, and to farmlands. The council deserves the thanks of the House for the useful and important work it is doing. The council comprises 16 members, including some from hunting organisations and government agencies. The Game Council first met late in 2002 and since then has been progressively implementing the various requirements of the legislation.

Among other things, the Act requires the Game Council to manage the issuing of two types of hunting licences. One is the general hunting licence that covers hunting on private land, and the other is the restricted hunting licence that also allows hunting on certain public land in prescribed circumstances. General hunting licences first became available in early September 2004, and to date some 4,000 general hunting licence applications have been lodged. Hunters can be an effective tool to assist in feral animal control and the Game Council is now working with stakeholders on the declaration of appropriate public land for hunting, particularly in areas where feral animal populations are high. A thorough risk assessment and consultation process is being undertaken to determine areas of public land where game hunting may become available in future.

Turning now to the bill before the House, the Game and Feral Animal Control Amendment Bill introduces two main amendments to the Act. These deal with the source of the council's funding and the items on which the council can spend its funds. The amendments will improve the operation of the council and the work that it engages in. The council has been closely involved in the preparation of these amendments. Funding for the council has primarily come from government grants, but the council aims to become self-supporting in the long term.

The amendments in the bill extend the range of funding sources to include the proceeds of fines imposed under the Act. This will cover offences created under the Act or its regulations and offences against the Game Hunting Code of Practice. At present, proceeds from fines paid under the Game and Feral Animal Control Act go into consolidated revenue. Under the amendments in this bill, as I have indicated, proceeds from fines

would be credited to the Game Council itself. This will help the council move towards financial self-sufficiency and help to meet the cost of discharging its regulatory functions under tight budgetary constraints. While the Act clearly anticipates that training should minimise the need for harsher compliance measures, it also anticipates the need to penalise those who break the rules. It is reasonable that the proceeds from fines be used to help the Game Council enforce these requirements.

The Game Council has employed five game managers, and part of their duties will be to enforce these requirements. Various offences are prescribed under the Act that may be referred to a court, and there is also provision for penalty notices to be issued for certain offences. This approach to funding is not new. The Rural Lands Protection Act 1998 and the Local Government Act 1993 already provide for proceeds of fines to be credited to the relevant board or council. These Acts provide a fitting precedent for the proposals before the House. The second aspect of the bill is the amendment to section 13, which specifies how the council can spend its funds. Section 13 currently lists matters on which the council can spend its money. This list is too restrictive and needs to be expanded.

An amendment to section 13 will allow the council to spend money on other matters, as long as they are listed in the regulations. It is intended that the regulations will include the development of training courses and funding for research. For instance, the council has an opportunity to develop and deliver a new course on responsible hunting in collaboration with the University of Sydney. But at present the narrow scope of section 13 does not permit the council to do this. The council could also seek opportunities to fund research in areas where this may currently be lacking or where research may be improved in future, for example, interaction between game and non-game animals. While these are minor changes to the legislation, they will substantially improve the practical operation of the Act and the ability of the Game Council to meet its objectives. As such, I call on all honourable members to support the changes. I commend the bill to the House.

**Debate adjourned on motion by Mr Steven Pringle.**

## **BUSINESS OF THE HOUSE**

### **Bill: Suspension of Standing and Sessional Orders**

#### **Motion by Mr Frank Sartor agreed to:**

That standing and sessional orders be suspended to allow the introduction, and progress up to and including the Minister's second reading speech forthwith, of the Energy Administration Amendment (Water and Energy Savings) Bill.

## **ENERGY ADMINISTRATION AMENDMENT (WATER AND ENERGY SAVINGS) BILL**

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

### **Second Reading**

**MR FRANK SARTOR** (Rockdale—Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer), and Minister Assisting the Premier on the Arts) [10.27 a.m.]: I move:

That this bill be now read a second time.

Yesterday I outlined to the House the latest Government efforts to save and recycle water in Sydney and to save energy across the State. An important part of these reforms is the establishment of the Water Savings Fund and the Energy Savings Fund. The funds provide incentives, particularly for businesses, to introduce measures to make sure they use water and energy more wisely. They will be able to compete for financial support to put these initiatives into place. These funds go hand in hand with the requirement that those who are the biggest users prepare savings action plans to conserve water and energy.

By 2010-11 the expected benefits from initiatives supported by the funds include: savings of between 30 and 80 billion litres of water per annum, which is 5 to 12 per cent of Sydney's total water use; a saving of 900,000 megawatt hours per year in electricity consumption; a gross saving in consumer energy bills of \$370 million in net present value terms; and reducing greenhouse gas emissions by 800,000 tonnes of CO<sub>2</sub> per year by 2010-11, equivalent to removing 170,000 cars from the road. The Water Savings Fund is an important part of the Government's Metropolitan Water Plan, released in October 2004, which is a strong and detailed plan

to secure the future water needs of the Sydney region. The plan contains a package of new actions the Government is taking to respond to the current drought and give certainty to our water supplies.

The Government has evaluated all sensible practical options to supply, save or substitute water. No single option is sufficient by itself. The combination of the actions in the plan to save, substitute and supply water will ensure a sustainable balance between water supply and demand in the greater Sydney area over 25 years. As part of its contribution to the partnership with the community in conserving water, the Government will undertake major capital works projects. Work is already under way to tap into the deeper water stores at the bottom of our dams. The Government is conducting a \$4 million planning and feasibility study into the potential use of desalination technology to supplement Sydney's drinking water supply. The use of the existing system of dams around Sydney will be optimised by capturing high flows in the Shoalhaven system to increase supplies.

As with the Water Savings Fund, the Energy Savings Fund is a sensible and prudent investment to make the use of these essential services more efficient and protect the environment. This builds on the Government's strong record on electricity. Since 1995 we have significantly reformed the electricity system—lowering electricity prices and greatly improving its performance. In fact, New South Wales regulated prices for electricity are currently lower than all other States. For example, in Melbourne the typical household bill is \$205 per annum more than in Sydney. The Energy Savings Fund could pay for measures such as specific energy-saving projects submitted by industry and commercial enterprises, determined on a contestable basis; specific energy-saving projects submitted by local councils and State government agencies, determined on a contestable basis; joint water and energy retrofit programs for residences; and accelerating investment in energy-efficient appliances.

These are good, practical initiatives that will complement plans to bolster generation over the next decade as well as the State Government's existing commitment to invest a record \$6.2 billion to further strengthen the electricity network over the next five years. This initiative is not a substitute for augmenting supply by way of additional generation; that will be addressed in the Government's Energy Plan. I now turn to the details of the bill. The Electricity Administration Act will be renamed the Energy and Utilities Administration Act, and have its objectives extended to better reflect its broader application to water utilities and their customers, especially in relation to water saving. The first key initiative implemented by the bill is the establishment of two funds to encourage savings in water and energy.

The purpose of the Energy Savings Fund is to provide funding, primarily on a contestable basis to encourage energy savings, to address peak demand for energy, to stimulate investment in innovative energy savings measures, to increase public awareness and acceptance of the importance of energy savings measures, for cost-effective energy savings measures which reduce greenhouse emissions arising from the use of energy, and for contributions made by the State for the purposes of national energy regulation.

The purpose of the Water Savings Fund is to provide funding for conservation projects, again largely on a contestable basis, to encourage water savings and the recycling of water, to stimulate investment in innovative water-saving measures, and to increase public awareness and acceptance of the importance of water-saving measures. The Minister can require Sydney Water and the electricity distribution network service providers—EnergyAustralia, Country Energy and Integral Energy—to make annual contributions to the relevant fund by order published in the *Government Gazette*. The order will specify the contribution amount and the time or times by which it must be paid. The amount is not to exceed any maximum set by regulation.

The bill also leaves provision for funds to be sourced from other mechanisms including any advances by the Treasurer, appropriations by Parliament, investment proceeds of the fund or voluntary contributions by any person or body including State agencies if they wish to do so. Public calls for expressions of interest will be made for each of the funds to make sure we are supporting the best ideas brought forward by the New South Wales public and business. Selection criteria for the funds will ensure the greatest possible savings are made. Funding will be made available predominantly through a contestable pool, to promote value for money. Funds will be set aside within the Water Savings Fund for the existing Sydney Water programs such as the retrofitting of households and rebates for rainwater tanks.

The second initiative under this bill relates to requiring certain categories of high water and energy users to prepare savings action plans which set out measures to save water and energy. The Minister will specify the designated categories of water and energy users through savings orders published in the *Government Gazette*, and by when plans have to be prepared. For water, the designated users will include all local government councils within the target areas and other water users that may be prescribed in a savings order.

Initially the designated users will include the thirstiest, that is, the top 200 non-residential water customers of the Sydney Water Corporation. For energy, the designated users initially will include the 200 highest energy users from business, local councils and State government agencies.

To allow the Minister to determine which are the highest users, the bill amends section 40 of the Act so the Minister can require certain water and energy providers to provide information about the identity of high users and the amount of water or energy being used. Draft savings action plans prepared by those users are to include a description of the designated user's current water and energy usage; include a list of individual water and energy savings measures prioritised in terms of water and energy saved, cost effectiveness and potential benefits; identify the water and energy savings measures included on that list that the designated water and energy user proposes to implement in the four-year period following approval of the action plan, including initial set-up costs and annual costs for each measure and time frames for implementation; and include any other matter prescribed by a savings order.

Users required to do both water and energy savings action plans can prepare a plan that covers both. The Minister for Energy and Utilities will issue guidelines, which must be complied with, concerning the preparation of such water or energy savings actions plans. Those guidelines are being prepared by the Department of Energy, Utilities and Sustainability, in consultation with business and local government. Once a savings action plan is approved by the Minister—with or without alteration—the plan has effect for four years. A plan can be amended or replaced if the designated user wishes to prepare a new one. The Minister may, by regulation, direct users to implement savings measures as necessary.

The bill amends the Energy Administration Act 1987 to enable regulations made under that Act to make provision for contributions that distribution network service providers are required to make to the Energy Savings Fund to be passed through to retail customers of electricity, and to enable the Governor to make regulations of a savings or transitional nature consequent on the amendment of the Act by the proposed Act. In conclusion, the bill will implement government initiatives for securing sustainable and affordable water and energy for New South Wales. The bill delivers ongoing benefits to water and energy consumers—large and small alike—and to all the people of New South Wales. I commend the bill to the House.

**Debate adjourned on motion by Mr Steven Pringle.**

## **CIVIL PROCEDURE BILL**

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

### **Second Reading**

**Mr BOB DEBUS** (Blue Mountains—Attorney General, and Minister for the Environment)  
[10.37 a.m.]: I move:

That this bill be now read a second time.

I seek leave to table a paper entitled "An Introduction to the Civil Procedure Bill 2005 and the Uniform Civil Procedure Rules 2005", Attorney General's Department, dated April 2005, that will provide more information to members.

**Leave granted.**

**Document tabled.**

The Civil Procedure Bill represents an important advance in how civil litigation is conducted in this State. For the first time, one set of rules will govern the general run of civil proceedings in the Supreme Court, District Court, Local Court and Dust Diseases Tribunal. The bill will streamline and simplify procedures and remove unnecessary differences between the courts. It will lead to time and costs savings for the courts, the legal profession and the public. The bill will also create a platform upon which courts will, in the future, be able to avail themselves of new technologies such as electronic lodgment of documents by clients and more efficient court management practices.

The idea of having common civil procedures is not new. Over the years there have been various initiatives or attempts to produce common civil procedure rules for the Supreme Court, District Court and Local

Court. However, none of those achieved any great success. Work on the present project began in 2003; and there were two main factors driving it. In 2002 the Public Accounts Committee's report on court waiting times recommended the establishment of a working group to rationalise and simplify civil court rules in New South Wales. In addition, the Attorney General's Department commenced developing CourtLink, the new computer case management system for the Supreme, District and Local Courts and the Sheriff's Office. It was important to have common and rationalised processes to underpin the new system.

A working party was established in early 2003 and is chaired by Mr Justice Hamilton of the Supreme Court. Its other members are Judge Garling of the District Court; Magistrate Cloran of the Local Court; Michael McHugh, Greg George and Hamish Stitt, the Bar Association representatives; Peter Johnstone, a senior partner of Blake Dawson Waldron, the Law Society representative; and Tim McGrath, Jenny Atkinson, Stephen Olischlager, Steve Jupp, Peter Ryan, Peter Shiels and Pam Wilde, the representatives from the Attorney General's Department. The working party has been a highly effective partnership between the courts, the legal profession and the Attorney General's Department. It has met almost weekly whilst developing the bill and rules. On occasions it has met for a full week at a time.

The working party's aim was to consolidate provisions about civil proceedings into a single bill and develop a common set of rules, simplified where possible but without radical changes in substance or form. The bill and rules largely reflect existing provisions and continue to use phrases that have a settled legal meaning. Where there is change, much of it can be attributed to the fact that drafting styles have changed over the past 30 years. Parties should not be arguing that a rule has changed because a modern drafting style has been adopted if the substance of the rule remains the same. This approach is designed to minimise unnecessary litigation about the meaning of a clause or rule. Key stakeholders have been consulted during preparation of the bill and rules. An exposure draft bill was also released earlier this year. The working party has considered these comments and made necessary changes to the bill and rules.

I turn now to the bill itself. Part 1 deals with preliminary matters. The bill and rules deal with civil proceedings. These are defined in clause 3 to mean any proceedings other than criminal proceedings. Criminal proceedings are defined to mean proceedings against a person for an offence, whether summary or indictable, and include committal proceedings, proceedings relating to bail, proceedings relating to sentence, and proceedings on an appeal against conviction or sentence. This definition is based on the definition of criminal proceedings included in the Criminal Procedure Further Amendment (Evidence) Bill 2005. The bill and rules will apply to the general run of civil proceedings in the Supreme, District and Local Courts and the Dust Diseases Tribunal. However, clause 4 allows the bill and rules to be applied to other courts and tribunals exercising civil jurisdiction in the future.

There are some civil procedure rules that have not been moved from the court rules to the uniform rules. Time constraints prevented the working party from moving specialist civil rules, such as the probate rules and rules relating to appeals to the Court of Appeal, into the uniform rules. Work will commence on moving many of the specialist rules into the uniform rules after the commencement of the initial set of rules. Some specialist rules, such as the Corporations Rules and the Admiralty Rules, will not be moved into the uniform rules because these rules are harmonised nationally. The jurisdiction of courts is generally unaffected by the bill and rules. Clause 5 provides that the Supreme Court's jurisdiction is not limited by the bill and rules. This provision is important, as the Supreme Court has an inherent jurisdiction to deal with matters beyond those dealt with in the bill and rules, and this jurisdiction is not to be cut back.

Clause 5 also provides that the uniform rules do not extend the jurisdiction of other courts, except to the extent to which the bill expressly so provides. This means that if a court does not have jurisdiction to deal with a matter, uniform rules dealing with that subject matter will simply not apply in that court. For example, a Local Court cannot make a charging order, and therefore the rules relating to charging orders will not apply in a Local Court. There have been some changes to the jurisdiction of the District Court and Local Courts. In particular, changes have been made to the consent jurisdiction of these courts. Section 51 of the District Court Act 1973 is amended to create a deemed consent jurisdiction. Parties are deemed to have consented to the District Court having jurisdiction to deal with proceedings where the amount of the claim is up to 50 per cent above the court's jurisdictional limit, if no objection to the extended jurisdiction is raised by three months prior to the trial.

A new section 66 will be included in the Local Courts Act 1982 to give a Local Court a general consent jurisdiction and a deemed consent jurisdiction up to 20 per cent above its jurisdictional limit. The changes to the consent jurisdiction will allow parties to save costs and avoid the delays caused by having to transfer proceedings to a higher court, when it becomes apparent that the original court does not have the jurisdiction to



deal with the proceedings. The bill will repeal a number of Acts dealing with civil procedure, including the Arbitration (Civil Actions) Act 1983, the Damages (Infants and Persons of Unsound Mind) Act 1929, the Judgment Creditors Remedies Act 1901, and the Local Courts (Civil Claims) Act 1980. Provisions from these Acts have generally been moved into the bill and rules and the Local Courts Act 1982.

Clause 6 and schedules 4, 5 and 6 make consequential amendments to a number of Acts and deal with savings and transitional matters. Many of the consequential amendments relate to replacing references to the Supreme Court Act 1970 or the Local Court (Civil Claims) Act 1970 with references to the Civil Procedure Act 2005. Part 2 of the bill deals with administrative matters. Clause 8 establishes a Uniform Rules Committee. This committee will be chaired by the Chief Justice and is largely based on the model used for the Queensland Uniform Rules Committee. The Supreme Court, the Court of Appeal, the District Court, the Local Courts, the Bar Association and the Law Society will be represented on the committee. The committee will be able to make new rules and amend the rules that are contained in schedule 7. Its constitution and procedure are set out in schedule 2 and its rule-making powers are set out in schedule 3.

Whilst the aim of the project has been to create a uniform regime, it has sometimes been necessary to preserve differences between courts. This approach recognises the fact that not all proceedings are the same. Simple debt claims in a Local Court should not be subject to the same requirements as complex proceedings in the Supreme Court. Some provisions and rules apply differently in different courts. For example, rule 6.2 states that an originating process is valid for service for six months in the Supreme and Local Courts and for one month in the District Court if the defendant is to be served within New South Wales. This rule reflects the different case management requirements of each court.

Clause 11 provides another mechanism for allowing necessary differences to be preserved between courts. It provides that the uniform rules will prevail over a court's "local" rules to the extent of any inconsistency, unless the uniform rules expressly provide that a local rule is to prevail. The bill and rules generally refer to "the court" exercising a power. They do not generally state who may exercise power on behalf of the court. In practice, registrars will exercise a number of the powers of the court under the bill and rules. Clause 13 provides that the senior judicial officer of a court may, by instrument in writing, direct that any function of the court may be exercised by such registrars or other officers of the court, in such circumstances as are specified in the instrument. A person who constitutes the court under the Supreme Court Act 1970, the District Court Act 1973 or the Local Courts Act 1982 will still be able to exercise a function of the court, even if a registrar or other officer is also permitted to exercise that function.

The senior judicial officer of a court will be able to issue practice notes to deal with specific aspects of civil proceedings in a court. Clause 15 provides that the practice notes will be subject to the rules and they will be disallowable under part 6 of the Interpretation Act. Each court is currently reviewing its practice notes and expects to reissue necessary practice notes when the bill and rules commence operation. Clause 17 allows the Uniform Rules Committee to approve forms for use in civil proceedings. The Attorney General's Department and representatives from the legal profession are developing simple, new common forms for use with the bill and rules. The new forms address a number of concerns that have been raised about the existing forms and will meet future e-filing requirements. The forms will be available on court web sites, at court registries and through legal publishers. The fact that one set of forms will be used in all courts, instead of three different sets of forms, is an important cost-saving feature of the scheme.

Court fees will continue to be set by regulation under clause 18. A new Civil Procedure Regulation is being developed to set fees in the Supreme, District and Local Courts. It is expected to commence operation at the same time as the main parts of the bill and rules. The Civil Procedure Regulation will replace most aspects of the Supreme Court Regulation 2000, the District Court Regulation 2000, the Local Courts (Civil Claims) Regulation 2000, and the Local Courts (Transitional Fees) Regulation 2004. The existing regulations also deal with matters related to criminal proceedings. It is intended that the Criminal Procedure Regulation 2000 will regulate these matters. Schedule 5 amends the Criminal Procedure Act 1986 to extend the regulation-making power to deal with these matters. Part 3 of the bill deals with commencing and carrying on proceedings generally. It deals with matters including a defendant's right to cross-claim and set-off.

Clause 21 reintroduces the law of set-off, as recommended by the Law Reform Commission in report No. 94. Set-off is a mechanism that allows one party to apply a debt owed to him or her by another party to discharge all or part of a debt that he or she owes to the other party. This mechanism saves parties from having to bring separate proceedings with respect to each of the debts. Parts 4 and 5 of the bill carry over the mediation and arbitration provisions currently contained in the Supreme Court Act, the District Court Act, the Local Courts (Civil Claims) Act and the Arbitration (Civil Actions) Act 1983.

Part 6 of the bill introduces a number of new provisions relating to the conduct of court proceedings. The provisions recognise the importance of case management as a tool for increasing the efficiency of the court system and for reducing the cost of litigation. They seek to strike a balance between protecting the interests of justice in an individual case and protecting the interests of justice for other litigants and the courts. Clause 56 sets out the overriding purpose of the bill and rules which, in their application to civil proceedings, is to facilitate the just, quick and cheap resolution of the real issues in the proceedings. This clause is based on part 1 rule 3 of the Supreme Court Rules.

Clause 57 deals with case management. For the purpose of furthering the overriding purpose in clause 56, proceedings are to be managed having regard to the objects of the just determination of proceedings; the efficient disposal of the business of the court; the efficient use of available judicial and administrative resources; and the timely disposal of those proceedings, and all other proceedings in the court, at a cost affordable by the respective parties. Case management is also dealt with in part 2 of the rules. Clause 58 requires the court to act in accordance with the dictates of justice in deciding whether to make any order or direction for the management of proceedings, including orders for amendment or adjournment. The clause sets out the factors that the court must and may consider when deciding what are the dictates of justice in a particular case.

It is important to note that the dictates of justice will not be limited to the dictates of justice only as between the parties, which has been argued to be the effect of the majority judgment in one of the leading cases on case management—*State of Queensland v J L Holdings Pty Ltd* (1997) 189 Commonwealth Law Reports page 146. Clause 59 requires the court to implement its practices and procedures with the object of eliminating any lapse of time between the commencement of proceedings and their final determination beyond that which is reasonably required for the interlocutory activities necessary for the fair and just determination of the issues in dispute between the parties and the preparation of the case for trial. Clause 60 requires the court to implement its practices and procedures with the object of resolving the issues between the parties in such a way that the cost to the parties is proportionate to the importance and complexity of the subject matter in dispute.

Clause 61 sets out the court's power to give directions in relation to practice and procedure. Failure to comply with directions to take specified steps within a specified time is an important reason why proceedings can be delayed. Delays in one set of proceedings have a flow-on effect on other proceedings before the court. Clause 61 allows the court to impose sanctions if parties fail to comply with directions. Clause 62 sets out the court's power to give directions in relation to the conduct of a hearing. The remaining provisions in part 6 of the bill deal with other powers of the court, proceedings involving persons under a legal incapacity and interim payments. They introduce some new concepts and terminology, and move some rules into the bill. Examples include clauses 64 and 65, which move rules into the bill in relation to amendment of documents and amendment of originating process after the expiry of a limitation period. This has been done to remove any doubt about lower courts' ability to make rules dealing with amendments to originating process outside a limitation period, as argued in *Air Link Pty Ltd v Paterson* (No 2) [2003] New South Wales Court of Appeal page 251.

Division 4, which replaces the Damages (Infants and Persons of Unsound Mind) Act 1929, introduces the term "person under a legal incapacity" to replace a number of terms such as "disabled person" or "incommunicate person". Clause 86 deals with the court's power to make orders. In particular, it provides that the court can make all or any of its orders on terms, and that it can make any order on its own motion or on the application of a party or person entitled to make such an application. The inclusion of this provision in the bill means that it is no longer necessary to repeatedly refer to such matters in the rules. Clause 87, which is a new provision, extends the privilege against self-incrimination currently dealt with in section 128 of the Evidence Act 1995 to interlocutory matters.

Part 7 of the bill deals with judgments and orders. It incorporates provisions from the Supreme Court Act, the District Court Act and the Local Courts (Civil Claims) Act and the Supreme Court Rules. Clauses 98 and 99 carry over provisions dealing with the court's power as to costs and its power to make costs orders against legal practitioners. Clauses 100 and 101 carry over provisions dealing with the payment of interest up to and after judgment. Part 8 of the bill deals with the enforcement of judgments and orders. It incorporates provisions from the Attachment of Wages Limitation Act 1957, the Judgment Creditors Remedies Act 1901, and the respective court Acts and rules.

The opportunity has been taken to address issues of concern about the enforcement process including providing, in clause 108, for the issue of an examination notice, except in the Supreme Court, as the first step in the process of finding out about a judgment debtor's ability to pay a judgment debt. This procedure will allow a

judgment debtor to provide information to a judgment creditor about his or her financial circumstances without having to attend court to be examined. The judgment creditor will still be able to apply for an examination order if the examination notice does not provide the necessary information.

Other issues of concern include streamlining the process for registering a writ at land and property information in clause 113 and in the amendments to the Real Property Act 1900 in schedule 5 to the bill; and making it clear in clause 122 that garnishee orders cannot reduce the net weekly income of a judgment debtor, that is, after tax and after deducting other sums required to be deducted under an Act, to less than 80 per cent of the standard workers compensation weekly benefit. Garnishees have sometimes misunderstood the existing formula, and have calculated the amount to be paid on a garnishee order with reference to a judgment debtor's gross salary. The effect of this approach can be that the judgment debtor is left with no income, once the tax on the gross salary is deducted from the standard workers compensation weekly benefit.

Another issue involves allowing a garnishee order against wages and salary to operate until the judgment debt is paid, instead of operating for four weeks, which is to be found in clause 119. The existing four-week limitation period forced judgment creditors to come back to court and apply for a new garnishee order just before the end of the four-week period. This provision will not prevent judgment debtors from applying to pay the judgment debt by instalments which, in most cases, will have the effect of allowing the judgment debtor to retain a larger proportion of his or her salary.

Part 9 of the bill deals with the transfer of proceedings between courts. It carries over provisions from the Supreme Court Act, the District Court Act and the Local Courts (Civil Claims) Act dealing with the transfer of proceedings between higher and lower courts and between Local Courts. Clause 149 is a new provision that makes it clear that a lower court has and may exercise all of the jurisdiction of the higher court in relation to any proceedings that are transferred to that court by the higher court. This jurisdiction includes jurisdiction to determine any question arising in the transferred proceedings. As I mentioned earlier, the rules are contained in schedule 7 to the bill. Once the Act commences the rules will operate as a stand-alone instrument, and schedule 7 will be omitted from the Act.

The rules adopt a decimal numbering system similar to that used in the new High Court Rules. It is intended that a uniform rule will be referred to as rule 1.3 instead of part 1, rule 3, or part 1, rule 1.3. The rules carry over a large number of the existing rules and generally follow the existing order of rules. However the opportunity has been taken to group like rules together where appropriate. For example, the rules in relation to parties to proceedings are grouped together in part 7 instead of being scattered throughout the rules.

Some new matters are addressed in the rules. These include part 5, which replaces the existing preliminary discovery rules with preliminary discovery and inspection rules that are based on the Federal Court Rules Order 15A. The new rules allow for more extensive preliminary discovery than is currently available under the Supreme and District Court rules. They apply in the Supreme and District Courts as well as the Local Courts. With the increase in its jurisdiction, cases are arising where it may be useful for a Local Court to make such orders. Rule 31.26, otherwise known as the hot tubbing rule, allows multiple experts to be sworn in one after the other. The rule is similar to the practice in the Land and Environment Court, which is said to reduce the time taken in court by examination in chief and cross-examination by half or more.

The bill will commence on a day or days to be proclaimed. At this stage it is expected that the provisions relating to the establishment of the Uniform Rules Committee will commence in June this year. This will enable the Uniform Rules Committee to approve the new civil forms and to deal with any amendments that need to be made to the rules prior to the commencement of the main provisions in the bill and rules. The main provisions are then expected to commence in July, subject to completion of related tasks, including the preparation of the Civil Procedure Regulation, the preparation of amendments to existing court rules to delete rules that are moved into the uniform rules, revision of the practice notes, and staff training.

When they commence, the bill and rules will apply to all civil proceedings. This will save parties having to deal with two sets of rules for existing and new proceedings. Important safeguards have been included in the savings and transitional provisions in schedule 6. Clause 5 allows the court to dispense with such requirements of the rules as are appropriate in the circumstances in relation to existing proceedings. As I mentioned earlier, a regulation will be made under this Act setting the fees to be charged in relation to civil proceedings. A standard provision has been included in schedule 6 of the bill allowing regulations to be made dealing with savings and transitional matters.

With a package as large as this, I cannot hope to address all of the matters covered by the bill and rules. If honourable members want more information they can log onto the Attorney General's Department at [www.lawlink.nsw.gov.au](http://www.lawlink.nsw.gov.au). The web site contains a copy of the detailed information paper on the bill and rules, which I tabled at the beginning of this speech. It also contains copies of the new forms and comparative tables showing the links between the uniform and the existing rules. The web site and a dedicated email address, [uniformcivilprocedures@agd.nsw.gov.au](mailto:uniformcivilprocedures@agd.nsw.gov.au), have been set up to facilitate the flow of information between the public, the legal profession, staff and the working party. The law publishers are well advanced in preparing the new loose-leaf services on the bill and rules. This will mean that practitioners will have resources available as they start to operate under the new regime.

In closing, I acknowledge the support and efforts of a number of people without whom this project would not have been possible. I thank the Chief Justice, the Chief Judge, the Chief Magistrate, the New South Wales Bar Association and the Law Society of New South Wales for their support and strong commitment to the project. I acknowledge the enormous effort put into this project by the working party, in particular by Mr Justice Hamilton. They have put many hours into the project to bring it to fruition, much of which has been carried out in their own time. The legal profession representatives have given their time free of charge. I also wish to acknowledge the support of the Parliamentary Counsel's office, in particular the work of the drafting officer, David Mills. This complex and time-consuming project has been made easier by the support provided by that office. The changes being introduced by this bill will bring savings in time and costs in how civil proceedings are conducted in this State. It builds on the work carried out by the courts to manage proceedings and to reduce delays. I commend the bill to the House.

**Debate adjourned on motion by Mr Andrew Tink.**

## **CRIMINAL PROCEDURE FURTHER AMENDMENT (EVIDENCE) BILL**

### **Second Reading**

**Debate resumed from 23 March 2005.**

**Mr ANDREW TINK** (Epping) [11.03 a.m.]: The Coalition does not oppose the Criminal Procedure Further Amendment (Evidence) Bill. The purpose of the bill is to impose a duty on a court hearing any criminal proceeding to disallow improper questions that are put to witnesses in cross-examination; to prevent the circulation and the unauthorised copying of sensitive evidence; to require any part of proceedings for a sexual offence in which evidence is given by the complainant to be held in camera; to confer an entitlement on a complainant in such a case to have one or more persons present near the complainant when giving evidence; to simplify and standardise the coverage of various provisions of the Act that relate to the protection of a complainant in sexual offence proceedings; and to make it clear the complainant in a sexual offence proceeding is entitled to give evidence by use of arrangements to restrict contact between the complainant and the accused person, instead of by the use of closed-circuit television, whether or not closed-circuit television facilities are available in the proceedings.

However, some interesting and quite difficult issues arise in this bill. I am indebted to the President of the Law Society, John McIntyre, who wrote to me on 4 April with a number of comments. Whilst I do not agree with some of the comments and I do not propose to move many amendments to the bill, I would appreciate a response from the Attorney General in relation to some points raised by Mr McIntyre. The first point relates to proposed section 281C, which states that the accused person is not entitled to a copy of sensitive evidence. In the past the Coalition has raised issues concerning the misuse of sensitive evidence. I acknowledge that there is a serious problem relating to this issue. Recently the Leader of The Nationals raised in question time the disgraceful situation in Dubbo where a juvenile offender had an autopsy photograph of his alleged victim and was showing it around the juvenile detention centre. That is just an unmitigated disgrace! Obviously this type of material—whether it is a photograph of a deceased victim or a photograph of a sexual assault victim—is of the most extraordinary sensitivity. It is disgraceful that any system allows misuse of material in that way.

We are responsible for ensuring that there are rules that provide for the proper protection of such material. It is hard to think of any surviving victim of crime who would have more sensitive material on file about them than a rape victim. We owe them the highest duty of care in handling that material to ensure that it is not misused or abused in any way. It is an appalling prospect that such material might be handed about in a detention centre and be in the hands of an accused person. Sexual assault was irrelevant in the case to which I have just referred—it concerned a young person who had killed somebody in a motor vehicle accident.

However, speaking hypothetically, that example suggests that, as the law currently stands, the system could fall down and such an incident could involve a sexual assault victim.

I understand and support the bill, especially in relation to severely limiting access to that type of material. However, the Law Society has raised an issue to which it is worth seeking the Attorney General's response—that is, whether there might be some way in which the legal representative of the person could have access to such material on proper terms and conditions. As the President of the Law Society made clear, as currently drafted the bill provides a scheme that may greatly increase the cost of justice, and we all have to be concerned about increases to the cost of justice. If cost increases are necessary in the interests of justice, it is a cost that must be borne, but if there is another way in which a problem can be adequately addressed without incurring that extra cost we obviously have to give it serious consideration. Mr McIntyre outlined one issue in his letter as follows:

The proposed section states that the prosecuting authority is entitled to retain possession of sensitive evidence. The exhibits tendered are part of the court record. If the sensitive evidence is to be returned to the Crown pursuant to proposed section 281E, then there must be an undertaking by the Crown to keep it for a stipulated period which must at least cover any appeal period.

Mr McIntyre highlighted the problem of expert witnesses, and obviously in these types of offences the defence will call expert witnesses. Mr McIntyre stated:

It is often the case that sensitive evidence such as post-mortem photos are required to brief expert witnesses—

or in the case of sexual assault victims, I dare say relevant photos also—

The proposed section 281D (4) will require experts to travel to the prosecuting authority on every occasion, which is unworkable, as experts are often briefed from interstate and overseas.

If the system is to be workable in its current format, it will require inordinate expense, particularly if witnesses come from interstate or overseas. I will accept any assurance the Attorney General might give to the Parliament if, based on all the advice he has received, this is the only possible path. I do so because the issues are of fundamental significance and importance in the interests of the victim. However, I ask him to state whether he agrees or disagrees with the opinion of Mr McIntyre and whether there is an issue with expert witnesses. If the Attorney General agrees with Mr McIntyre, I respectfully ask him to consider the undertaking that Mr McIntyre has suggested. This morning I tried to read the Dubbo case, but I am not in a position to give the source of the problem. I can merely quote from an article in the Dubbo *Daily Liberal* of Tuesday 1 March 2005, which states:

The department had to take action after the same detainee was found showing of a post-mortem photograph of Brendan Saul he had taken from his legal file.

I do not know whether the detainee obtained access to his legal file without the requirement for his lawyer to be present or whether, under the existing rules, the legal file could be kept by Juvenile Justice officials and given to the detainee. I assume the Attorney has received the letter from the Law Society.

**Mr Bob Debus:** Yes.

**Mr ANDREW TINK:** There appears to be no issue with respect to the presence of a lawyer, but the Government must seriously consider the suggested undertaking of Mr McIntyre, which states:

- The defendant's legal representative takes all responsibility for the safe-keeping of the sensitive evidence.
- The sensitive evidence will not be published by any means.
- The sensitive evidence will not be copied.
- The sensitive evidence will not be given to any other person.
- The sensitive evidence will not be shown to any person other than:
  - the defendant,
  - if counsel is instructed to appear ...
  - defence expert witnesses, if appropriate.
- The only time that the defendant will view the sensitive evidence is in the presence of the defendant's legal representative.

- If the defendant's legal representative ceases to act for the defendant the sensitive evidence will be returned to the prosecutor within 7 days ...
- If the defendant is discharged or is found not guilty, the sensitive evidence will be returned to the prosecutor within 7 days ...
- If the defendant is convicted, the sensitive evidence will be returned within 28 days of the last day for the lodging of the relevant notice of appeal ...

If the proposal is not acceptable to the Government, I ask the Attorney General to explain why that is the case. I would be inclined to accept his explanation because the Opposition would not go against his advice on a matter such as this. However, I ask the Attorney General to address this in reply. Also there is always pressure on the justice system with respect to procedural costs, which are tangential but significant. For example, the front page of today's *Sydney Morning Herald* carries a story about the introduction of an automatic 25 per cent discount to be given because of procedural issues and costs in the court system. My point in linking the two is that every dollar is a crucial dollar in the justice system and the measures in the bill may make it more expensive to administer justice, requiring a significant proportion of the legal aid budget to be spent on ferrying expert witnesses back and forward to look at relevant photos. This will mean money will be taken from somewhere else in the public justice system—indeed, money that could be spent unclogging the courts.

It would be a bizarre outcome if taking money from one part of the system to give to another resulted in an automatic 25 per cent sentence reduction for somebody convicted of serious sexual assault. Today's article hints at a 25 per cent discount for an early plea because the courts are clogged with cases. My strong view is that sufficient resources should be made available to the legal system to allow matters to be dealt with from go to whoa without offering automatic discounts up-front, merely to unclog the system. These costs carry an extremely important value tag and we should be careful about passing legislation that requires significant public legal funding. We must be able to say with confidence that, after careful consideration, the undertaking suggested by the Law Society is not acceptable. If that is the advice from the Attorney General, I, for one, will not argue the point but it is important for these matters to be placed on the record.

I turn now to new section 291, which relates to the holding of proceedings in camera when a complainant gives evidence. It is critically important to encourage victims to give evidence in circumstances that provide the least stress and aggravation and to encourage the reporting and prosecution of crime. However, that must be counterbalanced with public policy requirements of proceedings being held in open court. This is a difficult balance to reach. New section 291 (1) states:

Any part of any proceeding in respect of a prescribed sexual offence in which the evidence is given by a complainant is to be held in camera, unless the court otherwise directs.

The bill proposes that the evidence of victims will be held in camera but no corresponding provision exists with respect to the evidence of defendants. The evidence of victims may remain secret but allegations by a defendant against a victim will be made public. This provision runs the serious risk of promoting only one side of the story—that of the accused, not the victim. The bill provides no mechanism for a balance, and that is a serious concern. That could end up being much more traumatic to the victim than perhaps the alternative of her side being told as well. So it strikes me that the provisions are not properly balanced at the moment. That raises the next point: If the evidence of an accused is suppressed as well, basically the trial is suppressed. In effect, in real media time the trial is suppressed. It is a reality today that matters are heard and followed within the hour, and that reporters risk providing a fair and balanced report because they report virtually contemporaneously what is happening in court.

That is the media age in which we live, and in the context of such a reporting time line there is an issue about one side of the story and not the other being told, and the victim's embarrassment as a consequence. If it is to be balanced by neither side of the story being told, at least within the appropriate time line in which the media operate these days, in practical real time terms a whole case will be suppressed or, more to the point, a whole class of cases will be suppressed. That is an equally significant issue. We make these points constructively. At the end of the day we accept the advice of the Attorney General in these matters, and that is only appropriate on this bill, as on a previous bill. However, I hope that he will address those points and provide assurances to the House in terms of both balance and open justice. So with those comments, the Opposition does not oppose the bill but seeks some clarification from the Minister.

**Ms LINDA BURNEY** (Canterbury) [11.21 a.m.]: I support the Criminal Procedure Further Amendment (Evidence) Bill, which is important legislation. Honourable members would be aware of some of the specific, important reasons for this bill to be put into law. The bill builds further on the steps this

Government has already taken to support and assist victims of sexual assault. We well recognise the deliberate program undertaken by the Attorney General to assist such victims, and we are aware of the reasons the Attorney is introducing such legislation. For some time, and certainly over the past few years, society has been shocked by some very high-profile sexual assaults. However, we should not simply be motivated by high-profile sexual assaults. Most sexual assault cases are not necessarily reported. Sexual assault is equally traumatic for the victims involved, even if the sexual assault does not get a lot of media coverage. The effects are the same for all victims of sexual assault.

Sexual assault has disastrous effects on the victims' lives, and in many cases those effects are not just short term. Many members of the House have spoken to constituents who have been traumatised, disturbed and often had horrid lives as a result of sexual assaults, often many, many years ago. I simply make the point that unfortunately the crime of sexual assault is prevalent in our community. I hope that this bill will go some way towards increasing reporting as well as increasing the successful prosecution of those responsible for such an offensive and awful crime that unfortunately exists in New South Wales, and indeed across the world. As I said, many sexual assaults go unreported but, whether or not it is reported, the effects on people's lives are equally disastrous.

It is hard for many of us who have not been the victim of such an awful crime to begin to imagine what it must be like to go through the ordeal of not only the sexual assault but also the court proceedings, and the dreadful effects that can have on a person's life, how they see themselves and the world, and probably more importantly how the world then sees them. It has been suggested that the rates of reporting sexual assaults are low. The Government is of the view that successful prosecutions of this crime will encourage more people to report such crimes. In recognition that firm action must be taken, the Government has made a number of reforms that make it easier for complainants to give evidence and therefore to encourage them to come forward. I cannot underline the importance of that aspect and implication of the bill.

The more confident complainants feel in facing the court, the more likely the evidence they will be able to give will enhance the prospects of successful prosecutions. That might seem like simple logic but it is also a practical outcome of this legislation. The proposals contained in the bill have evolved out of extensive consultation and negotiation with the judiciary, legal stakeholders and sexual assault victim advocacy groups. While I have been in this House for only two years, one thing that has become evident to me, particularly in speaking on a variety of bills, is that in the area of the law it is noticeable that the processes and procedures of the Attorney General and his agency are based largely on a consultation process. In my view when there is consultation with stakeholders and those who will be affected by the laws, we are more likely to get good law and good outcomes for all those involved. I place on the record the conciliatory and consultative approach of the Minister to his responsibilities as Attorney General.

As I said, the proposals contained in this bill have evolved out of such consultation with the judiciary, legal stakeholders and, most importantly in terms of this bill, sexual assault victims and their advocacy groups. When we get direct advice from the victims of sexual assault and those who take forward their aspirations and advocacy we get good and sensible outcomes in terms of any legislation based on victims of sexual assault. It is important that the voices of victims of sexual assault are heard strongly through any legislation, and certainly this bill will give effect to that. We also need to remind ourselves that victims of sexual assault are male and female. They come from diverse backgrounds. Unfortunately, sexual assault is not only related to a small section of our community. Any of us could be victims of sexual assault. Unfortunately, sexual assault—and this is one reason that it is such an offensive act—does not have regard to age. It can happen to babies, children, teenagers, adults and the elderly. It can happen in our homes, on the street, anywhere.

Two aspects of this bill will go a long way towards preserving the dignity of victims and bolstering their confidence as they struggle to deal with the trauma of sexual assault prosecutions. The bill will ensure that the court must be closed when complainants in sexual assault proceedings give evidence. In other words, when evidence is being given by a victim of sexual assault, the court will be closed. To ensure that a rare or unique prosecution is not compromised by that provision, the court will be able to keep the court open, if it is in the interests of justice to do so. This provision is in no way intended to deprive the right of complainants to give evidence of sexual assault in open court if they wish to do so. They will have the right to exercise that option, and it is important that it remain open to them.

The second important provision of the bill ensures that complainants, the victims of sexual assault, will have the right to have one or more persons in court when they give evidence. Those persons will be exempt from any order to close the court. Not everyone has family support and not everybody is confident in strange

surroundings. With the exception of those who work in the courts, being in a courtroom is not a daily occurrence. It is an alien situation which people often do not understand. It is important for complainants to have someone with them when they give evidence of a sexual assault. The choice will be that of the victim.

