

# LEGISLATIVE COUNCIL

Wednesday 26 June 2002

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**The President (The Hon. Dr Meredith Burgmann)** took the chair at 10.00 a.m.

**The President** offered the Prayers.

## AUDIT OFFICE

**The President**, tabled, pursuant to the Public Finance and Audit Act 1983, a performance audit report entitled "e-Government User-friendliness of Websites", dated June 2002.

**Ordered to be printed.**

## BUSINESS OF THE HOUSE

### Precedence of Business

**Motion by the Hon. John Della Bosca agreed to:**

That on Thursday 27 June 2002 Government Business take precedence of General Business.

## M5 EAST MOTORWAY

**Motion by the Hon. Richard Jones agreed to:**

1. That, under Standing Order 18, there be laid on the table of the House by 5.00 p.m. on Thursday 27 June 2002 and made public without restricted access:
  - (a) any document created since 28 March 2001, and not previously provided to the House, in the possession, custody or power of the Cabinet Office, the Roads and Traffic Authority (referred to as RTA), the Premier's Department, the Department of Urban Affairs and Planning (referred to as DUAP), the Environment Protection Authority (referred to as EPA) and the Department of Health, including related ministerial offices, relating to:
    - (i) the M5 East tunnel ventilation or ventilation in existing and proposed road tunnels,
    - (ii) air quality data from local monitoring stations established at Turrella, Earlwood, Bardwell Valley and Undercliffe, and any comparative analysis with other Sydney monitoring stations for the same period, not already publicly available on the RTA web site,
    - (iii) predicted and actual air dispersion, air quality, cumulative and local health impacts, and compliances and exceedences of air quality goals relating to the M5 East tunnel and stack,
    - (iv) predicted and actual traffic volumes and flows of the M5 East tunnel,
    - (v) the operation of fans in the M5 tunnel or the fan station at Turrella, or to the emission of tunnel exhaust from the tunnel portals,
    - (vi) the management of regional air quality in the areas affected by the M5 East tunnel,
    - (vii) complaints relating to air quality impacts from the M5 East tunnel or the M5 East stack,
    - (viii) compliance with approval and licence conditions for the operation of the M5 East tunnel or the M5 East stack,
    - (ix) communications between the RTA and its contractors such as Baulderstone Hornibrook Belfinger Berger (BHBB) or consultants such as Hyder Consulting, Holmes Air Sciences, Flagstaff Consulting Group, the Connel Wagner group or the CSIRO relating to air quality in or on the M5 East motorway or other tunnels,
    - (x) any video relating to air dispersion modeling including that presented by Hyder Consulting to the M5 East Central Community Liaison Group on 21 October 1999,
    - (xi) any cost benefit analysis, or the provision of electrostatic precipitators or other air treatment of filtration systems to the M5 East or other tunnels,

- (xii) communication between the RTA and manufacturers or designers of tunnel filtration and treatment equipment or overseas government authorities regarding tunnel ventilation and filtration and treatment equipment,
  - (xiii) visits to countries such as Norway to investigate tunnel ventilation and filtration and treatment equipment,
  - (xiv) any research, conferences or seminars on air quality standards, issues, health impacts of vehicle emissions or issues relating to ventilation in road tunnels,
  - (xv) the report, recommendations and evidence of General Purpose Standing Committee No. 5, dated July 2001, into the M5 East ventilation stack,
  - (xvi) the M5 East Property Value Guarantee granted on 1 December 1997, the offer made on 13 February 2001, and any similar offers made to individuals likely to be affected by emissions from the M5 East or other tunnels,
  - (xvii) any legal agreement between the RTA and Residents Against Polluting Stacks in December 2001,
  - (xviii) communications between the departments and authorities and the State member for Rockdale, Mr George Thompson, and the State member for Canterbury, Mr Kevin Moss, or other members of the Parliament relating to the M5 East motorway,
  - (xix) communications between the departments and authorities and local government councils, community organisations and media organisations relating to the M5 East motorway,
  - (b) any document in the possession, custody or power of the RTA which records or refers to the production of documents as a result of this order of the House.
2. That an indexed list of documents tabled be prepared showing the date of creation of the document, a description of the document and the author.
  3. That anything required to be laid before the House by this resolution may be lodged with the Clerk of the House if the House is not sitting, and is deemed for all purposes to have been presented to or laid before the House and published by authority of the House.
  4. Where it is considered that a document required to be tabled under this order is considered to be privileged and should not be made public or tabled:
    - (a) a return is to be prepared and tabled showing the date of creation of the document, a description of the document, the author of the document and reasons for the claim of privilege,
    - (b) the documents are to be delivered to the Clerk of the House by the date and time required in paragraph 1 and:
      - (i) made available only to members of the Legislative Council, and
      - (ii) not published or copied without an order of the House.
  5.
    - (1) Where any member of the House, by communication in writing to the Clerk, disputes the validity of a claim of privilege in relation to a particular document, the Clerk is authorised to release the disputed document to an independent legal arbiter, for evaluation and report within five days as to the validity of the claim.
    - (2) The independent legal arbiter is to be appointed by the President and must be a Queen's Counsel, a Senior Counsel or a retired Supreme Court judge.
    - (3) A report from the independent arbiter is to be tabled with the Clerk of the House, and:
      - (i) made available only to members of the Legislative Council,
      - (ii) not published or copied without an order of the House.

### TABLING OF PAPERS

**The Hon. Michael Costa** tabled the following report:

Independent Pricing and Regulatory Tribunal Act 1992—Report of the Independent Pricing and Regulatory Tribunal entitled "CityRail and STA Buses and Ferries Public Transport Fares (Determinations Nos 2 and 3, 2002), from 1 July 2002", dated 24 June 2002.

**Ordered to be printed.**

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

**The Hon. John Hatzistergos**, as Chairman, tabled the report entitled "Review of the ICAC: Stage III—The Conduct of ICAC Hearings", dated June 2002, together with minutes of proceedings and transcripts of evidence taken before the committee.

**Report ordered to be printed.**

**PETITIONS****Local Government Boundary Changes**

Petition praying that the House conduct a public inquiry into the proposed local government boundary changes and ensure that a plebiscite takes place before any boundary changes are made, received from **the Hon. Peter Breen**.

**Freedom of Religion**

Petition praying that the House retain the existing exemptions applying to religious bodies in the Anti-Discrimination Act, received from **Reverend the Hon. Fred Nile**.

**BUSINESS OF THE HOUSE****Withdrawal of Business**

**Private Members Business Item No. 79 outside the Order of Precedence withdrawn on motion by Ms Lee Rhiannon.**

**STANDING COMMITTEE ON PARLIAMENTARY PRIVILEGE AND ETHICS****Report: Person Referred to in the Legislative Council (Mr T. Bidder)**

**The Hon. HELEN SHAM-HO** [10.10 a.m.]: I move:

That the House adopt Report No. 16 of the Standing Committee on Parliamentary Privilege and Ethics, entitled "Report on person referred to in the Legislative Council (Mr T. Bidder)", dated June 2002.

I will not read my statement. I commend to the House the recommendation of the Committee.

**Ms LEE RHIANNON** [10.10 a.m.]: The Greens recognise and respect the citizen's right of reply process. It is important that citizens who feel they have been wronged have an avenue to express their views. Used responsibly, parliamentary privilege is a powerful tool for bringing to light events which could not otherwise be aired. It is an important component of our machinery of democracy. The citizen's right of reply is a counterbalance to parliamentary privilege, but likewise must be used responsibly. We are in somewhat uncommon territory with this debate. Mr Bidder is, to my reckoning, only the fourth citizen to seek a right of reply since 1999. It is worth noting that our procedures have been modelled on the right of reply procedures operating in the Australian Senate.

On 9 April this year I made reference in a speech in this House to certain worrying events concerning Warringah Council. It has been an ongoing issue for both me and the Greens. On 20 May the President received correspondence, I understand, from Mr Tim Bidder requesting the incorporation into *Hansard* of a response to my comments. The President, following the accepted protocols, forwarded the correspondence to the Standing Committee on Parliamentary Privilege and Ethics, which in turn has passed it on to this House by means of the motion now before us. It is important to understand that the role of the Standing Committee on Parliamentary Privilege and Ethics is not to adjudicate on the accuracy of a reply. Either the citizen has a right of reply or has not. And it is not for the committee to decide what is right and what is wrong. The committee is simply a channel. This is a fair process. There is, however, an appropriate time and place to address the accuracy of the reply—and that is now, in this debate.

In his reply Mr Bidder has stated that I made a number of accusations against him. In fact, I made only two statements specifically concerning Mr Bidder: that he is an associate of Mr Darren Jones, mayor of Warringah Council, and that he is a Liberal Party supporter. They are the only specific statements I made about

Mr Bidder. I did not allege any improper conduct on his part specifically. Certainly, I made allegations of improper conduct, but either they concerned other specific individuals, or I did not identify a culprit. At every stage I have simply attempted to bring to light highly disturbing allegations so that they can be properly investigated. I have never claimed to have the answer to every question in this murky picture. Nevertheless, Mr Bidder is entitled to his reply. He is entitled to put his side of the events. But he is not entitled to make incorrect assertions. He has stated in his reply—a document that is privileged and has been reported in the media—that he is not a Liberal Party supporter and that it is incorrect to state that he is an associate of Mayor Darren Jones. He has refuted the only two specific comments I made about him.

I have in my possession a number of statutory declarations that have been provided to me. Later, I will seek leave to have those documents incorporated in *Hansard*. They contain information which directly contradicts Mr Bidder's statement. One is from Mr Vincent De Luca, who is a State councillor of the Liberal Party of Australia. He is involved in the community on the northern beaches and has a long history in the Liberal Party in that area. In his declaration he attests that Mr Bidder has been a strong supporter of both Mayor Jones and the Liberal Party. He states that at the 1999 State election he witnessed Mr Bidder handing out how-to-vote cards for Mr Jones, then the Liberal candidate for the seat of Manly. At the 2001 Federal election Mr De Luca attended—

**The Hon. John Jobling:** Point of order: I accept the honourable member's right to debate the report. In fact, in debating the content of the report the honourable member may refer to statements she believes may or may not be correct. It is not the role of the committee, on bringing down its report, to adduce the correctness or incorrectness of the reply by the citizen. I contend that the honourable member is introducing new matter not referred to in the report. She should address her remarks to the report and whether the House should adopt it. This is not a second reading debate. If the honourable member were allowed to continue along the lines that she has, Mr Bidder would be entitled to a further right of reply.

**Ms LEE RHIANNON:** To the point of order: This information is most relevant. I am not introducing new material into the debate. My remarks are relevant to the assertions made by Mr Bidder. They will assist honourable members to understand that the assertions made by Mr Bidder are incorrect. It is only in this debate that I have the opportunity to put forward this information, which is highly relevant to the citizen's right of reply and the motion before the House.

**The Hon. Peter Primrose:** To the point of order: I support the point of order. The House is being asked to adopt the report of the standing committee. That adoption process must be in accord with the resolution of the House of 13 November 1997, which established very specific guidelines and placed restrictions on what the committee could consider and, presumably, the range of the debate that can take place in relation to the matter. The committee, which was required to meet in private, was directed that it "must not consider or judge the truth of any statements made in the House or in the submission". The report does not canvass whether the matters asserted in the reply are truthful. It was not permitted to make a judgment on that matter. Therefore, presumably, this debate may not range to whether or not the statements in the reply are true, because the report was not allowed to canvass those matters. Also, any matters, procedures, evidence or any other submissions cannot be reported to the House. I argue that as the House is being asked to adopt a report that is constrained, consequently any debate must be constrained. The report is either adopted or it is not.

**The Hon. Peter Breen:** To the point of order: The Hon. Peter Primrose is correct in drawing attention to the resolution of the House on 13 November 1997 relating to the citizen's right of reply. We do not have the benefit of knowing at this stage whether the right of reply has been in any way edited or censored, either by the committee or any other process. In that situation, without knowing what is in the report—

**The Hon. John Jobling:** It is stated publicly and is available to you.

**The Hon. Peter Breen:** I have not personally had the benefit of seeing the report, but parliamentary privilege applies to honourable members while they are speaking in the House. That is a privilege that does not extend to the rest of the community. One cannot compare the citizen's right of reply to parliamentary privilege because they are simply not in the same ballpark. Standing Order 86 states:

A Member may rise to speak upon a matter of Privilege suddenly arising, or to a "Point of Order".

My understanding is that the honourable member is entitled to speak about a question of parliamentary privilege to which this issue relates. The fact that the matter also relates to a citizen's right of reply is, in my opinion, irrelevant. The member is exercising her right of parliamentary privilege to speak on a matter of privilege. Madam President, I suggest that you should rule in her favour.

**The Hon. Richard Jones:** To the point of order: We had a similar debate over the right of reply of Professor Walker in 1998 and the point of debate was allowed to continue, as the Hon. John Jobling will recall because he actually moved that the question be amended at that time. I believe that the debate currently occurring and the speech being made by the Hon. Lee Rhiannon is perfectly correct. She should be allowed to continue.

**The Hon. Helen Sham-Ho:** To the point of order: I support the arguments advanced by the Hon. John Jobling and the Hon. Peter Primrose because this is only a report to adopt the incorporation of the citizen's right of reply, in this case in relation to Mr Bidder. The committee in itself does not judge the truth or otherwise of the matter. We are not debating whether or not it is the truth.

**The Hon. John Jobling:** You are forgetting that it is expressly forbidden to do that.

**The Hon. Helen Sham-Ho:** Yes. Whether the statement is the truth or not the truth is not the issue. The issue is whether the House will adopt the report to incorporate the written statement that has been provided to the committee by Mr Bidder, who feels aggrieved by the statement made by the Hon. Lee Rhiannon. I think that her debate seems to be opening another debate concerning investigative work by the committee, but the committee has no such role.

**The PRESIDENT:** Order! When a committee report is brought before the House, any member is entitled to contribute to a take-note debate on it. Accordingly, Ms Lee Rhiannon is entitled to address any issues referred to in the report. Vigorous debate on another report relating to a citizen's right of reply has taken place previously in this Chamber. There is no point of order. The honourable member may continue.

**Ms LEE RHIANNON:** I was referring to the comments made in a statutory declaration from Mr Vincent De Luca. He states that at the 1999 State election he witnessed Mr Bidder handing out how-to-vote cards for Mr Jones, the then Liberal candidate for the seat of Manly. At the 2001 Federal election Mr De Luca attended at Brookvale Public School booth and again he attests that he was handed a how-to-vote Liberal card by Mr Bidder, the Liberal candidate on this occasion being Mr Tony Abbott. I have a second statutory declaration from Mrs Roslyn De Luca, OAM, a current Liberal Party member, State councillor from 1997 to 2001 and previous branch secretary of the Brookvale-Allambie branch of the Liberal Party, in which she states that in 1999 Mr Bidder worked extensively to ensure the victory of the Liberal candidate for Manly, Mr Darren Jones.

A third statutory declaration comes from Ms Patricia Parsons, who states that on the day of the last Federal election she worked on the Harbord Youth Club booth with Mr Bidder, who was handing out Liberal how-to-vote cards for Mr Abbott. Mr Bidder told her that "... he would do anything to keep Labor out" and that "the Liberal Party are the only people who can manage the country". It is fascinating that all three declarations assert that on election night last November Mr Bidder appeared on television, in the background, at Mr Tony Abbott's election-night party. I have obtained a copy of the coverage. Mr Bidder can be clearly identified on the tape. He is standing behind Mr Abbott, between the honourable member for Wakehurst, Brad Hazzard, and Councillor John Caputo, who I understand is a Liberal councillor on Warringah Council.

I have the tape in my office, and any honourable member who is interested is welcome to join me during the luncheon recess and watch it. It makes fascinating viewing. Thus far we have a man who claims not to be a Liberal Party supporter but who is campaigning for Liberal candidates, handing out Liberal how-to-vote cards and appearing at Liberal election-night parties. In addressing the statement made by Mr Bidder in his reply, it is also illuminating to examine the history of involvement with Warringah Council. Remember that Mr Bidder has asserted that he is not a Liberal supporter and not an associate of Mayor Darren Jones. Again, the statutory declarations that were given to me provide intriguing inside knowledge. Mrs Roslyn De Luca, OAM, states in her declaration:

At the September 1999 council election, Timothy Bidder led a 'dummy' ticket on behalf of my Branch President of the Brookvale/Allambie Branch, Councillor John Caputo. All material for Mr Bidder's campaign was produced in Councillor Caputo's office at 696 Pittwater Rd, Collaroy. Councillor Caputo had originally asked me to lead this ticket to ensure preferences to him, but I felt it inappropriate to do this.

Mrs De Luca goes on to state:

On the Council election day in September 1999 I felt it quite odd, that despite Mr Timothy Bidder being a candidate for 'A' Ward, he and his brother Neal attended for periods of time, the North Curl Curl Booth, which I was on, and handed out 'how to vote cards' for Councillor Darren Jones. I thought this strange considering Cr Jones was standing for a different Ward, 'B' Ward...

It is a matter of public record that Mr Bidder stood as a candidate for A Ward of Warringah Council at the most recent local election and that the preferences from his ticket flowed on to the Liberal Councillor John Caputo. Mr Bidder stood on a ticket with Ms Carolyn Clampett, a member of the Liberal Party's Brookvale-Allambie branch.

Mr Bidder also makes some extraordinary assertions in his reply with regard to the Greens. He claims to be a Greens supporter. If so, I would be willing to bet he was the only Greens supporter at Tony Abbott's election-night party. I also have in my possession a statutory declaration from Mr Peter Forrest, the Greens councillor on Warringah Council, in which he states that he has no recollection of any participation or support from Mr Bidder for the Greens at either of the past two elections. He says that in his role as a Greens councillor, he has never received any support or encouragement from Mr Bidder, and indeed has not even had a conversation with him. However, he has experienced on several occasions Mr Bidder yelling support for Mayor Jones and his faction from the public gallery at a Warringah Council meeting, and he has seen Mr Bidder in Councillor Caputo's office in Collaroy, meeting with Councillor Caputo and Mayor Jones. But he has seen no indication whatsoever that Mr Bidder is a Greens supporter. Mr Bidder is entitled to his right of reply, and the Greens are not seeking to obstruct it.

It is, however, important that I place on the record that his key assertions are unsustainable. I made two specific comments regarding Mr Bidder's reply. He refuted both comments, yet both the statutory declarations to which I have referred and the public record give lie to his claims. The credibility of the entire statement set out in Mr Bidder's citizen's right of reply must, therefore, be called into question. In order to place on the record the statements of Liberal Party members, to which I have referred, and the statement of Councillor Forrest to stand alongside Mr Bidder's reply, I seek leave to incorporate in *Hansard* four statutory declarations.

**Leave not granted.**

I will continue to work to bring to light allegations of wrongdoing at Warringah Council. The people of Warringah clearly deserve better.

**The Hon. HELEN SHAM-HO** [10.31 a.m.], in reply: I will repeat the statement I made when I moved the motion and tabled the report. I told the House in a point of order that the Standing Committee on Parliamentary Privilege and Ethics does not judge the truth or otherwise of a statement made by honourable members or by any person aggrieved by a statement. The committee was not investigating the substance of the statement made by Mr Bidder.

Ms Lee Rhiannon referred earlier to Mr Bidder's political affiliation and to part of his response which is contained in the committee's report. In an attempt to clarify what Mr Bidder said for the benefit of those honourable members who are not committee members I would like to place on the record part of his statement. Honourable members would be aware that part of his response is contained in the committee's report but it is important for me to repeat some aspects of that statement in this Chamber. Mr Bidder stated in part:

The Honourable Lee Rhiannon's words suggest that I was in some way associated with or implicated in improper conduct on the part of Warringah Council in their dealings with the previous owner of 26 Ocean Grove, Collaroy. I have no knowledge of the dealings that the previous proprietor had with Council and I reject the associations and implications made by the Honourable Lee Rhiannon.

The Honourable Lee Rhiannon has stated that I am a Liberal Party supporter and an associate of Mayor Jones. Whilst my political persuasions are personal and the Honourable Lee Rhiannon's comments constitute an invasion of my privacy, the fact is that I am not a Liberal Party supporter. In fact, I am an enthusiastic supporter of environmental preservation policies, and indeed, I actually helped the Honourable Lee Rhiannon in respect of her 1999 election campaign by posting her election posters within the Warringah Shire area. I have also actively supported other Greens' candidate election campaigns and stood in the last Warringah Shire election as an independent with protecting the environment as a policy. It is also incorrect to state that I am an associate of Mayor Jones, although I agree with his policies of integrity and steadfastness against deception and corruption.

I strenuously reject the suggestion that my development application for 26 Ocean Grove, Collaroy was improperly approved.

I hope that honourable members adopt the committee's report.

**Motion agreed to.**

*Pursuant to the resolution the response of Mr Bidder was incorporated.*

### **Introduction**

The Honourable Lee Rhiannon made statements and imputations to the Legislative Council on 9 April 2002 in relation to Warringah Council.

The Honourable Lee Rhiannon's speech makes particular reference to "26 Ocean Grove, Collaroy," and its "owner". I am the owner of 26 Ocean Grove, Collaroy and am identifiable to many people as the owner.

The Honourable Lee Rhiannon's statements have had a severe adverse effect upon my reputation as well as my dealings and associations with others. I therefore wish to place it on the record that I deny and repudiate the accusations made against me by the Honourable Lee Rhiannon.

### **The Honourable Lee Rhiannon's Statements**

The Honourable Lee Rhiannon's statements are made in the context of wider comments in relation to alleged criminal conduct in relation to the death of a developer which I will not repeat here.

The Honourable Lee Rhiannon stated:

[...] This individual alleged that he had been asked by the brother of one councillor to pay \$80,000 and \$50,000 in bribes to have approved development applications for 26 Ocean Grove, Collaroy, and a Francis Street, Dee Why, property over which he had obtained a development option. When he refused to pay the bribes he alleged that he encountered obstruction at the council from Mayor Jones, who moved to refuse the application for 26 Ocean Grove, Collaroy. That motion was adopted. Interestingly, when this individual allegedly decided that the obstruction was all too much and sold the Ocean Grove property, it was purchased by associates of Mayor Jones and people whom I understand to be Liberal Party supporters.

Last year the new owners submitted a new development application for 26 Ocean Grove, Collaroy. Despite the proposed development being worse than the original, Mayor Jones and his majority faction moved to approve the development. Councillor John Caputo declared a pecuniary interest in the application. Many objectors to this development have alleged they have been subjected to intimidation and harassment. Owners of properties around 26 Ocean Grove have complained that their development applications for modest proposals have been obstructed and delayed. They claim to have been subjected to public attacks with untrue allegations. There appears to be a constant effort to cause anguish for adjoining property owners of 26 Ocean Grove, Collaroy.

Something appears to stink pretty badly in Warringah [...]"

### **Response**

The Honourable Lee Rhiannon's words suggest that I was in some way associated with or implicated in improper conduct on the part of Warringah Council in their dealings with the previous owner of 26 Ocean Grove, Collaroy. I have no knowledge of the dealings that the previous proprietor had with Council and reject the associations and implications made by the Honourable Lee Rhiannon.

The Honourable Lee Rhiannon has stated that I am a Liberal Party supporter and an associate of Mayor Jones. Whilst my political persuasions are personal and the Honourable Lee Rhiannon's comments constitute an invasion of my privacy, the fact is that I am not a Liberal Party supporter. In fact, I am an enthusiastic supporter of environmental preservation policies, and indeed, I actually helped the Honourable Lee Rhiannon in respect of her 1999 election campaign by posting her election posters within the Warringah Shire area. I have also actively supported other Greens' candidate election campaigns and stood in the last Warringah Shire election as an independent with protecting the environment as a policy. It is also incorrect to state that I am an associate of Mayor Jones, although I agree with his policies of integrity and steadfastness against deception and corruption.

I strenuously reject the suggestion that my development application for 26 Ocean Grove, Collaroy was improperly approved. The facts surrounding the development approval were as follows:

- (i) David Gilmore Real Estate advertised 26 Ocean Grove for sale in June 2000;
- (ii) I showed interest in purchasing the property. The selling agent disclosed to me that the Development Application lodged by the previous owner had been rejected by Warringah Council and later rejected by the Environment Court;
- (iii) I thereafter made an offer to purchase the property, and after negotiations, the offer was accepted with settlement taking place on 29 June 2000. I obtained a copy of the Land and Environment Court judgment which had rejected the Development Application lodged by the previous owner and instructed my architect to address in a new application every one of the objections contained in the judgment;
- (iv) My Development Application was submitted to Warringah Council in accordance with guidelines and practices used by any other member of the public in making such an application to the Council;
- (v) The Application received Warringah Council staff recommendation. It was debated at the Council's meeting on 4 December 2001 and, at that meeting, councillors voted for a site inspection to be conducted the following Tuesday, 12 December 2001. That day, after the site inspection, the Development Application was approved on

a 4 to 3 show of hands by the majority councillors. Thereafter a recision motion was lodged by minority councillors, however, the Development Application was finally approved by Council on 5 February 2002;

(vi) At no stage did any improper conduct take place regarding the Application.

The Honourable Lee Rhiannon also claims that persons objecting to my Development Application have been subjected to intimidation and harassment. I have no knowledge of such incidents. Any allegation that I have intimidated or harassed opponents to my Application is both untrue and without foundation. Any such accusation is particularly damaging to me.

I value my reputation and standing in the community, particularly with my near neighbours. Any inference that I have "obstructed and delayed" the development applications of my neighbours and subjected them to "public attacks with untrue accusations" is unfounded and distressing to me and my family. I have never set out to "cause anguish" for the "adjoining property owners of 26 Ocean Grove, Collaroy".

#### **Conclusion**

The Honourable Lee Rhiannon has made statements which clearly identify me and adversely affect my reputation in respect of dealings and associations with my community.

The Honourable. Lee Rhiannon's statements to the Legislative Council have caused injury to my credit, character, reputation and profession.

The Honourable Lee Rhiannon's speech infers that I have harassed, attacked and intimidated persons. The Honourable Lee Rhiannon suggests that I am involved in corrupt dealings and that I have obstructed and delayed the development applications of my neighbours. Her words imply that I am an associate of corrupt local government officials and may go so far to suggest that I may be implicated in serious crime.

I strenuously deny these accusations and implications. I have suffered extreme hurt and embarrassment as a result of the Honourable Lee Rhiannon's comments in the House.

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## **FIREARMS AMENDMENT (PUBLIC SAFETY) BILL**

### **SUMMARY OFFENCES AMENDMENT (PUBLIC SAFETY) BILL**

#### **Second Reading**

#### **Debate resumed from 18 June.**

**The Hon. GREG PEARCE** [10.34 p.m.]: I lead for the Opposition in the debate on the Firearms Amendment (Public Safety) Bill and the Summary Offences Amendment (Public Safety) Bill. The Opposition does not oppose either of the bills, which provide for a number of measures designed to improve public safety. Both bills deal with issues that Opposition members believe to be of the utmost importance. The measures in the Firearms Amendment (Public Safety) Bill in particular are comparable to the tough stance the Federal Government has taken on the illegal use of firearms since its election in 1996. The Summary Offences Amendment (Public Safety) Bill, which gives the police greater power to crack down on suspected criminals, will also increase penalties for those who insist on carrying dangerous weapons, such as knives, in public places.

Item [15] of schedule 1 to the Firearms Amendment (Public Safety) Bill provides that police will be given the power to use dogs for the purpose of detecting offences relating to the unlawful possession or use of firearms or explosives, and to use dogs to carry out general firearms or explosives detection in public places without a warrant. The Government often goes over the top with its spin on the effectiveness of sniffer dogs in public places, leading to the possibility that a person's basic privacy is placed at risk. However, when it comes to firearms and weapons, the Opposition believes that police should be given adequate powers to assist in the prevention of crime. That does not mean that the Opposition supports police stopping every person on the street and searching them for weapons, but if there is a reasonable chance that a person is carrying a weapon, the police should have the necessary discretionary powers.

