

LEGISLATIVE COUNCIL

Wednesday 2 March 2005

The President (The Hon. Dr Meredith Burgmann) took the chair at 11.00 a.m.

The Clerk of the Parliaments offered the Prayers.

AUDIT OFFICE

Report

The President announced the receipt, pursuant to the Public Finance and Audit Act 1983, of a performance audit report of the Auditor-General entitled "Follow-up of Performance Audit: Maintenance of Public Housing", dated March 2005.

Ordered to be printed.

GENDER VIOLENCE IN SPORT

Motion by Ms Lee Rhiannon agreed to:

1. That this House:
 - (a) recognises that gender violence in sport is a national issue and not only limited to football,
 - (b) commends the National Rugby League (NRL) for commissioning the University of Sydney's "Playing by the Rules Project" and committing to the project's recommendations, and
 - (c) commends the Australian Football League (AFL) for releasing "Discussion Document Re Development of AFL Response to the Issue of Violence Against Women" and inviting public comment.
2. That this House supports Football Fans Against Sexual Assault (FFASA) in:
 - (a) submitting a proposal for change "Towards Champions: A Better Culture, A Better Game", to the AFL and NRL on behalf of over 1,000 football fans and citizens Australiawide, and
 - (b) calling on the AFL and NRL to become national and international leaders in the area of gender violence prevention in sport.
3. That this House calls on the AFL and NRL to consider and implement FFASA recommendations, in particular recommendations to:
 - (a) foster increased Australian-based research and expertise in the area of gender violence prevention in sport,
 - (b) include fans and the broader football community in culture change strategies by hosting a "Weekend of Champions" during the 2005 season, whereby players and the football community don purple armbands,
 - (c) invite leading gender violence prevention activist and ex-All Star American footballer, Jackson Katz, to Australia to increase public awareness of how gender violence may be combated in sport,
 - (d) work with the Federal and State governments in developing annual awards aimed at recognising integrity, innovation and leadership in sport, and
 - (e) increase the participation of women in the game.
4. That this House calls on:
 - (a) the AFL and NRL corporate sponsors to sponsor the "Weekend of Champions" by providing purple armbands that can be worn by the football public, and
 - (b) the Hon. Sandra Nori, MP, Minister for Sport and Recreation and Minister for Women, and Senator the Hon. Rod Kemp, Federal Minister for the Arts and Sport, to work with the AFL, NRL and other sports bodies in developing annual awards aimed at recognising integrity, innovation and leadership in sport.

ROYAL NATIONAL PARK COASTAL SHACK LICENCES

Production of Documents

Motion by Ms Lee Rhiannon agreed to:

That, under standing order 52, there be laid upon the table of the House within 14 days of the date of the passing of this resolution the following documents, created since 1 January 2003, in the possession, custody or control of the Minister for the Environment and the Department of Environment and Conservation [DEC], including the former National Parks and Wildlife Service [NPWS], in relation to coastal shack licences in the Royal National Park:

- (a) a briefing document from the former NPWS to the Minister for the Environment, concerning the proposed Royal National Park licensing scheme, entitled "NPWS Briefing document to Minister ROYAL NATIONAL PARK PROPOSED LICENSING SCHEME, Electorate Heathcote Paul McLeay, TRIM DOC 02/06781",
- (b) any correspondence from the Independent Commission Against Corruption to the former NPWS concerning a proposed probity audit in relation to the handling of shack issues, that comments on the level of public consultation undertaken by the former NPWS in developing appropriate management arrangements for the shack areas,
- (c) any correspondence, including faxes and emails, between the former NPWS, or the current National Parks and Wildlife Division of DEC, and consultants, Graham Brooks and Associates, regarding the current finalisation of a conservation management plan in relation to the Royal National Park coastal shacks,
- (d) the minutes of any meetings of the NPWS Advisory Council at which Mr Mike Patrick, Regional Manager of the former NPWS, made a presentation on shack issues, including copies of any papers or slides presented by Mr Patrick and any subsequent correspondence or communication between the NPWS Advisory Council and the Sydney South Region of the former NPWS on this matter, and
- (e) any document which records or refers to the production of documents as a result of this order of the House.

PETITIONS

Crown Land Leases

Petition requesting the withdrawal of changes to the rental structure of Crown land leases, particularly enclosed road permits, received from **the Hon. Rick Colless**.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Orders of the Day Nos 1, 2 and 4 postponed on motion by the Hon. Tony Kelly.

PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997: DISALLOWANCE OF THE PROTECTION OF THE ENVIRONMENT OPERATIONS (NOISE CONTROL) AMENDMENT (MOTOR CYCLE NOISE CONTROL EQUIPMENT) REGULATION 2004

The PRESIDENT: Order! Pursuant to standing orders the question is: That the motion proceed as business of the House.

Question agreed to.

Motion by the Hon. Dr Arthur Chesterfield-Evans agreed to:

That the matter proceed forthwith.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [11.09 a.m.]: I move:

That under section 41 of the Interpretation Act 1987 this House disallows the Protection of the Environment Operations (Noise Control) Amendment (Motor Cycle Noise Control Equipment) Regulation 2004, published in *Government Gazette* No. 204, dated 24 December 2004, page 9677, and tabled in this House on 22 February 2005.

I did not particularly want to move this disallowance motion, but this regulation was not the Christmas present the motorcycle riders of New South Wales wanted. The issue concerns stickers on exhausts. Basically, the Government has gone down a completely wrong track. Because it is difficult to enforce noise regulations, the

Government has changed direction, to now enforcing stickers on exhausts. The number of motorcycles on the road in New South Wales has increased by 42 per cent over recent years, from 74,000 in 1995 to over 105,000 in 2004. The number of people in New South Wales with a motorcycle licence in 2003 was 400,370.

A number of members of this House have a motorcycle licence, including the Hon. John Tingle, the Minister for Roads, and the Hon. Charlie Lynn, who rides his Harley to Parliament. I imagine a number of members representing country areas also have motorcycle licences. There has been a growth in the popularity of motorcycle riding in the past 10 years—as mentioned, a 42 per cent increase. This includes a lot of older riders returning to riding, and a lot of young people who have taken to the ease of riding scooters round the city. The regulation of motorcycles now affects a large number of the population of New South Wales.

I have had discussions with the Motorcycle Council of New South Wales, which is of the view that excessively loud motorcycles do not contribute to a good public image for riders. The council is in agreement with reasonable limits for all vehicles, including motorcycles. It is recognised that a very small number of relatively noisy vehicles creates a problem for all the community. Hence regulations need to be directed to capturing the excessively noisy ones. However, this is not what this Environment Protection Authority [EPA] regulation actually does. The EPA regulation is retrospective and, having no margin for test error, is almost impossible to comply with. Its enforcement is trapping the ordinary rider and generating self-serving enforcement statistics. Almost any motorcycle is captured, leading to this new law being used for other purposes.

The Christmas Eve changes to regulations fail to solve the problems of retrospectivity and the ability of motorcyclists to comply with noise levels. The changes missed the point when the regulation continues to entrap riders, is seen as a sticker tax with revenue as the objective, and has no environmental benefit. Motorcycles, like any other vehicles, need to have their mufflers replaced from time to time. Most vehicle owners do not purchase the original factory part, but purchase from aftermarket suppliers. Any car owner is familiar with this practice. Locally made or imported mufflers can be supplied for less than half the cost of the original part. A typical replacement motorcycle muffler from an original supplier will cost in the order of \$1,500—significantly more than a car muffler. An EPA regulation now retrospectively demands an aftermarket muffler be fitted with a label, or the rider will be fined \$200. If the matter is taken to court, the rider is exposed to the criminal provisions and a fine of \$5,500.

When this regulation was introduced in 1999 there were no labels generally available to riders so that they could comply with this retrospective law. Only the Motorcycle Council of New South Wales has made labels generally available since 2004, despite its opposition to the retrospective regulations. The Motorcycle Council of New South Wales has been pointing out to the EPA since 1999 that these labels are retrospective. Yet the EPA has refused to acknowledge this, and has provided no infrastructure at all for the supply and fit of labels specified by its regulation, nor has it provided sound test facilities other than at its enforcement station at Lidcombe. The EPA has been relying on a volunteer organisation, the Motorcycle Council of New South Wales, for implementation of the authority's retrospective regulation. The EPA technical inquiries line even refers requests for labels to the Motorcycle Council of New South Wales!

The aftermarket labels required under the EPA regulation are retrospective for all motorcycles, not just those built prior to July 1988, as the Christmas changes to regulations suggest. If, as the EPA proposes, the labels are a useful substitute for a noise test, then its regulation becomes contradictory as this method is now seen as inadequate for pre-1988 vehicles. Is it, or is it not? The only way to determine the noise level from any vehicle is to measure it. However, New South Wales has a sticker tax. The EPA claims that its regulation continues an RTA annual pink slip inspection practice. This is not so. Honourable members of this House have seen Roads and Traffic Authority [RTA] bulletin No. 100, tabled by the Minister responsible for the RTA, in response to a question on this subject.

The labels proved unworkable in 1993. The RTA recognised that, and discontinued the use. However, control of noise has been transferred to the EPA. The EPA has made the same mistake all over again; the labels still do not work. Labels are once again claimed to be a substitute for a noise test. However, while the RTA had the good sense to recognise the problem, good sense seems to be a quality absent in the EPA approach. At the time of the suspension of rule 147.03 (c), the RTA noted that the only way to accurately measure noise from a vehicle was to test it. Hence, it proposed to outfit all pink slip inspectors with noise metres and make a noise test part of the annual vehicle inspection. This proposal is simple and effective, and it captures all vehicles, not just motorcycles.

The EPA assumed control of vehicle noise before the RTA could implement the solution. It still remains the best solution, making defective vehicle notices more robust and ensuring the vehicle owner a one-stop annual check, instead of multiple agency enforcement problems. There is no need for the EPA to create an entire new enforcement division in parallel when the RTA network is already in place. I understand the EPA proposes that the whole of this country have a new standard for all types of noise. If that is so, and enforcement can achieve that, let us have a sensible, thought-out solution. The EPA solution of an annual vehicle inspection for pink slips may be the best way to go. It certainly seems so.

I have had discussions with the EPA about the removal of clause 19 in an attempt to avoid the need for this disallowance motion. Those discussions took place only yesterday. In fact, as honourable members will be aware, I had postponed moving this disallowance motion to allow discussion with the Government, in the hope that now, at 10 seconds to midnight, it would move appropriately. But all the Government has done is promised to continue to talk. Given that the Government has not listened for five years, it is simply not credible for the Government to say, the day before the postponed disallowance motion is to come, that it is willing to talk a bit more.

If the EPA had been listening, rectification of the problem would not have to be done by a political minder at 10 seconds to midnight. This issue is going to create an ugly interstate incident on 16 March, when the Ulysses Club has its annual general meeting in Canberra and some 5,000 members from all States and Territories will attend. I would like to read this letter from the National Vice-President of the Ulysses Club, Neville Gray:

The Ulysses Club is the largest motorcycle related club in Australia and caters for riders over 40 years of age. Our members are active motorcycle tourers, covering large distances and are renowned as being free spenders when following these pursuits.

Following the Annual General Meeting of the Ulysses club held in Geelong in March 2004, the [spending was] upwards of \$10 million.

It has come to our attention that the NSW Environment Protection Authority is zealously enforcing a new and retrospective set of laws in respect of motorcycles and is joining the NSW Police in actions such as that at Berowra on 1 June 2003.

Additionally, the EPA has published advice to riders from other States that they are required to comply with these new New South Wales laws should they travel on New South Wales roads. Failure to comply merits a fine of \$200. It appears that out-of-state registration now marks riders for selective enforcement.

EPA advice may be found at this web address and is also published in motorcycling magazines. <http://www.epa.nsw.gov.au/noise/motorcycle muffler.htm>.

Further, it now appears that brand new motorcycles are subject to fines in New South Wales. Our members are buying these motorcycles and being fined for excessive noise even though their motorcycles are straight from the show room floor and are therefore ADR compliant.

I understand that means Australian Design Regulation. The letter continues:

The result of these activities is active discouragement of motorcycling in NSW and discouragement of travel into or through NSW by riders from out of state. Being a national Club with members actively engaged in motorcycle touring, we do not look forward to the impending harassment that will be received whenever we cross the NSW border.

Regrettably, the Ulysses Club must now look to other States that can host our major events without undue harassment.

Yours Sincerely,

Neville Gray
National Vice President
Ulysses Club Inc.

It would be very tough if the Government were to enforce the regulation and immediately fine out-of-State members \$200 whenever they are stopped when they have no way of knowing that New South Wales has a sticker regulation completely at variance with every other regulation in the country. If, on the other hand, the Government decided that interstate riders would not be fined but riders in this State would be fined, it would be discriminatory. This is the type of absurd situation that arises with an absurd regulation and an absurd paradigm of worrying about stickers rather than noise control measurements. In other words, the administrative convenience has overcome the real issue. Obviously, the cancellation of tours by groups such as the Ulysses Club will be bad for tourism in New South Wales as news about the ridiculous requirement spreads to other States.

The regulation is not about motorcycle noise but about stickers. The EPA has refused to consider enforcing clause 19. Helped by Anna York, the energetic ministerial minder, the EPA has promised to have

further dialogue. Her contribution is kind, but it is too little too late for the credibility of the Government. The disallowance of the regulation will send a message to the Minister that he must inform himself about this matter and deal with it. Until that time there will be major disquiet among the 400,000-strong motorcycle community in New South Wales. On 16 March there will be a very large contingent of angry Ulysses Club members, as there are a lot of very angry motorcycle riders. I thank the Opposition for its support. I commend the motion to the House.

The Hon. RICK COLLESS [11.22 a.m.]: On behalf of the Opposition it gives me a great deal of pleasure and satisfaction to support the motion to disallow the Protection of the Environment Operations (Noise Control) Amendment (Motor Cycle Noise Control Equipment) Regulation 2004—which is quite a mouthful and quite confusing. It is just as confusing as the rest of the regulation when one reads through it. The provisions of the regulations are to clarify that motorcycles manufactured before 1 July 1988 are not required to have a label; to clarify that if the noise label is damaged or lost a replacement can come from a source other than the bike manufacture or muffler supplier; and to include noise level and labelling requirements for motorcycles manufactured to Australian design rule No. 83/00.

As the Hon. Dr Arthur Chesterfield-Evans pointed out, a number of members of this House have motorcycle licences and are active motorcyclists. It would be an interesting exercise to speculate about what sort of motorcycles members of the House might ride. It is no secret that the Hon. Charlie Lynn, a well-known motorcyclist and the proud owner of a Harley-Davidson Heritage Softail Springer, loves motorcycling. I do not know whether the Leader of the House, the Hon. John Della Bosca, has a motorcycle licence. But if he did, what sort of bike would he ride?

The Hon. Charlie Lynn: Fatboy.

The Hon. RICK COLLESS: As the Hon. Charlie Lynn points out, I think it would be a Harley-Davidson Fatboy. The Minister for Roads, the Hon. Michael Costa, indicated to the Hon. Dr Arthur Chesterfield-Evans that he also has a motorcycle licence. What sort of bike would he ride?

The Hon. Charlie Lynn: A Vespa.

The Hon. RICK COLLESS: Despite the Hon. Charlie Lynn saying "A Vespa", I think it is more likely that the Hon. Michael Costa probably would ride—

The Hon. John Hatzistergos: Point of order: The point of order is relevance. This might be entertaining for the honourable member, who expressed some pleasure in his stance on this particular issue, but it has nothing to do with the disallowance motion before the House.

The PRESIDENT: Order! Although there is a convention in this House that members may speak generally when contributing to debate, I remind members of the expectation that their contributions be relevant.

The Hon. RICK COLLESS: Obviously the relevance is that one has to understand the culture and the psyche of motorcyclists. I was trying merely to examine some of those possibilities. As I was pointing out, if the Hon Michael Costa had a motorbike it probably would be a Harley-Davidson Black Knight. I note the presence in the Chamber of the Hon. Tony Catanzariti, who is a farmer. He would ride a Yamaha Ag bike, probably a 175 or something of that order. Why would the Government or one of its agencies introduce anything on Christmas Eve unless it was committed to introducing it with very few people knowing about it? The Government's modus operandi in regard to regulations and public consultation periods seems to be to introduce them at a time when very few people will see them and respond to them.

The peak body for motorcyclists in New South Wales is the Motorcycle Council of New South Wales [MCC], which represents about 30,000 riders. It is very concerned about the regulation. They are not concerned about the EPA's attempts to make motorbikes too quiet. The MCC believes that excessively loud bikes do not promote a good public image for those who love to ride. Motorcycles have a high dynamic range between decreasing speed and accelerating, and the sudden increase in noise can cause concern for some people, particularly if the spike in the noise level is unexpected. The spike is more severe in machines that have ineffective mufflers, whether it is through normal wear and tear or illegal modification. Any regulation should be directed at capturing excessively noisy bikes, particularly when the rider is capitalising on, and abusing, the excessive noise potential. The regulation made on 24 December 2004 will not capture excessively noisy bikes. It will capture those who do not have the correct sticker placed on their muffler system irrespective of the amount of noise the bike makes or has the potential to make.

Current EPA regulations are retrospective, and with no margin for test error they are almost impossible to comply with. The 24 December 2004 amendments fail to solve the problems of retrospectivity and the ability of the owner to comply with noise levels. The amendment has been labelled a sticker tax with the benefit being revenue collection rather than a lowering of the noise levels of motorcycles. When a rider needs to replace factory-fitted mufflers he has the option of replacing them with a new factory-supplied muffler or a non-genuine part made by local manufacturers. The benefit to the owner is that he may save hundreds of dollars by fitting the non-genuine part, which supports the local industry.

Current regulations demand that a non-genuine muffler be fitted with a label or the rider will be fined \$200, with exposure to possible criminal provisions and a fine of \$5,500. Labels were not available when the regulation was introduced in 1999. They were available only through the MCC as it tried to assist its members to avoid a \$200 fine. The EPA inquiries line, which refers people to the MCC when they are trying to find out where to obtain a label, confirms the stupidity of this situation. The EPA proposes to use the labels as a substitute for the noise tests, but I have yet to see a label that can measure noise or one that will stop noise emanating from the Hon. Charlie Lynn's Harley-Davidson.

The RTA recognised this in 1993 when it abolished the requirement for mufflers to be labelled. However, the RTA abolished this approach in 1993 for the very same reasons that I outlined a moment ago: labels do not change the sound characteristics of a motorcycle. The noise characteristics of a motorcycle can be changed by means other than interfering with the muffler system, and when this occurs it cannot be picked up merely by the label being on the bike. Once again, regulation becomes purely a revenue-raising device for the Government rather than a concerted effort to remove noisy bikes from the road. The EPA, in its wisdom, has made the same mistakes all over again, but it will not work this time.

Once again, labels are claimed to be a substitute for a noise test. However, in 1993 the RTA had the good sense to recognise that problem and withdrew that proposal. Such commonsense appears to be currently absent from the EPA. Back in those days, the RTA noted that the only way to properly assess noise made by a vehicle was to measure it. It is proposed to outfit all pink slip inspectors with noise meters and to make the noise test part of the annual vehicle inspection. That is simple and effective and would capture all vehicles, not just motorcycles. The EPA assumed control of vehicle noise before the RTA could implement that solution. However, making the defective vehicle notices system more robust and assuring the vehicle owner of a one-stop annual check instead of multiple agency enforcement problems remains the best solution.

There is no need for the EPA to create an entirely new parallel enforcement division when the RTA network is already in existence. But, of course, that means using commonsense, for which the EPA is not renowned. The EPA needs to re-present these changes, delete the requirement for after-market labels and give relief to motorcycle riders from this budget-beating sticker tax. In conclusion, I congratulate the Hon. Dr Arthur Chesterfield-Evans on moving this motion. I do not know whether he has a motorcycle rider's licence, but perhaps he might be riding a Honda step-through if he does.

Reverend the Hon. FRED NILE [11.31 a.m.]: On behalf of the Christian Democratic Party I support the motion moved by the Hon. Dr Arthur Chesterfield-Evans to disallow the Protection of the Environment Operations (Noise Control) Amendment (Motor Cycle Noise Control Equipment) Regulation 2004. The Hon. Dr Arthur Chesterfield-Evans has explained in detail the reason for this motion for disallowance, which we support. The Hon. Rick Colless has added other reasons. I will not canvass all those reasons. However, it seems a strange shift in responsibility—the control of motorcycles, or the registration of the assessment of the noise of the muffler, has moved from the Roads and Traffic Authority [RTA] to the Environmental Protection Authority [EPA]. I recommend that the Government seriously reconsider this matter. It should reinstitute the RTA to conduct, as it has in the past, a simple road test during the inspection for the annual registration associated with the pink slip, which applies to all vehicles. A person who is qualified to issue the pink slip would be able to assess whether noise is past the point of being bearable and is therefore a matter of concern to the community. That seems to me to be the best and most rational way to approach the matter. The Christian Democratic Party supports the motion.

The Hon. JOHN TINGLE [11.33 a.m.]: I support this motion. I feel very strongly about this issue. I have been a licensed motorcycle rider for 35 years. In response to comments made by the Hon. Rick Colless, I inform the House that I have ridden Hondas, Kawasakis, Suzukis—you name it—as methods of transport.

The Hon. Charlie Lynn: Have you ridden a Harley—a real bike?

The Hon. JOHN TINGLE: I have been taken for a ride on a Harley. However, I have ridden all the brands I have mentioned as a means of transport. I have done trail riding. I have done every conceivable form of riding. I formed two junior motorcycle clubs in the early 1970s to encourage young people to take it up. The Hon. Rick Colless mentioned non-genuine parts. I would like to touch on this issue because I have a very strong feeling about the suggestion that if you fit a part that is not made by the original manufacturer of a vehicle something will go wrong. I do not like the term "non-genuine". A part may not be branded by the manufacturer, but it is a part that will still work effectively and will save a lot of money. When a motorcycle owner wants to replace his muffler or his exhaust system, he should be able to feel, as long as he knows something of the brand, that whatever he buys is going to work and will not damage his cycle.

But what does he have to do? He has to put a label on it. There is no question that there is a poor public perception of motorcyclists generally. For some reason, that seems to have made them a fairly soft target for harassment, not just by the police, as some people have suggested, but perhaps in this case by officers of the Environmental Protection Authority [EPA]. By that I mean that the sticker, the label, proves absolutely nothing. It does not stop the cycle from being noisy, as the Hon. Rick Colless pointed out. It does not guarantee that that particular muffler is going to work. It is simply a messy nonsense—a one-off rule adopted in New South Wales that is regarded with curiosity by other States. I point out that such a label is non-enduring, it is self-defeating, it is non-effective and, because of the way the regulation has been implemented and the non-availability of labels at that time, it has made compliance almost impossible.

I echo the sentiments of Reverend the Hon. Fred Nile: I do not understand why the EPA should be the testing authority when the Roads and Traffic Authority [RTA], as the supreme road and transport authority in this State, formerly exercised the right to test these machines and decide whether they were legal. I believe that that role should be passed back to the RTA. So far as I am concerned, if some type of attempt to control the noise emitted by motorcycles through their muffler and exhaust systems is to be made, it should be a specific scientific test, not just a subjective test by an officer of the police or an officer of some other authority who simply thinks that a motorcycle is too loud. This regulation must be disallowed.

Mr IAN COHEN [11.36 a.m.]: On behalf of the Greens, I support the motion moved by the Hon. Dr Arthur Chesterfield-Evans. I do not want to discuss the substance of the motion in detail because much already has been said by other members on the subject. However, there appears to be a level of absurdity regarding stickers, which, as has already been noted, can become detached from the exhaust of the vehicle. I acknowledge that the number of motorcycles is increasing. In many cases, it is because motorcycles are a cheap form of transport. While I have some reservations about the danger of motorcycle riding, particularly by young people, it must be acknowledged that a significant number of people ride motorcycles because they cannot afford other forms of transport.

The Motorcycle Council has made it clear that mufflers need to be replaced at certain stages. That position is confirmed by Neville Gray from the Ulysses Club. The Hon. Dr Arthur Chesterfield-Evans quoted from a letter Neville Gray wrote. As the Hon. John Tingle pointed out, an attempt to discredit non-genuine parts is inappropriate, but often is an effective competition campaign that is engaged in by the car industry. As the regulation stands, riders from other States could be targeted for noise control enforcement. The situation could get out of hand, particularly as we know that the Ulysses motorcycle club intends to tour New South Wales. A heavy-handed approach might force the club to tour another State instead. Interstate riders who visit New South Wales may unwittingly be caught up in noise control enforcement and fined.

Conversely, a rider may be pulled over because of noise, but what will happen if that rider has a label? One would think that the authorities would let that person go, or would be more inclined to, if he had a label on the motorbike. However, that may circumvent the judgment of police or other authorities because the authority to enforce will have been diverted to a label rather than being based on the noise that is emitted by the bike at the time. It is obvious that noise testing should be carried out when annual defective vehicle checks are conducted. Annual vehicle checks are carried out in New South Wales, but that is not necessarily the case in some of the other States. An effective way to control noise is to conduct testing on an annual basis, and the basis of the test should be noise made by the vehicle on the street rather than the possession of a label or sticker.

It is important to note that there are many more noisy cars on the road, particularly cars that have modified exhaust systems, than there are noisy motorcycles. It would be ridiculous to label exhaust systems for cars; it would make no sense. It is reasonable to look constructively at monitoring noise levels annually as a significant component of checking vehicles for defects. Certainly it appears that the Hon. Dr Arthur Chesterfield-Evans is correct in pointing out that stickers are inappropriate. They just do not work and they will victimise people who do not deserve it. The Greens support the motion.

The Hon. CHARLIE LYNN [11.40 a.m.]: I support the motion moved by the Hon. Dr Arthur Chesterfield-Evans to disallow the noise control regulation relating to motorcycle mufflers gazetted on 24 December, the night before Christmas, 2004. I also congratulate Guy Stanford of the Motorcycle Council of New South Wales, which represents 30,000 motorcycle riders. Guy is passionate about motorcycle riding and the safety, image and compliance of motorcycle riders. I believe that we should encourage greater use of motorcycles, particularly in the congested urban areas of Sydney. This morning I came in on my Harley. I note that Harley-Davidsons do not make noise; to the purist, they make music. But there are other bikes, and I will try to represent them all here. This morning I came in on the bike. The M5 is walking pace, chock-a-block from the tollgates. I feel sorry for people in cars who have to sit there for up to an hour and a half each day.

The Hon. Michael Gallacher: You go up the side.

The Hon. CHARLIE LYNN: There is a line there and a symbol with two wheels on it. I imagine that is for two-wheeled vehicles so I just go up the outside of that. I get in here in time for a jog. The weather in Australia is ideal for motorcycles. In other countries, particularly in Asia, most people use motor scooters and motorcycles. If we encourage people to do that it would go a long way towards solving road congestion. I congratulate Guy Stanford on the great work he does in encouraging safe and responsible motorcycling throughout New South Wales. The Motorcycle Council of New South Wales has been lobbying for years to have changes made to the Environment Protection Authority regulations governing motorcycle mufflers, particularly aftermarket mufflers. The regulations require mufflers to be labelled indicating that they meet specified noise limits. The fine for having a muffler or mufflers not correctly labelled is \$200. Motorcyclists claim that police officers are using the regulations as an excuse to pull over and harass them. I support the contribution made by the Hon. John Tingle, who said that it should not be a subjective test by the police; it should be a scientific test, an annual test, as suggested by Mr Ian Cohen.

Reverend the Hon. Fred Nile: The RTA.

The Hon. CHARLIE LYNN: As Reverend the Hon. Fred Nile said, it should be conducted by the RTA and not the Environment Protection Authority [EPA]. The offence is not having a noisy muffler; it is not having the appropriate sticker on the muffler. When the original regulation was introduced in 1999 no muffler labels were generally available. The Motorcycle Council has filled the void since 2004. Contrary to Australian Design Rule [ADR] 83/00, the regulation does not allow for a margin of error—even though the noise emitted by original equipment mufflers may vary by up to three decibels. European laws, and ISO 5130, allow for this. No allowance is made for the fact that mufflers also wear, like tyres, over time. The new regulation, firstly, clarifies that motorcycles manufactured before 1 July 1988 are not required to have a label. It clarifies that where a noise label is damaged or lost a replacement can come from a source other than the bike manufacturer or the muffler supplier; and it includes noise level and labelling requirements for motorcycles manufactured to ADR 83/00.