It is normally in the public interest to have open justice. However, that must be balanced against an equal public interest requirement to facilitate an environment in which witnesses can give accurate, reliable, coherent and complete evidence. A moment ago I mentioned that people are often not used to the procedures and surroundings of courtrooms. That is probably a good thing but let us remember the feelings of the victims of sexual assault, who may be young children. As I said, any one of us in this Chamber could be in that position. Often the victims feel shame, confusion, fear, embarrassment, anger and a range of other feelings that follow such offensive acts; they are often traumatised. With those feelings swirling around and victims being in a position they are not used to, the two provisions of the bill to which I have just referred—the closure of the court and the presence of one or more support persons—are absolutely essential.

It seems that the current practice is that courts are not consistently being closed when complainants give evidence. The bill ensures that the court will be closed when a sexual assault complainant gives evidence. As I said, that is extremely important provision of the bill. No-one could argue against the presence of support persons to give comfort and assistance to complainants who are already traumatised. No matter what steps are taken, criminal proceedings will be confronting. They will take victims back to the ordeal they faced when they were violated and had serious criminal offences were committed against them. Giving evidence will bring back the sorts of feelings I have mentioned. The presence of one or more support persons for traumatised complainants is important, humane and compassionate, and acknowledges the needs of victims. Legislation of this sort is the reason we participate in this process. I commend this important bill to the House.

**Mr PAUL LYNCH** (Liverpool) [11.36 a.m.]: I support the Criminal Procedure Further Amendment (Evidence) Bill. The issues involved in this legislation are complex. They require considerable thought by anyone interested in the justice system and the institution of trial by jury. It is generally accepted that the crime of sexual assault is underreported. It is also generally accepted that one of the reasons for this is that the process of a trial can be a second humiliation for someone who has been sexually assaulted. Those propositions are generally accepted because, amongst other reasons, they accord with what one might call common sense. They also seem to be consistent with anecdotal evidence from practitioners in the field. So there are substantial public policy grounds, based upon wholly desirable motives, to minimise the effects of a trial upon a complainant and, in effect, to minimise the involvement of a complainant in any trial process.

There is another equally important principle: every person accused of an offence is entitled to a fair trial. That is important to the accused in any particular case. The principle is much broader than that. The right to a fair trial is a benefit not only to the accused but to the whole of society. We all benefit from that. That right is one of the characteristics of a fair society that sensible people go to some effort to defend. There is clearly a potential for those two principles to come into conflict. For example, prohibiting the accused from cross-examining a complainant clearly prevents a fair trial being held. I believe that is wrong. However, a number of things can be done to make a complainant's evidence in a trial less onerous, while not detracting from the fairness of the trial. This legislation largely manages to do that. That is, it manages to observe both principles. The fairness of a trial is not compromised by this legislation, but the process of giving evidence is made less onerous for complainants of sexual assault.

The specific provisions of the bill include imposing a positive duty on the court to disallow improper questions in cross-examination, requiring evidence by complainants to be given in camera, allowing a complainant to have a support person present while giving evidence, and making it clear that complainants may give evidence utilising alternate arrangement such as screens. Many of those changes are evolutionary alterations to current provisions. That is one of the reasons that both the principles are maintained. Rather than simply overturning a series of traditions, the legislation has built on current provisions. For example, there is already a power in a court to disallow certain questions. The new provision is designed to make judges more proactive rather than merely relying upon advocates taking objections. The bill also extends the provision to include the tone of a question as well as its substance. Interestingly, a failure by the court to act on this power will not affect admissibility of evidence. The alternative is the possibility of a plethora of appeal points.

Likewise, the provision relating to closed courts expands on current provisions. At present courts can be closed. This provision requires it to happen as a matter of course when complainants give evidence, although there are certain exceptional circumstances where such evidence can still be given in open court. Open courts are an important part of a fair trial. This provision does not close the entire trial, only a portion of it. On balance,



the transparency and openness of the trial process is not fatally compromised by this provision. I note in passing that the honourable member for Epping relayed some concerns about this provision and the possibility of only one side of the story getting out. I dare say that the Attorney will make comments about that in reply, but if that be a legitimate complaint it is a little late: section 291 already allows for closed court hearings. I have not noticed any particularly horrific consequences flowing from that provision—certainly not sufficiently horrific consequences to prevent the principle being extended in the way the bill does.

Likewise, the support person provision extends currently existing provisions and is not a revolutionary innovation. Support persons assist complainants in the process of giving evidence. A similar comment might be made about the provisions relating to the method by which complainants give evidence: screens to restrict contact between accused and complainant and giving of evidence by video. Those also build on currently existing provisions. A couple of other general points ought to be made. The first is that most of these provisions relate to sexual offences. The point about improper questions does not, but the majority of the provisions in the bill relate to sexual offences, that is, they are tailored to deal specifically with a particular issue.

I hope the changes will not lead to acquittals in cases in which one would presently expect a conviction. Will the combined effect of these provisions make complainants appear to juries to be unduly protected? Will court structures seem to be unduly defensive of complainants? For example, prosecutors generally seem to argue that the strength of a complainant's evidence is reduced if the evidence is given by video rather than in person. I hope that those fears are not realised. The other side to the coin is that the changes may mean that prosecutions will be brought in cases where previously they were not although they should have been. Other changes in the bill are a little different from what I have talked about so far. The provision about sensitive evidence not being provided to the accused seems to me not to be building on current provisions but to be genuinely new. In principle it seems to be correct. Such evidence would include photographs of an indecent or obscene nature.

The second reading speech says that the accused can view the evidence and thus be aware of the case against them but may not necessarily keep a copy. It is an important principle that accused must know the evidence that they face. I do not believe that that principle means that they must have a copy of every photograph that is likely to be involved. As a matter of principle that is perfectly reasonable. The only thing that springs to my mind—I am sure there is an answer to this and I would appreciate the Attorney dealing with it in the fullness of time—is that new section 281D essentially says that the accused can look at material at a place nominated by the prosecuting authority and under the supervision of the prosecuting authority. I am concerned that an accused might be held in custody and the prosecuting authority may nominate that the place to view the material is outside the holding institution, which would make it physically impossible for the accused to have access to the material. I am sure there is a simple explanation. I cannot believe that would have been the intent of the bill. There must surely be a sensible way of getting around the problem, or the Attorney may point out where I have misread the bill. I invite the Attorney to clear that up for me.

In conclusion I shall respond to the honourable member for Epping, who decided that somehow or other the front page of the *Sydney Morning Herald* today was relevant to this debate. Quite outrageously he trotted out the line about a 25 per cent discount in sentences because of cost pressures. It is a matter of notoriety that the honourable member for Epping is a member of the bar. He certainly reminded us all of that in the debate on the Legal Profession Bill and matters relating to Cheney. He knows as well as I do that it has been a longstanding principle of every legal system in the world that there is a discount for an early plea. To suggest that this is some late invention to save costs is a mischievous and, frankly, dishonest argument. He should know better. This is a serious bill. It should not be besmirched by that sort of dishonest nonsense. I commend the bill to the House.

**Mrs JILLIAN SKINNER** (North Shore) [11.45 a.m.]: I support the bill. Like my parliamentary colleagues, I believe the changes are extremely important in that they will encourage victims of sexual assault to come forward and to have their rights addressed in court. Before dealing with court supports to assist the victims of sexual assault and domestic violence, which in many cases is a precursor to sexual assault, I will deal with some of the specific provisions of the bill. The evidence of a complainant in sexual offence proceedings will be given in camera unless the court directs otherwise. My colleagues have outlined the need for fairness for the accused. From the remarks of the Attorney General I believe that is his intention. The provisions in the bill will make it easier for victims of sexual assault to decide to go to court because they remove the need for the complainant to recount in open court the trauma already experienced. New standards in relation to improper questioning in the cross-examination of witnesses strengthen protections for victims who might otherwise fear going to court. Provisions relating to the display of sensitive evidence such as obscene or indecent images, images taken after death and so on are also a positive step.

In relation to the presence of a support person in sexual offence proceedings, in my previous life as shadow Minister for Health I regularly had contact with the Rape Crisis Centre, which was experiencing real problems caused by a lack of resources. People contacting the Rape Crisis Centre for assistance heard a recorded message asking them to call back later. People in that situation need help immediately. I know that this is not within the portfolio of the Attorney General but I ask him to raise this matter with his colleague the Minister for Health. The legislation covers both men and women but in the main victims of sexual assault are women. My colleague the shadow Minister for Women, the Hon. Catherine Cusack, at an International Women's Day address in Broken Hill focused on the violence towards women and the need for parliamentarians and society generally to address the problems and to provide much greater support to women who are victims of sexual assault—and also before they get to that point, to prevent sexual assaults occurring.

I know that that will not always be possible because sometimes there is no precursor to violence, but domestic violence is one matter that can be looked at. I am pleased that the Attorney General is at the table because it provides an opportunity for me to bring to his attention the potential closure in June of the North Sydney Women's Domestic Violence Court Assistance Scheme. The scheme was first funded in 1994-95 by a one-off small allocation from the Women's Grants Program before the change of government. At that time I personally contributed \$500, as did two of my female Coalition colleagues, to enable the service, which we believed to be very important, to continue to operate. Fortunately, an anonymous benefactor came forward thereafter and provided funding to keep the scheme afloat. Regrettably, it would appear that our generous benefactor has moved on. Centacare has provided some funding to the scheme, but that funding is not guaranteed beyond June. In fact, Centacare has approached me in the past about trying to get assistance from the Attorney General's Department. I have referred to this issue in a private member's statement, so I will not go through again the statement sent to me by Harbourside police.

**Mr Milton Orkopoulos:** It has nothing to do with the bill.

**Mrs JILLIAN SKINNER:** It does, because domestic violence can be a precursor to sexual violence. The honourable member should listen carefully. I am disappointed that he would say such a thing. The scheme is supported by North Sydney police, who have said that their lives would be made more difficult if the scheme were not available. They say that being able to encourage women victims of domestic violence to appear in court prevents those women from being subjected to even worse violence. It does not take a great leap of the imagination to work that out. I will provide the Attorney General with a copy of the statement from Harbourside Police about the potential impact on them and on the community of the closure of this service. I hope that he will respond favourably in the budget to be brought down in May.

I will say no more about that aspect. I will return to the specifics of the legislation, but with the Attorney General at the table I could not resist the opportunity to raise the issue. I congratulate the Attorney General on having brought forward these important amendments. We need to spend a lot more time dealing with violence against women. We must provide as much support as we can to prevent that violence and, when it occurs, provide assistance to those women. We have to address not only their health and psychological problems, but also their legal rights by providing support and encouragement for them to go public in an environment in which they feel secure and which is also fair to the accused.

**Mr BARRY COLLIER** (Miranda) [11.52 a.m.]: I am pleased to support the Criminal Procedure Further Amendment (Evidence) Bill. The objects of the bill are to amend the Criminal Procedure Act 1986 to impose a duty on the court in any criminal proceedings to disallow improper questions put to witnesses in cross-examination; to prevent the circulation and the unauthorised copying of sensitive evidence; to require any part of proceedings for a sexual offence in which evidence is given by the complainant to be held in camera; to confer an entitlement on the complainant in such a case to have one or more persons present near the complainant when giving evidence; to simplify and standardise the coverage of various provisions of the Act that relate to the protection of a complainant in sexual offence proceedings; and to make it clear that a complainant in a sexual offence proceeding is entitled to give evidence by use of arrangements to restrict contact between the complainant and the accused person, instead of by the use of closed-circuit television, whether or not closed-circuit television facilities are available in the proceedings.

As a barrister who practised criminal law I have seen first-hand the pain and the distress experienced by victims of sexual assault. Facing the trauma of reliving such a distressing experience in court, in front of strangers, is very difficult. Having one's credibility, integrity and honesty called into question in a public forum is tough under any circumstances, let alone in a matter involving sexual assault. In the context of a fair trial complainants should have our compassion and our support. We owe it to the complainants in sexual assault

matters to do all we can to improve the conditions under which they give their evidence. At the same time, of course, we need to be mindful to ensure that the steps taken do not serve to weaken the prospects of successful prosecutions. There is also the need to keep in mind the burden on the prosecution to prove its case beyond reasonable doubt.

The bill makes several amendments with these important aims in mind. Crucially, it creates a new provision that places a positive duty on the court to disallow improper questions and/or improper tones of address in cross-examination of all witnesses in all criminal matters. The provision is based upon section 41 of the Evidence Act 1995, which gives the court a discretionary power to disallow questions if they are "misleading or unduly annoying, harassing, intimidating, offensive, oppressive or repetitive." In sexual assault matters all too often that can be the case. The bill also builds further upon section 41 by creating a new provision that limits access to and the distribution of sensitive evidence, such as medical photographs taken as a necessary part of a sexual assault investigation.

The reform will operate in the same way as the prohibition that presently exists in relation to the taped evidence of child sexual assault components, and is based on a similar provision in the Queensland Legislature. It is clearly the case that improper questions asked during cross-examination of complainants in sexual assault prosecutions can be one of the most distressing aspects of the court process for them. Such questioning adds to the stress and distress that complainants feel when giving evidence. It can confuse, anger and upset them. Such questioning demonises the court process and can leave complainants feeling powerless, vulnerable and revictimised, and feeling that they are on trial.

In the same way as closing the court can assist a complainant to give accurate, reliable, coherent and complete evidence by reducing the stress and trauma they face, so too can the barring of improper questions. The new provisions regarding improper questions will apply to all witnesses under cross-examination in all criminal proceedings, not only sexual assault complainants. This provision is designed to ensure that there is only one criminal law regime, one set of rules under which we operate. Children, who are particularly vulnerable to improper questioning, will also be covered by this provision.

In respect of sensitive material, there are often legitimate reasons for obtaining access to evidence of a sensitive nature, for example, to prepare a defence or to lodge an appeal. However, concern has been expressed about the possible access to and subsequent misuse of sensitive evidence, such as medical photographs. Particular concern has been expressed about the use of such evidence for improper purposes, such as circulation for the purpose of pornography, intimidation or harassment of an alleged victim of sexual abuse. The bill will tackle that issue, eliminating another cause of distress and humiliation for sexual assault complainants, male and female, which is another reason for them to fear the court process. I commend the bill to the House.

**Mr BOB DEBUS** (Blue Mountains—Attorney General, and Minister for the Environment) [11.57 a.m.], in reply: I thank honourable members for their contributions to the debate and for their support for the bill, which it would seem we all agree is of considerable importance. I will limit myself essentially to responding to the concerns that have been expressed by the Law Society of New South Wales in letters to me and to the shadow attorney general, and in doing so I will also answer the questions that he raised and about which, I might say, he legitimately sought some response from me in this reply.

The Law Society has acknowledged the need to assist complainants who are required to give evidence in sexual assault matters. I should in turn acknowledge that it is rightly concerned that there be an appropriate balance between the protection offered to the complainant and the right of an accused person to a fair trial. That is fundamental. Nevertheless, the Government makes no apology for providing as much assistance to complainants in sexual assault matters as we are properly able to do, without jeopardising a fair trial.

The first concern raised by the Law Society relates to section 275A, which creates a new positive obligation on a court to disallow improper questions. It is not an unreasonable policy position to expect that, in getting to the truth of the matter, questions in court will not be misleading or confusing, that they should not be harassing, intimidating, offensive, oppressive, humiliating or repetitive. Neither should questioning be belittling or insulting. Questioning should certainly never be solely based in sexism, racism, or a cultural or ethnic stereotype. I do not think it is at all inappropriate for the Parliament to establish a standard to which the trial should be conducted, and to ask judges to ensure that these standards are adhered to.

The provision concerning improper questioning is not designed to inhibit vigorous testing of the truth or prevent advocates from utilising the full range of rhetorical devices. It merely states that, as a matter of first

principle, a question that has no other foundation but racism or sexism is not a question that has any place in our criminal justice system. Section 275A (3) makes it clear that a question is not disallowable merely because it challenges the truthfulness of the witness. The Law Society's proposal to insert into section 275A (1) (d) the words "unless relevant to a fact in issue" is unnecessary and circular. If the question is relevant to a fact in issue, it will not be solely based in sexism, racism, or a cultural or ethnic stereotype.

The Law Society also expressed concerns about the sensitive evidence provisions of the bill. There is absolutely no desire on the part of the Government to prevent an accused person from knowing the case against them, or to deny them access to relevant evidence. The scheme outlined in the bill merely regulates access to sensitive material, to ensure that the material is not used in an improper way. There is absolutely no benefit in the prosecution making it impossible for an accused person to access material defined as sensitive material; to do so would merely provide grounds for a valid appeal in relation to an unfair trial.

Section 281D (4) provides that the prosecuting authority must, as soon as practicable after receiving notice, give access to the sensitive material. The provision is drafted in such a way as to be flexible, to accommodate the situation where an accused person is in custody. The evidence may be viewed, for example, by the accused's legal representative or by the accused when attending court for a mention hearing. Importantly, expert witnesses will be able to have access to the material, provided such access is authorised by the prosecution. The provision is drafted so the Director of Public Prosecutions [DPP] may require a person to attend a certain place under supervision. It is not drafted to suggest that the person must attend a certain place.

The bill is drafted on an assumption that the DPP will manage the system to ensure the protection of sensitive material. In relation to expert witnesses, the DPP may determine that sending the material to another person after an undertaking has been given not to disseminate or copy the material is appropriate. An important subsidiary point to be made is that the bill does not commence operation upon assent. The DPP will certainly have adequate time to develop a protocol with legal aid authorities, the Law Society and other relevant bodies to ensure the efficient and fair operation of the scheme, which, as I said, the DPP will be able to manage flexibly. Of course, it is reasonable for the Law Society to raise the issue, but I hope the explanation I have given will reassure it that the system will work fairly.

The provision outlined in section 281D (4) is based on a Queensland model, and it is essential that it be in place. It will certainly assist in delicate prosecutions such as those relating to child pornography offences. With regard to concerns raised by the honourable member for Epping, the evidence should not be given back to the accused. The evidence of the prosecution is already kept by the prosecuting authority after conviction, and the procedure proposed by the bill provides for the retention of exhibits in the case of an appeal.

It was suggested that somehow or other this system might cost money and that the excessive legal costs involved are somehow relevant to an article in this morning's *Sydney Morning Herald* headed "Jail terms slashed to clear clogged courts". I should indicate that the headline in the *Sydney Morning Herald* was about the most misleading headline I have ever seen in that esteemed newspaper. It was 180 degrees wrong in two respects. First, gaol terms are not being slashed. The discount allowed for a plea of guilty in a criminal matter has existed for a very long time. The new scheme with respect to criminal case management will, in fact, limit the amount of discount that might be given, depending upon the time at which an offender pleads guilty.

In other words, the effect of the new scheme is exactly the opposite of that which the *Sydney Morning Herald* headline implied. The suggestion that the District Court is clogged will no doubt cause a degree of consternation to the Chief Judge of the District Court, who is recognised as an especially efficient court administrator. Indeed, I believe his court is acknowledged by the national Productivity Commission as being the most efficient jurisdiction in all of Australia. I can hardly blame the Opposition for taking advantage of the article in this morning's *Sydney Morning Herald*, but both the Opposition and the newspaper are quite wrong in their allegations.

The Law Society also raised concerns about the provisions relating to the closure of the courts. The Government weighed the overarching principle that proceedings for an offence should generally be held in public, and it believes that a modification to that principle is appropriate in order to enable complainants in sexual assault matters to give the best evidence they can. This does not involve a presumption that the entire proceedings be heard in closed court but, rather, that the complainant's evidence be so heard. The evidence is not heard in secret; the record of the evidence will be available and the matter may still be reported. Under the provisions the accused is not required to leave the court.

This amendment, which I acknowledge is supported by every speaker in this debate, was recommended by the group Heroines of Fortitude in its report, and over the years it has been requested by numerous victims

groups. There is no doubt that, at a commonsense level, people understand that the closure of the court during the complainant's evidence will have a massive psychological effect on those who so give evidence. The proposal simply balances the need for complainants to be protected from a harrowing and traumatising experience of the sort that few of us can even imagine against the principle of an open court that generally applies in our common law. The Government is satisfied that a proper balance has been struck and that the fairness of the trial of the accused will not be diminished by this provision.

I say again that the media will not be prevented from reporting cases and the evidence will not be suppressed. For example, in the past where a court has been closed the media has been able to report on evidence given through some sort of alternative arrangement, through listening to audio or watching a video feed in a separate room or, of course, by having access to court transcripts so that they continue to report on any particular case. The media is not being prevented from reporting on cases by these particular provisions and, in any event, it may be assumed that some complainants will choose not to close the court if they would like journalists to be present.

I again acknowledge the unequivocal support of the House for this bill. The Government continues with its program of reform of sexual assault matters through bills such as this and there will be more to come. But this particular bill goes to the core of a number of aspects that have caused concern for victims over a great many years and I am pleased and proud to be able to commend the bill to the House.

**Motion agreed to.**

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

## **PHOTO CARD BILL**

### **Second Reading**

**Debate resumed from 8 December 2004.**

**Mr DONALD PAGE** (Ballina—Deputy Leader of The Nationals) [12.12 p.m.]: I lead for the Opposition on the Photo Card Bill 2004 and indicate at the outset that the Opposition will not oppose the bill. Indeed, the Opposition is pleased that many members of our community who have not had access to photo identification in the past will now, as a result of this legislation, be able to have that access. At the last election the Coalition had a policy to introduce a photo card for people who do not have a driver licence, provided that privacy issues were guaranteed.

There are almost 900,000 people in New South Wales who do not currently have a driver licence or access to a photographic form of identification. On the other side of the equation there are about 4.3 million licensed drivers in New South Wales for whom providing proof of identification is not an issue. Since September 11 and the increased risk of terrorism worldwide, the need for photo identification has rapidly increased. Photographic identification is now required for buying an airline ticket, getting onto an aeroplane if you have an e-ticket, opening a bank account, or posting an international parcel. It is now also common for video stores and the like to require photo identification for membership.

For those without a driver licence, or those unable to obtain one, this can present a significant challenge. Groups such as the aged and disabled have been most disadvantaged by their inability to obtain or retain a driver licence. I am sure that most local members in this place, like me, have been approached at various times by constituents who have encountered this problem of not being able to have a photo identity. The current Registry of Births, Deaths and Marriages photo identification card, in my view, is not adequate as a substitute for the photo card as it is only available to residents who are born in New South Wales and it is only issued in metropolitan areas. For country people to access photo identification through the Registry of Births, Deaths and Marriages it requires a trip to Sydney.

An important point to remember is that the proposed photo card is voluntary, it is not compulsory. The photo card will be available to those who seek to access a photo identification card, and even though there are 900,000 people eligible to receive the card, it will be interesting to see how many in our community choose to exercise that option. The photo card will be available to New South Wales residents over the age of 16 and will replace the existing Roads and Traffic Authority [RTA] proof of age card over the next three years. The proof of age card was available only to younger members of the community and therefore was not suitable as a means of identification for all members of the community.

The photo card will feature the same security devices as a driver licence, namely, the hologram, watermark and magnetic strip, and will enable the RTA to adapt the card to incorporate future developments in security technologies such as biometrics. It is vital that any future technologies, such as biometrics, are carefully assessed in regard to privacy issues before the photo card is introduced. It is my understanding that applicants will be subject to proof of identity checks and data will be stored in the database used for driver licences and be subject to the same privacy and data protection laws.

The Opposition has been approached by the Australian Privacy Foundation, which has raised many issues. The Leader of the Opposition and I were initially approached in February with a very detailed list of concerns, and I was subsequently approached in March in relation to the proposal for an alternative model to the model proposed in this legislation, together with a number of suggested amendments to the legislation. I have raised the issues contained in this submission with the Government and I recently received a response in relation to them. I do not intend to go into the specific issues raised in the second submission because I believe they are probably better dealt with in detail in the upper House, where I understand amendments will be moved. However, I will make some broad comments about privacy issues that have been raised with me, and about the Opposition's position in relation to those matters.

The Australian Privacy Foundation says that the bill lacks provisions to limit the amount of information held by the RTA for the purposes of issuing a photo card, and that there is a lack of limitations in relation to where that information can be shared. The foundation argues, amongst other things, that the Photo Card Bill allows for the creation of a total population centralised identity system run by one government agency for drivers and non-drivers over 16 and that there should be limitations on the uses of such an extensive database. It argues that effectively the bill allows for the development of a unique identifier for each New South Wales resident over the age of 16, facilitating the tracking and profiling of individuals by both government and business. The foundation argues that this creates increased security and corruption risks for the RTA and could also undermine efforts to tackle identity theft; and that if the system were compromised there is a large amount of information on New South Wales residents in one place that could be misappropriated and misused.

Concern is also expressed that over time there will be increased pressure to collect more information about New South Wales residents, such as citizenship status, as well as pressure to share information across government agencies, for example, the Australian Taxation Office or Centrelink. It is also argued that the RTA is being given increased powers, for instance denying a person access to a photo card, thus curtailing his or her ability to live with ease in the community. A person who has already been tried by the courts may be deemed to be not a fit and proper person to obtain a photo card and therefore may be the recipient of secondary punishment by the RTA. Indeed, the powers of the RTA under this legislation are wide ranging.

The RTA has the authority to refuse an application for a photo card where the applicant has been found guilty or had a guilty plea accepted for an offence under this Act, an offence involving fraud or dishonesty or an offence prescribed by the regulations. The RTA will also have the power to cancel a card if it is misused or used fraudulently. In these circumstances the photo card must be returned within 14 days. Failure to do so will incur a maximum penalty of 20 penalty points or \$2,200. If damaged, stolen, lost or destroyed cards are not reported to the RTA the maximum penalty will be 10 penalty points or \$1,100.

The legislation prescribes several other offences such as obtaining or attempting to obtain a photo card by a false statement, unlawful possession of a photo card, manufacturing false photo cards, giving or lending a photo card to another person, improper use of a photo card, altering or tampering with a photo card, and unauthorised reproduction of a photo card photograph. Interestingly, an authorised officer may direct a person to produce a photo card on suspicion of various irregularities.

I turn now to privacy. It is not compulsory for a person to have a photo card. Therefore, people concerned about any breach of their privacy will have the option to not have a photo card. However, the Privacy Foundation argues that despite people not being compelled to have a photo card, the fact that many will opt to have such a card will result in pressure being placed on others to carry one. I shall highlight a couple of matters in defence of the Opposition's position on the general issue of privacy and security. First, the bill provides for a number of safeguards with respect to privacy. Without stating the detail, clause 15 provides safeguards in relation to security of information on the register. Clause 18 provides a further safeguard that deals with the purposes for which photographs may be kept and used. Clause 19 covers the circumstances under which the release of photographs can occur, while clause 24 covers the improper use of a photo card.

There are similar safeguards in other legislation, such as sections 39, 40 and 41 of the Road Transport (Driver Licensing) Act 1998, the Privacy and Personal Information Protection Act 1998 and the Commonwealth

Privacy Act 1988. I have spoken to the Minister's office about the matters raised by the Privacy Foundation and I thank the Minister's staff for responding to these issues in some detail. The bottom line is that the Acting Privacy Commissioner, John Dickie, sent an email today to Phillip Youngman from the RTA stating that he has no problem with the bill from a privacy perspective. He stated:

Privacy NSW was consulted during the preparation of the legislation and I have no concerns with the privacy aspects of the Bill as presented to the Parliament.

That is an important assurance. It is my understanding that the increased powers of the RTA will protect the integrity of the system and will ensure that people do not use the photo card fraudulently or in a manner that undermines the integrity of the photo card system. I am sure that the Minister in reply will deal with those reasons, but, generally speaking, the powers are justified. People should not be able to fraudulently use photo cards for purposes other than those for which they were required.

Many members of the Opposition have been approached by a number of older people, particularly pensioners, about the RTA's failure to offer concession rates. The photo card will cost \$40, which is a significant amount for many people. The RTA has argued that because the photo card is voluntary it is not necessary to provide a concession rate. I understand that people who are required to surrender their licence on medical or age grounds will not be required to pay the fee. I hope that waiver will apply in most instances.

I have dealt with privacy issues in some detail and I was pleased to receive the assurances from the Acting Privacy Commissioner and his office, which was involved with the drafting of the bill, that privacy is not a matter of concern. A photo card is essential to thousands of people who do not have a driver licence, many of whom come from disadvantaged sections of the community. Those who do not have a driver licence are usually those who are young, old or have a disability that prohibits them from holding a licence. This legislation will provide them with a photographic identity, which will enable them to undertake with relative ease tasks that those who hold a driver licence take for granted.

**Mr ALLAN SHEARAN** (Londonderry) [12.29 p.m.]: I support the bill. The voluntary New South Wales photo card will make it easier for people who require photo identification but who have not had the opportunity to obtain a valid photo identification document. The high use in the community of a driver licence as de facto proof of identity has meant that people who do not hold a driver licence often experience difficulties when attempting to gain access to services or obtain other community privileges. We often think of people who need identity cards as perhaps being young people of an age to go to clubs who do not have a driver licence. It also affects a variety of people in the community, including those of mature age.

Recently an elderly constituent, whose husband was deceased, was unable to prove her identity without any formal documentation as everything was in her deceased husband's name. So one becomes conscious of the difficulties in trying to prove identity without formal documentation. In this instance the Roads and Traffic Authority [RTA] is well placed to deliver the New South Wales photo card scheme. It has a large and diverse range of customers, a sophisticated and distributed technology infrastructure and secure enrolment processes, and it delivers a range of photo cards for different purposes, including driver licences, mobile parking scheme cards, firearms and security licences, and the current proof-of-age card.

The proposed photo card will be available to New South Wales residents aged 16 and above who do not currently hold a driver licence. However, anyone holding a valid driver licence will not be able to obtain the new card. This business rule enforces the RTA's one RTA customer, one RTA photo card concept, which aims to prevent the proliferation of high-level proof of identity cards in the community. Once again I am prompted by something that happened to a very close friend of mine, who is in his mid 50s and has never driven a vehicle. When I accompanied him to a particular club in a country region he was unable to provide any proof of identity and was denied access to the club. He did not have any identification that showed where he lived; he did not have a rates notice that showed that he resided at a certain place and identified him as an owner of a property. As a consequence, he was denied entry because he could not prove that he resided outside the distance requirements for admission to a club. That shows that a photo identity card is essential for those who do not hold a driver licence.

Future proofing of the security and integrity of all RTA enrolment and proof-of-identity processes, and introducing anti-tampering and anti-forgery devices on all photo cards, is a critical strategy to prevent identity crime. The RTA is at the forefront of national strategies to prevent criminal exploitation of weak entry points in the circular path of identity crime. The RTA will work closely with NSW Police and the New South Wales Crime Commission to ensure that any future technological solutions to identify crime will deliver benefits to

law enforcement agencies. In line with New South Wales privacy legislation and public expectations, the RTA has in place a strict legislative and privacy regime that restricts unauthorised access to personal information and photo images held on the RTA DRIVES database. This bill reinforces that regime and takes further steps to protect unauthorised access to information and photo images contained in all DRIVES database tables. I commend the bill.

**Mr DARYL MAGUIRE** (Wagga Wagga) [12.33 p.m.]: I support the contribution of the shadow Minister, the honourable member for Ballina, to the debate on the Photo Card Bill. I am interested in this bill because of my connection with organisations within the Wagga Wagga region, particularly Kurrajong Waratah. Kurrajong Waratah is an organisation that services the Riverina. As part of its work, it provides employment opportunities for people with disabilities, and it manages a range of industries. As part of its responsibilities, it runs a recycling service that operates throughout the city. Indeed, the young men and women from Kurrajong Waratah recycle paper from my office. They regularly knock on our door, collect paper and put it through their service, which is an enormous business. A number of Kurrajong Waratah employees need to access places such as my office and, in a defence city such as Wagga Wagga, the defence bases. Geoff Pym, who runs the recycling service, wrote to me on 29 April 2003 raising a problem with his staff accessing Kapooka and Forrest Hill. Kapooka is the Home of the Soldier and Forrest Hill is the air force base where technicians are trained for Australian services. Mr Pym said:

Our employees with a disability in the majority do not hold drivers licenses and are too old for a proof of age card. Some do have other means of identification but these are not acceptable to the base security officers. The security issues at the bases are creating an embarrassing situation for our employees ...

That is disappointing, considering the attitude being developed and nurtured by members of the community for people with disabilities. It is also embarrassing for people with disabilities who are trying to make their way in life—and we are encouraging them to do that—and to make a contribution, to work. They enjoy their jobs. That must have been demeaning to them. I am pleased that this legislation will help to address that issue. However, I wanted to raise, as did Geoff Pym, some of my other concerns. First, this bill provides for the card. The bill states that the photo card can be used as evidence of age and identity of a person. The issue of security has been raised. Clause 7, which deals with the grounds for refusal to issue a photo card, states:

- (2) The Authority may refuse to issue a Photo Card to a person if the Authority is of the opinion that the person is not a fit and proper person to be in possession of a Photo Card because the person has been convicted of (or found guilty of or a guilty plea has been accepted for) any of the following offences:
  - (a) an offence under this Act,
  - (b) an offence involving fraud or dishonesty,
  - (c) an offence prescribed by the regulations.
- (3) The Authority may refuse to issue a Photo Card on such other grounds as may be prescribed by the regulations.

I am always interested in regulations because they are not before the House. I should like the Parliamentary Secretary or the departmental staff to respond to these concerns because regulations are an unknown factor when dealing with legislation in this place. I shall pose a hypothetical question. People with a mental illness often end up in situations that are of their making, unfortunately, because of their illness. We must understand that these things happen and that people with mental illness—I know the honourable member for Hornsby will agree with this—end up in gaol because no institutions can accommodate them and care for them. This is my hypothetical question: How will the regulations apply to a person who has been in gaol and has a record, sometimes for offences of fraud or dishonesty?

If those people do their time, are released into the community and work for an organisation such as Kurrajong Waratah, how will they be treated? Will they have the opportunity to be issued one of these cards and then participate in work activities that Kurrajong Waratah provides? They include the collection of recyclable waste products from places such as my office, government office blocks and the bases at Kapooka and Forest Hills. As I said, this card is about proof of age and identity; it is not about security. It is up to the institutions and organisations that utilise the services of organisations such as Kurrajong Waratah to check out the security. Those two issues should not be confused. I want to know whether these people will be eligible for a card or whether the regulations will deny them, therefore denying them the opportunity to work in an industry? That is an important point.

I raise the cost of this card with the Parliamentary Secretary and the Minister's staff, who are listening intently to this debate. It was suggested originally, in correspondence I received from the Minister and others,



that the cost of providing one of these cards would be about \$29. Alternatives were suggested, such as birth certificates and correspondence that one could access from Sydney. It would be difficult and costly for people to get from regional New South Wales to Sydney to complete this transaction. I recently had the same experience with the Department of Land and Water Conservation when I registered some papers. Country people should be able to lodge papers for a simple transaction; they should not have to go to Sydney and pay for an airline ticket or a bus ticket to lodge some papers. Services should be accessible, whether it be in Newcastle, Tweed Heads or Hornsby.

I understand that this card will be accessible, but what is the cost of administering it? I have heard no suggestion of what it will cost. The Roads and Traffic Authority [RTA] maintains a database where it files information in relation to driver licences. I went to the RTA this morning. It has a terrific staff and provides a wonderful service in York Street. I had my photograph taken, paid my money, received my card and was out of there in less than 10 minutes. What will it cost the RTA to administer this database? Does it require a separate program? How much will it cost? Will it use an area already within an RTA database?

I question the \$40 fee. It is suggested that some 900,000 people in New South Wales do not have driver licences or access to some kind of photographic identification. If just 50,000 of those people applied for this photo card—be they working in places such as Kurrajong Waratah or somewhere else—\$2 million would be raised. Less the materials used to produce the card and the time of the staff, will it cost \$1 million to produce the card and \$1 million to manage the database? If 100,000 people apply for the card \$4 million will be raised. Is that the real cost? Is that the minimum cost the Government can apply to these people who have no other option. In particular, I refer to the young people we are encouraging to enter the work force. Young people call in to my office, have a chat with the staff and do an excellent job finding their way in our community, as they are encouraged to do.

I would like to know the exact cost and whether the Government is able to readdress that issue. I would like the Government to assess whether that is the minimum cost of providing this photo identification. People who are profoundly disabled need an advocate to carry out basic transactions. They have no means of earning an income. When a limited amount of money is put into one's bank every fortnight, every dollar counts. I want to know whether this is the minimum basic charge that can be applied to those people. I demand to know. If I do not get a response in this place, I will put questions on notice. I want to be assured that the Government is doing the right thing by people with disabilities. A number of other issues have crossed my mind while I have been making my contribution. However, given the time constraints, I will put those questions on notice. The bureaucrats will then have time to give due consideration to my thoughts. As the shadow Minister said, the Opposition will not oppose this bill. However, I urge the Parliamentary Secretary and the Minister's staff to consider the cost of the card and to respond to the points I have raised.

**Mrs JUDY HOPWOOD** (Hornsby) [12.46 p.m.]: The object of the Photo Card Bill is to provide for the issue by the Roads and Traffic Authority [RTA] of a photo card to residents of New South Wales who are over 16 and do not hold a driver licence. The photo card can be used as evidence of the age and identity of the person. The photo card will replace the proof-of-age card currently issued by the authority, and proof-of-age cards will cease to be valid after three years. I join my colleagues the honourable member for Ballina and the honourable member for Wagga Wagga in generally supporting the idea of a photo card. Residents in my community have expressed concern that they do not have a driver licence or any other form of photographic identification. In particular, older residents have expressed concern that they require a form of identification with a photograph but they do not qualify for any current form of identification of that sort. This photo card will give almost 900,000 people in New South Wales who do not currently have a driver licence access to a photographic form of identification.

**Mr Daryl Maguire:** Perhaps the Premier will apply.

**Mrs JUDY HOPWOOD:** Yes, he might. It is good that the card is voluntary. The card will have the same security features as driver licences—including the holograms, watermarks and magnetic strips—and applicants will be subject to stringent proof-of-identity checks. The data will be stored in the database used for driver licences and will be subject to the same privacy and data protection laws. I note the comments that were made by the honourable member for Wagga Wagga and I will be interested to hear the answers to the questions he raised. The photo card will cost \$40 for five years, and it will apparently be indexed to the consumer price index. No concessions will be available as the card is voluntary. However, people required to surrender their driver licences on medical or age grounds will not be required to pay a fee. The RTA will be given authority to refuse an application for a photo card where it forms the opinion that the applicant is not a fit and proper person to hold such a card. The RTA will also have power to cancel a card if it is misused, for example, fraudulently.

This is a good idea. I have a daughter living in the United States of America and if I did not have a driver licence I would have a great deal of trouble sending post to her. In this age of increased terrorism and security threats Australian residents are increasingly asked to provide photographic proof of identity for a wide variety of purposes, including purchasing airline tickets and opening bank accounts. Residents unable to obtain a driver licence, such as the elderly and those with disabilities, at the moment are disadvantaged unfairly. The current births, deaths and marriages photo identification card is available only to residents born in New South Wales, which disadvantages people born outside the State, and is currently issued only in metropolitan areas. The honourable member for Wagga Wagga referred to the difficulties for people in rural and regional areas.

Because there is no provision for a concessional fee the \$40 charge may be too much for some people. The bill lacks provision for limiting the amount of information held by the RTA, which is another concern. The honourable member for Ballina stated that the Privacy Commissioner has not expressed concerns. We need to know that the information will be stored securely, and whether there is a limit to the amount of information that can be held by the RTA. I would also like information on the cost of administering the new card. The Coalition does not oppose the bill. I look forward to hearing answers to the concerns raised.

**Mr PETER DRAPER** (Tamworth) [12.52 p.m.]: I do not object to the general idea or purpose of the Photo Card Bill, which is the issuing of a photo card so that New South Wales residents of driving age who do not have a driver licence are able to obtain photo identification. I do, however, have concerns in regard to privacy issues based on representations from people in my electorate who have approached me in regard to this bill. The issues raised to date in my community include that the bill in its current form allows any information to be given, in an unobstructed manner, to any other government agency. This information, therefore, may then be cross-referenced to other agencies such as a billing agency, which has many implications regarding privacy and individual freedom. In addition, there are concerns that because the legislation enables the Roads and Traffic Authority [RTA] to issue these cards the RTA may be empowered beyond its current limitations to cancel a card without reason. The implications are that the procedural fairness of this could not be challenged.

Of particular concern for one constituent was that the bill in its current form has no privacy guidelines or benchmarks that the Privacy Commissioner can review. The fact that any information may be passed on to other agencies, with the possibility of abuse occurring without guidelines and benchmarks, has serious implications for individuals and the state of democracy in New South Wales. There are privacy guidelines and benchmarks in Federal legislation and they should be considered in the provisions of the bill. One constituent is also deeply concerned that the Government will not consider amendments and safeguards taking into consideration the obvious flaws and implications of the bill as it stands. On behalf of this person I ask why the Government has not publicly addressed the reasons for not doing so. I have familiarised myself with the concerns in relation to this bill raised by the Australian Privacy Foundation, which has worked closely with the Council of Social Service of New South Wales and which is lobbying the Government on a number of points for good reason.

I urge the Government to carefully consider the implications inherent in this bill as put forward by the foundation, which include concerns over the collection by the RTA of more information than necessary; the sharing of a database that is collected for one purpose but that could later used for another; the sharing of more information than necessary with other government agencies such as NSW Police; tracking and profiling of individuals through the creation of a centralised population database and a unique identification number; the risk of greater identity fraud and identity theft; the risk of unauthorised use or disclosure of the information through security breaches of the database; and personal security risks such as employees of clubs and venues being able to view a person's address when all they need is a proof of age. Even though the acquisition of the photo card identification is deemed voluntary, I am concerned that its very existence will create an expectation in the business community that customers and clients are obliged to possess one.

I am concerned that those individuals who choose not to obtain a photo card identification will be dismissed or discriminated against for being unable to produce either a driver licence or a photo card identification. This sentiment and social pressure could be equated with the situation that it is significantly more difficult to participate and negotiate your way through society today without a credit card, despite the fact that people have the freedom to use them or not. Of course, it is possible to get by without credit but it is inconvenient and costly not to possess a card when making reservations or purchasing and ordering goods and even proving identification. There is now an overriding social expectation to be a credit card carrier. I am also concerned about the \$40 fee with no concessions. That raises issues of discrimination against people who cannot afford that amount. At a base level I believe this issue comes down to privacy. We all have a right to keep the details of our lives to ourselves and if there are legitimate concerns that this photo card will intrude on this basic right, which there are, the validity and necessity of the photo card is to be seriously questioned.

**Mr RICHARD TORBAY** (Northern Tablelands) [12.56 p.m.]: I support the Photo Card Bill. Many of the arguments have been put by previous speakers. A number of my constituents—three very recently—were completely distressed about falling through the cracks. Because they did not have any sort of formal documentation agencies were unable to process them. The need for the bill is real. I congratulate the Government on bringing it forward. Concerns have been raised about administration and the fees and charges involved. I hope we hear a little more about how it is all going to pan out. On behalf of my constituents I register support for the bill. I saw the distress suffered by constituents who somehow felt that they were not citizens.