Honourable members should bear in mind that any powers will be insufficient to address the community's concerns about public safety if this Government continues to neglect to give police the resources, numbers and equipment to do their job. The bills also target the manufacture of firearms without a licence; they create a specific offence in that respect. This legislation is long overdue. The illegal manufacture of firearms creates significant problems for the entire community. When the safety of the community is placed in jeopardy by a large number of illegal hand guns it is imperative that the Government attacks the cause of the problem. Large numbers of gang members all over Sydney have easy access to firearms, and I hope that stopping the illegal manufacture of guns will lead to a reduction in gun-related offences.

This Government has sat on its hands for a long time on the issue of the illegal manufacture of firearms, so it is good that it has finally taken action on this significant issue. It appears as though the



Government is also doing something about illegal firearms trafficking. An unauthorised person with three or more unregistered firearms will now be charged under a separate offence. Five years after the Federal Government's gun controls were introduced, the New South Wales Government has finally got on with the program. The Minister for Police has finally realised that it is harmful to the community for people to have a weapons arsenal in their homes.

After restricting the Commissioner of Police for such a long time it is good to see that the Minister and his predecessor are now actually supporting police by introducing these necessary laws. In fact, the Firearms Amendment (Public Safety) Bill represents a drastic change from the former Minister's laissez-faire stance on these matters. It would give one the impression that an election was less than nine months away.

Another surprising aspect of this bill is that the Commissioner of Police is given the power to refuse an application for a gun licence if the commissioner is of the opinion that the applicant is a risk to public safety. What is surprising about that is the possibility that a licence would have been granted or not withdrawn if the commissioner already held such intelligence. Under this bill, the Commissioner of Police is entitled to refuse an application having regard to any criminal intelligence report or other criminal information in relation to the applicant if the commissioner is of the opinion that the applicant is a risk to public safety.

Police intelligence, and particularly crime agency operations, have been a disaster area for the past five years—hundreds of detectives understrength, hidden reports, and a computer operated police system that was not even indexed—and now we have a hint as to why. The former Commissioner of Police was not given the support of the former Minister to even tie his own shoelaces. This Government made sure that the police service was totally subservient to the media spin of the Government. Hopefully, we now have a commissioner with some real authority to make decisions. It is good to know that he can at least reject a gun licence application without having to ring the Minister's office to make sure he will not be forced to resign. An article in yesterday's *Sydney Morning Herald* referring to a court case that arose from the actions of former Commissioner Ryan before he was forced out by Michael Costa said that some time last year Mr Ryan thought he had to stay because the Government wanted to keep him as a scapegoat for its failures in policing.

**The Hon. Rick Colless:** He was a good scapegoat.

**The Hon. GREG PEARCE:** He was a good scapegoat. Importantly, the Firearms Amendment (Public Safety) Bill is reasonably clear about who is to be targeted: those who illegally manufacture or carry firearms. Licensed shooters are exempt from certain requirements, as the bill is not intended to impact on legitimate licensed firearms owners or shooters. It would seem that some commonsense—a rare commodity in the police Minister's office—has finally surfaced. One might even assume—but we cannot be sure—that the Minister for Police will ensure that police will refrain from sending sniffer dogs to professional shooters clubs.

The Summary Offences Amendment (Public Safety) Bill also implements an interesting change on behalf of the Minister for Police. The Minister has clearly turned over a new leaf, and new powers will be given to the commissioner and the police. The Opposition does not oppose the bill because, while the Minister for Police was still leading picket lines outside building sites, the Opposition was fighting for greater protection for the community, greater powers for police, and stronger sentences for repeat offenders. We now have a bill that covers these three key areas. The bill increases to two years imprisonment the maximum penalty for having a knife in public. This should discourage people from carrying knives; indeed, it may even ensure a drop in the level of knife-related attacks. It would seem to the untrained eye that the Government is finally getting serious about knife attacks on Sydney's streets, although there still seems to be difficulty in recording the correct details of knife searches and police activity.

The Summary Offences (Public Safety) Amendment Bill also gives police greater powers to direct a person in a public place to move on if they have reasonable grounds to believe that the person's behaviour or presence is causing distress to others. We do not object to this power being given to front-line police. It would seem that police will now have the opportunity to use their discretion and avert troublesome situations from occurring. We are all aware of a number of troublesome situations that occurred, particularly in Sydney's south, in which police did not have the power to deal with groups of young men and the situations got out of control.

The Opposition continues to be concerned about the Minister's wildly impetuous reactions when he is reminded of the Government's failures in relation to its promises about police numbers. Cutting the training of police instead of ensuring they have all the confidence and knowledge they require to properly exercise their discretionary powers is another example of the Minister's inexperience and his inability to deal with these sorts of issues. The Opposition does not oppose the bills, because we have never opposed cracking down on firearms and giving greater powers to some of the hardest-working people in the State: our front-line police.

**The Hon. RICHARD JONES** [10.44 a.m.]: I have concerns about the Firearms Amendment (Public Safety) Bill and the Summary Offences Amendment (Public Safety) Bill. I agree that if sniffer dogs are to be used at all, it is great to use them to detect firearms, ammunition, gunshot residue and explosives; indeed, that is how they should be used. I therefore support such a measure. However, harassing young people who smoke or experiment with marijuana is clearly the wrong way to use sniffer dogs.

During the briefing session I raised a concern about whether the provision that persons who have three or more unregistered firearms would be liable to a maximum penalty of 20 years imprisonment also applied to farmers. Some New South Wales farmers may well have three or four unregistered firearms but they do not get around to reregistering them. I had hoped that such people would not be caught up by the legislation. I am sure that it will only apply to illegal dealers. I ask the Minister whether he is able to give an assurance that that provision will not affect farmers.

**The Hon. Michael Costa:** Yes.

**The Hon. RICHARD JONES:** The Minister has given an assurance that he will be able to tell us how the legislation will not affect farmers. It is good to know that the Minister knows what the legislation is about. Many Ministers do not know what legislation is about, and that can sometimes be a problem. As we have discovered in this Chamber over the last 14½ years, many Ministers do not read their own legislation. Obviously, the Minister for Police does read his legislation, so he will be able to tell us how it will not affect farmers.

Increasing the penalties for knife use is also a good idea, and I cannot see any problem with it. I understand that it is obviously part of the law and order ramp-up between now and March next year, in the hope that each side will outgun the other, so to speak. I note that legislation will be introduced to change the Police Service into a police force, for the first time since Commissioner Avery recommended that many years ago in the days of Ted Pickering, who was a very good Minister. Sometimes I wish we had Ted Pickering back in this Chamber.

**The Hon. Charlie Lynn:** Don't we all?

**The Hon. RICHARD JONES:** I thought he was a very good Minister indeed, and an extremely honourable man. I am concerned that the Summary Offences Amendment (Public Safety) Bill gives police the power to give move-on orders to a group of persons in a public place and that the officer is not required to repeat the warning to each person in the group; it is presumed that every person in the group heard the move-on order. It may well be that a person does not hear the order, or is absent when the order is given and subsequently returns to the group, and is charged with not moving on. Or, a person may be intoxicated and not hear or understand the order. It worries me that there is a possibility that one or two bad apples in the police service—or police force, as it will soon be called—will abuse that provision to arrest and charge people who do not move on, even though they did not hear the move-on order.

I ask the Minister to advise what will happen if a police officer asks a group of, say, 10 or 12 people to move on and only the first two people in the group hear the order and the others do not hear it. Will the police officer charge all of them? Under what circumstances will the police officer have discretion, and how will that discretion be exercised? Is it up to each individual police officer? Some police officers will use that discretion very carefully, others may well not, and we will end up with the old trifecta of resist arrest, abusive language, and the rest of it. I ask the Minister to clarify how that discretion will be exercised in cases where people do not hear the move-on order.

It concerns me that we are moving more and more towards a police State—even by changing the name of the police service to "police force". It is going to be a little like the United States of America. It concerns me that people are losing their civil liberties piece by piece. People died in two world wars to protect our civil liberties, and the Government is now chipping away at them. We should be careful about passing legislation willy-nilly that might result in innocent people being hurt. None of us is concerned about guilty people being affected, but we are very much concerned about innocent people being affected. I am afraid that this provision in the Summary Offences Amendment (Public Safety) Bill will affect a number of innocent people. I would like to know how they will be affected and how police officers will use their discretion.

**Reverend the Hon. FRED NILE** [10.49 a.m.]: The Christian Democratic Party is pleased to support the Firearms Amendment (Public Safety) Bill. The bill will introduce new laws to increase public safety in

relation to persons carrying firearms and other weapons in public places. It is important, if we want the police to provide community protection, that they have the legal power to do that. Some laws may not keep up to date with the problems that police are now facing in society. One example is the increasing number of people carrying knives. Legislation has to be updated to deal with these new threats to public safety.

We support the proposed authorised use of dogs by police to carry out random detection of firearms and explosives in public places. This is aimed at individuals, but because of the events of September 11 in New York, and other successful attempts to use explosives in other countries—thankfully, not to any extent in Australia except for that event some years ago in George Street—there is the increased possibility and danger of groups using explosives in public places. This is part of the rise in terrorism around the world. Again, prevention is the order of the day rather than waiting and reacting after something has happened.

The bill will also create an offence of "unauthorised manufacturer of firearms". With the skills that people have these days, and with engineering shops operating in garages and backyards, it is not impossible to manufacture firearms. Despite all the laws to stop them from coming into Australia, they can be made illegally here. There were reports recently of the discovery of a new-look .22 hand pistol, which looks just like a pen but can fire a .22 bullet. If it is fired near enough to a person it can kill that person. They are certainly not being made by authorised manufacturers, but they are being made by unauthorised persons. We need legislation to combat that development. The bill also creates the offence of possessing three or more unauthorised firearms.

The bill also increases the powers of the Commissioner of Police to refuse to issue a firearms licence where criminal intelligence leads the commissioner to form the opinion that the applicant is a risk to public safety. It also creates new offences in connection with converting firearms. Honourable members will be aware that weapons are often altered. An originally approved firearm may be adapted in various ways—a single shot may become an automatic; a shotgun may be cut down to become not much longer than a normal pistol and can then be carried by persons planning to rob a bank or other individuals, or to hold up an armoured car, and so on.

We also support the Summary Offences Amendment (Public Safety) Bill, which will provide higher penalties for having a knife in a public place without reasonable excuse. Offenders will be liable to a maximum penalty of \$2,200 or two years gaol or both. We know from what has been said in the House previously that there is some concern about what is happening with the confiscation of knives. I have seen reports of more than 19,000 knives being confiscated, yet there have been media reports and allegations as to whether this is a genuine figure.

I do not know how it can be false if the police have actually confiscated the knives. That is the evidence, unless someone makes some very serious allegations that the police are collecting knives from somewhere to reach some sort of target. I accept on face value that those 19,000-odd knives have been confiscated from people who intended to use them, as we have seen in some of the gang fights and in attacks on individuals in the George Street theatre complex.

We need to send out a message that carrying knives in Australia is not part of our culture. People do not need to carry knives and should not do so, and certainly teenagers should not be carrying them to school, about which there have been reports. One of the comments made during the debate about the confiscation of knives was that perhaps the police had increased their activity in this area. That is what we want. If that has led to a dramatic increase in the confiscation of knives, that is a result of the Government and Parliament wanting action. I do not see that as falsifying figures. The police officers who have raised this issue are complaining that it is artificial. It would be different if there were no confiscation of knives and records were being manufactured. That is fraud. But if it is a result of an increased priority to confiscate knives, we should be pleased about that and congratulate the police. We support the bill.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [10.55 a.m.]: These bills are just another vamp-up of police powers leading to the election. The Government is saying, "In a police state we have a police force, not a police service." Why do we always have increased police powers in response to the latest precedents set by a court or in response to small problems in policing? It is hard to dispute that we do not want guns in society, but now the Minister is making a distinction between legitimate gun owners and illegitimate gun owners.

Lots of security guards carry guns. Many of them are not wealthy people, because no-one who had an alternative would want to stand around outside a bank for eight hours. They would find it boring. This puts a lot of guns in the community, makes it more likely that guns will be used in crimes and that guns will be stolen and traded. If there are fewer guns, fewer people will be shot. This is the basic principle of behaviour and probability

by which one looks at things. By putting guns in society because the gun laws have not been tight enough, the Government has pandered to the gun lobby, despite all its rhetoric, and is still building shooting clubs, effectively pandering to the gun lobby—

**The Hon. Charlie Lynn:** They are sporting clubs.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Oh, that is sport, is it? Apparently a gun that is used for sport is not really a gun and it could not be used for anything else! The honourable member says it is absolutely okay. He has the idea that it is all right for some people to have guns. To sort out who is carrying guns we have to have police dogs sniffing everybody in the State. To allow people to shoot for sport we all have to put up with being sniffed by dogs as we go about our business, and we have to pass laws in this place to keep all this going along nicely. Clearly we do not want lots of gun dealers and here is another amendment saying that people cannot have more than three guns. Of course, we do not want them turned into sawn-off shot guns, so we have a law saying that people cannot tamper with guns. This is all great stuff. We do not want to be knifed, so we have a no-knife law in another bill. Sometimes unruly people cause trouble and a policeman cannot speak to all of them.

**The Hon. Greg Pearce:** Have you read the legislation?

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Yes, I have read it, you silly person. So that a policeman does not have to speak to each individual, the Government is introducing move-on powers on the assumption that if there are a lot of people they all know each other and if the police speak to one they will all obey the policeman and go away. If not, they can all be rounded up as a job lot. All this will increase police powers, supposedly on the basis of improving law and order in this State. However, the Government never looks around and asks why there is an increase in guns. The answer probably is because there are a lot of drugs. And why are there a lot of drugs? The answer is that drugs are a ladder to riches, drugs are a ladder to riches because they are illegal, and drugs are illegal presumably because they are harmful.

**Reverend the Hon. Fred Nile:** Why are cigarettes not illegal?

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** You are too gutless to make them illegal! Drugs are illegal, presumably because it is the best way of stopping them from doing harm. Drugs are defined as harmful. The Government should ask the big question: Is the best way to minimise their harm to make them illegal? With all these consequences rolling on, that question is never asked. We simply get a lot of silly rhetoric, such as "You can't let them do that" and "We will send the message," and various other silly approaches. The point is that there is not a holistic view of society and how to make it better and more harmonious. It is all a ramping up of law and order in preparation for the election. People are less likely to be violent if they are not trying to make a profit from drugs. If people have a reasonable level of material wellbeing, they are less likely to attack other people, which is likely to lead to less social violence.

We should look at how we improve the material wellbeing of people and the harmony of society in a scientific way. But do we? No! We come here with endless bills, finding small problems in precedents of policing activities and we spend endless time debating how we correct those precedents by a so-called small, harmless increment that one could not object to in terms of ramping up police powers. I suggest that we look seriously at and address the problems of lack of material wellbeing at the bottom end of society, which is the best way of dealing with the harm that drugs may do in a social context, because of their pharmacological properties. The way to address those problems in a preventive sense is to concentrate on people who are likely to develop personality disorders from bad parenting, drug-affected parenting or whatever.

Perhaps the best way to do that would be to look systematically at day care so that kids at risk get reasonable day care or preschools and early intervention so that the problem of personality disorders, which are highly overrepresented in the prison system according to the information from people who look at long-term serial and serious offenders, is addressed. The problem can be addressed from the cradle in a practical sense. Obviously, that does not solve the problem of those who have been missed by the policies we have been following to date but it would at least try to address it for the future, which is what we should be concerned about. As I said, it is hard to dispute the fact that we want fewer guns, that we have to find those guns, and that we do not want gun dealers, more sawn-off guns, and people trading in guns or knives. Within that framework, it is simple: Each little increment is justified but the whole conceptual framework within which this Government is working, and of which this bill is a part, is quite wrong. That needs to be stated unequivocally, despite the heckling from the peanut gallery opposite.

**Ms LEE RHIANNON** [11.04 a.m.]: The Greens welcome any moves which in reality—and I emphasise "in reality"—reduce the prevalence of illegal and dangerous firearms in our society. I think the best we can say is that the jury is still out when it comes to determining to what degree this legislation will reduce the number of firearms circulating in our society. However, the jury is not out when it comes to other aspects of the legislation. I am referring to those provisions on which the Minister cannot help himself but again revert to the usual law and order rhetoric. I will give examples of that later. It is disappointing that the Opposition has been sucked in once again; it simply goes along with these bills and does not examine them in detail. However, the Opposition would benefit from examining the bills, because clearly it wants to up the ante on the whole law and order agenda for the coming election. It could expose the Government as not being meaningful, but it does not seem to be able to use that tactic.

The Firearms Amendment (Public Safety) Bill will ban the unauthorised manufacture of firearms. That step is long overdue but it is still welcomed. It is not a panacea but obviously it will go some way to reducing the number of firearms in circulation, which must be a key objective for all of us. This ban will help to reduce the incidence of highly dangerous weapons. I will come back to that point later because the bill deals with the conversion of highly dangerous weapons. I am concerned about how that matter is presented. The bill will create an offence of unauthorised possession of three or more unregistered firearms. Clearly, this will address the problem of trafficking in firearms, and the Greens welcome that aspect of the bill.

The Firearms Amendment (Public Safety) Bill will require the Commissioner of Police to refuse to issue a firearms licence if criminal intelligence shows that the result could be a risk to public safety. If that is carried out in accordance with proper and appropriate practices within the police force, it could reduce the number of firearms circulating. I think that underlines that having a firearm is not a right but a privilege and that that privilege needs to be exercised carefully. I move on to the issue of converting firearms, about which I believe the Minister is doing a bit of shadowboxing. Banning the manufacture of automatic firearms sounds wonderful. Great speeches will be made and wonderful headlines printed on the subject. That will be of great benefit to the Government, but does it really mean anything?

From my reading of the bill, it will not contribute to the safety of our society because laws are already in place to deal with such weapons. There is no need to ban the manufacture of illegal firearms because they are illegal in the first place, which means that even possessing them is an offence. As for the provisions banning the spreading of information about illegal modification of firearms, they are pure spin—I feel like saying "Come in spinner". Certainly, the Minister has said, "Come in spinner". It is impossible to stop the flow of information. The horse has already bolted, and I am sure the Minister knows that. Last night, a Google search conducted by one of my staffers on semiautomatic handgun conversion generated 727 separate web locations. People can go to 720 web locations to get information on how to convert semiautomatic handguns! How exactly does the Minister propose to solve this problem?

There is spin and there is spin, but when one gets down to the details spin does not give the Minister answers. On that point, the Minister has a huge hole in his legislation. However, that hole will rarely get out to the public, unfortunately, because the Opposition is inept and is unable to recognise that aspects of law and order legislation that keep coming through the Parliament are not all that they seem. Too often, legislation is meaningless in terms of its outcomes.

The Greens share the concern of other honourable members about the Summary Offences Amendment (Public Safety) Bill because of an abuse of police powers in the wider community and, therefore, do not support it. The bill imposes tougher penalties for people in possession of knives in public places. That clearly targets young people and is not about making our society a safer place. Police already have powers to carry out searches, and that provision does not belong in this bill. However, the bill gives the Minister a glad bag of knives and sniffer dogs so that he can wax lyrical about what he is supposedly achieving. The use of sniffer dogs to search for guns has been canvassed many times in the House and the Greens are on record as having considerable concerns about the use of sniffer dogs to detect firearms in our community. I reiterate those concerns. Honourable members may not be aware that it is very disturbing to members of the Islamic faith to be touched by a dog. They work hard to avoid being touched by dogs, and they respond in different ways if they are touched by a dog. Accordingly, it is not appropriate that dogs should be used against such people in the way provided by this legislation.

**The Hon. Charlie Lynn:** The dogs don't lick you, they just sit down beside you. The dogs don't touch you.

**Ms LEE RHIANNON:** I note that the Hon. Charlie Lynn said that the dogs just sit down beside the person. That is certainly the way the Minister presents it, but the Greens have been informed of many incidents

of dogs nuzzling, brushing and touching people—a much different picture from that being presented. People's civil liberties and human rights should be respected and upheld by all honourable members. The Greens will move some amendments to address some of these problems. Overall, I alert honourable members to this spin; it is not about substance. We need substance in order to make our community safer, and that is a real commitment of the Greens.

**The Hon. DAVID OLDFIELD** [11.13 a.m.]: I support the legislation because dealing with illegal firearms use is in the interests of all law-abiding members of the public, particularly law-abiding shooters. Those who legitimately use their firearms for recreational purposes—hunters, target shooters, people competing in firearms events, collectors—recognise and support laws that crack down on the criminal use of fire-arms. Law-abiding users of firearms are not concerned with laws that do not impact on them by virtue of the fact that they are law-abiding, they do not intend to break those laws and, therefore, they will not be impacted upon. However, from a legal shooter's perspective the community must be continuously educated about who is responsible for the improper, illegal, dangerous and violent use of firearms. It is not the law-abiding shooter, the club shooter, the hunter, the competition shooter or people like Michael Diamond—who is busy practicing to win gold medals for Australia—who are the problem. Legislation such as this helps to make the public at large, people who are not shooters, more aware that those who have guns illegally in the first place and use them for illegal purposes are the problem, not the sports shooter.

It is important to point out the tremendous level of misinformation about the illegal use of firearms, particularly when compared with the illegal use of knives. Society has great concern about firearms, and I am pleased that this legislation makes provision for offences with knives because statistics show that 94 per cent of violent crime involves the use of a knife. A knife is the weapon of choice for violent crime under most circumstances, not a firearm—and certainly not a firearm in the hands of a legitimate shooter. Good legislation will hopefully help to kill off, if I might use that term, such misinformation. Most recently, a good deal of that misinformation has been presented on the Channel 10 program *Beauty and the Beast*, in which in the last couple of episodes my wife has appeared upholding the sensible side of the debate regarding firearms. On that program she has had to face issues regarding knives and comparisons made between knives and firearms. Rebecca Wilson asked the ridiculous question of my wife on that show that, whilst my wife and I might be law-abiding citizens, how could we possibly guarantee that our children, growing up in a home where there are firearms, would not become criminals.

I am sure all honourable members realise that only a stupid person would say such a stupid thing. On this occasion Rebecca Wilson stated with great vehemence that there is a danger that a person who grows up in a household where there is a firearm might become a criminal. How could one draw such a conclusion? It is so stupid as to defy belief. I have a videotape of the show for anyone who would want to see it. The same stupid logic could be applied with regard to children growing up in a household where there are knives. Is it suggested that these children will become criminals? As I said, 94 per cent of all violent crimes are committed with knives—the weapon of choice over firearms. Clearly, it is stupid to say that children growing up in homes with knives will become criminals as a consequence, and it is equally stupid to suggest that children growing up in homes where there are guns will become criminals.

**The Hon. Duncan Gay:** What about ropes?

**The Hon. DAVID OLDFIELD:** The Deputy Leader of the Opposition clearly agrees that the statements made by Rebecca Wilson are stupid. A rope can be used violently to strangle a person. Is it suggested that a person growing up in a home that happens to have a rope hanging around somewhere will turn into a criminal? Those statements of Rebecca Wilson are absolutely ridiculous. There is no association between one growing up in a home where there are guns and knives and one becoming a criminal. In fact, the lengthy inquiries and research conducted by the justice department in the United States of America shows that children growing up in homes that teach disciplined gun ownership are less likely to become involved in all forms of crime and illegal drug taking.

[*Debate interrupted.*]

#### DISTINGUISHED VISITORS

**The DEPUTY-PRESIDENT (Reverend the Hon. Fred Nile):** Order! I welcome to the visitors gallery a delegation from the Committee on Public Participation, Senate of Thailand.

**FIREARMS AMENDMENT (PUBLIC SAFETY) BILL****SUMMARY OFFENCES AMENDMENT (PUBLIC SAFETY) BILL****Second Reading**

[*Debate resumed.*]

**The Hon. DAVID OLDFIELD:** I would hope that this misinformation would be clarified by good legislation being imparted in the appropriate way to the community.

**The Hon. Michael Gallacher:** Do you watch *Beauty and the Beast*?

**The Hon. DAVID OLDFIELD:** I only watch it when my wife appears on it. Yesterday my wife, Lisa Oldfield, appeared again on the show and once again was doing her bit to uphold the sensible end of the argument of legitimate and legal firearm ownership. On this occasion, Lisa Forest, somebody of note some years ago, had the hide to suggest that recreational firearm ownership somehow equated to recreational drug use. She said she thought recreational firearms ownership and recreational use of firearms were "strange". When queried as to why she thought it was strange, Ms Lisa Forrest responded, "Do you think recreational drug use is all right?" There is absolutely no correlation between recreational drug use—which is illegal—and the legal use of firearms for recreational purposes. It is idiotic in the extreme to paint as a social horror recreational gun ownership and use. It is not. Unfortunately, recreational drug use is a social horror.

My wife also raised the very interesting, and relevant point about how legitimate firearm owners, as opposed to criminal firearm owners, should be treated. She used the analogy of driving offences. She said that when a person breaks the driving laws and kills someone—and each year thousands in this country die as a consequence of drink-driving, speeding and so on—we do not ban all cars and cancel all licences; we penalise heavily those who commit the offences. All licensed, legitimate firearm owners support that principle. The same principle applies to firearm owners and shooting. We do not prosecute, verbal, attack and assault legitimate and law-abiding recreational firearm owners. We come down heavily—as this legislation intends—on those who break the law. Just as we do not penalise all drivers for what some drivers do, we do not penalise law-abiding shooters for what criminals do with guns.

Criminal gun use in New South Wales—as the Minister for Police is well aware—particularly in Sydney, and especially by ethnic crime gangs, is terrible. About two weeks ago a close friend of mine had five shots fired at him in a hold-up. This person now has five bullet holes in the counter of his business premises—three from bullets fired from a .45 automatic and two from bullets fired from a .40 semiautomatic gun. Four persons entered his premises guns blazing, like something out of a movie. Their ethnic gang relationship was clear from their accents. They burst into the premises firing. They did not walk through the door and say, "This is a hold-up, hands up, stay where you are" or anything like that. The first thing heard were the shots. The next thing noted were bullets whizzing around my friend's head as he ducked under the counter, out to the back room, locked himself in and called the police. This is an horrific crime. Imagine, people walking into your shop, without warning of any kind, without any thought of leaving you alive—their only plan being to rob you and gun you down on the floor of your shop. Their intention is to murder you first and then steal from you. My friend has the five bullet holes in his counter to remind him of this event.

The people of this State are in a very difficult situation. I believe the police are doing the best they can. I have to say the Government is being very reasonable in its approach to legitimate firearms owners and is apparently doing what can thus far be done to try to crack down on criminals. Importantly, the Government is differentiating between criminals and legitimate firearms owners. But we will, I believe, get to a point in this city—and, I am afraid, in much of Australia—where people will need to defend themselves with their own firearms. That will be a terrible state of affairs. I hope it does not happen, but I believe in years to come it will. Recently I heard someone say, "Yes, you should have the right to defend yourself." Interestingly, this was also on *Beauty and the Beast*.

**The Hon. Duncan Gay:** Do you watch it every day?

**The Hon. DAVID OLDFIELD:** I only watch the show when my wife is on it. This was a show a few weeks ago.

**The Hon. Duncan Gay:** What time is it on?

**The Hon. DAVID OLDFIELD:** At 1.30 p.m. on Channel 10, and then repeated twice on Foxtel.

**The DEPUTY-PRESIDENT (Reverend the Hon. Fred Nile):** Order! The honourable member should not use his speech to promote a television program.

**The Hon. DAVID OLDFIELD:** In this case Lisa Wilkinson—who is equally as foolish as Rebecca Wilson; their statements are equally stupid—said, "Oh, yes, you have a right to defend yourself in your home, but not with a gun." Let's look forward to the day when some violent criminal breaks into Ms Wilkinson's home and she wishes she had a gun.