The regulation entrenches the existing system without addressing the issues of major concern to motorcyclists. The Motorcycle Council would like to see RTA inspectors issued with noise meters and allowances made for the ISO 5130 variation. It recognises that there are some noisy motorcycles that create a problem and believes that problem should be addressed. But the amended regulation fails to do that. I support the disallowance. I congratulate the Hon. Dr Arthur Chesterfield-Evans on moving his motion. I am pleased at the support it has received from the crossbenches. I would ask that the Government seriously consider this and support the responsible work that is being conducted by the Motorcycle Council of Australia. The Hon. Dr Arthur Chesterfield-Evans mentioned the letter he received from the Ulysses Club. I also received a copy. The Ulysses Club is responsible. Riders can be an honorary member at 40 and a full member at 50. It is about responsible motorcycle riding. The letter states that the annual general meeting of the Ulysses Club held in Geelong in March 2004 brought in upwards of \$10 million to the area. The club expressed grave concern about the impact the regulation will have on its members. Each weekend in south-western Sydney—God's country—motorcyclists come from all over the place. They ride to the Southern Highlands or up over the mountains—

The Hon. Michael Costa: To Wollombi.

The Hon. CHARLIE LYNN: Yes. There are big clubs of respectable motorcycle riders. But there was an incident at Berowra a couple of years ago when police pulled motorcyclists over, held them up and, using the subjective test, fined them all. That absolutely ruined their day. I am not quite sure whether my Harley would pass the noise test but, as I said, I do not regard it as noise; I regard it as music. I am talking about Harley-Davidsons, not all motorcycles. I think Harley has patented the noise of its mufflers.

Reverend the Hon. Fred Nile: Perhaps we should have a demonstration.

The Hon. CHARLIE LYNN: It is down in the car park. If anybody wants to come and listen to the music I will give a demonstration. It is good. I ask the Government to seriously reconsider its position.

The Hon. JOHN HATZISTERGOS (Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship) [11.47 a.m.]: A community survey was conducted on behalf of the Department of Environment and Conservation about neighbourhood noise issues in mid 2004. The survey showed that traffic noise was the most important noise issue faced in residential areas, and motorcycle noise was the component of traffic noise of greatest concern. When people were asked to what extent they were bothered by various sources of noise in their homes 35 per cent rated noise from motorcycles as extremely or very disturbing. This compares with responses of 32 per cent for modified cars, 23 per cent for loud music and 13 per cent for house alarms. The Department of Environment and Conservation has provided a substantial and continuing response to Motorcycle Council of New South Wales concerns. These responses include meetings, advertisements on noise labelling requirements, developing web-based advice and investigating an alternative system for addressing noisy in-service vehicles.

It appears that those who are supporting this motion favour the freedom of motorcyclists to create as much disturbance as they please at the expense of people's right to peace and quiet in their homes. Modified and noisy vehicles are an important issue and one that the New South Wales Government takes very seriously. Strong regulation and effective on-road enforcement are needed to protect the community from the small number of people who do not want to act in a socially acceptable manner. Officers from the Department of Environment and Conservation have worked alongside the police to target known trouble spots including Brighton, Bondi, Wollongong and the old Pacific Highway. The numbers of complaints from the public in many of the areas have dropped significantly after the joint actions have taken place.

Noise from modified vehicles, including motorcycles, is a very important issue for the New South Wales public. The public's attitude to neighbourhood noise was recently canvassed in the survey that I referred to. In addition to the other statistics, the survey highlighted that motorcycles and modified vehicles topped the list as the most disturbing sources of neighbourhood noise impacts. The fitting of loud, aftermarket exhausts is one of the biggest problems. Motorcycles are required to carry labels that show the amount of noise they produce. These allow enforcement officers to check, quickly and easily, that the motorcycle is not fitted with an exhaust that produces more noise than is allowed by the noise control regulation.

The Hon. Michael Gallacher: I would be covering my mouth too, trying to pretend that the words are coming out of somewhere else.

The PRESIDENT: Order! I cannot hear the Minister.

The Hon. JOHN HATZISTERGOS: I have been a victim of this sort of abuse by motorcyclists. I regularly go down to Brighton Beach and see some of the antics that people get up to on these sorts of machines. There ought to be a bit more balance in the debate than we have heard thus far from Opposition members. The current amendment to the regulation for noise labelling of motorcycles follows a long period of consultation with interested parties. The amendment will make existing regulations clearer and more straightforward for motorcyclists.

I indicated that the Minister's office and the Department of Environment and Conservation have had a meeting with the Motorcycle Council. This Government is committed to continuing discussions along the lines that the Hon. Dr Arthur Chesterfield-Evans alluded to in his contribution. The entire noise control regulation, including the areas relating to vehicle noise, is currently being reviewed to ensure that the right balance is maintained between protecting the public from excessive noise and allowing people to carry out legitimate activities. This will be open to broad public comment in 2005. It is anticipated that this review will be finalised in early 2006.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [11.51 a.m.], in reply: The Government said that it is concerned about noise levels but it does not think that anyone should support this disallowance motion. If the Government is concerned about noise levels why does it not put in place a good system to measure noise levels rather than harassing people about noise labelling? The survey, which I think is called "Instinct and Reason", is not a credible survey and does not add much to the debate. I am pleased that the Government said it would continue its noise review. I hope that it consults with the Motorcycle Council of New South Wales and

listens to what it has to say. Anna York promised that that would be the case but she said that if we proceeded with deregulation that might not be the case.

I hope the Government ensures that this problem is addressed. The Government's approach to this issue is wrong. This discussion about noise levels has moved to a discussion about the presence of stickers, presumably to make enforcement easier. We must address the real issues rather than issues such as the presence of stickers, which often are not known to interstate riders. It is a difficult issue for motorcycle manufacturers, particularly if those stickers are imported. There has been a transfer of responsibility from the Roads and Traffic Authority [RTA]—which was accustomed to inspecting vehicles and issuing pink slips—to the Environment Protection Authority [EPA]. The reason for that transfer is that the EPA enforces other noise levels, such as industrial or domestic noise. It was the responsibility of councils but they did not have the expertise to do that.

Presumably this is part of a trend towards a national standard—one that the Australian Democrats would welcome. If there is to be a national noise strategy and the Environment Protection Authority is to be the head agency in New South Wales, it may still be practicable to give authority for the enforcement of vehicle noise levels to a group such as the RTA. It is more likely than the EPA to have in place the necessary mechanisms to enforce those levels. Earlier there was an interesting discussion relating to motorcycles that honourable members have owned. Reverend the Hon. Fred Nile was keen to tell me that he had a BSA Gold Flash when he was courting Elaine. I do not have a motorcycle but some years ago I travelled around Bali on a Honda 250.

The Hon. John Hatzistergos: I bet you did not have a helmet.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: At that time I did not have a helmet. I had not done neurosurgery and I did not realise the significance of what I was doing. The point is not whether people have a motorcycle licence. The Democrats support the public interest in New South Wales. We try to fight for commonsense against government intransigence, which is very much within our bailiwick. Motorcycle riders deserve a better deal. I thank Guy Stanford for providing me with a great deal of information. The Motorcycle Council of New South Wales has done its best to oppose the ridiculous substitute of a sticker for a noise level, but the Government has not listened to it for many years. We must disallow this regulation and send a strong message to the Government that it must address this issue. I hope that the Government continues its review of noise management in New South Wales and that it talks to experts in the Motorcycle Council. I urge all honourable members to support the motion. I thank them for their contributions to the debate.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 22

Mr Breen	Mr Gay	Mr Pearce
Dr Chesterfield-Evans	Ms Hale	Ms Rhiannon
Mr Clarke	Mr Lynn	Mr Ryan
Mr Cohen	Reverend Dr Moyes	Mr Tingle
Ms Cusack	Reverend Nile	
Mrs Forsythe	Mr Oldfield	<i>Tellers,</i>
Mr Gallacher	Ms Parker	Mr Colless
Miss Gardiner	Mrs Pavey	Mr Harwin

Noes, 17

Ms Burnswoods	Ms Griffin	Mr Roozendaal
Mr Catanzariti	Mr Hatzistergos	Ms Tebbutt
Mr Costa	Mr Kelly	Mr Tsang
Mr Della Bosca	Mr Macdonald	<i>Tellers,</i>
Mr Donnelly	Mr Obeid	Mr Primrose
Ms Fazio	Ms Robertson	Mr West

Question resolved in the affirmative.

Motion agreed to.

BUSINESS OF THE HOUSE**Removal of Business**

The PRESIDENT: As Business of the House Notice of Motion No. 2 is identical to Business of the House Notice of Motion No. 1, which has been agreed to, I direct the Clerks to withdraw it from the notice paper.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

WORKCOVER "DEEMED WORKER" DEFINITION

The Hon. MICHAEL GALLACHER: My question is directed to the Special Minister of State, Minister for Commerce, and Minister for Industrial Relations. Did senior officers of WorkCover admit at a public meeting on 3 February 2005 at the Gosford RSL club that WorkCover's definition of "deemed worker" is confusing and incorrect? Has WorkCover now issued a discussion paper seeking public comment on the definition of "deemed worker"? Will the Minister now undertake to discontinue audits of employers, especially those in the building industry, pending final determination of the definition of "deemed worker" and impose a moratorium on the collection of large amounts of allegedly unpaid premiums imposed on employers? Once the definition of "deemed worker" is revised, will the Minister reimburse all those employers who have incurred additional premiums due to the existing definition and its confused administration by WorkCover?

The Hon. JOHN DELLA BOSCA: I thank the Leader of the Opposition for his excellent question. I do not propose to canvass his question but I am not sure why the Leader of the Opposition would refer specifically to the building industry. Like me, the Leader of the Opposition would have a lot of mates in that industry and perhaps he wants to look after them. The most important aspect of the question is the way in which it was introduced and the reference to WorkCover employees canvassing opinions amongst employers about the definition of "worker". That is a difficult area amongst the various compliance bodies—whether it is the Commonwealth tax authority or the Commonwealth industrial relations and workplace authority—for the purposes of superannuation and various industrial relations applications. The most important point in the question from the Leader of the Opposition is his reference to an element of Government and WorkCover policy, which is that this exercise has been public and transparent.

WorkCover, at my direction, has been consulting very widely with employers who are concerned about various definitions but particularly the definition of "worker". The Government is aware that some businesses have difficulty determining exactly who is a contractor and who is a worker for the purposes of calculating workers compensation premiums. However, it must be acknowledged that this issue is much more complicated than simply saying, "This is a worker and this is not a worker". A number of legal factors are involved. With this in mind, the Government is currently undertaking a wide-ranging review of the definition of "worker", to which the question of the Leader of the Opposition alludes.

WorkCover has released a discussion paper on this issue and is consulting widely with stakeholders about how we can make it clearer. The discussion paper sets out the current definition of "worker" and specific issues of concern around dependent contractors, outworkers and the labour hire industry, and highlights issues for which stakeholder comment is required. With eight information seminars around the State—one of which the Leader of the Opposition mentioned in his question—forming part of the consultation process, public submissions can be made until 4 March 2005.

The Hon. Michael Gallacher: Do you want a copy of the minutes?

The Hon. JOHN DELLA BOSCA: WorkCover information can be obtained from the web site. So, like any member of the public, I do not need the minutes: I can find that information by going to www.workcover.nsw.gov.au. It is expected that the new definition will apply from 30 June 2005. Members of the House will be aware that I recently announced a moratorium on some late payment fees related to workers compensation wage audits while this review of the definition of "worker" is carried out. The moratorium extends to wage audits that have occurred since January 2003 and to those late payment fees ordered in respect

of deemed worker issues. Employers who have had audits completed after January 2003 and who have already paid additional premiums and late payment fees in respect of deemed worker issues can apply to WorkCover to have their circumstances reviewed and potentially to receive a refund. The moratorium is anticipated to be in place until 30 June 2006. In the 12 months leading to June 2006 WorkCover will be undertaking an extensive employer education program. Again, I recommend that any employer with concerns in this regard contact WorkCover for more information either using the free telephone service or via the web site.

AGRICULTURAL EXPORTS

The Hon. TONY CATANZARITI: My question is addressed to the Minister for Primary Industries. Can the Minister update the House on the growth of agricultural export industries in New South Wales?

The Hon. IAN MACDONALD: I thank the Hon. Tony Catanzariti for his question. He takes a great interest in this area, particularly as he hails from Griffith. The State Government has been working with local primary producers on a long-term plan to develop vital export industries, thanks to the driving force of the business export arm of the New South Wales Department of Primary Industries, Primex. Primex is a unique and crucial link between New South Wales producers, potential importers and the State Government. Its active pursuit of export opportunities has led to many real and lucrative benefits for local industries over the past 12 months alone.

Take, for example, the soybean industry. I inform honourable members that I have just signed a certificate of support for an export shipment of New South Wales soybeans to the Osaka region in Japan. The white hilum soybeans have been bred specifically for high-quality tofu production, with excellent flavour and superior manufacturing characteristics. They have been grown and harvested in the highly productive Riverina region and will arrive in Japan in May. It is a win for the Riverina economy and a win for New South Wales as a whole, with the soybean industry already worth about \$20 million through chain, and employing 1,700 people.

In another example New South Wales citrus growers have caught the eye of Korean retailers, who are now selling our fresh navel oranges. This was made possible after Primex spearheaded some practical changes to citrus marketing and connected a qualified exporter with local suppliers. The result was a \$1-million growth in citrus exports to Korea in 2004. An estimated 3,500 people are already employed by the orange industry in New South Wales and that number will grow through exports and through the citrus development strategy that I launched last November. In other agricultural produce industries, Japan has also opened up as a worthwhile export market for adzuki beans. Traditionally, low-quality adzuki beans were exported through trading companies after the State Government developed a more direct supply chain to customers in Japan. This was one industry affected by the ongoing drought, but adzuki exports still reached about \$500,000 last year.

The burgeoning export trade in apples to India has opened up after a trade visit to the region by Primex and reciprocal visits to New South Wales by Indian importers. Following those meetings, New South Wales producers achieved sales of apples worth \$500,000 to the Indian market last year. Primex, a division of New South Wales primary industries, has done all of this.

The Hon. Duncan Gay: Are you planning a trip? Is that what this is about?

The Hon. IAN MACDONALD: Unfortunately not. The interest in New South Wales fruit and vegetables has also spread to Thailand, Malaysia and the Philippines, which are now selling our table grapes, carrots and other fruits. Again, those markets are worth \$500,000 in total in the first year alone. Timber also is a growing export industry, including \$7 million worth of termite resistant white cypress exports annually to Japan where it is used for do-dai, a structural timber in traditional housing construction. Primex is currently working with the industry to export the famous Sydney rock oyster following cutting edge breeding research and success in leading international water quality criteria. Of course, nothing goes better with a plate of fresh New South Wales oysters than a glass of New South Wales wine.

The Hon. Charlie Lynn: Chardonnay?

The Hon. IAN MACDONALD: No, not chardonnay, sauvignon blanc. I can inform honourable members that nearly half a million bottles of wine leave New South Wales every day to supply 110 international markets.

The Hon. Duncan Gay: You used to be a chardonnay socialist.

The PRESIDENT: Order! I call the Deputy Leader of the Opposition to order for the first time.

The Hon. IAN MACDONALD: I am a sauvignon blanc socialist, thank you. Every day global consumers are enjoying fine local drops such as chardonnay, shiraz and cabernet sauvignon. So whether we are talking about soybeans or seafood, Primex is looking outside the square to promote local primary industries worldwide. But I should add that our expertise is not limited to international product marketing. We are also fast becoming world leaders in training and education, which, of course, is the key to the development of local industries. Last year alone the State Government trained 100 groups of various departments of agriculture across China. The State Government has also sponsored a team to evaluate training needs in the dairy industry in the Guandong Province in China. [*Time expired.*]

CROWN LAND ENCLOSURE PERMIT RENTALS

The Hon. DUNCAN GAY: My question is directed to the Minister for Lands. Does the Minister recall his backflip in the House yesterday when he said that road enclosure permits will be based on the valuation of the Valuer-General? Is the Minister also aware that the Crown Road Purchase Fee Schedule sent out to the State's 32,000 affected landholders from the Department of Lands clearly states that "The purchase price of the land will be based on market price."? Will the Minister now send a corrected Crown Road Purchase Fee Schedule to the State's 32,000 landholders, correcting the department's misleading letter?

The Hon. TONY KELLY: I addressed this issue yesterday and I will do so again. We all know that The Nationals have no plans for country New South Wales. The Nationals think that good policy is all about whipping up hysteria. Let me put a few things straight. The Carr Government is overhauling the outdated system of enclosure permits. We want to work with farmers in consolidating the Crown land estate in New South Wales and direct our resources to maintain and improve parks, showgrounds and community halls. We are encouraging enclosure permit holders to consolidate their own land holdings and apply to close and purchase unnecessary roads. To this end, we have slashed the red tape and reduced the administrative costs—

The Hon. Melinda Pavey: It costs \$1,700.

The Hon. TONY KELLY: It is interesting how The Nationals object to our reducing our administrative costs by more than 50 per cent.

The PRESIDENT: Order! I call the Hon. Melinda Pavey to order for the first time.

The Hon. TONY KELLY: My understanding is that we have actually reduced it to 50 per cent of what The Nationals used to charge when it was in the Coalition Government. They charged double what we are charging now.

The Hon. Duncan Gay: That's a lie!

The Hon. TONY KELLY: That is what I was told this morning by the department.

The Hon. Jennifer Gardiner: How come you only asked them this morning?

The Hon. TONY KELLY: I was asking about the charges of The Nationals. We are saving farmers money by using the department's valuation resources in determining the purchase price. The old system forced farmers to get their own valuation before purchasing, costing anywhere up to \$1,000. Now the purchase price will be based on the statutory land value, the valuation used to determine local council rates. This statutory value does not include the value of structural improvements, such as houses, sheds, fences or silos. The purchase price will also not include the value of such things as irrigation licences. In determining the purchase price the department will take into account anything that restricts the use of the land—whether there are covenants or whether the road runs up a cliff face, over a gully or through a swamp. That will, of course, reduce the price even further.

Most landholders can get an overall idea of the price by checking their most recent valuation notice, obviously discounting things such as irrigation licences, and then work out a rough price per square metre for the enclosed land. If landholders are unhappy with the valuation they can always get their own valuation and discuss it with the Department of Lands. The Nationals fail to understand that the Government will automatically amalgamate multiple permits without cost. Rents and purchase price of land will be based on

those amalgamated figures. Until our reforms, if somebody previously wanted to close, say, five roads on their property it would have cost them anywhere up to \$20,000 in administration fees. Under our new reforms it will cost \$1,700. The Nationals have no vision, no plan and no idea, but they have plenty of hide.

The Hon. Michael Costa: And no votes.

The Hon. TONY KELLY: And no votes. In fact, I am reminded of this question: What is the difference between The Nationals and a Tarago? A Tarago has more seats! It would help if The Nationals bothered to understand government policy, or talked to my office or me before making fools of themselves in the Parliament.

MACQUARIE FIELDS RIOTS

The Hon. DAVID OLDFIELD: My question is addressed to the Minister for Justice, representing the Minister for Police. Is the Minister aware that frontline police involved in containing the Macquarie Fields riots have suggested that their superiors seem unable to direct officers effectively? Is the Minister concerned by reports that indicate direction from superiors is reactive rather than proactive? Is the Minister also concerned about reports noted by Ray Hadley on radio 2GB that although it was understood Molotov cocktails would likely be used, rioters managed to openly purchase containers of petrol from local service stations? Is the experience of frontline police being taken into account? Are frontline police being consulted about strategies to prevent the escalation of situations such as Macquarie Fields?

The Hon. Peter Breen: The answer is no, yes, and yes, no and yes.

The Hon. JOHN HATZISTERGOS: No, I think more of the Hon. David Oldfield than to do that to him. The incidents over the past few nights at Macquarie Fields show the dangerous conditions our police officers sometimes have to deal with to keep the peace on behalf of the community. A variety of implements including Molotov cocktails, rocks, bricks and other projectiles, have been thrown at police. I have nothing but the highest regard for the courage and commitment of the Police Service and the police officers involved in that matter, and indeed, generally police officers who protect the community. We rely on our police for safety and security in the community. As the Minister for Police has stated, this Government backs the operational judgment of police officers in responding to these situations. They are the ones with the training, the experience, the tactical know-how and the intelligence to conduct this operation—not armchair commentators like the Leader of the Opposition, Mr John Brogden. I am more than happy to seek a detailed response to the honourable member's questions from the Minister for Police.

ANTI-BULLYING INITIATIVES

The Hon. KAYEE GRIFFIN: My question is addressed to the Minister for Education and Training. Will the Minister update the House on anti-bullying initiatives in Government schools?

The Hon. CARMEL TEBBUTT: This is a good question. The Government has taken a strong stand against bullying, the importance of which I am sure all honourable members share and acknowledge. Excellent work is going on in schools to prevent bullying and no doubt many honourable members would have seen the schools that have been showcased in the media in recent days. The Department of Education and Training has an anti-bullying policy for schools which requires all schools to develop, in consultation with their communities, an anti-bullying plan, with specific strategies for identifying reporting and dealing with bullying behaviours.

In addition, Government schools have the power to impose sanctions. Principals can suspend school students whose behaviour threatens the safety or wellbeing of our students or staff. I am advised that there is no evidence that the incidence of bullying in schools is increasing. However, I am aware of the increased willingness of the community to speak out against bullying, which, in part, is due to the efforts of the Government to highlight this issue. The department's release of an anti-bullying plan aims to strengthen those efforts. Bullying causes hurt, places undue pressure on a child or a young person and can have a detrimental impact on their ability to fully participate in school life and their learning outcomes. That is why we have a detailed anti-bullying plan.

The new plan ensures that schoolteachers, students and parents are equipped with information to identify bullying behaviour. It also puts in place clear procedures to report bullying. I am advised that schools are establishing plans that complement their student welfare and school discipline policies. Representatives of

the Federation of Parents and Citizens Associations, the Primary Principals Association, the Secondary Principals Council, the Teachers Federation and the Student Representative Council were all consulted to ensure that the plan met the needs of teachers, students and families.

Our aim is to maintain learning through schooling and on throughout life. Learning should be a happy experience. We should not allow bullying to detract from that. The disruptive, often secretive, nature of bullying makes it imperative that we encourage students to talk about it when it occurs. If children are affected by bullying, it is important that they are encouraged to talk about it and seek help. Teachers take bullying seriously, and their training and experience make them well placed to listen and respond to students and concerns. Of course, parents and care givers have an important role to play in resolving incidents of bullying behaviour involving their children, and we encourage parents to approach the principal to discuss any concerns they may have. A critical aspect of preventing bullying behaviour is to encourage students who witness this behaviour to report it. It can be a successful way of breaking the bullying cycle.

As I said earlier, government schools are doing outstanding work to prevent bullying. For example, Cammeray Public School has developed a whole-of-school approach to managing bullying. Staff and students have been trained in strategies to manage bullying to ensure that the school environment is a happy and safe place for all. I am sure honourable members would be aware of some of the initiatives at Doonside Technology High School, which featured in yesterday's *Daily Telegraph*. Part of this program involves lessons being taught over four weeks to primary and high school students on the same day. As a result, the schools and their communities have developed a common language around bullying and unacceptable behaviour. The Government's support for the *Daily Telegraph* Speak Up Day initiative further illustrates its strong anti-bullying stance. It is important that we encourage students to speak up about bullying. Some students feel reluctant to speak about bullying, for a range of reasons. The Speak Up Day provides an opportunity for schools to publicly recognise what they have achieved through their anti-bullying programs and also to recognise the ability of all members of the school community to work together to protect and support students.

TEACHERS PERFORMANCE PAY

Ms LEE RHIANNON: I direct my question to the Minister for Education and Training. Is the Minister aware that on 21 March 2003 the Premier, in response to a question on performance pay, responded:

I'm not sure that there's ever been a satisfactory way of measuring the performance of teachers. It strikes me as a very subjective area. I've been to schools for kids with disabilities, special education schools ... How do you measure the performance of the teacher in a comprehensive high school who has a class of youngsters all drawn from a public housing estate? How do we measure the performance of that teacher compared to a teacher in a selection high, recruiting at the start of year 7 the most motivated youngsters in our society? I've never seen a system to do it.

Does the Minister support the Premier's commitment not to introduce performance pay?

The Hon. CARMEL TEBBUTT: I think those were very wise words from the Premier. They articulate some of the great difficulties in measuring performance and value-adding of teachers, and how to measure whether we are getting the desired outcomes. Statewide tests apply to everyone, but obviously they cannot measure what a student brings to the classroom, whether it is family background, family support, or the disability referred to in the Premier's comments. As the honourable member would be aware, the teachers' pay agreement continues to the end of this year. I expect that negotiations will commence in the second half of the year regarding a replacement agreement.

Nonetheless, I think the real issue for everyone is how we can support our teachers to do the best job they can, and how to ensure we have quality teachers in our schools. In that respect I point to the Government's initiative, the Institute of Teachers, which, as I outlined to the House last week, has signed off on standards for teachers. Those are now in place. I think the institute will do significant things to ensure we advance quality teaching and support the professional development of teachers.

BEFORE COMMON ERA DATE REFERENCE

The Hon. CATHERINE CUSACK: My question is directed to the Minister for Education and Training. Were 157,000 students sitting yesterday's English Language and Literacy Assessment [ELLA] test required to respond to a question called "The Surveyor's Problem"? Does page 13 of the source book that was handed to every child who sat the ELLA test read: "The year was 590 BCE ..."? Does the use of the new term "BCE" mean "Before Common Era"? Is this the latest politically correct attempt by the Carr Government to

destroy our ordinary language by eliminating references to "BC ", in other words, "Before Christ"? Is this bid by the Carr Government to force politically correct views on our children not the very reason we have record numbers of students quitting the public school system in favour of private schools?

The Hon. Amanda Fazio: Point of order: The standing orders provide that questions should not be argumentative. If ever a question was just one huge argument, it was the one asked by the honourable member. I submit the question is out of order.

The Hon. Don Harwin: To the point of order: The characterisation of the question by the Hon. Amanda Fazio is completely wrong. There was no argument in the question. It provided information to render the question intelligible, so that the Minister would know what it was that the honourable member was referring to and enable the Minister to answer the question.

The PRESIDENT: Order! I remind all members that questions must not contain argument. The fine line between giving information necessary to make a question intelligible and engaging in argument is crossed on many occasions by members when asking questions. The question is in order. The Minister may reply.

The Hon. CARMEL TEBBUTT: I am aware of the text in the question. It was part of this year's English language and literacy assessment [ELLA] test, which was taken yesterday throughout the State, as I reported to the House yesterday. I am advised that the original text said 590 "BC", not "BCE", and that it was changed to 590 BCE, which stands for "Before Common Era". A footnote to the text made it clear that BCE is the same as BC. I am advised that BCE is largely used in museums and academic circles internationally. My own view is that the text should not have been changed; it should have been left as BC, with a footnote explaining that BCE is an alternative. I have asked the department to ensure that in the future this type of change is not made to texts.

The Hon. CATHERINE CUSACK: I ask a supplementary question. Given the Minister's answer to the question, how does the Minister explain the fact that support material for the K-to-6 Human Society and Environment syllabus also uses the term "Before Common Era", replacing the term that we all know and understand, which is "Before Christ"?

The Hon. CARMEL TEBBUTT: Obviously the honourable member did not listen to my answer. As I explained, as I understand, and as I am advised, both BC and BCE are in usage. BCE is widely used, as I am advised. Nonetheless, the point with the ELLA test is that the text should have remained as it was originally. I have advised the department that in the future this type of change is not to be made to texts.

The Hon. Catherine Cusack: It is a syllabus document.

The Hon. CARMEL TEBBUTT: That was not the honourable member's original question. I am advised that both BC and BCE are accepted usage. That is not a decision that I make; other people make that decision. I am advised that BCE is largely used in museums, academic circles and archaeology circles. The point I am making is that the department should not be changing texts. I have made that very clear. I have asked the department to ensure that in the future this type of change is not made to texts. The honourable member should not try to turn this into an argument about political correctness when it clearly is not. I have made my position quite clear. This is yet a further attempt by the Opposition, because it has no clear plans of its own, to try to turn something into an issue when it is not.

The Hon. John Della Bosca: Point of order: I ask you to call to order the members who are repeatedly interjecting on the Minister. You might care to point out to them that they are actually conceding, by their interjections, that the further question asked by the Hon. Catherine Cusack is not a supplementary question and is therefore out of order. The Minister is elucidating her original answer. Members of the Opposition who are interjecting are becoming disorderly.

The PRESIDENT: Order!

The Hon. Michael Gallacher: To the point of order, Madam President.

The PRESIDENT: Order! I remind all members that interjections—

The Hon. Michael Gallacher: Madam President, my point of order is—

The PRESIDENT: Order! It is too late for the Leader of the Opposition to speak to this point of order. If he wishes to take another point of order, he should wait until I have ruled on the point of order taken by the Leader of the Government. The Leader of the Opposition will sit down! I remind members that interjections are disorderly at all times.