**Mr NEVILLE NEWELL** (Tweed—Parliamentary Secretary) [12.58 p.m.], in reply: The purpose of the Photo Card Bill is to provide for the issuing of a photo card so that New South Wales residents who do not hold a driver licence will be allowed to obtain a photo identification document that will assist them to establish their entitlement to rights and privileges in the community. The New South Wales photo card scheme was developed following broad representations to the New South Wales Government concerning the need for a government-endorsed photo identification card for those people who do not carry a New South Wales photo licence card.

It was recognised that public and private services rely increasingly on the driver licence for photo identification purposes and that individuals without a photo card had no way to provide verifiable information to assist them in the establishment of their entitlement to services. As such, the New South Wales photo card will be based on the driver licence. It will be available to residents in New South Wales aged 16 years and above who do not hold a driver licence. The card will replace the existing proof of age card and will contain security and design features that will assist service providers in establishing evidence that a photo card holder is at least 18 years of age.

The Roads and Traffic Authority [RTA] will be authorised under the bill to administer the photo card scheme and maintain a photo card register containing relevant information. In line with New South Wales privacy legislation and public expectations, the RTA has in place a strict legislative and privacy regime that restricts unauthorised access to personal information and photo images held on the RTA database. In response to the comments of honourable members who have contributed to the debate today, given that the card is voluntary and the fee for the card is based on the cost of production, there will be no pensioner concessions but exceptions will be made in the case of elderly drivers who have been required to surrender their drivers licence on medical or age grounds, and they will be issued with a New South Wales photo card at no cost.

The price of \$40 for all users will ensure recovery of the full cost of the card and will also ensure that improvements to the security of the card can be introduced over time. There is no concession for pensioners in respect of the current proof-of-age card or the Births, Deaths and Marriages photo birth card. I would also point out that the \$40 is to cover the cost of processing and manufacturing of the card. The Roads and Traffic Authority [RTA] does not recover the costs involved in delivering the proof-of-age card, the price of which is set at \$23. In addition, significant costs will be involved in information technology development and alterations to registry equipment to cater for the new changes and increase in the number of customers.

I would also point out that the current Births, Deaths and Marriages photo birth card, the cost of which is \$29, is currently available only at Sydney and Newcastle registries. It will become available throughout the State at appropriate RTA and registries where photo licences are able to be issued. The bill reinforces that regime and takes further steps to protect unauthorised access to information and photo images contained in all DRIVES database tables to ensure that privacy is protected. I thank honourable members representing the electorates of Ballina, Londonderry, Wagga Wagga, Hornsby, Tamworth and Northern Tablelands for their contributions to the debate. I commend the bill to the House.

**Motion agreed to.**

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

*[Mr Deputy-Speaker left the chair at 1.02 p.m. The House resumed at 2.15 p.m.]*

## **GAMING MACHINE PRIZE SPLITTING**

### **Ministerial Statement**

**Mr GRANT McBRIDE** (The Entrance—Minister for Gaming and Racing, and Minister for the Central Coast) [2.15 p.m.]: I wish to inform the House of an investigation being undertaken by the Department of Gaming and Racing. Today the Australian Leisure and Hospitality Group [ALH] has received notice to produce documents and records for all its hotels operating in New South Wales. As the House would be aware,

ALH was recently taken over by the major Australian retailer Woolworths. The department's investigation follows an audit of a hotel in western Sydney operated by ALH. The audit has raised serious concerns that a number of times gaming machine prizes of more than \$1,000 were paid out in cash. This is a process known as prize splitting, which occurs when any prize amount over \$1,000 is split into lesser amounts. For example, a \$3,000 prize would be split over three wins at the hotels. Instead of a payment by cheque as required by law, the winnings are paid out in three \$1,000 cash payments.

The law is clear. Clause 30 of the Gaming Machines Regulation 2002 provides that all jackpot prizes worth more than \$1,000 are to be paid by cheque or electronic transfer. Equally concerning is whether ALH staff have deliberately altered gaming records to hide any breaches. ALH now has seven days to respond. If found guilty, it faces penalties of up to \$10,000 per offence, as well as further action in the Licensing Court. The State Government has strict harm minimisation laws in place to protect punters, and this is one of them. I put all gaming venues on notice, whether they are large or small, that breaches of the law will not be tolerated.

## **GOVERNMENT HOUSE INTERFAITH GATHERING**

### **Ministerial Statement**

**Ms SANDRA NORI** (Port Jackson—Minister for Tourism and Sport and Recreation, and Minister for Women) [2.24 p.m.]: I take this opportunity to inform the House of an historic interfaith event to be held at Government House on 14 April. It is the Paths to Peace Through Friendship gathering, which has been organised by an interfaith group called the Women's Interfaith Network. In New South Wales the Women's Interfaith Network has representatives from Aboriginal, Baha'i, Buddhist, Christian, Hindu, Muslim, Jewish, Sikh and Christian communities, and includes women from Anglican, Catholic, Uniting Church, Quaker, Armenian, Greek Orthodox and Coptic backgrounds. The network is convened by Mrs Josie Lacey, a member of the Sydney Jewish community and interfaith adviser of the Federation of Ethnic Communities Council of Australia. This gathering to promote understanding and tolerance is timely, given that we live in a world where peace is constantly threatened by religious conflict and misunderstanding.

The Paths to Peace gathering is expected to be attended by up to 160 women who treasure their own traditions, but who seek understanding, respect and harmony with other religions. The event at Government House will begin, very appropriately, with a welcome to country from members of the world's oldest religion: original Australians. Then there will be a showcase of the rich musical traditions of the various faiths. The group's aim is to encourage mutual understanding and learning about the ideals of various religious groups through personal relationships of co-operation and discussion. I am proud that our State includes these women of faith whose search for mutual understanding and respect is a powerful example in a divided world. I will be honoured to host this important event.

## **BUSINESS OF THE HOUSE**

### **Precedence of Business: Suspension of Standing and Sessional Orders**

**Mr CARL SCULLY** (Smithfield—Minister for Police) [2.25 p.m.]: I move:

That standing and sessional orders be suspended to provide that consideration of the Constitution Amendment (Pledge of Loyalty) Bill take precedence of all other business prior to 1.00 p.m. on Thursday 7 April 2005.

The reason for making this debate a priority is that the time has come to seriously consider the proposition that has been proposed by the honourable member for Liverpool. He proposes to delete section 12 of the Constitution Act and replace it with a pledge so that when members of Parliament are elected they pledge—

**Mr SPEAKER:** Order! I call the honourable member for Upper Hunter to order. He will have an opportunity to contribute to the debate at the appropriate time.

**Mr CARL SCULLY:** I know the honourable member for Liverpool is looking forward to the contributions of The Nationals. What he seeks to do—and it is timely that the House debates this issue—is to replace the current pledge of loyalty to the Queen and her successors, whoever they may be, with a pledge of loyalty to Australia and the people of New South Wales.

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

**Mr CARL SCULLY:** The new pledge of loyalty's time has come and tomorrow we should bring it on for debate.

**Mr SPEAKER:** Order! I call the honourable member for Murray-Darling to order.

**Mr ANDREW TINK** (Epping) [2.27 p.m.]: This motion is all about making the Leader of the House the second President of New South Wales after the inauguration of the first President, the Premier, who is sitting right here.

**Mr John Brogden:** It will be a coronation, not an inauguration.

**Mr SPEAKER:** Order! The Leader of the House will come to order.

**Mr ANDREW TINK:** It will be the coronation of the queen bee. The second point to be made about the motion is that it is a little deal that has been done by the Leader of the House to bring the honourable member for Liverpool and his left wing mates on side yesterday to save the honourable member for Swansea.

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

**Mr ANDREW TINK:** There are more side deals and side dishes on that side of the House than there are at a Swedish smorgasbord. Fair dinkum! The only person who is not part of it is the Minister for Infrastructure and Planning. He is a little preoccupied today—and he was a little preoccupied yesterday.

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

**Mr ANDREW TINK:** This motion cannot be supported. The Coalition has a number of bills before the House, none of which will be debated as a result of this bill being brought forward by the Leader of the House to be debated. That has been done for no other purpose than to put a smile back on the faces of the honourable member for Swansea and those other members on the left who otherwise have been extremely out of sorts over the goings-on of Michael Costa in particular. Thursdays are the only days we are allowed to have private members' day—and there are very few of them! This Thursday should be about all the legislation that we have before the House—legislation that should be Government legislation.

**Mr SPEAKER:** Order! I call the Deputy Premier to order.

**Mr ANDREW TINK:** The litany of legislation that the Coalition puts forward every Thursday is literally a rollcall of inactivity by the Government. We want to close illegal brothels. Government members do not want to close illegal brothels. They want to have a debate about whether the crest above the Speaker's chair should stay or go; they want to have a debate about whether there should be a crown on top of the parliamentary crest. Opposition members have more important things to deal with. We want to do something about closing illegal brothels. Even the honourable member for Coojee might be starting to understand our concern about the need to close illegal brothels. It is a pity that he has not been able to get his point across to the Leader of the House.

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

**Mr ANDREW TINK:** We want to talk about the bill relating to liquor in Parliament House. We want to do something about the way in which liquor issues are dealt with in this House. That might be an issue for the Minister for Infrastructure and Planning, who is a little taxed. It might be an issue for the honourable member for Murray-Darling, who has suddenly decided to hide behind his handkerchief.

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

**Mr ANDREW TINK:** We might want to talk about the Save Orange Grove Bill. No wonder the Premier is hiding from that. There is a host of bills that require the consideration of this House in advance of a bill that does nothing more or less than change the parliamentary stationery. It is window-dressing. Every time the Government has been re-elected over the past 10 years it has had a program of renewal that starts with new stationery. You can bet the bank on it! I have no doubt that the Leader of the House has been to the printers and in his room he has 10 options for new stationery: a new letterhead, one with a photo, one without, one with his photo, one with Craig Knowles' photo, one with Frank Sartor's photo. There is a Polaroid of suspects.

**Mr SPEAKER:** Order! The Leader of the House will come to order.

**Mr ANDREW TINK:** My friend the alternative Premier has nothing better to do than to put up a bill to change the letterhead on parliamentary stationery. [*Time expired.*]

**Question—That the motion be agreed to—put.**

**The House divided.****Ayes, 54**

Ms Allan	Mr Greene	Mr Pearce
Mr Amery	Ms Hay	Mrs Perry
Ms Andrews	Mr Hickey	Mr Price
Mr Bartlett	Mr Hunter	Dr Refshauge
Ms Beamer	Mr Iemma	Ms Saliba
Mr Black	Ms Judge	Mr Sartor
Mr Brown	Ms Keneally	Mr Scully
Ms Burney	Mr Knowles	Mr Shearan
Miss Burton	Mr Lynch	Mr Stewart
Mr Campbell	Mr McBride	Mr Tripodi
Mr Carr	Mr McLeay	Mr Watkins
Mr Collier	Ms Meagher	Mr West
Mr Corrigan	Ms Megarrity	Mr Whan
Mr Crittenden	Mr Mills	Mr Yeadon
Ms D'Amore	Mr Morris	
Mr Debus	Mr Newell	
Ms Gadiel	Ms Nori	<i>Tellers,</i>
Mr Gaudry	Mr Orkopoulos	Mr Ashton
Mr Gibson	Mrs Paluzzano	Mr Martin

**Noes, 35**

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

**Question resolved in the affirmative.**

**Motion agreed to.**

**DISTINGUISHED VISITORS**

**Mr SPEAKER:** I draw the attention of members to the presence in the gallery of members of the Victorian Parliament: Michael Crutchfield, Geoff Howard, Liz Beattie, Danielle Green, Janice Munt and Heather McTaggart.

**PETITIONS****Gaming Machine Tax**

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

**Kurnell Sandmining**

Petition opposing sandmining on the Kurnell Peninsula, received from **Mr Barry Collier**.

**Bungonia Quarry Construction Application**

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

**Burwood Colliery Bowling Club Crown Land Site**

Petition opposing the sale of the Burwood Colliery Bowling Club crown land site to the club for the purpose of a joint venture development, received from **Mr Matthew Morris**.

**Campbell Hospital, Coraki**

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

**Breast Screening Funding**

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

**Public Hospital Security and Staffing**

Petition requesting that the Department of Health guarantee the safety of patients and employ sufficient staff in public hospitals, received from **Mr Barry O'Farrell**.

**F6 Corridor Community Use**

Petition noting the decision of the Minister for Roads, gazetted in February 2003, to abandon the construction of any freeway or motorway in the F6 corridor, and requesting preservation of the corridor for open space, community use and public transport, received from **Mr Barry Collier**.

**Old Northern and New Line Roads Strategic Route Development Study**

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

**Forster-Tuncurry Cycleways**

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

**Pacific Highway Overpass**

Petition requesting the construction of an overpass for the Pacific Highway at the Tea Gardens-Hawks Nest intersection, received from **Mr John Turner**.

**Newcastle Rail Services**

Petitions requesting the retention and improvement of Newcastle rail services, and implementation of an integrated public transport plan for the Lower Hunter, received from **Mr Bryce Gaudry**, **Mr John Mills**, **Mr Matthew Morris** and **Mr Milton Orkopoulos**.

**Southern Tablelands Rail Services**

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

**Murwillumbah to Casino Rail Service**

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

**Macdonald River Signage**

Petition requesting that the Macdonald River be provided with signage stating "4 or 8 knots, no skiing, no wash", received from **Mr Steven Pringle**.

**Mid North Coast Airconditioned School Buses**

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

**CountryLink Rail Services**

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

**Colo High School Airconditioning**

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

**Hawkesbury Electorate Sewerage**

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

**Wisemans Ferry Electricity Requirements**

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

**Agnes Banks Village Sewerage**

Petition requesting that the village of Agnes Banks be connected to the reticulated sewerage network of Hawkesbury City Council, received from **Mr Steven Pringle**.

**Isolated Patients Travel and Accommodation Assistance Scheme**

Petition objecting to the criteria for country cancer patients to qualify for the Isolated Patients Travel and Accommodation Assistance Scheme, received from **Mr Andrew Stoner**.

**Tweed Shire Council Inquiry**

Petition requesting the immediate cessation of the public inquiry into the Tweed Shire Council, received from **Mr Andrew Fraser**.

**Collector Bushrangers Reserve Motorcycle Track**

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

**Water-Access-Only Property Policy**

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

**QUESTIONS WITHOUT NOTICE**

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**ORANA JUVENILE JUSTICE CENTRE STAFF AND INMATE BEHAVIOUR INQUIRY**

**Mr JOHN BROGDEN:** My question without notice is directed to the Minister for Juvenile Justice. If the Minister is satisfied with the independent reports into the high-fiving incident at Orana Juvenile Justice Centre, will she now publicly release both reports?



**Ms DIANE BEAMER:** A detainee is a central part of the investigation, and it relates to the circumstances surrounding a detainee. Honourable members will be aware there are strict laws regarding the identification of juvenile offenders. Additionally, the Public Sector Employment and Management Act contains strong sanctions relating to the confidentiality of evidence and privacy in relation to such investigations.

### **RIDGEWAY MINE EXPANSION**

**Mr GERARD MARTIN:** My question without notice is directed to the Premier. What is the latest information on jobs in the Central West?

**Mr BOB CARR:** Honourable members will recall the great pleasure with which I have described that arc of prosperity extending through the Central West and sustained by the policies of this Government, including the special legislation we passed to facilitate gold and copper mining near Orange. The grumbling is coming from the member for Upper Hunter, always disaffected and unhappy. He and I both saved Luna Park. My salvation of Luna Park did not waste \$50 million of taxpayers' money. The Ridgeway gold and copper mine near Orange represents an investment of \$378 million.

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

**Mr BOB CARR:** It is the largest underground goldmine in Australia. I was honoured to open it in April 2002.

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

**Mr BOB CARR:** I was honoured to sponsor in this Parliament the legislation that cut the red tape that enabled that investment to flow and benefit all the families living and working in the region. Ridgeway and its neighbour Cadia are a \$1 billion investment, together creating 900 permanent jobs. Ridgeway alone injects \$142 million a year into the local economy and sustains more than 200 jobs for families from Orange, Blayney and Bathurst. The extension I want to announce today will add six years to the life of this mine.

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

**Mr BOB CARR:** It will secure the jobs of those 200 workers into the future. The honourable member for Lachlan is drawing attention to himself. I have not, for fear of insulting him, commented on the fact that over the Christmas recess he was unceremoniously demoted—relegated to the backbench. As I have said before, this is a bloke with leadership talent. The Nationals are without leadership and he could be doing the job today. It seems he has limply accepted his fate. I remember all the things we did together, working together to get the Department of Agriculture out to Orange and getting the Olympics to Sydney. This extension involves digging the mine 300 metres deeper than it is at present. It is expected to produce an extra 1.3 million ounces of gold and 163,000 tonnes of copper. This is a veritable gold rush in Orange and it is benefiting those families whose jobs are anchored there. It is outstanding news for the region.

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

**Mr BOB CARR:** Honourable members will understand that we attached a number of strict conditions, very appropriately, recommended by the Department of Infrastructure, Planning and Natural Resources, including measures to govern water releases. We are now the second-highest gold producing State in Australia, with production up by 147 per cent in the past six years. This is better than Stalin's boast. Gold production up 147 per cent in the past six years! Gosplan never did that. We have done that by outlining a strong, clear, regulatory framework that the investors accept and which gives investors like Cadia Holdings the certainty to make these huge, long-term investments, the latest of which is a \$114 million expansion of Ridgeway. It is wonderful news for Central West families and a resounding vindication—despite all the negativity by those opposite—of my faith and the Government's faith in that much-loved phenomenon that we brought about—the band of prosperity in central western New South Wales, the arc of prosperity that good government and detailed and specific plans have brought to the region.

### **ORANA JUVENILE JUSTICE CENTRE STAFF AND INMATE BEHAVIOUR INQUIRY**

**Mr JOHN BROGDEN:** My question without notice is directed to the Minister for Juvenile Justice. Did Ian Pike have access to all statements and records of interview, including the original report signed by the two Dubbo police officers, when he reviewed the Orana high-fiving incident report?

**Ms DIANE BEAMER:** Yes.

## LOCAL GOVERNMENT COUNCILLORS FEES AND EXPENSES

**Ms ALISON MEGARRITY:** My question without notice is addressed to the Minister for Small Business, representing the Minister for Local Government. What is the Government's response to community concerns about local councillors misusing their fees and expenses, and related matters?

**Mr DAVID CAMPBELL:** I acknowledge the long-term interest and vast experience of the honourable member for Menai in local government. There are 1,500 councillors across the State, the vast majority of whom are dedicated servants of the public good. But there are some councils that allow extravagant fees and expenses, and some councillors who stretched those entitlements to the limit. Look at some examples. Some councils pay spouses to go on overseas trips. Some pay councillors to cover their private business costs while they undertake civic duties. One council approves expenses in advance, sight unseen. Councillors do not need to show receipts or even submit a claim. Some councils pay excessive childcare expenses, and some pay legal expenses for councillors taking their own private court action against third parties. Perhaps the most widespread abuse is with mobile phones. One Sydney council allows its 15 councillors each to claim up to \$350 a month on mobile phone bills. That is a total of \$63,000 a year paid in full by the ratepayers. Two Sydney councils and a regional council offer their councillors unlimited mobile phone use, and one regional councillor racked up a \$3,000 bill in just three months.

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

**Mr DAVID CAMPBELL:** No-one opposes fair and legitimate expenses but councillors should not have a blank cheque to spend ratepayers' funds like Monopoly money.

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

**Mr DAVID CAMPBELL:** Honourable members will be interested to know that the Minister for Local Government is looking at new laws requiring councils to submit their fees and expenses policy to the independent Local Government Remuneration Tribunal every year. The Government will shortly invite key industry stakeholders such as the Local Government and Shires Association to join a working party to establish these guidelines. As part of that reform package the Minister is looking to strengthen the powers of the Local Government Pecuniary Interest and Disciplinary Tribunal. In recent times some people have frustrated and delayed the work of the tribunal by refusing to co-operate and the tribunal has very sensibly requested it be given powers to report contempt to the Supreme Court. The tribunal will be given that power.

Honourable members will recall that two weeks ago Minister Knowles announced a Department of Local Government investigation into Tweed Shire Council, in particular examining alleged abuses of section 96 of the Environmental Planning and Assessment Act, the section that allows development approvals [DAs] to be modified in certain circumstances. The intention of section 96 is that DA modifications should be minor and not result in substantially different outcomes. But the Government's fear is that incremental modifications can, when added together, amount to significant changes from what was originally consented to—in other words, a devious way of avoiding the public scrutiny normally given to new DAs. At the moment our evidence is largely anecdotal so we need more information.

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

**Mr DAVID CAMPBELL:** For that reason the Department of Local Government will review the approval practices of 15 councils that have been selected because they deal with large numbers of DAs. A number of these have agreed to participate in the review. I thank those councils for helping with the assessment. Reviews into Liverpool, Campbelltown, Auburn and Ashfield councils will commence shortly. The other 11 reviews will follow in due course. Of course, if any untoward practices are disclosed they will immediately be referred to the Independent Commission against Corruption [ICAC]. I remind those opposite that is where all such allegations should be directed. We are delivering yet another round of positive measures to strengthen local government, reforms that support councillors who are striving to do the right thing and reforms that will make it harder for a few rotten apples to abuse the trust placed in them by the hard-working people of New South Wales.

## MR PATRICK O'KEEFE MEDICAL TREATMENT

**Mr ANDREW STONER:** My question is directed to the Premier. Why did the health Minister rather than the Premier today personally apologise to chronically ill Macksville man Patrick O'Keefe, when it was the

Premier who twice humiliated him and an unrelated Coffs Harbour urology patient whose private medical history was released publicly by the Premier in this Parliament? When will the Premier personally apologise?

**Mr BOB CARR:** I am delighted to get the question. In the same health region there are two Patrick O'Keefe's. The question was about Patrick O'Keefe. What a clown! No wonder this is what they are saying in the Rural Press to the National Party about its leadership. No wonder the cry goes up, "Bring back Ian Armstrong."

**Mr John Brogden:** Point of order: My point of order relates to relevance. The Leader of The Nationals asked a question of the Premier about why he publicly revealed a man's personal health details and why he will not apologise.

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

**Mr BOB CARR:** Last Friday at a fundraising breakfast for the Liberal party called the Ku-ring-gai Business Breakfast—

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

**Mr BOB CARR:** The Deputy Leader of the Liberal Party was introducing his leader and he said, "John Brogden, a good friend of mine... at the moment." What a blazing indiscretion by the Deputy Leader of the Liberal Party!

**Mr Donald Page:** Point of order—

**Mr BOB CARR:** I repeat the answer I have given, Mr Speaker.

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

**Mr Donald Page:** The point of order relates to Standing Order No. 138, which says that an answer shall be relevant to the question asked.

**Mr SPEAKER:** We know what Standing Order No. 138 says.

**Mr Donald Page:** The question asked was why the Premier has not apologised—

**Mr SPEAKER:** Order! I have already ruled on that matter. The Premier is answering the question. The honourable member for Ballina will resume his seat.

**Mr Donald Page:** for his complete betrayal of the—

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

**Mr Donald Page:** Why don't you apologise?

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

**Mr BOB CARR:** The person who ought to apologise is the Leader of The Nationals for taking a case, providing scant information to the House and therefore running the risk that, when there are two people with the same name, this is the sort of thing that can occur. You ought to resign for that.

**Mr Andrew Stoner:** You are a liar.

**Mr BOB CARR:** What a disgrace!

**Mr Andrew Stoner:** Point of order: Mr Speaker, on a point of relevance, the Premier may think that the chronic health needs of a man are a laughing matter and a point for a joke and making a sideshow in this Parliament, but he has misled the House, he has released the medical details of another man—

**Mr SPEAKER:** Order! The Leader of The Nationals will resume his seat.

**Mr Andrew Stoner:** And he is lying his head off.

**Mr SPEAKER:** Order! I call the Leader of the Nationals to order.

**Mr BOB CARR:** He got the question from the bloke undermining him for the National Party leadership, the member for Coffs Harbour. He drafted the question. He provided him with scant information. And the Leader of The Nationals ought to apologise for raising an individual patient's case in the House. I thank the House for its attention. I have concluded my answer.

**Mr Barry O'Farrell:** Point of order—

**Mr SPEAKER:** Order! The Premier has indicated that he has completed his reply.

**Mr Barry O'Farrell:** My point of order goes to your handling of this Chamber. We are happy to abide by your rulings—

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

**Mr Barry O'Farrell:** No, Mr Speaker, I will not.

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

**Mr Barry O'Farrell:** You asked the Leader of The Nationals to withdraw remarks that you found offensive in line with Standing Orders 82 and 83.

**Mr SPEAKER:** Order! The Deputy Leader of the Opposition—

**Mr Barry O'Farrell:** The Premier called him a clown. Did you make a similar ruling earlier? No, you did not.

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

**Mr Barry O'Farrell:** Would you please uphold the standing orders fairly?

**Mr SPEAKER:** Order! No member in this Chamber is more qualified to testify to the impartiality of the Chair than the Deputy Leader of the Opposition.

**Mr Barry O'Farrell:** Point of order—

**Mr SPEAKER:** Order! I place the Deputy Leader of the Opposition on three calls to order. What is your point of order?

**Mr Barry O'Farrell:** When can those on this side of politics expect you to uphold standing orders?

**Mr SPEAKER:** Order! My answer to the question of the Deputy Leader of the Opposition is that he will leave the Chamber if he continues his present behaviour.

**Mr Andrew Fraser:** Point of order—

**Mr SPEAKER:** Order! I place the honourable member for Blacktown on three calls to order.

**Mr Andrew Fraser:** My point of order relates to Standing Order 105. On three or four occasions today the Premier refused to be seated—and you refused to instruct him to be seated—when a member on this side of the House stood to take a point of order. Standing Order 105 states that the person who is speaking, that is the Premier, must be seated. If he is not, you must direct him to be seated. In the interests of fairness and equity, and the oath you took when you became Speaker, when you said you would give even-handed treatment to both sides of the House, I ask you to begin to enforce Standing Order 105, especially in relation to the Premier. You are a laughing stock, but he is making you a laughing stock.

**Mr SPEAKER:** Order! For that reflection on the Chair I place the member for Coffs Harbour on three calls to order. The Premier has resumed his seat every time he has become aware of calls from the Chair directed to him.

**PORT KEMBLA PORT EXPANSION**

**Ms NOREEN HAY:** My question without notice is directed to the Minister for Infrastructure, Planning and Natural Resources. What is the latest information on plans to support Port Kembla?

**Mr CRAIG KNOWLES:** After the Ridgeway announcement in the Central West there is more good news for the Illawarra. Consistent with the Government's ports growth plan, a lot of work is now going on to extend the economic value of the upgrading of our ports in the Hunter, Port Botany and the Illawarra. Honourable members will be aware that work on the independent inquiry into the growth of Port Botany is nearing completion and the commissioner is preparing his report. That work, allied to the Metropolitan Freight Strategy, is all about ensuring the economic viability of the ports on the eastern seaboard of Australia.

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

**Mr CRAIG KNOWLES:** The work of the chairman of the Freight Industry Advisory Board, Laurie Brereton, will draw to a conclusion in the middle of the year. That is all about underpinning Port Botany as Australia's leading port, and underpinning the economic viability not only of our State but also of our nation. The dividends of economic growth cannot be restricted to just Sydney. Our detailed ports plan considers the opportunities for all of our ports, especially our regional ports both in the Hunter and in the Illawarra. It is worth noting that over the past four years the New South Wales Government has invested \$244 million in port infrastructure improvements. Over the next four years it will invest, in round figures, another three quarters of a million dollars, making a \$1 billion investment in ports infrastructure in eight years. Trade presently stevedored by Patrick and P & O will relocate from Darling Harbour as the lease lapses in February 2006.

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

**Mr CRAIG KNOWLES:** The Government has announced that those leases will not be renewed. Darling Harbour East, of course—

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

**Mr CRAIG KNOWLES:** Members opposite are clearly not interested in good policy and good investments to underpin jobs and growth in this State. They would not know a good policy if it jumped up and bit them. In relation to the move out of Darling Harbour, that area has already been identified as open space and opportunity for future commercial development for the expansion of the Sydney central business district.

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

**Mr CRAIG KNOWLES:** But it also provides a great opportunity to reinforce Port Kembla for future growth.

*[Interruption]*

I am sure members from the Illawarra, if no-one else—and certainly no-one on the other side of the Chamber—are interested in these plans. I advise the honourable member for Wollongong and other honourable members from the Illawarra that new infrastructure work valued at \$30 million for Port Kembla is about to commence, to enable that upgrading of the port to continue to make sure that the good news about spreading economic value of new port infrastructure continues into the region.

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

**Mr CRAIG KNOWLES:** That is on top of the work that honourable members already know about, that is, the \$14 million extension of the multipurpose berth due for completion in May of this year. So that is \$30 million on top of \$14 million to be developed in conjunction with the private sector for the construction and operation of a cargo-handling facility adjacent to the existing multipurpose berth within the inner harbour of Port Kembla. When the work is completed it will allow up to 170 tonnes per annum of break-bulk cargo and up to 100,000 containers each year to move through the port. That is very welcome news because it will significantly increase the capacity of Port Kembla from the current 600,000 tonnes per annum to 2.77 million tonnes.

In anybody's language that investment in port-related infrastructure, as part of the very detailed ports plans and infrastructure investment—the very strong and detailed plans for port investment—will provide not

only new capital works in the Illawarra, but also new jobs, in fact 60 permanent jobs and about 100 construction jobs, as a direct result of that \$30 million investment. The \$30 million investment will fund building works, such as stevedore offices, maintenance buildings, cargo sheds and facilities for the Australian Quarantine Inspection Service. There will be civil works to relocate the existing rail spur, and additional car parking, paving and entry queuing facilities will also be constructed.

Approval was given after the receipt of the 11 submissions to the exhibited plan. It is interesting—and I believe this demonstrates the commitment of the Illawarra community to new investments, new jobs and economic growth and opportunity—that of the major submissions received, in fact of all the submissions received, no objections were raised to this proposal. That is a pat on the back for the people of the Illawarra. They recognise good investment, good opportunities for infrastructure and new jobs when they see them. There are conditions relating to the management of traffic impacts, hazards and risks, noise and environmental management. They have all been incorporated into the approval. For example, in managing traffic we have set targets relating to haulage of freight by rail.

Heavy vehicle movements must be minimised outside the hours of 6.00 a.m. to 6.00 p.m. and should not be conducted on Sundays or public holidays. Formal environmental audits and management plans will be required for both construction and operational phases. This is clearly good news for the Illawarra, a \$30 million investment for that port, part of the Government's plans for port strategy for the Hunter, Port Botany and the Illawarra or linked to the Metropolitan Freight Strategy. It is about jobs and underpinning that regional economy. It is a fantastic thing for the Illawarra, and something that all Illawarra members of Parliament can be proud of.

#### **MINISTER FOR INFRASTRUCTURE AND PLANNING, AND MINISTER FOR NATURAL RESOURCES DRINK-DRIVING CHARGE**

**Mr BARRY O'FARRELL:** My question without notice is directed to the Minister for Infrastructure, Planning and Natural Resources. Between 7.00 p.m. and 11.55 p.m. last Friday night, exactly how many drinks did he have?

**Mr CRAIG KNOWLES:** These matters have been aired. There have been detailed commentaries on them. I said yesterday that the court will determine the consequences of my actions last Friday, for which I have already apologised. I am, of course, terribly sorry for that mistake, which should not go unpunished. That is the court's job and it will carry out the necessary action.

#### **VOLUNTARY STUDENT UNIONISM**

**Ms ANGELA D'AMORE:** My question without notice is directed to the Minister for Tourism and Sport and Recreation. What is the Government's response to community concerns about the impact of the Federal Government's plans for voluntary student unionism and its impact on women's sport?

**Ms SANDRA NORI:** I thank the honourable member for her interest in this important issue. It is very worrying indeed that Australia's university sporting facilities stand to lose up to 80 per cent of their funding from student fees if the politically, ideologically motivated attacks of the Howard Government actually come to fruition. It is a 30-year-old agenda going back to the days when Abbott and Costello were at university. They have never forgiven the Left for losing then, and they are absolutely determined to wreak a puerile vengeance on the current generation of university students and, indeed, the broader community. A group of eight university sporting organisations representing Australia's oldest universities have carried out a study. According to that study, the savage cuts will slash sports scholarships, which helped 1,388 elite sportspeople in 2004 alone.

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

**Ms SANDRA NORI:** The cuts will also strip subsidies to sporting clubs, which were worth \$11.8 million in 2004 alone; close universities' sporting facilities used by the wider community, particularly in regional areas; cut the jobs of university sporting staff, including 1,127 full-time and 2,998 part-time staff in 2004 alone; decimate elite sporting programs such as the Australian University Games; and destroy a vibrant part of university life.

**Mr SPEAKER:** Order! The Leader of The Nationals will come to order.

**Ms SANDRA NORI:** What makes this move particularly galling is that those sports facilities, particularly at the older universities, represent an aggregated investment by all previous students who paid their fees so that these sports facilities could, over time, grow, improve and be maintained. It simply wipes out the

investment that those of us who had the good fortune to go to university were able to contribute to and enjoy. In its study the sporting organisations group also accused the Howard Government of hypocrisy for insisting on a user-pays system in universities when it does not ask the wider community to do the same.

**Mr SPEAKER:** Order! There is too much audible chatter on the back benches.

**Ms SANDRA NORI:** If that principle were applied to the broader community and, for example, the Howard Government wanted parents to pay the full cost of the upkeep of every suburban oval, swimming pool and other sports facility, not one child would be able to play sport on weekends. This is simply an ideologically motivated attack. It is also a broken promise. In 2004 the Federal Government said it would "restore the capacity of sport to contribute to building active, healthy Australian communities". Thank you very much!

Our elite athletes will be affected by the proposal. Sydney university's student association sports scholarship program—it is not the only university to do this—included 17 Olympic and Paralympic athletes, and they brought home five medals. These were the scholarships that the Federal Government, through the Australian Institute of Sport, specifically asked universities to put in place. So the universities put them in place to make sure that elite athletes could be supported while they were also undertaking university or tertiary studies, but the Federal Government took them away. More than 250 scholarships, to all levels of elite sport, will be lost at Sydney university alone. Another loser will be women's sport. Ninety-five per cent of women's sports programs at Sydney university are funded through student fees.

For the benefit of anyone who has been hiding under a rock, it is women's sport that is always struggling for sponsorship and recognition. It is women, more than men, who have to be encouraged to maintain the sporting habits of youth to take them into adult life. It has always been the university sports unions that have paved the way for women's sport. For example, Sydney university's women's sport association rescued rowing from Blackwattle and Rozelle Bay in my electorate. Now there is a first-class rowing facility not only for women but for the local community. Universities have also paved the way for women's sport to move into non-traditional areas of sport. Women's AFL and rugby union were born on the university campuses of Bathurst, Sydney and New England. And when no-one would sponsor one of our finest women's basketball teams, the Sydney Flames, it was Sydney university that got behind them as a sponsor.

This should be of interest to country members, and The Nationals in particular. Regional communities will suffer under the Federal Government's proposal. Regional communities that have universities provide a lot of community facilities. The student union and combined associations of the University of New England, which own Armidale's largest pub and co-own the city's cinema, are responsible for some of the best sporting facilities and provide numerous jobs—undoubtedly a very important contribution to the town. It is difficult to see how Armidale could be better off with the imposition of voluntary student unionism.

According to the Australian University Sport 2004 Census Report, university sporting organisations have many full-time and part-time employees nationwide and are responsible for providing almost \$78 million worth of employment. Of course, there are obvious flow-on effects from the removal of such funds, particularly in rural and regional areas. Student unionism contributes to a number of large-scale events, the most obvious example being the Australian University Games. Nearly 6,000 students nationwide compete each year. Indeed, it is the largest recurring national event every year. The economic impact for this week-long event is estimated at \$4.5 million. When Newcastle hosted the games in 2003 they contributed significantly to the region.

Newcastle was able to host this prestigious and profitable event because of the facilities offered by Newcastle university. The Dutch and Irish Olympic teams trained at Newcastle university prior to the 2000 Olympics. Newcastle university's oval No. 3 is used by a variety of teams, including the Newcastle Knights. These are all facilities and services that have been provided by the university and supported by student union fees. Services such as child care are also subsidised by student unionism. It must be remembered that student unions provide child care facilities at many university campuses, in some cases more than one facility per campus. Indeed, they provide child care for the benefit of students as well as the broader community. The University of Wollongong's Kids Uni child care centres are under serious threat from the Federal Government's plans.

**Mr Ian Armstrong:** Point of order: Would the Minister give us part two tomorrow?

**Mr SPEAKER:** Order! I am sure the Minister was coming to the end of her answer.

**Mr Andrew Tink:** Even the Premier was laughing at you. Wrap it up, darling!

**Ms SANDRA NORI:** Point of order: I am a tolerant person, but I regard the word "darling", referring to me, as sexist and extremely unparliamentary. I ask the honourable member to withdraw the remark and apologise.

**Mr SPEAKER:** Order! Will the member withdraw the remark and apologise? The member has withdrawn and apologised.

*[Interruption]*

**Mr SPEAKER:** Order! The Leader of the House will come to order. A number of members are on several calls to order. I now deem them to be on three calls. That order includes Government members.

**Ms SANDRA NORI:** The University of Wollongong has a Kids Uni child care centre.

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

**Ms SANDRA NORI:** It is under serious threat if this plan comes to fruition. The Kids Uni caters for after-school and vacation care for children 5 to 12 years of age and employs 40 staff. A loss of this funding, or a savage cutback, will not only be terrible for the kids but it will obviously put an unreasonable burden on the parents who have to meet increased child care costs and will jeopardise the ability of parents to have their kids looked after while they are in the work force and trying to study at the same time.

Finally, and very importantly, we all bemoan the sorry state of our youth and the impacts on their health from a lack of physical activity. The hardest time to keep young people involved in sport and physical activity is during their transition from high school. So, again, the universities have a role to play in making sure that people continue healthy, active habits for the rest of their lives. It is a sad indictment on the Federal Government that it does not recognise the benefits of sport. I say to Dr Nelson, and to whoever else is behind this move, that if he is determined to pursue this very ideological campaign the Federal Government should be prepared to make up the difference, and in the case of sport that is \$32 million.

#### **PARKES HOSPITAL**

**Mrs DAWN FARDELL:** My question without notice is directed to the Minister for Health. Will the Minister still honour his commitment to the Parkes community that funds will be allocated in the forthcoming State budget for the new Parkes Hospital?

**Mr MORRIS IEMMA:** I can inform the honourable member that details of the budget will be announced in May, and obviously I will then be able to provide her with additional details. However, I can inform her that the Government stands by the commitment made in November last year in relation to the development of the new Parkes Hospital. Planning for the redevelopment of Parkes Hospital is expected to occur during 2006, with a view to beginning construction in 2007. It is important that this project is planned properly, and I will be able to provide the honourable member with additional information when the budget is delivered in May. In the interim I can inform her that this Government stands committed to continuing to invest in health services in Parkes, such as the quarter of a million dollar redevelopment of the emergency department, which has recently been completed.

#### **REGIONAL FILM-MAKING AND TELEVISION INDUSTRY**

**Mr STEVE WHAN:** My question without notice is directed to the Minister for Small Business. What is the latest information on film-making in rural and regional New South Wales?

**Mr SPEAKER:** Order! I again remind the House that several members are on three calls to order.

**Mr DAVID CAMPBELL:** I thank the honourable member for his question and I acknowledge that as a Country Labor member he understands the importance of trying to encourage a diverse economy in the area that he represents. I thank him for his interest in the television and film industry. As the House is aware, film-making and television can make a real difference to regional communities. The New South Wales Government has promoted our regions as a great opportunity for the film industry, and we have encouraged regional communities to plan and take advantage of the opportunities this industry can create. As a result, regional communities across New South Wales are benefiting from the growth in this industry. Our support is paying dividends for regional communities across New South Wales.



**Ms Katrina Hodgkinson:** Point of order: This is a subject I am interested in but I cannot hear because of all the noise from the Government benches.

**Mr SPEAKER:** Order! I take the honourable member's point, but I suggest to her that she look to members on both sides of her.

**Mr DAVID CAMPBELL:** The only place of interference in this sort of policy area is the other side of the House. They have got no policies and no plans and they do not like it when we describe our detailed policies and plans for regional New South Wales. Our support for this industry is indeed paying dividends for regional communities across New South Wales. Earlier this month shooting commenced on a new feature film called *Jindabyne*, whose cast includes international and Australian stars. Of course, that is why the honourable member asked this question. He knows the film is currently being made using various locations in the Snowy Mountains. The film is expected to inject up to \$1.5 million into the local economy, creating jobs and boosting business for local services. Of particular importance is that the production company will buy goods and services from many small businesses in the Snowy region. But the benefits will continue long after the cast and crew leave, as thousands of people get to see this fantastic region on the big screen.

Last year the multi award winning Australian feature film *Somersault* was also shot in the region. The film has been seen by audiences in Europe and Asia and is soon to be screened in North America. Let us not forget how the success of a film can make a tremendous difference to regional tourism. *The Dish* created unprecedented tourism in Parkes and Forbes, flowing on to the entire Central West. I notice the honourable member for Dubbo nodding in agreement; she understands the importance of this. Sadly, so many people from the Opposition do not understand it; they are yet again taking no interest in this as a policy issue.

I can also inform the House that the television series *Supernova* is expected to inject up to \$180,000 into the Broken Hill community when it is filmed there this year. It will be an important boost to that economy. I note also that in the Illawarra shooting is under way on a television series called *Campus*. The Headlands Hotel site in Austinmer in the Keira electorate will be the location over the 40 weeks of the shoot. Late last year a small-budget film created in the Illawarra resulted in a \$100,000 bonus for local business, supported greatly by the Illawarra Film Office. As I said, there is absolutely no doubt that local small business in regional New South Wales gets an advantage and a business boost from films and television programs being shot on location in their regions, and this Government will continue to support this industry.

**Questions without notice concluded.**

## **COMMITTEE ON THE OFFICE OF THE VALUER-GENERAL**

### **Membership**

**Motion, by leave, by Mr Carl Scully agreed to:**

That:

- (1) Steven Bruce Scott Pringle be appointed to serve on the Committee on the Office of the Valuer-General in place of Gladys Berejiklian, discharged; and
- (2) A message be sent to the Legislative Council informing it of the resolution.

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

### **Reference**

**Motion, by leave, by Mr Carl Scully agreed to:**

That:

- (1) the review under section 32 of the Protected Disclosures Act 1994 be referred to the Committee on the Independent Commission Against Corruption;
- (2) the review is to determine whether the policy objectives of the Protected Disclosures Act 1994 remain valid and whether the terms of the Act remain appropriate for securing those objectives; and
- (3) a message be sent requesting the Legislative Council to pass a similar resolution.