**The Hon. Duncan Gay:** Did you say, "Let's look forward to the day"?

**The Hon. DAVID OLDFIELD:** Let's look forward to the day that she has the experience of understanding how helpful a gun might be in certain circumstances. When people put themselves in the public view, on television, and say such stupid things, their position perhaps should be made clearer for them at some stage in the future. They have to be careful about what they say. People need to be careful about what they say. I would suggest that we do not give a crim a fair fight. These are not Marquess of Queensberry rules. If somebody bursts into your home with a knife or bat, you would be better off having a gun. If a person comes through the door with a syringe loaded with HIV-positive blood, you would be better off with a gun.

There are no Marquess of Queensberry rules when it comes to facing criminals. They should not be given a fair fight. It should be maximum fire against that person. You should have the advantage whenever that is possible. Unfortunately, we may get to the point where it will become necessary for a number of our citizens to defend themselves—especially those who are alone in isolated country areas, far from police stations and unfortunately not able to rely on the New South Wales police force—not through any fault of the police force but merely as a consequence of isolation. Don't give a crim a fair fight.

The Hon. Lee Rhiannon raised the question of civil liberties. I very much support civil liberties, but to a point. We must all understand that unfortunately there are certain rights that, in the interests of protecting groups and individuals in society, cannot be afforded to us. That is because upholding those rights would protect criminals. If we focus our concern on the use of sniffer dogs to detect firearms, drugs or whatever, and the possibly minimal offence that might be caused to citizens by a sniffer dog wandering past them, we will fail to be appropriately concerned about what the sniffer dog is doing to prevent crime by identifying criminals. It is fair to say that I do not really look forward to the day when Lisa Wilkinson faces a criminal and wishes she had a gun, but I certainly make the point that if she found herself in that position, she might rethink the concept of giving a crim an even break. I thank the Minister for Police for his efforts in clearly defining the difference between legal and illegal gun ownership and the legal and illegal use of firearms. Shooters are very pleased that the Minister has differentiated between them and criminals with guns.

**The Hon. MICHAEL COSTA** (Minister for Police) [11.28 a.m.], in reply: I thank honourable members for their comments on these two bills. As usual the Hon. Greg Pearce—Dennis Denuto—proved his inability to deal with a responsible matter of public concern by engaging in the ill-informed nonsense that has become typical of him in this House. I accept that he is more experienced in that type of behaviour than I, but the fact is that the Firearms Amendment Bill is an important bill that has been brought into the public arena after consultation with a range of groups. The honourable member seems to think that I come up with legislation without consulting with anybody, but I can assure him that I did consult with police and other appropriate stakeholders in bringing forward this bill. That is why I believe the bill reflects a sensible position taken between the two extremes that have been represented during the debate. I do not wish to spend too much time in dealing with that aspect because of the importance of this bill and the need to address the substance of the bill during debate.

The Hon. Richard Jones raised a few issues in relation to farmers. He asked what would happen to a farmer who forgot to register a firearm. The advice is clear: that is not encompassed by this bill. The new offence affects only those who are unlicensed and who are in possession of unregistered firearms. I think that is a fairly sensible position to adopt. Another issue raised by the honourable member referred to group warnings in the context of the move-on powers. The Ombudsman agrees that a general warning to a group should only have to be issued to the group. However, in the drafting of the bill's provisions, the Government has included a requirement that each member of the group should understand or should have heard the direction. If somebody wants to challenge that in a court, there is an option to do that, but I believe that the provisions of the bill represent a sensible balance between civil liberties of the individual and the rights of the police and the community to better protection.



I have to say that I am always concerned when Ms Lee Rhiannon participates in debate on this type of legislation because on the one hand she accuses the Government of putting a spin on the law and order debate and on the other hand she claims that the Government's bills are not meaningful. There is always inherent contradiction in what she says. The only person I know who engages in spin to the detriment of this House is the Hon. Lee Rhiannon. She does so constantly. She wastes the time of this House by producing documents to serve her own spin purposes of cobbling together a little group that supports rhetoric that is clearly out of line with the point of view of the general community on a range of social issues. I can accept an argument suggesting that, as a civil libertarian, she believes that the provisions of the bill are too harsh, but I cannot accept that on the other hand the bill is all spin. It is either one or the other; she should make up her mind. As far as I am concerned, the Government's bill has struck an appropriate balance.

The package of initiatives provided for in the bill will assist police to better protect the community against illegal hand guns and weapons in public places. The Firearms Amendment (Public Safety) Bill will increase the maximum penalties for having a knife in a public place without reasonable excuse to \$2,200 or gaol for two years. It will also clarify the operation of the direction power and make it clear that police officers can give a direction to a group of persons. This will allow police to use their direction powers more efficiently in the interests of public safety. The Firearms Amendment (Public Safety) Bill builds on the 2001 firearms trafficking initiatives to improve public safety. A number of reforms that are proposed for the Firearms Act are aimed at targeting illegal hand guns and trafficking. Police will also be able to use firearm detection dogs to randomly detect firearms in public places. This bill is a sensible response to community concerns about a range of issues. I commend the bills to the House.

**Motion agreed to.**

**Bills read a second time.**

### **In Committee**

**The CHAIRMAN:** Order! The Committee will deal first with the Firearms Amendment (Public Safety) Bill.

**Clauses 1 to 4 agreed to.**

### **Schedule 1**

**Ms LEE RHIANNON** [11.34 a.m.]: I do not propose to move Greens amendments Nos. 1 and 2 as circulated. I move Greens amendment No. 3:

No. 3 Page 10, schedule 1 [15]. Insert after line 5:

#### **72F Records and reporting requirements**

- (1) A police officer must make and keep a record of the following:
  - (a) the times and locations at which a dog is used by the officer under this Part,
  - (b) the number of positive detection responses by the dog,
  - (c) the number of people spoken to or approached by the officer when using a dog under this Part,
  - (d) details as to the firearms or explosives discovered by the officer under this Part.
- (2) The Commissioner of Police is, in respect of each year following the commencement of this Part, required to publish an annual report that contains the following information:
  - (a) the total number of searches and general firearms or explosives detection operations in which dogs were used in that year,
  - (b) the total number of police-hours used in carrying out those searches and operations in that year,
  - (c) the total number of positive detection responses by dogs in that year,
  - (d) details as to the number and type of firearms and explosives discovered in that year,
  - (e) the total number of charges laid in that year resulting from those searches or operations and the total number of convictions resulting from those charges.
- (3) Each such annual report must be made publicly available.

The amendment will require officers to keep a specific firearms statistics logbook so that the impact of the bill can be assessed. The Government requires the Ombudsman to conduct a review, which the Greens obviously welcome, but there are no means by which statistics may be gathered to facilitate a proper review of the use of sniffer dogs in their operations. This amendment will make it possible to objectively assess the impact of the sniffer dog teams on firearms in circulation and on innocent people who might be sniffed by the dogs. It will create logs that detail the times when the dogs are used, the locations, the number of positive detection reactions from the dogs, the number of people spoken to by officers, and the weapons discovered, including modifications.

This information is sorely needed if police are to carry out effective operations. This amendment will enable police officers to judge how their operations are working and how to make them more effective. Surely this is the type of data they should collect. The information that the Greens suggest should be collected will be used to create statistics by which the approach to firearms and explosives detection may be assessed. I commend this amendment to the Committee and hope that members from the major parties will see their way clear to forget the differences we have from time to time and recognise that this amendment will strengthen what the legislation is designed to achieve.

**The Hon. MICHAEL COSTA** (Minister for Police) [11.36 a.m.]: This amendment cannot be supported by the Government, but I make the point that there is a requirement for the dog unit to keep records. Those records are reviewed by the Ombudsman. The more sensible approach to this is to allow dog unit officers to sit down with the Ombudsman and work out the form that is suitable to both.

**The Hon. GREG PEARCE** [11.37 a.m.]: The Opposition does not support this amendment. We were very comfortable with the provisions in proposed section 72E for monitoring by the Ombudsman within two years. I think that the process outlined by the Minister will operate quite well with the Ombudsman working with police on the records that they already have. I congratulate the Greens on withdrawing the other amendments because those amendments were, frankly, quite extraordinary. Instead of upholding the rights of civil liberties and the rights of individuals—

**The CHAIRMAN:** Order! There is no provision for discussing matters other than the clause that is under consideration.

**The Hon. GREG PEARCE:** I accept that, Mr Chairman. I agree with the Minister's view that this amendment is not required.

**Reverend the Hon. FRED NILE** [11.38 a.m.]: The Christian Democratic Party also is concerned about this amendment. As has been said, a better system is to have some discussions with the Ombudsman. The way this amendment is worded, it seems to tie up the officers involved with the searches in a tremendous amount of paperwork. I believe that the paperwork would almost be more time consuming than the actual testing of people or inspecting whether they are carrying drugs or guns. I agree with the Government's overall policy of trying to reduce the paperwork to enable police officers to become more active and involved in preventing more crimes instead of being given a big tick for producing a large number of written reports. Let us get police officers back onto the streets to do their job.

**Amendment negatived.**

**Ms LEE RHIANNON** [11.40 a.m.]: I move Greens amendment No. 4:

No. 4 Page 11, schedule 1. Insert after line 11:

**[20] Schedule 1 Prohibited firearms**

Insert after item 1:

1A Any pistol that is readily capable of being converted into a firearm referred to in item 1.

The intention of this amendment is to strengthen prohibitions against unauthorised modification. This amendment addresses the reality that there are already 70,000 registered hand guns in New South Wales, 1,000 of which are stolen each year. Many of those hand guns are modifiable semi-automatic weapons. The Greens simple but effective amendment will alter the Firearms Act 1996 to place in category D, that is, prohibited weapons, all category H weapons—hand guns, pistols and revolvers—that are potentially modifiable into category D prohibited weapons. If honourable members are interested in public safety I am sure that they will support this amendment.

I say to members of the major parties that they will regret the day that they do not support this amendment, and their statements that they want to make our community safer, reduce the circulation of guns and get guns off the streets will not hold water. After the Port Arthur massacre there was a strengthening of gun laws in this State but we ended up with a serious loophole in the legislation. Honourable members will remember the tragedy of Port Arthur. After that tragedy there was bipartisan support for a ban on what most people understood to be semi-automatic weapons. However, that ban was placed only on semi-automatic long arms. Semi-automatic pistols are still being used in the community. People are being killed, held up, and pistol whipped, et cetera.

Whenever the Greens take up this issue with the New South Wales Labor Government it hides behind Federal laws—something that it does quite often. If we are to cut back on the use of certain types of guns in our society we need uniform Federal gun laws throughout this country. The Labor Government in New South Wales should lead other States in introducing uniform gun laws. Until legislation of that sort is implemented, semi-automatic pistols will remain in circulation. At the moment all we have is silence from the Labor Government.

*[Interruption.]*

I note the interjection of the Deputy Leader of the Opposition. However, I do not have those figures in my head. It appears, from the tone of the honourable member's interjection, that he disagrees with the Greens amendment, which is disappointing as it discredits his party. I understand that Opposition members have a strong position on law and order issues. If they are committed to preserving law and order in this State, surely that should translate into removing semi-automatic pistols from our community. Those honourable members who are interested in public safety should support this amendment.

The Minister for Police appeared stunned in relation to my earlier comments about spin. He tried to get himself out of that by saying we cannot have it both ways: we cannot say on the one hand that it is spin, and on the other that there is some substance to it. We can, Minister. Legislation can contain some good provisions and it can contain some deceitful provisions. The Minister is easily wounded. I commend the amendment to the Committee.

**The Hon. MICHAEL COSTA** (Minister for Police) [11.44 a.m.]: The Government opposes the Greens amendment. I will not comment on the honourable member's reference to my being easily wounded, but I will respond to her suggestion that the Government has been silent on this matter. The Government has not been silent on this matter. There is no argument about the fact that people are entitled to have legal hand guns. This amendment, which is aimed at banning all semi-automatic hand guns, falls outside the 1996 national firearms agreement, which made it clear that legal weapons could be used for sporting and recreational purposes. People have to comply with a set of parameters and requirements and they have to go through various hurdles before they are able to obtain licences for those sorts of weapons.

**Reverend the Hon. Fred Nile:** Strict ones.

**The Hon. MICHAEL COSTA:** It is very strict. There should not be any nonsense in relation to this issue. The Government has not been silent on this matter. It recognises the right of people to possess legal firearms, so long as they abide by the laws of this State.

**The Hon. DAVID OLDFIELD** [11.45 a.m.]: I am concerned about the statement made earlier by Ms Lee Rhiannon, who is renowned for opposing firearms ownership of any kind. We are constantly being subjected to statements of this kind—drip, drip, drip, a bit at a time. All honourable members would be aware that the Greens support the concept that there should be no firearm ownership at all in society. If the Greens were in a position of power they would take guns from police and everybody else. They simply do not want guns at all in our society. Perhaps Ms Lee Rhiannon's communist background is the basis for her desire to disarm the whole country. Who knows what is behind the Greens' desire for the complete removal of all firearms?

**The Hon. Michael Costa:** Her Stalinist approach.

**The Hon. DAVID OLDFIELD:** Perhaps it is the honourable member's Stalinist-Trotskyite approach.

**The Hon. Michael Costa:** Stalinist approach.

**The Hon. DAVID OLDFIELD:** She is adopting a Stalinist approach to make everybody defenceless.

**Ms Lee Rhiannon:** Do you do everything he tells you to do?

**The Hon. DAVID OLDFIELD:** The honourable member forgets—or perhaps she does not even know—that I own a semi-automatic hand gun. I do not need any prompting from the Minister for Police in relation to this issue.

**Ms Lee Rhiannon:** You just changed the words when he told you to.

**The Hon. DAVID OLDFIELD:** I take on board the fact that the Minister for Police, the Hon. Michael Costa, suggested that Ms Lee Rhiannon is a Stalinist. I take that on board. I thank the Minister for giving me the appropriate adjective to use to describe Ms Lee Rhiannon.

**Ms Lee Rhiannon:** You two are good mates.

**The Hon. DAVID OLDFIELD:** Yes. I will pick up on a couple of the things that were said in relation to the gun buy-back and Port Arthur. Port Arthur was a tragedy on any interpretation. I suggest to the honourable member that it is extremely unfortunate that at least one of the victims at Port Arthur was not carrying a semi-automatic hand gun. How terribly unfortunate that was! How different Port Arthur might have been if one of those victims had been carrying the kind of gun that Ms Lee Rhiannon would like to ban from society. All we hear is drip, drip, drip. If semi-automatic hand guns were eventually banned as a consequence of the insistent and continual lobbying of the Greens, the next thing that would be banned would be repeating revolvers and everything else.

We would reach the point where not even an air gun was available in our society. People like Michael Diamond would be unable to compete in the Olympics. No hand guns would be legally owned in Australia—a situation that exists in England. I remind Ms Lee Rhiannon and anyone who might be foolish enough to take up the cudgel with her, that in England more than 200,000 legal hand guns were removed from society in 1997, yet the 1999-2000 figures published in the British *Hansard* show that hand gun crimes in all categories have gone through the roof; they have increased by 40 per cent. There were 3,600 violent crimes committed with hand guns in the United Kingdom two years after every hand gun was removed from legal ownership.

I have said many times in this House—and many people before me have said—outlaw guns, and only outlaws will have them. This foolish, ridiculous crusade on the part of the Greens to take semi-automatic hand guns and all guns away from legal, legitimate law-abiding shooters is nonsense. It will do nothing whatsoever to change the level of hand gun crime that is committed. Gun crime has nothing to do with the ownership of guns by legal, law-abiding shooters.

**The Hon. GREG PEARCE** [11.49 a.m.]: The Opposition does not support this amendment, which is ill conceived and unworkable.

**Amendment negatived.**

**Schedule 1 agreed to.**

**Schedules 2 and 3 agreed to.**

**Title agreed to.**

**The CHAIRMAN:** Order! The Committee will now deal with the Summary Offences Amendment (Public Safety) Bill.

**Clauses 1 to 3 agreed to.**

**Schedule 1 agreed to.**

**Title agreed to.**

**Bills reported from Committee without amendment and passed through remaining stages.**

**PARLIAMENTARY REMUNERATION AMENDMENT (RECOGNISED OFFICE HOLDER) BILL**

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

**Declaration of urgency agreed to.**

**POLICE SERVICE AMENDMENT (NSW POLICE) BILL****Second Reading**

**Debate resumed from 18 June.**

**The Hon. MICHAEL GALLACHER** (Leader of the Opposition) [11.53 a.m.]: The provisions of the Police Service Amendment (NSW Police) Bill indicate once again the Government's continuing acceptance that it got it wrong, that it has had it wrong for a number of years, and that it is now trying to fix everything up as quickly as it can in the next few months before it steers itself towards obvious opposition, post-2003, to some of the changes that are evident in this legislation. Over the past few months the Minister for Police has tried to bring about a name change for the police service by continually referring to it as the police force. The Minister desperately tried to get the change through; he kept talking it up. People encouraged him along the way, but at the end of the day he did not have the numbers; he did not have support.

We do not know where the support eventually came from. He wanted to drop the word "service". What we now have is simply "NSW Police". The Minister has shot from the hip: he spoke before he knew he had the numbers to bring about the change. He has had to go back and say, "We are not going to go with the New South Wales police force; we will settle with NSW Police." The Minister keeps shooting from the hip; he keeps coming up with these great ideas that, at the end of the day, simply do not stack up. We have to encourage him; he is a relatively new member to the Chamber. But there will come a time when the Minister realises that he would be far better off consulting with people, to get some understanding of what he is likely to get through the Chamber, before he goes out into the middle of College Street and starts firing wildly with everything available to him to try to capture another headline. This one slipped through with a fair degree of ease, but the Opposition has not overlooked the Minister's change in tack from "New South Wales police force" to simply "NSW Police".

The bill allows for a number of other changes in relation to fairly serious aspects that the Government recognises need to be addressed. The provision in relation to payments to students of policing is commendable. The Opposition has questioned the Government's approach to the reforms undertaken in the police academy and the changes brought forward by the former police commissioner, Peter Ryan, with regard to the sorts of resources and support trainees were given when they went through the police academy. We have often spoken about the need to strike a balance in that regard. The Government, with the assistance of Commissioner Ryan, was keen to pursue the line that police officers had to be academics, believing that it was far more valuable to have people with letters after their names.

There was no room in the police service for the butchers, bakers and candlestick makers under Commissioner Ryan, and indeed under Minister Whelan when he was in charge. The Government realised that not enough academics wanted to join the New South Wales police service, and also that there was a shortfall in the number of people who were able to bring a wide range of experience to policing. In our community we have people with an ethnic background, people with a working-class or trades and labour background, and academics. The police service should replicate the community; it should be a microcosm of the community. But the Government pushed to have elite police, police with degrees and letters after their names.

However, after some time it recognised that the commissioner had led it down the wrong path. The provision for payment to students of policing is simply an extension of that. There is simply no provision in the Government's approach to policing and measures by which to attract young people—indeed, people of any age—to come forward. In particular, I draw to the Minister's attention the concerns of many married people about joining the police service. There was a concern that if they were to suffer serious injury whilst undergoing training at the academy, they would not be covered by insurance.

I can assure the Minister that not too many women would say to their husbands, "I think it is a great idea for you to go down there and put everything at risk—our home and our livelihood—when the Government won't back you with the necessary protection should you be injured whilst doing your training." The Opposition and the association have continued to pursue that matter, and finally the Government has heard the call and has

instituted some change. We congratulate the Government on that, but it is too late. This has been going on for a number of years, and something should have been done about it earlier. Changes have also been made in relation to the unauthorised use of uniforms and insignia, and we acknowledge some of the issues raised by the Minister outside this Chamber and in his second reading speech in that regard. The Opposition does not oppose the bill.

**The Hon. RICHARD JONES** [11.59 a.m.]: I support the Police Service Amendment (NSW Police) Bill. I was in this Chamber on 2 May 1990 when the Hon. Ted Pickering introduced the Police and Superannuation Legislation (Amendment) Bill and the Police Service Bill. That was historic legislation. As I said in another debate today, the Hon. Ted Pickering was an extremely good Minister for Police. When introducing the Police Service Bill he said:

[This] marks the most important legislative reform in the management of police and the provision of police services to the community for nearly a century.

This Minister is now trying to turn back the important legislative reform introduced by the Hon. Ted Pickering on 2 May 1990 and go back to the old terminology of "police force". Since the Hon. Michael Costa has been Minister for Police he has been using the words "police force" again and again when it was the Police Service. In order to back up his use of the words "police force" he is changing the legislation. In his second reading speech the Minister made mention of a book written by former commissioner John Avery in the 1980s.

**Pursuant to sessional orders business interrupted.**

## QUESTIONS WITHOUT NOTICE

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### POLICE KNIFE SEARCH STATISTICS

**The Hon. MICHAEL GALLACHER:** My question without notice is to the Minister for Police. In response to a question yesterday on police statistics the Minister indicated that there was escalated activity prior to operational crime reviews [OCRs]. Will he inform the House what he meant by "escalated activity"?

**The Hon. MICHAEL COSTA:** I made extensive comments on this yesterday. My comments stand, and I do not have anything else to add.

### WORKERS ENTITLEMENTS

**The Hon. JOHN HATZISTERGOS:** My question is directed to the Minister for Industrial Relations. How much money in wages and entitlements has the Department of Industrial Relations recovered for workers in New South Wales?

**The Hon. JOHN DELLA BOSCA:** I am informed by the Department of Industrial Relations that the figure has just reached \$20 million. The money has been recovered by departmental inspectors through investigations carried out across the State. It includes more than \$3 million in repayments ordered by courts as a result of prosecutions undertaken by the department. Each year the department carries out targeted wage inspection campaigns as a preventative measure, taking advice and assistance out to workplaces that have been identified as high-risk areas. Under a Labor Government workers who have been shortchanged by their employers have had more success in recovering their money.

Since 1995 the department has recovered an average annual amount of \$2.2 million for New South Wales workers. Under the previous Liberal-National Party administration, this figure was \$1.5 million. That is an average increase of \$700,000 a year back into the pockets of workers and the families of workers who have earned the money—nearly 50 per cent more recovered for workers under a Labor Government. The targeted campaigns, conducted throughout New South Wales, focus on areas with high turnovers and higher risks of employing vulnerable workers—cafes, restaurants, clothing manufacturers, hairdressers and road transport companies. We want to help employers and employees work together in those industries to identify and head off disputes before they arise and make sure there is fairness in the workplace.

The department also investigates around 6,000 employers each year as a result of specific complaints from employees and former employees. The majority of complaints relate to wage underpayments and

employers who fail to pay holiday pay. Since 1999 the department has recovered \$2.5 million for employees in Western Sydney, \$2.3 million in the Hunter, \$1.2 million in the Illawarra and \$1 million on the North Coast. This financial year around 10,000 wage inspections will occur, and we expect that number to rise again over the next two years with the addition of 13 new inspectors. That intake will help to double the number allocated to the Northern Rivers, central western and southern regions.

### **POLICE KNIFE SEARCH STATISTICS**

**The Hon. DUNCAN GAY:** My question is to the Minister for Police. Does the Minister recall his comments yesterday that police increased their activities, and therefore their statistics, prior to operational crime reviews [OCRs]? Is he aware that front-line police in Redfern were issued with a directive in 1998 to submit a quota of four information reports per shift so the commander could please his superiors at OCR meetings? Is this still an ongoing practice, and is it occurring at other local area commands?

**The Hon. MICHAEL COSTA:** I made extensive comments on this yesterday. I do not intend to make any other comments on this.

**The Hon. DUNCAN GAY:** I ask a supplementary question. This is the first time we have asked about the situation at Redfern, so the Minister could not have made extensive comments about it. Will he answer the question: Is he aware that front-line police at Redfern were issued a directive in 1998 to submit a quota of four information reports so the commander could please his superiors? Is it still happening at other area commands?

**The Hon. MICHAEL COSTA:** If the honourable member has any evidence of wrongdoing, as I suggested yesterday there are a number of avenues to pursue them—either the Ombudsman or the Police Integrity Commission. I made those comments yesterday and I stand by them.

### **HUNTER YOUTH JUSTICE CONFERENCE CONVENORS**

**The Hon. RON DYER:** My question without notice is to the Minister for Juvenile Justice. Will the Minister indicate to the House what the Government is doing to recruit youth justice conference convenors in the Hunter region?

**The Hon. CARMEL TEBBUTT:** Youth justice conferencing would have been introduced during the Hon. Ron Dyer's tenure as Minister for Juvenile Justice, so I know he has a particular interest in the issue. The youth justice conferencing scheme has been operating for four years in New South Wales. It has become a very significant and substantial part of the system of juvenile justice in New South Wales. As the House is aware, in conferences young offenders are required to acknowledge the full consequences of their crimes, to face the victims and listen to their accounts of how they have suffered from those crimes. It is far from a soft option. It is a very confronting process for young offenders. The young persons and victims develop and agree on outcome plans that usually involve an apology, some form of reparation where appropriate and an undertaking to perform some work, study or service.

The success and significance of youth justice conferencing was highlighted recently by the finding of the New South Wales Bureau of Crime Statistics and Research [BOCSAR]. BOCSAR found that young offenders who had participated in conferences had reoffended about 28 per cent less than those who had been dealt with through the court system. This is a very significant result. It shows clearly that youth justice conferencing is not only a more effective way of dealing with offending behaviour of young people from the perspective of the victims, the young offenders and their families but it is also working to reduce reoffending. It is reducing recidivism.

A key position in the youth justice conference is the convenor. This person is appointed to prepare and facilitate the conference. In the New South Wales system, convenors are diverse members of the local community, chosen for their commitment, their standing and their experience in life. It is not an easy job. It requires strong commitment, maturity, patience and a great understanding of young people and of victims, as well as excellent communication skills. It is often observed that victims approach the idea of youth justice conferencing with some trepidation in the first instance. It is the convenor who has the difficult job of talking through with a victim the process and the benefit of participation in a conference. The job of a convenor is a critical one in getting the conference up and running and in making it an effective process.

The Department of Juvenile Justice intensively trains convenors and contracts them to conduct conferences from time to time in their local areas. In the Hunter region a panel of about 45 convenors is

maintained. They facilitate a total of more than 200 conferences a year, involving about 240 young offenders. However, over time new convenors are needed for the panel. I am pleased to advise the House that recently an intake of 18 new convenors completed training in the Hunter. The background of these people makes an interesting comment on community attitudes towards the youth justice conferencing scheme and indicates its growing acceptance. Of the 18 new conveners, no fewer than seven are serving or former police officers, three of senior rank. To avoid any conflict of interest, police acting as conference conveners will facilitate conferences outside their local area command. These officers said that they became interested in being conveners after they were involved in several successful conferences either in their professional duties or as victims.

Of the other new conveners, two of them work in youth psychology and two are of non-English speaking background. One convener is of Aboriginal background, bringing to five the number of Aboriginal conveners on the Hunter panel. These people join a panel that includes some outstanding locals, such as Mr Peter McNair, the Principal of Newcastle High School, and several current and former teachers. Indeed, several high schools in the Hunter area have now adopted conferences as a way of dealing with disciplinary issues. That shows a more widespread acceptance of the philosophy behind conferences. These conferences are based on the methods and practice used in the New South Wales youth justice conferencing system.

### **SYDNEY 2002 GAY GAMES**

**Reverend the Hon. FRED NILE:** I ask the Treasurer a question without notice. Is it a fact that the opening and closing ceremonies of the Gay Games will be held at Aussie Stadium, formerly known as Sydney Football Stadium, on 2 and 9 November 2002? Will the organisers of the Gay Games be funding the opening and closing events and/or the entire Gay Games? Or will the State Government be fully or partially funding these events and/or their insurance coverage from the funds of the New South Wales Treasury or any other government departments, such as tourism and sport? If so, what is the amount of the funding?