NEW SOUTH WALES FIRE BRIGADES RECRUITS

The Hon. IAN WEST: My question is directed to the Minister for Emergency Services. I understand that 20 new firefighter recruits graduated this week. Will the Minister tell us how these new firefighters have been equipped to face the challenges ahead?

The Hon. TONY KELLY: Today the New South Wales Fire Brigades welcomed 20 new firefighters into its ranks. Their training covered a wide range of areas, including fighting all types of fires, driving a fire engine, operating a pump, conducting rescues, cleaning up chemical spills and dealing with terrorist attacks. They have learned also about fire signs and behaviour, fire investigation, the basics of building construction, occupational health and safety, first aid and how to educate the public about fire safety. The new recruits have met every challenge their instructors have given them. During their career they will constantly upgrade and improve their skills to face the challenges as they strive for excellence in all areas of the Fire Brigades responsibility. They also will be assured of the support of the Government and our ongoing commitment to provide firefighters with the funding, equipment and resources they need for their vital work on behalf of New South Wales.

The Hon. Duncan Gay: It's nice to have money left over.

The Hon. TONY KELLY: I am talking about the New South Wales Fire Brigades, not the Rural Fire Service. Over 10 years the Government has invested more than \$3.4 billion in the New South Wales Fire Brigades, including a record \$473 million this financial year alone. This unprecedented funding has included more than \$97 million to provide 50 new and upgraded fire stations around the State and more than \$148 million for new state-of-the-art fire engines and appliances to better protect our communities and our firefighters. At today's graduation a retired firefighter who has been alive for most of the New South Wales Fire Brigades existence—120 years—was honoured with a special ceremony to mark his one hundredth birthday next week. Fred Orreill was a Fire Brigades officer from 1930 to 1965. In his lifetime remarkable developments have been made in firefighting techniques, equipment, training and working conditions.

In Mr Orreill's early firefighting days there was no breathing apparatus so he and his colleagues entered smoke-filled rooms and held their breath for as long as they could. They wore heavy brass helmets and uniforms that consisted of heavy leather boots, black woollen pants and tunics with brass buttons. Today their counterparts wear a lighter ergonomic plastic helmet and the latest protective clothing. The fire engines used in Fred's day were rudimentary and slow compared with the range of state-of-the-art vehicles used today, which carry thousands of litres of water, high-tech hoses and ladders, thermal imaging equipment and gas detectors. For all that has changed in that time Mr Orreill remarked on something that has remained the same: the camaraderie among firefighters.

Mr Orreill is a remarkable citizen. He demonstrates the community spirit for which firefighters are known. At age 100 he continues to work voluntarily three days a week in the Meals on Wheels kitchen. He is a wonderful man who continues to contribute to the community. In recent years he has been recognised for his services to the community. In 2002 he was presented with the Order of Australia Medal and in 2000 he was presented with the Australian Sports Medal in recognition of his services to sport. I wish Fred and the 20 new recruits all the very best.

TEACHERS TRAINING

The Hon. JOHN TINGLE: I address my question without notice to the Minister for Education and Training. What part is New South Wales taking in the investigation by the Australian Council of Educational Research into the quality of teacher training? Is this investigation based on evidence that literacy among Australian schoolchildren is at an all-time low and falling? Has any consideration been given within the New South Wales system to teaching by phonics as distinct from the whole language method currently favoured in the training of teachers? Does the Minister have access to findings of the Ministerial Advisory Council on Teacher Education and the Quality of Teaching set up by the previous Government?

The Hon. CARMEL TEBBUTT: To answer the first part of the question, I assume the honourable member is referring to the review into the quality of teacher training announced recently by the Commonwealth Minister.

The Hon. John Tingle: Yes.

The Hon. CARMEL TEBBUTT: The Government will participate and make available whatever information we need to make available to the process. We were not consulted by the Federal Minister, the Hon. Brendan Nelson, about the inquiry. A range of relevant action is being taken already in New South Wales. We are taking action; Brendan Nelson is talking about it. As I outlined, we have the teachers institute, which focuses on how we support the professional development of teachers and how we maintain quality teaching in our schools. An upper House inquiry is examining quality teaching, and teacher recruitment and training. The standard of teachers graduating this year will improve, and those graduates will apply to teacher education providers, which will ensure that young teachers coming into New South Wales schools are well prepared to teach. The Federal Minister announced the inquiry and we will participate in the process. We do not know a lot about the detail of the inquiry, but we have seen the terms of reference. The consultation the Federal Minister indicated he intended to undertake has not taken place.

With regards to literacy and phonics, which were referred to in the second part of the honourable member's question, I can advise that the teaching of literacy has attracted significant interest from those who support the phonics approach and those who support the whole language approach. With the phonics method students learn to sound out letters. In New South Wales we use both the phonics and the whole language methods to teach our students to read, and that is appropriate. Students sound out words, memorise unfamiliar words and learn how to recognise words by their position in a sentence and what they look like.

The teaching of phonics in New South Wales has been compulsory since 1998. It is part of the mandatory content of the kindergarten to year 6 syllabus. It is a balanced approach to teaching reading based on international research and best practice. As honourable members would be aware we are achieving some of the best results in the world for literacy for our students, and on that our students and teachers should be congratulated. I am sure the honourable member is aware that Brendan Nelson has established another inquiry into the teaching of literacy headed by Dr Ken Rowe through the Australian Council for Educational Research. We will make a submission to that inquiry, which is expected to report in the second half of 2005. The Federal Minister has two inquiries in place.

NATURAL DISASTER ASSISTANCE

The Hon. MELINDA PAVEY: My question without notice is directed to the Minister for Primary Industries. Given that he has announced natural disaster assistance for farmers after severe storms hit the Central West, the Murrumbidgee Irrigation Area and the New England north west, will he consider adding Dorrigo, on the State's mid North Coast, to that assistance list, given recent storm damage in the area?

The Hon. IAN MACDONALD: The answer in a word is yes.

INTEREST RATES

The Hon. HENRY TSANG: My question is addressed to the Minister for Economic Reform. Will the Minister inform the House of the impact on New South Wales families of today's interest rate rise?

The Hon. MICHAEL COSTA: Today, 2 March CE, "Common Era", is a dark day for the Federal Government's management of the national economy. It is a day that has exposed the absolute lies of the Howard Government during the last Federal election. It is a day that sets the standard for misleading the Australian public. This will be the benchmark against which we measure misleading the Australian public. Today the cash rate increased from 5.25 per cent to 5.5 per cent. That small change in the cash rate means that thousands of dollars will be taken out of the pockets of families in Australia, particularly families in New South Wales.

A person who has a mortgage for \$434,000, which is the median Sydney price for a flat, will make an additional repayment of \$64 per month, and a first home buyer who pays the median price for a home in Sydney will face an increased mortgage repayment of \$1,326. Australian families are being slugged significantly because of the mismanagement of the Federal Government. This means that from today families throughout New South Wales—from the Central Coast to the Sutherland shire—will be paying more because of the mismanagement of the Howard Government.

I am sure that all honourable members recall the predictions that were made during the last Federal election. We all remember the smear campaign and the lies during the last Federal election. The Howard Government ran its campaign on the basis that it alone could be trusted with management of the economy. It ran a scare campaign, but economic commentators did not believe it. They realised that the Howard Government was running a scare campaign, nevertheless the Federal Government persisted in scaring the Australian community into fearing a hike in interest rates, and it has all come back onto the Coalition.

What is even more interesting about this increase in interest rates is that blame has been firmly sheeted home to the Federal Government, which engaged in a massive \$65 billion expenditure program in election promises and rorts, such as a regional grants program that was put together during the last election.

The PRESIDENT: Order! I call the Hon. Don Harwin to order for the first time.

The Hon. MICHAEL COSTA: Today's *Australian Financial Review* states:

Costello has tried to put the blame on the States to divert attention from the increasingly obvious shortfall in his own economic management.

The Federal Government has been exposed for mismanaging the economy and Australian families will have to pay more in mortgage repayments.

SYDNEY HARBOUR BRIDGE CLOSURE

The Hon. Dr PETER WONG: My question without notice is directed to the Minister for Roads. Will he explain why the Sydney Harbour Bridge was closed to traffic for five hours last Sunday to allow a screaming 900 horsepower V10 engine thrill ride and a photograph opportunity for our Premier, who was waving a chequered flag? Is he aware of the speed limits on the harbour bridge? Is he aware that the car in question was clocked at more than twice the allowed speed? In view of his previous statements of concern for young people driving excessively powered vehicles way beyond their capacity, did he warn the Premier, who cannot drive, of the message that this reckless and delinquent behaviour may have been sending to young drivers?

The Hon. MICHAEL COSTA: In an earlier debate someone made the point that the sound of a Harley-Davidson was music to his ears rather than noise. A lot of people who are interested in motor sports, particularly Formula 1 racing, would have a similar view about Formula 1 vehicles. Everybody knows why the harbour bridge was closed: It was closed for a promotion of Australian tourism and was part of the Government's support for an industry that is bringing revenue and supporting-role jobs to this nation. On behalf of the Government, I make no apologies for that.

BONNET BAY PUBLIC SCHOOL MAINTENANCE

The Hon. DON HARWIN: My question is directed to the Minister for Education and Training. Why is the Department of Education and Training forcing teachers and students at the Bonnet Bay Public School, at Heathcote, to put up with a school that is riddled with termites, and has leaking, blocked toilets, sinks that do not drain properly, threadbare and patchy carpets, leaking roofs, and broken bubblers?

The Hon. CARMEL Tebbutt: I am not aware of the situation at Bonnet Bay Public School and I am happy to follow up on the matter, but I certainly hope that the Hon. Don Harwin is not relying on the list prepared by the honourable member for North Shore, Jillian Skinner, of schools requiring maintenance. If he is, he will find that many of those schools are not as the Opposition has indicated. I quote the remarks made by the principal of the Port Macquarie Public School, Mr Ian Latham, who was reported in the *Port Macquarie News* as being bemused at the list and stating that most of the problems had been fixed, and in some cases they had been fixed as long as 18 months ago. He said, "All these issues have been addressed in some way." I make the point that if the Hon. Don Harwin is relying on Jillian Skinner's list, he should check his facts because the list is not as it seems. Nonetheless, as I have indicated to this House on a number of occasions, the Government is spending record funding on school maintenance. This year the Government is spending \$184 million on school maintenance and has spent well over \$1 billion on school maintenance since coming to office. I will be happy to follow up the situation of the Bonnet Bay Public School.

PRISON VIDEO LINK SYSTEM

The Hon. ERIC ROOZENDAAL: My question is addressed to the Minister for Justice. Will he update the House on any recent developments and any associated benefits of videoconferencing in New South Wales correctional centres?

The Hon. JOHN HATZISTERGOS: In September last year I informed the House of videoconferencing and I am pleased to take this opportunity to update the information. As honourable members would be aware, the video-link system boasts a wide range of advantages for the correctional system: security risks involved in inmate transfers are avoided, disruptions to inmate participation in rehabilitation and education programs are no longer a problem, and the risk of contraband getting into prisons is further reduced.

The Department of Corrective Services first utilised the technology in December 2000 at the Metropolitan Reception and Remand Centre [MRRC]. Figures released on 14 February this year show that the Carr Government's videoconferencing system is saving taxpayers millions of dollars each year and is improving security for the community. During the 2004 calendar year, 15,400 inmates appeared in court via the videoconferencing facility, reducing the number of external movements by more than 30,000. This represents an increase from 10,700 in 2003 and 6,400 in 2002 and an estimated cost avoidance of more than \$3 million a year by obviating the need to transport inmates from correctional centres to court. Overall, the Government has reduced prisoner movements from correctional centres to court by approximately 100,000.

The system has been implemented at all maximum security remand and reception centres in partnership with the Attorney General's Department and other agencies. Videoconferencing studios have also been installed in regional correctional centres at Goulburn, Cessnock, Bathurst and Grafton, and in metropolitan correctional centres at Long Bay, Silverwater, Mulawa, Parklea and the MRRC. The Government recently expanded the use of videoconferencing to the New South Wales Parole Board and to regional serious offender review hearings and assessments of revoked periodic detainees. The videoconferencing system has played a part in reducing the escape rate to its present low record.

When the videoconferencing system is not in use for court appearances, it is also helping families to maintain contact with inmates who are in custody in different parts of the State. The program, which is run in conjunction with the Shine for Kids charitable organisation, enables family members to maintain links with inmates and assist in the reintroduction of inmates into society and the family unit, thereby benefiting the community as a whole. This technology now fosters the bond between family and inmates who are incarcerated at Mulawa, Bathurst and Cessnock correctional centres.

Since family videoconferencing was introduced in 2003, more than 100 inmates have used the video link to strengthen relations that were previously strained by distance or by an inmate's lengthy sentence. For example, videoconferencing has significantly benefited one maximum security female inmate who is serving a 13-year sentence for a murder conviction. Her children live with their grandparents in a place in western New South Wales that is a six-hour drive from Mulawa. Because of the barrier created by distance, her family could afford to visit only four times a year. Thanks to videoconferencing, this inmate now is able to videoconference with her family once a week.

Videoconferencing also encourages mothers to read to their children and monitor their progress at school. In this scenario, videoconferencing sessions are facilitated once a week to facilitate homework assistance. In a joint effort with the Department of Corrective Services, Shine for Kids works with the child and co-ordinates with the school to provide home work to the inmate. This assists with the learning process and addresses strategies for the child's learning plan. Feedback from inmates is highly positive, with two inmates in particular from Mulawa stating that it literally has changed their lives.

The Government is planning to establish more videoconferencing studios this year. The Department of Corrective Services has only just installed a videoconferencing studio at Kempsey and it intends to gradually install them at Dillwynia, a second one at Parklea, at the High Risk Management Unit in Goulburn and at Junee before the end of 2005. Moreover, a business case is in the pipeline between the various agencies for further installations at regional sites.

HOME WARRANTY INSURANCE DISPUTES

The Hon. PETER BREEN: Is the Special Minister of State aware of ongoing problems between homeowners, home builders and home warranty insurers? Is he also aware that home warranty insurers promote litigation that allows unscrupulous builders to become serial offenders without being accountable for their work? Is he aware that some assessors engaged by home warranty insurers are not independent, as required by the relevant legislation? Is he also aware that legal advisers previously employed by the Consumer, Trader and Tenancy Tribunal are advising homeowners that they have good cases to litigate against home warranty insurers and builders and then giving other advice at the door of the court to the effect that homeowners should settle on

miserable terms that do not even cover their legal fees? When will the Minister act to protect homeowners from being exploited by builders, insurers and lawyers?

The Hon. JOHN DELLA BOSCA: What a trifecta! I can deal with a couple of the matters in the question directly. In relation to the second part of the question, I advise that I am not aware of the giving of non-independent advice. If the honourable member can nominate specific instances—not necessarily by way of a question on notice but if he would like to address them to me in conversation or informal correspondence—I would be happy to investigate that aspect of the question. I appreciate the general framework of suspicions he has about the various service providers, shall we say, in the home warranty scheme and in home building generally. Aspects of this question would have been better directed to my colleague the Minister for Fair Trading. I will consult the Minister and endeavour to provide a comprehensive answer to the honourable member's question as soon as practicable.

SOUTHERN TABLELANDS WINGLESS GRASSHOPPER PLAGUE

The Hon. DAVID CLARKE: My question is directed to the Minister for Primary Industries. What is he doing about the other plague, that of wingless grasshoppers, that is decimating much of the New South Wales Southern Tablelands, and that has been described as the worst in decades?

The Hon. IAN MACDONALD: If we get a report on that of any consequence—

The Hon. Melinda Pavey: Have you spoken to Steve Whan? Has Steve Whan raised it with you?

The Hon. IAN MACDONALD: Have I spoken to Steve Whan? I thought the Hon. David Clarke said Southern Highlands.

The Hon. Melinda Pavey: He said Southern Tablelands.

The Hon. IAN MACDONALD: Right. Populations of wingless grasshoppers are causing damage to crops and gardens in the Southern Tablelands.

The Hon. Michael Costa: It is one of the branches he is stacking at the moment.

The Hon. IAN MACDONALD: I was wondering why he was talking about Southern Highlands, and what his interest is in Bowral. Now I wonder why he is asking a question relevant to the Southern Tablelands. He must have some interesting preselections coming up for him to be interested. I will have to talk to the Hon. Catherine Cusack later to get the word on this. The Hon. Don Harwin would probably know something about this.

The Hon. Duncan Gay: Point of order: On the issue of relevance, the Minister has not got anywhere near answering the question he was asked. The question referred to a serious matter affecting farmers on the Southern Tablelands. We know this Minister does not care for his portfolio, we know that he is the worst Minister in the country, but he should still be required to answer questions he is asked.

The PRESIDENT: Order! I remind the Minister that he must not debate the question.

The Hon. IAN MACDONALD: Obviously the Hon. David Clarke's interest is other than wingless grasshoppers. He has never before asked a question about locusts or grasshoppers or any related issue. Now this question has come out of the blue. There has to be a reason that the Hon. David Clarke has suddenly become interested in wingless grasshoppers.

The Hon. Don Harwin: Point of order: The Minister is deliberately flouting your ruling that he should not debate the question, and unless he is called to order he will continue to do so.

The PRESIDENT: Order! The Minister is completely flouting my ruling.

The Hon. IAN MACDONALD: I should not debate the question. Would it not be terrific to have a time put aside, a half-hour when we could debate without rules? While wingless grasshoppers are localised and do not migrate large distances, this can also make them harder to control because they do not form into bands or swarms as locusts do. I am sure the Hon. David Clarke will be able to take that information back to the preselection voters of—he said Southern Highlands but I think he meant Southern Tablelands.

The Hon. Melinda Pavey: He said Southern Tablelands.

The Hon. IAN MACDONALD: No, he did not. I just wonder what preselection issues there are around this part of the State because the Hon. David Clarke has displayed an extraordinary sudden interest in wingless grasshoppers. The Hon. David Clarke leaves me quite breathless, but not breathless enough for me not to continue my answer. Australian plague locusts and migratory locusts are declared pests under the Rural Lands Protection Act.

The Hon. Duncan Gay: This will be in the *Queanbeyan Age*.

The Hon. IAN MACDONALD: Do not be silly, Duncan. As if *The Land* is going to have an article about me talking about the Hon. David Clarke's sudden interest in wingless grasshoppers in the Southern Tablelands! Really, Duncan, your levels of exaggeration are quite extraordinary. Landholders can control locusts with insecticide provided by the Noxious Insect Destruction Board. The wingless grasshopper is not a declared pest as there are difficulties associated with applying control measures.

The Hon. Melinda Pavey: It is.

The Hon. IAN MACDONALD: It is not. Broad acre spraying can be effective but this is generally not economical. I am sure the Hon. David Clarke has made a note of that point: it is not economical, David. Control of wingless grasshoppers is therefore at the discretion of each landholder, who decides whether treatment is necessary and economically justified.

The Hon. Charlie Lynn: He does not pull the wings off them as you do.

The Hon. IAN MACDONALD: I have never taken wings off a grasshopper but I am sure—[*Time expired.*]

INTERNATIONAL FEDERATION OF SURVEYORS CONFERENCE SYDNEY BID

The Hon. CHRISTINE ROBERTSON: Can the Minister for Lands provide information regarding the Sydney bid to host the International Federation of Surveyors Conference?

The Hon. TONY KELLY: We all know that New South Wales is the premier State and that Sydney is the premier capital when it comes to hosting major international and national events. Sydney has a track record of successfully hosting major international events such as the 2000 Olympics and the 2003 Rugby World Cup. I am pleased to inform honourable members that Sydney has been shortlisted with two other cities to host another major event. Along with the Edmonton, in Canada, and Vienna, Sydney is vying to be the host of the prestigious International Federation of Surveyors 2010 World Congress. The congress is held every four years, with the next to be held in Munich in 2006. The congress brings together surveyors from around the world to discuss important issues as well as to foster important networks. I note that Dean Wallington, President of the Institution of Surveyors, Australia, said that Sydney was chosen as the Australian destination with the best chance of success in the eyes of the world body.

The bid was submitted recently and has received strong support from both the Department of Lands and the Sydney Convention and Visitors Bureau. The Department of Lands and the bureau have formed a bid partnership with Australian surveyors. The Director-General of the Department of Lands, Mr Warwick Watkins, will be a member of the team making the final play for the conference. Mr Watkins is also the New South Wales Surveyor General and he believes the conference would be a tremendous boost for the surveying profession in Australia. The international federation will make its decision at its general assembly, which will be held in mid-April in Cairo.

It is estimated that if we were to secure this conference for Sydney it would attract over 2,000 delegates for a five-day conference. According to the Sydney Convention and Visitors Bureau, that would translate into \$11.6 million being pumped into the local economy. As I said earlier, we have a strong reputation for securing these types of major conferences to our shores—including so-called incentive or training conferences. The Sydney Convention and Visitors Bureau estimates that incentive conference delegates are among the biggest-spending visitors to Sydney, spending on average close to \$1,000 a day on accommodation, meals, touring and shopping. In January alone just over 13,000 delegates were in Sydney for an Amway incentive and training conference—the largest incentive conference ever staged in Australia. The conference has made 2005 Sydney's

biggest year for incentive conferences—one of the city's fastest-growing sources of business tourism. More than \$117 million worth of incentive conferences are scheduled between now and December.

It is not just Sydney's icons that help attract major events; it is also our ability to successfully manage events on a grand scale. This will be proven in 2007 when Sydney hosts the Asia-Pacific Economic Co-operation Summit—the biggest meeting of world leaders ever held in Australia. Up to 5,000 officials and 1,500 international media will visit Sydney for the two-day meeting, which is expected to inject \$20 million into the New South Wales economy and create 150 full-time jobs. I know that all honourable members will join with me in wishing the Australian bid team the best of luck in Cairo in April to secure this important conference for Sydney.

The Hon. JOHN DELLA BOSCA: If honourable members have further questions, I suggest they place them on notice.

Questions without notice concluded.

SHERIFF BILL

INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT BILL

COURT SECURITY BILL

NOXIOUS WEEDS AMENDMENT BILL

STANDARD TIME AMENDMENT (CO-ORDINATED UNIVERSAL TIME) BILL

Bills received.

Leave granted for procedural matters to be dealt with on one motion without formality.

Motion by the Hon. Tony Kelly agreed to:

That these bills be read a first time and printed, standing orders be suspended on contingent notice for remaining stages, and the second readings of the bills be set down as orders of the day for a later hour of the sitting.

Bills read a first time and ordered to be printed.

[The President left the chair at 1.01 p.m. The House resumed at 2.30 p.m.]

STANDING COMMITTEE ON SOCIAL ISSUES

Report: Inquiry into Issues Relating to Redfern and Waterloo: Interim Report

Debate resumed from 10 November 2004.

The Hon. JAN BURNSWOODS [2.30 p.m.], in reply: As no other honourable member wishes to speak to the take-note debate of the Standing Committee on Social Issues report entitled "Inquiry into Issues Relating to Redfern and Waterloo: Interim Report", I will briefly reply to the debate as the chair of that committee. Honourable members may recall that the interim report of the committee was tabled in August 2004 and the final report was tabled in early December 2004. However, because of the standing orders of the Legislative Council, this debate is about the interim report. Although debate has taken place since the committee produced the final report, the standing orders require that I speak only to the interim report at this time.

On behalf of the committee, I again thank the committee secretariat for its work in preparing the interim report and the final report. In particular, I thank Julie Langsworth, who continued as the acting director of our committee after her appointment to the Standing Committee on State Development. She continued to be in charge of the Redfern and Waterloo inquiry. I thank Rachel Callinan, who was lent to us by the Standing Committee on Law and Justice for the purposes of the Redfern inquiry. Without the work of Julie and Rachel, what was already a relatively difficult inquiry would have been much more difficult. I thank them and the other committees that, in effect, lent them to us.

I will not make much comment about the contributions members of the committee and other members made to this debate. They raised a variety of issues, a number of which have been addressed in the final report of the committee, by the actions the Government has taken and by the legislation that passed through this House to establish the Redfern-Waterloo Authority late last year. The issues have also been addressed in the Government response to the report, which has been received. I will mention some of the issues that arose out of this debate that are mentioned in the Government's response to the report, which was tabled in the House. A large part of the Government response dealt with policing issues, which reflects the fact that a large part of the interim report dealt with policing issues. The Government response outlined the various steps that have been announced by the Government that relate to a number of the committee's recommendations. The Government response also deals with events, actions and policy announcements that have occurred since that time. If honourable members want to follow the progress of the inquiry and what has come out of it, they should look at the Government response that was tabled recently.

Many of the committee's recommendations have been adopted, some have not and some are on hold. For instance, of interest to honourable members, particularly the Hon. Ian West, is the committee recommendation that in addition to the six-month review of policing matters, as proposed by the Minister, there be an 18-month review. Six months seems fairly short. To some extent, the Government is probably hedging its bets. In its response to the report, after the summary of the committee's recommendations, it says, "The New South Wales Government will determine the need for further review once the outcomes of the six months review is finalised." When the committee was adopting the interim report, it recommended a review of incidents of violence against police during the past decade.

The Government has said in its response that the police will not undertake a review as the resources required to undertake such a task are too great to warrant the expense. One can understand, as so often happens, that using resources to record a problem rather than address a problem is difficult for governments. For example, using resources to examine the history of something may be far less important to the police than using the resources to deal with the issues. Nevertheless, I hope that our report and inquiry has contributed towards an awareness of violence against police. I hope the Government and the police will address that issue. It is not in order for me to address most of the other issues raised in the Government response as they relate to the committee's final report. The House will take note of that report in the future.

However, I refer to comments in relation to the Redfern-Waterloo Partnership Project, which has been extended until 2006, with an additional \$5 million. That was announced in May, prior to the committee completing its interim report. A number of announcements have been made in relation to the partnership project and its place within the structure of the Redfern-Waterloo Authority. It is under the broad authority of Minister Sartor and the new Minister for Community Services, Ms Reba Meagher, who replaced the Hon. Carmel Tebbutt. As we know from debate on the Redfern-Waterloo Authority Bill last year, those issues will be of ongoing interest to committee members and the House.

Another issue dealt with at considerable length in the interim report relates to the Aboriginal Housing Company and the redevelopment of the Block. That issue remains, in public terms, no more advanced now than it was when the committee made its interim report. I note that the Government response has a relatively short paragraph in relation to the audit and other things that we talked about in our report but, in terms of the major issue, it says the renewal of the Block is the subject of ongoing negotiation between the Government and the Aboriginal Housing Company. This is obviously a complex issue. The land and houses are owned by the Aboriginal Housing Company, and in order to redevelop the Block, and make it a good place to live for existing tenants and all others who could live there, requires the expenditure of a large number of millions of dollars. The real question comes back to: What kind of redevelopment is appropriate and who contributes the money? I reiterate the committee's recommendation that the three tiers of government—State, Federal and local—have definite responsibilities in relation to Aboriginal people and the Block, and that all three tiers of government need to be involved in resolving those issues that focus on the area known as the Block.

Motion agreed to.

STANDING COMMITTEE ON SOCIAL ISSUES

Report: Report on the Inebriates Act 1912

Debate resumed from 31 August 2004.

The Hon. JAN BURNSWOODS [2.41 p.m.]: I have considerable pleasure in continuing the take note debate on the 33rd report of the Standing Committee on Social Issues entitled "Report on the Inebriates Act 1912". This report was tabled in August 2004, almost simultaneously with the committee's interim report on

issues in Redfern and Waterloo. Certainly, in the early and middle part of 2004, we were a very busy committee indeed. Honourable members will recall that the decision that the committee carry out the inquiry into the Inebriates Act arose from the Alcohol Summit. One of the numerous decisions and recommendations of the Summit was that the social issues committee be asked to carry out this inquiry, and shortly after that the Attorney General gave our committee the reference. So we started work not long after the Alcohol Summit, and we tabled our report in August 2004.

Honourable members probably will recall also a number of very striking speeches made at the Alcohol Summit. In many ways, the catalyst for this inquiry that our committee carried out was the very moving speech made by Ms Toni Jackson at the beginning of the Summit in which she spoke of the death of her husband as a result of alcoholism and her unsuccessful attempts to have him detained and treated against his will by using the Inebriates Act. I guess that sums up the problem that our community has grappled with—or perhaps failed to grapple with—for something like 120 years. The Inebriates Act 1912 is the official title of the original Act passed in the 1890s but retitled in 1912 with the passing of some amendments. Since the 1890s New South Wales has had legislation to deal with a relatively small group in our community whose addiction to alcohol and other drugs—the Act has always covered other drugs, but alcohol has traditionally been the focus—is such that some people, perhaps many people, believe that people suffering such an addiction need to be detained and treated against their will.