## CONSIDERATION OF URGENT MOTIONS

### Federal Government Industrial Relations Policy

**Ms NOREEN HAY** (Wollongong) [3.40 p.m.]: My motion is urgent because of the manner in which the Federal Government is moving to largely eradicate the State industrial relations system. Not only does the Federal Government want to strip awards to a bare set of working conditions, place the setting of the minimum wage in the hands of Government bureaucrats and remove the right of workers to a fair go; it also wants to tear away what are safeguards for independent contractors. In July, when the Federal Government will hold a majority in the Senate, these proposals could become an absolute nightmare for working Australians. This motion is urgent because we need to protect New South Wales' workers and families from the likes of members opposite. There is not one action by the Federal Government that members opposite do not support. There has not been one word from the Opposition in this place to defend New South Wales' families and workers. It is imperative that the Leader of the Opposition in this place shows his true colours and states his party's policy position on these industrial relations questions.

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

**Ms NOREEN HAY:** The motion is urgent because it is about time that the people purporting to represent the people of New South Wales take a stand on their behalf, call John Howard and tell him, "No way".

### Orana Juvenile Justice Centre Staff and Inmate Behaviour Inquiry

**Mr JOHN BROGDEN** (Pittwater—Leader of the Opposition) [3.42 p.m.]: My motion is urgent because it calls on the Government, and in particular the Minister for Juvenile Justice, to do the right thing, to come forward and release the report into the matters investigated at the Orana Juvenile Justice Centre. The Minister gave a pathetic performance today in response to a question by refusing to release the report that cleared her Juvenile Justice staff in the Orana centre at Dubbo from the activity that I am about to describe. As this House is fully aware, the young man who killed nine-year-old Brendan Saul returned from the court to the juvenile justice centre, where he was congratulated with a high-five by Juvenile Justice staff. That has been condoned today by the actions of the Minister in refusing to release that report.

**Mr Alan Ashton:** Point of order: The Leader of the Opposition indicated he was about to outline a series of events. He has started to do that. He should argue why his motion is more urgent than that of the honourable member for Wollongong. I ask you to bring him back to the matter of urgency.

**Mr SPEAKER:** Order! I will hear further from the Leader of the Opposition.

**Mr JOHN BROGDEN:** My motion is urgent because Kevin Saul, the father of the late nine-year-old Brendan Saul, said today on ABC radio with respect to the investigation undertaken by the Department of Juvenile Justice into these disgusting allegations—

**Miss Cherie Burton:** Point of order: My point of order is the same as the previous point of order. The member is going into detail instead of establishing why his motion is more urgent than that of the honourable member for Wollongong. He should not debate the substance of the motion.

**Mr SPEAKER:** Order! I am sure that the Leader of the Opposition has taken note of the point of order.

**Mr JOHN BROGDEN:** It is urgent and I want it to be noted in *Hansard* that the honourable member for Kogarah and the Labor Party do not want this matter debated. That is important to the people of Dubbo and to Mr Saul. This motion is urgent because on ABC radio Mr Saul said:

It leaves some questions there, I mean it's their own internal investigation ... then the report's being overseen by an ex-chief magistrate who's the head of the parole board, so again it's all sort of in-house and it doesn't seem very transparent.

My motion is urgent because today in the Dubbo *Daily Liberal* Mr Saul said:

It feels like a cover-up.

It makes you ask yourself the question: are two serving police officers not sufficiently reliable to give evidence to support the claims.

The Minister for Juvenile Justice said that the evidence given by two New South Wales police officers that led to this investigation was "not sufficiently reliable". Mr Saul and the Liberal-Nationals Coalition want this matter blown open by the release of the full details of this report. What has Diane Beamer got to hide? Why will she not release the report? This report would identify what actually happened and then we could have a debate about the Minister's accusation that the evidence given by the police was not sufficiently reliable. Basically, we have Juvenile Justice staff, protected by the Department of Juvenile Justice, whose evidence has been deemed by the Minister as superior to that of two police officers. I know whose advice I would take on this matter, and it is the advice of the two police officers. Diane Beamer has taken part in a cover-up with respect to this matter.

**Ms Virginia Judge:** Point of order: The Leader of the Opposition is breaching the standing orders and should refer to the Minister by her correct title.

**Mr SPEAKER:** Order! I uphold the point of order.

**Mr JOHN BROGDEN:** I am very happy to because you are the other Diane in the Chamber. I do not understand this. We are not in a classroom, love.

**Ms Virginia Judge:** Pardon me! The Leader of the Opposition should show some respect.

**Mr SPEAKER:** Order! The speaking time of the Leader of the Opposition has expired. The honourable member for Strathfield will resume her seat.

**Mr JOHN BROGDEN:** Mr Speaker, she is not my love. I withdraw.

**Ms Virginia Judge:** Point of order: I believe that the Leader of the Opposition and a number of Opposition members have made gender comments in the Chamber. One member said to another member, "You have lovely hair today." Referring to members as "darling" or "love" is totally inappropriate. Those terms are unprofessional and an insult to every woman in New South Wales, not just the women in this House. I want him to apologise and withdraw that comment right now.

**Mr SPEAKER:** Order! The honourable member for Strathfield finds the statement of the Leader of the Opposition to be derogatory and has asked him to withdraw it. Does the Leader of the Opposition withdraw it?

**Mr John Brogden:** Yes.

**Mr SPEAKER:** Order! The Leader of the Opposition should indicate in the proper way that he withdraws the remarks.

*[Interruption]*

**Mr SPEAKER:** Order! The Leader of the Opposition should stand when addressing the Chair.

**Mr JOHN BROGDEN:** I am pleased that you are acknowledging members who stand up in the Chamber, for a change, and I look forward to your enforcing that standing order in the future. If the honourable member for Strathfield finds that term offensive, I withdraw it.

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

**The House divided.**

**Ayes, 52**

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

**Noes, 37**

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

**Question resolved in the affirmative.**

**FEDERAL GOVERNMENT INDUSTRIAL RELATIONS POLICY****Urgent Motion**

**Ms NOREEN HAY** (Wollongong) [3.58 p.m.]: I move:

That this House:

- (1) expresses its concern about the Commonwealth Government's proposed takeover of industrial relations and its impact on independent contractors in NSW; and
- (2) calls on the Federal Government to genuinely consult over industrial relations reform with all stakeholders—employers, trade unions and State and Territory governments.

I move this motion for urgent debate for two reasons. First, the Federal Government is proposing some far-reaching changes to legislation affecting independent contractors, which will attack the living standards of New South Wales workers and their families. In doing so, the Federal Government is proposing to undo most, if not all, the things that protect contractors in the current New South Wales system by legislating over the top of it. Secondly, this is by no means some academic proposal, some pipe dream of Mr Howard and Mr Andrews. Indeed, there is every reason to believe that the Federal Government will move ahead with its legislation as soon as it gets its claws on the Senate majority in the next few months. I am sure that voters in most Federal electorates in New South Wales did not anticipate how scurrilous some of the proposals would be.

We have already had an inquiry into independent contracting, closely followed by a departmental discussion paper canvassing various legislative changes. Amendments to the Commonwealth Trade Practices Act are already in Parliament and, according to the public pronouncements of Howard and Andrews, they will soon be followed by something called the Independent Contractors Act. Clearly, this catastrophe may be upon us before we know it. The job of the New South Wales Government is to protect those vulnerable workers from the Federal Government's interference. We have a mandate to do that, to maintain our industrial relations system. At the very least, that means that these issues need a substantial public airing in the court of public opinion. It is worth remembering that members of this place are here to represent the best interests of the people of New South Wales. That—no more, no less—is what we aim to do today by means of this urgent motion. The Federal Government has had lots to say about industrial relations over the past few months, and so have its various cheer squads who would have us working under a unitary industrial relations system, a minimally regulated system—

**Mr Chris Hartcher:** Remember the ACTU and the Nurses Association—of which you were a member?

**Ms NOREEN HAY:** I have been around long enough to remember what happened on the waterfront. I remember Balaclava John and the dogs. I know how you lot deal with workers. You are the very reason why workers in New South Wales should be concerned. As I said, the Federal Government cheer squads would have us working under a unitary industrial relations system, a minimally regulated system or no system at all, if you believe some. Over Christmas, Kevin and his elves were busily consulting with lots of people about what industrial relations system we should have. The trouble is, all those consultations were done behind closed doors and without the involvement of any State government. But wait, there's more! It is not just taking away unfair

dismissal rights—as they would have everyone believe—it is not just lowering the minimum wage, it is not just pushing workers onto Australian workplace agreements: independent contractors of New South Wales and Australia, it is your turn now! The bad news, the only news, is that the Federal Government has got you in its sights—not just one, but two different ways.

As we speak, the Federal Government is hatching plans to deny small business operators union representation before both the Australian Competition and Consumer Commission [ACCC] and State industrial relations commissions. First, the Federal Government is proposing to allegedly protect independent contractors by passing legislation that would supposedly affirm their freedom to contract. In Mr Andrews' words, this legislation aims to "set out a position and a role for contractors outside the industrial relations system as we know it and to actually enhance that position". This legislation has yet to see the light of day, although we now have not only a House of Representatives inquiry, but also a recent discussion paper issued by Mr Andrews' department. The second part of this two-pronged assault on small business operators is an amendment to the Trade Practices Act that will disallow any collective bargaining being approved by the ACCC where an application is from a union, a union official or anyone acting on behalf of a union. The same bill specifically provides for applications to be brought by employer associations. There are no surprises there!

The same hackneyed themes run through all of this stuff: make it harder and harder for workers—whether they are independent contractors or not—to access independent tribunals to have their cases heard and their rights enforced. If that gets too hard, just take those rights away or abolish the tribunal. Once again, I think that these proposals need to be put into some sort of perspective. According to the Federal Government and its cheer squad, this legislation is necessary because independent contractors are taking over the Australian labour market. I have news for Mr Andrews and the other intellectual giants, such as those sitting opposite me at the moment and those in the Howard Government: there are a few other changes happening in the work force besides more independent contractors—more casuals, more labour hire workers, more outworkers and more people struggling to balance work and family. We would be waiting a while for Mr Andrews to mention them, because the Howard Government does not seem to have much of an agenda for these people.

One can clearly see the figures on this. The Australian Bureau of Statistics [ABS] says that salary and wage earners comprise about 80 per cent of the work force, or about eight million people. According to the ABS and the Productivity Commission, the upper limit for independent contractors is around 10 per cent of the work force, or around a million people. The overall picture is that the work force has changed, but there is a bit more to the story than the Federal Government will tell us. It is true that the number of independent contractors has increased dramatically, but the vast majority of the workforce is still made up of salary and wage earners. An increasing number of those are casuals, with hidden employees like outworkers, at the margins. The New South Wales Government pointed out all of these things in its submission to the House of Representatives inquiry into independent contracting arrangements that I mentioned earlier.

We also pointed out that while many independent contractor arrangements are the result of freely made decisions by individuals who want to go into business for themselves and work independently, that is not always the case. Some contractors were employees or would rather be employees, but were pushed into independent contracting relationships by employers who want to avoid meeting their normal employer obligations. Often, the only difference between such workers and employees is the independent contractor label put on the arrangement. As we also pointed out in our submission, the existence of these arrangements is well recognised. The agenda of the International Labour Organisation's International Labour Conference, scheduled for May 2006, calls for Governments to combat "disguised employment relationships which have the effect of depriving dependent workers of proper legal protection", at the same time as "not interfering with genuine commercial or genuine independent contracting".

These views do not come from some ivory tower, impractical understanding of the modern workplace. State governments such as the New South Wales Government have grappled with a host of new work arrangements and many other forms of workplace change for quite a few years now, and very successfully. New South Wales industrial legislation includes provisions designed to provide remedies to workers whose contracts are unfair. We also have provisions in our Act to protect one of the most common and longstanding forms of independent contractors: contract drivers. How long have these things been around? Believe it or not, unfair contract provisions have been around for most of Mr Andrews' lifetime, having been first put into New South Wales legislation in 1959. The New South Wales unfair contracts provisions give independent contractors access to the same fairness and equity that employees have, in a low cost, user-friendly tribunal.

The Federal Government's proposed legislation supposedly protects independent contractors—presumably genuine independent contractors—from what is said to be the unwarranted attention of industrial

tribunals. In other words, the Federal Government is going to do these people a great favour by keeping them out of the commission's jurisdiction. That is a completely different approach to ours, and one of its consequences will be that if one of these independent contractors finds themselves in dispute over the terms of a contract, the only way to get a legally binding resolution is by spending precious time and money on lawyers and court hearings. The Federal Minister does not tell us that he wanted something positive for independent contractors. He is not able to do that because the industrial relations system has to work within its constitutional limitations. The Federal Government simply does not have the power to legislate for sole traders and partnerships.

**Mr CHRIS HARTCHER** (Gosford) [4.08 p.m.]: I move:

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

"this House:

- (1) congratulates the Federal Government for an industrial relations record that has given Australia the lowest level of industrial disputes since 1913; and
- (2) condemns the State Government's record in industrial relations and occupational health and safety, and its draconian workplace relations legislation"

The Australian Labor Party [ALP] and the Australian Council of Trade Unions [ACTU] are engaging in a desperate campaign to stop the inevitable, because each day the calendar draws closer to 1 July 2005, when new senators will take their seats in Canberra.

**Mr ACTING-SPEAKER (Mr John Mills):** Order! The honourable member for Wollongong is interjecting too often. She has a right of reply and should restrain herself until then.

**Mr CHRIS HARTCHER:** The ALP and the ACTU may find that there are some changes after 1 July 2005. Far be it for me to say what those changes might be. That will be answered in another place. But from the sheer fear that is gripping sections of the trade union movement and the way they are winding up their acolytes here in the New South Wales Parliament, one can only wonder at their concern. The Federal Minister for Industrial Relations, the Hon. Kevin Andrews—I am proud to say that he is a good friend of mine—said this very day:

The ACTU executive has met in Melbourne over the past two days to plan a campaign against the Government's forthcoming workplace relations reforms—

I repeat the word "reforms"—changing the structure to improve it, to effect a better result. The Minister went on to say:

This is yet another predictable and inaccurate campaign by the ACTU. One of the certainties of political life is that any reform to workplace relations will be preceded by a shrill and hysterical campaign by the ACTU and the Australian Labor Party.

No, he was not talking about the honourable member for Wollongong, although Government members all thought that; he was actually referring to the campaign of the ACTU and the ALP. The most significant thing about this shrill and hysterical campaign, as the Minister called it, is the position taken by the Federal leader of the Australian Labor Party, the Hon. Kim Beazley. Kim is a wonderful man, very cuddly. Everybody likes him. He is a loser—he has lost two elections—but I am sure the Australian Labor Party is glad to have him back. I hope Government members do not mind my quoting from him. There is no problem with that, is there?

**Ms Angela D'Amore:** You will take it out of context.

**Mr CHRIS HARTCHER:** I am reading the entire bit. Where is John Murray when you need him? The honourable member for Drummoyne says that I am taking this out of context. Would we not all like to have John Murray back? We all like him. He was affectionate, easy to work with, intelligent—

**Miss Cherie Burton:** Point of order: I have been listening to the honourable member waffle on for quite some time. I realise that he has moved an amendment but at the moment he is going so far off the track because he needs to fill his remaining six minutes. I know now that I am helping him. He has nothing left to say. I ask that he get back to his amendment. If he has anything of substance to say the House would like to hear it rather than his waffling on.

**Mr ACTING-SPEAKER (Mr John Mills):** Order! I have the gist of the point of order. The amendment is wide ranging. At this stage the honourable member for Gosford is responding to interjections.

**Mr CHRIS HARTCHER:** The wisdom of Solomon is embodied in you, Mr Acting-Speaker. I quote:

The federal Labor leader, Kim Beazley, has made a significant policy compromise on industrial relations, potentially putting the party at odds with its trade union constituency.

In a speech to the Business Council of Australia... last night—

this was in March—

Mr Beazley said that Federal Labor would consider supporting a single national industrial relations system—the centrepiece of the Howard Government's planned industrial relations shake-up.

**Ms Noreen Hay:** Point of order: I am not hearing a great deal about the amendment, which I am very keen to hear about, other than—

**Mr ACTING-SPEAKER (Mr John Mills):** I disagree. The comments of the honourable member for Gosford are in order. I suggest to the honourable member for Wollongong that she read the amendment, which is wide ranging.

**Mr CHRIS HARTCHER:** I repeat my earlier remarks about the wisdom of Solomon, Mr Acting-Speaker. The quote continues:

Mr Beazley said a single industrial relations system was a lower-order priority for Labor.

The party's top priorities were improving skills of workers and encouraging infrastructure projects...

But he supports a single national industrial relations system. That has been the policy of the Australian Labor Party since at least the 1920s. For more than 80 years the Australian Labor Party has believed there should be a single national industrial relations system. It is embodied in the platform of the Australian Labor Party. Now we hear the discordant squeals from members opposite saying that somehow the roof is going to fall in if Australian Labor Party policy is introduced. Members opposite should be congratulating the Federal Government because it is carrying out the policy that they have advocated year in and year out. The Carr Government has introduced legislation which is repugnant to the whole system of a co-operative industrial relations system, namely, its most recent legislative attempt, the workplace fatalities legislation. I will not deal with it in any detail; it will be dealt with by the next Coalition speaker.

Since the Federal Government took office in 1995 it has had an outstanding record in industrial elections and in industrial relations reform. As I put in the amendment, it has had the lowest level of industrial disputes since records were first kept in 1913, 1.5 million new jobs have been created and the unemployment rate has been the lowest in 28 years. We have had a 12 per cent growth in real wages across all sectors of the work force, higher productivity through the expansion of enterprise bargaining, 600,000 Australian workplace agreements and the longest run of low inflation and low interest in a generation, and the lowest number of industrial disputes since 1913. More than 600,000 workers have moved away from the award system onto enterprise agreements, Australian workplace agreements. In response trade union membership has tumbled. It is now at the lowest level in Australian history at 22 per cent of the total work force, according to the latest statistics released by the Australian Bureau of Statistics. In the private sector only 19 per cent of the work force now bother to be members of a trade union.

The reason is simple: many trade unions—I do not say all; there are some quite good trade unions—no longer reflect the aspirations of their members as they continue to engage in the class warfare more appropriate to the nineteenth century. Members on this side of the House believe that the Federal Government has done a good job in industrial relations. The record speaks for itself. In contrast, the Carr Labor Government has been divisive and its industrial relations policies are now setting New South Wales aflame as small business and farmers protest and complain angrily about its proposed workplace fatalities legislation, which is designed to intimidate every employer and foreman in this State. The Carr Labor Government stands condemned. [*Time expired.*]

**Ms TANYA GADIEL** (Parramatta) [4.18 p.m.]: The New South Wales Industrial Relations Act is a flexible instrument designed to protect the rights of vulnerable workers. The capacity of the Act, which is free of the technicalities that beset the Federal system, can deem classes of vulnerable workers to be employees. These are workers whose mode of engagement means that the common law does not recognise them as employees, but whose real workplace situation is analogous to that of employees. These workers are usually dependent on a

single employer to provide them with work, and have little capacity to bargain for improved pay or conditions. They are excluded from the minimum protections afforded to employees. Deeming them to be employees recognises the reality of their situation and brings them back to the fold. But deeming has proved to be an imperfect tool for some workers, particularly in the transport industry. Those workers include independent truck drivers who own or are paying off their own rigs and earn their living from the money left over after their outgoings such as maintenance, petrol and workers compensation premiums have been paid.

They also include taxi drivers who work on what are called contracts of bailment, where they ply their trade using the owner's cab, and only make money after the owner's fee is paid off. It is easy to understand how these drivers can be exploited. The industries they work in are highly competitive. Long hours of driving are required to make a decent living because rates are low and money has to be paid out before there is any left for the worker. Long hours are detrimental not only to the driver and his or her family, but potentially to the rest of the community. Truck accidents on our roads exact a terrible cost in lives and livelihoods. Deeming transport workers to be employees has been tried, but it did not work well. Employers fought it tenaciously, all the way to the Privy Council in some cases. Defending legal challenges was costly in terms of both time and money, and resulted in a great deal of uncertainty for drivers and principal contractors.

Eventually a better solution was found. Chapter 6 of the Industrial Relations Act 1996 was enacted with bipartisan support in 1979. It created a quasi-industrial relations system, specifically designed for these non-employee transport workers and their needs. Under chapter 6 bodies representing drivers negotiate with principal contractors and their representatives for collective arrangements. These can be arbitrated by the commission to give them common rule effect, like awards, or be approved by the commission as formal agreements between specified parties, like enterprise agreements. These arrangements set out basic payments and conditions, ensuring that drivers can enjoy a decent standard of living, free of exploitation. In 2002, the New South Wales Government commissioned a report into chapter 6 which found that the regulatory regime operated in the public interest. It identified three defining features of the chapter 6 regime.

The first was stability. The only changes since it was introduced 25 years ago have been to expand the scope of the legislation so that it now also covers motorcar drivers, motorcycle drivers and bicycle riders, and includes provision for reinstatement of drivers whose contracts have been unfairly terminated. The second feature is general support. Chapter 6 enjoys general support in the industry: not one person of those interviewed for the report supported the repeal of the legislation. The third feature is the bipartisan support for chapter 6. It was introduced by the Wran Government with bipartisan support, was re-enacted virtually unchanged in the Greiner-Fahey Industrial Relations Act 1991, and the statutory scheme was expanded as I outlined earlier by that same Coalition Government.

This legislation demonstrates the capacity of this State to come up with specialist and sustainable responses to the needs of particular industries. Despite the bipartisan and industry-wide support that chapter 6 enjoys, the Federal Government seems to be determined to undermine it. And what is the Coalition in this place doing about it? Absolutely nothing! What is position of the New South Wales Leader of the Opposition on the Federal Government's attack on our system? He says, "Watch this space." I am watching this space and so are the vulnerable workers of New South Wales, and all we see at the moment is a black hole: a Coalition devoid of any plans, policies or ideas.

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [4.23 p.m.]: This motion represents an attempt by the State Labor Government to cosy up, once again, to the union movement because of its fractured relationship following the workers compensation reforms of a few years ago, which delivered savage cuts to workers entitlements and to workers who had been genuinely injured. I well remember the picket lines around this place, picket lines of workers and unionists.

**Mr Thomas George:** We will never forget that day.

**Mr ANDREW STONER:** We cannot forget that day. I recall the sneaky way the Premier got into the building. I understand he sneaked in through Sydney Hospital.

**Ms Angela D'Amore:** Point of order: My point of order relates to relevance.

**Mr ACTING-SPEAKER (Mr John Mills):** Order! At this stage the remarks of the Leader of The Nationals are relevant.

**Mr ANDREW STONER:** I will cut a long story short. Members opposite do not want to hear about that day. They do not want to hear about the picket lines and police horses, and about the Premier making the victory sign from the steps of Parliament. They do not want to hear about that, because it fractured the



relationship with the union movement. The Government has been trying to rebuild that relationship ever since. That is why it is now scaremongering about the Federal Government. The Federal Government wins all of the seats in Western Sydney and the Illawarra and on the South Coast and the Central Coast because the workers know that their real wages have increased and their spending power has increased under the Federal Coalition Government. That is so because of low interest rates that Labor has been unable to deliver.

The scaremongering will fall flat. I will tell honourable members what is scary. If we are talking about employers, employees and independent contractors, which this motion deals with, the real scare comes from the State Labor Party's policies on matters such as continuing professional development, occupational health and safety, the incredible layers of red tape being imposed through WorkCover in relation to occupational health and safety, and public liability insurance. Despite all the rhetoric, the Premier has not decreased insurance premiums to contractors and small businesses, who employ most workers. The icing on the cake is the workplace fatalities legislation that has been proposed by the Government.

The honourable member for Gosford has moved an amendment to the motion, which I support because it brings into play the devastating impact of Labor's proposed workplace fatalities legislation. That legislation, as proposed by Labor, will cost untold thousands of jobs on farms and in small businesses in regional and rural New South Wales, especially in the border regions. Employers will say, "This is all getting too hard. This Labor Government has bent over backwards for the union movement because of its socialist ideology. As contractors and small business people, we cannot afford to operate under the incredible union-inspired burden imposed by this Labor Government."

The workplace fatalities legislation will effectively force employers to prove their innocence, rather than retain the presumption of innocence granted under every law to every other person in this State. The proposed legislation denies fundamental rights, such as the right to trial by jury. It is designed to encourage the heaviest possible penalties. That is demonstrated by the way the bill allows for aggravating factors but not mitigating factors. Other criminal law provides for both. The legislation denies the right of appeal. Appeals are allowed only in cases of prison sentences, not in cases of massive fines, and even then only by leave. Trade unions are allowed 50 per cent of any fine imposed.

**Mr Thomas George:** How much?

**Mr ANDREW STONER:** They are allowed 50 per cent. That will encourage bounty hunting. That so-called moiety means that there will be an incentive for the union to take the employer to the Industrial Relations Commission and pursue the fine. Farmers in this State already have their backs to the wall. Farmers are saying that it will become too hard to employ people and they cannot get by without farm labour. It will be too hard to do business in the State of New South Wales. I support the amendment moved by the honourable member for Gosford.

**Ms ANGELA D'AMORE** (Drummoyne) [4.28 p.m.]: I must refute the fundamental claim underlying the Federal Government's discussion paper on proposals for legislative reforms in independent contracting and labour hire arrangements that unfair contract provisions under State industrial relations laws limit contracting arrangements in a number of ways. The discussion paper fails to identify any limits or adverse effects on the number of contracts entered into in New South Wales because of unfair contract provisions under the New South Wales Industrial Relations Act 1996. In fact, rather than introducing any uncertainty into work contracts, the State's unfair contracts provisions ensure that parties who enter into contracts under which work is performed in an industry give consideration to the short-term and long-term effects of their contractual arrangements.

It must be remembered that these contracts are not common law commercial contracts about property transactions or the provision of goods. Rather, they are contracts under which work is performed in an industry, where the contract in question is directly related to a person's labour. The New South Wales legislation recognises that a variety of contractual methods may be used which can result in a working person being treated less than fairly, for example, being paid less than they would as an employee. The reason employees and independent contractors use the provisions in the New South Wales Industrial Relations Act rather than the current provisions under the Workplace Relations Act is that they address unfairness, however it arises, when it involves work in an industry. The Federal provisions simply do not work well. They are technical and of limited use in the real world. Even the Federal Government does not believe in them. The most telling thing about them is that nobody uses them.

By contrast, the State system works well. For example, under the Federal Government's confused proposals it is unlikely that a security guard treated as an independent contractor, but paid less than the award

rate, would have had access to the fair remedy determined by the New South Wales Industrial Relations Commission in Court Session. That is because the Federal Government intends to dismantle many of the provisions that allow such a determination. For that security guard it would mean close to \$91,500 in unpaid wages. The discussion paper states that the Federal Government's starting point would be the premise that parties should be free to decide their working arrangements according to their own needs and genuine preferences. That statement by the Federal Government misrepresents the New South Wales unfair contract provisions. There is nothing in the State provisions to stop parties freely deciding their working arrangements according to their own needs and genuine preferences.

It is obvious that the Federal Government's intention is to move as many as possible of the workers covered by the New South Wales unfair contracts provisions to a system closely akin to the common law position applying to property and goods. But workers are not property or goods. The Federal Government wants to remove this State's unfair contract provisions because it knows they are designed to ensure that contracts cannot be used to undermine the award system, which is a minimum system. But that is exactly what the Federal Government is about. It is about undermining the Australian workers' conditions of employment. It wants to remove workers protections. The Federal Government in its discussion paper admits that it has difficulty defining what is unfair in a work contract. But we have seen from what the Federal Government wants to do to the unfair dismissal provisions that it understands very well what unfairness is all about. The Federal Government wants to remove the concept of fairness in dealings concerned with the employment relationship.

The Business Council of Australia has said that fairness is not properly an issue for the workplace relations system to concern itself with. The Federal Government seems to agree. There can be little doubt that the Federal Government wants to remove from specialised courts, such as the Industrial Relations Commission in Court Session, the power to carefully determine whether a contract is operating in an unfair manner. If the Federal Government removes that power from our Industrial Relations Commission in Court Session, people who are treated unfairly will not have any recourse to having that unfairness redressed. That means laws that aim to ensure work contracts are fair will be lost. In the long term that will erode the concept of fair dealings and outcomes where people's livelihoods are concerned.

The Federal Government's proposals as they stand encourage a divisive, unfair and unethical work environment, and that is not in the best interests of workers in this State or business. The Federal Government's real intention is to achieve low wage outcomes, the lowest outcomes it thinks it can get away with. In contrast, the New South Wales Government has developed an industrial relations system that not only encourages fair employment relations but also provides security for contracting parties. There is no reason to abandon our New South Wales unfair contract jurisdiction. In fact, the lack of position put forward by members opposite means they do not respect the independent contractors in their respective electorates. [*Time expired.*]

**Ms NOREEN HAY** (Wollongong) [4.33 p.m.], in reply: It is obvious that the Opposition does not have a great deal to say about this issue.

**Mr Andrew Stoner:** You were not even in the Chamber.

**Ms NOREEN HAY:** I have been in the Chamber during all of the contributions of Opposition speakers to this debate. That interjection just shows how little attention members opposite pay to what goes on in this Chamber. Not only will the Federal Government do nothing for independent contractors, it cannot do anything for them anyway. For the benefit of members opposite I again point out that independent contractors are small business people who are happy about the protection they have and would like the Howard Government to leave them alone.

In the current environment, in which the Howard Government is preparing an all-out assault on workers and the conditions for which they have fought over a century, it is imperative that State leaders stand up on behalf of the people they are supposed to represent and be counted. The Leader of the Opposition has failed to do so. The Opposition has no stated policy and no plan. In a *Sydney Morning Herald* article two weeks ago it was reported that the Leader of the Opposition "wouldn't be drawn" on abolishing the New South Wales industrial relations system. "Watch this space," he told the *Sydney Morning Herald*. We have been watching that space for some time now, but it is only space. There is no plan, no policy, and no statement whatsoever.

The New South Wales industrial relations system delivers for independent contractors. We give them the chance to argue their case before a tribunal whose job is to deliver fair and equitable outcomes. That gives independent contractors real protection against exploitation without having to resort to complex and expensive

litigation. But it is not only a matter of legislation—or no legislation, as the case may be. First and foremost, it is a matter of building and maintaining a good working relationship with employers and all of the work force—employees, contractors, outworkers, labour hire workers, and the rest. You cannot do that if you are sitting in an ivory tower in Canberra. However, you can do it if you are a State government and you are close to the work force and the businesses they work in. If the Federal Government were serious about coming to grips with the changing work force it would do a little more than simply legislate to wall off the Federal system. The Federal Government might instead like to try to do something positive for a much larger range of workers than just independent contractors.

First, the Federal Government might like to make it clear just who is or is not an independent contractor. I do not think the Federal Government would argue with the basic principle that independent contractors are people who are in business for themselves, rather than for others. Second, the Federal Government should give workers genuine choices when it comes to deciding what sort of work arrangements will apply to them—employee, independent contractor, award agreement, or whatever. Genuine choice can mean a lot of things, but it should not mean workers being told they can either go the independent contractor way or they are out of a job. There are already far too many complaints about that sort of thing, and it seems that the Federal Government is quite happy to have Australian workplace agreements being foisted onto workers in exactly the same way. Genuine choice should be just that. It should not be the genuine choice of losing your job or not getting a job at all, compared with being forced onto a work arrangement that you did not ask for and do not want.

Third, the Federal Government should ensure that independent contractors are able to settle disputes about the work they are contracted to do efficiently, cheaply and fairly. Fourth, the Federal Government should support the variation of awards to add clauses permitting casual employees to convert to permanent employment with their employers' consent. Indeed, if the Federal Government says it is about supporting choice for workers, I cannot see how it can take any other position. Finally, the Federal Government should acknowledge that State industrial relations systems have an important ongoing role to play, not least because they have led the way on these issues, and will continue to do so, despite the Federal Government's best efforts. Our system is one that benefits all parties. The New South Wales Government expresses its support for a successful and co-operative New South Wales industrial relations system. We call on the Leader of the Opposition to do the same thing. We call on the Leader of the Opposition to come out and support the workers and families of New South Wales.

**Question—That the words stand—put.**

**The House divided.**

*[In division]*

**Mr Thomas George:** Point of order: Standing Order 186 states that a member cannot vote on any question in which the member has a pecuniary interest not held in common with other citizens of the State.

**Mr SPEAKER:** Order! There is no point of order. I remind honourable members that order must be maintained during divisions.

**Ayes, 52**

Ms Allan	Mr Gibson	Mr Orkopoulos
Mr Amery	Mr Greene	Mr Pearce
Ms Andrews	Ms Hay	Mrs Perry
Mr Barr	Mr Hickey	Mr Price
Ms Beamer	Mr Hunter	Dr Refshauge
Mr Black	Mr Iemma	Ms Saliba
Mr Brown	Ms Judge	Mr Sartor
Ms Burney	Ms Keneally	Mr Scully
Miss Burton	Mr Lynch	Mr Shearan
Mr Campbell	Mr McBride	Mr Stewart
Mr Collier	Mr McLeay	Mr Tripodi
Mr Corrigan	Ms Meagher	Mr West
Mr Crittenden	Ms Megarrity	Mr Whan
Ms D'Amore	Mr Mills	Mr Yeadon
Mr Debus	Ms Moore	
Mr Draper	Mr Morris	<i>Tellers,</i>
Ms Gadiel	Mr Newell	Mr Ashton
Mr Gaudry	Ms Nori	Mr Martin

**Noes, 33**

Mr Aplin  
Mr Armstrong  
Ms Berejikian  
Mr Cansdell  
Mr Constance  
Mr Debnam  
Mrs Fardell  
Mr Fraser  
Mrs Hancock  
Mr Hartcher  
Mr Hazzard  
Ms Hodgkinson

Mrs Hopwood  
Mr Humpherson  
Mr Kerr  
Mr Merton  
Mr Oakeshott  
Mr O'Farrell  
Mr Page  
Mr Pringle  
Mr Richardson  
Mr Roberts  
Ms Seaton  
Mrs Skinner

Mr Slack-Smith  
Mr Souris  
Mr Stoner  
Mr Tink  
Mr Torbay  
Mr J. H. Turner  
Mr R.W. Turner

*Tellers,*  
Mr George  
Mr Maguire

**Question resolved in the affirmative.**

**Amendment negatived**

**Question—That the motion be agreed to—put.**

**The House divided.**

**Ayes, 50**

Ms Allan  
Mr Amery  
Ms Andrews  
Mr Barr  
Ms Beamer  
Mr Black  
Mr Brown  
Ms Burney  
Miss Burton  
Mr Campbell  
Mr Collier  
Mr Corrigan  
Mr Crittenden  
Ms D'Amore  
Mr Debus  
Ms Gadiel  
Mr Gaudry

Mr Gibson  
Mr Greene  
Ms Hay  
Mr Hickey  
Mr Hunter  
Mr Iemma  
Ms Judge  
Ms Keneally  
Mr Lynch  
Mr McBride  
Mr McLeay  
Ms Meagher  
Ms Megarrity  
Mr Mills  
Ms Moore  
Mr Morris  
Mr Newell

Ms Nori  
Mr Orkopoulos  
Mr Pearce  
Mrs Perry  
Mr Price  
Dr Refshauge  
Ms Saliba  
Mr Sartor  
Mr Shearan  
Mr Stewart  
Mr Tripodi  
Mr West  
Mr Whan  
Mr Yeadon  
*Tellers,*  
Mr Ashton  
Mr Martin

**Noes, 34**

Mr Aplin  
Mr Armstrong  
Ms Berejikian  
Mr Cansdell  
Mr Constance  
Mr Debnam  
Mr Draper  
Mrs Fardell  
Mr Fraser  
Mrs Hancock  
Mr Hartcher  
Mr Hazzard

Ms Hodgkinson  
Mrs Hopwood  
Mr Humpherson  
Mr Kerr  
Mr Merton  
Mr Oakeshott  
Mr O'Farrell  
Mr Page  
Mr Pringle  
Mr Richardson  
Mr Roberts  
Ms Seaton

Mrs Skinner  
Mr Slack-Smith  
Mr Souris  
Mr Stoner  
Mr Tink  
Mr Torbay  
Mr J. H. Turner  
Mr R. W. Turner

*Tellers,*  
Mr George  
Mr Maguire

**Question resolved in the affirmative.**

**Motion agreed to.**

## COUNTRY AGRICULTURAL SHOWS

### Matter of Public Importance

**Mr THOMAS GEORGE** (Lismore) [4.57 p.m.]: Today it is appropriate to acknowledge country shows and to debate their future as the very successful 2005 Royal Easter Show has just concluded. I congratulate Rob Vickery, President of the Royal Agricultural Society Council, and his team on their wonderful efforts. However, the show, which is run by the Royal Agricultural Society, would not have been the success it was without the support of country shows. Across this State 196 shows are currently registered. Some of those shows have free entry while others have gate takings that range up to \$400,000. Each agricultural show must contain a minimum of five agricultural sections, one being a horse section. At present 50 shows throughout New South Wales run campdrafts and cattle events.

Most showgrounds are run by trustees, with the assistance of committees, while other showgrounds run on freehold title. The annual show is one of the greatest institutions of regional areas throughout this State and country. It provides towns with a focal point, enabling communities to come together to share in a variety of events. It is an opportunity for country people to socialise and to promote local produce, something of which they are very proud. Recently John Coulton, President of the Agricultural Societies Council of New South Wales [ASC], visited the Parliament to discuss his concerns about the future of country shows throughout the State. I pay tribute to John, his team of directors and staff for the tremendous job they undertake in running the ASC.

The major issue currently facing country and regional shows is the extra cost the State Government is imposing on organisers of local shows to have police attend these events. Policing is an important part of country communities. It is an important part of what country is all about, and I would have thought that having police attend shows was part of community policing in general. Country shows give police the opportunity to mix with a large number of people; indeed, they are probably one of the biggest drawcards in country communities. They give police the opportunity to mix with people on their own turf, to listen to and learn about what is happening in the area and probably to gain intelligence by associating with people at shows.

Recently the honourable member for Lachlan called on the Carr Government to immediately waive the \$15,000 fee for having police attend the Dubbo show. That is when this issue first raised its ugly head. A fee of \$15,000 is an enormous impost on the show society in Dubbo, which is the capital of western New South Wales. The annual Dubbo show is very successful, but the show society is now being asked to pay \$15,000 towards the cost of having police in attendance. The Dubbo show society, which has about 1,000 volunteers who organise and work at the show, is also concerned that the fee may double in years to come.

On the eve of the Hawkesbury show—it is good to see the honourable member for Hawkesbury in the House—the Hawkesbury show society is in a similar situation, with a bill of \$13,000 from the State Government. Show societies throughout the State simply cannot afford such figures. The balance sheets for show societies may show a credit, but I can assure honourable members—and I have had a long involvement with show societies—that a credit amount in the accounts has been put aside for a rainy day. It is virtually a year's costings put aside as insurance; if a show is a failure or a washout at least the society has enough money in the kitty to cover it.

But bills of \$15,000 for Dubbo and \$13,000 for Hawkesbury are simply unacceptable. Show societies cannot afford them. I call on the Minister for Police to come into the House this afternoon and waive the Government's greedy charge on show societies. The honourable member for Hawkesbury represents the Hawkesbury show society. I have been involved with many show societies, and all members of this House probably represent at least one show society. They are run by volunteers, and shows are held on government-owned land. The government charges now being imposed on show societies will send them to the wall. On ABC radio on 10 March it was reported that Ken Moroney said that the New South Wales Minister for Police had asked him to reconsider plans to charge for the police patrols. Mr Moroney said:

We're reviewing the proposed user pays charges, that's an issue that's rested with each of the region commanders, but I will review a number of submissions that have been made to us.

That is not good enough. As a representative of show societies I ask the police to waive these fees and forget about them. Another issue is the national livestock identification scheme [NLIS], which is creating major headaches for many country show societies throughout New South Wales. The ASC is genuinely concerned that local show societies are hurting from exorbitant costs associated with preparing for the NLIS. Again, this is

being forced on them by the Government. Many local shows are considering cancelling their traditional annual rodeos and campdrafts because they do not have the equipment. The show societies are not saying they will not hold rodeos and camp drafts; they are simply asking for a three-year moratorium to enable them to phase in the NLIS over three years. They realise that there are costs associated with introducing the scheme.

On behalf of the ASC and show societies throughout New South Wales I ask the Government to give them three years to get their house in order in terms of implementing the NLIS for livestock on showgrounds. They will not have everything in place by 1 July this year. At this stage many saleyards do not yet have everything in order, and that is a major problem. Another issue facing country shows—Opposition members are concerned about this—are occupational health and safety requirements, which are creating more paperwork for the volunteers. Rising insurance costs is an age-old problem. Again, we need to support country shows. Public liability insurance is a major killer of country shows. All these costs add up to a death knell for country shows in New South Wales. We need to solve the problem because, as I said, country shows provide a focal point for and showcase country areas. Another issue of concern to me—Opposition members have discussed this on several occasions—is the maintenance of buildings on showgrounds.

We seem to forget that the land is owned by the Government and held in trust by local trustees. However, the show societies are responsible for insurance and upkeep of the showgrounds, and they are struggling. There is a similar problem with community halls that we need to recognise by providing show societies with sufficient funds to maintain the showground buildings. We also need to recognise the enormous contribution that rural and regional shows, which are managed principally by volunteers on a not-for-profit basis, make not only to our local areas but to the State, the RAS and the fabric of country communities. I appreciate the opportunity to highlight what country shows do for New South Wales. I call on the Government to drop the charges being forced on country shows in New South Wales.

**Mr STEVE WHAN** (Monaro) [5.07 p.m.]: I thank the Opposition for giving us the opportunity to talk about the important role that country shows play in rural New South Wales. Like members opposite and Country Labor members, I have had the privilege this year to attend many country shows in the electorate I represent. Country shows continue to make an important contribution to local communities. As an institution they have changed over the years as their local communities have changed. They have gone through ups and downs in terms of numbers, and no doubt in terms of the people who exhibit, depending on the current season and the economy in country towns. Country shows make an important contribution to our region, and Country Labor is proud to support them.

I have had the pleasure of attending numerous country shows in the area I represent. I try to attend as many shows as possible. My tent is a visible presence at the shows, with "Steve Whan" and "Country Labor" emblazoned on it. The presence of Country Labor at these shows is strong. It provides people with an opportunity to talk to me about issues in our rural communities. I shall detail some of the issues raised with me at the shows shortly. Last year the first show to be held in my area was the Queanbeyan show. As the honourable member for Lismore said, we owe a great debt of gratitude to the volunteers who run these shows every year and to the show societies that produce these marvellous attractions.

I started with the Queanbeyan show late last year. There were then shows at Bungendore, Braidwood, Cooma, Delegate, Dalgety, Bemboka, Bombala and Nimmitabel. They were all very healthy shows that produced terrific rollouts for the communities involved. Some shows have a long history. For example, the Nimmitabel show is more than 100 years old, as are many of the others in the area. Queanbeyan show is a two-day show. The Queanbeyan show has a number of challenges, as Queanbeyan is a city and is close to Canberra. It is difficult for the Queanbeyan show society to continue to make that link with the rural heritage that drives agricultural shows. It still managed to get a lot of exhibitors to turn out and they gave good demonstrations of plenty of produce from the area.