**The Hon. MICHAEL EGAN:** In relation to the first part of the question by Reverend the Hon. Fred Nile, I do not know. Indeed, I had assumed that the opening and closing ceremonies were happening elsewhere. The honourable member probably knows more about those ceremonies than I do. As to the funding of the opening and closing ceremonies, I am not aware of any State Government funding for them.

**The Hon. Patricia Forsythe:** What about the complement of staff?

**The Hon. MICHAEL EGAN:** As I said, I am not aware of any funding. I will ascertain the facts.

### **POLICE KNIFE SEARCH STATISTICS**

**The Hon. JAMES SAMIOS:** My question without notice is addressed to the Minister for Police. Now that the Minister has referred himself to the ICAC over the handling of the knife search statistic complaints, will he inform the House whether the Commissioner of Police—a commissioner he appointed—will take part in the ICAC's operational review committee's consideration of the complaints? Is it appropriate for the commissioner to sit on a committee examining complaints concerning his own Minister?

**The Hon. MICHAEL COSTA:** I made extensive comments about this yesterday. I do not intend to make any further comments.

**The Hon. JAMES SAMIOS:** I ask a supplementary question. Considering that the then Senior Deputy Commissioner Moroney was informed of the complaints on 26 April this year, will the Minister request that Commissioner Moroney take no part in the ICAC's review of this matter?

**The Hon. MICHAEL COSTA:** I refer to my previous answer.

### **NATIONAL DRUG ACTION WEEK**

**The Hon. IAN WEST:** I direct my question to the Special Minister of State. Will the Minister inform the House of some of the activities taking place for National Drug Action Week?

**The Hon. JOHN DELLA BOSCA:** As the Hon. Ian West has correctly pointed out, this week is National Drug Action Week—an Australia-wide initiative organised by the Alcohol and Other Drugs Council of



Australia. The purpose of the week is to raise awareness of drugs and their dangers, and to identify better ways to address drug problems. It also aims to highlight the many ways community, governments, families and individuals are working together to tackle drug issues. Each day of Drug Action Week has a different theme. Today's theme is young people. Honourable members will be aware of the Government's community drug action program. More than 70 community drug action teams are now established in New South Wales, most of them in rural and regional areas. Many of these teams have organised activities focused on young people and raising awareness of drug issues.

Supporting communities that want to take positive action on local drug problems is a priority of the New South Wales Government. We support them and applaud the great work they are doing. In this week of drug action the Government is highlighting the work through a public display currently on show in this Parliament. The display outside the President's office demonstrates just how creative some of the ideas and interventions have been. There are youth activities, art exhibitions, videos, information cards, board games, and local service tours, and much more. I congratulate all those who have been involved in this exhibition and in the work displayed in the exhibition. I recommend that all members take the time to look at the display and see some of the great work being done.

Every day this week communities in different locations are holding events that reflect the diversity of their community. I shall provide the House with a few examples. On Monday the Canterbury Community Drug Action Team held a drug expo at Ashfield Plaza. On Tuesday the Liverpool Community Drug Action Team hosted a one-day forum to discuss the links between mental health and drug-related issues—the so-called dual diagnosis problem. Today the Kyogle Community Drug Action Team is running a youth dance party, and the Bathurst Community Drug Action Team and Bathurst City Council are co-hosting a youth forum at Charles Sturt University. Tomorrow the Corowa Community Drug Action team is holding a tree planting ceremony and sausage sizzle to celebrate healthy lifestyles and to promote alternative activities to drug use.

On Friday the Glebe Community Drug Action Team will hold an information stall at Broadway shopping centre from 11.00 a.m. to 8.00 p.m. On Saturday 29 June the community of Hamilton south in Newcastle is hosting a drug and alcohol-free bush dance, and the Kings Cross Community Drug Action Team is running tours of front-line agencies that provide services to drug and alcohol-affected people. These are just the few examples; there are many more. I encourage everyone to get involved in their local community drug action teams and as many people as possible to be involved in Drug Action Week activities. Drug Action Week is not only a reminder of the challenges we face as a community but also a celebration of the achievements we have already made.

### CANNABIS MEDIC USE

**Ms LEE RHIANNON:** I direct my question to the Special Minister of State. Is the Minister aware that Mr Paul Chesney, who has a large cyst on his brain and has been taking cannabis for medicinal purposes, was recently arrested and charged with cannabis possession and cultivation? Considering that it is about two years since a New South Wales Government working party report recommended limited compassionate provision of cannabis to patients who may benefit from its use, when will the Government show some compassion and adopt this recommendation?

**The Hon. JOHN DELLA BOSCA:** The member has drawn my attention to a specific example about an individual. I have no information about that specific matter. It is possibly a matter more properly falling under the portfolio of the Minister of Police or the Attorney General, so I will have to reserve on that aspect of the question. As for the general thrust of the question, as honourable members are aware, the Government is opposed to the decriminalisation of cannabis. We accepted the findings of the 1999 New South Wales Drug Summit that there are significant health risks associated with cannabis use, and we rejected the Drug Summit's recommendation to remove gaol penalties for cannabis use. We know that cannabis use can have links to psychosis and depression. However, the Government has always taken a rational and evidence-based approach to dealing with the use of illicit drugs.

As many people in our community are suffering terrible pain and illness, we have a responsibility to look carefully at credible evidence, which suggests that cannabis may help relieve this suffering. We set up an expert working party to explore this, and concluded that there is evidence that cannabis may help with HIV-AIDS, some cancer-related illnesses, wasting and pain relief when other treatments do not work. There are also some neurological disorders where there is evidence that cannabis can have a direct beneficial effect. Major studies by the United States of America Institute of Medicine and the United Kingdom House of Lords Select

Committee on Science and Technology reached similar conclusions. Canada, Belgium, the Netherlands and eight other American States also now allow people with serious illnesses and conditions to use cannabis medicinally to relieve their suffering. The Government is closely examining what is happening in these schemes and trials in other jurisdictions.

The Government is reviewing the recommendations of its expert working party, and has consulted the community extensively on this matter. The honourable member said that two years ago—I think it is more like nine months ago—we released a consultation report on the submissions received from 117 individuals and organisation, 72 per cent of which supported the medicinal use of cannabis. I will clarify that date. The Government will proceed cautiously on this issue, bearing in mind not only the risks associated with cannabis and the range of community views on the subject but also the important need for compassion.

**Ms LEE RHIANNON:** I ask a supplementary question. Could the Minister take on notice the time line because we checked the date and I would appreciate clarification? When will the Minister bring forward his recommendations as a result of the study?

**The Hon. JOHN DELLA BOSCA:** As I said in my substantive answer, I am happy to accept those matters and provide the honourable member with an answer.

### **POLICE KNIFE SEARCH STATISTICS**

**The Hon. JENNIFER GARDINER:** My question is to the Minister for Police. Since all complaints have a 90-day completion requirement, what reasons has the police commissioner given the Minister for the delays in investigating allegations of falsified knife search statistics, particularly when the complaint about this matter was made seven months ago, in November 2001?

**The Hon. MICHAEL COSTA:** I made a public statement about this matter last Friday. I refer also to my previous answers in the House.

### **JERVIS BAY MARINE PARK MARINE BIODIVERSITY PROTECTION**

**The Hon. PETER PRIMROSE:** My question is to the Minister for Fisheries. What has been done to protect the biodiversity of the Jervis Bay Marine Park?

**The Hon. EDDIE OBEID:** I thank the honourable member for his question and his ongoing interest in protecting our marine biodiversity. This Government is determined to protect areas of significant value. That is why we have created three marine parks in New South Wales. Now, after more than two years of consultation, I am pleased to advise the House that final plans for the Jervis Bay Marine Park have been released. Jervis Bay is unique. Such pristine, clear waters cannot be found anywhere else in New South Wales. The park covers 22,000 hectares. Its crystal clear waters and wonderful sea life make it a favourite location for tourists and locals. It is home to many rare species like the grey nurse shark, eastern blue devil fish, weedy sea dragons and elegant wrasse.

It is also a favourite place for whale and dolphin watching. Australian and New Zealand fur seals use this area, which at varying times of the year has temperate and tropical currents. A number of migratory birds also visit this marine park. These are listed under the Japan Australia Migratory Birds Agreement and the China Australia Migratory Birds Agreement. Now, as a result of extensive community consultation, the New South Wales Government has zoned 72 per cent of the park—nearly 16,000 hectares—as habitat protection zones. This means commercial trawling will be excluded from these locations. But recreational fishing is still permitted.

Twenty per cent—or 4,300 hectares—of the Jervis Bay Marine Park are now sanctuary zones where all fishing is banned. Scientific research has found sanctuary zones do have a major impact on marine biodiversity. In other words, they create more fish in surrounding zones. The New South Wales Government plan for the park means we have listened to the local community. It means future generations will continue to enjoy this wonderful area. Recreational fishing, diving, ecotourism, boating and surfing will continue. The New South Wales Government is leading the way in protecting our unique marine area. To reduce the overall fishing pressure on the park, the New South Wales Government will spend \$3 million buying out an estimated 15 commercial fishers who use this area. This process will be completed when the new plan commences on 1 October this year. The buy-out of commercial fishers is designed to reduce fishing pressure over the whole park—a key part of the New South Wales Government's commitment to protect this special area.

Yesterday I was there with my colleague Wayne Smith, the local member who has been a strong advocate representing his community. The community has campaigned for 27 years to protect these waterways. The local community member, Wayne Smith has represented his community and on every occasion has spearheaded the drive to make sure that the desires of his community were adhered to. This Government has a proud record of protecting our marine biodiversity. This is the third marine park we have declared, and more will come. That is more than we can say for Opposition members, who only serve with words. During its seven years in government the Coalition did not care or even attempt to protect our pristine waterways. We are proud of our record of protecting our marine biodiversity and, more importantly, of listening to the community.

#### **POLICE JOINT INVESTIGATIVE RESPONSE TEAM COUNSELLING**

**The Hon. HELEN SHAM-HO:** My question without notice is to the Minister for Police. I refer to the Joint Investigative Response Team [JIRT], which is responsible for investigating all forms of child abuse. Given the nature of offences that police officers of JIRT investigate on a daily basis, for example, serial child sexual assault, child pornography and serious neglect, will the Minister advise whether its officers are required to undergo mandatory professional counselling on a regular basis? If not, why not? What will the Minister do to ensure that staff levels within the JIRT remain at workable levels, as the turnover of staff in this area of crime agencies appears to be extremely high?

**The Hon. MICHAEL COSTA:** I do not have details about specific programs in that area. I have reported to the House on previous occasions about programs the Police Service has put in place to deal with stress-based counselling and critical incident management. I am happy to get specific details on this particular area, both in relation to the counselling services and also staffing levels. I will take this question on notice and provide details to the House.

#### **POLICE KNIFE SEARCH STATISTICS**

**The Hon. PATRICIA FORSYTHE:** My question without notice is to the Minister for Police. In response to the Minister's earlier answer in relation to this definition of escalated activity, why did the Minister refuse to inform the House what he meant by escalated activity when he answered the question about police knowingly falsifying knife-search statistics? It is a simple question. What is escalated activity?

**The Hon. MICHAEL COSTA:** I have already made comments on this answer. I suggest that if the honourable member has difficulty with the English language she use the Concise Macquarie Dictionary, which is on the table.

#### **BIOTECHNOLOGY TRADE EXHIBITION**

**The Hon. AMANDA FAZIO:** My question without notice is to the Treasurer, and Minister for State Development. Will the Minister inform the House about results from the New South Wales mission to Bio2002, the world's largest biotechnology trade exhibition and conference, in Toronto, Canada?

**The Hon. MICHAEL EGAN:** That is a good question from my colleague the Hon. Amanda Fazio. The focus of the New South Wales Government's BioFirst strategy is continuing support for the internationalisation of the New South Wales biotechnology industry.

**The Hon. Duncan Gay:** Why wasn't the Premier there?

**The Hon. MICHAEL EGAN:** If the Premier had been there, Opposition members would be criticising him for being overseas.

**The Hon. Duncan Gay:** Why wasn't he there? Steven Bracks was there.

**The Hon. MICHAEL EGAN:** If the Premier is at home, Opposition members criticise him for not being somewhere else. You can't win with a hypocritical Opposition. That is one of the reasons the Coalition is doing so poorly in the polls. The people of New South Wales know that Coalition members are hypocritical and opportunistic. They have to learn that if they are going to make any progress they will have to be positive and constructive—not hypocritical, opportunistic, negative or narky. They will be taken seriously by the electorate of New South Wales only when they have a consistent approach and learn not to say one thing one day and another thing the next day, and not to say one thing to one group of people and another thing to another group of

people. They have to display some consistency, honesty and constructiveness. The New South Wales biotechnology mission recently attended Bio2002, which is the world's largest annual biotechnology trade event, in Toronto.

**The Hon. Duncan Gay:** The House wasn't sitting.

**The Hon. MICHAEL EGAN:** So the Premier should be overseas whenever the House is not sitting! The Premier is constantly being criticised by colleagues of the Leader of the National Party in this House for being overseas and promoting the benefits of investment in New South Wales. Whenever the Premier does that, he is criticised. Opposition members then scour the calendar and say, "Good heavens! On 10 June the House was not sitting and the Premier was not overseas. How disgraceful!"

**The Hon. Duncan Gay:** You said the reason he was not there is that the House was sitting.

**The Hon. MICHAEL EGAN:** It gets to be a joke—an absolute joke—from an Opposition that is a joke. The biotechnology mission to Toronto was led by the Director General of the Department of State and Regional Development, Mr Loftus Harris. Mr Harris took with him a delegation of about 51 people from New South Wales. From memory, 47 of those came from the private sector. In other words, we were taking along biotechnology firms to Bio2002, the Tokyo trade event. There were four New South Wales public servants there. No doubt a freedom of information application will be lodged, information will be supplied to the Opposition, and down the track the Government will be criticised because four New South Wales public servants went as part of the delegation of 51 from this State. I am told there were 13 from Victoria.

**The Hon. Duncan Gay:** Can you tell us where this criticism has come from?

**The Hon. MICHAEL EGAN:** I would like to know what those 13 did that the four from New South Wales did not do. I think not much. But I am not going to criticise another great Labor State, and Victoria is a great State.

**The Hon. Eddie Obeid:** They are all Labor States.

**The Hon. MICHAEL EGAN:** That is right. But some are better than others, and New South Wales is way out in front.

**The Hon. Duncan Gay:** Which are the bad ones?

**The Hon. MICHAEL EGAN:** They are all good.

**The Hon. John Della Bosca:** At least fair-average quality.

**The Hon. MICHAEL EGAN:** The Opposition member sitting on the back bench will not learn much up there. The Hon. Greg Pearce is sitting next to the Hon. John Jobling, but it does not matter where he sits or how long he is in the House, he will learn nothing.

**The PRESIDENT:** Order! The Minister's time has expired.

**The Hon. MICHAEL EGAN:** But I haven't started my answer.

**The Hon. AMANDA FAZIO:** I ask a supplementary question. Could the Treasurer further elucidate his answer?

**The Hon. Patricia Forsythe:** Point of order: If the Treasurer has not started his answer, it is impossible for him to provide further information.

**The PRESIDENT:** Order! There is no point of order.

**The Hon. MICHAEL EGAN:** The Toronto event attracted more than 15,000 delegates from 28 nations, representing more than 1,000 companies, research institutions and organisations involved in the biotechnology industry. New South Wales companies report that their visit to Bio2002 was of great value in pursuing the growth and development of their businesses. These are some of the highlights. Ten New South Wales companies—I think earlier I said 11, but it is 10—participated in the trade exhibition, with four also participating in the Technology and Business Partnering presentations.

Two New South Wales functions were held during Bio2002. These functions highlighted the competitiveness of New South Wales in medical devices and platform technologies such as proteomics and biopharmaceutical research and development, manufacturing and clinical trials. At each event representatives from New South Wales companies were the key speakers. Mr Gary Davey, Chief Executive Officer of Uscom Pty Ltd, which has developed an innovative non-invasive cardiac monitoring device, and Dr Brad Walsh, Chief Executive Officer of Proteomeca Pty Ltd, a new proteomics research company, described New South Wales's strengths in medical devices and platform technologies, such as proteomics or protein research.

At the second event Dr Jon Izant from the Garvan Institute of Medical Research described New South Wales's strength in medical and biotechnology research and development. Dr Greg Pullen of Peptech Ltd emphasised the track record of commercialisation in the industry and the quality of the clinical trial infrastructure here in New South Wales. Ms Nicola Leaney of GroPep Lty emphasised New South Wales's track record and cost competitiveness in biopharmaceutical manufacturing.

I understand that both events were well received, especially the opportunity to hear directly from senior representatives of New South Wales biotechnology companies. New South Wales biotechnology companies are now pursuing a range of business outcomes following the contacts made at the highly successful Bio2002 event.

### PORT MACQUARIE HIGH SCHOOL ENGLISH CURRICULUM

**The Hon. JOHN TINGLE:** My question without notice is addressed to the Minister for Police, representing the Minister for Education and Training. Is the Minister now aware that a poem called "The Lesson" has been included in the English curriculum for year 7 at Port Macquarie High School? Does this so-called poem describe a fictitious situation in which a teacher takes control of his class by walking amongst them, severing limbs with a sword, and chanting "First come, first severed"? Does the poem say the teacher throttles one boy and garrottes the girl behind him and, when a student asks to leave the room, puts a gun to the student's head and blows it off? Does the last stanza read:

The teacher surveyed the carnage  
the dying and the dead  
He wagged a finger severely  
"Now let that be a lesson," he said.

Is it the fact that the school has, incredibly, described this poem as "a bit of light humour", and claims that it is being taught in a number of schools around the State? Given recent massacres in American schools, and potential incidents in some schools in this State, does the Minister accept that this violent poem is "humour"? If not, will he order that this piece of rubbish be withdrawn from the curriculum?

**The Hon. MICHAEL COSTA:** I will refer this matter to the Minister for Education and Training.

### GREENHOUSE GAS REDUCTION TARGETS COMPLIANCE

**The Hon. RICK COLLESS:** My question is to the Minister for State Development. What is the Minister's response to the admission by the Minister for Energy during the budget estimates committee hearings last night that plans to impose penalties for non-compliance with greenhouse gas reduction targets will have a detrimental impact on New South Wales businesses? What action is the Government taking to ensure that this penalty regime will not impact adversely on businesses in this State?

**The Hon. MICHAEL EGAN:** It is probably out of order for a member to ask about a question directed to an estimates committee, particularly when that committee has not reported. But, Madam President, before you rule it out of order, I will take the opportunity to say that it was a pretty stupid question. I am sure I would be ill-advised to ever take on face value any assertion made by any member of the Opposition. I will certainly check the transcript of the estimates committee proceedings. By the way, I have been reading the transcript of all the estimates committees hearings. Those who have not read mine, should; it makes interesting reading.

**The Hon. Duncan Gay:** Did you see where you misled one?

**The Hon. MICHAEL EGAN:** I was asked by the Deputy Leader of the Opposition a question that asserted that the Department of State and Regional Development was chock-a-block with backpackers.

**The Hon. Duncan Gay:** Yes.

**The Hon. MICHAEL EGAN:** Backpackers?

**The Hon. Duncan Gay:** Yes.

**The Hon. MICHAEL EGAN:** I asked whether he meant people who travelled from home to work with their personal belongings in a backpack, or the sorts of people who come out here for two months, go to Bondi Beach, and then turn up to do work with the Department of State and Regional Development.

**The Hon. Duncan Gay:** The latter.

**The Hon. MICHAEL EGAN:** What a ludicrous suggestion. That question shows that the quality of the Opposition's sources is pathetic.

**The Hon. Greg Pearce:** Point of order: The question related to non-compliance with greenhouse gas reduction targets. No-one took a point of order that the question was out of order. The Minister should make his reply relevant to the question.

**The Hon. MICHAEL EGAN:** On the point of order: I certainly did not take a point of order because I wanted the opportunity to say something—even though the question was out of order. But, as I say, I would not accept the assertions—

**The Hon. Duncan Gay:** Is this on the point of order?

**The PRESIDENT:** Order! Is the Minister still speaking to the point of order?

**The Hon. MICHAEL EGAN:** No, I am not.

**The PRESIDENT:** I will rule on the point of order.

**The Hon. MICHAEL EGAN:** I thought I would just save time and wrap things up. I have finished saying what I wanted to say.

**The PRESIDENT:** Order! I remind the Minister that the sessional order relating to questions without notice requires that answers be relevant to questions. The Minister may continue.

**The Hon. MICHAEL EGAN:** The answer is relevant because the question asked about estimates committees and I was commenting on them. The point I made initially is that the question was out of order because it related to estimates committees hearings. My response was certainly relevant to the question.

## MINERALS INDUSTRY

**The Hon. HENRY TSANG:** My question is directed to the Minister for Mineral Resources. What is the current state of the New South Wales minerals industry?

**The Hon. Michael Egan:** What condition is it in?

**The Hon. EDDIE OBEID:** It is in excellent condition under this Government. For the Government side of the House I wish to provide information, but Opposition members are not interested in listening. The New South Wales minerals industry makes a major contribution to the State's economy. It creates regional jobs, encourages investment, and provides regional development and export revenue. Coal is the backbone of the New South Wales minerals industry. However, we also have a healthy metals, industrial minerals, and construction industry. Despite last year's global economic downturn and weak mineral commodity markets, the New South Wales minerals industry enjoyed a strong year. This was driven by healthy coal prices, increased coal exports and a weak Australian dollar. The total value of mineral production in 2000-01 was \$7 billion, compared with nearly \$6 billion in 1999-2000. Coal production alone was worth \$5 billion.

The coal industry accounts for more than 70 per cent of our mineral production, and production from our metallic and industrial minerals accounted for the other \$2 billion. Despite nearly an 8 per cent decline in contract thermal coal prices for 2002, it is forecast that world economic growth this financial year will have a positive impact on global demand. This should be reflected in prices for most of this State's metallic minerals. New South Wales mineral production should increase to \$7.8 billion next financial year, which is higher than this State's previous peak of \$7.4 billion in 1997-98. This is great news for the people of New South Wales.

Higher coal prices and strengthening export markets resulted in a significant turnaround in the value of New South Wales mineral and metal exports in 2000-01. During that time coal exports increased by 23 per cent to \$3.8 billion. It is expected that New South Wales mineral and metal exports will increase to approximately \$7.5 billion this financial year. The value-added minerals processing, including established steel, aluminium and base metals smelting and refining operations, has a potential for further development. Annual output is estimated at more than \$7 billion. Much of this production will be exported.

The upturn in this State's minerals industry has been good news for regional communities. During the past financial year, full-time jobs in the New South Wales minerals industry rose by 7.5 per cent to 15,218 jobs. The Carr Government continues to actively encourage development of this State's mineral resources, and we have good reason to be optimistic about the future. Over the next five years, 23 coal and 27 metallic and industrial mineral projects are proposed for development. I am advised that if they go ahead, there will be an investment of \$4 billion, which would generate more than 4,000 new jobs.

#### **SYDNEY WATER OFFICE RELOCATION**

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** My question is directed to the Minister for Juvenile Justice, representing the Minister for Energy. Is the Bathurst Street head office of Sydney Water to be sold? If so, what is the asking price? How many Sydney Water employees will be moved to the new office at Parramatta? What are the costs of the new building and the relocation?

**The Hon. CARMEL TEBBUTT:** I thank the Hon. Dr Arthur Chesterfield-Evans for his question. I will refer it to the Minister in the other place and obtain a response as soon as possible.

#### **TUGGERAH LAKES REMEDIAL WORKS**

**The Hon. JOHN RYAN:** My question is directed to the Minister Assisting the Minister for the Environment. What action has the Government taken to commence remedial works to clean up the Tuggerah Lakes and the Tuggerah Lakes system, given that it is in a deteriorating environmental state? Has the Government provided any funds for this purpose to date?

**The Hon. CARMEL TEBBUTT:** I thank the Hon. John Ryan for his question. This is not a matter that I am able to respond to in any detail, so I will refer it to the Minister for the Environment and obtain a response for the honourable member as soon as possible.

#### **CESSNOCK SIEGE**

**The Hon. IAN WEST:** My question is directed to the Minister for Police. What is the latest information on police involved in yesterday's siege at Cessnock?

**The Hon. MICHAEL COSTA:** That was a serious incident. I thank the honourable member for the question. Yesterday's siege occurred at Cessnock and it is a stark reminder of the dangers facing all police officers every day on the job. I am advised that one officer, Senior Constable Hassett, of Cessnock police, was shot in the back. His colleagues were placed in the line of fire as a routine vehicle check quickly turned into a shoot-out and ended up becoming a 13-hour siege. I am advised that this incident began at about 8.30 a.m. yesterday when Senior Constable Hassett and his partner, Constable Carmel Kaczmar, approached a parked red Holden Commodore. One shot was fired, hitting Senior Constable Hassett in the back as the vehicle sped off.

I am advised that the police were fired on several times as they pursued the Commodore to a house where the driver and a woman ran inside. Local police, the State Protection Group and negotiators attended the scene. I am further advised that the incident ended just after 10.00 p.m. last night when State Protection Group officers entered the house and found the driver suffering from a self-inflicted gunshot wound. He later died from his injuries. Police inquiries into this incident are continuing, and a brief is being prepared for the Coroner. Senior Constable Hassett is recovering in Newcastle's John Hunter Hospital after undergoing surgery last night to remove a bullet lodged near his spine. Commissioner Moroney flew to Newcastle yesterday to be with Senior Constable Hassett, his wife, his children and his colleagues.

I pay tribute to the bravery and dedication of the officers who were involved in yesterday's incident. Commissioner Moroney has advised that, despite his injuries, Senior Constable Hassett continued to give radio reports to fellow officers as he was being driven to hospital. His partner, Probationary Constable Carmel

Kaczmar, who is just 23 years of age, kept her cool and drove him to the Cessnock District Hospital for emergency treatment. Her actions were critical in stopping any further deterioration in his condition. I am advised that Senior Constable Gordon Fraser, who is 38 years of age, arrived at the scene and, despite being fired upon, began negotiations with the offender. I am sure I speak on behalf of all members of the House when I say that these police officers are heroes. Yesterday they put their lives on the line to keep the community safe. Their actions are an example to us all. I thank all those police officers who responded to this incident for their efforts.

### GENETICALLY MODIFIED CROP CONTAMINATION

**The Hon. IAN COHEN:** My question without notice is directed to the Treasurer. A front-page report in the *Sydney Morning Herald* of 20 June claimed that the New South Wales Government is not prepared to set aside land to be kept free of genetically engineered [GE] crops, despite the concerns of organic and canola farmers that their businesses could be destroyed. What detailed analysis has the Minister made of the possible financial and economic impacts on New South Wales and on New South Wales farmers from the loss of overseas markets, including the European Union and Japan, which refuse to accept GE crops or food contaminated by GE products? Is the Minister aware of claims for substantial damages against the Canadian Government by Canadian canola farmers for contamination of their crops by genetically engineered canola? Does the Minister agree that it would be wise for New South Wales not to proceed with legislation on gene technology until the present New South Wales parliamentary inquiry on the issue is complete and the Government has considered its report?

**The Hon. MICHAEL EGAN:** The honourable member referred in his question to a front page article in the *Sydney Morning Herald* of 20 June. I must admit I am not aware of the article, and nor am I aware of the issue. But I will ascertain which of my ministerial colleagues is the appropriate person to whom to refer the question.