Throughout the history of this quite controversial legislation there obviously have been quite deep moral and philosophical aspects to the issue of compulsory treatment. Those can be summed up in questions that were grappled with by the committee and its witnesses, such as: Does someone have the right to drink themselves to death? That, I guess, is the issue that was raised by Toni Jackson at the Alcohol Summit. Did her husband, if he chose—obviously, there is a question as to whether he was capable of choice—have the right to drink himself to death? The subsidiary question relates to the rights of, in this case, his partner and children. But, in many of the tragic and distressing cases that we examined, parents were faced with this sort of issue on behalf of their children, and children were faced with this sort of issue on behalf of their parents, as well as all kinds of other combinations. As I have said, this Act has been around a very long, but it has been used very little.

The other really striking speech that honourable members may recall from the Alcohol Summit was made by the New South Wales Chief Magistrate, Judge Derek Price. He pointed out that the Act does exist and that more cases are brought before magistrates under that Act than people generally realise. However, the Chief Magistrate believes the Act to be quite unworkable, which brings the law into disrepute and is very distressing for people who try to use the law to solve the problems of their families and friends. Also, the Chief Magistrate drew attention to problems that are caused by the Act, and to the conflict at the intersection of the justice and health systems.

There are a number of ways in which such conflicts arise. For instance, over the years police have been expected to take someone from a court, where a magistrate has made an order, and deliver that person to one of the very small number of hospitals gazetted to deal with such persons under the Inebriates Act. The current list of hospitals was set by regulation in 1929, and it has never been changed. That is an indication of the way this historical relic of an Act has remained on the statute books and those hospitals have continued to be so named. However, some of the institutions listed in 1929 no longer exist; and not one of them operates in the way it used to—as an old-fashioned mental hospital in which sometimes people were literally locked up and forgotten. The hospitals or institutions that continue to operate do so under a very different kind of philosophy.

I do not know that anyone in our community believes that simply locking up someone with this sort of health problem will of itself solve anything. Nevertheless, there are doctors who will say that simply locking someone up, cleaning them up, feeding them, fixing their teeth or fixing up their other health issues may well keep them alive for many more months, if not years, than they would otherwise have stayed alive. But I do not think many would argue that that solves the addiction. I am sure other honourable members will speak in this debate and take up some of these issues. At this stage, in opening the debate, I am trying to give a sense of the kinds of issues that the committee grappled with.

We had an enormous amount of help in working on the inquiry and preparing the report from a large number of people expert in their field, the majority of whom were from the health area, in addiction health and mental health, as well as people responsible for different aspects of the health system. We also had an enormous amount of help from the Chief Magistrate and his staff, the Attorney General's Department, the police and others associated with the law and justice side of the equation. We heard evidence about the role of alcohol increasing the incidence of domestic violence and the way in which alcoholism is likely to fan out and affect a

large number of people. I am sure that many other people from whom we heard evidence will be quoted during the debate. I thank all of them for their contribution.

This was a difficult inquiry because many of its aspects were technical. Often we were conscious that we were grappling with the same types of issues that many people had grappled with previously. The Act has been reviewed frequently and even though almost all of the previous reviews recommended, as we did, the repeal and replacement of the Act, over many years nothing has changed partly because of the sheer difficulty, partly because of cost and partly because of equity between different parts of New South Wales. The cost and administration associated with taking someone who lives in Sydney to a place such as Rozelle Hospital is very different from taking someone from community and family connections in a small community in north-west New South Wales to an institution such as Bloomfield at Orange. Often when long distances are involved the police or some other agency is required to transport unwilling people who are in a state of distress.

We recommended the repeal of the Act, but all the different people involved probably would agree that some sort of legislation is necessary to deal with a small targeted group of people against whose will we as a community have the right to intervene. We have taken the view that if legislation to replace the Inebriates Act involves compulsion it should deal with a small group of people. We have gone to considerable lengths to try to define the sort of group we are talking about. But if that is to occur New South Wales must have a proper comprehensive drug and alcohol service to deal with all those who are at a less serious or advanced stage of alcoholism or addiction to other drugs. I look forward to the debate and the different points of view of other members. We have not yet received the Government's response to the report, although the time for it to respond runs out this week. I hope the response arrives while the debate continues.

Usually people are thanked at the end of this type of debate, but at this stage I particularly would like to thank Merrin Thompson from the committee secretariat who, because of the complex and difficult nature of the inquiry and also because the committee was conducting a number of other inquiries at the time, including the Redfern inquiry, did almost all of the work with help from the secretariat. Merrin did a fantastic job on the report, which in many ways should be described as hers. Merrin was responsible for a lot of the assistance we got from people in the community and experts in the fields of health and justice because she was able to draw them out. One of the striking things about the inquiry was the number of people, including some of our expert witnesses, who changed their minds as the inquiry progressed and as we teased out all issues. Committee members, witnesses and others were able to operate in tandem because of the thoughtful and sensitive way in which Merrin acted as the link person.

Perhaps no-one would agree with every single part of the report, but everyone would agree with most of it. Everyone would agree that we had a considerable degree of advanced thinking on this difficult area. Merrin was responsible also for talking to the people in Victoria who were reviewing their legislation, which in some ways is similar and in some ways is different to ours. I refer now to Merrin's role because the Scottish Parliament is about to gain her and we are about to lose her. On Friday Merrin will leave us for an exchange period to work with the health committee of the Scottish Parliament. Initially she will use her expertise from a former life on an aged care inquiry. In due course the New South Wales Parliament will be the beneficiary when Merrin returns. I wish her well and thank her very much for her contribution. [*Time expired.*]

The Hon. ROBYN PARKER [2.55 p.m.]: I acknowledge the contribution to this inquiry of a great many people. I am sure everyone would recall the passionate evidence given to the Alcohol Summit by Ms Toni Jackson and the Chief Magistrate backing up her evidence. Their historic presentation to the Alcohol Summit raised a number of matters. I am pleased to be a member of the Standing Committee on Social Issues. I note the contribution of so many people who have been affected by alcohol in a number of ways. We visited Matthew Talbot House and a number of other institutions, and we met many compassionate and caring people. Witnesses bared their souls to us. It was a difficult issue to grapple with, but it was made easier by the number of people who put their hearts and souls into it. I acknowledge those people and the difficult task of the committee.

From the beginning the consensus was that the Inebriates Act 1912 was outdated. Even though attitudes to addiction and how to treat alcoholism differed, the consensus was absolute that the Inebriates Act should be changed and the agreement was almost unanimous that the Act should be repealed and replaced with something better. The difficulty was how ethically to bring about that change. The committee decided to take on the more difficult task of suggesting a framework that involved compassion, dignity, understanding and respect for those suffering from addiction to alcohol and for their families.

I acknowledge the contribution of committee members to this inquiry, which was being conducted concurrently with the Redfern-Waterloo inquiry. I acknowledge the work of Rachel Callinan, who was part of

the secretariat that assisted with this inquiry. The Hon. Jan Burnswoods mentioned Merrin Thompson as one key member of the secretariat; all officers worked extremely hard in providing assistance to us, and I thank them all. They have a difficult role balancing the competing needs of members, and they perform that task very well.

The inquiry took a great deal of time and thought. As members of the committee we considered variations in the treatment of non-offenders. We acknowledged a capacity for treating offenders who are affected by alcohol, but the issue was more about involuntary care for people with severe alcohol dependence. We started with the premise that the Act was archaic. We looked then at the ways in which it had failed. It had failed to take into account human dignity; it was outdated. We considered ways in which we could establish a regime that, albeit caters for just a small group of people, nevertheless provides people with a framework, based on substantial medical evidence and supported by a strong need, to reduce the incidence of serious self-harm. We wanted to establish a system that was about short-term involuntary care rather than a system that puts people into an institution and leaves them there.

The committee recommended the provision of legal support and the absolute best medical care. We did that in order that people could make choices once they were placed in care—informed choices—and appropriate legislation would be in place to secure people's human rights. We looked at the Victorian experience and decided that the new framework should draw on some elements of the Mental Health Act. Although the framework would fall under the Health portfolio, it would need to be underpinned by an interagency agreement with all aspects of government—New South Wales Health and particularly the Attorney General's Department, NSW Police and the Department of Community Services. We set aside a criterion that people with severe substance dependence are immediately at risk of self-harm. We defined those who would fall into this category and then tested the process in terms of how a decision on their care might be reached.

We looked also at ways in which we could best come to a clinical and legal solution. The decision-making process for involuntary care had to be clinically driven and it had to have legal support. We decided that the basis of any order for involuntary care should be a certificate from, or at least the involvement of, a medical practitioner at the outset; that the order should be reviewed; that the medical practitioner should be involved throughout the process; that a magistrate should be able to review regularly and within three days the treatment of a person; and that there needed to be the right to legal representation and the right of appeal. We have made a number of recommendations in this report about involuntary care orders, the role of the police and the role of the courts. We considered evidence-based treatment guidelines and a number of different processes for the treatment of people with severe alcohol addiction and came up with what we think are great recommendations and a good framework.

I note that this report was tabled in August 2004. The committee looks forward to the Government's response as it is now March 2005. As I said earlier, the committee put a great deal of work into this inquiry. I am sure that people involved in the care of alcohol-dependent people and family members of those who care for people with alcohol dependence expect a response to this report from the Government. Some time has elapsed since the report was tabled and I wonder when we might receive that response. I look forward to hearing what the Government has to say about our recommendations. We think there is a need for a more balanced approach to addressing alcohol dependence in general and providing programs for non-offenders, and we must ensure that such programs are as well resourced as those available to people who have problems with illicit drugs.

We must at all times respect individuals and human dignity, and we must introduce legislation that supports those who are most at risk in our society. The same considerations should apply to all those who have a legal, clinical and medical responsibility for the treatment of alcohol-dependent people. I take great pleasure in supporting this report, and I look forward to the Government's endorsement of the committee's recommendations.

The Hon. GREG PEARCE [3.06 p.m.]: I became a member of the Standing Committee on Social Issues primarily to take part in the Redfern-Waterloo inquiry. However, having become a member of the committee, I became involved also in the work that had already commenced on this inquiry. I acknowledge the efforts of the Hon. Catherine Cusack, who preceded me as a member of the committee and who was involved in the committee's deliberations at the start of this inquiry. On this occasion the chair of the committee has quite fairly summarised a number of aspects of the inquiry. It was a difficult inquiry that related to very old legislation that clearly was not working. It involved a number of very difficult questions and some quite sad and difficult circumstances. It was not a political inquiry in the nature of many other inquiries although some very significant political issues concerning the lack of drug and alcohol services provided by the Government were highlighted. We certainly encourage the Government to address the problem of the lack of resources in this regard.

The most controversial, and in a way the most difficult, conclusion the committee had to come to was whether to support involuntary care for substance-dependent people. It is a very difficult question and obviously involves quite important issues of people's liberty and rights. But at the end of the day it was impossible to avoid the conclusion that in a very small number of sad and intransigent cases there was, in the view of the committee, a compelling argument for some form of involuntary care. In relation to that matter, I particularly note recommendation 3, in which the committee indicated that the law should have an involuntary care component aimed at reducing harm to the person involved through medical treatment, including, where necessary, "medicalised withdrawal" to stabilise and comprehensively assess the person, restoring his or her decision-making capacity, providing an opportunity for the person to engage in involuntary treatment, and providing an entry point, where appropriate, for the care of and support for people with significant cognitive impairment under guardianship.

The report contains 55 recommendations addressing in-principle matters, drug and alcohol services and the legislation. The committee deliberately went into great detail so that the Government could be presented with a comprehensive scheme for amendment and replacement of the old Act. The committee did an excellent job covering the various issues involved. During the inquiry the committee made a number of visits, including to Bloomfield Hospital near Orange. It was the first time I had been to such an institution. It was quite an eye-opener to see what was happening in mental health. It was sad that the facility simply was not able to cope with the small number of Inebriates Act people who had been sent to the hospital. Like the chair, I also put on the record my thanks to Merrin Thompson and other members of the committee support staff who worked on the inquiry. We certainly would not have been able to produce such a comprehensive report and such a useful package of recommendations without that support. I also wish Merrin an exciting and interesting sojourn in Scotland. I hope she can cope with the accent.

The Hon. KAYEE GRIFFIN [3.12 p.m.]: Like other members of the committee, I endorse the recommendations of the report on the inquiry into the Inebriates Act 1912. As the chair mentioned, the Inebriates Act has been around for a long time. It provides for compulsory assessment and treatment. People with relevant expertise questioned whether the present legislation is appropriate to deal with people who have severe alcohol and/or drug dependence, particularly non-offenders. Fewer people these days are compulsorily detained under the Act. The Hon. Greg Pearce spoke about Bloomfield Hospital, a facility outside Orange. I understand that it used to have about two wards catering for people detained under the Inebriates Act, but when we visited Bloomfield there were three people only receiving treatment. We spoke to two of them. One had been detained under the Act and one had voluntarily gone to Bloomfield after going before a magistrate, with the assistance of the local police, to seek treatment to recover from alcohol dependence.

There is a big difference between offenders and non-offenders. The major offences in the Drug Court involve illicit drugs but alcohol dependence is a secondary problem. The Alcohol Summit was held in this Chamber. What do families do with someone who is severely alcohol dependent, who in all probability will drink themselves to death? Where can they go? The Inebriates Act may enable magistrates to detain a person, but that does not resolve the problem. If a person is detained for three to six months or perhaps longer—that does not seem to happen these days—the person may regain some of his or her health and may be fitter but the detention does not resolve the alcohol dependence. Our visit to Bloomfield Hospital brought home to the committee that the problem is not necessarily just about whether a person is detained and whether he or she is an offender or non-offender. The serious question raised by the committee's inquiry is: What is appropriate during any period of detention to assist such people in the future? They may be slightly better off having regained some of their health but are programs in place to assist them to overcome their dependence on alcohol? Such programs are not provided for under the present Act.

Whether a person is an offender or a non-offender, the question is: What happens with his or her dependence? Detaining such people may assist them to live longer lives but, because of the small number of people detained under the Act, no programs are in place to help them overcome their alcohol dependence. The committee found that the Act is inappropriate and there was considerable discussion about what is appropriate for the future. The health professionals who gave evidence were asked about the most effective way to deal with people who are alcohol dependent, the most appropriate programs for them and the most appropriate legislation to assist them in the future.

The Inebriates Act provides some respite and assistance to the persons detained, their families and communities but it does not provide a long-term outcome. Programs should be in place to assist these people once they come out of the institutions in which they have been detained. Their families and communities have to live with their alcohol dependence from day to day, even when faced with domestic violence. Families and

communities, particularly small communities, are disrupted. The Inebriates Act is out of date and further discussions are required to establish what is appropriate. During these hearings there was some obvious division between the health professionals to whom Committee members spoke.

I thank the committee secretariat for working tirelessly on this important inquiry. Merrin Thompson undertook a vast amount of work. She organised forums and dealt with the many witnesses who gave evidence to the committee. She had a wonderful understanding of the problems that health professionals and members of the community were experiencing because of the outdated provisions of the Inebriates Act.

We must put in place legislation that will overcome many of these problems. We need to resolve the problems of alcohol dependent people and the effect that these people are having on their families and communities. If people are to be detained for short periods, we must put in place programs that will enable them to return to the community healthier and will assist them to overcome their alcohol dependency. The committee's recommendations covered all those issues. Again I thank the committee secretariat and wish Merrin Thompson all the best in her future employment with the Parliament of Scotland. The Parliament of New South Wales is certainly the loser, and the Parliament in Scotland will benefit from her expertise in dealing with committees of inquiry such as this.

Debate adjourned on motion by the Hon. Peter Primrose.

GENERAL PURPOSE STANDING COMMITTEE NO. 5

Report: Murrumbidgee College of Agriculture

Debate resumed from 21 October 2004.

Mr IAN COHEN [3.22 p.m.]: I refer today to the inquiry undertaken by General Purpose Standing Committee No. 5, of which I am the chair, into the closure of the Murrumbidgee College of Agriculture. The decision to cease full-time residential courses at the Murrumbidgee College of Agriculture, or the MCA, was announced by the Minister for Primary Industries on 3 September 2003. By the end of 2003 the residential facilities at that college were closed.

The Hon. Duncan Gay: Shame!

Mr IAN COHEN: I acknowledge the interjection of the Deputy Leader of the Opposition. It was a shame, and that is the way the committee viewed the closure of residential facilities at that college. I thank the members of the committee and the secretariat for their support during the course of this inquiry. I thank Ms Rachel Simpson, principal council officer, and Ms Annie Marshall, council officer, for drafting this report and for organising the site visits to the college. Their experience was invaluable. I acknowledge the role played in all of this by the Hon. Rick Colless, who called for the establishment of this inquiry.

Even though relatively speaking this inquiry was pretty short and efficient, it was a valuable learning experience. The site visits gave me an opportunity to meet people and to see first hand what issues country people are facing. Specific issues that are often ignored can have substantial implications for people in country areas. The residential facilities at this college were closed and the department afforded students an opportunity to complete their studies at the Alexander Agricultural College at Tocal. Committee members visited Murrumbidgee Agricultural College and found that students had hands-on experience. Students were given an opportunity to use equipment that was located in various warehouses and workshops, and this equipped them for—

The Hon. Duncan Gay: It was practical, hands-on experience.

Mr IAN COHEN: As the Deputy Leader of the Opposition said, they had practical, hands-on experience. They were given a specific type of education—the sort of education that is available at technical colleges as opposed to academic institutions. Young people from country areas were able to obtain practical, hands-on experience. And therein lies the problem. Most of the students live in outlying areas. When the committee conducted its hearings at the site we heard about the problems young people were experiencing as they did not have access to residential facilities and were not able to complete their courses. Many students had to travel great distances and their parents expressed concern about them living away from home for the first time.

Before the residential facilities at the college were closed parents had been reassured that their children would be accommodated. Students and staff at the college were taken by surprise when the closure was announced, and this gives us a sense of the local social capital that existed in the community. Course participants and groups who supported the college had an interest in keeping the college going. People in rural areas were suffering from the drought and that had an impact on student numbers, but they still acknowledged the importance of this institution. Students, the local community and teachers were consulted but the Minister made his decision without adequate or full consultation.

A number of people who were directly involved with the college told the Committee that they were taken by surprise by the decision. The expectations of people in rural communities and from far-flung areas about the college were ignored by the Government, and this was distressing for many people. The committee compared the appropriateness of the agricultural facilities at Murrumbidgee College of Agriculture at Yanco with those being offered at Tocol, and the importance of maintaining residential facilities at that educational institution was reinforced. People living in rural areas have difficulty accessing adequate education. Students need to maintain a connection with the land and they need to be able to use the latest machinery to keep them up to date with appropriate land care.

It became clear to the committee through the public hearings and the many submissions that we received that the college is a unique institution that is meeting the needs of the Leeton and Yanco communities, in particular. It made a substantial contribution to the social capital of those communities and held significant events that attracted many visitors to the region. It will be a shame to see such fantastic residential facilities, the catering areas—particularly those frequented by residential students—the workshops and lecture rooms used less. It is a shame that areas with such potential and the spectacular campus will be downgraded and underutilised in the future as a result of the Government's decision. A number of the committee's recommendations clearly recognise the uniqueness of agricultural education in New South Wales.

Pursuant to standing orders debate interrupted.

BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 2004-05

Debate resumed from 10 November 2004.

Mr IAN COHEN [3.31 p.m.]: It is interesting to speak in this take-note debate when General Purpose Standing Committee No. 5, which I chair, is still considering budget estimates for 2004-05 and has not completed its assessments.

The Hon. Rick Colless: The Ministers won't answer the questions.

Mr IAN COHEN: I acknowledge that comment. We are slowly—

The DEPUTY-PRESIDENT (The Hon. Patricia Forsythe): Order! I have been advised by the Clerks that a reading of *Hansard* reveals that Mr Ian Cohen spoke on the budget estimates and related papers for the financial year 2004-05 on 27 October 2004 and cannot, therefore, speak again in the debate.

Motion agreed to.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Notices of Motions Nos 3, 5 and 6 postponed on motion by the Hon. Henry Tsang.

INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT BILL

Second Reading

The Hon. HENRY TSANG [Parliamentary Secretary] [3.34 p.m.]: I move:

That this bill be now read a second time.

The Independent Commission Against Corruption Amendment Bill implements the vast majority of the recommendations of the independent review of the Independent Commission Against Corruption Act conducted by Mr Bruce McClintock, SC. The reforms will improve the operation and accountability of the Independent

Commission Against Corruption [ICAC], without detracting from its independence. The bill will set out the role of the ICAC, reform contempt laws and clarify the findings that the ICAC may make.

One of the key changes proposed by the bill is to strengthen the accountability of the ICAC by establishing an independent inspector of the ICAC, modelled on the Inspector of the Police Integrity Commission. The inspector is needed to address a gap in the accountability of the ICAC. While the joint parliamentary Committee on the Independent Commission Against Corruption is responsible for monitoring and reviewing the exercise of the ICAC's functions, it is prohibited from examining particular decisions made by the ICAC. The limited scope of the parliamentary committee's jurisdiction is appropriate given that committee members fall within the investigative jurisdiction of the ICAC. The result, however, is that there is no person or body with responsibility for investigating complaints that the ICAC or its officers have misused powers. The ICAC itself acknowledges the absence of adequate accountability mechanisms in the Act. The proposed inspector will address this gap.

The main changes introduced by the bill are as follows. The bill inserts a new section 2A into the Act to specify the objectives of the Act. I seek leave to have the remainder of the second reading incorporated in *Hansard*.

Leave granted.

These objectives confirm the role of ICAC as an independent and accountable body established to investigate, expose and prevent corruption involving or affecting public administration.

The Bill inserts a new section 12A into the Act to require ICAC, so far as practicable, to direct its attention to serious and systemic corruption. Under Part 5 of the Act, other matters may be referred by ICAC to any person or body considered by ICAC to be appropriate in the circumstances.

Consistent with the recommendation of Mr McClintock, the Bill inserts section 13(2A) into the Act to put beyond doubt that ICAC may decline to make a finding of corrupt conduct, even though the factual findings would permit such a finding to be made. This will confirm ICAC's existing practice.

The Bill inserts section 13 (3A) into the Act to require ICAC to be satisfied that a person has engaged in, or is engaging in, conduct that constitutes or involves a criminal offence, disciplinary offence, reasonable grounds for dismissal or a substantial breach of an applicable code of conduct before making a finding of corrupt conduct in relation to conduct referred to in section 9 (1). Proposed section 13 (3A) addresses Mr McClintock's concern that it is inappropriate to base a finding of corrupt conduct on the mere possibility that the relevant conduct has occurred. It is consistent with ICAC's approach to making findings of corrupt conduct. Section 13 (3A) does not affect ICAC's power to make a finding under section 9 (5).

Section 20 of the Act will be amended to provide that where ICAC decides not to investigate a matter, it will be required to give reasons to the person who complained or reported the matter to ICAC.

The Bill alters the nomenclature of the Act to better reflect the investigative role of ICAC. Public hearings will be renamed public inquiries and private hearings will be renamed compulsory examinations.

Section 31 of the Act will also be amended so that ICAC will be required to consider a number of factors when considering whether or not it is in the public interest to hold a public inquiry.

ICAC will consider the benefit of making the public aware of corrupt conduct; the seriousness of the allegation; any risk of undue prejudice to a person's reputation; and whether the public interest in exposing the matter is outweighed by the public interest in preserving the privacy of the persons concerned.

A person giving evidence at a compulsory examination or public inquiry will be entitled to be told the nature of the allegation or complaint that is under investigation by ICAC.

The Bill inserts new Part 5A and Schedule 1A into the Act to provide for the appointment of an Inspector of ICAC. The Inspector will audit the operations of ICAC, deal with complaints of abuse of power and other forms of misconduct or maladministration on the part of its employees, and report on matters affecting ICAC, including its operational effectiveness.

Under proposed section 57B of the Act, the Inspector will be given the specific power to investigate complaints of delay in the conduct of ICAC investigations and unreasonable invasions of privacy by ICAC.

The fulfilment of the Inspector's functions will be monitored and reviewed by the Parliamentary Joint Committee on ICAC.

Section 76 of the Act will be amended to require ICAC to include additional information about the time taken to deal with complaints in its annual report. This information may be used by the Inspector and the Parliamentary Joint Committee to examine issues of delay in the completion of ICAC investigations.

Another key area of change introduced by the Bill is in relation to the law of contempt as it applies to ICAC. The procedural problems identified by Assistant ICAC Commissioner, the Honourable John Clarke, QC in his recent decision will be rectified.

The Assistant Commissioner criticised Part 10 for its lack of clarity, particularly in relation to the process of certification of contempt of ICAC to the Supreme Court.

The Assistant Commissioner decided that the better view is that the Act requires the certificate to set out the relevant facts that the Commissioner has found to have occurred.

Consistent with the decision of the Assistant Commissioner, the Bill amends section 99 of the Act to make it clear that the certificate is to set out the facts that the Commissioner is satisfied constitute the alleged contempt.

The Bill also amends section 100 of the Act to insert a requirement to inform a person brought before ICAC of the contempt that he or she is alleged to have committed. Such a requirement is found in the procedure for dealing with contempt in the Supreme Court, District Court and Local Courts.

The Bill repeals section 98 (h) of the Act, which prohibits any conduct that would amount to contempt of a Court of law, and other provisions governing acts of contempt committed outside the face or hearing of ICAC.

The primary purpose of section 98 (h) is to prohibit contempt of ICAC by publication. Provisions such as section 98 (h) have been resoundingly criticised by the Courts, law reform commissions and senior lawyers on the basis that it is inappropriate and impractical to transpose to an administrative, investigative body a provision designed to prevent interference with the administration of justice by Courts.

ICAC has far greater capacity than Courts to enter the public domain to rebut misrepresentations, inaccuracies and prejudicial comment.

ICAC has extensive powers to protect the integrity of the evidence of a witness by holding its investigation, or part of its investigation in private or by making non-publication orders. In contrast, Courts are generally required to conduct all of their business in public.

In addition, Parts 9 and 11 of the Act contain numerous criminal offences that can be relied upon by ICAC to protect its witnesses and the integrity of its investigations.

The Bill extends the protection given to witnesses by amending section 93 of the Act to make it a criminal offence to threaten to cause detriment to a person on account of the person's evidence or assistance to ICAC.

These reforms were proposed by Mr McClintock and are supported by ICAC. The Australian Law Reform Commission recommended similar reforms in its comprehensive examination of the laws on contempt.

Contempt committed in the face or hearing of ICAC will remain. This will ensure that ICAC can properly control the conduct of its public inquiries.

The Bill inserts new section 116A into the Act to provide that ICAC will only be able to initiate criminal prosecutions arising from its investigations where the Director of Public Prosecutions has advised that it would be appropriate to do so. This is consistent with the current practice of ICAC and the DPP as to prosecutions.

The Bill also amends the Police Integrity Commission Act to empower the Police Integrity Commission to investigate allegations of corruption involving all members of NSW Police. Currently the Police Integrity Commission has jurisdiction over designated or 'sworn' police officers but not unsworn members of NSW Police. This amendment is made at the request of the ICAC Commissioner. The Commissioner of the Police Integrity Commission has previously expressed support for the proposal.

ICAC will still be able to investigate allegations of corruption involving members of NSW Police if this is done in the context of matters that also involve public officials who are not members of NSW Police.

The bill was amended in the other place to ensure that the requirement that the Inspector of the Police Integrity Commission hold special legal qualifications be retained. This amendment was unopposed.

No changes will be made to ICAC's capacity to investigate Members of Parliament or Ministers. Mr McClintock's recommendations to clarify the circumstances in which ICAC may investigate Members of Parliament or Ministers will not be implemented. A Parliamentary investigator will not be established, as recommended by Mr McClintock, to investigate allegations of corruption involving Members of Parliament or Ministers.

ICAC will continue to be able to investigate and expose corruption throughout the public sector, including allegations involving Members of Parliament and Ministers.

This is an important Bill for improving the operation and accountability of ICAC and I commend it to the House.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [3.37 p.m.]: I lead on behalf of the Opposition with respect to the Independent Commission Against Corruption Amendment Bill. I have had a number of amendments to the bill drafted and I hope that they have been circulated. If not, perhaps they could be circulated now, as I will be alluding to them during my contribution to the second reading debate. There is no doubt, at least on this side of the Chamber, that the Independent Commission Against Corruption [ICAC] is an important institution. It was established by the Greiner Government way back in 1988 and has been the subject of a degree of scrutiny and sometimes criticism, but certainly interest. The ICAC has done considerable work, and different people will offer differing opinions and perceptions as to its outcomes.