Bungendore show has been noted as the most successful one-day show in New South Wales, with quite good reason. It is thriving. Being reasonably close to Canberra, it attracts a lot of visitors from the Canberra region and it gets a huge rollout of people visiting the exhibitions and sideshows. Importantly, it also gets a massive rollout for the horse events and others. It has a really good dog show run by the dedicated dog community in our region. The Braidwood show also continues to thrive. The main part of that show is on a single day, with a fair part of the judging occurring the day before. The Braidwood show society puts a lot of work into the grounds. This year the show was particularly good as the grounds had a little bit of water and they were not as dusty as in previous years. However, in the latter part of the day the weather became very blustery. Again, there was a good rollout of exhibitors.

The Cooma show is one of the largest shows in the region. For me, it was a successful show. A lot of people raised local issues with me. Importantly, there was a huge number of exhibitors. The art and photography exhibits did particularly well, and they were a credit to the people involved in putting them together. One of the smaller shows, the Delegate show, was the only one I did not manage to get to this year—it clashes with one of the other shows in my region—but I understand it went well. The Delegate show is struggling, as are many others, with an issue that the honourable member opposite raised earlier: how to maintain and upgrade the buildings on those showgrounds. Dalgety is another show society that has been grappling with those issues. The Dalgety show is fantastic. It is held by the banks of the Snowy River. It is a beautiful location. Buckley's Crossing Hotel is nearby. The society makes use of the community hall where, this year, there was a display of tapestries and needlework. I took my 11-year-old daughter to that show and, when the attendants finally got her to stop touching the tapestries, she really enjoyed it.

Dalgety faces one of the issues the honourable member mentioned: how these small societies and trusts manage and upgrade their facilities. The Dalgety society has just engaged in a major extension of its exhibition hall. It has done that in part with a Federal grant—for which I thank the Federal Government—and in part with a loan from the Minister for Lands and this Government. That part grant, part loan has allowed the society to undertake work to ensure that that show will continue. Bomboka show is another show that benefited from a little bit of rain. It was greener this year and there was a terrific turn out for the horse and cattle events. Since that show I have written to the Minister asking whether he can assist with some funding to replace some woodwork in one of halls that has white ants in it. Bombala show has terrific sheepdog trials, as do a number of shows in my area. They are fascinating things. Anyone who has watched *Babe* might have seen a slightly romanticised version but in real life they are terrific events to watch. Bruce Bashford is a stalwart of those trials in my region. He makes sure they run well, both in commentating or judging. He makes a great contribution to the area.

My little tent was at the Bombala show. A number of people came up to raise issues about their land and policies they wanted explained. They also gave me feedback on a number of issues of importance to the region. The Nimmitabel show has a great hall, a facility that is terrific for the hosting of that show. I am pleased to say it was built largely with a grant from the former Keating Government when Jim Snow was Federal member for that region. Members opposite raised the issue of user pays. That has been a challenge. NSW Police charge for providing policing services at some sporting and entertainment events. The police do not make a profit; they just try to recover their costs. The user pays policy allows the police to make best use of rostered police to fight crime. Off-duty police can volunteer for user-pays events, and that way the promoters, organisers and people attending the events contribute to the cost of policing them.

**Pursuant to sessional orders business interrupted.**

## **PRIVATE MEMBERS' STATEMENTS**

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### **EPPING PARKING METERS**

**Mr ANDREW TINK** (Epping) [5.15 p.m.]: Last night a packed meeting of the Epping Civic Trust expressed virtually unanimous concern about the installation of parking meters in Epping by Parramatta City Council. Well over 200 people were present and virtually all expressed complete opposition to the proposal. My view on the matter is that the operation of parking meters in the business district, especially at this time when there is extraordinary congestion due to development of a number of major building sites, is not workable. In the longer term it amounts to a tax on people who wish to park and who already park there free of charge. With shopping centres in Carlingford, the Macquarie Centre, Hornsby and soon West Ryde, people will not pay money to shop at Epping. The meters will be a disincentive to shopping in the area. People feel strongly that they are not getting anything for the money and that there is not enough parking as it is. The parking meters would be unsightly.

I discussed this at length with one of the Parramatta council people working on the issue, Wayne O'Connor. I asked him: What is the purpose of the meters? Is the council trying to raise money? He said the problem was trying to enforce the law. He said that when parking inspectors from the council mark tyres with a crayon or a piece of chalk people take the marks off—they have been known to use tyre black to take them off—and leave their cars where they are. He conceded that other technology is available. The inspectors have to put marks on the tyres as benchmarks so they can say a car has been parked there too long and the owner has committed an offence.

Apparently, microdots can be used. They cannot be seen by the naked eye but can be read by an infrared handheld meter, which serves the same purpose. The council has admitted to me that there is alternative technology, which I suspect is probably cheaper than installing a group of static meters, that achieves the same policy outcome: to allow parking rules to be enforced. I strongly support the enforcement of parking rules. I have no problem with council officers robustly enforcing the law, because there has to be that turnover. That is in the interests of local people and local businesses. It is a question of whether a toll or tariff has to be a part of that enforcement package. I do not think it does.

At the meeting last night a number of issues were raised. Businesses will suffer. Meters should not be installed before an integrated transport plan for feeder buses to the new rail link is formulated. Residents were not informed when the meters were first considered by the council. If the meters are installed people may leave Epping for other shopping centres—a point that I am extremely concerned about. Hornsby council is also against the installation of parking meters. Some Hornsby councillors as well as Parramatta councillors were present at the meeting last night. Hornsby council takes in half the Epping business district. Greater consultation is needed. Commuters will be forced back in a westerly direction into the now quiet residential streets out of the Parramatta part of the Epping business district.

The State Government should be providing extra parking facilities in conjunction with the completion of the Epping to Chatswood rail link. I very strongly support that point. There is no commuter car parking for the Epping station area even though when the line was to go through to Parramatta there was a proposal for an 800-space car park for Carlingford station, and a lot of that traffic will come to Epping. That is a huge concern of mine. It is interesting that Parramatta council staff could not tell the meeting what the cost of installing the meters would be. They were also not specific about the hours or charges that would apply to the meters. The meters will hinder the several churches in the area and the additional services they provide during weekdays, English classes in particular. The meeting expressed the wishes of Epping people very clearly. My views have been on the record for some time. I ask Parramatta council to reconsider and to use other ways to enforce the parking laws in the area. [*Time expired.*]

#### **MR SHANE HODGINS SMOKING FINE**

**Mr PAUL GIBSON** (Blacktown) [5.20 p.m.]: This evening I speak on behalf of two constituents. A lady by the name of Mrs Rhonda Hodgins gave permission for her name and that of her son, Shane, to be used because she feels very strongly about the points I have to make. Her teenage son was fined \$400 on 12 November 2003 for smoking in an area at Blacktown railway station that had a roof on it. He was walking down the stairs and lit up a cigarette while two police were walking up the stairs, and he was booked. The stairway has a roof but it is open on both sides. Shane has a few problems that most of us do not: he is autistic and suffers from Asperger's disorder. In their adolescent years people suffering from the disorder find that social demands become more complex. They find it hard to comprehend what is expected of them socially. In adult years they have severe difficulties in social and occupational functioning. The condition may be associated with learning difficulties and may lead to depression and anxiety. There is a difference between wilful disobedience and misunderstanding what is expected socially.

After Shane and his mum came to see me I made representation on their behalf to the then Treasurer, Michael Egan, on 10 December 2003. I explained the situation of this young fellow. He is well spoken and he means well. The Treasury finally replied to my representations on 25 August 2004—eight months later—telling me that inquiries had been made and, unfortunately, the fine had to stand. Shane was 17 at the time of my representations but as he was 18 by the time of the reply, which stated that he could take the matter to court and be treated as an adult. It also stated that there were enough signs at Blacktown railway station to tell people that they should not smoke. Before making the representations on 10 December 2003 I noted at Blacktown railway station, which I visit two or three times a day, that there was only one very small sign. Since my representations many signs have been put up. That great department, the Office of State Revenue, has only two thirds of a billion dollars owing to it. I do not think this is the way to collect the outstanding fines.

After getting that reply of 25 August 2004, in disgust, I wrote to the Treasurer on 30 August appealing against the decision. I received a response from the Treasurer's office telling me that they would have another look at the matter. It is now 6 April 2005 and I still have not had a reply. Last month we spoke to the Office of State Revenue, which hinted that we would probably get a reply fairly soon but it would be in the negative. I put it to everybody in this House, whether we are in government or not, there are ways to treat people. Some people do have problems. This young fellow has many problems. Since this incident he has been booked for exceeding the speed limit. I do not know how this young fellow gained his licence—that is probably another story for



another day—but this young autistic boy has been find \$400 and he does not have 400 cents. It is now almost two years and the matter has not been brought to a conclusion. I ask the Office of State Revenue and the Treasurer to have another look at this case, to act with a bit of humanity and let this kid off, forget the fine and do some good. It is absolutely outrageous that this disservice has been done to him and his family.

### GOULBURN WAR MEMORIAL CHANGI EXHIBITION

**Ms KATRINA HODGKINSON** (Burrinjuck) [5.25 p.m.]: On Monday 4 April I had the honour of attending the unveiling of the Changi Exhibition and the dedication of plaques at the Goulburn War Memorial on Rocky Hill by the Minister for Foreign Affairs, the Hon. Alexander Downer, MP. The Goulburn Mulwaree Council and a dedicated band of volunteers who form the Friends of the War Memorial Group maintain the memorial. They presented me with the specific Rocky Hill War Memorial jacket pin, which I am today wearing on my lapel. That these civic-minded volunteers give of their time to maintain the memorial and the exhibits is not only of great importance to maintaining one of the significant tourist attractions in Goulburn, but perhaps more importantly it keeps alive the memory of those citizens of Goulburn who answered their country's call in its time of need. I particularly mention to the House the contribution of Rod McLean, Ann and Kevin Sasse, Ray and Edna Waters, Chris Watson, Leslie and Roy Cumberland, Ken and Carol Olsen, Judy and Philip Fowler and Annette Murphy.

Residents of the Goulburn district and those who have passed through Goulburn of an evening cannot have failed to note the memorial on Rocky Hill. It is an imposing square tower made of stone conglomerate and concrete that stands 20 metres above the crest of Rocky Hill. The tower gives impressive views over the city of Goulburn and one's attention to its presence is further drawn by the bright searchlight that constantly sweeps the horizon during the night. The tower and an avenue of trees along lower Memorial Road together comprise the Goulburn War Memorial. The memorial was built by public subscription and officially opened in 1925 as a lasting tribute to the gallant men and women of Goulburn who served in World War I. Inside the tower is a tablet inscribed with the names of those who enlisted from the district. A collection of artefacts allocated to the city of Goulburn after World War I is housed in an adjacent cottage.

The collection consists of personal items used by soldiers, memorabilia and medals. The local history room displays Goulburn's long and proud contribution to the defence of this nation. Each object is a unique reminder of the sacrifices and stories of servicemen and women and the hardships that they have suffered in our defence. On 18 November 2004 the *Navy News* carried a story headed "Return from Changi", which detailed the return of HMAS *Success* from Singapore with a most important, historic cargo on board—artefacts from Changi prison. It was these artefacts that were unveiled at the Goulburn War Memorial Museum last Monday. They include a cell door with its lock, a one metre by one metre section of concrete boundary wall and a metal grille once fitted above a cell door. Small items include two anti-climb hooks and two cell door brass number plates. The cell door, blue in colour, is an incredibly eye-opening exhibit. Behind the door is the tiny space of the cell into which were forced five prisoners, housed in appalling conditions.

Photographs and personal memorabilia support the exhibition items brought back by HMAS *Success*. Changi was the main prisoner-of-war camp in Singapore but, as the Minister said in his contribution, too often nowadays we think of Changi as simply an airport in Singapore. Some 14,972 Australians captured at the fall of Singapore were imprisoned in Changi. Many prisoner work forces were assembled in Changi before being sent to the Burma-Thailand railway and other work camps. It was also used as a staging camp for those captured elsewhere. Prisoners were used on heavy labouring works in and around Singapore. Tasks included road-building, freight-moving, mine removal and work in chemical factories. These troops suffered from diseases such as beriberi, malaria and dysentery brought about by malnutrition, poor sanitation, lack of medical facilities and overcrowding. The exhibition is a very moving experience and I would encourage local members to visit Goulburn to view the exhibition.

Goulburn does indeed have a long and proud association with the Australian Defence Force. Currently it is host to a unit of the 1st/15th Royal New South Wales Lancers. In 1900 Goulburn was the headquarters for B Squadron of the 1st Australian Horse Regiment, which, following Federation, was expanded into the 3rd Light Horse Regiment. Also closely associated with Goulburn for many years were the 7th Light Horse and the 7th/21st Light Horse. In fact, my electorate officer likes to tell me the story of how his father, Mr White, unable to enlist in the AIF during World War II, caught the train from Sydney to Goulburn to sign up with the 7th Light Horse. However, it was revealed that he could not ride and he ended up becoming a motorcycle despatch rider. The ensign of HMAS *Goulburn*, a Second World War corvette, is laid up in St Saviour's Anglican Cathedral in Goulburn, commemorating the close links with Goulburn and the Royal Australian Navy. Many Goulburn

residents also served in the Royal Australian Air Force, and an air force inland fuel depot was located in the vicinity of Goulburn during World War II.

My great uncle, Ken Rogers from Goulburn, was shot down and killed whilst flying over France during World War II. I also pay tribute to the many residents of Goulburn who served their country as national servicemen. I am Patron of the Goulburn and District Sub Branch of the National Servicemen's Association of Australia. I salute its valuable contribution to the defence of this proud nation. The Changi exhibition at the Goulburn War Memorial is a unique insight into a page of our history and also, like the Rocky Hill Tower, illuminates the very significant contribution of Goulburn to our nation's defence. [*Time expired.*]

### ***I CARRIED THE TEAPOT. MY SISTER CARRIED THE CAT BOOK LAUNCH***

**Mr GERARD MARTIN** (Bathurst) [5.30 p.m.]: Tonight I want to speak about a wonderful book launch at the Union Theatre in Lithgow last Saturday. The book, *I carried the Teapot. My sister carried the Cat*, is a collection of women's stories, poems and artwork. It is a magnificent, colourful publication, but the real story of how the book came into being is just as impressive. The book emanated from the Women's Crisis Centre in Lithgow. I would like to read onto the record the foreword to the book, written by Louise Dean, who took on the job of project co-ordinator on behalf of Lithgow Community Projects Incorporated. The entire project was undertaken by women of Lithgow and the surrounding area, amateur in status, I suppose, but honourable members will be able to judge for themselves that it is a wonderful production. I acknowledge the presence in the Chamber of the Minister for Women and I invite her to see for herself what a magnificent production it is. In her foreword to the book, Louise stated:

The idea for this book came about from a visit by two of our staff to 'Rosie's Place' in Rooty Hill, NSW and from discussions with women who attended our support groups. We thank them for their inspiration.

We applied for, and were lucky enough to get, some funding from the NSW Premier's Department Office for Women, through the Women's Grant Program. The guidelines for our publication were that we 'Give a voice to rural women', while at the same time providing a source of information and referral. Hopefully we have managed to fulfil this requirement with the production of this unique and beautiful book.

We didn't name the book at the beginning of the project as we were always confident the title would come from one of the contributions, and that is exactly what happened.

It was decided we would invite women to contribute to the book in any way that they wanted, on any aspect of being a woman, without any direction or prescriptive guidance from us. Women were encouraged to contribute stories, art, poetry, music, songs, craft works, photographs, anything that would express how they felt about their lives and the different aspects of it; sadness, violence, dreams, love, children, anything at all.

We advertised widely; radio interviews, newspaper articles, word of mouth, sent out hundreds of flyers to services, schools, organisations, government departments etc ... At first the response was very slow, and a bit discouraging, but eventually stories, poetry and artwork started arriving regularly.

I have spoken to likes of women about contributing something to this project, and I was often told, "I haven't done anything interesting" or "My life is just normal, the same as everyone else's, no one would be interested in my boring story." Even as stories, poems or art works were being given to us some were accompanied with, "If this isn't good enough don't worry, just leave it out."

Well, nothing could have been further from the truth; far from being "boring" or "not good enough" every one of the stories is amazing. All of the poetry and art works are fantastic.

These are the stories of 'ordinary women', ordinary women who contribute so much to our society, often with little or no recognition. Here are expressions of strength, courage, love, sadness, heartache, triumph and joy. The talent of every one of these women is incredible.

We are honoured that everyone who contributed to this book had enough faith in us that they were prepared to share their heartfelt and innermost thoughts, and trusted us to treat their work with the regard and respect it so rightly deserves. Without this trust there would be no book. *Thank you for your bravery.*

Louise Dean is a Lithgow woman with a wonderful record of community service. As I said, the book was put together on a voluntary basis, under Louise's direction, and many people contributed to this professional publication: Lynne Curran did the hard work, the typing and editing; Gordon Mudway, a local artist—there was some male contribution to this book—provided artistic guidance and allowed the group to invade his home and garden for a photo shoot; Kay Ross, a well-known health worker in the Lithgow area, was responsible for the thorough editing and great cartoons; Catherine Rookyard volunteered her publishing skills and professionalism; Julie Williams was responsible for the extraordinary photography work; Kim Lewis was costume provider and "kid wrangler" when they needed kids for photo shoots; and Marty and Ben Rookyard were responsible for photo shoot continuity.

I think the great story about this book is that it came from the community; it came out of the women's Crisis Centre in Lithgow. We know what wonderful, unsung work they do in our community. We wish it did not have to be done, but it does. The genesis of this book came from that and it is a tapestry of the wonderful talents of these people—"ordinary women", in their words, who proved to be quite extraordinary in the way they told their stories. I am delighted to have been present at the launch of this wonderful project.

**Ms SANDRA NORI** (Port Jackson—Minister for Tourism and Sport and Recreation, and Minister for Women) [5.35 p.m.]: I congratulate the honourable member for Bathurst on his interest in this project and support for it. I thank him for drawing my attention to the fact that he was present at the launch. The words he used were warm and sincere, and everything he said was correct. The project was made possible by the provision of funding of \$32,600 under the Women's Grants Program 2003-04. One thousand copies of the book have been printed and copies have been given to the women who contributed their stories, anecdotes, poems and artwork. I congratulate all those involved in the project. It will prove to be a great historical document. I would like to read something onto the record, because I think it in many ways summarises the contributions. I was particularly touched with one contribution, entitled, "I carried the Teapot". It was written by Doreen Hatton and was dedicated to her mum, Rose, who is no longer with us. Doreen said, "I am so proud of what she did for us and all that she accomplished in her life." She wrote:

I had two sisters and four brothers. I am the fourth oldest in the family. My father was very violent towards my mother. One day Mum left my father and we moved over to an old shed. It was worse than the house, but I suppose it kept the rain out

Their house had earthen floors so one can only imagine what the shed was like. She continued:

We stayed for a few days in it and one night when it got dark we left the shed and went to our grandfather's house. We took our possessions and all that we had fitted in a billycart. A billycart is a box with four wheels and a rope to pull it with. I carried the teapot and my sister carried the cat.

Doreen continued:

The house didn't have a bath so when it was cold or raining we washed ourselves in a dish.

She said that her mother had bad arthritis and that doing the washing was difficult for her. She wrote about how they returned to Sydney, her mother got a job and managed to get on her feet for the first time in her life. Doreen Hatton came to Lithgow when she was 17, met her husband when she was 19 and married when she was 20. She and her husband have three children and are still living in the house where they held their wedding reception 45 years ago. Doreen Hatton, I would like to meet you!

### **WAGGA WAGGA ELECTORATE BREAST SCREENING SERVICES**

**Mr DARYL MAGUIRE** (Wagga Wagga) [5.37 p.m.]: On 19 September 2002 I raised in this House breast screening services in the Wagga Wagga electorate. At that time concerns were expressed about medical indemnity cover for doctors performing procedures for public patients at Calvary Hospital, which provides breast screening services. Concerns were also expressed that the funds paid to Calvary Hospital, a non-government organisation, by the Greater Murray Area Health Service, as it was then known, were insufficient to cover the increased cost of indemnity borne by the service provider. Those problems were resolved after dialogue between the Greater Murray Area Health Service and Calvary Hospital.

Today I draw to the attention of the House a development related to breast screening services for the Riverina region. I am advised that the location for breast screening is to change. Over recent years breast screening services have operated at the Calvary Hospital site, offering an excellent standard of care with a highly dedicated team approach involving a multidisciplinary team of breast surgeons, radiologists, radiographers, pathologists, nurses and administrators achieving results for the women in our region. We are concerned that, as a result of commercial negotiations between Calvary Hospital and the Southern Area Health Service, the breast screening services will be relocated away from Calvary. Physicians who have written to the *Daily Advertiser*, our local newspaper, believe that would be a bad move. The physicians said that a resolution to the future provision of breast screening services in our region is needed.

The physicians are concerned that the reading of mammography X-rays could be sent out of the region, and that potentially surgery will occur elsewhere as a result. They fear that the infrastructure that is now in place to deal with women suffering from breast cancer will be fragmented as a result of the relocation of the breast screening facility off site. Concern has also been expressed that the new site could be a house or building owned by the Greater Murray Area Health Service, rather than the hospital or other sites being explored with Calvary

Hospital in an effort to maintain the service at the hospital. I understand the reason for this concern is that Calvary Hospital and the Greater Murray Area Health Service engaged in dialogue about the future site for the service.

We all know that Wagga Wagga Base Hospital is to be demolished and perhaps rebuilt or, alternatively, a new greenfields site will be chosen. Indeed, the planning process is currently under way, and \$400,000 has been allocated for the project. It will take two years for the plan to come to fruition and a further two years for a new hospital to be built at a cost of about \$100 million. I understand, however, that the contract details allowed for a contract of only 12 months duration and Calvary Hospital wanted a five-year contract. Joe McGirr, the Director of the Southern Area Health Service, has given a commitment that enhanced breast screening services and treatment will be provided at Wagga Wagga. I appeal to the Minister to ensure that Mr McGirr is provided with the tools to do the job, that dialogue is entered into with the physicians who are responsible for delivering breast screening and care to the women of our region, and that an acceptable outcome is arrived at.

I understand that the site that was used for breast screening previously is no longer available for lease because of other commercial constraints on Calvary Hospital. A solution must be arrived at to ensure the retention of this service. Our region has worked hard to improve cancer services. We have a world-class radiotherapy centre for which funds were raised and the construction carried out in conjunction with a private organisation. We have strived to retain these health services, sometimes against all odds, but we cannot afford to lose the breast screening service. I am aware that funding for breast screening has been reduced and that the mammography service is available only for patients in a certain age group. That could give people the false impression that they no longer need breast screening. I encourage the Minister to resolve this issue for the benefit of the people of the Riverina region.

#### **MR JOHN NAJJAR MOTOR VEHICLE INSURANCE CLAIM**

**Ms MARIANNE SALIBA** (Illawarra) [5.42 p.m.]: On behalf of my constituent John Najjar I bring to the attention of the House a matter that has been extremely frustrating for him, my office staff and me. In February 2004 the car of Mr Najjar's son was rammed from behind by another vehicle. The accident was reported to police and a witness statement was obtained. The damage to the car was estimated at \$3,000. Mr Najjar managed to obtain the other driver's details and he provided them to police. For a period of time Mr Najjar felt that the police were not keeping him informed, which is unfortunate. Indeed, he felt that the matter was not a priority for police. However, the matter went to court in June 2004, indicating that the police acted on it. The driver of the other vehicle was convicted of negligent driving and ordered to pay \$600 plus \$61 court costs. The driver was also ordered to pay \$300 for not giving his particulars to Mr Najjar. The driver of the other vehicle was insured with Shannons Insurance Ltd of Artarmon, but the company claimed it was unable to act because the client had not lodged a claim. The company was also not prepared to chase the client for the purpose of getting him to sign a claim form.

In August 2004 Mr Najjar wrote to the insurance company, enclosing a letter from the police. However, the company still declined to locate the driver of the other vehicle. Mr Najjar paid out a lot of money to various agencies to locate the other driver, a job he felt the police should have done. On Mr Najjar's behalf I wrote to the Office of Fair Trading, which advised that it was unable to assist with insurance claims. I also contacted the Insurance Council of Australia seeking advice as to whether an insurance company was compelled to act on a claim. The Insurance Council advised that Mr Najjar should lodge a small claim at the Local Court. This was done, at a cost to Mr Najjar of \$111.

Subsequently I made representations to the Special Minister of State, who was unable to provide advice because no party was injured in the accident. In November 2004 I received further advice from the Office of Fair Trading that the case was a civil matter between two parties. In February 2005, after Mr Najjar had waited more than two months for information from the Sheriff's office, he was told that no-one lived at the address supplied on the small claim. In other words, the person had packed up and moved during the period between Mr Najjar lodging the small claim and the Sheriff attending to serve the claim on the other driver.

It is now 14 months since I first raised the matter but there has been no resolution of it. Mr Najjar has not received any money for the repairs to his vehicle. In March 2005 I wrote to the Attorney General's office seeking advice on the matter and was told that under freedom of information legislation Mr Najjar could apply in writing to the Attorney General's office for the offender's details. This has been an extremely frustrating experience for my constituent. It appears that there are loopholes in the system that allow people who commit

such offences to walk away scot-free. Mr Najjar had insurance but he has not lodged a claim. He has reached the end of his tether. I hope that through freedom of information legislation Mr Najjar will be able to get the offender's details, lodge a further small claim with the Sheriff's office, and perhaps find some way of recouping his money. Indeed, I hope he gets the money together with interest.

### **SOUTH COAST VOLUNTEER RESCUE ORGANISATIONS**

**Mr ANDREW CONSTANCE** (Bega) [5.47 p.m.]: This evening I pay tribute to volunteer rescue organisations on the far South Coast. They do a wonderful job in protecting life and property against the treachery of the ocean. We enjoy significant social, tourist and economic benefits from the sea, but at all times we must remember that we should respect it. Unfortunately, over the past two weeks a number of instances have been reported in which the sea has turned on boat users. I ask the House to pay tribute to a number of volunteers who have been involved in the rescue of property and the saving of lives in the ocean off the far South Coast.

In particular I acknowledge Graeme Brown from the Royal Volunteer Coastal Patrol at Narooma, who was a shift radio operator involved in a number of accidents that occurred on 1 April. I also acknowledge the Volunteer Rescue Association [VRA], particularly the captain of the Narooma Volunteer Rescue Association, Brent Lockton. Steve Urquhardt and Max Young, who are also from the VRA, utilised a rescue duck and saved both life and property off the Narooma Bar on 1 April. I also pay tribute to Lionel Day and David Longmore of Merimbula and Mr Alan McKenzie and his partner, Belinda, and daughter Bernadette. In the past two weeks all of these people have taken part in rescues in difficult sea conditions involving people and overturned boats off the far South Coast. There is no doubt that the Royal Volunteer Coastal Patrol, the Volunteer Rescue Association and Eden water police do a wonderful job. They are at the forefront of sea rescues.

As a patron of the Royal Volunteer Coastal Patrol I see firsthand the work that is undertaken by the hundreds of volunteers, be they radio operators, those who go out on rescue boats or those who are involved in the many Royal Volunteer Coastal Patrols up and down the coast. There is no doubt that all governments, particularly the State Government, have an important role to play in supporting these organisations. The cost of volunteerism is always raised with me. The cost of uniforms and undertaking training means that our volunteers have to dig into their own pockets. It is a great shame that more support is not provided by government to these people, who are out doing the right thing by the community. While the Eden water police are magnificent, we also rely on the coastal patrol and the VRA north of Eden, particularly in areas such as Narooma, Batemans Bay, Ulladulla and Kiama. The State Government does not provide enough assistance and support to volunteers. I encourage all public policy makers to look at that.

I want to refer particularly to three incidents, because it is important for the House to reflect on the fantastic work undertaken by volunteers. Two of those incidents involved the Narooma Bar. Fortunately, since the introduction of the lifejacket regulations there has not been a fatality on the Narooma Bar, but people from outside the region still come down to the far South Coast with their boats and cross the bar without lifejackets. That is suicidal. People who do so expose our volunteers to unnecessary risks. I encourage people to adhere to those regulations. The fact that one accident occurred at 6.00 a.m. and another one four hours later suggests that people need to be a lot more aware of the sea conditions. Another incident at Merimbula was brought about by what was described as a rogue wave. The sea brings great benefits to the far South Coast, but it must also bring with it considerations of safety.

### **CHULLORA MARKETPLACE**

**Mr TONY STEWART** (Bankstown—Parliamentary Secretary) [5.52 p.m.]: I want to put to bed some rumours that are being spread in my local electorate about the closure of a local shopping complex. That may seem to be a trivial matter, but it is important in my electorate. Almost daily I hear, by way of rumour, from people in my electorate office and those I bump into in the streets, particularly in the Greenacre and Chullora area, that Chullora Marketplace, a large shopping complex with 48 specialty shops, is to close down and be sold off. Today I have spoken at length with the centre manager at the Chullora Marketplace, Mr Jim Birtwistle, and he has firmly indicated to me that there are no such plans and that the shopping complex certainly has a long-term future. This afternoon Mr Birtwistle wrote to me. He says:

Rumours like this do nothing for the community but cause uneasiness amongst residents that a valuable facility is to be lost. The extent of these rumours have caused distress to both the retailers and their staff uncertain of their future, besides the likelihood of damage caused to their businesses.

I concur with what Mr Birtwistle has said, because many people feel uneasy about the future of this site, and that uneasiness has no proper basis. Mr Birtwistle goes on to say:

There are no plans to close the Centre. This Centre was completed and opened in December 1998 as a Woolworths concept "Marketplace" shopping centre. Chullora Marketplace comprises 48 specialty shops which complements a large Woolworths supermarket and a Big W Discount Department store ...

Both Woolworths and Big W enjoy the balance of very long leases, whereas the vast majority of the specialty shops hold five year leases.

Recently the owner has spent up to \$1 million upgrading the car parking facilities and a substantial fund exists to promote the Shopping Centre to its customers.

The rumours have no foundation, and the concerns are simply unfounded. Mr Birtwistle closes his letter by saying:

The prospect of closing down this large modern shopping complex is inconceivable and totally unreasonable. Possibly the rumours have been fuelled by the knowledge that Big W is to open a new store at Centro Bankstown.

Perhaps that is the reason. However, I have also been told that the school next door, Malek Fahd, a great school of which I am very proud, will buy the Chullora Marketplace site. That is simply not true. The school has told me that it has no plans along those lines and, as the House has heard today, the owner and the manager of Chullora Marketplace have said that there is no truth at all to the rumours about a pending closure of the centre. I am able to say clearly and succinctly to my constituents that they will have this substantial marketplace with 48 specialty shops, which services the local area of Chullora and Greenacre very well, for the long term. There are no plans to close the centre down and the major tenants of the site have long-term leases. Bankstown Council does a good job of looking after my local area and is the backbone of local service needs. The council has been told firmly that the Chullora Marketplace is not going to close. An article in one of the local papers also clearly states:

The management and owners of Chullora Marketplace have advised that the rumours in relation to the sale and closure of the centre are completely unfounded and untrue.

I cannot point out more strongly that there is no substance or basis to these rumours. Chullora Marketplace, which opened several years ago, is a great facility that has a long-term future.

### **COFFS HARBOUR BASE HOSPITAL PATIENT INFORMATION**

**Mr ANDREW FRASER** (Coffs Harbour) [5.57 p.m.]: Tonight I raise a serious matter on behalf of Mr Hank Duchateau and Mr Jeff Porter, who are members of the Coffs Harbour RSL sub-branch. Until recently they have been able to obtain information about returned service men, service women and their relatives who are currently patients in Coffs Harbour Base Hospital. For many years these two gentlemen and other members of the sub-branch have visited these people to bring them refreshment or flowers and offer them support while they are in hospital. Those acts of kindness have been greatly appreciated by those patients for many years. However, the hospital will no longer give members of the RSL or Legacy information about ex-service personnel or relatives of deceased ex-service personnel who are patients and whom the RSL and Legacy may be able to assist. The Mid North Coast Area Health Service claims that this information cannot be made available because of privacy concerns. Because of that petty decision, the patients are experiencing additional suffering.

I ask the Minister for Juvenile Justice to make representations to the Minister for Health on behalf of these two gentlemen and other members of the Coffs Harbour RSL sub-branch so that they and members of Legacy can be given the relevant information to enable them to assist ex-service personnel or relatives who are patients in the hospital. They have been providing this assistance for many years without breaching privacy guidelines or any confidence. They provide daily sustenance, particularly to elderly war widows. They chat with them and perhaps give them a bowl of fruit or a bunch of flowers.

The refusal to provide this information in these circumstances is taking privacy matters to the nth degree. Hank Duchateau is confined to a wheelchair and has a great empathy with the patients. Indeed, his visits are of great benefit to the patients. It is ridiculous that this petty nonsense should persist, particularly when privacy guidelines have never been breached. I ask the Minister for Health to investigate the matter and give consideration to allowing the Mid North Coast Area Health Service to provide a conduit so that information can be relayed to members of Legacy and the Coffs Harbour RSL sub-branch so that they can continue their good works, which have been carried out for many generations, and provide some solace to hospitalised ex-service personnel.

### MONARO ELECTORATE SCHOOL PRINCIPALS

**Mr STEVE WHAN** (Monaro) [6.02 p.m.]: Tonight I highlight the contribution of Daryl Evans, who retires this week after 10 years as Principal of Karabar High School. I shall touch on his excellent work during that time and the progress that the school has made. I was prompted to make a private member's statement after reading the papers on the weekend, which, unfortunately, ran another story bagging our public education system and suggesting that people were leaving it in droves. That is certainly not the case in the area that I represent. My electorate has terrific, high-quality public schools, which provide a great education for our young people. Karabar High School is one of those. I want to bring to the attention of the House some information that Mr Evans provided in his final report to parents. I should state upfront that my son started at the school this year so I have an interest in it. Mr Evans stated:

In 1995 there were just over 600 campus students and 180 distance students with over 90 staff, but many parents send their children to out of zone schools.

In my area that means schools in Canberra. He continued:

This year we have 750+ campus students and 260 distance students with 130 staff and in Year 7 over 60 out of zone enrolments have obtained places here.

That is a great testament to the work that Daryl Evans has done over 10 years. People are now voting with their feet by enrolling their children in Karabar High School in Queanbeyan rather than sending them across the border to Canberra. One key initiative of Daryl's was selective extension classes, which have helped to attract to the local high school students from Canberra schools. Daryl further stated:

Karabar can look forward to 8 additional head teachers to enhance learning outcomes for all students; specially trained teachers for the selective classes; and continued growth to premier status in the region.

Daryl's years at the school have been an outstanding example of the way that a committed and passionate principal can make a difference to a public school and community. A farewell dinner is being held in his honour tonight but, unfortunately, I will not be able to attend. Many people regret the fact that he has chosen to retire, although they wish him well for the future. Daryl spoke about the future of the school, its growth and improved facilities. He said:

Over the last decade much progress has been made in providing better facilities such as an independent learning centre; a shelter attached to the hall; perimeter fencing; 3 demountables for distance education; lockers for students; and a hall upgrade with data projector and large screen.

In a short while we should have a new Principal's office and reorganized administration area; a usable senior students' common room; a new computer Lab in the library; and additional resources from infrastructure upgrades.

Daryl is leaving the school with a great future, in large part due to his efforts. I take this opportunity to congratulate him on his many years of commitment to public education and to thank him for the work he has done for the community. I wish Daryl and his wife, Judy, all the very best for their future.

Paul Forde, Principal of St Gregory's Catholic School, Queanbeyan, is returning home to take up the role of a school principal in Adelaide. I also acknowledge his contribution to the community. St Gregory's Catholic School is thriving and has a growing enrolment. Extensions to the school buildings are almost complete and the school is attracting students who would otherwise go to schools in Canberra. I wish Paul all the best in his new role in Adelaide. My comments highlight the fact that public education in my region is doing well and is offering local students a terrific opportunity for learning. I know that this trend will continue because it is supported by the enthusiasm and hard work of parents and staff.

### STANDING COMMITTEE ON PUBLIC WORKS INQUIRY INTO INFRASTRUCTURE PROVISION IN COASTAL GROWTH AREAS

**Mr ROBERT OAKESHOTT** (Port Macquarie) [6.07 p.m.]: I support and endorse the inquiry into infrastructure provision in coastal growth areas that is being undertaken by the Standing Committee on Public Works. I do so in an effort to encourage people in the Port Macquarie electorate and surrounding communities along the North Coast to make themselves aware of this important inquiry and become involved in it. I urge Ministers in this place to encourage government agencies on the North Coast to provide frank, honest and open submissions to the inquiry. I note that one committee member, the Independent member for Tamworth, is in the Chamber. I know he is keen to get stuck into the inquiry. The Standing Committee on Public Works is inquiring into and reporting on issues relating to the provision of infrastructure to coastal growth areas in New South Wales.

The inquiry will examine key coastal population growth and urban consolidation trends in New South Wales; the short-term and long-term needs of coastal communities for basic infrastructure and human services infrastructure; the co-ordination of Commonwealth, State and local government strategies to deliver sustainable coastal growth and supporting infrastructure; best practice methods to plan, manage and provide infrastructure to coastal growth areas; and the management of social, environmental and economic considerations associated with infrastructure provision in coastal growth areas. Those are key issues. In many ways, this is an inquiry into the longer-term challenges and battles faced by members of Parliament on the North Coast as we try to get the Government to recognise the population growth on the North Coast and to keep bureaucracy and governments at least up to speed with that population growth.

Unfortunately, the Government has failed so many times and in so many areas. I shall give three examples of how the Government is failing to deliver services to the North Coast. The first is the manipulation of funding formulas. For a long time now North Coast members have been calling for nothing more than equity of funding in all government departments. The Department of Health is a good example. The Independent Pricing and Regulatory Tribunal has recommended equity of funding for the North Coast, yet we continue to have an inequitable distribution of resources under the distribution formula. I understand that at the moment it is between 5 per cent and 9 per cent, which equates to about \$20 million that could be spent on a range of services for the North Coast. So per head of population our area is missing out on its fair share of the pie. I think that is common across many departments in terms of delivery of services.

The second is the manipulation of the various benchmarks used when considering new infrastructure provision. I have a good example in my electorate of Port Macquarie, where one high-growth area needs a new primary school. The Department of Education and Training uses a benchmark of 400 students for the provision of a new school. Currently about 300 students get on a bus from a particular area every day. Yet, in comparison, more than 75 per cent of primary schools throughout New South Wales have fewer than 200 students. Once again we are arguing the case for equity, but we have a Government that will not make the hard decision to close some schools—and I acknowledge that it is a hard decision—to provide equity in high-growth areas, such as the Port Macquarie electorate. So we suffer. In anyone's language, that is inequitable because the Government is not willing to make those decisions.

The third is the manipulation of agency responsibilities and the demarcation disputes between agencies. The current issues surround the reform of the Department of Ageing, Disability and Home Care, and the lack of resources to provide services is a good example. Respite services are not being provided to the extent that they should be; therefore, families are starting to consider abandonment, which then becomes an issue for the Department of Community Services. It is government by cure, not government by prevention. It is a good example of where the Government is not delivering. If some longer-term programs were put in place, we would all benefit. [*Time expired.*]

### TAMWORTH ELECTORATE ROADS AND BRIDGES

**Mr PETER DRAPER** (Tamworth) [6.12 p.m.]: Today I highlight the ongoing need for the New South Wales Government to support road priorities in the electorate of Tamworth. After the recent Cabinet reshuffle I invited all Ministers with new portfolio responsibilities to visit the electorate and see first-hand the issues and opportunities that exist. I was pleased to see both the Minister for Housing and the Minister for Community Services visit recently. When I campaigned prior to the March 2003 election, roads and associated issues emerged as a major area of concern. At that time trucks were regularly overturning on the roundabout at Gunnedah. The Government funded remedial works to realign the roundabout and the regularity of accidents has been reduced. The disgraceful state of Manilla Road was, and still is, of great concern to Tamworth residents. This road is a major entrance to the city of Tamworth from the west, and with Tamworth's growth pattern expanding rapidly to the west Manilla Road is coming under increased pressure from traffic.

This road has been a political football for many years and the local community wants the games to stop and the dangerous section to be rebuilt. The Government has provided \$500,000 in funding for realignment in the eastern section and for improved access and turning, but the bulk of the work remains. While small sections of Manilla Road are receiving attention, the community holds valid and serious safety concerns for motorists, cyclists, pedestrians and local residents. Recently I inspected one of the road's contentious sections with local resident Alex Loi. Mr Loi is very concerned for his safety when attempting to enter Manilla Road from his residence. Some 50 metres towards the Tamworth central business district from his house the road crests and drops down a hill. When Mr Loi was made aware of plans to upgrade the road he approached council requesting that the crest be removed and the road flattened to extend the line of vision when entering the roadway. He was informed that there were insufficient funds to take this sensible course of action.



I again extend an invitation to the Minister for Roads, Michael Costa, to visit Tamworth and experience Manilla Road in its current state. I am certain that it would be valuable in assisting the Minister's determination of funding priorities. I believe strongly in viewing situations first-hand before making decisions. Witnessing the previous Minister for Roads, while inspecting Topdale Road near Niangala, disappear into a cloud of choking dust raised by a passing timber jinker is a memory that will endure forever. I invited the Minister to visit Topdale Road to experience the conditions local residents live with on a daily basis. This road is the most direct link between Tamworth and the coast. It carries an increasing volume of tourist traffic, and would carry higher volumes if the 11-kilometre stretch of gravel were sealed. The road is used by local farmers, bus companies and timber trucks. Brian Smith Transport has commenced new log-carting operations in the Tomalla, Tuggolo and Nundle State forests, and this has seen increased daily traffic movements.

The Brazel families who live along the road have suffered greatly on account of the dust. Graeme Brazel made an impassioned speech to the Minister detailing how constant dust drifts were affecting his water supply, his home, the family's washing and most aspects of their day-to-day life. The Minister announced funding assistance to tar the road past the Brazels' houses, but much more is needed. I am sure that Minister Costa would gain a valuable insight into the importance of this road should he visit. A new sawmill at Quirindi will source much of its timber from the forests behind Nundle. That is of concern to Nundle residents because the timber bridge across the Peel River at the entrance to the town is rapidly nearing collapse. Heavy vehicles are detouring through a culvert and driving across the river. This bridge is in desperate need of replacement. Unfortunately, the previous roads Minister's offer to Nundle Shire Council to assist with its replacement was declined as the council simply did not have the funds to contribute.