**The Hon. John Jobling:** Don't you read the newspapers?

**The Hon. MICHAEL EGAN:** I do read occasionally. The point I was about to make was that one need not assume necessarily that simply because an article is on the front page of the *Sydney Morning Herald* it is accurate. I can point to many recent examples where articles or headlines were inaccurate. There was one in the paper this morning. It is not my job to come to the aid of the Federal Coalition Government, and it is not something that I wish to do. However, I believe that it was not so much the Federal Government—

**The Hon. Greg Pearce:** Point of order: The question specifically related to genetically engineered crops and whether the Government had undertaken any analysis of the financial and economic impact on New South Wales from the loss of overseas markets. I ask you to draw the Minister's attention to that fact.

**The Hon. MICHAEL EGAN:** To the point of order: The Hon. Ian Cohen referred to an article in the *Sydney Morning Herald*. I was making the point, which is relevant to the question, that one need not automatically assume that because something is on the front page of the *Sydney Morning Herald* it is gospel truth. I was about to say something in answer to the previous question.

**The Hon. Duncan Gay:** We do not want you to.

**The Hon. MICHAEL EGAN:** If honourable members do not want me to, I will not do so.

**The PRESIDENT:** Order! The question cited an article from the *Sydney Morning Herald*. The Treasurer is discussing whether the *Sydney Morning Herald* is a legitimate and truthful record; therefore, his answer is in order.

**The Hon. MICHAEL EGAN:** I was making the point that I thought the headline of today's major front-page story was unfair to another government, and that I would not normally come to the defence of another government. What is more important is that it was unfair to *Sydney Morning Herald* readers. The paper's readers were really the victims of a dishonest headline this morning. If honourable members read the body of the article they will see that the headline was just dishonest. The *Sydney Morning Herald*, which often does that to its readers, is supposed to be a quality paper. It needs to pick up and improve its performance. It seems to think there is some sort of commercial niche to be found in being dishonest. That is a misreading of its readership. It would do public debate and public affairs in this State and nation a lot of good if the media generally, and in particular the *Sydney Morning Herald* and the Fairfax press, were to improve their performance.



**The Hon. IAN COHEN:** I ask a supplementary question. If the Treasurer had clear evidence that the European Union and Japan refused to accept genetically engineered farm products, would he investigate that matter and its financial impact on New South Wales?

**The Hon. MICHAEL EGAN:** I would certainly have a look at the matter. As honourable members know, I am reluctant to answer hypothetical questions. But I will have a look at the issue and determine whether there is anything I can say that will add value to it.

### WORKCOVER GOSFORD RELOCATION

**The Hon. DON HARWIN:** My question without notice is to the Minister for Industrial Relations. Is the Minister aware that in WorkCover's "Gosford Bulletin" dated 20 March the Premier's Department indicated that it would consider providing a staff benefits package assistance to officers relocating to Hornsby rather than to the Gosford or Wyong local government areas? Has the Minister investigated whether that would adversely affect benefits to the local economy resulting from WorkCover's relocation, given that staff and their families would not need to move to the Central Coast to gain assistance? Will the Minister inform the House of the results of his investigations?

**The Hon. JOHN DELLA BOSCA:** I acknowledge that the honourable member has an interest in these matters. WorkCover has a work force of around 900 employees. After 30 September this year about 450 of those employees will be relocating when WorkCover's head office moves to its new premises in Gosford. In August 2001 WorkCover undertook a survey of all staff affected by the move to identify those who would be moving with WorkCover to Gosford, those who would prefer to find alternative employment prior to the move, and those who are still undecided.

Ninety-two per cent of affected staff responded to the survey. The survey identified that, at that time, 43 per cent, or 218 employees, intended to relocate to Gosford or the Central Coast; 30 per cent, or 155 employees, were undecided; and 18 per cent, or 94 employees, advised that they intended to continue at their place of residence, in spite of the move to Gosford. WorkCover is currently undertaking a series of structured interviews with all the individuals who indicated they were undecided about relocating.

**The Hon. Michael Gallacher:** Did the survey ask about the preferred paint colour in the ladies toilet?

**The Hon. JOHN DELLA BOSCA:** I am stunned that the Leader of the Opposition referred to that issue. At a recent estimates committee hearing in which both he and I were involved he spent a great deal of time referring to the impact on staff of the colour of the ladies toilets in the new building.

**The Hon. Michael Egan:** Who did that?

**The Hon. JOHN DELLA BOSCA:** The Leader of the Opposition, the shadow Minister in this area. I am happy to say that this important public sector organisation is involved in the relocation of 450 employees and that the Government prides itself on treating its employees well and properly. A senior officer of WorkCover, Mr Philip Reed, has been overseeing the important human relations and personnel elements of moving employees to their new work location. This Government wants to ensure that it provides a state-of-the-art workplace for employees. If that requires consultation about layout and the colours of all amenities, including toilets—ladies or otherwise—that is how we will handle this matter. That is an issue about which I am proud. That is indicative of the poor attitude Opposition members have to workers in the public sector—people who are doing a difficult job and who are relocating as a consequence of government policy.

This Government is paying them every respect by consulting them on every detail of the move—something I am sure the Minister for Fisheries would do for his officers being relocated to Maitland. I am sure that other Government Ministers would ensure that their agencies and authorities took the same attitude towards people in the public sector who are working hard and are being relocated because of government policy and for good purposes. I am sure that those people would be treated with respect and that they would be consulted about the impact of any move. The initiatives are contained in WorkCover's Gosford relocation work force plan, which is being developed in consultation with the employee associations to provide policies and procedures for managing WorkCover's work force to meet the operational needs of WorkCover in the period leading up to and following the relocation, and to ensure the maximum participation of all its employees.

### ECOVILLAGES DEVELOPMENT

**The Hon. ALAN CORBETT:** My question is addressed to the Special Minister of State, representing the Minister for Planning. Does the Minister for Planning support the concept and establishment of ecovillages in urban and rural New South Wales? Is the Minister aware that in Queensland there are two excellent examples of ecovillages, known as Crystal Waters, near Maleny, and Kookaburra Park, at Gin Gin, both of which can be researched on the Internet? What will the Minister do to ensure that the appropriate development of ecovillages is encouraged in both urban and rural areas, given the benefits that arise from socially and environmentally sustainable communities?

**The Hon. JOHN DELLA BOSCA:** I am familiar, in a broad sense, with the concept referred to by the honourable member in his question. However, I am sure the Minister for Planning, and Deputy Premier will be able to provide him with a comprehensive answer, and I will therefore ask him to provide that advice as soon as practicable.

**The Hon. MICHAEL EGAN:** If members have further questions, I suggest they place them on notice.

### GREY NURSE SHARK PROTECTION

**The Hon. EDDIE OBEID:** On 11 June the Hon. Alan Corbett asked me a question about the grey nurse shark. I provide the following answer:

Finalisation of the draft recovery plan for the grey nurse shark is the responsibility of the Director, NSW Fisheries under the Fisheries Management Act. In finalising the draft plan he was assisted by a team of people. A number of the people participating in the preparation of the draft plan were of the view that there was no need to ban fishing methods which do not harm grey nurse shark populations.

This issue, and the detail of the draft plan, are currently being scrutinised by the community as part of a wide-ranging community consultation process. I would encourage everyone with a view on this issue to make a submission by 28 June 2002.

**Questions without notice concluded.**

### SPECIAL ADJOURNMENT

**Motion by the Hon. Michael Egan agreed to:**

That this House at its rising today do adjourn until Thursday 27 June 2002 at 10.00 a.m.

*[The President left the chair at 1.02 p.m. The House resumed at 2.00 p.m.]*

### POLICE SERVICE AMENDMENT (NSW POLICE) BILL

#### Second Reading

**Debate resumed from an earlier hour.**

**The Hon. RICHARD JONES** [2.00 p.m.]: As I said earlier, Commissioner Avery was a far-sighted commissioner. He wrote a book entitled *Police—Force or Service*. He restructured the police service, and then renamed it so that the organisation would more accurately relate to the social function it performs. Commissioner Avery, the then Minister for Police and the Government of the time did not regard the police service as a police force; they thought it was an outdated mode. Apparently, in this century the term "police force" has come back in vogue. The then Minister for Police, Ted Pickering, was very proud of the new legislation to name the police service what it was supposed to be: a service. In his second reading speech the Minister said:

Any large and sophisticated organisation operating in our increasingly complex society needs to employ strategic planning techniques to define clearly its purpose and goals. Where that organisation is concerned with such fundamental issues as law and order, it is obviously desirable for its functions and values to be specified in legislation.

The police service goes way beyond just law and order. As Commissioner Avery and the Government of the day saw it, the police service was to do with community-based policing—in other words, preventing crime. I wonder whether that community-based policing policy will now be jettisoned. Perhaps the Minister will comment on that aspect in his reply. It seems we are turning back the clock to before the 1980s, to the bad old days when community-based policing was not in vogue as it is today.

There is no doubt in my mind that in order to have a successful police service, the service must have the respect of all community members. I fear that the legislation that has passed through this Parliament over the past two or three years is dividing the police service from the community more and more, so that it is no longer community-based policing at all. In some instances it is actually the police versus the community.

We had a long and heated debate about sniffer dogs. The Minister's maniacal attack on cannabis users has pitted the police service against a very substantial portion of the population, particularly young and poor people, who are always bearing the brunt of the attack of the Minister for Police on our community. In a sense, the Minister is using the police service as a farce. He goes around with his bullethead and looks like a head-kicker or head-butter. I think he wants to turn the entire police service into a head-butting organisation. I think he would be happy to do that. Ultimately, it does not work. The real danger is that the community, especially young people, who experiment with these drugs, in many cases only for a short time in their lives, will lose respect for the police service—or the police force, as it will now be renamed, unfortunately—

**The Hon. Charlie Lynn:** They have already lost respect for themselves if they are smoking pot.

**The Hon. RICHARD JONES:** We are talking about 40 per cent of the young people in our community. Is the Hon. Charlie Lynn suggesting that 40 per cent of the young people in our community have lost respect for themselves? Just because the Hon. Charlie Lynn never got involved with drugs—and fortunately for him, he did not, and I know he did not because he has told me and I believe what he says—many other people have. In some communities, it is more like 50 or 60 per cent; drug use is more prevalent in some areas. Just because people do something that happens to be illegal, it does not mean they have lost respect for themselves.

Is the Hon. Charlie Lynn suggesting that a person who takes more than one or two drinks has lost respect for himself or herself? Unfortunately, many young people engage in binge-drinking, which just happens to be legal. It is okay to binge-drink and then fall into the gutter; that happens to be legal. Does the Hon. Charlie Lynn suggest that such people have lost respect for themselves? Many teenage girls are now taking up smoking, which is a real pity. It seems that some of them believe they will stay thin if they smoke cigarettes. Does the Hon. Charlie Lynn suggest that they have lost respect for themselves? It is nonsense to suggest that.

With this gradual ratcheting up of law and order, as we turn our State into a police state—which is what we are doing as we are losing our civil liberties little by little—and turn our police officers against the community as a police force rather than as a police service, it will be more and more difficult for police to be able to perform their function. The Minister should have regard to history and have a look at the reasons that Commissioner Avery created the Police Service and community-based policing. The present Minister has absolutely no concept of the reasons, because he is absolutely fresh to the job and has no experience whatsoever in community-based policing; he comes to this place from the brute force of the Labor Council, thinking he can use in this Chamber and in the community the same head-butting methods he used in the Labor Council.

**The Hon. Greg Pearce:** He's a headbutter.

**The Hon. RICHARD JONES:** He is a head butter. That is why he has to shave his head; his hair would be mussed up from head butting if he had long hair.

**The Hon. Greg Pearce:** I wondered why he kept looking up to the gallery above the President. He is not looking for anyone in particular; he is looking for the reflection of his head on the panelling.

**The Hon. Michael Costa:** I am looking at the clock, actually.

**The Hon. RICHARD JONES:** And what does the Minister see when he looks at the reflection of his face? He sees a hard man. He is pitting the Police Service against a great chunk of the community, who then lose respect for police and make the job of police far more difficult in the long run. The Hon. Ted Pickering was an honourable Minister.

**The Hon. Charlie Lynn:** Not as good as the bloke who replaced him.

**The Hon. RICHARD JONES:** He was very good indeed. The Hon. Ted Pickering was always honourable in his dealings with the crossbench. He always did the right thing. He fell on his sword when he did not need to, for a very small misdemeanour. On 2 May 1990 he enumerated the current values developed by the

senior management of the Police Service and the Police Board, which was also very effective, in the following terms:

Each member of the New South Wales Police Service acts in a manner which:

places integrity above all;  
upholds the rule of law;  
preserves individual's rights and freedoms—

we seem to have forgotten that one—

seeks to improve quality of life by community involvement in policing;  
strives for citizens and police personal satisfaction—

whatever happened to that, I wonder—

strives to capitalise on the wealth of human resources;  
makes efficient and economical use of public resources; and  
ensures that authority is exercised responsibly.

I only wish the present Minister had read those words before he became Minister for Police. He clearly did not. It is a great shame that we are turning back the clock like this. The Minister should have done more homework before he became Minister of Police in order to understand the relationship between police and the community. The Hon. Ted Pickering said:

The need to distance police from undue political direction cannot, of course, cut across the clear right of Ministers and governments to establish policies and priorities.

Time and again, when asked questions about various matters, Minister Pickering said that he could not get himself involved in the everyday operation of the Police Service—which is what the present Minister has been doing since he became Minister for Police. It is important that no undue political pressure is placed on the Police Service, or on the police force as it will now unfortunately be termed. The Minister must learn that the Police Service must be allowed to get on with the job. It must place integrity above all and preserve individual rights and freedoms as well as uphold the rule of law. It is sad to witness this gradual turning back of the clock and the loss of the values of the 1980s and 1990s. We will live to regret it.

**The Hon. CHARLIE LYNN** [2.12 p.m.]: I support the Police Service Amendment (NSW Police) Bill. As a starting point I looked up the definition of the word "police". The *Concise Oxford Dictionary* defines "police" as a "civil force responsible for maintaining public order ... force with similar functions of enforcing regulations". The *Macquarie Dictionary* defines "police" as "an organised civil force for maintaining order, preventing and detecting crime, and enforcing the laws" and "to regulate, control or keep in order by police" and "of or relating to a police force". The *Macquarie Dictionary* defines "force" as "an organisation of police" or "any body of persons combined for joint action" and "to compel; constrain or oblige (oneself or someone) to do something". On the other hand, it defines "service" as "a department of public employment, or the body of public servants in it". There is certainly a service aspect to policing by the police force.

I had nothing at all to do with the political process in 1990. I remember reading about the changes that have been referred to and thinking how stupid they were. It was part of the gobbledygook management-speak of the day. Every week a new book or new mantra was published; every week an expert arrived on the scene having read all the books. Management experts invented more management terms. I have been trying to wade through a report entitled "The Pursuit of Police Integrity: Leadership and Governance Dimensions". The author of the report, Andrew Goldsmith, refers to changes in police management thinking. He wrote:

Considerable reliance has been placed upon local area commands for ensuring the quality of service delivery.

We should be talking about the quality of law enforcement, not service delivery. He went on with more gobbledygook:

Of note here has been the apparently seamless integration of the analytical approaches of recent corruption probes with the corporate police governance approach now visible at senior police command level.

**The Hon. Michael Costa:** What does it mean?

**The Hon. CHARLIE LYNN:** I have not worked it out yet, but I am working on it. He continued:

As David Dixon observed, "If the [Wood] Commission's volume on reform has a dominant discourse, it is that of managerialism". A manifestation of this conjunction has been the development and introduction of more sophisticated employee performance management systems to enable regional commanders and field supervisors to better monitor and regulate the activities of police at the local level.

I thought that is what crime statistics did! If many break and enter offences were committed in one particular area, a break and enter specialist would be transferred to that area to deal with the problem. I do not think that is too complex. Andrew Goldsmith continued in his report:

... the paucity of analytical insight into police "management culture" has been obscure or overtaken by the frenetic growth of managerialism within police administration. The result, I suggest has been an abundance of management and a shortfall of *conspicuously ethical leadership and democratic governance*.

I will continue to wade through this report, but I admit it is pretty heavy going. It is deliberately written in managerial, gobbledygook fashion. With regard to Operation BART, which was conducted in Victoria, he reported:

... that the price of a truly professional and ethical Police Force is eternal vigilance and *the need on occasions to heed the messenger*

That was what happened in Cabramatta, where originally there was an attempt to take out the messenger. The investigation conducted by General Purpose Standing Committee No. 3, of which the Hon. Greg Pearce is a member, found that there was a lot of truth in what the messenger was saying. Disciplined forces, whether the Army, the Police Service or Fire Brigades, operate on command and control. That is not a new management concept; it has evolved over centuries. It deals with people's welfare, fears and motivation. Generally speaking, the leaders of such forces come up through the ranks, gaining experience at every level. With good leadership, as they gain that experience they are encouraged to undertake courses and attain academic qualifications to better equip them for leadership at the various levels.

Policing is also about commonsense. It is about training members of the police force to assess any situation and react accordingly. There is no rule book for every situation, so police have to have commonsense. In 1987 I was hired by the Melbourne Olympic Committee to organise as part of its bid for the Olympic Games a relay run to emulate the 1956 relay run. That relay was run between Darwin, Cairns and Melbourne, and about 4,000 runners each ran about a kilometre. As the relay passed through each town, the local shire presidents or mayors issued messages of support for Melbourne's bid for the Olympics.

The event took a couple of months, and we were going fine until we were just outside Moss Vale. By this stage the relay participants had jogged more than 3,000 kilometres and a reception was being held for us. It was about five in the afternoon when a police car pulled up in front of me. The female officer said, "You will have to stop right here." I thought she was having me on. When I asked her why she said, "Because it's dark." I said, "I'm not quite sure what you are talking about. That mountain range over there is about 10 kilometres away and, as you can see, it stands out." She said, "It is 5.25 and it is dark." I said, "I think I have to speak to your supervisor"; by the time she got her supervisor there it was dark so we had to stop right there. Interestingly, other officers at the scene said, "All she does is attend courses. She has about three degrees so far because she is going to the top." I remember thinking, if she is going to the top we are in big trouble.

**The Hon. Michael Costa:** Was that the Victorian police?

**The Hon. CHARLIE LYNN:** No, it was at Moss Vale. I have not seen her since. I have been watching out for her but she has not made it. She is probably still wandering around some university giving talks and presenting papers on the theory of leadership in the police force.

**Reverend the Hon. Fred Nile:** And flexibility!

**The Hon. CHARLIE LYNN:** Yes. There are various leadership and command styles. In a paper entitled "Contemporary Comments", David Dixon, Professor of Law, wrote:

While the Service's rhetoric is about moving away from a "command and control" leadership style, there is uncertainty around the leadership principles that are to replace it—

these principles have evolved over centuries—

While most Local Area Commanders "acknowledge the need to move away from a 'command and control' style of leadership", where they should move to is less clear.

Management gobbledygook creates confusion at all levels. Expecting police to have a warm and fuzzy attitude to everything they do is unrealistic. That is not why people join the police force. We must also remember that the Police Service is a department of public employment. Public servants are different from police. Police must belong to a disciplined force because they put their lives on the line. I totally support the bill. As I said, the only criticism I have is that it has taken the Government seven years to introduce it. However, now that it is here, it gets my full support.

The Minister probably needs to continue thinking along these lines because I think there is room under NSW Police for a police force and a police service. The Hon. Richard Jones spoke about community policing. NSW Police is a bit like the Army: the fighting arms are the infantry, artillery and engineers, and behind that are the logistical arms, transport supply, medical and so on. As I see it, the police service would run the police stations, administer and manage police youth clubs, perform community policing and traffic duties, operate call centres and investigate white collar crime. The officers do not have to have physical attributes to undertake such work. They would provide a service and they would wear the same uniform as other officers. That would broaden recruitment opportunities; people would be easier to recruit. We could recruit older people—make use of grey power; they could provide a wonderful service. Older people have experience, wisdom and a long-term connection with the community.

That would be one way forward. However, we also need a police force. We need the hard nuts, the detectives, the special crime squads to investigate drugs and firearms offences, the beat police and highway patrol. People would know when they came into contact with these police that the law had been broken and that they either are being investigated or need help. These police would provide the safety that the community needs. The community would know that these police would not be distracted from their tasks by having to perform duties that could be carried out by people in the police service. I commend these views to the Minister. Perhaps we can debate such matters on another day.

I commend the Minister for bringing this bill before the House. It contains long overdue reforms which will help to contribute to a safer community and a more professional police force and police service that will better serve the people of New South Wales. As I said yesterday with regard to the concerns of the Australian Democrats, the Greens and the other Independents, I respect where they are coming from. We must have mechanisms—

**Reverend the Hon. Fred Nile:** Excluding the Christian Democratic Party.

**The Hon. CHARLIE LYNN:** Yes, indeed, not the major minor party but the minor parties. One great thing about this institution is that members on the crossbench can express in the Parliament concerns that are brought to their attention, and those concerns can be investigated by the Police Integrity Commission, the Independent Commission Against Corruption, the Ombudsman and so forth. But at the end of the day we need to have both elements of force and service in NSW Police. If NSW Police were to operate along those lines, we would probably satisfy many of the concerns expressed by crossbench members.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS [2.25 p.m.]:** In a police state one does not have a police service; one has a police force. I guess that is the Government's philosophy. In 1990 the Police Service Act changed the name of the New South Wales Police Force to the New South Wales Police Service. At the time the reason for the name change was to restore the reputation of the force by encouraging community-based policing. Now we have turned full circle, as we will with the young offenders legislation, going through a brief period of enlightenment and then back to the dark ages. The bill will change the name of the Police Service to NSW Police. In his second reading speech the Minister resurrected the term "police force". He said:

While NSW Police will be the organisation's formal name, the term Police Force will be restored to popular currency.

The bill contains a number of provisions other than the renaming provision. It provides for the prevention of the unauthorised use of the term "police" in operating names. The history of this amendment is that a body calling itself the New South Wales Police Cricket Association was engaged in fundraising activities and its president, a police officer, misappropriated \$72,000. It was found that the laws governing the unauthorised use of the word "police" were unenforceable. The bill seeks to create a new section 204A of the Police Act to make it an offence for a person or body to carry on any activities using the word "police" other than those exempted by the regulations. At present, that includes police and community youth clubs, Police Legacy, the Police Credit Union and the Justice and Police Museum.

The bill provides for increased penalties, from 10 penalty units or \$110 to 100 penalty units or \$1,100, for the following existing offences: unauthorised use of police uniforms and insignia, impersonation of a police

officer, and use of police designations by non-police in a business and employment context. I do not know where that leaves male strippers at hens' parties who turn up in a police uniform ready to do their bit, or people making films. Indeed, films about the United States Army consciously depict that army's so-called humane authoritarianism, its disciplinary hierarchy and its warm human face, which may be hard but firm in a fatherly sort of way.

The American military is very conscious of how films are used, and how patronage of such films helps the military. It keeps the costs of filmmaking down; filmmakers who portray the military in a good light are helped and those who do not are not helped. Presumably, the same would apply in New South Wales. Under this legislation, the public relations spinners—the Government is legend for spending a fortune of taxpayer's money on public relations—might start to use scripts and so on to influence how the word "police" is used and how police are depicted in films.

If one looks at the simple practicalities, in Canada all government agencies have the name of the agency followed by the word "Canada"—for example, Statistics Canada. Obviously, one would look in the phone book under "Police NSW", not "NSW Police". There are practical reasons for putting things in such a way. The essence of names is important, and if there are restrictions on filmmakers on the use of the name that might portray police in a bad light, I worry that they might have a hard time. I want an assurance from the Minister for Police that anybody expressing an opinion in relation to police would get the same help and resources as someone who is making a pro-police film.

The word "force" suggests strength, masculinity, confrontation and power. The word "service" suggests help—not subservience, but at least equality, in the sense of a waiter bringing dinner. I suggest that if we want an integrated society, not dominated by the power of the law but with a law that helps it to be better and more humane, the word "service" is more appropriate. I do not understand why the name of the police service should be changed; it should be maintained. One curious provision in this bill is that relating to special risk benefits for students of policing. There is a serious point to that provision in the bill as a police student, Robert Brotherson, was killed in a police pursuit earlier this year. The bill will extend to student police 80 per cent of the death benefits available to a probationary constable.

The Minister says that NSW Police will have to negotiate an increased general insurance package for students of policing. It is curious that the Government has spent the past three months telling the general public that insurance cover will not be available for public liability and benefits for those pursuing adventure sports will be cut as well. Will members of the public who are injured as a result of a high-speed police pursuit receive compensation? It might be noted that benefits to people who are injured in motor vehicle accidents have also been recently reduced. The Minister deftly stepped from his position as head of the Labor Council before the issue of workers compensation was discussed, and deftly did not step into this job until it was resolved: a very good piece of footwork.

While we should be as considerate and generous as is reasonably possible to people who are injured in policing, we should be sympathetic across the board. If we decide that we want a humane society we have to pay for it, and it should be included in packages and welfare benefits available to all. If an unforeseen accident occurs, we should feel pity for the person concerned, whether that person is a member of the police force or not. As I have said in debates on civil liability, workers compensation and motor accident insurance, at a bureaucratic or legislative level there should be equality across the board. I am not convinced that renaming the police service to NSW Police is a huge step forward. I think that using the word "force" is a backward step. I do not support this legislation. I agree with the improvement to benefits for students of policing, but I would prefer benefits to be spread more evenly in the context of workers compensation, motor accidents or civil liability.

**Reverend the Hon. FRED NILE** [2.35 p.m.]: The Christian Democratic Party supports the Police Service Amendment (NSW Police) Bill. The bill will make a number of changes, the most controversial of which is to change the name of the police service to "NSW Police". As honourable members know, the change of name from the Police Force to the Police Service was brought about by the Greiner Government when Parliament passed the Police Service Act 1990. One of the reasons for the change was the integration of police officers with the civilian administration of the Police Department. It may have seemed logical at that time, but it was a mistake, and it has had a long-term harmful effect on the operation of the police force, as I will now call it in view of this legislation. Whenever I refer to it in future I will refer to it as the NSW Police force. I hope that all members of the public and the Parliament use that term as it will help members of the police force to reaffirm their role in our society.

The Hon. Dr Arthur Chesterfield-Evans spoke against this proposal and said that he preferred the word "service", which reminds him of a waiter waiting at a table. Members of the police force are not waiters and do

not wait on tables. The role of the police force is to protect the citizens of New South Wales, and in protecting them, to arrest those who break the law. Members of the police force do not serve criminals of New South Wales. They have to use force to arrest criminals and, unfortunately, more often than not they have to use more force than has been required previously because of the brutality and belligerence of gangs. I am concerned about the violence directed particularly at female police officers when trying to control a riot or to arrest males affected by alcohol. There seems to be an aggression directed at female police officers. In those circumstances the police are forced to use force to carry out their role.

When its name was changed to Police Service, as part of the so-called improvements to the police culture, it confused police as to their role in our society. Police officers are citizens in uniform who are there to protect and work for law-abiding citizens. They are not to serve the community in the same way as a waiter does. The other factor—to which the Hon. Charlie Lynn referred—is that the police force is a disciplined, trained organisation, not clerks, a bureaucracy or a civilian administration. Police officers are organised in the same way as an Army unit and are given uniforms and a rank of constable, inspector, et cetera. They are authorised to carry pistols because of their role in our society. They are completely different from any other part of the bureaucracy of this State. It is important that this bill now seeks to restore the understanding of the role of the police force, not so much within the community but within the police force itself. It is a pity that the Government did not make it clear that the title "New South Wales Police Force" is acceptable under this legislation. However, I note that the Minister for Police used the term "police force" a number of times in this Chamber. He also said in his second reading speech:

Whilst NSW Police will be the organisation's formal name, the term Police Force will be restored to popular currency. The term is one of which police are justifiably proud. It has a strong history, and reflects the community's expectations and the Government's priority of highly visible frontline policing.