Be that as it may, as with all government bodies and instrumentalities, the ICAC had to be reviewed. This review established by the Government resulted from the request of the majority of members of the joint parliamentary Committee on the Independent Commission Against Corruption. There have been claims that committee members did not decide independently to request the review but were supported in their call by the Premier. In June 2004 the Government announced the review, which was undertaken initially by Jerrold Cripps, QC, after his appointment as the ICAC commissioner to replace Irene Moss. The review was completed by Bruce McClintock, SC. This legislation flows from the recommendations of the McClintock review, which total 36 and cover issues ranging from the ICAC Act's objectives and functions to powers, jurisdiction, accountability and contempt.

When concerns were raised the Premier indicated that only one of Mr McClintock's recommendations would not be accepted, that is, the recommendation that sought to remove from the scope of the ICAC what Mr McClintock deemed to be minor matters affecting members of Parliament. He suggested that they should be dealt with by either a parliamentary investigator or a parliamentary committee and, quite rightly, the Opposition supports the Premier's rejection of that motion.

Despite claims to the contrary, the Opposition made a submission to the review. The Opposition clearly stated that it continues to be an unfettered supporter of the ICAC and that it is not supportive of changes that would seek to remove from the ambit of the ICAC matters relating to members of Parliament. One of the key recommendations of the McClintock review contained in this legislation is the establishment of an independent inspectorate, a measure that the Opposition supports. In the very early stages, when I was a member of the parliamentary Committee on the Office of the Ombudsman and the Police Integrity Commission, I was involved in the setting up of the office of Inspector General of the Police Integrity Commission [PIC].

That was a very important measure indeed. At that fledgling stage when the committee had considered the appointment, and the appointment was duly made, and after the royal commission had concluded its work, there was a significant body of aggrieved individuals in the community who looked desperately for someone to whom they could make a complaint about the way in which a loved one or someone they knew had been treated during the Royal Commission into the New South Wales Police Service. The inspectorate position gave people an opportunity to put forward their concerns and ensure that they were heard.

In the Legislative Assembly the Government moved an amendment to restore the requirement for the Inspector of the Police Integrity Commission to hold special legal qualifications. The original bill deleted the requirement but following the tabling of the bill the Inspector of the Police Integrity Commission expressed concern, and the requirement has subsequently been restored. The establishment of an independent inspectorate will provide this additional accountability mechanism. Having been involved in the process with the Police Integrity Commission, I believe that this same requirement is long overdue with respect to the ICAC. It is interesting that the ICAC has been in place since 1988, a lot longer than the Police Integrity Commission.

Numerous concerns have been raised both in the House and outside about a lack of transparency in the ICAC. It is a shame that the Government has dragged its feet for so long on this issue when it was prepared, quite rightly, to move quickly in relation to the Police Integrity Commission. It is bizarre that something as recent as the Police Integrity Commission has enjoyed the benefits of the inspectorate position whereas the ICAC has not. The Coalition remains concerned about two issues, and I foreshadow that I will move two amendments in Committee. The Coalition's first concern is in relation to the proposed changes to criminal prosecutions. The Coalition has difficulty with a body that is both investigator and prosecutor—that is not the way in which the Police Integrity Commission operates—and we do not believe that principle ought to apply to the ICAC.

In respect of police matters, there has been a move away from the police to the Director of Public Prosecutions [DPP]. Serious matters are referred to the DPP for consideration, and the prosecution of those matters is maintained by the DPP. It is simply an adoption of the very same process that needs to take place here. Unfortunately, the Government has a different view: it wishes to have the ICAC as the investigator and the prosecutor. The Police Integrity Commission does not work in that way. The Opposition believes that is quite possibly the best way to go, and that in respect of the ICAC there needs to be a separation between the investigative body and the prosecutorial body. For that reason, during the Committee stages of the bill I will seek to strike out the Government's proposals.

The second issue relates to the Government attempts to repeal section 98 (h), which prohibits any conduct in relation to contempt law that would amount to contempt of a court of law. Let us not beat around the

bush: this is about fixing the problems created by the Premier because of his own stupidity, for want of a better word. Honourable members need only cast their minds back a short time to when the Premier, with a rush of blood during a press conference, commented on an ICAC investigation involving the former Minister for Health, Mr Craig Knowles. The Premier got himself into a spot of hot water, then went through the proper process when he was considered for contempt, as I will discuss during the Committee stages.

Justice John Clarke made a significant contribution in relation to the Premier's comments. The Premier is now trying to fix the problem that he created by his own foolishness and bravado when commenting on the matter involving Mr Craig Knowles that was before the ICAC. On that basis the Opposition does not believe those two provisions of the bill ought to be supported. The argument put forward by Mr McClintock that matters before the ICAC are not determined by juries does not apply because the current provision of the Act that relates to contempt of the ICAC, being similar to contempt of court, applies also to courts in which cases are heard by judges sitting alone. We will seek to divide on both those issues in Committee, but the Opposition will not oppose the bill.

Reverend the Hon. Dr GORDON MOYES [3.47 p.m.]: The objectives of the Independent Commission Against Corruption Amendment Bill are to make certain amendments to the Independent Commission Against Corruption Act and to implement a number of recommendations for the independent review of the Independent Commission Against Corruption Act, conducted by Mr Bruce McClintock, SC. I commend the bill to the House. However, I do have some concerns in relation to a couple of issues flagged by the Opposition in the lower House, which I will point out in due course.

In 2004 the parliamentary Committee on the Independent Commission Against Corruption recommended an independent judicial review of the Independent Commission Against Corruption Act. The Government accepted this recommendation. Consequently, the Hon. Jerrold Cripps, QC, commenced the review, which was completed by Bruce McClintock, SC, on 31 January 2005. One of the main objectives of the review was to determine whether the terms of the Act remain appropriate. Bruce McClintock, SC, recommended an array of changes, which were targeted towards improving the operation and accountability of the ICAC. The bill implements most of the recommendations proposed by Mr McClintock.

One of his recommendations was that a parliamentary investigator should be set up in order to deal with minor allegations involving members of Parliament. The Government has decided not to take this recommendation on board. I can see the pros and cons for that recommendation. On the one hand, the investigation of minor allegations may be dispensed with easily by the commission and could be adequately dealt with by a special officer, but on the other hand it is also easy to see the administrative and practical burden that this may impose on the Government. All in all, my opinion is that members of Parliament should be subject to scrutiny because they are in positions of privilege. Though I am not an advocate of impromptu searches of the offices of members of Parliament, as I believe there are issues of privilege that should be raised with the officers of the Parliament first. Members of Parliament, as leaders in our community, should be held accountable for the exercise of their parliamentary privileges, and mostly this is best handled through the accounting records held by the officers of the Parliament.

The main thrust of the changes introduced by this bill is commendable. For example, the bill allows for increased accountability by the ICAC through establishing an independent Inspector of the Independent Commission Against Corruption, modelled on the Inspector of the Police Integrity Commission. There are some gaps that will be filled by this inspector. Importantly, one amendment entrenches specific objectives to the Act. This is important as the objectives define the manner in which the ICAC exercises its functions under the Act. The objectives provide a guidepost for the exercise of the ICAC's powers.

Significantly, section 31 of the Act will be amended so that the ICAC will be required to consider a number of factors when considering whether it is in the public interest to hold a public inquiry. For example, the ICAC will consider the benefit of making the public aware of corrupt conduct, the seriousness of the allegation, any risk of undue prejudice to a person's reputation, and whether the public interest in exposing the matter is outweighed by the public interest in preserving the privacy of the persons concerned. Accountability of the ICAC is also strengthened by amendments designed to affect section 76 of the Act and will require the ICAC to include in its annual report additional information about the time taken to deal with complaints. This information will be able to be used by the inspector and the parliamentary joint committee to examine issues of delay in the completion of ICAC investigations. This is a very important provision, and it should be included.

Lastly, I do hold a couple of concerns in relation to this bill. First, it is imperative that the ICAC remain independent from the government. That is its role within our State. Thus, it does not seem right to me that the

ICAC should take on a prosecutorial function. The bill introduces amendments along those lines. The Office of the Director of Public Prosecutions [DPP] has been established with the function of undertaking prosecutions on behalf of the State. It should be responsible for initiating and undertaking criminal prosecutions. It is not right that a body such as the ICAC, with its investigative functions, should also act as prosecutor in any capacity. There are good reasons that the DPP and the ICAC exercise different functions in this State, and these reasons should be enough justification to maintain the distinction in their functions.

My second concern is that the bill seeks to remove certain provisions relating to a person being held in contempt by the ICAC—for example, under the current law a person who "does any other thing that if the Commission were a court of law having power to commit for contempt would be in contempt of that court". The bill seeks to abolish this provision and others in this realm. However, it is my strong opinion—which I know is shared by many others in this House—that the ICAC, as an independent entity that has been set up to make the government accountable, should have the power to hold people before it in contempt in certain circumstances. So, if a person before the commission does something that would hold him or her in contempt in other courts of law, the commission is able to hold that person in contempt of it. I do not believe that these powers should be removed. These powers are important for a body such as the ICAC. It will be interesting to see in years to come what improvements have been brought about by some of these changes, but I must note my concerns in relation to the issue of the ICAC exercising a prosecutorial role and the removal of contempt provisions from the Independent Commission Against Corruption Act.

The Hon. PETER BREEN [3.53 p.m.]: Reverend the Hon. Dr Gordon Moyes commented about contempt of the Independent Commission Against Corruption. It is not a court, not a quasi court, not similar to a court, and does not have any qualities that bear any resemblance to a court. The High Court held in the case of Balog in 1991 that the Independent Commission Against Corruption is an investigator, a police-type department, but is not a court, not a quasi court, and does not have a judicial function. That is very important. When considering the amendments foreshadowed by the Opposition, the Independent Commission Against Corruption should not be confused with the Office of the Director of Public Prosecutions.

The Office of the Director of Public Prosecutions is an independent body that makes its own assessment of cases and proceeds to prosecute those cases in the courts. It is the role of the Independent Commission Against Corruption to undertake investigations, as a police officer would do, for example. It is wrong not to draw the line between the prosecutorial role of the Director of Public Prosecutions and the investigative role of the ICAC. The Independent Commission Against Corruption Amendment Bill is the Government's response to an independent review of the ICAC by Mr Bruce McClintock. Minister Frank Sartor said in his second reading speech:

The reforms will improve the operation and accountability of the ICAC without detracting from its independence.

With due respect to the Minister, it is to be hoped that the amendments in the bill will enhance the independence of the ICAC. In my view, the ICAC does not exercise its powers independently and impartially. It is to be hoped that the bill, in its effect, does something about that problem with the ICAC. In my submission to the McClintock review I asserted that the ICAC under Commissioner Barry O'Keefe, and again under Commissioner Irene Moss, was not truly independent of the government. Decisions by the Operations Review Committee as to which matters the ICAC would investigate were often made with an eye to the best interest of the Government under Commissioner Moss and the Opposition under Commissioner O'Keefe.

In other words, I am suggesting that they were not always impartial in deciding which matters they would investigate, the terms of reference, and the types of inquiries that they would undertake. For this reason, the ICAC is known in some circles as the political police. Also, the ICAC currently is undertaking certain investigations in relation to what are essentially political matters. I refer to the Orange Grove Road inquiry, and of course the inquiry into the whistleblower nurses allegations. These are difficult matters, but essentially they are not legal matters; they are political matters. In a book published recently by Random House, Chester Porter said it is important to avoid confusion of the investigative role of the law and investigation of moral questions.

I detailed a number of matters to the McClintock review and to Commissioner Irene Moss in which I asserted bias on the part of the ICAC, not just in terms of the matters it decided to investigate, but its witnesses and its terms of reference. This may be a fanciful claim on my part, but I would like to make clear to the House that these are claims made by people involved in investigations. They are not my complaints. I articulated concerns in relation to ICAC matters, in the same way that I would voice complaints about allegations, for example, of biased police investigations. That is what members of Parliament do: raise matters of concern where there is no other forum but the Parliament to ventilate certain issues.

In some cases members of Parliament receive information from whistleblowers and the information involves public officials. It is well known that two whistleblowers approached me, and also Ms Lee Rhiannon, over certain allegations about the former member Malcolm Jones. I sought advice from the Clerks, as did Ms Lee Rhiannon. The advice we received was that the information ought to be passed on to the ICAC. In fact, we were advised that we, as members of Parliament—in the same way as other members of the community—have an obligation to pass on information about possible breaches of the law or possible corrupt conduct. I personally took no particular joy in being involved in reporting those matters about Malcolm Jones to the ICAC.

There is no point in trying to shirk one's responsibility. If people are not prepared to pass on information to the appropriate authorities then corrupt and illegal activity will continue unchecked. As a result of my complaint about Malcolm Jones and other agitations about the way in which the ICAC undertakes investigations, as honourable members will be aware, that I became the subject of an ICAC inquiry called Operation Triton. In classical mythology the Triton is a subordinate sea deity, a kind of minnow among the bigger fish. The ICAC chose a good name for the operation. The inquiry began with an anonymous complaint that asserted I did not live in Lismore and, therefore, I was not entitled to claim the Sydney allowance, and that I wrongfully used Parliament's resources to write books and to work for prisoners.

Even though the complaint was anonymous it included the fax number of Roslyn Wright, who was and is the fiancée of Brian Burston, a former staffer of the Hon. David Oldfield. I know both people and I know they were not responsible for the anonymous complaint. Both the Hon. David Oldfield and Malcolm Jones have denied any knowledge of it. On the basis of this anonymous complaint to the ICAC, investigators applied to the Local Court for a search warrant to undertake a search and seizure operation of my offices. Last week I was able to obtain a copy of the application from the judicial officer who issued the search warrant.

The application sets out a number of matters requesting the issue of the warrant, but it does not set out the need to guard against the possibility of a breach of parliamentary privilege. When the warrant was executed on my office in October 2003 parliamentary privilege became the subject of two inquiries by the Privileges and Ethics Committee—Report No. 25 of December 2003 and Report No. 28 of March 2004. In both cases the claim for privilege was upheld. When the officers of the ICAC raided my office they removed 130 privileged documents not just from my office but also from the precincts of the House.

When the application for the search warrant was made the officers should have made known to the judicial officer the need to protect parliamentary privilege. With the benefit of that information the judicial officer may have had second thoughts about issuing the warrant or, perhaps, attached conditions or qualifications to it. I am currently in the process of seeking advice from counsel about the effect of the failure by the ICAC to make known to the judicial officer from whom it was seeking the issue of a warrant the provisions of parliamentary privilege. The problem the ICAC has is that to issue a search warrant on the basis of the provision of incorrect information attracts certain penalties and can, as the Police Integrity Commission demonstrated recently, amount to perverting the course of justice.

Two other matters raised in the application for the search warrant are of great concern. One matter is that the information obtained to apply for the search warrant was based on information supplied by my personal assistant, Ms Adriana Sammartano. When Ms Sammartano was asked to provide information to the commission she sought advice from the Clerks and was told that she was on her own, in effect; she should comply with the request and provide any information she had. When she first asked whether she could obtain guidance or assistance from the Clerks they said yes, but then they said that due to the possibility of a conflict they would not be able to assist her.

Subsequently the exact opposite advice was given to staff members at a seminar: if the ICAC were to request staff members to provide information they should resist that request except in the absence of a summons. Perhaps the advice was obtained subsequent to the time Ms Sammartano was requested to provide information. I place on the record how unfair it is not only to the member but also to the staffer to be asked to provide what is called evidence in the application for the warrant, if you do not mind, about what a member does or does not do. On the basis of that information the officers of the ICAC obtained a search warrant.

The second matter of concern is that the officer who applied for the warrant said that on the basis of information provided by Ms Sammartano and on the basis of research carried out in the office of the Registrar General I was the owner of a certain property at Lismore and that I had sublet it to certain people. The application says, "Commission inquiries have confirmed that Mr Breen is the registered proprietor of this property and that Valerie and Alfred Murphy reside at the property." I am not the registered proprietor of that

property. I never have been and I never will be. It is simply an incorrect assertion by the ICAC in its application for a warrant.

I am part owner of a property at Byron Bay, which was not referred to in the report. That information is so misleading and damning that, had the correct information been provided to the judicial officer who issued the search warrant, a serious question might have been raised about the prospect of issuing the warrant, or at least attaching conditions to it. Despite being tempted, I will not bore honourable members with a line-by-line analysis of the ICAC report. It is sufficient to say that a number of exculpatory matters were not included in the final report.

I suppose not everything can be put in a report, but I would have preferred to see some of the exculpatory material that makes it clear that I was never at any stage going to be the subject of a corruption finding in the report. Be that as it may, comments in the press were largely favourable, and I am grateful for that. On one occasion I can remember Malcolm Brown of the *Sydney Morning Herald* shaking his head and saying, "I don't know what's in this case" and at that point I began to feel some confidence about what was happening. Ultimately and unfortunately these matters degenerate into a case of trial by media, which is the way the ICAC operates.

It seems that if you get a favourable response in the media the ICAC does not make a finding of corruption, but if you get an unfavourable response, if the media decides you are a crook or that you have been rorting the system, the ICAC uses that as the basis for its assessment and its decision. This week in *crikey.com.au*, Boilermaker Bill, whose identity no-one knows—he calls himself the Labor Legend—said that I was very, very lucky to survive the investigation. But my view is that I was unlucky to be investigated in the first place.

I was certainly unlucky to have parted with \$40,000, which was the legal bill. That was certainly something I had not allowed for and it has been added to my mortgage. Given that the issue was about the use of parliamentary resources and allowances, matters that are clearly in the records held by the Clerk of the Parliaments, I wonder about the need to raid my office in the first place. The need to undertake such an expensive and damaging inquiry simply leaves me puzzled.

I have foreshadowed that I will move an amendment to the bill that will make certain provisions for members who have been the subject of an inquiry. Members should be entitled to have the question of parliamentary resources and allowances, and the provision of associated paperwork, addressed by the Clerk of the Parliaments. There is absolutely no need for the ICAC to invade a member's office to obtain information that is held by the Clerk. I hope that members will support my amendment. It is in line with the recommendations of the McClintock report. I agree with remarks that previous speakers have made that members should not be treated any differently from other members of the community, but it seems to me that members are in a particular position of trust and confidence so far as members of the public are concerned with regard to paperwork that they have in their offices. In my view, officers of the Independent Commission Against Corruption should not be entitled to show absolutely no regard for parliamentary privilege, which is what happened in my case.

In July last year the Ombudsman formulated an issues paper in which he asserted that whistleblowers in New South Wales are not protected by the Protected Disclosures Act. I think the words were that two of the three core objectives of the Protected Disclosures Act are not achieved by the legislation. Following the Operation Triton investigation, I know exactly what the Ombudsman means. I feel as though I am in the position of a whistleblower who has provided information, who has spoken out about something he thought was wrong, who took advice about what to do about it and as a result became the subject of an investigation. Again I was treated no differently to other whistleblowers as far as I am concerned.

The protected disclosures legislation ought to be amended in some way to protect not just members of Parliament but people in the community generally who are whistleblowers and who suffer reprisals as a result of whistleblowing. Without whistleblowers there would be no deterrent to illegal activity and corrupt activity. Whistleblowers are a very important part of the judicial processes. I urge the joint Committee on the Office of the Ombudsman and the Police Integrity Commission, of which I happen to be a member, to go down the track that it keeps threatening to go down and put proper protections and proper provisions in the Protected Disclosures Act. The bill ensures the independence of the ICAC by introducing part 5A, which provides for the appointment of an inspector along the lines of the Inspector of the Police Integrity Commission. This is a key change to the legislation and a positive development, in my opinion.

The Hon. John Hatzistergos: I recommended it when I was on the board.

The Hon. PETER BREEN: It was a good recommendation. I am glad it has finally been followed, and that the Government has finally had the courage to take it up. It seems to me that the ICAC, left on its own, does not have the benefit always of having an impartial and objective assessment about the matters under inquiry. It is worth noting that the McClintock report, as well as recommending the appointment of an inspector, also recommended the abolition of the Operations Review Committee. Why the Government has taken on board only the inspector appointment and ignored the Operations Review Committee is a matter of some concern. The Operations Review Committee is a bit like the Minister for Justice's Parole Board. It is stacked with police officers and other government appointments. It is about as useful as a side of beef in a chook raffle. It is a case of too much bureaucracy. The Operations Review Committee meets every two months and members are presented with 700 pages of material for each meeting. Here is a committee that is drowning in paperwork.

In the 12 months to 30 June the Operations Review Committee had input into just 149 matters, which is 8 per cent of 1,807 matters examined by the ICAC. The committee should be put out of its misery. The cost of running the committee is one that the ICAC could well do without. It should be abolished in line with Mr McClintock's recommendations. My amendments, which have been circulated, include an amendment to abolish the Operations Review Committee. Few people would disagree with the proposition that the independence of the ICAC is critical and that its functions as an investigator are protected and isolated from prosecutorial functions. I fully support the amendment foreshadowed by the Opposition in relation to the bill so that prosecutorial functions in the legislation are the province of the Director of Public Prosecutions rather than the province of the Independent Commission Against Corruption. I conclude by making some observations about the ICAC generally and the kind of ICAC we have today as opposed to the one that was originally set up under the Greiner Government. Mr Greiner said in his second reading speech to the original legislation in May 1988:

The Independent Commission is not intended to be a tribunal of morals. It is intended to enforce only those standards established or recognised by law.

Unfortunately the ICAC operates without the constraints envisaged by those who established it. Findings are made on the basis of opinion and not fact, and such findings necessarily involve moral judgments. A case that came before the Supreme Court last year was a case brought by the Penrith Panthers in response to an inquiry under section 41X of the Registered Clubs Act. In that case Justice Hamilton in the Supreme Court made a direction restraining Ian Temby from making a finding of corrupt or other improper conduct by any person in respect of the Penrith Rugby League Club. The decision was interesting from the point of view of the bill to the extent that the decision showed that an inquiry or an investigation, such as the gaming investigation in that case, can be conducted quite adequately and quite thoroughly without the need for findings of corrupt conduct. In the end I think it has to be said that the 41X inquiry under Mr Temby exonerated the Penrith Panthers. In particular the suggestions that any director of that organisation might have been involved in corrupt conduct were, in effect, circumvented.

I think it was a good decision. The inquiry was able to make findings of fact, which is what the ICAC used to do, without labelling people as corrupt or as misappropriating resources and those kinds of things. These are not only moral questions but they are also covered by the criminal law. It is not the role of investigators to label people as corrupt or criminal but simply to make findings of fact. Unfortunately, the ICAC is looking less like an investigator and more like a judicial or quasi-judicial body. But it was never intended to be like that. As the High Court pointed out in the Balog case, the ICAC is not a judicial or quasi-judicial body.

I will conclude by illustrating the Balog problem with an example of a factual finding. A man walks into a public service stationery store, places various items in his shirt and is seen to walk out of the store without paying for them. These are findings of fact. But to say that the man is a thief, a disgrace to his mother and lower than a public servant are expressions of opinion. That is the important matter I conclude on: the difference between a finding of fact, which is a statement as to certain things that have happened, as opposed to the drawing of conclusions and the making of deductions from those findings of fact. That is where the ICAC has gone off the rails. It is relying too much on opinion and not relying sufficiently on questions of fact. With the exception of the aspects of the bill that are the subject of the amendments that I have foreshadowed, I commend the bill to the House.

Ms LEE RHIANNON [4.22 p.m.]: The Greens support the Independent Commission Against Corruption Amendment Bill. We support the continuation of the ICAC as an independent and accountable body with broad jurisdiction to investigate public sector conduct. The ICAC serves a very important function in our society. The New South Wales public sector has many diverse and important powers and functions. It is critical

that there is a body independent of government to oversee the proper exercise of these powers and functions. With the trend to outsource government functions, the ICAC's existence becomes even more critical. The Greens have long campaigned for greater transparency and accountability for elected representatives and other public officials. To the extent that this bill moves in that direction, the Greens are supportive. However, the bill fails to implement a number of key ICAC recommendations that are more proactive in their fight against corruption. As such, this bill falls short of building on the lessons in the cases involving members of Parliament Malcolm Jones and the Hon. Peter Breen.

Indeed, this bill highlights the Carr Government's habitual failure to go the whole hog when it comes to extending accountability standards to public officials. Whether it is political donations, extensive superannuation benefits or, in this case, parliamentary practices and entitlements, this Government is disappointing. The Greens want measures that ensure transparent and accountable practices for all public officials. The Greens support the full implementation of the ICAC recommendations, particularly those arising from the recent investigations into members of this House. The ICAC's recommendations demonstrate the need to be on the front foot in fighting corruptive practice. But this bill does not implement those recommendations that aim to improve the education of public officials and to reorient the culture of Macquarie Street.

First and foremost, the ICAC proposes developing a program of audits of members of Parliament, focused on proactively detecting abuse of entitlement. The ICAC argues that the creation of a program of proactive, random, fraud detection audits, even if not numerous, would provide an effective incentive against corruptive behaviour given their random nature. Yet this bill does not implement the recommendations. One can only wonder why such a sensible proposal is not adopted in this bill, why the Government is not advocating it and bringing it forward today. It appears, once again, that the Government is wary of putting its own practices under the spotlight. Yet this is what the community expects: open and transparent government. A government as populist as the Carr Government should recognise this. As the Government has failed to bring forward an amendment relevant to this recommendation the Greens will do that in Committee. Second, the bill fails to address a range of proposals that would work towards changing the culture amongst public officials. The Greens believe that improvements in education and awareness of public officials is the only way to prevent corrupt behaviour in the long term.

Not surprisingly, this Government has ignored a series of ICAC recommendations that seek to do just this: ensure accountable and transparent government into the future. Following the inquiries into members of Parliament Malcolm Jones and the Hon Peter Breen, the ICAC proposed considering ways to enhance the effectiveness of induction programs for members, and for making staff employed by them aware of their conditions of employment under the Parliamentary Remuneration Act 1989. That would seem to be a fairly basic suggestion: improving on a program that is already in place. The ICAC argues, not surprisingly given the behaviour of a number of members over the last decade, that members need to be made more aware of the ethical dimensions of their role. In particular, the ICAC recommends that the Standing Committee on Parliamentary Privilege and Ethics provide access to resources for developing an understanding by members of the ethics issues of conflict in their work between private interest and public duty and the routine application of the Parliamentary Remuneration Tribunal determinations and the code of conduct.

It is indicative of the ICAC's concerns regarding members' behaviour that it went further to suggest that there should be follow-up programs for members of Parliament throughout their term of office in relation to the rules regarding their entitlements. This is badly needed. It has been clearly recommended. Some of the problems that members of Parliament have run into clearly demonstrate the need. But again there is silence on this matter. The recommendations are not adopted in the bill. There was no comment in the second reading speech. Why will the Government not take seriously the problem of corruption in public office and the need for greater education in this area? Rather than its endless posturing, the Carr Government should lead by example and implement in full the recommendations of the ICAC. By not doing so it diminishes the ICAC's standing in the eyes of the community and undermines attempts to engender accountable and transparent behaviour in all public officials.

The Government thinks it can avoid the issue by claiming it has a body, the ICAC, already in place. But people are becoming more aware of the problems and know that the Government is dragging the chain. Legislation needs improvement as the years go by but the Government is failing to do this. The Greens are concerned that the bill continues to display the disdain in which the Carr Government holds the ICAC. The New South Wales Labor Party has a history of wanting to water down the power and reach of the ICAC. In fact, the joint parliamentary Committee on the Independent Commission Against Corruption, chaired by Labor member of Parliament Kim Yeadon, has already stated its intention to limit the commission to making findings of fact and recommendations against those it investigates.

Public confidence in the work of the ICAC remains high. The public's perception of the ICAC as an effective and independent body therefore should serve to ensure confidence that all attempts will be made to limit, if not eliminate, corrupt behaviour by public officials. However, the ICAC's effectiveness only emanates from what reports it receives, its responses to the reports and the New South Wales Government's willingness to act on its subsequent recommendations. That is where we have a problem. If this bill is any indication, the Government is not willing to act fully on the ICAC recommendations. The result, inevitably, is a reduction in the effectiveness of the ICAC and its ability to ensure transparent and accountable government for the people of New South Wales.

The Hon. JENNIFER GARDINER [4.28 p.m.]: The Independent Commission Against Corruption Amendment Bill arises from the first comprehensive review of the commission's legislation since its assent. The review was undertaken in the first instance by Mr Justice Jerrold Cripps, as he was then. After commencing the review of the legislation he became the Independent Commission Against Corruption commissioner so, of course, he had a conflict of interest and stepped aside, and the rest of the review was done by Mr Bruce McClintock, SC. Unlike other statutes, the Independent Commission Against Corruption Act does not contain an automatic trigger for review of the legislation to make sure its objectives are being achieved and the like. So this review, after all those years, was timely indeed.