Approaches have since been made to State Forests, the Roads and Traffic Authority, Tamworth Regional Council and Liverpool Plains Shire Council, with none of these authorities wishing to take responsibility. The unfortunate fact remains that Nundle village will again be isolated when the next flood occurs as the decrepit bridge will not withstand another onslaught of water. Nundle bridge is not the only bridge causing concern. Recently, Tamworth Regional Council imposed weight restrictions on most timber bridges across the district following the collapse of a bridge near Duri. Some 15 timber bridges traverse the former Parry shire watercourses. In the 1970s a Parry shire engineer devised a strategy to extend the life of timber bridges by installing a cement deck over the timber. He estimated that the measure would extend usage of the bridges by around 30 years, and it seems that his estimation was particularly accurate. There are other timber bridges in the electorate in need of desperate attention, and I urge the Minister to reinstate the Timber Bridge Program that assisted regional and rural councils to meet this major infrastructure challenge.

Mullaley and Boggabri will join the electorate at the 2007 election. I made representations to the previous Minister for Roads regarding the road linking the two towns, which bears a large number of heavy vehicles travelling to Newcastle and other destinations. The gravel road is in poor repair, with a local farmer showing me his mailbox that had been badly damaged by a rock thrown up by the wheels of a passing semitrailer. He expressed a serious and justifiable concern for the welfare of schoolchildren waiting on the road to catch the school bus. Given the damage to the steel mailbox, it seems likely that a person struck with similar force would sustain severe or fatal injuries. There are many roads issues in the electorate of Tamworth. I would welcome the opportunity to host the Minister should he visit the area. His portfolio is particularly important to my local area, and I am sure the local government representatives, including mayors Gae Swain, Ian Lobsey, James Treloar and Bill Heazlett, would all welcome the opportunity to discuss issues with the Minister.

**Private members' statements noted.**

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

**DEATH OF AUSTRALIAN DEFENCE FORCE PERSONNEL**

**Mr BOB CARR** (Maroubra—Premier, Minister for the Arts, and Minister for Citizenship) [7.30 p.m.]:  
I move:

That this House expresses its sympathy to the families, friends and colleagues of the nine Australian Defence Force personnel who lost their lives in a helicopter accident on Nias Island in Indonesia.

They flew again to a region they had only lately left, on another mission of mercy in a time of devastation. They knew well the kind of danger they would soon be in—aftershocks, unstable buildings, polluted waters, tropical disease. They had survived all that in the days after Christmas, abandoning family holidays to patch up, rescue and rebuild the lives of those who suddenly, overnight, had no families, dwellings or plausible futures after one

of the major devastations in world history. They were back on the humanitarian battlefield, doing their duty—Australians in the grand tradition of risking their all in a foreign field, angels in uniform, descending, smiling, helping. Then it happened—our military's greatest loss in years, with the swiftness of lightning, such youth, talent and promise cut down; such good intentions brought to nothing. They knew the risk. They embraced the task. They obeyed their orders. Like the young man speaking in Yeats's great poem *An Irish Airman Foresees His Death*, they might in their minds have wordlessly felt, as their Sea King descended:

I balanced all, brought all to mind:  
The years ahead seemed waste of breath,  
A waste of breath the years behind,  
In balance with this life, this death.

We salute them in this House for their undaunted valour. We hail them and farewell them as Australian heroes. Too often we have lost such men and women in a great cause by brute accident. Too often have we heard the last post with both pride and angry grief. I ask the House to mark this melancholy sacrifice of good, young, selfless people by agreeing to this motion.

**Mr JOHN BROGDEN** (Pittwater—Leader of the Opposition) [7.33 p.m.]: The Liberal-Nationals Coalition acknowledges the great sadness that the people of New South Wales feel for this loss of life, but notes also the great pride that Australian men and women feel towards our defence force personnel who have given their lives to ensure that another nation, a friendly nation, was so strongly and well supported in its time of need. There is no doubt that the tragedy has touched the hearts of the people of New South Wales. It has reminded us all that the service our defence force personnel give, whether in peace or in war—in this case in the aid of our region—is always dangerous.

The nine men and women from the Royal Australian Navy and the Royal Australian Air Force who died—in particular Lieutenant Matthew Goodall, Petty Officer Stephen Slattery and Leading Seaman Scott Bennet, all residents of New South Wales—delivered to us the ultimate sacrifice. It should not be overlooked that yesterday at Sydney airport the Indonesian President awarded those officers and other ranks Indonesia's highest honour. That was a significant acknowledgement on behalf of the people of Indonesia to the people of Australia—and in particular to the defence forces and the families and friends of the deceased—that their service has a very special place in the hearts of the Indonesian people.

Much has been said, and will be said in the future, about this tragedy. The number of defence force personnel deployed overseas since the Vietnam War now exceeds the number of personnel deployed during the Vietnam War. As a consequence, from time to time we can expect these tragic accidents to occur. That does not make it any easier, but it is part of the necessary risk of being a good local citizen in our region and one of the more powerful nations in the region. Australians and citizens of New South Wales can be, and are, very proud of the service these people have given their country. They have provided rescue services and other services. We acknowledge the pain and suffering of their families.

Because of the availability of technology we were able to witness the services held on the deck of the HMAS *Kanimbla* in recent days. In years gone by we would not have seen the effect of these deaths on the fellow crewmen of the naval officers in particular. It was most important, and very sad, to see the officers and other ranks of the HMAS *Kanimbla* continue undaunted in their mission to provide critical aid to the people of Indonesia. We honour the memory of those who were killed. In the shadow of Anzac Day we are reminded again of the price many Australians have paid for their service to our nation. We acknowledge their efforts. Their families will forever remember them, with the support of the people of Australia.

**Mr DAVID CAMPBELL** (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [7.37 p.m.]: I support the motion moved by the Premier. I have little doubt that tonight's debate will be a sombre one. I take part in this debate more particularly as Minister for the Illawarra. I am advised that Lieutenant Paul Kimlin, Lieutenant Matthew Goodall, Lieutenant Jonathan King and Leading Seaman Scott Bennet were all based at HMAS *Albatross* at Nowra, in the city of Shoalhaven, which is part of the Illawarra. I am sure the honourable member for South Coast will also take part in this debate. We might joust from time to time on a range of regional issues but tonight I am sure we will be at one. I appreciate her acknowledgement of that fact.

The Shoalhaven and the broader Illawarra community embrace the region's naval bases and have tremendous admiration for the work of their personnel. Their contribution to our community extends far beyond the important work they do for Australia's defence and security. They are actively involved in the community

other than in their official defence force capacity. They are proud citizens of the Illawarra and we are proud to call them our own. The loss of nine defence force personnel is devastating to our country but is especially so to their families, friends and colleagues.

The fact that they were thousands of kilometres from home, helping others who had been devastated by a natural disaster, makes the loss extremely poignant. In the Illawarra the loss has been acute because four of the nine were part of our community: they were members of the 817 squadron, one of four squadrons at HMAS *Albatross*. *Albatross* has a long and proud history dating back some 65 years. Its personnel are very close knit, as is the case at other defence bases, and it is almost impossible to imagine their grief at this very difficult time.

The primary task of *Albatross* is to support the four naval air squadrons that provide aircraft and air support for our ships. They do an outstanding job and their skills and commitment are without parallel. *Albatross* is also home to Australia's Museum of Flight, which is a tremendous asset to the Illawarra in terms of both tourism and history. I encourage honourable members to visit the museum, which really is a first-rate attraction. While there, members should say a silent thank you to the base's personnel and in particular remember the four who were lost during a humanitarian mission. Like other members of the Illawarra community, I was horrified to hear of the helicopter crash that claimed their lives. I extend my condolences to their family, friends and workmates.

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [7.41 p.m.]: The New South Wales Nationals give their unqualified support to this motion in expressing our condolences to the family, friends and workmates of those tragically killed in the accident involving the Sea King helicopter on the island of Nias. The helicopter, from HMAS *Kanimbla*, crashed on the west coast of Nias, an island off the west coast of Sumatra, at approximately 7.30 p.m. Australian Eastern Standard Time on 2 April. Eleven military personnel were on board, including four aircrew and seven members of the Australian Defence Force Joint Medical Element. These brave defence force personnel were part of the humanitarian effort code named Sumatra Assist—Phase II.

This operation was to provide emergency assistance to Indonesia following the earthquake on 29 March and in particular to western parts of Sumatra and the small islands off the west coast of Sumatra, including the island of Nias. HMAS *Kanimbla* initially left Sydney on 31 December last year to aid in the recovery and reconstruction of communities devastated by the Boxing Day tsunami. It had two Sea King helicopters, landing craft and additional personnel to aid in the recovery efforts. HMAS *Kanimbla* arrived off Banda Aceh in mid-January with 780 tonnes of equipment and stores for the humanitarian effort.

The *Kanimbla's* crew was approximately 240 men and women with a detachment of 150 engineers whose task was to aid the Indonesian Government authorities in rebuilding and restoring essential services in the tsunami-affected areas. The two Sea King helicopters were used to help the two landing craft offloading the ship's cargo. The *Kanimbla's* two Sea King helicopters transported vital supplies, including tents, rice and clean water. These tasks were part of greater humanitarian aid efforts, including a field hospital and medical aid in displaced persons camps.

This included toilets and wash points, clean water supply and dealing with possible outbreaks of malaria and dengue fever. Then following the further disaster for the area, the earthquake of 28 March, an Australian medical team was dispatched by the Australian Government to Indonesia, and was uplifted onto the *Kanimbla* on 1 April. The team joined the 10 medical personnel already on board, act as a floating medical centre to treat those injured in the earthquake. On 2 April the *Kanimbla* began medical support, helicopter operations and local transport assistance with its landing craft. The medical teams then began to go ashore for daily clinics and initial treatment and assessing those needing further medical attention.

The tragic accident occurred at this point. Nine brave young Australians were killed, including from New South Wales, Lieutenant Matthew Goodall, a helicopter observer who had joined the crew of HMAS *Kanimbla* only in the past few months; Petty Officer Stephen Slaterry, a medic; and Leading Seaman Scott Bennet, an aircrewman from Tomerong, south of Nowra. The accident claimed more lives than military missions in the Solomon Islands, East Timor, Iraq and Afghanistan combined. It was the biggest loss of life for the defence forces since the Black Hawk helicopter tragedy of 12 June 1996. These young people gave their lives in carrying out their duties for this nation in endeavouring to provide much-needed humanitarian aid to our neighbours in Indonesia. The Nationals give their absolute support to the motion and to all our defence force personnel and offer our condolences to the family, friends and workmates of those tragically killed.

**Ms ALISON MEGARRITY** (Menai—Parliamentary Secretary) [7.47 p.m.]: I speak on this condolence motion with a heavy heart. Anyone who has seen the media reports containing photographs of those

killed in the Sea King accident or anyone who has heard the recent interviews with their devastated families would have been profoundly moved. The electorate of Menai is home to substantial Army facilities in the Holsworthy and Moorebank areas. This military presence has been an important feature in Liverpool's social, economic and urban landscape for some time. Soldiers who have served in all Australian-supported conflicts including World War I and World War II, the Korean and Vietnam Wars have been trained at Holsworthy.

In fact, defence activity commenced at Holsworthy as early as 1819. Eventually the demand for housing to accommodate the military personnel saw the establishment of the Holsworthy village in 1952. Later the Defence Housing Authority improved the conditions for the families living in the area. There was large-scale urban development at Wattle Grove and later at Voyager Point. This went a long way to breaking down what was a bit of a division in our community between defence force personnel and their families and others. However, I think it was the East Timor deployment in 1999 that brought home the reality of a career in the defence forces to many of the civilians in my electorate. In my son's class and in many of the classrooms of the area children of military personnel were faced with the departure of one or potentially both parents to that deployment. Our eyes were opened to what that reality meant to those families. Whilst that was defined as a peacekeeping mission, I remind honourable members of the grave fears that were held about the very dangerous situation in East Timor at that time.

Only last month I informed the House that I was honoured to attend a welcome home function for about 100 military personnel and their families at the Holsworthy barracks. The group from the first health support battalion returned after a 10-week deployment helping tsunami victims in the ruins of a Banda Aceh hospital, later dubbed the Anzac field hospital. On the evening of the welcome home—as I said, it was important that the families were there to celebrate the safe return of that group that had been involved in a very dangerous situation—they received a commendation, which was read out on the night, from Brigadier D. H. Chalmers, AM, CSC. That was the more formal part of the evening. One of the things mentioned on the night was that the Aussies were always known as being very ready to work when they arrived in a place. I heard in one of the many reports about the Sea King crash that they were on the helicopter within an hour of HMAS *Kanimbla* arriving at Nias. It shows once again that they were there, not only ready to help but right in the action immediately.

At the end of that night there was an audio-visual presentation of the group's activities in Banda Aceh and it concluded with an individual photograph of every person who served there. I was reminded of that slide show when looking at the faces of the seven men and two women who were killed in this tragic accident. It is not my intention to single out any one of those nine people, but the family photograph in the *Daily Telegraph* of 36-year-old Leading Seaman Scott Bennet, his wife and two young sons could have been any family. I think that brings home to us all the fact that these are real people with families and all sorts of commitments. I understand that he coached his son's football team, as indeed many dads in this place do.

Whilst the death of any person brings to mind our own mortality, I know that this incident has sent shock waves and a chill down the spine of every defence family in my electorate. They know that at any time their loved ones could be called upon to serve and that they would serve willingly and with good grace, and with every ounce of energy in their bodies. These people died selflessly helping the victims of the last earthquake in Indonesia. I join with all members of this House in wishing that they rest in peace and that their families can deal with this grief, knowing that the defence forces are looking after those people and doing everything they can to support them. It will not bring back their loved ones, but they are very much in our thoughts as indeed are all the families of all defence personnel—the Army, the Navy and the Air Force—who do such a good job and who we do not often hear about. They should be remembered on every occasion.

**Mrs SHELLEY HANCOCK** (South Coast) [7.51 p.m.]: I am pleased, yet saddened, to support the condolence motion for the nine Australian heroes killed in the Sea King helicopter crash on Saturday evening. For Nowra in my electorate this news has been simply devastating, with the lives of four young men from 817 squadron at HMAS *Albatross* lost. For the community of Nowra, which embraces and respects its naval personnel, it is an immensely tragic event. Of course for families throughout Australia grieving at this time I convey my deepest sympathies and state the resolve of leaders of the three tiers of government on the South Coast to assist families in our area whenever and wherever possible. Special services will be held at HMAS *Albatross* this Friday to pay tribute to the young men and women whose lives have so tragically been cut short, whose determination to assist others in need has been so well documented and so highly revered.

We in Nowra have welcomed home our young men and women from overseas deployment before, and the people of Nowra have turned out in their thousands to pay tribute to our servicemen and servicewomen we

regard as our own, as part of our community family. However on this occasion the return of the deceased will sadden everyone immensely, in particular those servicemen and servicewomen stationed at HMAS *Albatross* and HMAS *Creswell*, as well as their friends and families living in our community. Flags have been lowered everywhere in Nowra all week as a mark of respect not only for the nine deceased but also for the defence force personnel who have become such an integral part of our community. I first received the news of the tragedy during my involvement with the Cancer Council Relay for Life last weekend. The conclusion of that event was tinged with dismay as the news spread quickly that four of the deceased had been stationed at HMAS *Albatross*.

A minute's silence was observed in their memory and the previous buoyant good humour experienced for the 24-hour Relay for Life event came suddenly and assuredly to an end. Nine dead, four of our own—the news was simply devastating. The naval personnel based at HMAS *Albatross* killed last Saturday to whom I would like to pay special respect were Lieutenant Matthew Goodall, the helicopter observer who was only 25 years old. He lived in Nowra, his parents are Doug and Christine and his siblings are Elizabeth and Ben from Kyle Bay. Our profound sympathies are with the family of Lieutenant Goodall who have expressed their pride in their son's achievements and had been looking forward so much to their son returning from Banda Aceh when his ship was diverted. He, like others aboard the HMAS *Kanimbla*, said they had a job to do and just got on with it as they turned back to embark on humanitarian duties in the earthquake-ravaged island of Nias.

Lieutenant Paul Kimlin, 29, was a pilot who lived in the Australian Capital Territory with long-time partner Laura Ryan. Comments I have received suggest that Lieutenant Kimlin died doing what he loved, flying, helping others and striving to make a difference in the world. He has been described as a loving, generous, thoughtful and talented young man who had served in East Timor, Christmas Island, Iraq and Indonesia, and flew in support of many rescue missions. Leading Seaman Scott Bennet was 36 and lived in Tomerong—not far from where I live—with his wife of 12 years, Terren, and their two sons, Courtney aged 9 and Jarryd aged 7. Comments from close family friends include that he loved his family and was a wonderful husband and father. He was well known for his carefree love of life and was looking forward to returning home to cook pancakes for his wife and boys for breakfast. He graduated in 2003 and joined 817 squadron with his first deployment to deliver aid to tsunami-devastated Indonesia earlier this year. The close-knit community of Tomerong has been deeply affected by the tragic death of Leading Seaman Bennet and has already rallied to support Terren and her two sons.

Lieutenant Jonathan King was 32 and originally from Queensland. He was described by his father as a passionate man who loved flying and loved the Sea Kings. He was nicknamed "Mr Cool" and was given the option to fly fighter jets but chose to stay with his much loved helicopters. Others whose lives were lost were Lieutenant Mathew Davey, Sergeant Wendy Jones, Flight Lieutenant Lyn Rowbottom, Squadron Leader Paul McCarthy and Petty Officer Stephen Slattery. There is no doubt that the communities from which these young men and women came are in mourning as we speak, struggling to come to terms with the loss of nine outstanding and talented young men and women. There is no doubt that all Australians have felt saddened by the tragic Sea King accident that has led to this tragedy.

As the member for South Coast in which there reside many, many servicemen and servicewomen, I know all too well how this event has affected all who live in this electorate. We are all so proud of defence force personnel and in particular proud of the work these men and women were undertaking in Banda Aceh and more recently in Nias. To all those who serve on the HMAS *Kanimbla* my heart goes out to you. You have lost treasured colleagues and mates and there can be nothing tougher than to have to endure, whether in wartime or peace time. To all those at HMAS *Albatross* and HMAS *Creswell*, both on the South Coast, I also extend my sympathies to you. An event like this must assuredly affect you all profoundly as you struggle to get on with your valued and invaluable work. I am grateful for the opportunity to express my thoughts this evening. I am deeply saddened by the loss of these young men and women and extend my sympathies to their families, friends and colleagues.

**Mr ALAN ASHTON** (East Hills) [7.57 p.m.]: I place on record my condolences and those of my constituents at the tragic crash of the Sea King helicopter on the island of Nias last weekend, which took the lives of nine Australian defence service personnel. The three service arms—that is, the Navy, the Army and the Air Force—lost service personnel in that tragic accident. The accident took the lives of both men and women, which is a reflection of how the services have changed so much over the years. This accident is almost doubly tragic as the defence personnel were serving on HMAS *Kanimbla*, which was returning to Australia after serving in Banda Aceh after the terrible tragedy of the Boxing Day tsunami. The work that they and other Australians were doing there was so important to Indonesia as a nation.

HMAS *Kanimbla* was ordered to divert to Nias to assist the inhabitants of that island who had suffered after the recent earthquake off Sumatra. Those personnel were not engaged in wartime activities, nor police

action. Their deaths are all the more tragic for that reason, but, in the tradition of the Australian defence services, when asked to answer the call they did so. To their credit, they performed the tasks they were asked to perform. When one serves one's country, whether in a peacetime operation or a wartime operation in the Solomon Islands or in East Timor, under the United Nations banner, there is a risk involved. I know that those service men and women would have understood that, but they would not have really comprehended that landing on an island to assist the victims of an earthquake could lead to their deaths.

Australia's record in assisting in a whole range of humanitarian operations in our region, and indeed throughout the world, is outstanding, and I know that on all sides of politics that approach will continue. I encourage the Federal Government to take on board the proposal, raised by various people, to introduce a special service medal or award for service personnel who lose their lives or are injured in the service of our country in another country, even if it does not involve a wartime or security engagement. We appreciate the sympathy and expression of grief offered by the Indonesian President, Susilo Bambang Yudhoyono, and his placing of nine bronze medals of valour on the caskets of our deceased service men and women. Once again I offer my sincere condolences to the family, friends and colleagues of the brave men and women lost on the weekend in the Sea King helicopter crash. I am positive that all members of this House, and indeed all Australians, would feel the same. As a person who has a passing interest in issues on the South Coast, I very much appreciate the sentiments expressed by the honourable member for South Coast.

**Mrs JUDY HOPWOOD** (Hornsby) [8.02 p.m.]: I also support the condolence motion to honour the deaths of the nine military personnel who lost their lives in the crash of a Sea King helicopter in Indonesia last Saturday. The motion was moved by the Premier and poignantly supported by the Leader of the Opposition, the Leader of The Nationals, and many other members of this House. I also extend the condolences of the Hornsby electorate. At about 11.30 p.m. last Saturday night I received a phone call from a very distraught constituent asking for my assistance in finding out who had been killed in this most tragic accident. At that point, having been at a function I did not know of the crash and was immediately alarmed at the prospect of such an event and its impact on crewmates, and families and friends of the victims. The man on the other end of the phone is the relative of a woman who is married to a crew member on one of the Sea King helicopters. The couple have an eight-month-old baby whom the crew member has not yet seen; he has been busy in the Indian Ocean rim assisting tsunami and earthquake victims, and before that he was stationed in Iraq. The fear that crew member's wife and friends must have endured cannot be fathomed.

I instigated further calls to ascertain whether this young woman and her baby were newly bereaved. Soon after I was told that the crew member was not aboard the Sea King that had crashed. This would have provided immediate relief for the family. However, the nine people who died were crewmates, and grief would have overtaken the relief the family felt because of the mateship that no doubt existed on board the HMAS *Kanimbla*. I extend deepest condolences to all the family and friends of those killed in this unexpected and sudden event that took nine young Australian lives. I also extend condolences to those who served with the nine heroes—their loss will be inconsolable—and to the friends and family of the survivors as they cope with the deaths of friends and colleagues and align themselves to the fact that it could have been any one of the Sea King crew. In conclusion, I quote from the speech delivered at a memorial service held in a makeshift chapel on board the *Kanimbla* by the ship's captain, Commander George Maguire. He said:

What a way to leave the world, our nine family were killed while selflessly helping victims of a great natural disaster in another country. If I had to leave this world I could think of no better way.

It will not escape anyone's attention that very soon we will commemorate Anzac Day. Commander Maguire also noted a comparison between what happened at Anzac Cove and the tragic event in Indonesia by saying:

They were helping people of another nation—people who were desperately in need. Much has been written and discussed about the Anzac spirit and what it is to be Australian. I don't have fitting words that describe what it is to be Australian but all I can say is that our nine shipmates were Australian in every sense of the word.

Every resident of this great State and country shares the grief and empathy that erupts on such a tragic occasion. May all nine men and women rest in peace. For their families and friends, may they have full knowledge that they are our heroes. We thank and honour them.

**Mr JOHN BARTLETT** (Port Stephens) [8.04 p.m.]: I also support the condolence motion for the nine service personnel who lost their lives last Saturday, on my behalf and that of the residents of Port Stephens, including the members of the RAAF base at Williamstown, which is one of the largest military bases in Australia. I express my condolences to the families, friends and fellow military comrades of those killed on the loss of their loved ones, friends and colleagues. Incidents such as this affect all members of the military. I have

never flown in a Sea King, but I have flown in other Air Force helicopters used to clear the bombing range at Halifax Bay, off Townsville. One always had faith in the equipment and, of course, in the maintenance provided by the service personnel engaged in equipment support. To all those involved in this terrible tragedy in Indonesia we send our best wishes and thoughts.

No doubt in hindsight this accident will be seen as one of the stepping stones to the re-establishment of friendship and trust between the Australian and Indonesian communities that was sorely tested by Timor. Nine Australians gave their lives to help a neighbour in need. Yesterday our Prime Minister and President Yudhoyono met the Hercules when it landed. I was touched by the following paragraph in an article written by Neil McMahon in today's *Sydney Morning Herald*:

Dr Yudhoyono did not speak publicly. But in private, beyond the media's gaze, he talked to the families, hugged them, acknowledging his nation's sadness and gratitude.

As I said, in hindsight this accident will be seen as one of the stepping stones to the re-establishment of a strong friendship between Australian and Indonesia. The humanitarian effort of the nine service men and women was performed on behalf of the people of Australia, and their death has touched everyone. I think many people thought the Parliament would debate a condolence motion for a crew killed in Iraq, rather than a condolence motion relating to a humanitarian effort such as that in Nias. It simply reflects the unexpected nature of such incidents. We were simply doing the right thing by our friends and neighbours when such a tragic incident occurred.

The two survivors from the incident had strong links with the Hunter. Leading Aircraftman Scott Nicholls was based at Williamstown as a medic. Only days before he had flown out to HMAS *Kanimbla*. Able Seaman Shane Warburton of Edgeworth attended school in the Hunter before joining the Navy at the age of 17. I congratulate both of them on surviving what will obviously be recorded as one of this country's great humanitarian efforts. On behalf of the residents of Port Stephens, and the service men and women of the RAAF base at Williamstown, I express to the villagers of Aman Draya, in western Nias, our heartfelt thanks for their efforts in saving the lives of two members of the aircrew before the helicopter burst into flames.

HMAS *Kanimbla* was returning to Australia after a previous deployment. When the crew were reassigned, they would have been disappointed because they were coming home but they knew they had a job to do. They were providing humanitarian supplies, including rice, food and water, and medical evacuation from the earthquake-affected areas to their own ship's hospital. They were providing humanitarian relief to a country that had been badly hit by natural disasters over the past few months. Even with the death of the nine crew members, those jobs will go on. It is a credit to all those on board the *Kanimbla*, and to service personnel in general, that the task they were assigned will continue despite this horrendous incident. I say to the families and friends of Paul McCarthy, Lyn Rowbottom, Paul Kimlin, Matthew Goodall, Mathew Davey, Jonathan King, Scott Bennet, Wendy Jones and Stephen Slattery that their sacrifice will not be forgotten.

I still remember the names of two young 77 squadron pilots, Paul Rim and Chris Wylie, who had a midair collision in their Mirages off Townsville in the late 1980s. Long after I have forgotten the names of the other aircrew who were on that deployment, I still remember Paul and Chris. The names of those who have been killed in this accident will live on in the memories of those who knew them—their colleagues, their families and their friends. Communities will be in mourning all over Australia. In this condolence motion I reiterate to the families involved, their friends and their colleagues, that the best wishes of all in Port Stephens and RAAF Base Williamstown go to them.

**Mr GREG APLIN** (Albury) [8.10 p.m.]: On behalf of the people of the Albury electorate, I join the nation in honouring and remembering the nine Australian service personnel who lost their lives in the helicopter crash on the island of Nias in Indonesia. They were selflessly helping survivors of an earthquake in a foreign country, they were experts in their field and they will be forever remembered as brave humanitarians. We all share in the grief of their families and their loved ones. This tragic event has saddened us all as we come to terms with the impact on those closest to the nine Australian service men and women. It is a shared grief, particularly among the wide family of defence force personnel and those who have served their country over the years. The Albury electorate has had a long and distinguished bond with the military community for more than 60 years. The Army Logistic Training Centre at Bandiana had its start as a military barracks within the first two to three weeks of the commencement of World War II, and a military hospital was established at Bonegilla at the same time.

The close proximity of this establishment to the Albury electorate has resulted in the military community being an integral part of the growth of both Albury and Wodonga. A number of the military

community live in my electorate, along with a significant number of ex-service personnel who left the service to pursue other careers in the area. My colleague the honourable member for Wagga Wagga has a similar-sized military establishment in his electorate, making the Riverina-Murray region one of the more significant concentrations of military personnel in New South Wales. I believe it is difficult for many of us in this House to understand or appreciate the closeness of the military community and what is expected of our service personnel. One of the key principles of military service is "mateship and teamwork" and this is forged through experiences and situations to which people outside the military are rarely exposed. If one member in the team is hurting, the whole team is hurting.

Military service will place these people in harm's way and this requires superior judgment, personal confidence and, above all, training. That Australian forces are held in such high regard and respect by the world community is testament to the qualities instilled in our military personnel. I am sure that my colleague the honourable member for Lane Cove understands this matter as he has experienced this first-hand in Bougainville. Indeed so do I, as a former serviceman who had to confront similar situations regularly. I now feel the link through my son, who has served our country overseas and who has helped train recruits at the "home of the soldier" at Kapooka near Wagga Wagga. Military service is unique and this service impacts on the communities that are fortunate to have a military establishment in their area. Military service is a family affair that involves the spouse and children, the parents and extended family of the serving member. Military service is not a nine to five job, it is a lifestyle that is all encompassing, covering both work and social environments.

Serving members in the military community understand and accept the uniqueness of their chosen profession. They understand they will be called upon to work and operate in high-risk environments, and they also understand that everything possible will be done to keep them safe and to reduce the level of risk. The loss of these young, dedicated men and women of a military family is tragic. They have made the ultimate sacrifice in the service of their country. This loss will have a ripple effect through the military community and no-one in that community will be unaffected. I extend my condolences to our military community, especially to the families and loved ones of these honourable and brave service personnel who committed their lives to serving the people of Australia and the people of another nation who were in desperate need. We will remember them.

**Ms VIRGINIA JUDGE** (Strathfield) [8.14 p.m.]: On behalf of the people of the Strathfield electorate in Sydney's inner west, I offer my condolences to the families and friends of those service men and women who lost their lives in the crash of the Navy Sea King helicopter "Shark 02". This tragic accident occurred on the Indonesian island of Nias on the weekend. Because of the significant loss of life, particularly the lives of those who served courageously in this country's armed forces, we as a nation are drawn together in our grief. Through the media we are given an insight into the life they led and the loved ones they left behind. We feel a certain sadness and helplessness as we struggle to comprehend the grief of someone who has lost a husband, a wife, a partner, a family member, a friend, a son, a daughter, a father, a mother. We feel sadness for those who knew these service men and women intimately and for work mates who will never see their colleagues again. We try to understand the huge gap that has suddenly appeared in the lives of these families.

In doing so we begin to come to terms with the nature of the work that our service men and women carry out. We realise the simple truth that it is not just in times of war that our service men and women put their lives on the line. At times like this it can be too easy to rely on trite clichés. However, sometimes clichés become clichés because they are so universally true. When their loved ones walk out the door, these families never know whether they will ever see them again. It is often a split second decision that determines who responds to a crisis and which personnel are thrust into the danger zone. As Matthew Goodall's devastated father stated, "He was due home on April 13th but they were recalled to help after the earthquake." His father, mother, Christine, brother, Ben, and sister, Elizabeth, heard the news and knew that the helicopter "Shark 02" had Matthew amongst its crew. At 3 a.m. on Sunday naval personnel arrived at their home to confirm their worst fears.

We also realise the varied and diverse work that service men and women carry out and the precarious conditions under which they work. It is the very nature of the industry in which they work that service corps move with great skill and dexterity from war zone, to natural disaster zone, to peacekeeping role, to emergency evacuation. They do this routinely in the call of duty, with a sense of pride and obligation and without question. Lieutenant King's father, Rod, said his son chose to "forgo the glamour of being a fighter pilot to fly the Mack truck of the sky. I think he saw it as a real working tool. It wasn't really a war plane or anything else, it was in there to do a real job carrying personnel and supplies."

One could not help but be moved by the testimonials from the families and friends of the dead who paid tribute to their vivacity, enthusiasm and true love of life. However, in reflecting upon this event it struck



me that perhaps the reason they embraced life so fully was because every day they were presented with how fragile and fleeting it is. Indeed, by watching death at such close quarters their love of life was reaffirmed. We are greatly indebted to them for delivering the most difficult of services in such difficult circumstances in a thoroughly professional and competent manner. There are lessons to be learnt in their attitude to life that will ensure their legacies continue. If we awake each day determined to see the best that life can offer and embrace the diversity, challenges and opportunities that are offered to us then we ensure they have not been forgotten.

**Ms KATRINA HODGKINSON** (Burrinjuck) [8.17 p.m.]: I express my condolences and those of the Burrinjuck electorate to the families, friends and colleagues of the military personnel killed in the tragedy that occurred on 2 April when Sea King helicopter "Shark 02", embarked on HMAS *Kanimbla*, crashed on the Indonesian island of Nias. This tragedy occurred following the *Kanimbla's* highly valuable deployment to Banda Aceh to assist with the devastation caused by the 2004 Boxing Day tsunami. As Anzac Day approaches we recall that this year is the ninetieth anniversary of the landings at Gallipoli. The last Anzac, Alec Campbell, passed away in May 2002, and the last of our few surviving World War I veterans will soon no longer be wearied by age; their day is passing and will soon be relegated to the pages of history.

The Anzacs left us with an inspiring heritage, a heritage of mateship, courage, fortitude and adversity, and a heritage of helping others, even at the expense of their own lives. That heritage is very much alive in the Australian Defence Force [ADF] today. It is a heritage that has seen serving personnel operating in many areas of the world in recent years. Whether it is part of military operations in Afghanistan or Iraq, peacekeeping operations in East Timor or the Solomon Islands, or disaster relief in Indonesia, the ADF has demonstrated that it is still inspired by the Anzac legacy. Since 1947, excluding the United Nations mandated operations in Korea, Australia has committed troops to 57 different countries in peacekeeping or disaster relief operations. In all, about 46,000 ADF personnel have been involved in these commitments. But that magnificent commitment to humanitarian work has not come cheaply. There has been a cost in human life. Prior to the recent disaster I understand that 10 ADF personnel had been killed on duty during these 57 deployments.

Service in the ADF has always been a demanding occupation. It requires service personnel to be responsive to unusual situations, and those situations are often inherently dangerous. Whether it is battling high seas and storm-force winds to rescue a stricken yacht or flying in lifesaving disaster relief supplies, ADF personnel are routinely required to operate at peak efficiency in dangerous circumstances. To save lives they are often forced to push themselves and their equipment to the limit of their operational capability. It is terribly sad that we now mourn the loss of nine fine Australians: Paul Kimlin, Scott Bennet, Jonathan King, Matthew Goodall, Mathew Davey, Paul McCarthy, Lyn Rowbottom, Wendy Jones and Stephen Slattery.

I do not believe that any of those young people would have said that what they were doing was inherently heroic. That is not the way things are done in the Australian Defence Force. They would have said that they were just getting on with the job. They would have taken pride in their work and their skills. They would have recognised the importance of their work and done their job all the better for that recognition. I would like to echo the words of the Chief of the Australian Defence Force, General Peter Cosgrove, who said:

These men and women died in the service of their country helping others in a time of dire need.

Their contribution cannot be understated.

Our thoughts are with the families, friends and colleagues of the men and women whose lives have so tragically been cut short.

They have made an extraordinary commitment and the ultimate sacrifice to their country and their proud and dedicated service in the ADF is something for which we are all proud.

As we approach Anzac Day we should recognise and respect the Anzac spirit that is as strong in today's ADF as it was 90 years ago. On behalf of the residents of the electorate of Burrinjuck, I once again extend my sympathies to the families, friends and comrades of the nine service personnel killed in this accident. Their contribution was made on our behalf. They were doing a worthwhile job, the purpose of which we strongly supported. We grieve their loss greatly.

**Mr GRANT McBRIDE** (The Entrance—Minister for Gaming and Racing, and Minister for the Central Coast) [8.22 p.m.]: On behalf of the constituents of my electorate and the Central Coast I pass on their condolences and prayers for the deceased, their families, loved ones and fellow comrades. The tragic loss of life in the delivery of humanitarian services during peacetime in the service of the nation is a loss that has devastated the whole of Australia. It brings home to all Australians the risk that all service personnel take on behalf of our nation. Therefore, I thank all of our service personnel also for their ongoing commitment to the people of Australia.

**Mr STEVEN PRINGLE** (Hawkesbury) [8.23 p.m.]: As a former serving naval officer, I understand the current pain and suffering of all defence personnel and their families. Previous speakers have stated that the Australian Defence Force has long been known for its close-knit relations. People learn to trust each other and to rely on each other in peacetime and in wartime. Indeed, their very lives are often dependent on that close sense of co-operation between individuals. We have also heard that within the naval context many of the personnel were based at HMAS *Albatross*, a place I have visited on many occasions. It has a proud tradition and, indeed, it is the home of the Fleet Air Arm, so the tragedy is even more keenly felt. It is easy to understand the loss that all base personnel would currently be feeling as a result of this tragedy. Indeed, the entire Nowra community is also feeling a great sense of loss because naval personnel are well known for being heavily involved in their local communities, with their churches, the Rural Fire Service, scouts and guides, et cetera. Indeed, they often make up many of the sporting teams for a viable tennis or football competition. Their loss is being felt within that very wide community.

The tragic events on Nias Island were not just a naval tragedy. HMAS *Kanimbla* is a truly tri-service vessel, with strong bonds formed between the Navy, the Air Force and the Army. This is the result of their long service in the Persian Gulf. Therefore, this tragedy would be affecting the entire crew—a crew of predominantly young people who have taken on a workload well and truly above their years. Although the majority of those killed were from the Royal Australian Navy, the Royal Australian Air Force [RAAF] has also suffered a serious tragedy. The Hawkesbury district encompasses the Richmond RAAF base, home of the Hercules squadrons, which have been so actively involved in the relief operations in Indonesia and the entire south-east Asian region. The Richmond base, like HMAS *Albatross* and HMAS *Kanimbla*, is feeling a great sense of loss. All defence families know the risks their members take every day, either in training, on operations or in peacetime operations. Defence families always worry about tragedies such as this. The best wishes of all Hawkesbury residents are with the serving personnel and their families.

**Mrs BARBARA PERRY** (Auburn) [8.26 p.m.]: I join the House this evening in expressing my deepest condolences to the families of the nine Australian Defence Force personnel who died whilst participating in relief efforts in the province of South Nias, Indonesia. In doing so I strongly add my voice in support of this motion. I can only begin to imagine the terrible pain and loss the families, loved ones and friends of these courageous young service men and women are feeling in the wake of this tragic accident. Death is a harsh reality to stare in the face, as many of us have known first-hand. But I am certain that parents who have to bury their own children and wives, who have to bury the fathers of their young families, experience depths of agony that may never be known by the rest of us. And so at this time, although there is nothing we can do to change what has happened, it is my hope that some comfort can be found in the tremendous outpouring of compassion and sympathy that I am privileged to be witnessing and to be a part of today.

The front page of the *Sydney Morning Herald* this past Monday had the headline "A wave, then chopper dived" emblazoned across the front page. The accompanying article recounts the precious last minutes of the flight of the ill-fated Sea King helicopter on its approach to the village of Aman Draya on the west coast of Nias. As it came within 20 metres of landing, villagers had gathered to view the welcome spectacle of airborne relief and witnessed the final act before the helicopter plummeted to the earth—and that was of one of the servicemen standing at the door, waving at the crowd below. To some readers, perhaps, that wave was no more than an incidental detail of little significance, but to me it was so much more than that. It was and will remain, to me at least, a potent, bittersweet image of what defines us as Australians.

Here we see a young Australian serviceman, thousands of miles from home, flying into a remote village to bring aid to a people devastated by a natural disaster. Moved by the sea of desperate humanity in need of help he extends his hands out in an act of friendship, compassion and mercy—obviously delighting in the act of aiding others. Moments later, in full view of all those who were teeming below, the chopper crashed into the earth and exploded into flames. As I read the article I imagined that the incident would have been horrific for all who witnessed and those who survived. The pictures on the front page of the service men and women, one with his partner, added to my feelings of sadness. But amongst it all I felt tremendously proud. As a nation we stand united on an enduring reputation of being a people of great empathy, compassion and generosity.

We are moved by the suffering of others, even those in distant lands with whom we share no common bond other than our basic humanity. Proof of that is found not only in such examples as our phenomenal fundraising efforts for tsunami victims but even more so in the lives and hearts of our young men and women who set out on humanitarian missions. I have read numerous articles and accounts by friends and family not unlike the one written about Lieutenant Kimlin, the pilot from Canberra, which states:

He died doing what he loved—flying and making a difference to communities around the world. He was loving, generous, thoughtful, funny, talented and always dedicated to his family and partner, Laura.

So amidst all the grief I call upon the family and friends of the service men and women who lost their lives to carry with them the debt of honour and the deepest of gratitude and sympathy that will always be theirs from me, the members of this House and the people of New South Wales.

My sympathy also extends to the crew of the HMAS *Kanimbla*, with whom no doubt the service men and women were deeply bonded. These are very difficult times for everyone. My heart goes out to all who have been involved. I hope that this tragedy will in some ways bring our respective nations—that is, the Indonesian people and the Australian people—closer together as not only neighbours but friends. In conclusion, I extend once again my greatest respect and sincerest condolences to the families and friends of the nine who so courageously gave of their lives. May their memory live with us forever.

**Mr THOMAS GEORGE** (Lismore) [8.30 p.m.]: Amid the emotion in the House tonight, I offer the condolences, sympathy and prayers of the people of the Lismore electorate to the families of the nine who were killed and the two who were injured in this terrible tragedy that struck Australia and the *Kanimbla* mission of mercy last weekend. When the news broke it had an effect on our community. One can only ask that the families of the nine who were killed and the two who were injured are reassured by the prayers and thoughts of the people of the Lismore electorate. I trust that the two survivors will be blessed with a speedy recovery. I place on record our thanks, respect and condolences from the Lismore electorate.

**Mr DARYL MAGUIRE** (Wagga Wagga) [8.31 p.m.]: I join with honourable members in extending to those who lost loved ones and friends in this terrible tragedy the condolences of the people of the Wagga Wagga electorate. Wagga Wagga is a defence city. We have 1RTB Kapooka, Home of the Soldier, and the RAAF Base Wagga Wagga, where air force personnel are trained. We also have a navy base in our city. We have a strong and proud history and association with the defence forces. Indeed, the army, the navy and the RAAF have the freedom of the city bestowed on them, and we have a community of interest that is shared the length and breadth of this nation. Indeed, every soldier passes through Kapooka, and many pass through the RAAF Base Wagga Wagga.

There has been a great deal of emotion in the House tonight as members spoke about this tragedy. I extend our condolences to the families that have lost loved ones. I was touched to see President Yodhoyono bestow upon the souls that have been lost his country's highest honour for the humanitarian work they were carrying out for the people of Indonesia. The bestowing of those medals on the loved ones of those who died sends out a strong message, and our relationship will benefit from the President's gesture. The Prime Minister has a great weight on his shoulders, but he spoke for all Australians when he said how proud we are of our service men and women who serve this country throughout the world and, indeed, who have risen to the challenges that Indonesia so tragically has experienced in the past six months. I commend the motion to the House.

**Mr ANTHONY ROBERTS** (Lane Cove) [8.34 p.m.]: I take this opportunity to pay tribute to the nine Australian men and women who lost their lives in the terrible Sea King tragedy in Indonesia on the weekend. Yesterday the bodies were returned home to a reception fitting those who served this country so selflessly. They returned on a C-130 Hercules, each coffin draped in the Australian flag. On the tarmac stood Prime Minister John Howard, the Indonesian President, Governor-General Michael Jeffrey, 100 men and women in a guard of honour, a lone piper, 54 pallbearers from the Australian Federation Guard, and the families of the victims, all mourning those whose lives had been lost and honouring the great sacrifice they had made, while a military band played *Song of Australia*. The ceremony included 100 salutes for each from the honour guard, with the President of Indonesia bestowing a medal of honour, the highest honour his nation could give, to each of the deceased. The Governor General then laid a sprig of wattle, an Australian vice-regal tradition, on each of the coffins before it was taken away.