I take it that the Minister is encouraging the use of the term in speeches and in conversation or wherever else it is possible to use that term. A lot of semi-military terms are used in the police service, such as patrols, commanders and so on. All of those terms fit within the description "New South Wales Police Force". I note too that in his second reading speech the Minister made the point that former police commissioner John Avery had supported this change. According to the Minister—and I take what he says as being absolutely correct—John Avery agreed that the name Police Service had probably outlived its usefulness. I agree.

I do not believe any honourable member would object to the other provisions of the bill, such as preventing the unauthorised use of the term "police" in operating names. Whereas society accorded some respect for names and did not use or abuse those names, many rock bands and other groups seem to take satisfaction from using a term like "Police" for the name of a band—or the name "church" and so on—when the band or group may be conducting itself in a way that is offensive and contrary to the very meaning of the words that they choose, such as "police" and "force". I hope the Government will monitor that matter.

The bill also increases penalties for certain offences under the Act, including the unauthorised use of police uniforms and police insignia, impersonation of a police officer, and the use of police designations by non-police in a business-employment context. We hear all too often of a tragic event where a male claiming to be a police officer stops and rapes a female driver, who took on face value a claim by the male person that he was a police officer. Obviously, that person would be charged with the offence committed against the woman, but he should also be charged under this legislation and incur the maximum sentence of 100 penalty units for impersonating a police officer.

Importantly, the bill provides special risk benefits for a student of policing. There has been change in the way in which police officers are recruited and trained and I believe that has led to a loophole, demonstrated by the case involving Robert Brotherson. I would not argue for hours about it, but I find it strange that we are talking about "students of policing". That is a bit like using the term "Police Service". These are recruits who are trained at the police academy, and they could be termed cadet police or some other appropriate name. The term "student of policing" almost suggests that they are observing policing from a distance. They should certainly have the risk benefits dealt with by the bill. Those benefits should have been available immediately once they came under the cover of the New South Wales police force.

The bill allows for the making of regulations to prescribe educational or other qualifications or experience for appointment to NSW Police generally, or to a particular rank, grade or position in the New South Wales police force. There has been a lot of unrest in the Police Service about the promotions system. Inexperienced officers with academic qualifications leapfrog officers who have a great deal of experience and what might be termed police sense, community sense, road sense or crime sense by virtue of their length of service in the police force. I know we have moved on from promoting police simply because of their years of service, but it seems to me that we have applied that principle to an extreme.



I could give a number of examples of officers of high rank having to ask junior officers what they must do in particular circumstances. That breaks down morale and affects the operation of the police station or the patrol. I believe we are on the right track with this proposal and maybe others that the Minister will consider in the future. We are pleased to support the bill. We congratulate the Minister for Police—despite criticisms of him by some honourable members of this House—for pursuing these particular objectives. The Minister has our full support.

**The Hon. DAVID OLDFIELD** [2.46 p.m.]: I support the bill. I am very encouraged by the potential for the police service to be now called the police force. Police officers have an extremely difficult job. It is certainly a job I would not want to do, mostly because of the way that many in the community treat our police. I take particular note of the comments made by the Hon. Dr Arthur Chesterfield-Evans, who seems to think that our police should be serving the community in the way that a waiter would serve customers in a restaurant. With respect to the honourable member, that is a terrible affront to police and a very silly thing to say. There is no correlation between waiting in a restaurant and doing the duties of a police officer. As an aside, waiters usually benefit from tips. Unfortunately, the only response police get from many in our community is abuse. Policing is a very difficult job. We must encourage more respect from the community at large for our police officers and for the very difficult job they do.

No-one wants to be pulled over by a police officer, and certainly one of the best ways to avoid that would be, for example, not speeding, not going through red lights, and so on. Nobody wants to be pulled over by a police officer and nobody wants to unnecessarily come into contact with the police. There is a stigma among many people in dealing with the police. That stigma needs to be broken down. Police should be seen by the community at large as being the extraordinarily capable people that they are. They should be understood and accepted by the community as protectors of the community because there is no doubt they are doing a difficult job. Their jobs would be made easier if there was more community acceptance of their role, and more community participation in assisting police with their inquiries.

I note that collectively police officers will be known as the Police rather than the New South Wales Police Service and that that name will be used in the sense of a reference to the force. I am aware from my many friends who are police officers that when the police force changed its name to the Police Service, there was a great deal of concern. Certainly "force" is a much more appropriate word because unfortunately police officers need to use force on many occasions when they are undertaking the protection of the rest of the community. We have a defence force, which has been politically correctly named on the basis of its not being aggressive, but the word "force" is still used following its defensive aspect.

The name "New South Wales Police Force" is appropriate. I am very pleased that this has taken place. I am sure that most police officers, if not all, will be happy knowing that their organisation now has a more appropriate title than "Service". Police officers serve the public and in most cases the vast majority of police serve the public extremely well. The public should be more grateful for that service. The areas between the public and the police need to be broken down. "Police Force" is an appropriate name.

**Ms LEE RHIANNON** [2.49 p.m.]: The Police Service Amendment (NSW Police) Bill is a campaign by the Minister for Police to buy popularity with rank-and-file police officers. A tactic used by the Minister from day one was to neutralise criticism from the New South Wales Police Association and ameliorate the problems and criticisms coming from police officers.

**The Hon. Michael Costa:** I plead guilty.

**Ms LEE RHIANNON:** The Minister does not have to plead guilty. If honourable members would just listen, they would know that the Greens are not saying there is anything wrong with working to ensure that police officers have the best of working conditions, but that should not be done at the expense of the public of this State. Some of the positive aspects of the bill recognised by the Greens are the welcome introduction of a special risk benefit for students of policing. It has been more than demonstrated, both inside this House and beyond, that the Greens are strong supporters of workers compensation. We believe that this extends to trainees or students who are training on the job.

It is certainly ironic that the same Government that curtailed workers compensation entitlements that are available to police officers is now introducing a benefit for police students. But that is this Government to a T—give a bit with one hand, and take away a lot more with the other. It is just spin, spin, spin, to spin everybody into submission. The Greens also welcome the new power created by the bill to make regulations to

provide for educational or other qualifications, experience for appointment generally, or for appointment to a particular rank, grade or position within the police service. This is a worthwhile extension of a recommendation of the Wood royal commission that the appointment and promotion system should be governed by transparent rules.

Allowing excessive discretion in awarding appointments or promotions is an invitation to abuse and corrupt behaviour. It creates the appearance or actuality of favouritism and is very damaging to morale. Although the Greens obviously appreciate the problems created by individuals who are making unauthorised use of police uniforms and police insignia, impersonating a police officer or using police designations in a non-police complex, we are certainly unconvinced of the merits of increasing the penalty for these offences tenfold. What an extraordinary increase—a tenfold increase. Why is the Government so desperate?

The Government has presented no evidence, not a skerrick, of any pressing need for such an increase in penalty, or of any particularly terrible consequences of the offences being committed. No evidence has been presented on that score at all. A tenfold increase in the penalty is certainly a dramatic rise. Surely the Government should at least attempt to justify its actions. Perhaps the Minister will enlighten honourable members during his reply. The Government has also presented no evidence whatsoever that increasing the penalties tenfold will be effective in preventing these offences from being committed. Why is the Government going there? The change of name from the Police Service to simply NSW Police and, to a lesser extent, police force, makes it clear that this is simply another element of the Government's law and order spin. The Government is more than happy for the term "police force" to be used. In fact, that seems to be the favourite term used by Government members these days.

As the Minister indicated in his second reading speech, he has an interest in the term because the term "police force" sounds much tougher than "police service". The Government desperately wants the police to be thought of as a force—something powerful and authoritative. In the contemporary context of the pathetic law and order race to the bottom, the term "police service" just does not cut it for the agendas of the major parties. As I said, the Greens believe it is a backward step to go from the word "service" to the word "force". The culture of the police service in this State continues to be a problem because it continues to be pervaded by police officers who engage in corrupt activities. Even with a more effective Minister the police culture would be difficult to change.

Leaving aside the ministerial factor, every effort needs to be made to change the culture. Therefore, the language we use to describe the institution of the police is relevant. The word "service" means assisting people, whereas the term "force" is of the old school and carries a heavy implication of power, pressure and possibly inappropriate behaviour. It is also worth noting the honourable members from whom the Minister received such strong support in this House, namely, those well-known supporters of human rights and civil liberties, Reverend the Hon. Fred Nile and the Hon. David Oldfield. The Minister is in interesting company.

**Reverend the Hon. Fred Nile:** And the Hon. Charlie Lynn.

**Ms LEE RHIANNON:** Reverend the Hon. Fred Nile can mention the rest of them. I have singled out the very strong proponents. In particular the Greens question the new provisions relating to the unauthorised use of the term "police" in operating names. Although there is a range of exceptions, including notably groups whose purpose is to comment on or object to police actions, it is clear that a variety of organisations will be caught in the net. Those groups may be confronted by a quite messy situation when this legislation is in force, so the Greens question whether that part of the legislation is necessary. Surely it is sufficient for those who misuse the term in a fraudulent or criminal way to be prosecuted for doing so.

As is the case with so many of the bills that the Minister brings before the House, the police already have the powers to address those matters. The Minister either puts a spin on his proposals to appear to be doing something, or he increases police powers. This bill provides for a blanket ban which smacks of a control freak police service and a government that is too comfortable with censorship for the Greens' liking. I do not know how many members would be familiar with the work of the band The Police, which were popular in the 1980s, featuring Sting as its lead singer. Quite seriously, I wonder whether that band's name would be banned if it had come on the scene 20 years later.

**Reverend the Hon. Fred Nile:** Not if it had permission. It could get authorised permission.

**Ms LEE RHIANNON:** Yes. Earlier in the speech made by Reverend the Hon. Fred Nile, he said that we do not want more paperwork but we want results. By supporting this bill, he is creating more paperwork for

the police service because people will have to apply to the Commissioner of Police for permission. The example I cited of the group The Police leads me to ask whether people will be able to keep their old long-playing records [LPs] entitled "The Police"? More importantly, will people be allowed to play their old LPs? The bill prohibits persons carrying on activities under an operating name that includes the word "police" except with the consent of the Commissioner of Police or in other specified circumstances.

**The Hon. Michael Gallacher:** The records police!

**Ms LEE RHIANNON:** I note the interjection about the records police. Who knows where the Minister will move next.

**The Hon. Michael Gallacher:** That's the real worry.

**Ms LEE RHIANNON:** Yes, it is all too bizarre.

**The Hon. Michael Gallacher:** Your speech is very bizarre.

**Ms LEE RHIANNON:** It is bizarre. The tragedy with the Opposition is that it just goes along with this bill and does not expose what the Minister is up to. Will all the old fans of the band The Police or any other companies that have the word "police" in their name have to ask the Commissioner of Police for permission? That is what all Opposition members are going along with. They are all ridiculing me but that is what they are going along with, and that is what they are signing off on. Maybe we will have the Costa thought police who will step in and tell us what to think, say and write. As I stated at the outset, this bill has negative and positive elements. The Greens will not oppose the bill.

**The Hon. Michael Gallacher:** After all that, you are not opposing it.

**Ms LEE RHIANNON:** We will call for a division, if the honourable member wishes.

**Motion agreed to.**

**Bill read a second time.**

### **Third Reading**

**The Hon. MICHAEL COSTA** (Minister for Police) [3.00 p.m.]: I move:

That this bill be now read a third time.

I wish to comment on some of the issues raised by honourable member in debate on the second reading of the bill. The Leader of the Opposition was a bit cheeky, but I want to correct the record. In December I foreshadowed a change to the name of the New South Wales police force in the form that is currently before the House. The Government has not encountered difficulties of any consequence in relation to this issue. "NSW Police" is the name on which everybody signed off and it is the name with which we were to come to the Parliament. That is why that name is in the bill. I thank honourable members for their contributions to debate on this bill.

The bill, which renames the New South Wales Police Service, or the Police Service of New South Wales, as NSW Police, prevents persons and bodies from inappropriately claiming an association with NSW Police, and rationalises financial penalties for a range of offences under the Police Service Act. Ms Lee Rhiannon said earlier that I pandered to police officers. I plead guilty to that charge. One of the things that I have been doing quite publicly is talking to police officers about issues that concern them—something about which I make no apology. The bill contains one significant measure, the time at rank promotion, which is something that I know about after talking to police officers about their career paths.

The concern expressed earlier by Reverend the Hon. Fred Nile about inexperienced operational police having supervisory positions is one that has a great deal of currency in the police force. The Government made a decision to go down this path and introduce time-at-rank promotion in the police force for officers with experience for an appropriate length of time in a relevant rank or grade. Ms Lee Rhiannon referred earlier to old long-playing records. This bill will not prevent people in the entertainment industry, such as actors, from

pretending to be police officers. It certainly will not prevent the cast of *Blue Heelers* from pretending to be police officers. That industry has been subject to a long-standing exemption. Those honourable members that raised this issue should read the Act.

The Government makes no apology for the fact that penalties for a number of offences have increased. I have been advised that there has been an increase in police impersonations—an issue with which we must deal. The Government is of the view that penalties should be increased and brought into line with penalties in other jurisdictions. I am a strong supporter of community policing—an important theme in all the Government's policing activities. The police and community service process to which honourable members referred earlier is aimed at strengthening bonds with the community. I do not believe we need the word "service" in the name of the police force. I do not accept the argument that we need the word "service" in a community-based policing approach. I spoke to John Avery about this matter. He was of the view that the word "service" had probably outlived its usefulness.

**The Hon. Richard Jones:** That is not correct.

**The Hon. MICHAEL COSTA:** The Hon. Richard Jones has outlived his usefulness. How long has the Hon. Richard Jones been a member of this Chamber?

**The Hon. Richard Jones:** For 10 years.

**The Hon. MICHAEL COSTA:** It is all very well for the Hon. Richard Jones to quote something that somebody else said. However, when I say that I have had a contemporary conversation with the same person who now has a different view, the Hon. Richard Jones disputes that fact. Clearly, he is a little confused at the moment. Mr Avery was clear that the word "service" was important when the new concept of community policing was introduced. This Government will continue to engage in community policing—a fundamental and philosophical issue in this State. The issue of benefits was fairly well canvassed in debate. I thank honourable members for their support for that matter and I commend the bill to the House.

**Motion agreed to.**

**Bill read a third time.**

## **WITNESS PROTECTION AMENDMENT BILL**

### **Second Reading**

**Debate resumed from 6 June.**

**The Hon. MICHAEL GALLACHER** (Leader of the Opposition) [3.06 p.m.]: I lead for the Opposition in the debate on the Witness Protection Amendment Bill. The purpose of this bill is to make amendments in relation to the ongoing program and development of witness protection in New South Wales. The Witness Protection Act 1995 has been the subject of various reforms over the years. Similar legislation has been enacted not only in New South Wales but in every other State and in jurisdictions around the world. We continue to learn from other jurisdictions how to best protect our witnesses. We must protect them in such a way that they are able to get on with their lives—albeit under an assumed name, or a new identity—and they must put their past behind them. To do that requires a level of support from the community—even though members of the community do not know who they are—and support from the Government. This legislation addresses some of the issues that have arisen from the increased use of witness protection legislation. Some people in our community become involved in serious criminal activity. As a result they are in a position to assist the prosecution case or law enforcement organisations engaged in unravelling criminal activity.

This is a unique piece of legislation. Most people in the community would have no understanding of witness protection. Their only perception comes from viewing television programs such as *Stingers* and *Blue Heelers* and other American television programs, which have used the witness protection theme for some time. However, American television programs always depict how the witness protection scheme falls down; they rarely show how well the system is working. They depict a corrupt system that fails. It is worthwhile placing on record that, so far as I am aware, New South Wales and Australia have a good track record in adhering to best practice and ensuring that witnesses and their families are protected.

Honourable members would be aware that, during my service with the New South Wales Police Service, I was an undercover operative with an assumed identity. It was not easy to put aside my normal life and become, as I did, a totally different person for 12 months. I was not able to mix with my friends and associates

and people that I had known for many years. Basically, I had to remove myself from one world and place myself into another. In my case it was only a temporary measure, but people under this program are required to move into a witness protection scheme that will provide them with a new identity that they must assume for the rest of their lives. It means that the lives of their families are also uprooted and they have to start a new life under a new identity. It is a difficult thing for many people to do. Many people simply cannot adjust to their new lives, and find themselves reverting to their original situation.

The provisions of the bill allow for people to be removed from witness protection. I suspect that in many instances they would be people who have taken advantage of witness protection and have either sought to leave it for personal reasons, or indeed have returned to the scene of the crime, so to speak: the environment they were in when they first sought protection. It is simply unrealistic to maintain a witness protection scheme in that sort of environment.

This legislation allows for the provision of psychological counselling or vocational training to protected witnesses and their families. As I said, that is a very important part of the program. People cannot simply be told, "We want you to move to another part of the nation now, with a new name," because a person must have a history. A person cannot simply turn up in a town with no history or background. It must be borne in mind that many of these people are not well-educated, and they do not have access to the same level of advice and assistance that members of this House and many other people have access to. Many of them do not have careers that they can fall back on and simply hang up their shingle, so to speak, somewhere else and start working.

In the main, these people rely on their background to get themselves through, whether it be in an employment sense or in a community sense. They tend to still associate with people of a similar background to themselves, and it is difficult, if not impossible, for them to simply turn up in another part of the State or country and, when asked where they have lived, what work they have had, or whether they know someone from the area they claim to have come from, to have none of that knowledge. The counselling and vocational training assists protected witnesses to build up this history so they can then start to develop their new identity. That is extremely important. It certainly assists in allowing them to make the shift from one life to another.

The Opposition does not oppose the bill. As I said at the outset, it is part of a continuing process. No doubt the Brogden Government will revisit the legislation post-2003, as we too look at further developing the witness protection scheme as it continues to evolve and assume even greater practice in New South Wales.

**Reverend the Hon. FRED NILE** [3.13 p.m.]: The Christian Democratic Party supports the Witness Protection Amendment Bill. The Witness Protection Act 1995 enables special steps to be taken to protect witnesses at extremely high risk when other methods are insufficient. That Act was reviewed in 2001 and the report was tabled in both Houses of Parliament earlier this year. The bill implements the legislative recommendations of the report. The review involved consultation with a range of bodies, including NSW Police, the Crime Commission, the Police Integrity Commission, the Attorney General's Department, the Ombudsman, the Director of Public Prosecutions, the Commonwealth and the States and Territories.

The bill allows psychological, drug and alcohol counselling, and vocational training to be provided to protect witnesses. It is obvious, when one considers the sophistication of organised crime and gangs, that individuals who may want to co-operate with the police live in fear of their lives, especially with regard to revealing the activities of violent gangs, whether they are involved with extortion or drugs. In giving evidence in court, they would know that their lives are very much at risk and they would be threatened, even when in court. There have been reports of recent court cases during which the accused looks at the person giving evidence and runs his finger across his neck, with the clear intention of intimidating the witness and indicating, "We are going to cut your throat the first chance we get."

Such witnesses would not be completely open in giving their evidence and would not be confident that they could proceed as a witness unless they were guaranteed witness protection. That is an important part of the operations of the police and other law-enforcement bodies. Some of these gangs are absolutely ruthless about how they would treat an informant who gives evidence against them or provides information that leads to their arrest.

The bill streamlines the appeals process for inclusion or termination from the program; brings the witness security unit under the Law Enforcement and National Security (Assumed Identities) Act 1998, rather than having its own assumed identities regime; clarifies court procedure to better protect the identity of protected witnesses; extends confidentiality protection to those who provide assistance to the program; extends

offence provisions relating to the operation of the program to those who are assessed for inclusion but are ultimately not included; permits temporary suspension from the program where the participant compromises the ability of police to provide appropriate protection; and ensures consistency in the provisions relating to involuntary termination from the program.

A key aspect of witness protection is providing witnesses with new identities. This is perhaps becoming more difficult in modern society, given computer programs, Medicare numbers, prescription cards, and other forms of identity, leaving aside a driver's licence, credit cards, and so on. It is therefore perhaps becoming easier for criminals to track down a person who has given evidence against them. It is going to take even more sophistication to conceal the identity of that witness and give them a new identity with birth certificates, marriage certificates, and so on.

Apparently, death certificates cannot be issued, which may create a problem in some cases. I am sure that that aspect, whether it is a legislative measure or simply an operational matter, will need to be constantly updated to ensure there is no way that criminals can penetrate the system, identify the witness and where they are, and of course murder them. We support the bill.

**Ms LEE RHIANNON** [3.18 p.m.]: The Greens support the Witness Protection Amendment Bill, which makes various amendments to the statute regulating witness protection in New South Wales. The Greens recognise the role and importance of the witness protection scheme, which provides protection for vulnerable witnesses. It came into play in a spectacular fashion during the Wood royal commission, when police who rolled over were whisked away and given new identities to protect them from recriminations. In a more general sense, if our justice system is to operate effectively, individuals must be able to give evidence in trials without suffering recriminations against themselves or their families. The bill contains a significant number of specific amendments. The Greens welcome the change to permit counselling to be provided to protected witnesses. Counselling certainly seems appropriate for people whose lives have undergone such upheaval. Vocational training services may be essential in assisting protected witnesses to rebuild their lives.

The amendment to provide for the issue of false death certificates sounds quite dramatic—a bit like a Hollywood movie, I have to say—although we are prepared to accept that there may be times when it is appropriate. We have a particular concern with the proposal to provide that a decision of the Ombudsman confirming a decision of the commissioner to terminate the protection of a protected witness will take effect even if the witness cannot be notified of the decision, despite reasonable efforts to do so. It is alarming to think that protected witnesses might have their protection withdrawn without their knowledge. In this way the State could end up being complacent in the injury or death of a previously protected witness. I ask the Minister to address this issue in his reply and to provide some assurance about how this new provision will operate. The Greens are happy to support the bill and we congratulate the Government on introducing it.

**The Hon. RICHARD JONES** [3.20 p.m.]: The only minor concern I have with the bill is the issuing of a fake death certificate. Apparently this would be used for, say, a couple who are in the witness protection program and one partner dies. If the death certificate were issued in the real name, it may compromise the other partner's security. Therefore, there will be an option for a death certificate to be issued in the assumed name. Whether a certificate is issued in the real name or the assumed name will depend on the situation. Apparently this happens in the United States of America. I wondered why that was the case and whether it might not be dangerous, but apparently it is not. So, I support the legislation.

**The Hon. MICHAEL EGAN** (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [3.21 p.m.], in reply: I thank honourable members for their contributions.

**Motion agreed to.**

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

#### **CRIMES LEGISLATION AMENDMENT (PENALTY NOTICE OFFENCES) BILL**

#### **Second Reading**

**Debate resumed from 18 June.**

**The Hon. JAMES SAMIOS** [3.22 p.m.]: The purpose of the Crimes Legislation Amendment (Penalty Notice Offences) Bill is to amend the Criminal Procedure Act to allow police officers to issue on-the-spot

infringement notices for certain offences on a trial basis; to amend the Criminal Procedure Act to enable police to demand that a person being issued with an infringement notice disclose their name and address; and to amend the Crimes Act to allow police to take fingerprints or palmprints from offenders in the process of serving either an infringement notice or a court attendance notice.

The bill will allow police officers to issue on-the-spot infringement notices for the following offences: common assault, larceny of goods up to the value of \$500, obtaining money or benefit by deception, goods in custody, offensive language or conduct, obstructing traffic, and entering a vehicle or boat in a public place without the owner's consent. The infringement notice trial will last for 12 months and will be restricted to 12 local area commands listed in the bill: Albury, Bankstown, Blacktown, Brisbane Waters, City Central, Lake Illawarra, Lake Macquarie, Miranda, Parramatta, Penrith, The Rocks and Tuggerah Lakes.

The bill requires the New South Wales Ombudsman to monitor the infringement notice system over the duration of the 12 months trial. There are arguments in support of the legislation, as there are arguments against it. No doubt the arguments for relate to the reduced time that it is alleged police officers will spend doing paperwork. It is said that it provides police with an additional enforcement tool and it allows police to use their discretion to deal with minor matters. The scheme is not mandatory. The person issued with a penalty notice can pay the fine or request that the matter be heard in court. Payment of the fixed penalty means that the offender receives neither a conviction nor a record, although New South Wales Police will keep a record of all penalty notices issued, to ensure that notices are not being issued inappropriately. Furthermore, penalty notices cannot be issued to juvenile offenders, and cannot be issued in relation to an industrial dispute, demonstration or protest, procession, or organised assembly. The taking of fingerprints and palmprints from persons issued with penalty notices or court appearances does not apply to juvenile offenders.

Arguments have also been made against the legislation. It is said that under the proposed infringement notice system outlined in the bill, "common assault not occasioning bodily harm" will carry a penalty notice fine of \$400, but the penalty under section 61 of the Crimes Act for the same offence is two years in prison. Obviously that is a significant anomaly. This comes at a time when, according to the Australian Bureau of Statistics, the number of assault victims in New South Wales in 2001 totalled 75,460 compared with just 16,276 in Victoria over the same period. The difference of 363 per cent compares with a population difference of just 36 per cent. The proposal also means that "larceny of goods up to a value of \$500" will attract a penalty notice fine of \$300, whereas under section 117 of the Crimes Act the penalty is five years in gaol. This effectively means that people who commit larceny could make a \$200 profit.

The proposal also means that persons "unlawfully in possession of property" under section 527A of the Crimes Act will be fined \$300 whereas under section 527C of the Crimes Act persons "obtaining money by unlawfully making false representations" will be fined \$350. According to the Auditor-General's performance audit of the State Debt Recovery Office, which was carried out in April, there is very little chance that any fines will ever be paid. According to the report, the recovery rate for unpaid fines recently received by the State Debt Recovery Office is 32.7 per cent. Older unpaid fines are much harder to recover. Given that many of the offences outlined in the bill are crimes of dishonesty, the likelihood of any person accused of such a crime paying a penalty notice must be very low. No doubt police have too much paperwork, but extending the penalty notice system as proposed will not be a deterrent.

**The Hon. Michael Egan:** Many of the fines imposed by the courts are unpaid.

**The Hon. JAMES SAMIOS:** Yes, but that is not—

**The Hon. Michael Egan:** I am simply saying that the on-the-spot fines do not make it more likely that the fine will be unpaid.

**The Hon. JAMES SAMIOS:** The Australian Retailers Association is strongly opposed to the Government's proposals because on-the-spot fines will be issued to shoplifters.

**The Hon. Michael Egan:** The retailers want to impose them themselves.

**The Hon. JAMES SAMIOS:** You will have to talk to the retailers. The Opposition opposes the bill.

**Reverend the Hon. FRED NILE** [3.31 p.m.]: The Christian Democratic Party supports the Crimes Legislation Amendment (Penalty Notice Offences) Bill on the basis that it will enable the police to conduct a

trial in 12 local area commands of issuing infringement notices for an extended range of offences. The bill will provide an opportunity to test the operation of penalty notice offences, both in terms of whether it is an effective way for police to carry out their duties and whether it will have an impact on the levels of what are regarded as minor crimes. Also, the Government will need to follow up the information to see whether the fines are being paid, as previous speakers have said. If people ignore the penalty notices and if the penalties are small, the police and/or the Government may feel that it is unnecessary or not worth the effort to try to recover the fines. Of course, if that became known, it would make a joke of the whole system and undermine the effectiveness of penalty notices.

The bill covers the following offences: common assault, obtain money by false representation and unlawful possession of property. I have received a letter from the New South Wales branch of the Australian Retailers Association, which has made public statements expressing concern about the inclusion of unlawful possession of property. Obviously, that offence can apply to a multitude of activities, including possession of property in a vehicle or home, or on a person. The Retailers Association is particularly concerned about the impact of these provisions on shop theft. It is concerned that people engaged in that activity may regard this as a softening of the attitude of the Government and the police towards that offence. In the letter I received on 24 June, Sonya Vaughan, the Policy Research Officer, makes the relevant point that many things are being stolen from shops. Apparently, property worth \$1 billion is stolen from retailers in New South Wales. Therefore, it is neither a minor offence nor a nuisance offence to retailers.