There are a couple of aspects of the bill to which I wish to refer. The Opposition supports the provision of the bill that inserts a new section 12A into the Act to require the Independent Commission Against Corruption, so far as is practicable, to direct its attention to serious and systemic corruption. I strongly support that amendment that will ensure the resources of the ICAC are directed to serious matters rather than to matters that come up in the course of debate on any day. The ICAC will have to seriously examine whether the allegation of corruption amounts to serious or systemic corruption on the basis of the evidence before it. I think that is a good stiffening up of the directive of the Parliament to the ICAC as to what should be its core work. In effect the ICAC is a standing royal commission. The Opposition warmly welcomes the provision in the bill that an ICAC inspector be appointed.

Given that the ICAC is, in effect, a standing royal commission, many commentators and observers of the ICAC have often remarked on the absence of that extra layer of accountability. Over the years many members of Parliament who have served on the joint Committee on the Independent Commission Against Corruption have referred to the need for an inspector or inspector general. That issue was highlighted when police corruption issues were hived off from the Independent Commission Against Corruption Act and allocated to a new investigative body—the Police Integrity Commission. When that legislation passed through this House it incorporated the office of inspector general. So that meant the ICAC was even more obviously lacking in that layer of accountability. The parliamentary joint standing committee cannot examine any of the operational inquiries of the ICAC unlike, for example, as recently occurred with the equivalent body in Queensland. I support the creation of a new office of Inspector of the Independent Commission Against Corruption. That will be a welcome development.

Another aspect of the bill improving the ICAC's accountability is the amendment to section 20. The ICAC will be required to give reasons to a person who lodged a complaint or allegation of corrupt conduct when it decides that an ICAC investigation is not warranted. From now on complainants will at least have a written explanation from the ICAC as to why an investigation has not been launched. They can then follow up on that, if need be, with other bodies, including parliamentarians, if the reason for it not going ahead does not seem to be strong enough. The strengthening of section 31 of the Act will require the ICAC to deal with a number of factors when considering whether it is in the public interest to hold a public inquiry, as such events, under the amended Act, will be named. The ICAC will have to consider the benefit of making the public aware of corrupt conduct, the seriousness of the allegation, any risk of undue prejudice to a person's reputation, and whether the public interest in exposing the matter is outweighed by the public interest in preserving the privacy of the persons concerned.

A person giving evidence at a compulsory examination—the new name for a public hearing—or a public inquiry, as public hearings will now be called, will be entitled to be told the nature of the allegation or complaint that is under investigation by the ICAC. Hopefully that will reduce the bewilderment of some persons who have been the subject of such inquiries in the past. If they had known what was the objective of an inquiry by the ICAC they could have been of greater assistance to it in the first instance and reduced the time needed to conduct inquiries. However, witnesses did not know what the ICAC's questions were getting at. One of the most important proposed amendments to the Independent Commission Against Corruption Act relates to the proposal by the Australian Labor Party to amend its contempt provisions. The Government said that its amendments

follow the procedural problems identified by the ICAC assistant commissioner, the Hon. John Clarke, QC, in his recent decision and that those problems would be rectified.

In his second reading speech in other place the Minister, Mr Sartor, could not bring himself to name the subject of Assistant Commissioner Clarke's decision. The decision related, of course, to Premier Carr's comments during an ICAC inquiry that was already under way. The amendment will require the relevant facts that the commission has found to have occurred to be certified and for the commissioner to state that he or she is satisfied that they constitute the alleged contempt. The bill amends the Act so that the ICAC will be required to inform a person brought before the ICAC of the contempt that he or she is alleged to have committed. Mr Carr's case has been the subject of considerable discussion. When the ICAC decided not to proceed with the contempt charge against the Premier, Mr Carr, the President of the New South Wales Council for Civil Liberties, Mr Cameron Murphy, welcomed that decision and said that it was "a victory for common sense and freedom of speech". He said he was on the record as saying that the ICAC was "too precious and too delicate and I still hold that firm view". He said also in a news release:

The ICAC has been hearing matters without fear or favour since 1989. This is the first time in 15 years it has felt the need to threaten contempt proceedings in relation to comments in the public arena.

Had Mr Cameron or the Council for Civil Liberties done a modicum of research they would have found that in April 1990 the ICAC's first commissioner, Mr Ian Temby, charged the then State chairman of the National Party, Doug Moppett—later an esteemed member of this House—with contempt. Mr Temby had Doug Moppett charged with contempt because he had described in the media the actions of an ICAC inquiry as "McCarthyist". Doug Moppett was interested in politics in the United States of America, he knew exactly what he was saying and he said what he said deliberately. I do not know anyone in The Nationals who does not believe to this day that he was right and that it was a McCarthyist inquiry. Commissioner Temby was very thin skinned—I am sure Mr Murphy of the Council of Civil Liberties would agree with that—and Doug Moppett was hauled before the Supreme Court of New South Wales where, in a brief hearing, he purged his contempt.

These events did not intimidate the former Leader of the National Party, the Hon. Wal Murray, from saying that the ICAC's performance in that partisan inquiry was behaviour more appropriate to a Spanish inquisition. It was interesting that Mr Temby chose not to charge Mr Murray with contempt. The Opposition objects to the way the Government wants to amend the Act in relation to the contempt provisions. I have come to the conclusion that there is one law of contempt for a Labor Premier and a different law for officers of The Nationals. In Committee I will move an amendment to those contempt provisions. The second serious area of concern to the Opposition is the provision that the role of the ICAC is to be muddled by mixing up the role of investigator, its real role, with that of prosecutor. I believe that this is a change in the role of the ICAC that would divert its focus and resources away from investigation. It is interesting to reflect on the second reading speech of the then Premier, the Hon. Nick Greiner, in the original debate on the ICAC Bill. Mr Greiner said:

The Independent Commission Against Corruption is not a purely investigatory body. The commission also has a clear charter to play a constructive role in developing sound management practices and making public officials more aware of what it means to hold an office of public trust and more aware of the detrimental effects of corrupt practices. Indeed, in the long term I would expect its primary role to become more and more one of advising departments and authorities on strategies, practices and procedures to enhance administrative integrity in preventing corruption in the long term. The educative and consultancy functions of the commission will be far more important than its investigatory functions.

I think that was the direction in which the immediate past ICAC commissioner, Ms Irene Moss, was taking the ICAC. She set great store on the educational role of the ICAC as a way of reducing corruption in New South Wales. It is extremely disappointing that the Labor Government of New South Wales now wants to muddle the role of the ICAC by giving it the power, through this amending bill, to initiate prosecutions—albeit in consultation with the Director of Public Prosecutions. It was never envisaged that the ICAC would be a prosecutor, and I do not think that idea had occurred to anyone until very recently. That is certainly one part of Mr McClintock's report to which I object strongly. It is interesting to reflect again on the comments of Nick Greiner in his second reading speech on the initial legislation. He said:

The proposed ICAC will not have power to conduct prosecutions for criminal offences or disciplinary offences or to take action to dismiss public officials. Where the commission reaches the conclusion that corrupt conduct has occurred it will forward its conclusions and evidence to the DPP, to a department head, a Minister or whoever is the appropriate person.

So in the original legislation drafted by Mr Greiner and others in his office it was specifically not envisaged that the ICAC would become a prosecuting body. The provision in this bill represents a radical change to the initial vision for the ICAC and to the Act. I certainly oppose it and support the Opposition's amendment. Overall, the review of the Independent Commission Against Corruption Act is well supported by The Nationals and the

Liberal Party, with the exception of the matters to which I have drawn attention, which will be the subject of amendment in Committee. This is a timely and comprehensive updating of the Independent Commission Against Corruption Act and, apart from those problematic provisions, I support the bill.

Debate adjourned on motion by Reverend the Hon. Fred Nile.

HISTORIC HOUSES AMENDMENT BILL

Second Reading

The Hon. ERIC ROOZENDAAL (Parliamentary Secretary) [4.43 p.m.]: I move:

That this bill be now read a second time.

The purpose of the Historic Houses Amendment Bill is to amend the Historic Houses Act 1980 to reflect more accurately the role of the Historic Houses Trust in managing and maintaining not only houses of historic importance but other buildings, structures and sites.

The Hon. Eddie Obeid: Just incorporate your speech in *Hansard*.

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! The Hon. Eddie Obeid will not tell the Parliamentary Secretary what to do from the back bench.

The Hon. Eddie Obeid: You mind your own business.

The Hon. Don Harwin: Point of order: The interjection from the Hon. Eddie Obeid—which I heard very clearly—was extremely disrespectful to the Chair, and I think he should be asked to withdraw it.

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! I must admit that I was not paying a great deal of attention to comments from the back bench. I simply remind all members in the Chamber that interjections are disorderly at all times. Had I heard what I have been led to believe was an offensive interjection, I would have asked for it to be withdrawn. I remind all members that they must not interject. I ask the Parliamentary Secretary to continue his second reading speech on the Historic Houses Amendment Bill.

The Hon. ERIC ROOZENDAAL: The bill also provides measures to streamline the trust's procedures. The Historic Houses Trust currently manages 15 properties, including house museums such as Elizabeth Farm and Vacluse House; two museums of social history, the Hyde Park Barracks and the Justice and Police Museum; and two sites of great historical significance, Government House and the Museum of Sydney on the site of first Government House.

When the Historic Houses Act was drafted originally the trust was responsible for only two properties. In the 24 years since then, the trust has acquired an international standing in the conservation and interpretation of buildings and places of historic importance, and is the recipient of numerous heritage and tourism awards. It has successfully combined research and scholarship with innovation and popular appeal. The philosophy of the trust is to maintain a range of properties representative of different historical periods, architectural styles and social associations—not just house museums in which we see a period recreated but museums and programs that engage the community in our social history and cultural heritage.

The trust is guided by the view that museums should be part of current debates in the community and open to new ideas as much as they are the repositories of important collections and the memories of the community. As a result, the properties managed by the trust are living places that emphasise community involvement, in which visitors enjoy and learn through activities, seminars and workshops, and theatre and dance performances. The trust has a diverse and robust program of exhibitions, public events and festivals. Its publications are widely read and appreciated, and the trust's professional advice is a valuable resource. The approach of the trust to the presentation of its properties means that visits are entertaining and may involve a range of educational activities. Students and teachers come away knowing more about the people who lived and worked in these places, understanding the significance of the buildings, the furniture and the objects they contain. About 50,000 schoolchildren attend one of the trust's 30 different education programs each year.

The trust's management of Government House is a good example of the way in which the trust combines conservation, collection management and access. Since 1996, when the trust took over management of

the property, more than one million people have visited the house and grounds. The Governor continues to use the property for all principal vice-regal functions. The trust has extensively researched the property and its history and developed policies to guide its conservation. The property also hosts a regular and diverse cultural program, including lectures, seminars, a popular subscription music series, specialist tours and festivals.

The trust continues to improve its capacity to manage its various responsibilities. Last September it relocated its scattered head office units into one facility at the Mint building in a project that has seen the conservation, adaptation and refurbishment of the 1850s coining factory buildings at the rear of the Macquarie Street building. Current collection management and conservation projects being undertaken by the Historic Houses Trust also illustrate its capacity to meet in an exemplary fashion the many challenges presented to it. In August 2004 it was announced that the four children of the late Caroline Simpson had agreed to gift their mother's collection and a \$1.5 million endowment to the trust. The total value of the gift is in excess of \$12 million, making it one of the largest gifts ever given to a cultural institution in Australia.

The material comprises an outstanding collection of colonial pictures—including 21 major paintings by Conrad Martens—colonial furniture and objects, and a large number of paintings of other eighteenth and nineteenth century British colonies. The gift also includes many twentieth century views of Sydney, such as etchings by Lionel Lindsay and photographs by Max Dupain. The collection will be used to enhance a number of the trust's properties, and part of it will be placed in other institutions to provide the greatest possible access to it. The trust will also guide a project to restore Newstead Homestead in Inverell, where artist Tom Roberts painted some of his most famous works. This year the trust will contribute its expertise and \$120,000 to work in partnership with Inverell Shire Council, the New South Wales Heritage Council, the University of New England and others to assist the owners of the homestead, the Bruderhof Community, to conserve this important historic house.

New section 7 of the Act substitutes new principal objects for the trust to reflect its role in managing, maintaining and conserving historic buildings or places and other property of the trust. It recognises that the trust has responsibility for historic houses and house museums, as well as certain other buildings, sites and museums of historical significance. The Act currently provides for ministerial approval for alterations or improvements to trust properties. Proposed section 10 of the Act will replace this ad hoc process with a requirement that the trust develop conservation plans for each property to be approved by the Minister for the Arts. The proposed amendment will allow alterations or improvements consistent with approved plans. By obtaining approval for a comprehensive conservation plan for an entire property, including details of how repairs and construction are to be appropriately carried out, the work can be seen in context and dealt with as the need arises.

The Historic Houses Trust, consistent with worldwide museum practice, disposes of objects such as household items that are no longer suitable or appropriate to its collection. The current Act requires that the Governor must approve of the disposal of any such property that was originally acquired by the trust by gift, devise or bequest without being subject to conditions. Proposed amendments to section 11 will require the trust to obtain the approval of the Minister, rather than the Governor, to dispose of such items that the trust no longer requires, including furniture and other household objects. The amendment does not affect current requirements relating to the Governor's approval for the sale of real property, that is, properties managed by the trust.

At present the legislation allows for the Minister administering the Public Works Act 1912, the Minister for Commerce, and the Minister administering the Heritage Act 1977, the Minister for Infrastructure, Planning and Natural Resources to each nominate a trustee. When the trust was established in 1980 the formal input of these administrations was considered necessary to support its work. The trust has operated for 24 years and has developed expertise and an international reputation in specialist areas. It is adequately equipped to assume full responsibility for its operations without the need for formal representation by other portfolios on its governing board.

The Department of Commerce, the Heritage Council and the Heritage Office play an important role in advising and guiding a wide range of government agencies without formal representation on their governing bodies. The usual consultative channels will continue to be available to the trust as with any government body. These two trustee positions are no longer required to be reserved for public servants. Proposed section 6 (1) provides that the responsible Minister nominate all nine trustees, but that at least one person have knowledge or experience in history and one have knowledge or experience in architecture. This will allow for representation from members of the wider community with professional expertise and is consistent with other legislation in the Arts portfolio.

The reform of the composition of the board of the trust has the full support of my colleagues the Minister for Infrastructure, Planning and Natural Resources and the Minister for Commerce. The trust balances its conservation work with the community's need to look at, experience and enjoy the properties it manages. The amendments will effect necessary improvements to the Historic Houses Trust enabling legislation. A revised Act will provide the trust with the necessary foundations to build upon its excellent record in the management of some of the most significant treasures of the State. I commend the bill to the House.

The Hon. DON HARWIN [4.53 p.m.]: Twenty five years ago, in the period between the bicentenary of Captain Cook's exploration of Australia's eastern seaboard and the bicentenary of the first European settlement in Sydney, there was a renewed interest in our society's colonial history. One of the ways in which this rediscovery of the past manifested, in particular, was a major revival of painstaking restoration of houses that had major historical significance. One of the key examples of this trend was the opening of Elizabeth Bay House as a museum in 1977, after five years of restoration work. A Greek revival villa designed by John Verge, the most fashionable and accomplished architect in the colony, Elizabeth Bay House was described as "the finest house in the colony" upon its completion in 1839 and was the home of former Colonial Secretary of New South Wales Alexander Macleay.

The building remains an example of the highest quality design and craftsmanship from the colonial era, with its domed oval saloon and sweeping staircase being of particular importance. Prior to its opening as a museum there was a meticulous reconstruction of the interior of the home with furniture, fittings, decorations and effects acquired to reflect the lifestyle of the Macleay family and its contemporaries. The earliest example of a house museum in Australia, operating as such since 1910, is Vacluse House, one of the few harbourside estates retaining a significant part of their original setting. Begun as a small cottage in 1803, the historical value of Vacluse House stems from its ownership by the Australian patriot William Charles Wentworth, who was instrumental in the drafting of the constitution that gave New South Wales self-government.

A Gothic style mansion, the home's interior includes many items owned by the Wentworth family as well as many pieces and collections from the early to mid nineteenth century. The property's gardens and grounds have also been returned to their period character. In 1980, just three years after Elizabeth Bay House opened as a house museum, those two homes in Sydney's eastern suburbs became the original responsibilities of the Historic Houses Trust. The Government recognised the advantage of having such house museums under the control of a single trust that could administer them uniformly and co-ordinate their related restoration, research, exhibition and educational programs. Vacluse House was transferred from the National Parks and Wildlife Service and Elizabeth Bay House from the Elizabeth Bay House Trust.

As section 7 of the Historic Houses Act 1980 outlines, the aims of the trust when it was first created were centred on the management of house museums. The trust had twin principal objectives: first, to manage and maintain as house museums the buildings vested in or acquired—either as property of the trust or otherwise—by the trust, having regard to their historic and architectural interest, to conserve those buildings and to manage and maintain their appurtenant grounds, and, second, to provide such educational and cultural services in relation to those buildings as, in the opinion of the trust, would increase public knowledge and enjoyment of those buildings and their place in the heritage of the State.

Over the past quarter of a century the portfolio of the Historic Houses Trust has expanded to include a further 13 properties. The majority of these additions are residences of great historical importance and are in keeping with the trust's original purpose. Transferred to the trust from the Department of the Environment and Planning in 1984, Elizabeth Farm was built for John and Elizabeth Macarthur, leading figures in the development of the wool industry in the colony, and was a focal point for pastoral activities up to the 1830s. The property contains part of the oldest surviving European building in Australia and has been restored to the style of the early nineteenth century.

In 1996 the trust assumed management of Government House on behalf of the Government and opened it to the public. A grand residence designed in the Gothic Revival style by architect Edward Blore and built between 1837 and 1845, Government House was—and sadly no longer is—the official residence of New South Wales Governors for more than a century. Its redecorated late nineteenth century interiors are of exceptional importance. The Rouse Hill estate was taken up by a free settler in 1813 and remained in the same family until 1993. The building, its outhouses and grounds reflect the changing lifestyles of the seven generations who lived there. It was acquired by the Government in 1978 and transferred to the trust in 1987.

Located in the New South Wales south coast town of Nowra, the property Meroogal is not a grand residence—although I must say it is in a beautiful precinct in Nowra on a hill near the showground—nor one

owned by a family or personage of great fame. Occupied and preserved by four generations of women from the same family, however, it is a place of enormous value for social historians providing an insight through diaries, letters, photographs, clothing, household objects, furniture and personal effects into the private lives and daily domestic routines of ordinary women in the late nineteenth century. It was bought by the trust in 1985 and opened to the public three years later.

The Susannah Place Museum in The Rocks is a small row of brick and sandstone terraces consisting of four houses that reflect life of working-class tenants, mainly artisans and labourers, at different times during the century and a half from 1839 to 1989. The terrace also includes a corner-shop that is fully operational and sells goods from around 1900. Opened in 1993 the museum is a joint venture between the trust and the Sydney Harbour Foreshore Authority.

In dramatic contrast to the other properties in the care of the Historic Houses Trust is Rose Seidler House, in the northern Sydney suburb of Wahroonga. Built between 1948 and 1950, the building, designed by Harry Seidler, and the original post-war furniture and appliances are key examples of modernist design, minimalist aesthetics and labour-saving inventiveness. The house and its content are stunning examples of the visions for the future pursued by cutting-edge designers in the post-war period. It was donated to the State in 1988 and opened to the public in 1990.

Also slightly different from the rest of the trust's portfolio of properties is the Hyde Park Barracks, located only a short distance up the street from here. A large Georgian building that is part of the earliest group of public buildings to survive in Australia, the barracks were designed to accommodate 600 convict men and operated from the time of its completion in 1819 until the end of transportation in 1848. In the subsequent decades it provided housing for orphans and so-called "unprotected women", before serving as courts and offices relating to bankruptcy, lunacy and industrial arbitration. Transferred from the Powerhouse Museum in 1990 and re-opened the following year, the building acts mainly as a museum to the life of convict labourers.

While most of the functions of the Hyde Park Barracks are consistent with the Historic Houses Trust's original brief as a conservator and manager of house museums, other aspects of its operations, such as the modern Greenway Gallery with its changing exhibitions, are somewhat beyond this initial scope. In this way, the Hyde Park Barracks relates to the two other major properties under the control of the Historic Houses Trust, each of which have expanded the activities of the organisation: those are the Justice and Police Museum and the Museum of Sydney. The Justice and Police Museum, housed in what was formerly the station and court of the Water Police, was restored to its 1899 character by the Public Works Department in 1986. While it does not present visitors with a reconstruction of home life in a particular historical period like the majority of the trust's other properties, the museum does employ the same approach to recreate an aspect of public life, in this case the experiences of police and prisoners. Groups of visitors can even experience mock trials. It has been managed by the trust since 1990.

The most challenging and adventurous of the trust's responsibilities is the Museum of Sydney, which stands on the historic site of Australia's first Government House. The property has been managed by the trust on behalf of the Government since 1990. The museum opened in May 1995. It remains one of the greatest achievements of the period in which Peter Collins served as Minister for the Arts. In October 1993 he outlined to a joint estimates committee his view that the site be used as:

... an extremely exciting interpretation of our early history which will not simply be limited to the building but will relate to the environment within which that First Government House site was established.

He went on to remark:

I think it is important that the pre-existence of an Aboriginal community living in that area is recognised.

Today, the Museum of Sydney is a remarkable realisation of that vision and one of his lasting legacies and a legacy of the staff of the trust in that period. Comprising the archaeological remains of Governor Phillip's house, the modern museum designed by the architectural firm Denton Corker Marshall, and the award-winning sculpture "Edge of Trees", the Museum of Sydney is a vibrant retelling of the stories that form Sydney's past. Permanent and temporary displays created by historians, curators, artists and designers employ artefacts, photographs, digital media technologies and art to explore the historical and contemporary experiences of our city's residents.

The Museum of Sydney is the most obvious example of the way in which the outlook and operations of the trust have been expanded and transformed during the past 24 years. It is not, however, the only aspect of the trust's activities that reaches beyond the original vision of conserving and managing houses of historical

importance. The trust's annual calendar now includes the hosting of several exhibitions as well as undertaking hundreds of events ranging from tours, lectures, film screenings, school holiday activity sessions, concerts, tours, plays and demonstrations. Details of those programs are widely distributed. Honourable members receive those details, and for that we are very grateful. It shows a commitment of the trust to publicising its activities and making sure such details are accessible to the public. That is very welcome.

Also, the trust has become a major repository of important collections and actively pursues the acquisition of items that enhance its existing archives and collections. In the 2002-03 financial year, for example, the trust secured early watercolours and oil paintings of colonial Sydney, portraits of the Wentworth family, rare examples of convict and early police uniforms, rare deluxe editions of architectural portfolios, and photographs relating to Sydney's immigrant history. Other recent acquisitions include scale models, a painting by Conrad Martens and the personal writing slope of Governor Macquarie.

Of great importance has also been the continued development of the trust's Library and Conservation Resource Centre, located in new campus-like facilities in the recently refurbished Mint in Macquarie Street. The centre provides a specialist research resource for scholars, heritage and conservation practitioners and museum professionals interested in the history of house, garden and interior furnishing design. The library contains not only books, photographs and plans, but also architectural pattern books, samples of wall and floor coverings, manufacturers' trade catalogues, garden ornaments, period house fittings, furnishings and trimmings, personal papers, manuscripts and periodicals. The centre is a major resource in the process of conserving, restoring and interpreting houses and gardens of historical significance.

The respect in which the Historic Houses Trust is now held was clearly demonstrated recently by the decision of the late Caroline Simpson's children to donate her collection of colonial art, furniture and objets d'art to the trust, along with a significant cash endowment for the library and research collection. Considered one of the largest and finest private collections in the country, the Caroline Simpson bequest was valued at more than \$12 million and was widely interpreted as a very well-justified validation of the trust's activities and approach. It has not been possible or appropriate, however, to accept all such offers, even the more high-profile ones. Some years ago now the trust declined the opportunity to take responsibility for Nutcote, the lower North Shore home of writer and artist May Gibbs. The trust decided that the best use for the property was as a gallery of May Gibbs's work, and that the management of a gallery was too far beyond the scope of the trust's activities.

Similarly, the trust has been involved for the past year in discussions surrounding the fate of "Highbury", the Centennial Park bungalow that was the home of Nobel-prize winning author Patrick White and his partner Manoly Lascaris from 1964 until the death of Mr Lascaris late last year. Trust staff conducted a thorough assessment of the heritage-listed, Federation-style property, which was originally built in 1914, determining the need for restoration or modification in order to operate "Highbury" as a house museum, perhaps including a writers retreat. At the end of October, however, the trust determined that it would be both physically and financially impractical to manage the house in such a way. Trust director Peter Watts—who, I note, is in the gallery—told the media:

We looked at the possibility of a museum but the house was so small and so fragile it could only have a limited number of people going through it ... We did a plan which showed a large loss.

The property has not yet been sold, as a result of the executor's goodwill. The National Trust is pursuing the idea of using the home as a writers school. It is noted that the Government has commenced the process by which the house might be protected by a State heritage order. But its fate is still very much in the air at this time. However, the trust's foundation is moving towards establishing an Endangered Houses Fund. The objective of this key initiative is to save significant houses from demolition. The trust plans to acquire endangered properties, undertake restoration and conservation work, and then sell them back into the marketplace as living houses rather than museums. While the trust is yet to raise sufficient funds to implement this scheme, it seems to have been clearly inspired by the success that the trust enjoyed in regard to Walter Burley Griffin House at Castlecrag a decade ago. Once the home of the famed urban planner, this property was acquired by the trust in 1993, and the following year it restored the original property and constructed a new award-winning house alongside it. In 1995 both dwellings were sold.

There is no denying that the operations of the trust have now broadened beyond managing and maintaining houses of historical significance. The most significant changes commenced during Peter Collins' tenure as Minister for the Arts. In my earlier remarks the dates I noted about a number of trust properties confirm that. The trust has assumed responsibility for other buildings, sites and events and has carved a niche for itself distinct from other major cultural institutions associated with our heritage. The Australian Museum is

concerned with our country's natural history and environmental development, and the cultural heritage of Australia's indigenous peoples and those of the near Pacific. The Art Gallery of New South Wales maintains collections of Australian and international visual art that reflect historical, contemporary and indigenous traditions.

The Museum of Applied Arts and Sciences, comprising the Powerhouse Museum and the Sydney Observatory, focuses on materials in the areas of science, astronomy, technology, industry, design and decorative arts. The museum explores social history through a broad-view approach based on chronology and selected themes. However, the Historic Houses Trust has positioned itself alongside these landmark institutions as the curator of heritage residences as house museums, as well as the interpreter of social history through a specialised approach based on a collection of historically significant localities.

Therefore it is entirely appropriate that the Historic Houses Act 1980 now be amended to more accurately reflect current practice. This is the primary objective of the bill and it is demonstrated in the replacement of the term "historic house" in the list of definitions with the phrase "historic building or place". This appropriate and timely move is supported by the Opposition. The bill seeks also to streamline the trust's procedures by enabling it to carry out alterations and improvements to historic buildings or places in accordance with overall conservation plans approved by the Minister. This provision gives the trust the power to take actions that are in accordance with broad conservation plans without having to seek ministerial authority for each specific undertaking.

This revision of the legislation is very much in keeping with the ideas behind the formation of the trust way back in 1980. In his second reading speech at that time Premier Wran remarked that one of the reasons for the establishment of the trust was the opportunity for house museums to be handled "according to uniform standards of management", with an emphasis not only on efficiency but also on co-ordination. In emphasising the value of a uniform, co-ordinated conservation plan within which the trust is allowed to undertake alterations and restoration work, this provision is consistent with those earlier remarks and with the original intentions behind the creation of the trust.

Initially a number of concerns were raised by our colleague the honourable member for North Shore in the other House about the formulation of the overall conservation plans and about another matter, which I will come to. Many people and groups in the community are particularly interested in the conservation of our major public buildings, and I am thinking especially of Government House. However, my colleague has received assurances from the trust and the Premier's Department that the broadest possible consultation to meet our concerns will be undertaken, and we welcome that. The importance for consultation might seem all the more necessary as a result of the changes the bill proposes to the composition of the trust, which the Parliamentary Secretary has detailed, and I will not go through again.