I shall take a moment to reflect on the lives and service of each of the deceased men and women. Leading Seaman Scott Bennet was a 36-year-old from Tomerong on the New South Wales South Coast. He was married with two young children, Jarryd, seven, and Courtney, nine. He joined the Navy in 1999 and graduated in 2003. Lieutenant Matthew Goodall was a 25-year-old Navy helicopter observer, who friends say lived to serve in the Royal Australian Navy. Flight Lieutenant Lyn Rowbottom was an RAAF medic from Townsville, a lady with a giving nature, her family stating that they were proud of how she had lived her life. Sergeant Wendy Jones was a hardworking medic who had participated in the aero-medical evacuation after the Bali bombing. Lieutenant Mathew Davey was a Canberra hospital intensive care doctor and a Navy reservist. He had returned home from helping tsunami victims in Indonesia before being called away again to Nias.

Lieutenant Jonathon King was a 32-year-old navy pilot from Queensland who loved his job. He was nicknamed Mr Cool, and when given the option to fly fighter jets he opted for helicopters. Squadron Leader

Paul McCarthy was a 30-year-old RAAF senior medical officer based in Bullsbrook, which is north of Perth. He had spent three months helping the survivors of the tsunami disaster before volunteering to return to the region after the latest earthquake. Lieutenant Paul Kimlin was a 29-year-old Navy pilot from the Australian Capital Territory. His partner, Laura, said that he died doing what he loved. Finally, Petty Officer Stephen Slattery was a devoted Royal Australian Navy medic from New South Wales.

The Sea King was operating from HMAS *Kanimbla*, which was returning home before being turned back after the latest earthquake in Indonesia. The crew of the Sea King, known as Shark 02, had recently been flying rescue missions to villages on the island. Its first mission that day was to the village of Teluk Darama, where they evacuated the most seriously injured and took them back to HMAS *Kanimbla*, where they would be treated for their injuries. On the second mission of that day they were called to a town called Hilisataro. However, as the captain of the HMAS *Kanimbla*, Commander George McQuire, explained:

From earlier evacuations from Teluk Darama we were told of up to six people in need of urgent care. They were on a mission to get them, these were real people in need of real care.

But as we know, the Sea King never made it. At around 1615 hours it crashed near the village of Aman Draya. As we have seen in the House tonight and across the nation, the outpouring of grief was immense. The President of Indonesia said:

They died in glory, the glory of the ultimate sacrifice, the glory of a selfless act to help the suffering of those in need. There is no greater honour than that, and for that, the Indonesian Government will bestow on the 11 Australians a medal of honour for their outstanding selflessness and sacrifice.

The commander of the *Kanimbla* said:

What a way to leave the world, our nine family were killed while selflessly helping victims of a great natural disaster in another country. If I had to leave this world I could think of no better way.

The Governor-General, Michael Jeffrey, said:

This is a terrible burden to bear in the midst of a much wider natural disaster. Service in our defence force always involves some degree of risk. It's the nature of the job and it's a risk our young men and women accept with good grace every day. But when on occasion tragedy strikes, it strikes hard. Our sympathy goes out to Commander George McGuire, his crew and all aboard HMAS *Kanimbla* who will be feeling a great sense of personal loss and grief.

The Prime Minister of Australia, the Hon. John Howard, said:

This terrible tragedy is quite heartbreaking... that nine young people have lost their lives doing good, carrying out humanitarian work for the people of Indonesia makes it all the sadder

I think that feeling is shared by us all. The Prime Minister continued by stating that it is important for Australia to continue its relief work for the people of Indonesia who have suffered so much through natural events in the past few months. Today I share with all members of the House a great sense of loss and sadness that so many young people, selflessly undertaking a task they were trained to do, helping others on another continent far away from their homes and families, have died in such tragic circumstances. Once again, my deepest sympathy goes out to the families of those victims. May they rest in peace.

**Mr SPEAKER:** On behalf of Ministers and members who have not had the opportunity to speak in the debate, as well as the Clerks, Hansard and other parliamentary staff, I join the Premier, the Leader of the Opposition and other members who have spoken on this motion in extending sympathy to the families, friends and colleagues of the nine Australian Defence Force personnel who lost their lives in the helicopter accident on Nias Island in Indonesia.

*Members and officers of the House stood in their places.*

**Motion agreed to.**

## DEATH OF HIS HOLINESS POPE JOHN PAUL II

**Mr BOB CARR** (Maroubra—Premier, Minister for the Arts, and Minister for Citizenship) [8.41 p.m.]:  
I move:

That:

- (1) members of the Legislative Assembly of New South Wales in Parliament assembled express their profound sorrow at the recent death of His Holiness Pope John Paul II; and
- (2) as a mark of respect this House do now adjourn.

In 1978, after three days of fruitless balloting, the conclave of cardinals toyed with the options and took a great gamble, settling on a young Polish Cardinal whom few people in the West had heard of. It was interesting that the Kremlin knew who he was. KGB boss Yuri Andropov, hearing the result, remarked, "There could be trouble ahead." In the late 1970s he was quite perceptive to feel the first tremor of the downfall of those Marxist dictatorships, but that is what one pays a KGB boss to do—to be perceptive. Few popes came to the great task better prepared. For John Paul II, as with Churchill, all his past life "had been but a preparation for this hour and this trial." This was the man who, as a child, had tasted the first freedom Poland enjoyed in centuries. He was 19 when the Wehrmacht tanks rolled across Poland and snuffed out that freedom. He laboured in a quarry and a chemical plant as a slave of the Nazi invaders. He was 25 when the first horrors of Auschwitz were revealed. He saw it all. He was there, seeing the great forces of the century.

The outlines of his pontificate are already legend: the first theatrical appearance on St Peter's balcony which won over the cynical Romans; the sermons, writings and travels he mobilised to expose and defeat the Marxist lies; facing down Marcos and Duvalier; terminating the misguided experiment of liberation theology. His was a papacy of firsts: the first Slavic pope; the first non-Italian pope in 450 years; the first pope since the days of the early church to have been a manual worker; the first pope since the Roman Empire to have lived under persecution. He was the most travelled vicar of Christ in history—a workaholic with 109 major theological documents; five books, including the first commercial imprints ever by a pope; 104 tours outside of Italy. He was the first pope to grasp the power of the media; in legend and in truth a frustrated actor. His resonant voice and easy charisma were tailor-made for television, the medium that made him perhaps the most recognised and celebrated human being in history.

Pope John Paul II instinctively understood that faith is global. He sought out, visited and kissed the soil in every nook and corner of his worldwide responsibility, but, like Chopin, he always carried a small handful of Polish soil wherever he went. His second papal visit abroad was back to Poland, where his forceful defence of human dignity and freedom subverted an entire political order and within a decade brought it, amazingly swiftly, down in ruins. That was his finest hour. His other messages were a little more mixed and open to argument. To most Catholics he was, like the title of the book that impelled him to public attention, a "sign of contradiction". He was a confident assertion of changeless truth in a world increasingly averse to absolutes. But to others his inflexibility on matters of personal morality showed a man out of touch with the modern world. One thing is certain: John Paul II had a ferocious, unflinching integrity.

His views were unwavering, undisguised and unmistakable. Nobody faced with the slow crumbling of the 1960s and 1970s could have stood so steadfastly against the fashionable arguments of his many antagonists. He did. His message was too complex and layered to be reduced to a single slogan. He opposed rampant free-market economics and capital punishment. He could not be dismissed as a mere conservative. No-one of his intricate grandeur could be so easily summarised. He has drawn praise from people of other faiths. Tributes this week from local community leaders attest to that. The Anglican Archbishop, Peter Jensen, said:

He was a man of great courage, indeed one of the great leaders of this and the last century.

Lebanese Muslim Association president Keysar Trad said the Pope "steered Catholicism into a friendly and respectful dialogue with people of other faiths." George Newhouse, from the Jewish Labor Forum, said the Pope would be remembered for his ground-breaking efforts towards Catholic-Jewish reconciliation. Another commentator, quoted in this week's *Bulletin* said that, following the work of this Pope, "Anti-Semitism and Catholicism will never again be able to co-exist." Indeed, John Paul II was the first pope since Apostolic times to visit a synagogue and the first ever to visit a mosque. He apologised for evils done in the name of the church and begged forgiveness for Catholic anti-Semitism down the ages. He established diplomatic relations with Israel while remaining a true friend of the Palestinian people and their aspiration to statehood.

The dimensions of his opalescent character are hard to grasp all at once—his brains and shrewd practical wisdom, his sly charm and persuasiveness, and his physical strength that slowly yielded to suffering so patiently borne. No simple story can contain all the stories that were him. The tributes to him—and again I refer to this week's *Bulletin*—are remarkable. It seems that the Protestant Reformation never occurred, if one looks at what Billy Graham, the great evangelist, said. It was a feeling I had last night in the cathedral. Billy Graham said:

He was an inspiration to millions—including me. He was unquestionably the most influential voice for morality and peace in the world during the last 100 years. His extraordinary gifts, his strong Catholic faith and his experience of human tyranny and suffering in his native Poland all shaped him, and yet he was respected by men and women from every conceivable background across the world.

I will share two other quotes with the House. One is from Maciej Zieba, the head of the Dominican Order in Poland, who describes the Pope as a mystic. He said, "When he prayed, it was physical." Senator Edward Kennedy said:

I first met him when he came to Boston, in 1979. He came off the plane in his customary way and dramatically bowed and kissed the ground. More than 100,000 people came to the Boston Common and attended the mass in the pouring rain, and when he turned around and said before his homily, "I greet you, America the beautiful"—that line touched everyone in Boston and made him a beloved figure in our part of the country. The symbolic significance for all of us in Boston and Massachusetts was how far Roman Catholics had come from being the victims of prejudice and discrimination.

To some extent Pope John Paul II is the twenty-century writ large in his experience of Nazism and communism, the excesses, in his view, of capitalism and the triumph of democratic systems across Europe. He is the Catholic story in one man, whose Golgotha has now been passed and his peace has come but whose place in history is certain now that he belongs to the ages.

**Mr JOHN BROGDEN** (Pittwater—Leader of the Opposition) [8.50 p.m.]: This Chamber today speaks on behalf of all citizens of New South Wales in honouring the life of the Holy Father Pope John Paul II. Catholics and non-Catholics, Christians and non-Christians, and non-believers around the State of New South Wales, and indeed around the world, have recognised the significant role played by Pope John Paul II in his period as Pope. It could be said of John Paul II that without doubt he is one of the giants of the twentieth century, for his combination of faith and freedom ended a bloody war-torn century with some hope for the following century.

In recent years, months and days most citizens of this State, and in particular most Catholics, watched the Pope struggle through his illness. Most of us would like to remember him as the young 58-year-old elected to the papacy in extraordinary circumstances, the first non-Italian Pope for more than four centuries, the man who gave Poland a special place in the world, which Poles to this day, in Poland and around the world but particularly here in Australia, are very proud of. He demonstrated—through his incredible tenacity, his faith, his morality, his willingness to spread the message, and his initiative to travel the world—that he was one of the giants of the twentieth century.

Of course, he was not the first, but the second, Pope to visit Australia. However, he visited our soil on two separate occasions—in 1986 and in 1995. In 1986 he attended one of the largest ever public gatherings in the history of our nation when 250,000 Catholics and others gathered at Randwick racecourse to celebrate. As a Catholic I always thought it was appropriate that we had a religious gathering at a racecourse, but that is for another day. I had just left school and, with many young friends, proudly attended Randwick racecourse. The 250,000 citizens who gathered were held in the Holy Father's palm as he said to the crowd in that wonderful voice, "To all those who have wandered from their spiritual home I wish to say: Come back! Do not be afraid! Come home!"

He made a very important plea to Australian Catholics, who have a combination of the Irish Catholic mould and later the Italian Catholic mould, now heavily influenced by other communities—in particular, the Filipino community and their great devotion to Catholicism and this Pope. That message to Catholics to come home was very powerful to Australians. In 1995 he came to Australia with one particular purpose and that was to beatify Mother Mary MacKillop, the first of two critical steps to sainthood. The beatification of Mother Mary MacKillop, or, as the Holy Father said, Mary of the Cross MacKillop, was particularly important to Australians.

That controversial character in the history of Australia and Australian Catholicism had not only come home to the church but the significance of the decision of the Pope to come to Australia to beatify her and announce the beatification cannot be measured. To have our first Australian saint—we hope some 10 years later that she continues on the second stage to sainthood—was an incredibly special feeling for all Australians. As an old boy of the Christian Brothers it was also significant to me that the Holy Father beatified Blessed Edmund Rice in recent years. But on those two occasions—the first more so than the second—Pope John Paul II linked all Australians, in particular Australian Catholics, with world Catholicism in a very special way.

His personal record of achievement has been remarkable: the number of statements he has made, the incredible intellectual discussion that he has spurred within the church, the 14 encyclicals, the 15 apostolic exhortations, the 11 apostolic constitutions, the 45 apostolic letters. He published five books and was prolific in the creation of saints in the church. He presided over 147 beatification ceremonies, including 1,338 blessed proclamations, 51 canonisation ceremonies and 482 sainthood ceremonies during his pontificate. As I said earlier, he also travelled widely, completing 104 pastoral visits outside Italy and 146 within Italy. Interestingly, as the Bishop of Rome he visited 317 of 333 parishes.

Last night there was a large gathering of civic leaders, Catholics and people of all religions to pray for the Holy Father in St Mary's Cathedral, a mass presided over by the papal nuncio, by His Eminence Cardinal Cassidy and His Eminence Cardinal Clancy. The mass was delivered by the Auxiliary Bishop of the Archdiocese of Sydney, Bishop Porteous. He acted in place of Cardinal George Pell, Archbishop of Sydney, who cut short his pilgrimage to the Middle East a few days ago to travel directly to Rome to take part in the prayers for the Pope, the funeral of the Holy Father and the conclave. Although Australia has three cardinals, only one is under the age of 80 and eligible to vote, that being Cardinal Pell. I am sure all Australian Catholics pray that Cardinal Pell is given the wisdom he needs to make the decision that will give the Catholic Church its next Pope.

Although his world achievements, his influence on world events and his leadership of the Catholic Church are now a matter of history, the way in which he touched the lives of so many Australians—both here in Australia and those who made pilgrimages particularly to Rome—will always be remembered. In 1992 as part of my honeymoon my wife and I were able to attend a public audience with the Holy Father on a Wednesday in Rome, with 4,000 of his closest friends. I was able to get a place at a barricade, expecting to be absolutely nowhere near where the Pope would pass by. Unexpectedly he passed by the area where I was standing. He was surrounded by bishops, priests and, of course, security guards and photographers. On my side of the barricade I was surrounded by a number of women from Mexico who were almost hysterical with excitement at being able to meet the Pope. As he came close they yelled out, "Mexico, Mexico, Holy Father."

They brought their children forward for the Pope's blessing. Even in 1992 he appeared a lot older in real life than he did on television, and much more frail than he had been in years gone by. Those women wanted to give their children to the Pope not simply to receive his blessing but because when he was first elected Pope he had a ritual—particularly before his attempted assassination and the deterioration of his health—when attending those public events on Wednesdays of taking children and tossing them into the air, much to the delight of the crowd. But as an older man who was sick he was unable to do that. As he came to me I leant over and kissed his ring and stood up and said, "Australia". He touched my cheek and said, "Australie."

I cried like a child, as one might imagine, and went back to my wife, who—being a Protestant and a cynic—did not think I would get anywhere near the Holy Father and had spent the last half hour writing postcards. I told her I had met the Pope, but she did not believe it. Of course, the next day we returned to the Vatican to buy copies of the photographs. It remains one of the most wonderful events of my life to have been touched by the Holy Father in that way, to share what was an incredible gentleness and spirituality, and to see him amongst his people displaying such natural charisma.

If there is one thing that demonstrates the real man, I believe it to be an event that followed an assassination attempt. On 13 May 1981 in St Peter's Square the Pope was shot by a Turk, Mehmet Ali Agca. In 1983, in a remarkable demonstration of compassion, forgiveness and reconciliation, the Holy Father had a private meeting with the man who had attempted to assassinate him. Of all the footage of the Holy Father travelling to the four corners of the world, visions of him with sick people and with children, amongst his followers and meeting world leaders, the image that made the greatest impression on me was that of Pope John Paul II forgiving Mehmet Ali Agca for the attempt on his life. That one small action demonstrated the depth of the man.

The gathering in St Mary's Cathedral last night included civic leaders, the Prime Minister and Mrs Howard, the Premier and Mrs Carr, the Leader of the Federal Opposition, the Lord Mayor of Sydney, the Commissioner of Police, and many members of this Chamber and of the Legislative Council, led by the Governor of New South Wales, her Excellency Professor Marie Bashir and Sir Nicholas Shehadie. Of significance also were the interfaith leaders, representatives of the Jewish and Muslim communities, the Eastern and Christian churches and what appeared to be thousands upon thousands of ordinary Australians who were there in a public expression of respect and love for Pope John Paul II, and an understanding of the significance of the role that he played.

People throughout the world, Catholics in particular, look to the election of a new Pope. Just as every past Pope has filled the shoes of the fisherman, the newly elected Pope will have an enormous challenge to move the Catholic Church forward on many critical issues. He will be able to do that, based on a rock; on an incredible record of service and strength shown by the Holy Father during the past almost 30 years. His visits to Australia, as I said earlier, will be remembered by all Catholics—indeed, by all Australians—as significant and important. His Holiness Pope John Paul II played a very important role in bringing Australian Catholics closer to the Holy See. The Liberal-Nationals Coalition strongly supports this motion in recognition of one of the great men of the twentieth century.

**Mr KEVIN GREENE** (Georges River) [9.03 p.m.]: In supporting this motion I join with previous speakers, the Premier and the Leader of the Opposition, many other members of this House, and the people of New South Wales and Australia in paying tribute to His Holiness Pope John Paul II. In so doing I acknowledge that tonight I represent the people of the electorate of Georges River, particularly those in the Catholic communities of the Georges River electorate—the parishes of Our Lady of Fatima, Kingsgrove; Regina Coeli, Beverly Hills; St Michael's, Hurstville; St Joseph's, Riverwood; St Raphael's, South Hurstville; St Joseph's, Oatley; St Declan's, Penshurst; and my own parish, Our Lady of Fatima at Peakhurst. I also acknowledge the parish priests in those parishes, in order: Father Remy Lam Son Bui, Father Paul Hilder, Bishop David Cremin, Father John Walter, Father Phil Linder, Father John Doherty and Father John Crothers.

As has been mentioned, and as will undoubtedly be mentioned by many others who speak to this motion, the life of Karol Wojtyla was of significance to the history of the twentieth century. Born in Wadowice in 1920, he was the second of two sons. In 1942, during the Second World War, he commenced his training in a seminary just outside Cracow and was finally ordained in 1946. After two years of further study in Rome he commenced parish work in the Archdiocese of Cracow. He also worked as a university chaplain while maintaining his pastoral work. In 1958 he was appointed Auxiliary Archbishop of Cracow by Pope Pius XII. He became an Archbishop 1964 and in 1967 was made Cardinal by Pope Paul VI. On 16 October 1978 he was elected Pope.

In going through that history I could not help but recall that in my lifetime I have known four popes—Pope John XXIII, when I was extremely young and did not realise who or what the pope was; Pope Paul VI; Pope John Paul I, for a brief period of three weeks; and Pope John Paul II. My six children, including my daughter aged 25½, have known only one pope and he has had such an influence on an entire generation of Catholics and non-Catholics throughout the world. In detailing the Pope's history I note, as was mentioned by the Leader of the Opposition, that the Pope has been a prolific author, a significant contributor to the Catholic faith in both written and spoken form.

His 14 encyclicals, 15 apostolic exhortations, 45 apostolic letters and five books—the most recent of which was published this year—give some idea of the enormous workload undertaken by this great man in his almost 27 years as Catholic Pope. In that time, also, he created close to 500 saints. As the Leader of the Opposition was speaking about the beatification of Blessed Mary MacKillop, I was reflecting on the fact that throughout my education with the Marist Brothers we always referred to the founder of the Marist Brothers as Blessed Marcellin Champagnat. It was during the time of Pope John Paul II that Blessed Marcellin Champagnat became St Marcellin Champagnat. I might add I still have to think before using that title because I was brought up learning about Blessed Marcellin Champagnat.

That is just a personal reflection on one of the changes that has impacted on my life. Certainly, there have been many. I was also reflecting on the fact that Pope John Paul II was a man from a small European country of just on 40 million people, a population of about twice the size of Australia. It was from this relatively small country that one of the world's great leaders was drawn to eventually take such a leading role in the latter half of the twentieth century. The Premier outlined the Pope's important role in the fall of communism and many other world events. It was a man from Poland who was to change the face of the pontificate. Traditionally, popes during the previous 400 years had all been Italian. But this man from the small country of Poland, this man of great intellect, great capacity and great strength of character, was to have such an important role in the history of the world.

It is also worth noting that 95 per cent of the population of Poland are Catholics. Probably as significant, if not more significant, is the fact that 75 per cent of those Catholics are practising Catholics. I am sure the bishops of Australia would love to see such a rate within our country. Indeed, I am sure the Archbishop of Sydney would love to see such a rate within his archdiocese. As has been said, the Pope became famous for his world travel. He made 104 trips outside Italy, visiting countries to the north, south, east and west. That included two trips to Australia, in 1986 and 1995. This gives us some insight into the pastoral leadership of our Polish Pope, a man who was prepared to travel to all corners of the earth to stay in touch not only with his Catholic flock but with all peoples of the world, spreading the message that—to quote Cardinal Clancy's homily last night—the dignity of the individual was important. Each person and each country meant something to this leader of the church.

As has also been said, it was traditional that as the Pope visited these countries he would leave his plane and kiss the ground on which he was to stand. That has great significance not only to us now as we reflect but, more importantly, to the countries he visited. The Pope had a great belief in and desire for world peace.



Sadly, that was not achieved in his lifetime, but certainly his efforts were directed towards it. Reference has also been made to the Pope's work with other religious groups. It was part of his desire to see a world communal bond that would lead to world peace. Of course, poverty is still very much a part of the international community. Last night my wife mentioned to me the great tragedy that exists on our doorstep, in East Timor, something the nuns of St Joseph are still working on strongly in that community. Poverty is something that the world's communities still need to address. That was part of Pope John Paul II's role as an international leader.

Perhaps it is because of my age, but I cannot think of anyone who has had such a significant role within the international community. His leadership, his recognition among other world leaders, and the fact that so many world leaders will attend his funeral in Rome this Friday, speak to his status within that international leadership group. It is worth noting that the Pope had nearly 1,000 audiences and meetings with heads of state and Prime Ministers. That says something about his desire to be in touch with that leadership group. It also says something about his ability to communicate with people other than those at that level. The Leader of the Opposition outlined in his anecdote the pontiff's ability to communicate with people at all levels, whether they be international leaders or people on the street. That is very important.

The Pope was well known for the many languages he could speak. But, of course, communication is more than the words; it is more than the language. The sincerity of the man came across throughout his communications. As Cardinal Clancy said last night at the requiem service at St Mary's Cathedral, Pope John Paul II showed great strength of character. This was clearly demonstrated following the failed assassination attempt in 1981, which certainly significantly changed his physical wellbeing and, I am sure, also had an impact on his mental status. At the same time, the Pope's strength of character got him through that. But through the media, not only over the past few weeks but also over the past few months and even years, we have clearly seen the Pope's great strength of character while he was obviously suffering because of his ill health.

Last night the Catholic community came together with the civic leaders of Sydney and many people from Christian communities and other religious communities—I believe 5,000 people—with standing room only in the Cathedral. It was fantastic that we could all come together to celebrate the life of the man. We are, of course, saddened by the loss of a Catholic leader and world leader. But, most importantly, last night's service provided an opportunity—and this came through in Cardinal Clancy's homily, and even in the tone of the mass—for us to celebrate the life of a great man. It is important to remember that the Catholic Church is not cathedrals, it is not parish buildings, and it is not popes and bishops. It is the whole communion of people, it is very much a body of people. That is why it is absolutely essential that as we reflect on the life of the Pope we reflect on the life of a man; we reflect on the man's contribution not just to us as individuals, not just to the Australian or the world church, but to the world as a whole entity; that we reflect on what this man has done.

It is also significant that the Pope's death occurred during the Easter season, because it was just prior to Easter that we had the gospel reading relating to Lazarus. I suppose that is part of the great Catholic faith: the belief that in death there is life. That is one of the most important traditions of the faith, just as we believe that John Paul continued the great traditions of the popes, starting with Peter. Reflecting once again on the Easter story, Peter showed his vulnerability and his weakness in the three days from Good Friday to Easter Sunday, yet he became a leader of the church. Everyone in their weakness has the capacity to do great things. The Pope, a man born in 1920 in Poland, became one of the great leaders of the twentieth century. As Cardinal Clancy said last night, in years to come we may reflect on one of the great leaders not just of the twentieth century but over the centuries, indeed one of the great leaders of the millennium.

As we reflect on the life of the Pope, and, indeed, on his death, we also reflect on our own fallibility. It gives us all an opportunity to reflect on where we are, what we believe in, and what we hold important. Most importantly, I say on behalf of the Georges River community that tonight we should be celebrating the life of a great man, a great leader, and a great Catholic. I thank the House for its indulgence in allowing me to speak to the motion.

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [9.19 p.m.]: On behalf of the New South Wales Nationals I am honoured to speak to this condolence motion for his Holiness Pope John Paul II. It is a time of great sadness but also, as the honourable member for Georges River pointed out, a time for celebration of the life of a great man. I firmly believe that Pope John Paul II was indeed a great man. He was a good man who had the admiration and respect of countless people from all nations around the world. Unlike the Leader of the Opposition, I am not a Catholic but I share a lot with the Catholic faith. Indeed, some have suggested in a way I am an honorary Catholic: my wife and I have six children, which kind of qualifies us; prior to entering the Parliament I was employed by the St Agnes Parish at Port Macquarie under the legendary Father Donnelly; my

mother attended a Catholic convent; and my wife was Catholic. We now call ourselves Christian and in so doing share a great deal of the Catholic faith. We believe Jesus Christ was the Son of God, we believe in God the Father and the Holy Spirit, and we acknowledge all the very good works that the Catholic Church does in our communities throughout the State, this nation and indeed the world.

This is a motion about Pope John Paul II, who was born Karol Jozef Wojtyla in Wadowice in Poland on 18 May 1920 and who, sadly, died on 2 April. He grew up with both Christian and Jewish friends and it was this that influenced him to work towards a Christian reconciliation with the Jews. His mother died in 1929 when he was aged just nine, and he also lost his older brother—his only sibling—in 1932. His father raised him in a small one-bedroom apartment tucked behind the church. He was encouraged to study in a cold room to encourage concentration skills, although the nature of some of the Polish winters encouraged playing soccer in the apartment.

After graduating from high school, Karol moved to Cracow, where he enrolled in the Jagellonian University in 1938 to study literature and philosophy, although his father had hoped he would join the seminary. After the Germans invaded Poland, Karol escaped deportation and gaol by taking a job as a stonecutter in a quarry. In February 1941 his 61-year-old father died, seeing his wish for Karol entering the seminary unfulfilled. This troubled Karol, who began studying at an underground seminary school. He then worked in a chemical plant and also began theology courses at the University at Cracow while trying to gain information about which of his Jewish friends had been sent to the ghettos or death camps.

In 1944, with German troops beginning to round up all young Polish men, Karol and his friends took refuge in the Archbishop of Cracow's home until the end of the war. On 1 November 1946 Karol was ordained and on 2 November that year he celebrated his first Mass. He then received his licentiate in theology and travelled to France, Belgium and Holland, where he undertook pastoral duties with migrant Polish workers, after which he returned to Poland, earning a Masters degree in theology and a doctorate in sacred theology. In 1949 he began as an assistant pastor at St Florian's Parish.

In 1958 Father Wojtyla was appointed assistant Bishop at Cracow. He started to focus his writings on individual freedom and responsibility, which he saw as the most obvious flaw in Communist philosophy. He helped set up secret clubs for Catholic intellectuals, founded an underground seminary for future priests of Czechoslovakia, and helped with the development of a leading Catholic newspaper—somewhat like the *Catholic Weekly* in New South Wales—that proved to be an effective vehicle for opposition to the Communist regime.

In 1962 Father Wojtyla attended the landmark first session of the second Vatican Council as one of its youngest members and, in 1963, was ordained Metropolitan Archbishop of Cracow. From this position he led other Polish bishops in publishing a statement of reconciliation with German bishops with the words, "We forgive and ask forgiveness" for the atrocities committed during World War II. For the next few years Bishop Wojtyla's work in Poland and his writings gained him a powerful ally in Pope Paul VI, leading to his appointment as cardinal, becoming the youngest amongst 27 new cardinals appointed by Pope Paul VI.

He then travelled widely, visiting Polish groups in many countries in addition to being one of the most prolific writers in the church, with his 1969 work, *The Person and Actions* being one of his most important. Cardinal Wojtyla became the first Polish leader of the Catholic Church to visit the Jewish community and synagogue in Cracow. On 14 October 1978 Cardinal Karol Wojtyla was elected as the 264th pope. He chose the name John Paul II in honour of his predecessor, as well as Popes John XXIII and Paul VI. He was the first non-Italian pope for 455 years and, aged 58, the youngest pope for 132 years.

At his inauguration the Pope challenged the church to regain its evangelical fervour and resolve, especially regarding the right of religious freedom. He was a traditionalist who sought to return to the values of the church by a return to the Scriptures for guidance in an increasingly morally ambiguous world. He narrowly survived an assassination attempt on 30 May 1981 that left him in intensive care for four days, a bullet having narrowly missed vital organs. The would-be assassin, a Turkish national named Mehmet Ali Agca, claimed to have shot the Pope "in order to protest against the imperialism of the Soviet Union and the United States".

Agca confessed that he had acted at the instigation of the Bulgarian Secret Service and the Soviet KGB, which had conspiracy theorists saying the Soviet Union was behind the assassination attempt to prevent the Pope from supporting the Solidarity movement. But in a gesture that showed the Pope's humility, just days after the assassination attempt he forgave the would-be assassin. When the Pope met Mr Agca in his cell two years

later, he presented him with a Medal of Fatima, which prompted Agca to tell the Pope his motive for the attack. The Pope refused to disclose what was discussed, then pressured the authorities to have Agca pardoned.

The Pope beatified 1,338 and canonised 482 people, far more than his predecessors. This was part of his vision for bringing people back to the Catholic faith. Many of these saints were people from ordinary working-class backgrounds, including Australia's own Mary MacKillop, whom we hope will become Australia's first saint. The Pope's Catechism, the first for 526 years, is seen as one of his legacies and ensures his place in the church's history. The document contained statements for the inclusion and embracing of those of other faiths, including Muslims and Jews, reflecting the Pope's commitment to engage with people of different faiths and backgrounds, and to embrace all as friends. He was highly respected by world leaders and was a skilled linguist, speaking Polish, Latin, English, French, German and Italian.

In fact, it was his fluent Italian that helped to break down barriers that his appointment as a non-Italian pope initially had created. Pope John Paul II was also the most widely travelled pope in history, visiting six continents and 129 countries during his 104 trips outside Italy, visiting 317 of the 333 parishes throughout the world. His visits to Poland in 1979, 1983 and 1987 are said to have helped galvanise opposition to the Soviet-backed Communist regime. The Pope's life is well summarised by his 1984 statement:

Suffering contains a special call to the virtue which every man must exercise on his part: the virtue of perseverance in bearing whatever disturbs and causes him harm. In doing this, the individual unleashes the hope which will maintain in him the conviction that suffering will not get the better of him—that it will not deprive him of his dignity as a human being, dignity linked to awareness of the meaning of life. In suffering there is concealed power which draws a person close to Christ. When this body is gravely ill, totally incapacitated, and the person is almost incapable of living and acting, all the more do interior maturity and spiritual greatness become evident ...

It is suffering, more than anything else, which clears the way for the grace which transforms human souls. In suffering, a man discovers himself—his own humanity, his own dignity, his own mission.

The Pope certainly lived out those words in his last months. His own suffering and decline in health was marked by incredible grace and dignity, something which I believe held him up as a great man around the world, a man on whom many will fix their admiration. He also established a stance for moral absolutes in a time when society seems to embrace various forms of liberalisation. The Pope espoused the standards to which the human race ought to aspire. For that he has my greatest admiration and respect. I am happy to contribute to this condolence motion, not only to mark the death but also to celebrate the life of a very great man, His Holiness Pope John Paul II.

**Mr ALAN ASHTON** (East Hills) [9.33 p.m.]: I pay tribute to the achievements of Pope John Paul II and offer my condolences to the Catholic Church and its followers worldwide—especially in Australia and my electorate of East Hills—on his death. The Pope suffered ill health for many years—that was no secret to any of us—and was admired for his persistence, until very recently, in fulfilling his duties as Pontiff. The Pope was elected in 1978, aged 58—young by papal standards. Many people in the Catholic faith have never known another pope. Pope John Paul II modernised the Catholic Church and made its opinions on peace in the Middle East and in other hot spots a focus of attention for other world leaders. Previously it was not expected that a pope would enter into public debate on matters of world affairs, certainly not as publicly as Pope John Paul II did.

Karol Wojtyla of Cracow was elected only days after the short pontificate of John Paul I. He was the first non-Italian pope in 455 years. At the time this must have seemed a very brave decision by the cardinals who chose him, but Pope John Paul II proved to be a great world statesman in the past 26 years as well as, of course, a great leader of the Catholic Church. The Pope visited more countries and had more contact with ordinary followers of the Catholic faith than any previous pope. His ability to speak so many languages, especially his use of modern media, also set him apart and helped to popularise the Catholic Church, especially in parts of Asia and South America. He also undertook closer co-operation with other Christian and non-Christian religions. Ecumenism was a high priority for him and his papacy.

We have seen the genuine grief and mourning caused by the Pope's death, not only by those of the Catholic faith but also by so many millions of people around the world of various Christian faiths. The Pope in his youth and in his days as a young priest in his homeland of Cracow in Poland also stood bravely against the tyranny of both Nazism and Communism. Also, he was no great fan of unfettered capitalism. He often spoke out representing the poor in many countries. He visited places that popes had not been to before and played a great role in promoting peace in the Middle East. He was very concerned to ensure that the Catholic Church maintained its absolute relevance to its followers and supporters. I offer my condolences on the passing of one of the twentieth century's truly great figures.

**Mrs JUDY HOPWOOD** (Hornsby) [9.37 p.m.]: I speak to the condolence motion on the death of His Holiness Pope John Paul II, moved by the Premier and so touchingly supported by the Leader of the Opposition, the Leader of The Nationals and many colleagues on both sides of the House. I also express the condolences of the Hornsby electorate. I do so not only to honour the memory and significant contribution of a pope who spoke to Catholics and non-Catholics alike but also to honour Catholics in the area that I represent. I am, indeed, fortunate to have very strong local Catholic communities that include churches and schools. I extend my deep sympathy to all who admired this man of God and to the individuals and families who practise their religion so diligently.

Pope John Paul II was a global ambassador, a truly tireless traveller, who delivered his message to millions. It has been said that he crossed religious divides and, in doing so, he became united with all faiths. Everyone can look at his life and teachings and gain something. Although my family is not Catholic, my two daughters attended a local Catholic primary school, one for the majority of her primary education and the other for the entirety. They became part of a vibrant and cohesive school community, one that my husband and I enjoyed being involved in as well. Now, as the local member representing all people residing in the electorate and having attended a number of church services held in Catholic and other churches, I note that the values taught and the lessons for life promoted are designed to send students and adults alike into the world, equipped to cope and live decent and fulfilled lives.

I have attended many masses. Of particular note, at Christmas time my family has enjoyed midnight mass in a number of local churches, including St Patrick's at Asquith, Our Lady of the Rosary in Waitara and last year at the St George Maronite Church in Thornleigh. We thoroughly appreciated those wonderful services. Last Friday evening, at a celebration of the fourth anniversary of the St George Maronite Church in Thornleigh, I discussed with Bishop Abi Karam and Father Pierre the failing days of the Pope. I include messages from those who have contacted my office to express their sorrow on the passing of a wonderful role model for many. One such call was from a Mr Qureshi, a Muslim who wanted to offer his condolences to the Catholic community on the death of the Pope. On that note I quote an article in today's *Daily Telegraph* titled "A man for all reasons":

He has also extended an olive branch to Muslims. One of his first trips as Pontiff was to Muslim Turkey; in 1985, he visited Morocco at the invitation of the King, where he addressed 50,000 young Muslims; and he also referred to Muslims as "brothers and sisters in the face of Abraham", often praising their devotion to spiritual practices.

On a visit to Syria in 2001, he became the first Pope to enter a mosque, stepping into a historic shrine alongside Muslim leaders after making a call for Muslims, Christians and Jews to work for peace. It was the first time a leader of the Roman Catholic Church had entered a mosque in the 1800-year history of Islam.

Syria is also where St Paul converted to Christianity on the road to Damascus.

With every ending—I am sure that the life and work of John Paul II will live on in many ways—there is also a beginning. In the context of recognising the passing of a great man, I wish the cardinals well in the choice of a successor.

**Ms KRISTINA KENEALLY** (Heffron) [9.41 p.m.]: Tonight I join in the condolence motion moved by the Premier and supported by members on both sides of the House, and express my sympathy at the passing of Pope John Paul II. In that I also represent the people of Heffron, including the large population of Catholics. More than 30 per cent of my electorate identify as Roman Catholic. I know that the communities of Our Lady of Mount Carmel, Waterloo, St Bernards, Botany, St Teresas, Mascot, St Josephs, Rosebery, St Mary's, Erskineville, and my own parish, Our Lady of the Rosary at Kensington, join me in that. Tonight many members have noted some of the accomplishments of this Pope: his role in the downfall of communism, his evangelisation efforts and his engagement with other religions and faiths, his respect for the dignity of human life from the point of conception through to death, and his revitalisation of the intellectual life of the church.

Pope John Paul II was elected in 1978—a year that coincided with my own feminist awakenings and intellectual curiosity. In 1978 I was in year 3 at St Josephs Primary School in Ohio. I called the Bishop of Toledo on a call-back radio station to ask why girls could not be altar servers. He gave a very unsatisfactory answer, and started in me what became a lifelong quest and intellectual curiosity about the role of women in the church—a quest that eventually led to a master's degree in religious studies specialising in feminist theology. As I said, the Pope revitalised the intellectual life of the church. As I spent a great deal of my life before entering this Parliament as a person engaged in intellectual discussions about the faith, I appreciated the Pope's keen interest in that area of the faith.

Gregg Easterbrook, writing in the *New Republic*, said that Pope John Paul II was a student keenly interested in modern philosophy. He revived the intellectual life of the church. Several popes had offered an

uneasy truce with science. John Paul II was openly enthusiastic about science, declaring that he believed most modern scientific thinking on the Big Bang, the expansion of the universe, the age of the earth and especially Darwinian evolution. The Pope loved ideas and intellectual argument, and he encouraged others to love these, too. The effect was contagious, reviving the intellectual debate within the Catholic hierarchy and showing the world a pope with an inquiring mind, not just a rote follower of dogma.

In 1991 I was privileged to join seven other young Catholics as part of the United States of America bishops' official delegation to a three-day world youth congress in Czestochowa, Poland. Run by the Vatican, the congress gathered approximately 250 young people from around the world and served as a lead-up to World Youth Day. I was fresh out of university, and I had recently relinquished the presidency of a national organisation of student governments at Catholic colleges and universities. Being stridently feminist, I had more than a few arguments with John Paul II when I set off for Poland: women's ordination, celibacy in the priesthood, lifelong vocations and contraception topped my list.

The three days of the congress were challenging, fascinating and invigorating. A high point included a debate with a Lithuanian delegate on whether dissension to Papal teaching is detrimental to the church. I also met a lot of young adults who shared my passion for the gospel, activism and social justice, including delegates from Sudan, Bulgaria and Australia. As official delegates, we were given roles in the Papal liturgies that shaped World Youth Day. As it was the first time that such an openly religious and international gathering of people had taken place in Poland, the atmosphere was electric, with an estimated 1.4 million young Catholics from around the globe joining the Pope in the land of his birth.

My job was to read the English version of the second reading in the vigil service. Speaking to one of the Australian delegates, Ben Keneally, before the liturgy, I remarked on how unsettling it was to see the euphoria and the near hero worship of the Pope that was displayed by many of the young people. For goodness sake, I told Ben, this was just a man. All the crying, the emotion and the adulation seemed a bit unwarranted. Ben agreed. I did the second reading and at the last minute, thinking I was quite clever, I made unapproved changes to the text to render it gender inclusive. Then, as I had been instructed to do, I turned to the Pope and bowed. At that point he looked directly at me, smiled and nodded.

I do not think it was because he approved of my gender-free rendition of Romans—I doubt whether he could hear it as he was sitting behind the sound system. I can only describe that moment as full of grace. At that point it was as if the love of God was focused solely on me, and I felt holiness. For the first time in my life I understood what it meant to receive the grace of God. When I got back to my seat I tried to explain the sensation to my Australian friend, Ben, who remained sceptical and convinced that I had caved in to the emotionalism of the moment. But I believed that something otherworldly had occurred. Despite myself, and for the first time, I truly believed that John Paul II was God's representative on earth.

I saw the Pope again two years later at World Youth Day in Denver, although this time, instead of being an official delegate, I was one of four young people being shadowed by the *McNeill-Lehrer NewsHour* as its token progressive, left-wing, feminist Catholic. Denver was not Czestochowa, and sitting half a mile from the Pope in the sweltering Colorado heat was not the same as being 10 feet from him on an altar in Poland. Though I yearned for that same sense of grace and love, I could not find it. I subsequently married my Australian friend, Ben Keneally, and moved to Sydney. We saw John Paul II again in Australia in 1994. I wanted to renew the sense of the Pope's connection to the divine but it was hard. He was already suffering the effects of Parkinson's disease, and the concept of attending mass at the Royal Randwick Racecourse was just a bit too weird.

In the years since that first encounter with Pope John Paul II I have held on to my Catholic faith and my feminist convictions. In the Catholic Church I find community, love, grace and forgiveness. The Catholic faith is the first thing my husband, Ben, and I shared. It was our sustenance when our daughter died, and by choosing baptism for our children it is our gift to them. As a feminist I still advocate for the ordination of women and while I accept that children are a gift from God I find such fulfilment in serving my community as a member of Parliament that I have made a decision not to have any more children so I can channel my passion for social justice into other things. For the time being that is my job for the people of my electorate. My decision does not reflect a belief that women cannot be mothers and members of Parliament: I was elected when my own children were only two years and four years old. My point is that there is more than one way to be life-giving.