Apparently, when retailers call the police they have already decided that they want the matter to be dealt with by the courts. Typically, retailers record and refer to known or reported theft. Individual retailers are able to identify this type of theft through a variety of means, for example, empty packaging, discarded price tickets, et cetera. While a retailer records this theft internally, in most cases theft is reported directly to the police only when the value of the property exceeds a nominated dollar value. This ranges anywhere from \$50 to \$1,000, depending on the retailer. In other words, not all retail theft is reported to the police and, therefore, is not recorded on the computer operated police system database. Retailers are concerned that, although the police may be called, they do not want an on-the-spot fine issued. In the operational orders it may be possible, for an offence of unlawful possession of property, that when there has been a number of cases of shop theft and the retailer calls in the police with a view to the person going to court, that information is conveyed to the police, who would not issue an infringement notice. The operational orders may need some clarification.

**The Hon. Michael Costa:** It is not compulsory; it is at the discretion of the police.

**Reverend the Hon. FRED NILE:** Yes, but the police should bear in mind that when they are called, for example, to Grace Bros or David Jones, those retailers regard theft as a serious matter. It is not simply a child stealing a packet of lollies. Another point is that according to the advice of the Retailers Association, stealing from retailers is now done on a highly organised basis. It is not simply a case of a person taking something on the spur of the moment; it is highly organised criminal activity and, therefore, it should be regarded as serious by the Police Service. The bill also includes the offences of offensive conduct, offensive language, obstructing traffic, unauthorised entry of a vehicle or boat and, lastly, if the value of the property or amount of money does not exceed \$500. That relates specifically to shoplifting.

I note—and I am pleased that it is included in the legislation—that a second significant power is provided in proposed section 169. This power will enable police officers to request the name and address of a person about to be issued with a penalty notice in order to identify that person. A penalty of \$220 may be enforced if the person fails without reasonable excuse to provide that information. The bill contains safeguards for the operation of that provision. Police officers constantly tell me that they are frustrated because in certain circumstances people engaged in criminal activity will not co-operate with the police by providing their name and address and so on. If the current provisions are strengthened so that people must provide their name and address in order to be issued with an infringement notice, that may reduce this type of crime.

My only other question about the bill relates to the places in which the trial will be conducted, including The Rocks, City Central and so on. I have no criticism with the local area commands that have been chosen, but I would have thought—I know this is a touchy issue—that Cabramatta should be included on the list. It is difficult for the police to operate in Cabramatta for many reasons, as we know, and it may have been a good place in which to conduct the trial. Would the trial be successful in a place where there seems to be a lot of drug dealing and other criminal activity? Trialling the proposal in Cabramatta may help in terms of the results. It would be no good saying that the trial was a great success in places such as Tuggerah Lakes and Lake Macquarie, because I do not think they are centres of crime. It would be worthwhile conducting the trial in



Cabramatta. After the trial there would be no point in saying that the proposal works and it will start in Cabramatta next week if the Government suddenly hit a brick wall and it did not work in Cabramatta. I hope that the trial is successful, but it may be more realistic to include a difficult area, such as Cabramatta, in the trial.

**The Hon. Dr PETER WONG** [3.39 p.m.]: The Crimes Legislation Amendment (Penalty Notice Offences) Bill seeks to establish a 12-month trial of issuing an on-the-spot fine or caution for relatively minor crimes in 12 police area commands. According to the Government, if police are able to issue on-the-spot fines or cautions, police red tape will be reduced, freeing up more officers to patrol the beat rather than be confined to paperwork behind a desk. The bill gives police officers the discretion to issue a caution or an on-the-spot fine for a range of offences, including common assault, obtain money by false representation, unlawful possession of property, offensive conduct, offensive language, just to name a few. When a fine is issued it will be set at a median amount for the offence, and the citizen issued with the fine can still request that the matter be heard in court. I note that the penalty notice will not form part of the person's criminal history. When a fine is issued, the police will have additional powers to take fingerprints or palm prints. However, those records will be destroyed once identity is confirmed upon payment of the penalty.

The trial does not apply to people under 18 years of age. I accept and welcome the Minister's argument that juveniles have a limited capacity to pay and that, therefore, enforcing fines may be unrealistic. The Ombudsman will be required to monitor and report on the trial. The Unity Party appreciates the Government's argument in relation to this bill. However, we have two key concerns. Firstly, this bill gives police officers discretion to decide whether to simply issue a caution or a fine. When discretion comes into play, it is difficult to ensure that the law is applied consistently and fairly. Because by definition each police officer—and there are over 13,500 officers in the New South Wales police force—will have different standards and different values and they will apply their judgments differently by definition. Basically when there is too much discretion given, personal biases become an issue.

I note that this trial will take place in the Bankstown and Parramatta police local area commands, areas with high concentrations of people from an Arabic-speaking background. My concern is that we will end up with a situation in which police may use their discretion to issue fines in preference to choosing to issue cautions, especially when it comes to members of certain ethnic communities. That leads me to the other practical concern with this bill. Of the 12 police local area commands, approximately half—Central, Parramatta, Bankstown, Blacktown, The Rocks and Miranda—have a particularly high concentration of residents from non-English speaking backgrounds. However, we are talking about a bill that seeks to extract efficiencies from the police force by cutting red tape. To follow the logic, for a police officer faced with cautioning or fining someone who cannot speak English the most efficient approach would be to issue a fine. Certainly from a strict time and motion efficiency approach to this bill, it would be faster to demand a citizen's driver's licence or other identification rather than to take time to issue a verbal warning or to counsel a person who cannot speak English. On paper the arguments for this bill sound plausible; in practice, I fear it will lead to inconsistent and, therefore, unfair application of the law. As the Unity Party is about creating and maintaining a fair and just society, I cannot support this bill.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [3.43 p.m.]: The Government is upping the stakes again in the law and order auction leading up to the election. As I have said before, the Carr Labor Government is the best conservative government this State has ever had. This is the third speech on law and order that I have given today, and it gets a tad tiresome. I want significant amounts of money to go into crime prevention, not building new gaols or ratcheting up police powers to keep the radio shock-jocks on side.

**The Hon. Michael Egan:** What sort of crime prevention would you like to see? What would you like to see us spend additional money on?

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** You will have to read some of my other speeches. I am not going to repeat them now; I have promised to be brief. The Crimes Legislation Amendment (Penalty Notice Offences) Bill will amend the Criminal Procedure Act 1986 and the Crimes Act and will make consequential amendments to the Summary Offences Act. It will enable the Police Service to establish a 12-month trial giving police officers the discretion to issue on-the-spot infringement notices for an extended range of mainly summary or minor offences in 12 local area commands. The intention is to free up the Local Court from dealing with summary offences. In addition, persons under 18 years are exempt from the provisions of the bill. It is interesting that a majority of the area commands proposed for the trial are in Labor-held seats. I am not sure whether that is a coincidence or what the objective is. The Auburn Local Area Command, which has the second highest crime rate in the State, however, is not to be the subject of this trial.

Schedule 1 to the bill outlines provisions relating to the issue of penalty notices by police officers to offenders. An officer can exercise discretion in choosing either to issue a penalty notice "if it appears to the officer that the person has committed a penalty notice offence" or he can overlook the situation. Under proposed section 169 he may request contact details from a person upon issuing a penalty notice. A person failing to provide such details will face a maximum fine of \$220. There are great possibilities with this legislation. People who are disillusioned with the Government might, after consuming a couple of beers in a pub, start swearing, for which they can be fined on the spot. That is no problem because it will produce more swearing and, as a result, more fines. It could be a perpetual motion machine for the Treasurer. Other offences could be enforced, such as jaywalking. We could have a jaywalking-led recovery from the fines collected!

I have always said that if I had a dollar for every cigarette butt thrown away I would be a rich man. Under this legislation such an action could attract a penalty of \$50 or perhaps \$100. What is the penalty for throwing away a cigarette butt? We could have a huge windfall for the Treasurer as there was from speeding fines. First we had a few police out on the roads fining everybody, and they were replaced with road-side cameras so we had an automatic revenue collection system. Just imagine a person seen on the central monitoring television jaywalking and a voice calling out, "Hey you in the red sweater. You've been caught. Please swipe your card at the station along the north-east corner. While you are there please put your mouth swab in the receptacle provided so that we can get your DNA." There are great possibilities for this police state to go ahead full bore and fill up the Treasurer's coffers. I should mention that I am being sarcastic but in *Hansard* one's words are very bald and the irony is often lost. I have been criticised previously by people who have mistaken a sarcastic remark for a serious one. This place does dampen one's sense of satire, and mine has been withering sadly since I became a member. It needed a bit of a boost.

Proposed section 172 provides for the Ombudsman to monitor the implementation of this trial and produce a report to Parliament. It is interesting that the Government complained that a similar amendment I moved to the Crimes (Administration of Sentences) Amendment Bill and the Summary Offences Amendment (Places of Detention) Bill two weeks ago made more work for the Ombudsman. But I will not complain about the Government extending the Ombudsman's oversight of this legislation because it is absolutely necessary. Schedule 2 to this bill amends the Crimes Act 1900, outlining provisions to give officers the discretion to fingerprint or palm print offenders. If honourable members think that my earlier comment about DNA is far-fetched, I suggest that it is not as far-fetched as some members of the Council for Civil Liberties would like it to be.

The police commissioner must ensure that fingerprints or palm prints taken under proposed section 353AC are destroyed after payment of the penalty. I must confess I have some concern about that provision. Safeguards over the exercise of powers to obtain prints are outlined in proposed section 353AE. Proposed section 11C is a sunset clause; the application of schedule 2 will cease 12 months after the commencement of the Act. The Minister is taking on the Police portfolio with gusto. All his speeches on law and order are similar. The Minister was not a member of this House when policemen and policewoman were standing up for workers compensation reforms. I am concerned that the approach to crime in this State has been far too authoritarian, and this is yet another step down that road.

**The Hon. RICHARD JONES** [3.49 p.m.]: I support the notion of reducing the burden of police trying to police minor offences, but the approach taken in this legislation may not work. I understand that it will be trialled mostly in Labor electorates to see whether it frees up police to deal with real crime. I note the comments of the Australian Retailers Association of New South Wales, which I am advised by Sonia Vaughan has about 5,000 members in this State and 12,000 nationally.

Whilst most of those are small to medium-size retailers, the membership also includes Coles, David Jones and Woolworths. The Australian Retailers Association of New South Wales is most concerned about the introduction of penalty notices for shoplifting. Shoplifting is regarded by some as a minor crime, but it is not minor if one is a shopkeeper, particularly a small shopkeeper. Some small shopkeepers go broke because of shoplifting. I was a shopkeeper in a distant part of my past. Having pieces lifted left, right and centre was quite a drain on the business. When I was working with W. & G. Foyle on Charring Cross Road, London, I became a bounty hunter for a short while. We were offered £10 for every book thief we caught. That store was losing thousands of books and had little success catching the thieves, so I became a bounty hunter.

After a week or so I could pick these people almost as if they had a "book thief" label on them. I caught quite a number of them. The bounties led to an extremely high addition to my salary—until the owner of the shop, Christine Foyle, decided she was paying me too much money. Nevertheless, theft was a serious matter for

that shop. One thief we caught had thousands of books at his house. He stole new books from the store and took them down to the second-hand department on the ground floor and cashed them in. So most of the books returned to the new sales section were technically second-hand. The Australian Retailers Association says shop theft is not a victimless crime. It may not be a serious crime for the Government or the Minister, but it is a serious crime for shopkeepers. The association says that the Government should use the full force of the law to address this problem. Other honourable members have referred to parts of a letter sent to them by the association. It stated, amongst other things:

Any alternative approach should only be available to an adult offender who has no previous record of stealing from retail premises.

Any alternative approach should only be implemented when the offender has personally apologised to the victim and made good any loss suffered by the victim as a result of the theft.

That would be novel. The association stated further:

The seriousness of the theft must be considered and any penalty must be proportionate to that.

As Reverend the Hon. Fred Nile said, shopkeepers do not want the offence watered down because to them stealing is a serious offence. As a result of the introduction of penalty notices, there will be many more calls on the police service. Currently only 57 per cent of people detected in the act of shop stealing are referred to police. The association suggests that as a result of this legislation shopkeepers will call police on every occasion. It also points out, as we know, that organised groups of professional thieves target stores on a regular basis. Hopefully, they will be caught. If they are, they should not be let off lightly with a penalty notice. I hope they are dealt with appropriately.

The association points out that police response times is a major issue with many retailers, who wait some two to three hours for police to attend a store for a shop theft matter. Retailers call police in only approximately 57 per cent of shop theft matters. The association says that if this legislation is introduced they will have no choice but to call police for all matters. This will mean an increase in reported shop theft, and the impact this will have on police response times will need to be considered. So this legislation, instead of freeing up police, may in fact result in taking up more of their time.

The association raised the option that if police times remain slow, a voluntary statement—the procedure currently adopted by retailers in most of the 40 per cent of shop theft matters not referred to police—and a fact sheet should be sufficient to cause the issuing of a penalty notice, so that offenders do not have to be held on the premises until the police arrive. I do not think that would be accepted by the Government or the Minister. The Hon. Dr Peter Wong quite rightly expressed concerns that some ethnic groups in our community will be discriminated against, and unfortunately that may well be the Arab community. That is a matter that concerns me also. I cannot support the legislation for those reasons alone.

**The Hon. MICHAEL GALLACHER** (Leader of the Opposition) [3.54 p.m.]: I support the contribution by the Hon. James Samios on the Crimes Legislation Amendment (Penalty Notice Offences) Bill. His sensible contribution cleared up the misapprehensions of many honourable members. He painted a clear picture of the errors the Government has made with this bill. I want to place on record some of the practical implications of the penalties and offences dealt with by this legislation. More importantly, it was said that the bill will assist in the reduction of paperwork required of police. Interestingly, the person who receives the penalty notice is not locked into paying the penalty. By that I mean a person who pays the penalty may still plead not guilty. With a normal infringement notice, whether for parking offences or speeding, a person has 21 days to make up his or her mind about what course to take.

I am amazed that it is thought that the issue of an infringement notice on the side of the road for a false representation under section 527A—or a section 61 assault, which I regard as quite bizarre—will somehow reduce the paperwork that a police officer must complete. When a police officer issues an infringement notice, say for a section 61 assault, irrespective of whether the person says at the side of the road that he or she will plead guilty or not guilty, the police officer must prepare a brief immediately. The officer cannot wait 21 days and then get the physical evidence required to prosecute the offence. That evidence may be a photograph of the victim or the crime scene or an interview of witnesses. That evidence must be obtained at the time, otherwise it may be a month before the officer interviews witnesses or victims, and their recollection of events might have changed, as might the crime scene and the police officer's recollection.

So the police officer will have to prepare a brief of evidence, interview witnesses, take photographs and investigate the crime scene. If it is a section 61 assault, the officer will still have to go to the doctor and get a

medical report and collate any other available evidence. It is false to suggest that somehow the handing out of an infringement notice on the side of the road will obviate that process. Let us go to the next stage, the computer operated police system [COPS] entry. The officer will still have to return to the police station to make the entry into COPS. This is an important part of the process of gathering intelligence on the suspect and his or her future criminal activities. I am told that the technology for fingerprinting of offenders at the side of the road has not quite been perfected. I have spoken to people who have a good current knowledge of this, and they tell me there are still concerns about the technology to be used to fingerprint offenders by the roadside.

**Ms Lee Rhiannon:** Will you oppose the bill?

**The Hon. MICHAEL GALLACHER:** We oppose this legislation because it is flawed. The idea of trying to reduce the paperwork of police is commendable, but roadside infringement notices for a section 61 assault or any other offence set out in the schedule to the bill will not obviate paperwork. Photographic evidence is often extremely important, but the legislation makes no mention of photographing offenders. Will the police officer be required to carry a box Brownie in a back pocket as well as the fingerprinting block and all the other equipment? How realistic is this proposal?

**The Hon. Greg Pearce:** The Minister has no experience and no idea.

**The Hon. MICHAEL GALLACHER:** He has no idea. He ran off at the mouth during the Christmas break when this matter was trotted out in the media. The Opposition is not convinced—I certainly am not convinced—that this measure will bring about any significant reduction in paperwork. The only difference is that the police officer will not have to take the offender to the police station for the physical charging. The offender must still be photographed and fingerprint.

There are some real issues inherent in that proposal. I am sure the Minister will correct me if I am wrong, but I did not notice in the brief any statement about what happens when a person is intoxicated at the time of apprehension. Will police give intoxicated persons infringement notices on the side of the road when they are intoxicated?

**Reverend the Hon. Fred Nile:** Or affected by drugs?

**The Hon. MICHAEL GALLACHER:** Will police officers give penalty notices to those who are affected by drugs? Police officers still have a duty of care in relation to offenders as well as to victims of crime. There are some real issues in that proposal also. There is also a question about repeat offenders. Police officers will issue infringement notices to some people time and again, but they will not be photographed.

**The Hon. Patricia Forsythe:** What about somebody who has a mental illness?

**The Hon. MICHAEL GALLACHER:** Yes. This bill is beginning to lead to questions. The concept—the reduction of paperwork that is being shoved down the throat of every police officer—is good because it is unrealistic to take up to four hours to charge somebody, even if the computer system is working properly. However, I do not think that giving on-the-spot notices for assault is the answer. What message does that send to the community? Section 61 of the Crimes Act provides for common assaults and relates to assaults which do not involve any actual bodily harm—where there is no wound, no breaking of the skin, and no blood. But I have seen plenty of victims of common assault who have not had a wound but whose pretty nasty assaults are still covered by section 61.

I would not like to suffer such an assault while walking down the street anywhere in this State. Indeed, I would not want my family members or my children to be in that position. In such circumstances I certainly would not want police to give the offender a very stern talking to, issue the equivalent of a parking ticket and say, "If you want to plead not guilty, appeal within 21 days." The police officer still has to prepare the brief and all the evidence if the matter goes to court. This bill sounds great, but in reality it just does not work. When offences such as fraud and assaults are dealt with by issuing a ticket, what sort of message does that send to the community? That starts to stretch the principle of reducing paperwork, because I can guarantee that other offences will be added to the list.

I inform the House that larceny is a very significant matter in the minds of those in the retail industry of this State, as the Hon. Richard Jones mentioned earlier. A great deal of larceny is involved in the drugs cycle because people who steal property, especially electrical goods, go to a drug dealer and exchange the property for

heroin. That is part of the drugs cycle. These people are repeat offenders, not one-off offenders. I simply do not believe that this legislation is the right way to go. The Government has got it wrong. The Opposition will oppose the legislation on this occasion. Unfortunately the Minister is not present in the Chamber, but I nevertheless make a plea for him to bring back some proposal that can seriously begin to reduce the workload of police officers and the paperwork that they have to deal with, but at the same time bring in provisions that do not reduce larceny, assaults and fraudulent misrepresentation to the equivalent of a speeding ticket or a parking fine.

**Ms LEE RHIANNON** [4.02 p.m.]: The Greens oppose this bill. It will degrade the quality of justice in New South Wales and is wide open to abuse. The Greens can certainly appreciate the frustration that police officers must suffer when required to spend long periods completing paperwork, because that is a chore that dogs so many of us these days. Paperwork is certainly a burden and it should be limited when that is reasonable. However, it is important to remember that police paperwork is all about accountability, fair process and complying with the law. Police officers are in a unique position of power and influence within our society. With that unique power must go a unique commitment to processes that ensure the power is exercised reasonably and accountably, without corruption, and within the law. It is a simple fact that a just process is not the same as an efficient process.

A justice system, if it is to work well and provide a fair process and just outcomes for all parties, must of necessity incorporate extensive checks and balances. The maxim "innocent until proven guilty" is a high standard, and it is not realised by accident. It would certainly be efficient to do away with records altogether and leave criminal justice administration to the police—think of how much paperwork could be saved—but is that justice? Is that really the best thing for our society? I think that all honourable members would agree that it is not. Much of the burden of paperwork suffered by police is attributed, at least anecdotally, to the Wood royal commission, yet the royal commission identified many potential abuses of power and recommended procedures to counter them. Paperwork is simply part of the price of reducing corruption in the police service.

This bill provides for a 12-month trial of penalty notices being issued for certain criminal offences, with monitoring by the Ombudsman. It is a pretty radical step to allow police to effectively write a ticket for certain criminal offences because it represents a significant change from what occurs currently. Other members have spoken very graphically of what it would mean for police on the job. It is the Greens' view that this measure will allow police to have excessive discretion and is therefore open to abuses of power. Arresting people, taking them to the station to be charged, and so on, is understood by most people who understand the system and understand that they are innocent until they are proven guilty.

A great deal has been said about the importance of tradition and the importance of the principles that history has delivered to us. I suggest that one of the most important principles that has evolved, and must be treasured, is the judicial system that is based on people being innocent until they are proven guilty. People understand that they will have a chance to present their version of events and to defend themselves when they are charged or arrested. Under a penalty notice system, however, this sense of being innocent until proven guilty will be undermined and to some extent the onus will be reversed. As is often the case with a speeding ticket, there will be systemic pressures on people to simply pay up and admit guilt, even if they believe that they are innocent.

I think all honourable members have encountered people who have a problem hanging over their heads. They do not think they have done anything wrong, but they just want to get the process over with so they pay the money. The bill provides for people to contest the penalty in court, but default will be something different. Again I put it to honourable members that some people will prefer to have the matter over and done with. They will think, "I did not do it, but who wants to know about it?" The default will be to concede to the weight of the system and go quietly. That is not a good system.

Rather than being innocent until proven guilty, people will be handed a piece of paper that effectively says, "You have been deemed by a police officer to be guilty, but you could possibly prove your innocence if you have the time, the money and the inclination to go to court." This change in mind set will effectively give police far more power—the power to be both police officer and judge. Unscrupulous or corrupt police will be able to take advantage of this power by using it to stand over people and extort bribes or favours. I imagine that would happen in only a few cases, but the measure certainly opens that up as a real possibility. The Greens strongly oppose this bill. We congratulate the Opposition on its stance.

But as I have said in many debates on law and order issues, even given the Opposition's ideological position, there are enormous weaknesses in this legislation. There is quite considerable shadow-boxing by the

Opposition in relation to this Government's raft of law and order legislation. The Opposition would do its own position a great service if it analysed the Government's legislation and faced up to it, rather than accepted the agenda that the Government is spinning out before the House. The Greens believe that it is important for the proposed trial not to continue beyond 12 months. By the time the trial is complete, the next election will be over and the Government's spin may have moved on to another topic.

However, the Greens will be responsible for seeing how this legislation is implemented. We will take note of the Ombudsman's report and we will work with the Council for Civil Liberties and other groups to oppose the legislation. The Greens will be here in 12 months time to oppose the government of the day if it moves to extend the trial. In the meantime, we will be working hard to oppose the bill so that the trial is not put into effect.

**The Hon. CARMEL TEBBUTT** (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment), on behalf of the Hon. Michael Costa [4.09 p.m.], in reply: I thank all honourable members for their contributions to debate on this bill. This proposal is designed to free police for front-line policing duties by enabling them to issue on-the-spot fines for some minor criminal offences. It is intended as a 12-month trial over 14 local area commands. That will provide enough time to identify operational issues and decide whether the trial should be expanded. The bill does not lower the penalty for any offences. The amount of the fine is based on the median fine currently issued by the courts.

The result of this bill will be that, in many cases, the fine received for an offence will be higher than the fine that would have been given by a court. The advantages of such a system are many. Without this trial we will continue along the old path of police and courts spending time processing offences when the matter could be better enforced by the payment of a fine. This bill proposes a quick and effective means of punishing minor offenders. Serious or repeat offenders will not be issued with a penalty notice. Police will continue to arrest these persons and seek high penalties in the courts. But for minor offenders it is a win for everyone for an appropriate fine to be given on the spot. Police win because they do not have to spend extra time on paperwork.

The courts win because fewer resources are being used in processing minor offences. Minor or first-time offenders win because they can pay the fine for the crime and avoid the bureaucracy of the court system. Alternatively, they can argue before the court that they did not commit the crime and that they are innocent. Most importantly, the community wins because more police are on the front line and minor offenders are deterred from reoffending by receiving swift punishment. If they reoffend they will be dealt with by police accordingly. NSW Police supports this proposal. It will result in more officers on the front line. I commend the bill to the House.

**Question—That this bill be now read a second time—put.**

**The House divided.**

**Ayes, 19**

Ms Burnswoods	Mr Kelly	Mr Tingle
Mr Corbett	Mr Macdonald	Mr Tsang
Mr Costa	Reverend Nile	Mr West
Mr Della Bosca	Mr Obeid	
Mr Dyer	Ms Saffin	<i>Tellers,</i>
Mr Egan	Mrs Sham-Ho	Ms Fazio
Mr M. I. Jones	Ms Tebbutt	Mr Primrose

**Noes, 17**

Dr Chesterfield-Evans	Mr Gay	Mr Ryan
Mr Cohen	Mr Harwin	Mr Samios
Mr Colless	Mr R. S. L. Jones	Dr Wong
Mrs Forsythe	Mr Lynn	<i>Tellers,</i>
Mr Gallacher	Mr Oldfield	Mr Jobling
Miss Gardiner	Ms Rhiannon	Mr Pearce

**Pair**

Mr Hatzistergos

Dr Pezzutti

**Question resolved in the affirmative.****Motion agreed to.****Bill read a second time.****In Committee****Clauses 1 to 5 agreed to.****Schedules 1 and 2 agreed to.****Schedule 3****The Hon. MICHAEL COSTA** (Minister for Police) [4.20 p.m.]: I move:

Page 13, schedule 3.2 [2], line 28. Omit "\$500". Insert instead "\$300".

The amendment addresses a drafting error.

**Amendment agreed to.****Schedule 3 as amended agreed to.****Title agreed to.****Bill reported from Committee with an amendment and passed through remaining stages.****PUBLIC SECTOR EMPLOYMENT AND MANAGEMENT BILL****Second Reading****Debate resumed from 18 June.**

**The Hon. MICHAEL GALLACHER** (Leader of the Opposition) [4.23 p.m.]: I recognise that this is a momentous occasion for the State Government, because after 14 years of the Public Sector Management Act being in place, and with 38 weeks left until the next State election, the State Government has taken this opportunity to try to hose down as many as possible of the issues with the public sector and the unions associated with it, to ensure that there is as little opposition as possible to what the Government is doing and to further enhance its re-election prospects. Like other legislation that is introduced, this bill is a last-minute attempt to address law and order issues. It will have very little effect on the overwhelming majority of people in New South Wales, who, I suspect, will in 38 weeks time vote this Government out of office.

The bill addresses a number of issues that the public sector, in particular the unions, has been pursuing with the Government. The Minister's second reading speech refers to a strong working relationship between the public sector unions and the Government. However, once again there has been no consultation whatsoever with public sector employees who have made a conscious decision not to be members of a union. In the eyes of the Government, those people simply do not exist. As I said to an Industrial Relations Society gathering on the Central Coast recently, which the Minister for Industrial Relations attended, the difference between the Government and the Opposition is that the Government looks after 25 per cent of the New South Wales work force, and it will continue to do so because that is its *raison d'être*.

The Opposition has provided an ironclad guarantee that it will not look after just 25 per cent of the New South Wales work force; it will go much further than that. And we will not just look after the 75 per cent who are not members of a union. It will be the commitment of the Opposition to look after 100 per cent of the people of New South Wales. Every worker in this State will have representation in this Parliament, and they will be assured of having a compassionate and understanding government, rather than a government that says, "If you don't have a ticket, don't bother ringing because you won't get any advice or assistance." We intend to address that.