The Opposition recognises that the trust has the necessary capabilities to function decisively, effectively and appropriately. However, it is important that consultation continue with key bodies that fall within the portfolios of Ministers who no longer have representation, for example the Minister responsible for the Heritage Council. Those assurances were given to the honourable member for North Shore in another place, who is our shadow Minister for the Arts. It is with interest I note that this is not the first time the composition of the trust has been reviewed. When the Historic Houses Act was introduced in 1980 there were seven trustees. In 1989 this number was increased to the current nine by the Cultural Institutions (Miscellaneous Amendments) Act 1989.

In both instances the legislation required one trustee to be nominated by the Minister administering the Heritage Act. The other concern the Opposition flagged early in the debate in the other place related to a provision concerning annual reports but, again, we were entirely happy with assurances given to us by the Government. We are pleased that Mrs Skinner's concerns have been dealt with completely. In conserving important parts of our community's heritage and making our heritage accessible to the public in a manner that is challenging, exciting and engaging, the Historic Houses Trust is a valuable institution that deserves to be protected and strengthened. As an Opposition we pay tribute to all the staff of the trust, who have done such a magnificent job. The bill will help to bring the legislation up to date with the organisation it regulates and will serve the trust well into the future. The Opposition does not oppose the bill.

Reverend the Hon. Dr GORDON MOYES [5.16 p.m.]: The Historic Houses Amendment Bill 2004 is designed to amend the Historic Houses Act 1980 in various ways. This bill's first goal is to more accurately reflect the role of the Historic Houses Trust in managing and maintaining not only houses of historical

importance but also various other buildings, structures and sites. The second objective of the bill is to enable the trust to carry out alterations and improvements to historic buildings or places in accordance with conservation plans approved by the Minister. The bill enables the trust to sell or dispose of certain property, such as items in collections acquired by the trust that are not subject to conditions, with the approval of the Minister instead of the Governor. Last, there are also a number of miscellaneous changes to the Act of a consequential or minor nature. The Christian Democratic Party commends the bill to the House.

According to the second reading speech, the Historic Houses Trust currently manages 15 properties, including house museums such as Elizabeth Farm and Vaucluse House; two museums of social history, the Hyde Park Barracks and the Justice and Police Museum; and two sites of great historical significance, Government House and the Museum of Sydney, which is on the site of the first Government House. Apparently when the Historic Houses Act was originally drafted in or around 1980 the trust was responsible for only two properties. Clearly, the Act must be amended to appropriately reflect the current work of the Historic Houses Trust. As the nature and targets of the work of the Historic Houses Trust have changed in varying degrees, the principal objects of the trust should reflect this change.

Importantly, on a general level the principal objects of the Act have been expanded from the management and maintenance of buildings, and the provision of educational and cultural services to the public to include that the trust "collect, manage, maintain and conserve objects and materials associated with, and of significance to, those buildings and places", which is highly commendable. Another principal object added is that the trust "research and interpret the significance of those buildings, places, objects and materials, having regard to their historic, social and architectural interest and value". The new section recognises that the trust has responsibility not only for historic houses and house museums, but also for certain other buildings and places of historical significance.

The bill allows for the Minister not only to authorise the purchase of historic buildings by the trust, which is currently provided by the Act, but expands the potential target of an acquisition to include any structure or site suitable for the control and management by the trust. Alterations to historic buildings or places are to be undertaken by the trust according to a conservation plan. The conservation plan is deemed to have no effect unless the Minister approves it. In the current Act, the trust requires the Minister's consent to carry out any alterations, and those alterations and/or improvements must comply with conditions imposed by the Minister in giving his consent.

In relation to dealings with property, where property is not real property, such as items in a collection, and has been acquired without being subject to a condition, the Minister's approval will be required to sell or otherwise dispose of the property. The current Act requires the Governor's approval for all property, real property and otherwise, to be disposed of. Where real property is concerned, such as buildings or houses, the Governor will need to approve the disposal. It is quite important that the function to approve the disposal of real property remains vested in the Governor, given the historical significance of the properties that are being dealt with. This function has been retained by this bill.

A necessary amendment by the bill is to omit part 4 of the Act, which deals with finance. Liaison with the Premier's Department has revealed that the financial arrangements under the Act are currently redundant because financial arrangements involving statutory bodies are covered by the Public Authorities (Financial Arrangements) Act 1987. The Historic Houses Trust of New South Wales is considered an authority for the purposes of the Public Authorities (Financial Arrangements) Act 1987 by reason of being listed in schedule 2 of the Public Finance and Audit Act 1983. One important point to note is that the bill omits the provision relating to the requirement that the trust prepare an annual report. The simple reason for this is that the annual report-making procedures are governed by another piece of legislation and the provision in the Act itself is redundant.

The Historic Houses Trust of New South Wales appears in schedule 2 of the Public Finance and Audit Act 1983. By virtue of the trust's appearance in this schedule and the operation of section 39 (1) (a) of the Public Finance and Audit Act 1983, the trust is made subject to the Annual Reports (Statutory Bodies) Act 1984. Section 8 of the Annual Reports (Statutory Bodies) Act 1984 has the same effect as section 22 of the Historic Houses Trust Act, which states:

A statutory body shall, within the period of 4 months after the end of each financial year of the statutory body, prepare a report of its operations for the financial year then ended and, in the case of a statutory body being the Senate or Council of a university, a report of the operations of the university for the financial year then ended.

Because of the lateness of European occupation of the last continent on earth inhabited by Europeans, we have few historic structures to be preserved. The changes to the Historic Houses Act will ensure that the few we have are preserved for posterity. I have been actively engaged over a 10-year period in the reconstruction of Mamre

Farm, the historical farming property that was established by Reverend Samuel Marsden. I am pleased to inform the House that the reconstruction, which was very delicately undertaken with the use of ancient plans and architectural approval, is now complete. I hope the day will come when Mamre Farm is included in the scope of the Historic Houses Act 1980.

Ms SYLVIA HALE [5.23 p.m.]: In many respects this bill simply updates the legislation to reflect more accurately the way in which the Historic Houses Trust currently operates. Most of the stakeholder groups appear to be reasonably happy with the amendments being proposed, and the Greens therefore will support the bill. I take this opportunity to congratulate the Historic Houses Trust as well as the National Trust for the vital work both organisations do in protecting and promoting Australia's history and heritage. The Historic Houses Trust does an excellent job of not only maintaining important buildings, such as the old Mint, the Museum of Sydney, Hyde Park Barracks and Government House, but also in ensuring that these buildings remain dynamic and are well used. They are not preserved as museum relics from yesteryear but are an integral part of contemporary New South Wales.

The Historic Houses Trust also organises regular exhibitions and public events. It plays an important role in public education and research by ensuring that our history remains topical and relevant. I now turn to discuss specific provisions of the bill. While the Greens broadly support the bill, we are concerned that a number of provisions erode accountability and transparency. The bill removes the requirement for the Minister for Infrastructure and Planning and the Minister for Commerce to each appoint a member of the trust and instead introduces a system whereby the Minister for the Arts will appoint all nine members of the trust. The Carr Government has provided no justification for this change.

While the proposal is not necessarily problematic, the Greens question how reduced input will improve the composition of the trust. The proposed change may be easier for the Government to administer, but surely input from diverse portfolios would add variety and strength to the trust's membership. A far more positive move is the proposal to do away with the current requirement for all members of the trust to be public servants. The Greens support this move, which recognises the important contribution that academics, professionals and informed members of the community can bring to the trust. An equally positive move is the provision that at least one appointee will have a detailed knowledge of architecture and another of history. This is an eminently sensible provision.

However, it is unfortunate that the Government has left the wording imprecise. The wording in the bill stipulates that these two appointees must have experience in architecture or history. I ask the Minister exactly what "experience in" means. Why does the bill not stipulate that these appointees must be a practising or retired architect or historian? I hazard a guess that the wording has been intentionally chosen to enable the Minister at the end of the day to appoint whomever he or she chooses. The Greens would like to see the definitions of these two positions tightened to stipulate that the appointees will be people who have practised in the past, or are currently practising, as an architect and historian respectively.

Furthermore, these two positions should be filled following a public call for nominations. It would be good if the Minister could give such an undertaking in his reply. Another part of the bill that could do with improved transparency is the provision that the trust develop a conservation plan for each property. This is an excellent initiative. Each plan must be signed off by the Minister before coming into force, but I ask the Minister to assure the House that these plans will be public documents, and that there will be a process in place for public input and consultation prior to ministerial sign-off.

The Greens accept the provision that transferring responsibility from the Governor to the Minister for the disposal of any property that the trust acquires without conditions will streamline arrangements. Given that the trust's responsibilities have grown and that it now manages a total of 15 properties as well as multiple events and projects, this provision will help the trust to deal efficiently with non-essential gifts, such as furniture and small items. The Greens do not oppose this bill but I ask the Minister to provide answers to the following questions, and to respond appropriately to the issues they raise. First, will the conservation plans be public documents, and will there be a process in place to facilitate public input into their development? Second, will the Minister give an undertaking that the architecture and history appointments will be drawn from current or retired practising architects and historians? Third, will the Government provide for public nomination of persons to fill these two positions?

I note that the former headquarters of the trust, Lyndhurst in Glebe, is for sale. It is a matter of regret that public properties such as Lyndhurst will be transferred from the public domain into private ownership. It

would be far preferable if such buildings were retained in public ownership but were the subject of long-term leases, which I understand is the case with Bronte House. If that were the case, important contributions to our sense of the civic dignity, our sense of history and our inherent attachment to properties that remain in public ownership would not be diminished but would be increased. The Hon. Don Harwin has drawn attention to the uncertain fate that hovers above Nutcote and the Patrick White house. I believe that it is unfortunate for buildings such as Lyndhurst, which has been painstakingly restored over many years by the Historic Houses Trust, to be offered for sale and pass out of the public domain whereas the option of a long-term lease would provide for the building eventually returning to public ownership or would at least ensure that it is maintained in an appropriate condition throughout its life. Once historical properties are disposed of, control over what happens to them is lost.

The Hon. PATRICIA FORSYTHE [5.30 p.m.]: I take up a point similar to that with which Ms Sylvia Hale began her speech, about the work and role of the Historic Houses Trust. I have been watching the work of the trust since I worked for the Minister for Planning at the end of the 1980s. The trust deserves congratulations on the way in which it has evolved in recent years. Like most members of Parliament, I receive invitations to various functions held by the trust.

Indeed, I have accepted some of them and attended events at the Museum of Sydney and other places. The trust has been very innovative in the way it has promoted the buildings and the functions held to expand the knowledge of the community about many of our historic houses. The debate on the bill is an opportunity to note the work of the trust and to congratulate it and acknowledge the good works it does. I am not one who is always in the business of acknowledging things done under the current Government, but in the way the trust has moved over a long period I have seen a very positive initiative and one which we can all support.

The Hon. ERIC ROOZENDAAL (Parliamentary Secretary) [5.32 p.m.], in reply: I thank the various honourable members for their contributions to the debate on the bill. I particularly note the passionate and extensive contribution from the Hon. Don Harwin, and his previous personal involvement in the area. The future of Lyndhurst will not be affected by the proposed amendments. The trust outgrew its old headquarters in Glebe and has now relocated to the new head office at the Mint. The trust has no further use for Lyndhurst but it will be protected. As the honourable member would be aware, it is listed for auction. The house is on the State Heritage Register and is listed as a heritage item on the relevant local environment plan.

In addition, the trust has prepared a new conservation and management plan that is currently with the New South Wales Heritage Council for endorsement. The property is to be sold with a conservation management plan in place. Any prospective owner will understand the constraints to be applied to the property. The trust held an open day at Lyndhurst with the Glebe Society prior to placing the house on the market. This followed consultation with the Glebe Society last year to discuss possible future arrangements for Lyndhurst. The Government has agreed that proceeds from the sale of Lyndhurst will be added to the trust's Endangered Houses Fund. This fund will buy houses of cultural and historical significance to conserve them and ensure that they are protected in the long term before returning them to the market to continue as residences. The fund will save other houses in a similar manner to the way in which Lyndhurst was saved.

Since the Historic Houses Trust was established in 1980 it has grown to an organisation managing 15 properties of historic significance. Its experience in the management of house museums has led to its assuming responsibility for a range of museums and other places. The main purpose of the bill is to make it clear that the trust has responsibility for managing various buildings and sites such as the Hyde Park Barracks, the Justice and Police Museum, the Mint, and the Museum of Sydney on the site of the first Government House, in addition to managing historic house museums. The bill ensures that the legislative framework for the Historic Houses Trust will continue to support the trust in its work to conserve, interpret and manage its portfolio of properties and its collections on behalf of the people of New South Wales.

The trustees, director and staff of the Historic Houses Trust are to be commended for their record of achievement in managing the trust's diverse range of properties and encouraging public interest in and enjoyment of our cultural heritage through careful conservation and scholarship and innovative exhibitions and public programs. The trust has received a wide range of awards recognising its leadership in the management of historic properties, including heritage, tourism, design, architecture and publication awards.

On 27 October last year the Premier and Minister for the Arts officially opened the trust's new head office and the Caroline Simpson Library and Research Collection at the Mint here in Macquarie Street. The trust has successfully managed this complex three-year conservation and building project to consolidate its head

office units in a single location with easy public access, an auditorium and open public spaces. With this building project now completed and the proposed amendments to the trust's legislation now before the House, the trust is well placed to continue its valuable work in managing the historic buildings and places in its care. I am pleased to commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

MARINE SAFETY AMENDMENT (RANDOM BREATH TESTING) BILL

Second Reading

The Hon. ERIC ROOZENDAAL (Parliamentary Secretary) [5.36 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The *Marine Safety Amendment (Random Breath Testing) Bill 2004* amends the *Marine Safety Act 1998* to provide for random breath testing by police officers on NSW navigable waters.

The Bill implements a recommendation of the NSW Alcohol Summit. It underlines the Government's commitment to public safety on NSW waters.

The effects of alcohol while boating can be devastating.

Alcohol consumption can lead to:

- Diminished judgment;
- Slower reaction and response times,
- Reduced depth perception;
- Reduced night vision and focus; and
- Accelerated onset of hypothermia if a person who has consumed alcohol falls into the water.

Research conducted by the National Marine Safety Committee has shown alcohol to be involved in at least 35% of boating fatalities nationwide.

In NSW, more than 25% of boating related deaths since 1992 have had alcohol as a factor.

Nearly one quarter of those killed where alcohol was a factor returned an alcohol content in the high range of 0.15 grams of alcohol in 100 millilitres of blood or greater.

That's why the Alcohol Summit recommended NSW police investigate the feasibility of random breath testing on NSW waterways.

The *Marine Safety Amendment (Random Breath Testing) Bill 2004* implements the government's response to the Alcohol Summit.

Currently, police only have the power to conduct a breath test on a vessel operator if there is reasonable cause to believe a person:

- Operated a vessel, or supervised the operation of the vessel by a juvenile, while there is or was alcohol in that person's blood;
- Was involved in an accident which resulted in the death or injury of any person; or
- Was operating a vessel involved in an accident which resulted in damage to property in excess of \$1,000 or damage to a vessel such that its seaworthiness or the safety of persons onboard was compromised.

The *Marine Safety Amendment (Random Breath Testing) Bill* will enable police to conduct random breath tests.

I will now describe the provisions of the bill in more detail.

Random breath testing will apply to persons who were or are operating a vessel.

In addition to a person piloting, steering or exercising control over a vessel, a person supervising a juvenile in control of a vessel may also be randomly tested.

The existing definition of a vessel operator in section 20 of the *Marine Safety Act* will apply which means that a person may be randomly tested if they are:

- Being towed by a vessel, whether on a water ski, aquaplane, paraflying device or other device; or
- Acting as an observer, for safety purposes, of any person being towed by the vessel.

Persons on vessels moored, berthed or at anchor will not be subject to random breath testing.

Nevertheless, it would be prudent for persons in charge of a moored vessel to remain under the legal limit when on the water in case they need to move their vessel for any reason.

To ensure consistency with the *Road Transport (Safety and Traffic Management) Act 1999*, the Bill brings the drink driving provisions applying on the water into line with those currently applying on the roads.

NSW Police, NSW Health, the Roads and Traffic Authority and NSW Maritime all support consistency between the breath testing laws.

Increased uniformity of legislation effectively removes any potential for confusion by the public, health care professionals and enforcement agencies as there are only one set of requirements to observe.

To be consistent with roads legislation a new Section 24(1A) is introduced by the Bill.

This section reduces the prescribed concentration of alcohol for persons under the age of 18 years from 0.02 to 0.00 grams of alcohol in 100 millilitres of blood.

It is appropriate the same levels of alcohol apply across both road and marine legislation.

The new Section 24A of the Bill means the same defences are available on the water as on the roads for traces of alcohol detected in the blood following consumption of food or medicine.

Currently, the penalties associated with operating a vessel whilst under the influence of alcohol range from \$550 for a first offence in the low range to \$2,200 or 12 months imprisonment, or both, for a second or subsequent offence of operating a vessel with a high range PCA.

To bring them into line with the road laws, these penalties will now increase to \$1,100 for a first offence in the low range to \$5,500 or 2 years imprisonment, or both, for second or subsequent high range offences.

Police alone will have the authority to conduct random breath testing.

NSW Maritime will work with police to conduct joint patrols where necessary. For example joint patrols may involve a Maritime vessel and officer with a police officer on board to conduct random breath testing.

NSW Maritime will also be responsible for developing new safety broadcasting messages and multilingual campaigns to promote responsible use of alcohol prior to the introduction of random breath testing.

These campaigns will complement the regional and local boating safety education and compliance campaigns conducted by NSW Maritime.

Over 90 such campaigns are conducted on the states waterways annually.

I commend the Bill to the House.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [5.37 p.m.]: The Opposition does not oppose the Marine Safety Amendment (Random Breath Testing) Bill. However, during my contribution to the debate I will make a number of observations about the effectiveness of the legislation. The new provisions will apply to those who were or are operating a marine vessel. Persons on vessels that are moored, berthed or at anchor will not be subject to random breath testing requirements. Alcohol levels will be in line with those specified for road users: commercial vessel operators, under 0.02; recreational vessel operators under 18, zero; and recreational vessel operators over 18, 0.05.

A first offence will attract penalties from \$550 through to \$1100, while second or subsequent high-range offences will range from \$2,200 or 12 months imprisonment or both to \$5,500 or two years imprisonment or both. This is consistent with the penalties for offences detected in road random breath testing. Police alone will have the authority to conduct random breath testing. However, the New South Wales Maritime Authority will work with police to conduct joint patrols where necessary. Since 1992 more than 25 per cent of all boating fatalities reported to the New South Wales Maritime Authority have involved alcohol. Toxicology reports of nearly one-quarter of those killed where alcohol was a factor showed blood-alcohol readings of 0.15 or greater.

Findings by the National Maritime Safety Committee have shown that alcohol is a factor in at least 35 per cent of fatalities nationwide. The 2003 report of the New South Wales Summit on Alcohol Abuse recommended the introduction of random breath testing on waterways. It is hoped that the bill will improve safety on New South Wales waterways, potentially saving lives and valuable resources expended on rescuing people as a result of alcohol-related incidents on the water.

I was particularly drawn to the similarities in random breath testing [RBT] on our roads and random breath testing on the water. I have conducted random breath tests in the past, so I was concerned about the degree of randomness of this test. All honourable members would be aware that police are able to conduct random breath testing on any street or road in New South Wales. The Government's approach in the Maritime Safety Amendment (Random Breath Testing) Bill is to link its laws to the application of similar laws in the area of motor transport. The random breath tests that are conducted on our roads cannot be conducted in a similar fashion on our waterways. Motorists driving on the streets of New South Wales often come around a corner to find a random breath testing station immediately in front of them. The police shepherd in a number of motor vehicles and motorists cannot escape that test. If they try to take another street or they nip down a side street, 9 times out of 10 they will find another friendly highway patrolman waiting to greet them.

How will this test be applied on Sydney Harbour? There are no corners on Sydney Harbour. The police cannot block it off and shepherd people across it. I am talking about this issue in a practical sense. I understand that random breath testing will be used to greater effect on boat ramps in and around our waterways—a matter with which I will deal later. How would we determine the randomness of any test conducted on Sydney Harbour now? I suspect that at some time in the future, when this issue is tested in the courts, the question will be asked, "Was the test random or selective?" Police conduct random breath tests by pulling over a group of vehicles at one time. It may well be that only one vehicle is on the road, but the next vehicle that comes round the corner is pulled in. How would that test be conducted on Sydney's waterways? Will police just pull boats over at random, or will they go into areas where there are a number of boats and be selective in their application of this test?

Maritime police are not as well resourced as highway patrolmen conducting random breath tests on roads in New South Wales. A small number of officers will be conducting these tests and if they get a positive result they will have to take that boat and its crew off the water and conduct an RBT that will take some time to conclude. That police launch will not be replaced by another police launch because there is not an infinite supply of police launches. Police cannot close off our waterways in the same way as they close off a road. I suspect that police officers will approach a number of boats on a waterway and they will then have to make a choice. Will they choose the person who is most likely to be drinking while operating a boat? Will they choose a person in an expensive looking boat who is reasonably well dressed, or will they choose a person in a boat who does not look as well heeled as another person? A police officer may well have to make a judgment call about whether to choose the person in the more expensive boat or the person who looks as though he or she would yield a positive result. I am sure that the police would go for the person who has tattoos and who looks like he or she would yield a positive result. That brings into question the randomness of breath testing in this regard.

I have become aware, through contact with officers involved in this area of policing, that this testing will be conducted in and around boat ramps. I said to one officer to whom I spoke—and I was being quite naughty when I said this—"Have you heard of marine radio?" The impact of what I was saying was not lost on him. The moment the police set up an RBT unit on a boat ramp it will be transmitted on marine radio. I can guarantee that fishermen who are sinking tinnies are not likely to come to shore; they will stay out in the water and fish a little longer or they will go to another ramp. Marine radio will negate the effectiveness of this legislation. The legislation is well meaning but it is flawed in a number of ways. It will not achieve the results that the Government wants to achieve. The police might pick up a few people who are foolish enough to get caught but, at the end of the day, it will be easy to get around this form of testing.

I do not believe that this testing can be applied in the same way in which random breath testing is applied. The resources of our water police, general duties police, highway patrolmen and RBT units are not unlimited. However, water police would be far more restricted in their ability to perform this task. They may well pick up somebody for a low range prescribed concentration of alcohol, take them back to headquarters in Sydney Harbour and conduct a breath test, but no other police launch will replace the launch that has had to conduct the test. I do not think that is what a lot of boat users in Sydney Harbour want. This issue must be handled carefully because I can see problems in its application through the court system. Once a police launch is out of the way conducting an RBT or taking somebody back for a breath analysis police officers do not have the necessary backup to cover a job and it leaves them vulnerable. I do not oppose this legislation.

Ms SYLVIA HALE [5.47 p.m.]: The Greens support the Marine Safety Amendment (Random Breath Testing) Bill. The effects of alcohol on boat safety, like car safety, can be devastating. Reduced attention spans, reaction times and loss of overall judgment increase the risk of accident, injury and death. Accordingly, allowing police officers to randomly breath test on New South Wales waterways is a welcome measure that will improve boat safety. The Greens also note that this bill originated as a result of the 2003 Alcohol Summit. The Summit, which was held in the New South Wales Parliament, brought together a range of health experts, including the doyen of the alcohol and drug field in Australia, Emeritus Professor Ian Webster.

The Alcohol Summit, which was announced with great fanfare, came on the back of the 1999 New South Wales Drug Summit and the 2002 Obesity Summit. In recent times the Carr Government has held a series of major summits. In most cases, however, those summits have fallen well short of community expectations. The Carr Government has made a habit of establishing summits with great fanfare and promising almost anything. Yet like a travelling circus, as soon as the show is over, the circus leaves town and very little is ever heard of the matter. That is what we are witnessing now. The Greens call on the Government to act on the Alcohol Summit and to implement all its recommendations. These summits are held at great expense to taxpayers and it is contemptuous of this Government to raise the expectations of the public without ever intending to meet them. As Bob Carr said in 1996, "We have had enough of the talkfests and summits."

The Hon. ERIC ROOZENDAAL (Parliamentary Secretary) [5.49 p.m.], in reply: I thank honourable members for their comments on this important initiative. I am a little disappointed that the Leader of the Opposition would cast aspersions on the fine water police before they have been able to implement the changes outlined in the Marine Safety Amendment (Random Breath Testing) Bill. He would be better off supporting our police and the hard work they do. As to the contribution of Ms Sylvia Hale, it never ceases to amaze me how negative the Greens can be. They find the worst in everything and never miss an opportunity to whinge and complain. It is ironic that the Greens should whinge about talkfests when they have clearly developed talking into a fine art.

The Marine Safety Amendment (Random Breath Testing) Bill has been developed in direct response to a recommendation of the 2003 Alcohol Summit. The bill builds on existing legislation and reinforces the Government's commitment to public safety on New South Wales waters. Alcohol has been a factor in more than 25 per cent of all boating-related deaths in New South Wales in the past 12 years. Toxicology reports show that in nearly one-quarter of deaths where alcohol was a factor alcohol readings of 0.15 grams of alcohol per 100 millilitres of blood or greater was recorded. Introducing random breath testing legislation is about changing the culture of alcohol use on New South Wales waterways. I underline the importance of changing that culture.

Alcohol-related accidents and incidents are serious. The penalty provisions for boating will be in line with drink driving provisions for road users. This matter has been discussed at length with NSW Police, NSW Health, the Roads and Traffic Authority and the NSW Maritime Authority, and all have indicated their strong support for the bill. Boating activity in New South Wales is on the increase. There are more than 200,000 registered vessels in New South Wales and more than 446,000 people hold a boat licence in this State. Many people enjoy the State's waters on vessels that do not require the operator to hold a boat driving licence—for example, passenger craft, sailboats and hire and drive vessels not capable of speeds of more than 10 knots. This bill is about making boating safer for boaties and their families. It is about improving public safety on New South Wales's 13,000 square kilometres of navigable waters. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

FORESTRY (DARLING MILLS STATE FOREST REVOCATION) BILL

Second Reading

The Hon. ERIC ROOZENDAAL (Parliamentary Secretary) [5.52 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The *Forestry (Darling Mills State Forest Revocation) Amendment Bill* is a welcome piece of legislation. It implements an agreement that was reached in late 2003 to provide for the involvement of a local Aboriginal group, the Darug people, in an area of land near Baulkham Hills.

The bill is good news for the whole community because it recognises and acknowledges the importance of the land for the descendants of the Darug people and part of the land being assigned is proposed as the site of an education centre.

The Darling Mills State Forest is about 36 hectares in size. It is part of the Cumberland National Forest, and it is located near Baulkham Hills. Honourable Members have probably seen part of the forest as they drive along the M2 motorway.

In 1994, a native title claim on behalf of the Darug people was made over various areas of Crown land that included Darling Mills State Forest. Following extensive negotiations, in early December 2003 an agreement was reached between the stakeholders. These were the Minister Assisting the Minister for Natural Resources (Lands), the Minister for Natural Resources, a representative of the descendants of the Darug people and other stakeholders, including Baulkham Hills Council.

The agreement provided for a number of things. First, it provided for the naming of most of the bushland known as Excelsior Park and the land within Darling Mills State Forest known as "Bidjigal Reserve" in acknowledgement of the importance of the land for the descendants of the Darug people.

Secondly, the agreement provided for the dedication of the major part of Excelsior Park as Bidjigal Reserve for several purposes. Specifically, these were the preservation of Aboriginal cultural heritage, the preservation of flora and fauna, and public recreation.

Thirdly, the agreement noted the need for an Act of Parliament for the revocation of the dedication of Darling Mills State Forest and the addition of the lands comprising the former State Forest to the Bidjigal Reserve. Since that time, the Government has satisfied many of the commitments in the agreement. There has been a dedication of the major part of Excelsior Park, and this dedication has been tabled in Parliament pursuant to section 82 of the *Crown Lands Act 1989*. The dedication has created the Bidjigal Reserve.

However, it is not a simple matter to dedicate the land of Darling Mills State Forest as part of that reserve. Section 19A of the *Forestry Act 1916* requires that the revocation of the dedication as a State forest of any national forest be effected by an Act of Parliament.

That leads me to the bill before the House. In accordance with the agreement of December 2003, this Government has prepared a bill that revokes the dedication of Darling Mills State Forest as a State forest and then dedicates that land as part of the Bidjigal Reserve.

I commend the bill to the House.