My response to the news that John Paul II was dying and had died arose both from the Catholic and the feminist in me—from the feminist, hopeful that a new papacy might bring a new approach, but from the Catholic my response is deeper, sadder and possibly disturbing. As the Pope lay dying last week I had to wonder

how a person who radiated divine grace could be so wrong about God's intentions for women. If I accept that John Paul II is Christ's representative on earth, how can I believe that he has so grossly misunderstood what God wants for women? After all, faith is accepting what we cannot understand. This Pope came as close as possible to teaching infallibly that women cannot be priests, leaving future pontiffs with very little wriggle room. In good conscience I cannot accept that he is right.

Therefore, the life of John Paul II leaves me with the confronting question that perhaps I would rather not face: Either a very holy man is wrong or I do not have enough faith. It is a challenging proposition no matter how I look at it. Perhaps the Pope was wrong about women. After all, the bishops of Toledo turned out to be wrong about girls as altar servers. Ultimately, the answer will come following faithful attention to church tradition and intellectual debate about men and women, drawing insight from anthropology, psychology and theology. Of one thing I am certain: the Pope's revitalisation of the intellectual life of the church leaves us, the Catholic Church, ready for such a discussion.

**Mr CHRIS HARTCHER** (Gosford) [9.52 p.m.]: In 1995 the Pope came to Sydney as part of a visit to Australia which had the ultimate purpose of the beatification of the blessed Mary MacKillop. On the night he arrived, he addressed a large gathering in the Domain. He began by speaking about how Sydney Harbour had been the welcoming haven to him and how Sydney Harbour had been the welcoming haven to the first Australians some 200 years before. He drew the analogy of people travelling in hope, that just as the early settlers coming to Australia had travelled in hope of finding a better world and a better land, all of us in this life travel in the hope of finding a better world and a better land. The following day at Randwick racecourse he carried out the beatification of the blessed Mary MacKillop. On that occasion, speaking about Mary MacKillop and speaking about our country of Australia, he said:

Blessed Mary MacKillop was not daunted by the great desert, the immense expanses of the outback, nor by the spiritual wilderness which affected so many of her fellow citizens, rather she boldly prepared the way of the Lord.

Mary MacKillop embodied all that was best in your nation and in its people: genuine openness to others, hospitality to strangers, generosity to the needy, justice to those unfairly treated, perseverance in the face of adversity, kindness and support to the suffering.

To him we owe the beatification of the first Australian to be raised to the status of being blessed, but to him we also owe a vision that he achieved for the whole world through his suffering and dynamic commitment to the Christian ideal. In 1993, when I was Minister for the Environment, as part of my overseas official visit, I went to Rome. Through the courtesy of the Ambassador to the Holy See I was able to attend the public audience the Pope gave each Wednesday in the Paul VI auditorium. As an official guest I was seated in the front row, along with my wife.

At the end of his address and after he had bestowed the apostolic benediction, he came down to meet the guests in the official row. I was overwhelmed in a way that I probably had never been before. In a few seconds, as he walked along the queue, I was to meet the head of my church. I was amazed at my own calmness. I wondered how one feels in this situation. All sorts of turmoil went through my mind. Of all the meetings I was to have on this earth, however brief and however unprepared, this was to be the most significant meeting of my life.

When I met him I was a little surprised how calm I was and I realised it was he who made me feel calm. He took my hand and said, "Where are you from?" I said, "Australia, Holy Father." He said, "Australia, a wonderful country. God bless you. God bless your family." He moved on to my wife, who was so overwhelmed by the occasion that she forgot to kiss his ring and to genuflect. She felt extremely mortified afterwards. As I said to her, I doubt that he would have cared. He was just so much a person of the people. His entire life was poured out in commitment to his beliefs, his Christian faith and to the dignity of man.

In his first announcements he spoke of his twofold mission. One was to strengthen the faith of the church through evangelisation, the other was to uphold the dignity of man. Throughout his life they were his two challenges: through faith to uphold human dignity; through faith to uphold a recognition that all of us—whatever our background, whatever our belief, whatever our history and whatever our country—are children of God and are inspired by God, however we may behold him. Throughout his life he sought to achieve certain objectives. One was, as I said, to strengthen the faith of the church and to uphold human dignity. Another objective was to open a dialogue with other Christian faiths and with non-Christian faiths.

He devised a plan for himself to achieve his objectives. The first was to travel throughout the world to spread a message of Christian faith, a message of hope and also a message of sharing all that is good in the

world with every person and with every nation. That is why when arriving in each nation he kissed the soil of that country to show his demonstrated love for its people and that country, regardless of its history, regardless of its religious persuasion. He also sought to create saints so they would become role models for all people at all different stages and stations in life.

Some 480 saints were created and each of them was to be, in his words, a light on our journey so we would learn from each one of them and be able to improve, strengthen and increase our own faith, our own willingness to serve, through an understanding of the vocation of service given by each of the saints. I was enormously moved to be able to attend the canonisation of the 313 Chinese martyrs in St Mary's Cathedral. I thought about how each one of them had died. Each one of them had been killed. Each one had given his life as witness to the Christian faith at various stages in the evangelisation of China. In Australia, while it is challenging to be Christian, it is so easy compared to the life and tribulation of Christians in so many other countries.

The third point the Holy Father sought to achieve was to develop a greater understanding of the theology of the church, to update it and to propagandise it throughout the world. He issued encyclical after encyclical to spread the message of Christianity as he saw it. In one of his great encyclicals, *Evangelium Vitae*, Latin for the gospel of life, he spoke of euthanasia and of the challenge that euthanasia and the debate about euthanasia pose for modern society. He said that euthanasia involves a culture of death. He said that euthanasia encouraged the perception that death is to be seen as a solution to life's problems and not as the natural end to life itself. He said that a good death is as important to all of us as a good life.

Death cannot be seen at any stage of the social process as a solution to a problem. Death must be seen as the natural end of life and not as a solution to deal with the challenges we face in life. Legalising euthanasia would impose an expectation upon the dying or seriously ill that they will consider, among the options of treatment for their illness and palliative care, the option of death itself. That creates an enormous burden, an unspoken but extremely agonising expectation, on the seriously ill to consider relieving the burden upon their family and carers by taking the option of euthanasia.

No matter what the issue, no matter what the swelling tide of public opinion, no matter what the demands of political correctness, the Pope stood firm on what he believed to be the fundamental tenets of the Christian faith. He never wavered from them. In his life as a young man in Poland, in his life in the army, in his life working as a labourer in the quarry, in his life working as an underground priest against an oppressive regime—firstly of the Nazis and secondly of the communists—he remained always true to his principles until those final days that we witnessed as, in agony, he continued to maintain his role as the shepherd and pastor of his flock. He was true to the commission given to him by Christ through the words of St. John's gospel, where he commands him to "feed my lambs and feed my sheep". The Mayor of Gosford, at a meeting of Gosford council last Monday night that paid tribute to the Holy Father, spoke these words, "He boarded his airline to heaven carrying a passport to eternal life."

John Paul II would not wish to be remembered as a great Pope; he would not wish to be remembered as a great man; he would wish to be remembered as a servant of God who sought in all his works and in all his life to do God's will. That is the challenge he leaves to each one of us: not that we should regard him as a wonderful man, although all of us acknowledge that he was a wonderful man, but that, like him, in our own lives we should seek to live the expectations of the Christian gospel. That is the challenge that life places before us all. That is the challenge that he saw as a young man, that he saw in his pontificate, and from which he never wavered. His commitment to the defeat of communism was never political; his commitment to the defeat of communism was to uphold the dignity of the human being so that in every society humans would be valued for themselves and for their own dignity and not simply seen as ciphers of a state or a political system. The world has been enriched by the life and times of Pope John Paul II but the challenge to the world continues. We can now celebrate his life, and acknowledge his death. I close by quoting from the concluding hymn sung last night in the pontifical requiem mass in St Mary's Cathedral:

Far from our sight you journey: travel well.  
All still are one who he is the promise giv'n  
one battle joined to conquer death and hell,  
one Lord of all, on earth as now in heav'n,  
whose love can lead us through the darkest night  
to live in joy and everlasting light.

**Mrs BARBARA PERRY** (Auburn) [10.04 p.m.]: As a Catholic and as a member of this House it is a great honour for me to submit my strong support for the motion of condolence on the passing of Pope John Paul II. There have been few moments in history when the death of a single man has evoked such universal respect

and outpouring of affection and grief. Counted amongst those paying tribute we see not only Catholics but also people of other faiths and from other walks of life, heads of state and royalty. Although this high praise is more than fitting for the life of such an outstanding man, I do not doubt for a moment that Pope John Paul II never sought personal glory or gain. Born on 18 May 1920 to a poor family living in a small town outside Cracow in Poland, Karol Wojtyla knew humble beginnings and hardship from birth. At the tender age of nine he faced the death of his mother and the sting of poverty and daily struggle to survive in the harsh years leading up to the German invasion of Poland in 1939.

By this time he was enrolled in university, where he had begun to excel. But it was not long before the Nazis closed it down and forced him to work in a quarry and chemical factory at the risk of being deported to Germany. In 1942 at age 22 young Karol showed the first signs of the fearlessness and courage that would later become some of his most defining qualities—he began studying at an underground seminary in Cracow in response to the religious calling on his life. Eventually his studies culminated in the awarding of a doctorate degree, which he soon put to good use as professor of moral theology—and social ethics. But the learning was not to end there. Over time Karol not only acquired another doctorate degree but also learned to speak Latin, English, French, German and Italian in addition to his native tongue, Polish.

The tremendous acquisition of knowledge, wisdom and life experience that occurred was surpassed only by the growing love and passion he felt for people and social justice. In 1978 Cardinal Karol Wojtyla was elected the first non-Italian pope in 456 years, an astounding accomplishment that no doubt was a measure of how highly he was regarded by the church and his fellow cardinals. Although the achievements of Pope John Paul II have been well spoken about in the press and by other members this evening, there are a few that I would like to speak about also. Most notably I reflect on the pivotal role he played in the downfall of communism. Pope John Paul II had the wisdom and tact to affirm human dignity and freedom in such a way that brought political change without needless bloodshed and hostility. His genuine and sincere concern for all humanity also led him to take a stance against the insanity of the arms race, which for a while looked capable of threatening the very existence of our planet. Always a man of peace, during his visit to Ireland in 1979 Pope John Paul, speaking to a crowd of 250,000, uttered the words:

On my knees I beg you to turn away from violence. Further violence will only drag down to ruin the land you claim to love and the values you claim to cherish.

In a further speech in 1982 he said:

War should belong to the tragic past, to history. It should find no place on humanity's agenda for the future.

In the Middle East, which many would argue is the centre of the most dangerous and deeply entrenched conflict of all time, Pope John Paul II brought his message of reconciliation and peace. Visiting Jerusalem in 2000 he shared his love and sympathy for both Palestinians and Israelis and somehow, in a manner fitting the most skilled and tactful of statesmen, managed to avoid attempts by both sides to politicise the visit. Whilst there he attended the Holocaust Memorial of Yad Vashem, where he brought tears to the eyes of many of the Jews gathered, much like he did whilst reading a prayer for reconciliation requesting forgiveness from the God of Abraham for the church's sins against Jews throughout the centuries. Pope John Paul II was a man who said sorry more times than any of his predecessors, for he knew the power and importance of asking for forgiveness. It is my hope that his example will serve to inspire us as political leaders and private individuals. In May 2001 in Damascus, Syria, Pope John Paul II became the first pope to enter a mosque, where he said:

In this holy land, Christians, Muslims and Jews are called together, with confidence and boldness to bring about without delay the day when the legitimate rights of all people are respected and they can live in peace and mutual understanding.

It was clear that he had love, respect and concern for Arabs, Jews, Muslims and Christians alike without distinction or favour. He was deeply committed to interfaith dialogue and made great strides in furthering that cause. Pope John Paul II was also an outspoken and fervent proponent of the importance of justice and equality. That was reflected in the Catholic Church itself where, for the first time ever, women enjoyed career equality in lay leadership and, as a result, can now be seen serving as Eucharistic ministers, missionaries, ministers to the sick, altar girls and members of parish committees. All in all, Pope John Paul II will be forever remembered not only as a religious figure of great significance, but also as a great humanitarian, peacemaker and statesman. On a personal note of sadness, I will miss his leadership of the Catholic Church and the graceful presence and constant assurance to all that we need not be afraid. I do hope that in my own small way I will be able to build on his legacy and draw on the inspiration of a life so well lived.

**Mr THOMAS GEORGE (Lismore)** [10.11 p.m.]: I support the motion and want to place on record the feeling and mood which is present in this House during the past hour, since the Premier made his contribution, followed by the Leader of the Opposition, the Leader of The Nationals and other members of this



House. They have so eloquently put into words the effect that Pope John Paul II has had on them as individuals. It is humbling to think that he has had the same profound effect on members of this House as he has had on people all around the world. Emotion is certainly present tonight while we pay tribute to this wonderful person.

Like so many members of this House, last night I had the privilege and honour to be present at the solemn Mass that was celebrated at St Mary's Cathedral for the repose of the soul of His Holiness Pope John Paul II. The principal celebrant was Bishop Julian Porteous and three Cardinals were in attendance—His Eminence Cardinal Edward Clancy, who delivered a homily that I wish could be recorded here tonight; His Eminence Cardinal Edward Cassidy; and His Excellency Archbishop Ambrose de Paoli, the Apostolic Nuncio—together with a number of priests, clergy, leaders of the community, mums and dads, husbands and wives, and many young people. To be present last night was an experience that I will treasure for the rest of my life. I also want to place on the record what has happened in my own community. Sadly, I have been unable to be in Lismore since the Pope's passing, because of commitments associated with the sittings of Parliament. The *Northern Star* newspaper led the way on Monday with the headline, "Pope Mourned. Northern Rivers pays final tribute to spiritual Father." The accompanying article stated:

Across the Northern Rivers, Catholics flocked to their churches to mourn the passing of a man many say was the greatest spiritual leader of the modern era.

A warrior for freedom, democracy and human dignity, yet a man of peace, the charismatic Pontiff lived to fulfil one of his greatest ambitions—to lead the Catholic Church into the new millennium.

The Pope's passing provided an opportunity for local Catholics and other members of the community to unite in mourning someone they described as a man of the people. The same newspaper went on to describe what happened:

With hands clasped and tear-stained faces, the Carmelite Monastery Sisters in Lismore prayed that their Holy Father, the late Pope John Paul II, would have the most beautiful welcome in heaven.

I can imagine the gates of heaven opening up to welcome him. The article continued:

Mother Johanne and Sister Teresa spoke of their beloved Holy Father on Saturday, knowing he was not long for this earth.

The Sisters said they had been praying for him every day and were using a powerful prayer, Divine Mercy Chaplet, which is said for people who are dying.

"I think he was a great mystic and I'm sure Our Lady had revealed to him when he would die," Mother Johanne said.

"He was a saint and martyr who lived his faith and the truth—he was Our Lady's special Pope.

"He understood the power of the Mother. I have been crying for him, he was a real gift.

A mass was celebrated in Lismore Cathedral by Father Michael Alcock, who can remember the first three words uttered by John Paul II when he was elected Pope. Those words were "Be not afraid". A newspaper article on Monday, 4 April stated:

"He used his life in that way and his death is witness to it. He was not afraid to die, believing that God held him in the palm of his hand," the Lismore St Carthage's Cathedral assistant priest said yesterday.

Fr Alcock said the parishioners prayed for the Pope during yesterday's Mass.

"He's the only Pope I've remembered in my life, because he's been in that position since I was 16-years-old," he said.

I must be old because I have known of six popes, with a seventh to come! Father Alcock said that the Pope was a very spiritual man, that he travelled a lot and interacted with leaders of other religions. Father Alcock believes that, to the Pope, we are all one family, all people in the world are like brothers and sisters, and he acted accordingly. The reaction to the Pope's passing in the electorate of Lismore has echoed reaction around the world. Bishop Jarrett, the Bishop of the Lismore diocese, said he saw Pope John Paul II in Rome last October and found him to be ill but still very alert. Bishop Jarrett continued:

"When he saw me he said, 'Lismore, you have come a long way'. I didn't think he would remember me from my previous visits a year before, but he did. It was amazing to see this spirit imprisoned in a body that he could not express himself in anymore."

"I found he was a man of great humility—he wanted to hear from you about your people. He was like a universal Father which is why Catholics feel a real sense of loss."

Bishop Jarrett referred to the Pope as one of the greatest figures of influence of the post World War II period. He said:

I think he's been one of the pivotal figures in the history of the church.

An article in today's edition of the *Northern Star* newspaper under the headline, "Fond memories of guarding the Pope. It was a career highlight, says retired NSW cop", stated:

Working for the NSW Police, Deryck Martin knew he would meet his share of unsavoury characters, but he never expected to get up close and personal with one of the world's most loved leaders—His Holiness Pope John Paul II.

"It was one of the highlights of my career to be put in charge of security, receiving and examining all deliveries of gifts to his Holiness ... during his first visit to Sydney in 1986," said the retired Detective Senior Constable, who now lives at Lismore Heights.

"At the end of the Pope's visit he met about 40 of us who had been involved with his protection at St Mary's Cathedral."

"He thanked us all, personally shaking hands with us and blessing us, also giving us a set of rosary beads and a gold medallion commemorating his visit."

"Meeting the Pope was a uniquely special holy moment for me. He was such a compassionate and humble man."

Right across the community everyone has been touched, as evidenced by those lovely comments recorded in our local newspaper. I could go on for hours citing comments from people on the streets who have paid tribute to and appreciated this man's life, but I will not take up the time of the House because I am aware that many more members wish to speak to the motion. On behalf of my electorate I extend sympathy, blessings and prayers to Pope John Paul II. In conclusion I wish to quote from the card with the beautiful holy picture that was presented to us last night. It says:

Father, in your wise and loving care  
you made your servant, John Paul,  
Pope and teacher of all your Church.  
He did the work of Christ on earth.  
May your Son welcome him to eternal glory,  
where he lives and reigns  
with you and with the Holy Spirit,  
one God, for ever and ever. AMEN

Pope John Paul II, Your Holiness, may you rest in peace.

**Ms VIRGINIA JUDGE** (Strathfield) [10.21 p.m.]: I offer my condolence on behalf of the people of the electorate of Strathfield, in Sydney's inner west, upon the death of Pope John Paul II. It was a sad day for humanity to lose a leader who had done so much to unite differing peoples and warring factions and bring nations together to overcome age-old problems of conflict. But as the world mourns the loss of a great leader we should look back and reflect on the life of Pope John Paul II and draw inspiration from this very special man.

Pope John Paul's childhood was marked by the death of his mother when he was 9 and the death of his elder brother when he was 12. As a young man in Nazi-occupied Poland he studied at an underground seminary and was ordained in 1946. As a young priest in Poland he excelled in his studies in theology, and founded a counselling service for young people and focused his preachings on individual freedom and responsibility. The loss of loved ones as a child and his struggle for survival in his early life against a malevolent dictatorship and corrupted ideology only served to strengthen his will to succeed and deepen his profound religious conviction. It was these qualities that led to his eventual appointment as Pope in 1978.

Christ committed to the Apostles the job of preaching his word in his name, that is, authentically. He assured them of the assistance of the spirit, who would guard them in all truth in speaking, as referred to in John 14, 16 and 26. God's son continues to speak to us through those he chooses to send in his name, as referred to in John 15 and 16. Spokesmen for God must not be self-appointed; they must be called in his name, as referred to in John 13 to 28. As Pope, John Paul II used his appointment to carry his message to a worldwide audience. I think it would be appropriate to mention the Second Vatican Council in the *Gaudium et spes*, the pastoral constitution on the church in the modern world. Section 80 states:

Every act of war which tends indiscriminately to the destruction of entire cities or extensive areas along with their populations is a crime against God and man himself, and is to be condemned firmly and without hesitation.

The reason I quote that section from *Gaudium et spes* is that it is well known that Pope John Paul II spoke out against the evils of a nuclear arms race and travelled to his Polish homeland prior to the fall of the Iron Curtain. In an effort to promote reconciliation and peace, he travelled to locations such as the Middle East and Ireland,

and encouraged dialogue and forgiveness as a means to end wars. It is well known that he condemned the recent war in Iraq. I think of the almost tragic event when an assassin tried to take Pope John Paul's life. He immediately forgave his would-be assassin, and he visited the gaoled gunman in his cell and successfully campaigned for his early release from prison. If we look back at the life of Christ, and particularly his crucifixion, we recall that when he was on the cross together with the other two men who were to be crucified, just before he died Christ looked at the guards who had been part of the whole process of his crucifixion and he said, "God forgive them, for they know not what they do."

I am sure all of us would have experienced hurtful things being said about us, or a situation that is very hurtful or that makes us feel sad or perhaps stressed. When Christ forgave those guards he forgave people he did not know. In our own families, people sometimes say hurtful things but, because we have built up a long-term relationship with them and it is unconditional love, we forgive them. But for the Pope to forgive a person he did not know at all—not a person who simply said something unkind but a person whose sole purpose and intent was to take his life—says a lot about this wonderful man. With Christ, the guards were getting on with doing the job they had to do. They did not ask to be forgiven, but Christ, with his wonderful, profound love, simply forgave them. Similarly with the Pope, his would-be assassin did not seek to be forgiven, but the Pope went out of his way to help this man by forgiving him.

In his later years the Pope suffered with Parkinson's disease, a terrible, debilitating disease, but he refused to yield to his illness. He applied the combination of mental strength and religious belief in order to defeat his physical frailty, and in doing so he brought dignity to the disabled and other people in our society who have some sort of disability, which makes their lives so much more difficult. As Pope he steered the church through what I believe to be an age of extremes, using his considerable intellect to find ways to use his faith to address an array of problems, and he carried his message across continents to young and old alike.

In our contemporary, post-modern world, in an era of global media and mass communication, the Pope raised the profile of the Catholic Church by promoting himself as a humble servant of Christ. And in an age of mass marketing and shallow consumerism his humility stands out as an inspiration to all of humanity. In conclusion I would like to share with the House a prayer by St Augustine—who has written some wonderful works—that encapsulates Pope John Paul II and what real, unconditional love is all about. It reads:

Love has the hands to help others;  
It has the feet to hasten to the poor and needy.  
It has the eyes to see misery.  
It has the ears to hear the sighs and sorrows of others;  
And it has a heart that can love and bless.  
That is what love looks like.

That was Pope John Paul II.

**Mr BRAD HAZZARD** (Wakehurst) [10.29 p.m.]: I support the motion moved earlier this evening by the Premier and express my condolences on the passing of the Holy Father Pope John Paul II. I also suggest that we should celebrate a life well lived. Pope John Paul II was a man who will live in the memories of not only Catholics but all Christians and people of all faiths. He was born in Cracow in Poland in 1920 and became a labourer, a soldier and a man of God. During his life he represented his Catholic faith and he became a man who led the Catholic world, a man who moved from a life of normalcy to the unique position for Catholics of being the bridge to Christ on earth.

I am not a Catholic, I am a Christian, but for almost half my life, for 26 years, Pope John Paul II has led one of the great Christian faiths—the Catholic Church. In that time he certainly impacted on my life, as he has on the lives of so many other Christians and, indeed, because of the way he has gone about his Christian faith he has impacted on many well beyond the Christian faiths: he has reached out to people of the Jewish faith, to Muslims and to people of all faiths. This is perhaps the lasting legacy of this great man. It was interesting for me tonight to hear some of the very personal testimonies given by members, including the honourable member for Heffron, who raised some of the issues that she struggled with in her Catholicism. As a non-Catholic, over those 26 years I have also considered the issues that she raised and wondered about them in terms of some of the very strict teachings of the Catholic Church that the Pope continued to adhere to over those years.

Nevertheless, whilst those personal challenges for every Christian have to be dealt with—and doubtless the honourable member for Heffron and other members in this Chamber have to deal with those issues—the fact is that Pope John Paul II knew and understood his faith and was prepared to be a man of God who went out and took those principles to Christians in all parts of the world. I think all Christians and people of all faiths would

recognise and admire the greatness of Pope John Paul II in his lifelong endeavours, but particularly his 26 years as the great leader of the Catholic Church.

My involvement in the Catholic Church has increased in recent years, particularly as a result of my youngest son being educated within the Catholic system. I have heard other members say that they are in the same situation. I have attended quite a number of church services within the Catholic Church and I admire and respect its Christian principles—subject to those issues that I raised earlier that there are different perspectives within the Catholic Church, as there are within other Christian faiths, on a whole host of issues. But our essential belief in Christ and his rising after death, with the hope that that gives us all, is something that is central to a Christian's approach to life.

As I said, my son attends a Catholic college and many of the issues that are discussed within the Christian framework and within the Catholic Church are issues that Pope John Paul II has effectively almost made his own, and those are the issues of social justice. Whilst we might differ on some of the detail, Pope John Paul II has led the Catholic Church to a new era of tolerance. I remember that 26 years ago, when I was much younger, there were some divisions between the various Christian faiths, and I could never understand why that was so.

I think Pope John Paul II has done more than any man has ever done to recognise what draws each of the Christian faiths together rather than what separates them. He has also done more to recognise what joins the Christian faiths with other faiths and he has created a pontificate of tolerance during his 26 years. I have had the pleasure of meeting and hearing Cardinal George Pell and, again, whilst I do not agree with all his views, I certainly believe in the central Christian message that Cardinal Pell conveys in his role as Cardinal for the Catholic Church. In the *Catholic Weekly* in his Easter message Cardinal Pell reminded all Christians of what we fundamentally believe as Christians. He said:

Christians understand that redemption means that God will forgive our sins if we repent, that all good or godly people will be rewarded in the next life and that goodness will triumph finally over evil and suffering.

Pope John Paul II certainly personified all that was good and all that was godly in the worldly aspects of our life. There is no question that he will be, and has been, rewarded in the next life—as he should be, because what he did for the Catholic Church and for the Christian faith as the representative of Christ for the Catholic Church, is unprecedented in the way he has reached out to the world.

When the Holy Father was obviously quite ill his strength of character came through again. Very few of us would not have seen the image of him attempting to give the Easter blessing in Rome. We saw just how weak he had become in his physical body and yet how strong he remained in his Catholic faith. The frustration on his face as he tried to give the blessing would have tugged at the hearts of every reasonable-minded person. The prayer that was delivered on his behalf and the words that he wished to convey were insightful with regard to his beliefs and the beliefs he would have us understand and adhere to in our daily lives. When he prayed to Christ he said:

Stay with us, faithful friend and sure support for humanity or next journey through history.

Living word of the Father, give hope and trust to all who are searching for the true meaning of their lives.

Bread of eternal life, nourish those who hunger for truth, freedom, justice and peace.

The Holy Father of course was praying to Christ and talking to Christ as a faithful friend, but I say on behalf of the broader community, and I believe also on behalf of people of all faiths, that in his life Pope John Paul II was a faithful friend to all. He was obviously a faithful friend to those he led in the Catholic Church, but also to many beyond it. I respect and acknowledge the greatness of Pope John Paul II. Through its cardinals, the Catholic Church will appoint a new Holy Father in due course. As the honourable member for Heffron observed earlier, that may mean changes in the way the Catholic Church approaches some of the doctrines that caused concern not only to those within the Catholic Church but to those outside it. Nevertheless, the Catholic Church will never replace Pope John Paul II and the greatness he brought to this world and this life.

**Ms MARIE ANDREWS** (Peats) [10.40 p.m.]: His Holiness Pope John Paul II, who departed this life on 2 April 2005, has left an indelible mark on our world. I believe no other world leader has achieved so much in striving for world peace. Pope John Paul II was, in the true sense of the words, a man for all seasons, a pope for our times, and a pope for all peoples and all ages. As the spiritual leader of more than one billion Catholics around the world, Pope John Paul II was revered as Christ's vicar on earth. However, it is obvious that he

embraced all peoples of all nations, regardless of their beliefs. He did not need weapons of war when he embarked upon his world pilgrimages. He reached out to every corner of the universe as an ambassador, yearning for peace among all nations and a more equitable distribution of the world's wealth.

Who was not touched when the Pope alighted from the aircraft and immediately embraced the ground before him? This was not only a symbol of the Pope's immense love for the entire world but a demonstration of his humility. It is well known that the Pope was a great admirer of Mother Teresa. During a trip to India the Pope accompanied Mother Teresa to visit the sick and dying in Calcutta, and it is a measure of the Pope as a human being that he told Mother Teresa she made him feel humble.

Pope John Paul II was born Karol Jozef Wojtyla on 18 May 1920 in Wadowice, a small village in Poland with a population of approximately 10,000 people—8,000 of whom were Catholics and 2,000 of whom followed the Jewish faith. The Pope understood at an early age what it was like to lose a loved one. At the age of eight he lost his mother, and he lost his only sibling, an older brother, a few years later. However, these setbacks did not deter the Pope from doing well at school, where he was a natural leader with an outgoing personality, and a keen sportsman. His Catholic faith was always an important part of his life. He displayed a keen interest in live theatre and during the dark days of the Second World War wrote nationalistic plays and joined the Rhapsodic Theatre group, which was a Polish underground organisation that aimed to retain Polish culture and uphold morale through poetry and dramatic performances.

Further personal tragedy followed the Pope when on 18 February 1941, upon returning home from labouring in a rock quarry, he discovered that his father—who has also named Karol—had died alone. At some time during the next 18 months Karol Wojtyla—affectionately called "Lolek" by his friends—decided to enter the priesthood. He was ordained a priest on 1 November 1946 and impressed church leaders with his ability to operate a vigorous pastorate in spite of restrictions placed upon religious freedom by the communist regime.

On 4 July 1958 he was appointed a bishop by Pope Pius XII and was ordained in Cracow on 28 September 1958. At the Second Vatican Council called under the papacy of Pope Paul VI the then Bishop of Cracow impressed Curia prelates to such an extent that he was appointed Archbishop of Cracow on 13 January 1964. He was made a cardinal on 26 June 1967, at the relatively young age of 47 years. Following the death of Pope John Paul I, he was elected Pope on 16 October 1978 and he was inaugurated on 22 October.

Pope John Paul II was highly educated; he had two doctorates and he also achieved a full professorship at the Polish Catholic University of Lublin. Above all else, the Pope can be largely credited with the peaceful overthrow of communism in Eastern Europe. The fact that these non-violent revolutions occurred is due to a large extent to the Pope's natural charisma and his outstanding communication skills. By a strange twist of fate, the Pope and other Polish church leaders were virtually forced to acquire communication skills when the communist regime denied them access to the media. The Pope and his colleagues travelled extensively among the Polish people, communicating with crowds, both large and small.

The skills acquired by the Pope had a huge impact on global television. As one of Poland's favourite sons, Pope John Paul II worked closely with Primate Cardinal Stefan Wyszyński, Archbishop of Warsaw, who was a powerful and strong opponent of communism. I daresay that Cardinal Wyszyński, who is also held in high esteem by Catholics throughout the world, was one of the Pope's mentors, particularly in the early years of his priesthood.

I am proud to say that Australia has a strong affinity with Poland and the Polish people. The Poles resisted Nazism through an effective underground movement that helped the Allies from the time of the German invasion in 1939 until the cessation of hostilities in Europe in 1945. Many Polish refugees made Australia their home after the war and many others have migrated to Australia since then. At Anzac Day marches one will always see a strong contingent of Polish ex-service men and women, many of whom served with the British armed forces or were members of the Polish underground. Australia's highest peak, Mount Kosciuszko, was named after the Polish patriot Tadeusz Kosciuszko, who lived from 1746 to 1817, by P.E. Strzelecki, who explored the Australian Alps in 1840 and reached Kosciuszko from the upper Murray River.

Pope John Paul II upheld Poland's proud record of producing champions of Christianity, freedom and justice. It is well known that he supported Lech Walesa, the leader of Poland's trade union movement, Solidarity. The communist regime was intent on dismantling Solidarity but in the end the Polish trade unionists won through and in 1990 Lech Walesa became Poland's first democratically elected leader after years of fascist and communist suppression.

The Pope visited nearly every corner of the earth in his long and exceptional pontificate. He made his first visit to Australia as Cardinal Wojtyla in 1973 for the Eucharistic Congress held in Melbourne. As Pope, he visited Australia twice: in 1986 and 1995. Like many other Australians, I have fond and vivid memories of those visits. The open air mass that the Pope celebrated at the Sydney Cricket Ground on 25 November on his first visit was extremely well attended. During the same visit the Pope addressed 10,000 workers at the Transfield factory in Western Sydney, where he made the famous statement, "Work is for man not man is for work". He also visited Alice Springs, where he spoke affectionately of the Aboriginal people and encouraged them to retain their culture and their Dreaming.

The Pope's second visit to Sydney took place in January 1995. On this occasion many of my colleagues on both sides of the House and I took time out from the election campaign to attend the open air mass celebrated at Randwick racecourse on 19 January. This was a very special event for Australian Catholics as the Pope presided over the beatification of our own Mother Mary MacKillop, the founder of the Sisters of St Joseph.

As we all know, the Pope was a very strong person. He survived an assassination attempt by Mehmet Ali Agca on 13 May 1981. The Pope later visited his would-be assassin in prison and forgave him. The Pope's quest to bring about a more united front between Catholics and other Christian churches has been well recorded. He also worked diligently and with great diplomacy to heal relationships between Catholics, the Jewish and Islamic faiths, and all other religions throughout the world.

More than 5,000 people attended the farewell mass offered for Pope John Paul II in St Mary's Cathedral yesterday evening, Tuesday 5 April. In attendance were the leaders of our nation and dignitaries from many faiths. Most notably, however—and something that would have pleased the Pope—there were Australians from all walks of life and of all ages, including Polish Australians in national costumes, people from other countries now living in Australia, and a large contingent from the Sudan now resident in Sydney. In speaking to this motion of condolence I acknowledge that many Catholics and admirers of Pope John Paul II within the Peats electorate mourn his passing, but they are also thankful for the guidance and leadership he gave to the Church and the world over the past 26 years. Vale Pope John Paul II. May he rest in peace.

**Mr STEVEN PRINGLE** (Hawkesbury) [10.51 p.m.]: Along with several members of this place and the other place, I had the privilege of attending the Requiem Mass for Pope John Paul II at St Mary's Cathedral last night. The honourable member for South Coast and I arrived some three-quarters of an hour before the service was due to begin and already the cathedral was packed—clear testimony to the extraordinary impact that Pope John Paul II had on the lives of ordinary people, both here in Australia and around the world.

Of course, Pope John Paul II was the first non-Italian pope in 455 years. He conducted a very successful crusade against political oppression and spoke on behalf of those who had no voice. He travelled more kilometres than all the other popes combined to spread the Christian message of hope and salvation. He dramatically contributed to the end of the Cold War with his non-violent activism. He made constant efforts to reach out to other faiths, as stated by many honourable members. More importantly, he had the extraordinary ability to connect with large crowds, including teenagers and children 60 or 70 years his junior.

Pope John Paul II was also the true renaissance man: fully rounded, a gifted linguist, adept playwright and actor, deft political activist, athlete, economic critic—a truly versatile man. His life experience prepared him well to be such an inspirational and committed Christian leader. He felt the pain of the death of his parents and his brother, the oppression of the Nazi regime and then Communism, the backbreaking work of a quarry, the challenge of debate, and the joy of belting out a really good song. It is this experience of the real world and an unshakeable Christian faith that has made him such an extraordinary Christian leader and one who will be remembered for years to come. On behalf of Hawkesbury Catholics and the wider community, I celebrate the life of an inspirational Christian leader, who faithfully promoted God's message.

**Ms PETA SEATON** (Southern Highlands) [10.53 p.m.]: Nearly four million pilgrims are making their way to Rome to farewell a man who led the world's Catholics for almost three decades. The scenes we are watching in Rome are testament to the esteem in which His Holiness Pope John Paul II is held by rich and poor families across all continents. The loss is felt by members of the Catholic faith in my electorate of the Southern Highlands and, no doubt, by many people who, like me, are not Catholic but understand the loss felt by the death of a great spiritual leader, who was respected across world barriers.

I extend my sincere condolences particularly to the Catholic parishes and groups in my community of the Southern Highlands, including St Anthony's and the Josephite Convent at Picton, which have a very special

connection with Mother Mary MacKillop, St Anthony's at Tahmoor, the Marist Brothers at Mittagong, the Sacred Heart Fathers at Chevalier College, St Thomas Aquinas Primary School at Bowral, St Paul's International College at Moss Vale, the Sacred Heart Fathers at St Marys Towers at Douglas Park and the Pauline Fathers at Penrose. My thoughts are also with the sisters of Our Lady of the Sacred Heart at Bowral, Hartzler Park and Kerever Park, the Mittagong Sisters of St Joseph and the Sisters of St Paul de Chartres in Moss Vale.

I also extend my condolences to the Catholic community in the Illawarra and the members of the diocese of Wollongong, which also includes the highlands parishes. As a member of Parliament and an Anglican, I have been honoured and pleased to have been invited on many occasions to share in services at many local Catholic churches. I have always been grateful for the warmth of the welcome I have been given. I can sense the deep sense of loss that is being felt in those communities at this time.

I also extend my condolences to the former Bishop of Wollongong, His Grace Bishop Phillip Wilson, who is now in South Australia and who was generous in his advice to me about ways in which we could work together for the welfare of all local people. His shoes have since been filled by the warmth and humanity of His Grace Bishop Peter Ingham. My thoughts extend to them and their respective congregations at this time. In particular we think now of schoolchildren of the Catholic faith who are looking to their parents and teachers for support and explanation of the event they have experienced and all that it means in their faith and their lives. This has been a week of profound sadness and loss, but Australians will also draw inspiration from this terrible loss.

Today we have also mourned the loss of nine Australian service men and women who died in the Sea Hawk helicopter from HMAS *Kanimbla*, four of whom came from HMAS *Albatross*, which is well known to Southern Highlands residents because it provides our catafalque party personnel at many of the Anzac Day ceremonies. I know that many Catholics in the Southern Highlands community are trying to come to grips not just with the loss of the leader of their faith but also with so many people who are known to families in the Southern Highlands.

On behalf of all residents of the Southern Highlands, I take this opportunity to express my sincere condolences to the family, friends and colleagues of those nine brave Australians we lost on Saturday. I think particularly of the children of the crew members, who will have the hardest time in the years ahead, but I hope that when they become aware of all that has been said about their fathers and family members in future years, they will be comforted to know that their immense loss, which can never be replaced, is in some way shared by each and every Australian, who salutes their courage, service and indomitable Australian spirit.

This is an extraordinary day. Two motions of condolence have been moved in this House; one for the Holy Father Pope John Paul II and the other for the nine brave Australians. I knew none of these people personally and my only experience of the Pope was during a visit to Rome some years ago when from a distance I watched him conduct an investiture of bishops at St Peter's Basilica. At that time I was struck by the enormous grace of this extraordinary man. I have listened tonight to the contributions of other members in the Chamber who had the fortune to meet him and whose lives he touched. We do know all these people, but in another sense. We know them by the lives they led publicly, the work they did, the greatness they achieved, and their humility and service. On behalf of all people in the Southern Highlands, I extend my condolences to all members of the Catholic faith, both in Australia and abroad, on their great loss.

**Ms GLADYS BEREJIKLIAN** (Willoughby) [10.58 p.m.]: I express my deep condolences on the passing of His Holiness Pope John Paul II. His religious leadership extended beyond the bounds of the Catholic Church. He offered comfort and hope to all denominations and all religions. I have been moved by his personal story of hardship and the path he took to attain his position as Pope. His own struggles and the tragedies he witnessed during World War II undoubtedly had an enormous impact on what he was able to achieve in his leadership of the Catholic Church. In particular, I believe that history will remember his commitment to peace and his tolerance of other faiths—the ultimate belief that all of us who value faith and worship, irrespective of our denomination or even religion, share a common bond.

I was pleased to attend my local church service last Sunday, where the Primate of the Armenian Orthodox faith in Australia, His Eminence Archbishop Baliozian, expressed the deep respect that Australian Armenians—in fact, those of Armenian heritage all around the world—had for His Holiness. Australians of Armenian heritage are proud of the fact that in 301 AD, under the leadership of King Drtad, Armenia was the first country in the world to adopt Christianity as the national religion. On the occasion of the 1,700th

anniversary of that milestone in 2001, His Holiness Pope John Paul II made a special detailed address to the Armenian community around the globe, noting the historic occasion and providing a detailed acknowledgment of the strong links that exist between the Catholic Church and the Armenian community—the same compassion and empathy he has extended to all denominations and to other faiths. His leadership during some of the most turbulent times of the twentieth century, his commitment to the most poor and needy of the world, and his hope for peace and tolerance will leave a timeless legacy.

**Mr DARYL MAGUIRE** (Wagga Wagga) [11.02 p.m.]: I pay tribute to His Holiness Pope John Paul II, with whom I do not share the same faith. My grandmother always said that all religions head towards the top of a hill but we all take different paths. I admire the path taken by Pope John Paul II and the way in which he walked that path. Men and women in this world, through their actions and leadership, touch you, impress you and inspire you. Pope John Paul II inspired me. I have listened to the speeches made during this condolence debate, I have listened to the television media reports and I have reflected upon printed articles in the tabloids. Millions of people are making the pilgrimage to the Vatican to pay their respects to a great leader. I have been impressed by the way in which people from all walks of life and all faiths have recognised this man and the message of love, care and unification that he taught during the years he was the leader of the Catholic Church.

Previous speakers have referred to the many achievements of the Pope, who will be remembered as a champion of faith and love. However, I have been inspired by some of the things he did and the messages he gave to other faiths. I am sure that through his efforts with the leaders of those faiths we all understand each other far greater and have a greater tolerance than when he first came to lead the church, for which we have to give thanks. I am not one to express my faith or beliefs, although I have views on politics and religion. Through the Pope's work, politicians and people of all walks of life definitely have a greater understanding of all religions, whether it is Jewish people, Muslims or Anglicans. He inspired us to learn to understand, tolerate and work through spirituality.

Newspaper articles recognise some of the historical moments of the travels of Pope John Paul. He was, indeed, the widest travelled pope of our history. In fact, as God's politician he set the benchmark. The new pope, who will be chosen in a number of days, has a challenge to keep the work of Pope John Paul II in the eyes and minds of political leaders and the media worldwide and to continue to drive the message of peace, love and tolerance. I could not help but be touched by the genuine kindness and love shown by the Pope, as depicted in the pictures I have from the newspapers.

In one photograph the Pope shows love and care with the late Raisa Gorbachev, who I have ascertained from media articles was a gorgeous person. Other photographs show the Pope holding a baby with genuine love, and beautiful scenes and images of a man that really did care. Some people have charisma—I am sure many politicians wish they had some of his gifts to reach out to people. The beautiful images of the Pope reinforce the message that His Holiness was preaching to the people of the world. He was saying to the honourable member of Wallsend and me, and to people of different faiths, that we should have strength, work at broadening and enhancing friendships, understand other religions, be tolerant, care and love one another.

*Members and officers of the House stood in their places.*

**Motion agreed to.**

**The House adjourned at 11.07 p.m. until Thursday 7 April 2005 at 10.00 a.m.**

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