The public sector, after reading debate on this legislation, will be able to sleep easy from tonight on, because the public sector unions can be assured that the Opposition will not take a stick to them when we come to government in 2003. They know that we will be prepared to work with them. The Minister for Mineral Resources, and Minister for Fisheries laughs. One of the first things I did upon getting my hands on this legislation was write to the public sector unions to ask for their input in relation to it. I now recognise that the unions have been talking to the Government and they are right in with the Government on this legislation. The Opposition is at least prepared to write to the unions and ask for their views.

But the Minister did not make any reference whatsoever to ensuring that those in the public sector who are not members of a union had the same opportunity to be consulted. They have never been consulted by the Government, and they will not be consulted by it in the 38 weeks remaining before the Government is taken to task by the people of New South Wales. The bill brings into effect a number of changes. First, it introduces a streamlined disciplinary scheme and the concept of guidelines in working towards consistency in practice at the Industrial Relations Commission. The Minister for Mineral Resources, and Minister for Fisheries, who has been in the Chamber on occasions when the Minister for Industrial Relations has waxed lyrical about the Opposition's position in relation to the Industrial Relations Commission, should not be confused: The Opposition will continue with the position it has taken over the last three years.

So there is no confusion in the minds of the Government, the Industrial Relations Commission will be protected by the Coalition Government as we continue to work with the New South Wales industrial system. In some areas the objects of the bill ensure consistency between public sector employment practice and the Industrial Relations Commission. One of its objects is to introduce the concept of counselling and staff development. The Government finally recognised, after far too long, the distinction between unsatisfactory work and negligent work, and it separated the two, which is a positive move for public sector employees. The bill will facilitate the movement of staff across the whole of the public sector, which will ensure a great deal of freedom in relation to the provision for cross-agency employment arrangements.

Another important initiative provided by the bill is an expansion of employment arrangements. Currently there is an ongoing officer employment arrangement and a temporary employment arrangement. This legislation introduces the concept of casual employment relations. So, following the passage of this legislation there will be three employment arrangements available within the public sector of New South Wales. A controversial issue is the removal of the role of the Governor.

**The Hon. James Samios:** Why?

**The Hon. MICHAEL GALLACHER:** I think it is part of the overall plan of this Government to continually downgrade the office. It is bringing it down ever so slowly. It is death by a thousand cuts. Most people recognise that. Even the Minister for Fisheries appears to be nodding in agreement with what I am saying.

**The Hon. Eddie Obeid:** I did not look at you.

**The Hon. MICHAEL GALLACHER:** Sorry, but it would appear to be part of the Government's overall plan to proceed towards the gradual reduction in the roles and responsibilities of the Governor to a point where it is possible to remove the Governor altogether. The Government is not going to have that opportunity, because it will be gone in just over 38 weeks. There is also provision in the legislation to simplify and clarify provisions in relation to chief or senior executive officers in the public sector. This is consistent with the decision taken by the House just recently in relation to, for example, section 106 of the Industrial Relations Act with regard to unfair contracts.

The bill also makes a number of amendments to the Government and Related Employees Appeal Tribunal [GREAT] Act and the Transport Appeal Board [TAB] Act. This is to ensure that the practice of both GREAT and TAB are consistent with Industrial Relations Commission practices. There is an expectation that as a result of these changes there will be greater utilisation of conciliation in appeals on promotions or dismissals. Further, there are exemptions for certain other classes of employees as a result of the changes.

As I alluded to earlier, the Opposition is not opposed to the legislation but it is important that we make a number of observations. It was not that long ago, for example, that the Parliament used to get a breakdown in the budget papers of the overall public sector numbers. The Government has stopped that. It is part of its process of reducing the opportunity for any outside scrutiny of its conduct. That removal has made it very difficult not



only for the Opposition but also for the Parliament to keep check on what the Government is doing. There are plenty of things I could talk about but I do not want to deny other honourable members the opportunity to make contributions. We are not opposed to this legislation.

**Debate adjourned on motion by the Hon. Peter Primrose.**

## ADJOURNMENT

**The Hon. EDDIE OBEID** (Minister for Mineral Resources, and Minister for Fisheries) [4.33 p.m.]: I move:

That this House do now adjourn.

## KOALA PROTECTION

**The Hon. IAN COHEN** [4.33 p.m.]: I wish to refer to the decision by Lismore City Council to put an 80 kilometre-designed road through a key koala breeding colony, after a strong recommendation from its own planning services manager that "there is no strategic requirement for an upgraded link road in the location of a sub-arterial link road". However, the Lismore council has decided to go ahead with the upgrade of Skyline and Durham roads to a sub-arterial link road in an area that has been described as having one of the highest densities of koalas in New South Wales. As a result of realigning the road reserve, the council believes the upgrade will not need to be considered under the SEPP 44 legislation and a koala management plan will not need to be approved. The council gazetted the closure of the existing road in July 2000. There are obvious public liability issues with people continuing to drive on a piece of land that is now a closed road.

The region of Skyline Road that is to be upgraded is presently a winding dirt road with large koala food trees along the edges forming a tree corridor that could be used by an estimated 30 per cent of the koalas of urban Lismore. Although most of the proposed upgrade will have a 60 kilometre per hour speed limit, it is being built as an 80 kilometre per hour designed road. According to the modified environmental impact statement prepared for the Lismore City Council, this is because:

The occurrence of koalas in the area has occasioned the design of a road which will provide 80 kilometre per hour site-stopping distances combined with 60 kilometre per hour speed limits. This should maximise drivers opportunities to stop and/or avoid fauna crossing this road.

We feel that the road will be used by many more than the 400 vehicles per day estimated by the council. One report suggests 1,700 vehicles per day by 2016 on the link road, with an overall 25 per cent increase in traffic flow between now and 2016. The use by commuters of the road in the late afternoon and by industrial and domestic waste removal trucks early in the morning—the council tip is near one end of the upgrade—could result in large numbers of koala deaths by road strike. The plans include four chicanes to slow the traffic, but these are nearly a kilometre apart in the heavily used koala area, and the design is unlikely to slow down heavy trucks moving downhill.

There is a large treeless area to the north of the existing road and a tree corridor that could be used for an alternate route for the link road with minimal impact on the koalas. In response to the National Parks and Wildlife Service [NPWS] comment that "the consideration of alternate routes is inadequate", the council states, "it is not appropriate that the council consider alternate routes". At the Lismore City Council meeting on 14th May, a motion to proceed with the upgrade was moved by a councillor who owns land on Durham Rd in the area of the upgrade—lot 1 on development plan 607884. At the meeting he did not express any conflict of interest or abstain from voting, and the motion was passed five votes for and five votes against with a casting vote by the mayor. If the councillor had abstained from voting, and an amended motion was carried to have a workshop to consider the legal aspects, the cost—\$1 million is to come from council funds—of alternative routes for the road may have been approved.

The council thus resolved to proceed with the proposal which involves widening, realignment and relocation of the current road without a development application, or approved koala management plan under SEPP 44, although the upgrade is in core koala habitat and involves the disruption of a major koala tree corridor. This is arguably a breach of the Environmental Planning and Assessment Act, as is proceeding with the upgrade without putting the modified environmental impact statement on public display. We wonder if the \$1.7 million upgrade is being pushed by proposed developments in the area. Recent actions of the Lismore City Council mayor have resulted in complaints to the Department of Local Government. A local newspaper, the *Northern Rivers Echo*, has covered two of these issues. The first was the appointment of a new general manager.

We feel the council has been manipulative in altering the road reserve in order to avoid a part 4 and SEPP 44 assessment. It seems to be getting away with not following the correct procedures more and more lately, and the community wonders what will be next. The upgrade proposal has still to go to the NPWS for concurrence under part 5. There is concern that the NPWS may accept the documents prepared by council on their face value and grant concurrence. In this process it might consider only the original objections from when the EIS went on display—and not our more recent reports and correspondence. Our more recent reports in reply to the modified EIS have not been part of the official process as the modified EIS and have not been put on public display.

If the NPWS grants concurrence, the upgrade could go ahead without planning approval because of the realignment, although our preliminary advice from EDO suggests they could be breaching the Act if they follow this course or if the EIS is not put on public display. The main problem is that it is probably the worst place in Lismore that could be chosen for an 80 kilometre per hour road, because of the impact on our koalas. There are cleared areas of land nearby with no koalas that would be ideal for the road, but the council will not consider them because of the additional expense—although the purchase of additional road reserves may have been cheaper than all the koala studies and ameliorative measures.

There needs to be a stop to this upgrade—which would be very unlikely to have ever been approved if the correct procedures had been followed and a comprehensive EIS had been presented. I ask the House to take note of this matter, particularly the fact that there was a possible conflict of interest in the voting process on the Lismore council. We are greatly concerned that another koala habitat area is under threat from the development of a road, which really should be some sort of rustic road with great tourist potential and value for the community. We should do all we can to maintain a rapidly decreasing species that is being impacted on by all sorts of urban developments, particularly as road kill.

#### **WORLD RECREATIONAL FISHING CONFERENCE**

**The Hon. JENNIFER GARDINER** [4.38 p.m.]: Recently I was a delegate to the third World Recreational Fishing Conference, which was held in Darwin. The conference was a forum for members of the world recreational fishing fraternity.

**The Hon. Eddie Obeid:** That is nice to hear. Tell me all about it.

**The Hon. JENNIFER GARDINER:** It was good. I did not notice the Minister for Fisheries there. It was a forum for members of the world recreational fishing fraternity, including fisheries managers, researchers, policymakers, industry representatives and the angling public, to discuss issues relevant to the sustainable management of recreational fishing. Papers presented were wide and free ranging. Of course, the conference provided a great showcase for the significant recreational fishing opportunities around Darwin and, although the barramundi were not biting in the Mary River, I did hook one on the East Alligator River. It is interesting to note that in the Northern Territory, co-management of fisheries resources is an important policy feature. Mr Rex Hunt was a keynote speaker, along with a number of other keynote speakers, and he expressed the frustration, as he saw it, of many anglers who object to recreational fishing licence fee revenue being used to buy out commercial fishing licences.

Many issues were raised, and I have time to note only a few on this occasion. It was pointed out that anglers now have access to new areas because they take advantage of helicopters and the like and they can fly into previously inaccessible areas to fish. So there are many questions about equity of access or, as one person put it, access of equity. It was revealed that the national recreational fishing survey will show that 20 per cent of Australians over 14 years of age fish recreationally at least once per year. That is 3.5 million per year. It will be very interesting to see the State breakdown of that figure when it is released shortly.

There was a lot of discussion about the recreational fishing survey, and its outcomes will be released over a period, in staged releases virtually from now on. The point was made that fish are a finite resource, that they are not always harvested responsibly, that all users have legitimate expectations, and that there are costs associated with access to fish. The conference placed considerable emphasis on developing and helping to implement a code of conduct for anglers. That was the subject of one of the main workshops conducted at the conclusion of the conference. It was suggested that this was very important if the angling community was to ward off increased interest from the animal liberation movement.

There was consideration of the ethic of catch and release, with some asking if this is a form of torture, and there were calls for research showing the survival rate of fish caught and released by individual anglers and

by anglers involved in catch and release tournaments. There was consideration of the impact of recreational fishing and how it compares with the impact of commercial fishing on some species, and a lot of data was provided.

Mr John Harrison, the Executive Officer of the Amateur Fishermens Association of the Northern Territory, reckons that recreational fishing is moving along a spectrum, from more or less open access in the past to being more closely regulated—that relates to New South Wales—and that is occurring for a number of reasons, including the new reason of the implications for recreational fishing in the Commonwealth Environment Protection and Biodiversity Conservation Act. There is still so much for scientists and others to learn about fish populations. It was also suggested that there is still a great deal of research to be done throughout the world about the economic impact of recreational fishing. It was interesting to hear about one piece of research that is being done now by Southern Cross University on the far North Coast of New South Wales and south-east Queensland.

In Europe there is only one recent study, conducted in the United Kingdom, on the social and economic valuation of angling. It is interesting to note that in the United Kingdom the appeal of angling among young people is thought to be declining. Some scientists, particularly those at the University of British Columbia, strongly propose the restoration of fisheries. There was quite a lot of debate about that. So little is known about some species and the environment in which they live that we cannot know just what it is that is supposedly being restored, as distinct from sustained. There was quite a bit of discussion about stocking, with some speakers saying that this was usually a short-term measure. One person said it was not a natural way of fishing. There was some concern about fish stocks, including aquaculture stocks, escaping to other waters. There was great emphasis on the need for integrated aquatic resource management. All in all, it was an extremely valuable and worthwhile conference. [*Time expired.*]

### PYRMONT BRIDGE CENTENARY

**The Hon. AMANDA FAZIO** [4.43 p.m.]: This year marks the centenary of Pyrmont Bridge, which is a landmark in Australian engineering and the pride of Sydneysiders. We are lucky to still have Pyrmont Bridge. The original designs for the redevelopment of the old Darling Harbour goods yard and environs did not include the retention of Pyrmont Bridge. I can remember having to convince the members of the Summer Hill branch of the Australian Labor Party [ALP] to support my resolutions calling for the Wran Government to save Pyrmont Bridge. Many members of the community who considered the bridge to be a valuable and important part of Sydney's heritage supported this cause.

The issue was debated passionately at ALP conferences. The innovation of the construction of the bridge, combined with the bridge's visual attractions, including the wonderful amber sandstone piers from the Pyrmont quarries and the commonsense and responsiveness to community concerns of the Wran Government, thankfully led to the bridge being retained. The Summer Hill branch, enthused by this win, later campaigned with local historical societies to save the Summer Hill Whipple Truss, and this campaign was successful. Looking back, it is hard to believe that this wonderful bridge was almost lost. Today pedestrians use it as the main access point for Darling Harbour and the Pyrmont peninsula. It is hard to conceive of the Darling Harbour precinct without the Pyrmont Bridge.

Pyrmont Bridge was designed by two employees of the Public Works Department, Percy Allan and Ernest de Burgh, who adapted and improved the best of international bridge technology for Australian conditions, producing an enduring, low-cost design. The bridge cost £112,500. Mr Allan designed 583 bridges during his career, and the timber truss system used on Pyrmont Bridge became known worldwide as the Allan Truss. Also working on the project was J. J. Bradfield and Gordon Edgell, who went on to open Australia's first cannery at Bathurst. In 1907 Pyrmont Bridge was acclaimed as a marvel of modern engineering at an International Conference of the Institution of Civil Engineers of London.

Pyrmont Bridge was the first electrically operated swing bridge in the world. It is the world's oldest swing span bridge and opens for vessels up to 14 metres, or 45 feet, tall. The bridge has a solid hardwood girder truss with the centre swing bridge for vessel traffic, which opens fully to 83 degrees. Fourteen spans make up the bridge, 12 made from Australian ironbark and the two central swing spans from steel. The bridge, which is 369 metres in length, takes approximately 60 seconds to open, and in 1992 it was opened for the six hundred thousandth time.

Darling Harbour's previous life as a railhead and port is now almost invisible, except for the restored Pyrmont Bridge and the Corn Exchange. The steel and timber bridge, when originally opened to traffic on 28

June 1902, used electrical power at a time when Sydney's streets were not yet lit by electricity. The bridge is driven by the two original 50 horsepower, 600 volt DC General Electrical type 67 electric motors. At that time, as well as being the main road link to the western suburbs, Pyrmont Bridge was the gateway to a bustling industrial centre. There were many industries in Pyrmont and Ultimo, the main ones being the Colonial Sugar Refinery, engineering works, flour mills, timber yards and the giant Goldsbrough wool stores that used to line the western shores of Darling Harbour.

The area now known as Pyrmont was given that name because it reminded a society lady of the day of the medicinal springs at Bad Pyrmont in Germany. The first Pyrmont Bridge was opened in 1858, allowing farm producers easier access to the Sydney markets. It was a private toll bridge built by the then Lord Mayor of Sydney and former member of the New South Wales Legislative Council, the Hon. George Augustus Thornton. The bridge was of wooden construction and pedestrians were charged two pence and carriages nine pence to cross. The Government purchased the bridge in 1884 and the toll was removed.

Services on the goods line to Darling Harbour had been restricted by a number of factors, including the expensive toll on the privately owned bridge providing access to the central business district, the shallowness of the harbour and the shortage of wharves. Following the lifting of the toll, the Darling Harbour goods yard was further expanded towards Union Street and new coal wharves were built. By the turn of the century the old bridge had reached the end of its useful life, it was inadequate to cope with the volumes and weight of traffic, and it inhibited the expanded use of Darling Harbour by shipping. Coincidentally, the Hon. George Thornton, who built the first Pyrmont Bridge, also reached the end of his life around the same time, dying of dysentery in Parramatta on 23 November 1901.

I have always viewed Pyrmont Bridge with some fondness. When I was a child I used to delight in being caught in traffic when the bridge opened, but I could not quite understand why my father did not have the same view. For a child from the western suburbs, crossing the bridge signified that you were entering the city proper. Later on when I was a teenager in the late 1960s most of my weekend social life centred on the area around the eastern end of Pyrmont Bridge. There were a number of unlicensed nightclubs and hotels frequented by friends where we would go to socialise on Friday and Saturday nights. Unfortunately none of these venues still exists. They included the Market Place, an old warehouse where bands would play on three different levels, which has been demolished; Ryan's Hotel, which burnt down; the Maitland and Morpeth Hotel in Sussex Street, which has been demolished; and another nightclub in a wonderful old sandstone hotel in Day Street, which has also been knocked down. So the only landmark left from those days is Pyrmont Bridge.

To celebrate the centenary of Pyrmont Bridge, the Australian National Maritime Museum is holding a special exhibition from 27 June to 8 September, with a special event being held on 28 June, which is exactly 100 years since the bridge was first opened. I urge all honourable members with an interest in Sydney's history to see the exhibition, marvel at the engineering and technical innovation of Pyrmont Bridge, and be thankful that it was not demolished. [*Time expired.*]

### NURSES WORKING CONDITIONS

**Ms LEE RHIANNON** [4.48 p.m.]: On Friday this week members of the New South Wales Nurses Association will present what I believe could be the largest petition ever to be presented to a New South Wales government. I congratulate the New South Wales Nurses Association on waging a strong campaign that has wide community support to win a pay rise for its members. Nurses should be acknowledged for their significant contribution to the health care system, and paid a wage that is appropriate for a professional. As well as caring and advocating for their patients, nurses are highly skilled professionals working as part of a team, often under stressful conditions in acute areas. They are always thinking on their feet.

The training and tertiary qualifications of nurses is equivalent to most other health professionals. Yet, in the New South Wales public health service, the rate of pay for a registered nurse is \$70 per week less than the rate for physiotherapists, occupational therapists and speech pathologists and \$100 per week less than other professionals, such as dietitians, social workers, psychologists and medical technicians. That is not good enough. The Greens urge the Carr Government to grant the demands of our nurses. Action needs to be urgently taken. In a document prepared for this campaign, the New South Wales Nurses Association states:

- Nurses are leaving [the profession] feeling undervalued and unable to provide the level of care they strive for in our hospitals.
- It is becoming harder for nurses to maintain a safe environment for both patients and staff, as more and more nurses leave the profession.

- The conditions the nurses work under are often dangerous and compromise their professional responsibilities.
- The nursing shortage has already led to bed closures and service cuts around the State.
- Lack of adequate security for both patients and staff is a serious concern.
- The nurses who remain are at crisis point, constantly working double shifts and not taking meal breaks, to fill the shoes of the nurses who have gone.
- The nurses' concerns regarding their working conditions and wages are not being heard by the NSW government. A government which admits that there is a problem attracting nurses to our health system.

The "What's a Nurse Worth?" campaign being run by the New South Wales Nurses Association sets out how the Carr Government can address these worrying trends and the Minister for Health should respond to those trends. It is extraordinary that the campaign has gone on for so long with so little response from the New South Wales Government. The campaign addresses the current shortage of nurses and the resulting crisis in our hospitals and nursing homes.

New South Wales nurses are seeking an increase in pay in the hope that nurses who have left will rejoin the profession which so desperately needs them, to make nursing an attractive career option, and to stop nurses who remain from also going. On behalf of the Greens I congratulate the New South Wales Nurses Association on the fantastic campaign it has waged. I urge the Government to wake up to itself. Health is a basic right of everybody. It can only be delivered to a satisfactory level if nurses, who are so often in the front-line of delivering that service, have proper and adequate wages and the best of conditions.

### DAYSON AIRCONDITIONING INDUSTRIAL DISPUTE

**The Hon. PETER PRIMROSE** [4.53 p.m.]: I want to tell the House about 12 brave Australian workers who are withstanding the might of an American multibillion dollar corporate empire. These 12 workers are prepared to bear the brunt of everything the company continues to throw at them because they believe that as Australians they have the right to belong to the union of their choice. This is not the first time I have raised in this Chamber the plight of Australian workers being stood over by United States of America corporate giants who do not accept the right of workers to be represented by unions in their workplace.

Honourable members will remember the seven-month picket through winter in the Southern Highlands when workers at Joy Manufacturing took on their American parent company for the right to belong to the Australian Manufacturing Workers Union [AMWU]. There have been many similar stories and in each case there has been a small but committed group of workers who have been prepared to face whatever has come at them as they claim the right to be union members.

Of course, we know that this is not a random series of attacks on these workers. It is part of the sustained and deliberate anti-worker, anti-union ideology of the Federal Government, being aggressively prosecuted by the Federal workplace relations Minister, Tony Abbott. It is vital that there is a record of what the Federal Government is doing to Australian workers in New South Wales. It is just as important that the record shows that these workers do not back down. Their solidarity and commitment to their unions is the best demonstration there can be that Tony Abbott will fail—just as his predecessor did.

The workers at Daysons have chosen to belong to the Australian Manufacturing Workers Union and the Communications Electrical and Plumbing Union, Electrical Trades Union Branch. When the workers approached the company to negotiate a new union agreement, management refused to even speak with the unions. The workers want the company to pay them a decent wage, provide a safe workplace and guarantee that their entitlements are secure. This is hardly an extraordinary position for the workers to take. Despite repeated attempts by the unions, the company is refusing to talk to the unions about any of the workers' issues. Instead, it has now terminated seven workers who are union members, including the two AMWU delegates, and one of the delegate's brothers. Management has taken the King Herrod approach to industrial relations. There is now a picket at the site and the workers are refusing to work until management agrees to talk to their unions. The dispute is now at the end of its fifth week.

The company has threatened the workers and their unions with legal action and, rather than approaching this in an adult manner, genuinely seeking to negotiate and resolve the matter, it has resorted to a war of attrition, intending to starve the workers and their families into submission. It is clear that management has lost the plot at Dayson. The ham-fisted approach to industrial relations adopted by local manager Anthony Poglio has caused what should have been a simple negotiation over a union agreement to escalate into a full-scale industrial dispute, costing the company financially, in production and in reputation. There has been international support for Australian workers from other employees whom Trane has tried to exploit.

Australian workers will never accept American-style industrial relations tactics. This is the ugly face of globalisation that the Federal Government wants to impose on all Australian workers. I urge the Chief Executive Officer of Trane, Mr Fred Posef, to take control of this situation in an attempt to address workers' issues and resolve the dispute. The alternative is to continue this reckless attack on New South Wales workers, which we know will have no good result. I call upon honourable members in this House to support the Dayson workers, and show the Federal Government that Australian workers are prepared to fight for the right to belong to their union, and to have decent wages and conditions and secure entitlements.

### MODERN GREEK STUDIES

**The Hon. JOHN HATZISTERGOS** [4.58 p.m.]: On 1 March this year I wrote a simple letter, asking a simple question. It was addressed to the Universities Admissions Centre. It related to the low scores in the Higher School Certificate [HSC] subject of Extension Modern Greek. Since that time I have received a plethora of correspondence from the desks of many senior academics. Not one has answered my question. Francis Keppel once said:

Education is too important to be left solely to educators.

In light of recent events, I would have a tendency to agree. I have made several representations on behalf of an ever-increasing group of constituents regarding the marking and reporting of the HSC extension course Modern Greek. On Sunday 26 May of this year I attended a public meeting organised by the New South Wales Teachers of Modern Greek Association. Dr Schilling of the New South Wales Board of Studies was present, as were many students and teachers of Modern Greek. Professor George Cooney, the chair of the technical committee on scaling, failed to attend. The Modern Greek course is the second-largest language extension subject in the State, surpassed only by French in its number of candidates. More and more often Greek is being referred to as the third language of Australia, and its merits are obvious. However, praise for these students, many of whom are taking the opportunity to explore their own culture or discover a new one, is extremely limited.

Last year 46.71 per cent of extension French students scored in the top band, E4, for their subject, and 50.46 per cent of German students, the third largest extension course, were placed in the highest bracket. Yet a dismal 2.7 per cent of Modern Greek students attained this pinnacle of performance. How can this be? Surely we cannot be led to believe that Modern Greek is a language which is almost twenty times harder than German, or that the candidature is twenty times poorer? Yet in a response on the matter, Professor George Cooney alluded to those very reasons. In a letter to me dated 6 March 2002, when referring to markers he suggested:

Their judgment took into account the standards specified by performance band descriptors, the difficulty of the examination paper, the marking schemes for examination questions and the performance of the students.

The paper was 20 times more difficult, or performance was 20 times weaker. I find that explanation difficult to comprehend. After receiving correspondence and holding several meetings with concerned persons and groups, notably the New South Wales Teachers of Modern Greek Association, I made representations on their behalf to the Universities Admissions Centre. The director, Andrew Stanton, would not comment. Instead, he referred the matter to Professor George Cooney and the New South Wales Board of Studies. The Board of Studies replied with a long-winded, two-page regurgitation of guidelines and processes—which, quite frankly, answered nothing. Professor Cooney, to his vernacular credit, managed to draw his equally meaningless response into a four-page saga, mentioning everything from a history of the UAI to his Greek radio station appearances. Yet at the conclusion of this letter, the reader is left equally ignorant of the matter at hand. Why are Modern Greek students scoring so poorly? The fact is Cooney does not know. He admits this in his letter to me of 6 March, beginning a paragraph with:

I cannot say why, in 2001 a small number of Modern Greek students were placed in band E4.

The chair of the technical committee on scaling cannot tell the students, the teachers, the parents or the public why it is almost impossible to get good marks in Extension Modern Greek. It is a relatively simple request, and yet it has been falling on deaf ears for almost a year now. The University of Sydney Department of Modern Greek has reported that many schools have already begun discouraging their students from choosing Modern Greek. This will have a long-term effect on the candidature of the subject in the very near future, simply because people cannot get answers. This is a disgrace.

A state of affairs exists now that Greek students are being told not to study Greek, their second language, and other students are informed they should not bother learning Greek, because the marks are so

dismal. It is a direct attack on education in this State and must not be allowed to continue unchecked. Nonsensical rambling about standardising, weighting and pre-determined standards must no longer be tolerated. The students want to know, the teachers want to know, my constituents want to know, and I would like to know why Modern Greek students are not doing that well. In a paper that Professor Cooney jointly penned with Associate Professor Pamola Warton entitled "Why is my UAI so low when my HSC marks are high?" they suggest:

There is a need for teachers and career advisers to provide clear advice on career and study options to their students.

Sadly, teachers and career advisers are doing just that, and the advice is: Don't study Modern Greek! Modern Greek was the second most popular extension language studied in 2001, yet only 2.7 per cent of its students were placed in the highest band. It is not acceptable to cite the experience of a few markers while returning the verdict, "We don't know why they did so badly." It is even less acceptable to attempt to suggest that the language is immeasurably more difficult than other languages, or the students are astoundingly inferior. I will not allow this subject to be plunged into the depths of obscurity, simply because a select group of educational bureaucrats will not come clean. There is a reason for scaling, but tell us exactly what it is and how it operates so that students are able to make informed decisions as to whether it is worth their while to take this course.

**Motion agreed to.**

**The House adjourned at 5.03 p.m. until  
Thursday 27 June 2002 at 10.00 a.m.**

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