The Hon. DAVID CLARKE [5.53 p.m.]: The Forestry (Darling Mills State Forest Revocation) Bill is not opposed by the Opposition. Its purpose is to revoke the dedication of Darling Mills State Forest, which is situated in West Pennant Hills and is part of the Cumberland National Forest, and to dedicate that land as part of the Bidjigal Reserve, pursuant to an agreement reached in late 2003 between the Darug Aboriginal people and the State Government. The background to the bill is that in 1994, at the same time as a bitter campaign to oppose the M2 was being waged by, amongst others, members of the Australian Labor Party, a native title claim on the Darling Mills State Forest adjacent to the M2 was instituted by the Darug Aboriginal people. In 2002, as a result of this claim, the Carr Government renamed the well-known Excelsior Park "Bidjigal Reserve". A trust comprising representatives of the Darug Aboriginal community and nominees of the Baulkham Hills shire council now manages this reserve. I understand that until a few weeks ago this trust had not met. I do not know whether it has met in the meantime.

The bill affects 36 hectares of State forest. It confirms that it is Crown land and dedicates it as part of the Bidjigal Reserve. The Minister for the Environment maintains that this bill will preserve the area properly and will protect the Aboriginal cultural heritage as well as local flora and fauna and public recreational use. Whilst, as the shadow Minister for the Environment, Michael Richardson, pointed out, the original native title claim was made by a person who resided in the Blue Mountains and not in The Hills area, and whilst the State seat containing the reserve and the new area to be added has the fourth smallest proportion of Aboriginal people compared with other State seats, it is nevertheless hoped that the purposes for which the bill is proposed will be achieved. The Minister has announced that the reserve will be the site of an education centre. At this stage we have no idea what is envisaged for the proposed centre or what sort of "education" it will offer. Hopefully it will not be controversial, unlike some of the politically correct exhibits installed in the National Museum of Australia that have caused widespread public protest. It is hoped that access by local community residents will be maintained and not subject to undue restriction. Any attempts to change the status of the remaining forest in the area would certainly be met by enormous local opposition.

Mr IAN COHEN [5.56 p.m.]: The Greens support the Forestry (Darling Mills State Forest Revocation) Bill. The revocation of Darling Mills State Forest as a State forest and the dedication of that land as part of the Bidjigal Reserve is a positive step in recognising indigenous land rights. The Bidjigal Reserve is the

result of a non-native title bargain struck between the Darug people—the local Aboriginal group—the Government and other stakeholders. It resulted in the withdrawal of the native title claim for the area. The Greens recognise the rights of indigenous Australians to self-determination and land, and we recognise their right to negotiate. We support the principle of negotiated agreement, which does not impose the same onerous burden of proof as seeking land rights through the court system. In urban areas such as this there are opportunities to reach agreement about recognising traditional ownership, to participate in decisions affecting traditional territories and special sites, to rename particular areas, and to seize opportunities for cultural tourism and the like. The Greens are pleased to see that happening in this case.

The reserve will benefit the local Aboriginal people and help to protect their heritage and culture. Part of the land is proposed as the site for a cultural and education centre. The Greens support the provision of resources for the revival of indigenous Australians' culture, language, customs and history. However, I note that in this case the claimant group will be responsible for the provision of funds to run the cultural centre. The agreement provides for the dedication for the purposes of preserving not only Aboriginal cultural heritage but also flora and fauna, and for public recreation. These purposes are welcomed by the Greens. I understand that the local indigenous people are guaranteeing the protection of the dedicated land, and that is most welcome to the Greens. The Greens hope that the Government will show a similar level of responsibility as demonstrated in these negotiations when it comes to paying stolen wages to the people of New South Wales and return the full entitlements due to them.

Since late 2002 a group of Aboriginal people with cultural associations with the Terry Hie Hie area in the Brigalow belt south bioregion has proposed that the seven State forests and one nature reserve in the area become a new Terry Hie Hie national park and that this park be listed on the schedule for Aboriginal ownership. The Greens urge the Government to view the dedication of land to the Bidjigal Reserve as a positive model in the context of negotiations with the Aboriginal people of the Terry Hie Hie region. I believe this model, which is now facilitated by way of the Forestry (Darling Mills State Forest Revocation) Bill, is a significant step forward in recognising Aboriginal rights and the Aborigines' special relationship with the land.

That model is an appropriate base from which to work to further negotiations in other areas to bring justice and recognition to Aboriginal people, and their rights to their land and culture. I see this bill as a significant step forward. It gives custodianship to those people. The relationship with conservation values could be a significant step forward. I congratulate the Government and the indigenous Darug people, who have worked out this agreement. I wish them well in the management of this important piece of land.

The Hon. ERIC ROOZENDAAL (Parliamentary Secretary) [6.00 p.m.], in reply: I thank honourable members for their contributions to debate on the Forestry (Darling Mills State Forest Revocation) Bill. This is a simple piece of legislation. It does only two things: it revokes the dedication of certain land as State Forest and it dedicates it as part of the Excelsior Reserve. The bill fulfils the obligations of the Government under an agreement reached late last year. However, despite the simplicity of the bill, it is a significant development in relation to some of the land and people in the Baulkham Hills region. Specifically, the bill incorporates land in Darling Mills State Forest in a new reserve that is dedicated to the preservation of Aboriginal cultural heritage and the preservation of flora and fauna. In doing so, it introduces a new phase of indigenous involvement in the management of the area, with representation of the Darug people on the Reserve Trust.

Motion agreed to.

Bill read a second time and passed through remaining stages.

COURT SECURITY BILL

Second Reading

The Hon. ERIC ROOZENDAAL (Parliamentary Secretary) [6.00 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

I have previously announced my intention of introducing court security legislation. The proposed Court Security Bill 2005 is designed to ensure greater protection for court facilities and the people who use them.

Presently, Sheriff's officers rely upon the inherent jurisdiction of the court and limited legislative powers in exercising court security functions. By contrast, the new Court Security Bill provides a sound statutory basis for the exercise of court security powers in New South Wales courts.

The bill provides court security officers with a range of new powers that are specifically directed at ensuring the secure and orderly operation of courts. These include powers of search and seizure, a prohibition on bringing certain restricted items into court premises, a requirement to provide identification details in limited circumstances, and the power to give directions where a person's behaviour intimidates or harasses other people in court premises.

The judiciary has an important role relating to security and the conduct of proceedings in the court room. The provisions of the bill do not derogate from the inherent power of the judiciary to control the conduct of proceedings. The power of the court concerning contempt of the court is not diminished by the legislation.

Indeed, the bill bolsters the courts' powers by providing that a judicial officer may order that members of the public, or particular individuals, be denied entry or leave the court premises. Such an order may be made where it is necessary for securing order and safety in court premises. A penalty of up to \$5,500 applies for contravening such an order.

It is a fundamental element of our justice system that the public has a right of access to the courts of law. The proposed legislation reinforces the public's right to enter and remain on court premises, subject to certain necessary qualifications, such as compliance with security arrangements.

The role of the media in reporting on court proceedings is also recognised in the legislation. The bill accommodates the practice of members of the media of recording interviews on the steps of the court.

Of course, media activities must be conducted having due regard to other people wishing to attend court. Thus, while journalists may enter an exterior area of the court premises for the purpose of making a media report, they must not obstruct or impede access to the court building.

This concession does not apply to the use of recording devices inside the court building.

Mobile telephones may be used as phones inside court premises. However, the use of cameras and mobile telephones to record images or sound inside the court building is an offence. Where a recording device is used in contravention of the legislation, the device and any associated film, tape or other recording medium may be confiscated.

The prohibition is a general security measure and is designed to prevent people inappropriately photographing witnesses or recording proceedings.

The needs of the legal profession are also addressed. The bill provides for exemptions regarding the use of dictaphones by members of the legal profession outside the actual courtroom. The use of recording devices may also be authorised by a judicial officer or in other prescribed circumstances.

The bill makes it an offence to be in possession of certain "restricted items" in court premises. A "restricted item" is a prohibited weapon within the meaning of the Weapons Prohibition Act 1998 and any other knife that is not otherwise caught by that Act. Firearms covered by the Firearms Act 1996 are also classified as restricted items for the purposes of the bill.

Where a person illegally attempts to bring a restricted item into court premises, they may be subject to a fine of up to \$11,000 or a term of imprisonment of up to two years, or both.

The bill also incorporates the concept of an "offensive weapon" as defined in the Summary Offences Act 1988. Whereas restricted items cover particular types of weapons, an "offensive weapon" covers anything that is made, or adapted for use for causing injury to a person, or intended to be used to injure or menace a person, or damage property.

The prohibition on possessing a restricted item or an offensive implement in court premises does not apply where the item is an exhibit in court proceedings, is in the possession of police, a custodial officer, a court security officer, or is brought into court premises at the direction of a judicial officer.

Honourable Members will appreciate the need to be proactive about court security. To ensure the restrictions set out in the bill can be enforced, the proposed legislation provides court security officers with a range of powers, including the power to search people and to stop and search vehicles entering court premises.

Searches of people entering court premises may be conducted by requiring a person to walk through an electronic scanner, or by passing an electronic metal detection device over the person's outer clothing.

Where a security officer has reasonable grounds for believing that a person may be in possession of a restricted item or an offensive weapon, the officer may conduct a personal search. This may involve the security officer quickly running their hands over the person's outer clothing or the removal and examination of overcoats, hats, shoes or bags.

Failing to comply with a requirement to undergo a search or deposit an item, or immediately leave the court premises, will constitute an offence carrying a maximum penalty of up to \$550.

The search provisions of the bill contain a number of safeguards, consistent with the Law Enforcement (Powers and Responsibilities) Act 2002.

These safeguards include a requirement that a security officer must ask for the person's co-operation. As far as is reasonably practicable, the officer must also inform the person to be searched as to whether they will be required to remove outer clothing,

such as overcoats, during the search and why it is necessary to do so. A personal search must be conducted as quickly as possible, with minimal invasiveness and in a way that provides reasonable privacy.

Special protections are included in the bill for searching children. Where a child is under the age of 12 years, the legislation provides that they must be searched by a female officer. Children under the age of 12 years entering court premises must also be in the company of a responsible adult.

When conducting a search of a person, a court security officer may ask the person to produce for inspection an item, which the officer believes on reasonable grounds is a restricted item or offensive weapon. The officer may also ask questions about the item, that are reasonable in the circumstances.

The person may be required to deposit with a security officer any item that an officer believes on reasonable grounds is a restricted item or an offensive weapon. Such items may also be confiscated.

In certain, limited circumstances, court security officers may also require a person who is on court premises to provide their name and address and reason for the person's visit to the court premises.

Such particulars may only be required where the officer believes on reasonable grounds that the person has committed an offence on court premises or is carrying a restricted item or offensive implement. It is an offence not to comply with the requirement or to provide particulars that are false or misleading.

In exercising these powers, court security officers must identify themselves as security officers. Court security officers are required to carry identification at all times while exercising their functions under the legislation. Officers must also give reasons for exercising a power, and a warning that a failure to comply may be an offence.

There have been a number of instances where real and potential acts of intimidation and other forms of confrontation in court premises have been directed at prosecution witnesses, victims or their families. This kind of behaviour is totally unacceptable and has the potential to undermine the administration of justice.

The bill seeks to address this situation by providing court security officers with a power to give a direction to a person or a group of people. The proposed provision is based upon provisions of the Summary Offences Act. A direction may be given where the officer has reasonable grounds to believe that a person's behaviour is obstructing another person, constitutes harassment or intimidation of another person; or is likely to cause fear to another person of reasonable firmness.

A direction must be reasonable for the purpose of reducing or eliminating the obstruction or other relevant behaviour. Failure to comply with the direction without reasonable excuse is an offence and may result in a penalty of up to \$2200.

The bill also empowers a court security officer to arrest a person in court premises without a warrant, if the person is in the act of committing an offence under the legislation or the officer believes on reasonable grounds that they have committed an offence.

A power of "hot pursuit" has been included in the bill. That is, court security officers may pursue a person who has absconded from the court premises in an attempt to avoid arrest. Where a court security officer effects an arrest, they must hand the person over to a police officer or bring them before an authorised justice, as soon practicable.

An officer may use such force as is reasonable in exercising powers under the proposed legislation.

The safeguards previously outlined apply to the giving of directions and the exercise of a power of arrest under the legislation.

That is, an officer must identify himself or herself as a court security officer, give reasons for exercising the power, and give a warning that a failure to comply may be an offence.

The information must be provided at the time the power is being exercised. Where a court security officer is exercising a power of arrest, the information must be provided prior to the exercise of the power, if it is practicable to do so. If not, it must be provided as soon as it is reasonably practicable after arrest.

The powers in the bill provided for under the legislation may generally not be exercised in respect of a judicial officer or a person being dealt with by a police officer, unless the officer has requested the security officer's assistance.

Nevertheless, the powers may be exercised where the security officer is acting at the direction of a judicial officer. Court security officers may also exercise their powers to prevent a person from causing harm to himself/herself or to another person, or causing damage to property, or to prevent a person escaping from lawful custody.

Where proceedings are being conducted in a court room, the powers may only be exercised if the security officer is satisfied that there is an emergency and there is insufficient time to obtain a direction from the presiding judicial officer.

Sheriff's officers currently perform court security functions. The bill provides that the Sheriff may appoint other persons who are licensed under the Security Industry Act 1997 to carry out security activities under the legislation.

I wish to assure Honourable Members that any personnel appointed by the Sheriff to perform court security functions will receive appropriate training before being permitted to undertake such duties.

Other provisions in the proposed legislation make it an offence to obstruct or impersonate a court security officer, allow penalty notices to be issued for minor offences under the legislation, and allow for signs relating to court security to be erected.

As outlined in the second reading speech, the Sheriff Bill 2005 provides for an amendment to the Ombudsman Act to enable complaints to be made to the Ombudsman regarding the conduct of Sheriff's officers, as well as court security officers in certain circumstances. Complaints handling will also be addressed in updated training guidelines that are being developed by the Sheriff.

The proposed legislation is designed to provide a balanced approach to the conduct of court security and is in line with legislative provisions in other Australian jurisdictions.

There has been extensive consultation with members of the judiciary and the legal profession on the bill.

The bill will commence once training for court security staff and regulations are completed.

The public must feel confident that court facilities operate in a safe and secure way. The proposed Court Security Bill is a significant and positive move towards ensuring the secure and orderly operation of courts.

I commend the bill to the House.

The Hon. DAVID CLARKE [6.01 p.m.]: The Court Security Bill, which is not opposed by the Opposition, deals with the important issue of security in our courts and tribunals. The bill provides court security officers with a range of new powers that are specifically directed at ensuring the secure and orderly operation of courts. The bill confirms that members of the public have a right, subject to certain qualifications, to enter and remain in areas of court premises that are open to the public. The role of the media in reporting court proceedings is also recognised in the bill. However, the bill enables a judicial officer to order court premises, or parts of court premises, to be closed to the public to ensure order and safety in court premises. The maximum penalty for contravening such an order is \$5,500. The bill makes it an offence for a person to be in possession of a restricted item—including a prohibited weapon, firearm or knife—in court premises without a reasonable excuse.

It will also be an offence for a person to use a recording device to record images or sound, or both, in court premises. However, mobile telephones may be used as telephones inside court premises. Exemptions apply regarding the use of the dictaphones by members of the legal profession outside the court room and the use of recording devices where authorised by a judicial officer. The bill contains search and seizure provisions, such as enabling a security officer to exercise certain search powers in respect of persons or vehicles entering or in court premises, enabling a court security officer to require a person to deposit restricted items and enabling a security officer to take possession of and to confiscate a restricted item or offensive implement. The bill also empowers a court security officer to arrest a person in court premises without a warrant if the person is in the act of committing an offence under the legislation or if the officer believes, on reasonable grounds, that they have committed an offence. Court security officers may also pursue a person who has absconded from court premises in an attempt to avoid arrest.

The new powers to be granted to court security officers are balanced by safeguards, including a requirement that a security officer must ask for a person's co-operation when searching that person. The officer must identify himself or herself as a court security officer, give reasons for exercising the direction or power of arrest, and give a warning that a failure to comply may be an offence. The powers provided in the bill may generally not be exercised in respect to a judicial officer or a person being dealt with by a police officer, unless the officer has requested the security officer's assistance. The Government has said that this bill is designed to provide a balanced approach to the conduct of court security and is in line with legislative provision in other Australian jurisdictions. The Government indicated that it has consulted extensively with members of the judiciary and the legal profession in relation to this bill, and that they are in broad agreement. In the circumstances, the Opposition supports this bill as one that is certainly most necessary at this time.

The Hon. ERIC ROOZENDAAL (Parliamentary Secretary) [6.06 p.m.], in reply: I thank the Hon. David Clarke for his contribution to the debate. I commend the Court Security Bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

SHERIFF BILL

Second Reading

The Hon. ERIC ROOZENDAAL (Parliamentary Secretary) [6.07 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The Sheriff Bill 2005 repeals and replaces the Sheriff Act 1900 with new, updated legislation.

The office of Sheriff is one of the oldest continuing offices in English law, with its history extending back into the Middle Ages. It was first established in Australia by letters patent known as the Charter of Justice, issued in 1823.

The Charter of Justice carries over certain common law powers of the Sheriff under English law. Subsequent legislative powers built upon these powers, culminating in the Sheriff Act 1900.

While the Sheriff's role in NSW has changed over the last century, the Sheriff remains responsible for three key areas, namely juries, the security of the courts, and the enforcement of court orders.

The Sheriff's responsibilities concerning juries are fairly well laid out in the Jury Act 1977. The new Court Security Bill 2005 provides a statutory basis for the exercise of security powers in New South Wales courts. Certain other Acts confer functions on the Sheriff, such as the enforcement of civil judgments under courts' legislation.

The activities undertaken by Sheriff's officers in these areas of responsibility are quite distinct. The Sheriff Bill recognises these varied functions and provides that the Sheriff has, and may exercise, such functions as are conferred under any Act or law.

The bill provides that the Sheriff may delegate his or her powers and also provides for the exercise of the Sheriff's functions by an alternate in legal proceedings to which the Sheriff is a party.

The court or the Coroner may order that the Sheriff's functions are to be exercised by an alternate where the proceedings may affect the Sheriff's interests. This may, for example, include proceedings to enforce a judgment or any inquest or inquiry under the Coroners Act 1980.

Both police and correctional services officers are required by legislation to take an oath or make an affirmation of office. In undertaking their various statutory functions, Sheriff's officers exercise some powers that are analogous to those of police officers and correctional officers.

The Sheriff Bill introduces a similar requirement for the Sheriff and each Sheriff's officer to take an oath or make an affirmation. The requirement has important symbolic value and reflects the significant role Sheriff's officers have in carrying out duties in the public interest.

The bill contains a number of protections relating to the role and office of the Sheriff.

It will be an offence to hinder or obstruct the Sheriff, Sheriff's officers, or other persons exercising the Sheriff's functions. A penalty of up to \$11,000, 12 months imprisonment, or both, may apply for a breach of the provision.

The existing Sheriff Act 1900 provides that it is an offence to impersonate the Sheriff or an officer of the Sheriff. The new bill builds upon this provision to further protect the integrity of the office of the Sheriff.

A person exercising the Sheriff's functions will be required to carry, and produce on demand, a certificate of identification in the prescribed form.

Under the legislation, it will be an offence for a person who is not a Sheriff's officer, to wear or possess a Sheriff's officers' uniform. The use of Sheriff's insignia, other than in the course of exercising the functions of the Sheriff, will be an offence.

There are a number of exceptions to the restrictions on the wearing or possession of Sheriff's officers' uniforms or insignia. These include circumstances where the Sheriff has given authorisation or for the purposes of public entertainment.

The carrying on of an activity under an operating name that includes the word "sheriff" will also be prohibited under the legislation, unless the Sheriff consents to its use.

The proscriptions as to the wearing or possession of Sheriff's uniforms and use of the term "Sheriff" parallel similar restrictions relating to police officers contained in the Police Act 1990.

The bill abrogates the provisions of the Charter of Justice that provide for the appointment of the Sheriff and Sheriff's deputies.

The Sheriff is currently appointed and holds office under the provisions of the Public Sector Employment and Management Act 2002. The reference to Sheriff's deputies in the Charter is also redundant, as this position no longer exists.

The Sheriff Bill also amends the Ombudsman Act 1974.

Currently, the conduct of Sheriff's officers is excluded from the coverage of the Ombudsman's Act. The amendment will enable complaints to be made to the Ombudsman regarding the conduct of Sheriff's officers, as well as court security officers. The exception is where the officer's conduct is engaged in at the direction of a court, or a Judge or Magistrate presiding over proceedings before a court.

In addition, the handling of complaints relating to Sheriff's officers will be addressed in updated training guidelines that are being developed by the Sheriff.

The bill updates the provisions underpinning the role of the Sheriff and Sheriff's officers. The legislation, which complements the Court Security Bill, will commence as soon as the regulations and new guidelines are finalised.

I commend the bill to the House.

The Hon. DAVID CLARKE [6.08 p.m.]: The Sheriff Bill, which repeals and replaces the Sheriff Act 1900 with updated legislation, is not opposed by the Opposition. In New South Wales the Sheriff is responsible for three key areas: juries, the security of courts and the enforcement of court orders. The Sheriff Bill recognises the varied and distinct functions undertaken by Sheriff's officers and provides that the Sheriff has and may exercise such functions as conferred under any Act or law. The bill introduces a requirement for the Sheriff and Sheriff's officers to take an oath of office or make an affirmation of office similar to that taken by police and correctional officers. The bill will make it an offence to hinder or obstruct the Sheriff, Sheriff's officers or other persons exercising the Sheriff's functions. The maximum penalty for such an offence is \$11,000 or imprisonment for six months, or both. A similar penalty will apply for the offence of impersonating the Sheriff or a Sheriff's officer and for the use of Sheriff's insignia other than in the course of exercising the functions of the Sheriff.

A person exercising the Sheriff's functions will be required to carry, and produce on demand, a certificate of identification in the prescribed form. The carrying on of activity under an operating name that includes the word "sheriff" will also be prohibited under the legislation, unless the Sheriff consents to its use. The bill also will amend the Ombudsman Act 1974 to enable complaints to be made to the Ombudsman regarding the conduct of sheriff's officers as well as court security officers. Currently, the conduct of Sheriff's officers is excluded from the coverage of the Ombudsman Act. In the circumstances, the Opposition does not oppose the bill.

The Hon. ERIC ROOZENDAAL (Parliamentary Secretary) [6.10 p.m.], in reply: I thank the honourable member for his contribution to the debate, and I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

STANDARD TIME AMENDMENT (CO-ORDINATED UNIVERSAL TIME) BILL

Second Reading

The Hon. ERIC ROOZENDAAL (Parliamentary Secretary) [6.11 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The Standard Time Amendment (Co-ordinated Universal Time) Bill 2005 amends the New South Wales Standard Time Act 1987 to replace references to Greenwich Mean Time with Co-ordinated Universal Time.

Co-ordinated Universal Time has replaced Greenwich Mean Time as the international time standard.

There is a fundamental difference between the ways in which time is measured under these two time scales. I would like to outline this briefly for the information of Honourable Members.

Greenwich Mean Time is a solar time scale, based upon the rotation of the Earth. Each new day is defined as beginning "at the moment of mean midnight on the prime meridian of longitude," which runs through the Royal Observatory in Greenwich, England. This definition was agreed to at the International Meridian Conference in 1884.

However, scientists and technologists recognise the considerable drawbacks of measuring time based on the erratic motion of the Earth, the rate of which fluctuates by a few thousandths of a second a day.

By contrast, Co-ordinated Universal Time is maintained by highly accurate atomic clocks and is accurate to approximately a nanosecond (or one billionth of a second) per day.

The use of Co-ordinated Universal Time was strongly endorsed in 1975 by the 15th General Conference on Weights and Measures. The Metre Convention, a diplomatic treaty signed by Australia in 1947, gives authority to General Conference on Weights and Measures to act in matters of world metrology.

To determine the international standard Co-ordinated Universal Time, the Bureau of Weights and Measures co-ordinates data from atomic clocks located in timing laboratories around the globe, including the Australian National Measurement Institute and US Naval Observatory.

The Commonwealth National Measurement Act was amended in 1997 to require the Chief Metrologist to maintain Co-ordinated Universal Time, as determined by the International Bureau of Weights and Measures.

In many countries, Co-ordinated Universal Time is distributed by standard radio stations that broadcast time information. Co-ordinated Universal Time is also closely tied to the time scale of the satellite based Global Positioning System.

We live in a globally connected electronic society. The adoption of the reference to Co-ordinated Universal Time is in keeping with modern scientific practice and is highly significant in terms of modern technical applications requiring accurate synchronization. Examples of such applications include electricity distribution, high-speed computer networks and precise navigation.

Both business and the community need to be certain about the terminology used in Standard Time legislation and equivalent legislation.

The Standing Committee of Attorneys General agreed last year to introduce amendments to Standard Time Acts, or equivalent legislation, to define standard time in terms of Co-ordinated Universal Time.

To avoid confusion and allow sufficient time to facilitate the change to Co-ordinated Universal Time, State and Territory Ministers agreed to adopt the reference to Coordinated Universal Time on a uniform basis.

Ministers also agreed to commence the relevant amendments to legislation on 1 September 2005. This date is one month prior to the earliest start-up date for beginning of the daylight saving period in 2005.

Co-ordinated Universal Time is a more precise means of measuring time and is the legal reference time scale for Australia. It is the only time scale supported by a technical infrastructure.

The proposed legislation updates the New South Wales Standard Time Act to reflect the internationally accepted time standard.

I commend the Bill to the House.

The Hon. DAVID CLARKE [6.11 p.m.]: The Standard Time Amendment (Co-ordinated Universal Time) Bill is relatively straightforward and is not opposed by the Opposition. The purpose of the bill is to amend the Standard Time Act 1987 to change standard time from Greenwich Mean Time, known as GMT, to Co-ordinated Universal Time, generally described as UTC. The reason for this is that UTC has replaced GMT as the international standard. The difference between the two time systems is that GMT is a solar time scale based on the rotation of the earth. Each new day is defined as beginning "at the moment of mean midnight on the prime meridian of longitude", which runs through the Royal Observatory situated in Greenwich, England. In contrast, UTC is a time scale maintained by a network of more than 200 atomic clocks around the world.

To determine the international standard UTC, the Bureau of Weights and Measures co-ordinates data from atomic clocks located in timing laboratories around the globe, including the Australian National Measurement Institute. Whilst GMT varies by a few thousands of a second a day, UTC is accurate to approximately one billionth of a second a day. In November 2004 the Standing Committee of Attorneys-General endorsed the change from GMT to UTC, and it was further agreed to commence the relevant amendments to legislation on 1 September 2005. The change from GMT to UTC is universally endorsed and accepted.

The use of UTC was confirmed in 1975 by the fifteenth General Conference on Weights and Measures, the body having authority to act in matters of world metrology. On 30 June 1997 the Commonwealth National Measurement Act 1960 was amended to provide that UTC is the time scale that is to be maintained by the Chief Metrologist. The bill sets standard time in New South Wales at 10 hours in advance of UTC—except for Broken Hill, which is set at 9 hours and 30 minutes in advance of UTC, and Lord Howe Island, which is set at 10 hours and 30 minutes in advance of UTC. This is in accordance with existing arrangements. The bill does not make any changes to daylight saving arrangements.

The Hon. ERIC ROOZENDAAL (Parliamentary Secretary) [6.15 p.m.], in reply: I thank the honourable member for his contribution, and I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

[The Deputy-President (The Hon. Amanda Fazio) left the chair at 6.16 p.m. The House resumed at 8.00 p.m.]

NOXIOUS WEEDS AMENDMENT BILL**Second Reading**

The Hon. IAN MACDONALD (Minister for Primary Industries) [8.00 p.m.]: I move:

That this bill be now read a second time.

Weeds have a major impact on agricultural productivity and the environment in New South Wales. The Co-operative Research Centre for Australian Weed Management reports that weeds cost Australia in excess of \$4 billion annually. New South Wales bears a proportionate share of this cost. To address the problems noxious weeds present, a concerted effort is needed from all stakeholders. Although the majority of landholders are vigilant and conscientious about weed management responsibilities, a proportion is not. The bill will allow landholders to better meet their land management obligations, and protect their neighbours, the community and the environment from the damaging effects of noxious weeds. The bill creates a much-needed flexibility to accommodate weed management practices as they change over time. It makes provision also for improved regulatory powers to restrict the opportunity for new weeds to establish in New South Wales, and for authorities to deal rapidly with weeds if they arrive.

The bill is the result of extensive consultation with the community, industry, local government and State Government organisations. The genesis of the bill was a comprehensive review of the Noxious Weeds Act 1993 in 1998. The review group was made up of representatives from the Local Government Association, the Shires Association, the New South Wales Farmers Association, the Nature Conservation Council, rural lands protection boards, Total Catchment Management, the National Trust, and the Department of Land and Water Conservation. An initial review of the Noxious Weeds Act 1993 involved a thorough and open consultation process that resulted in the receipt of more than 100 submissions. The review group took due account of these responses in making its final recommendations. A number of concerns were raised, particularly relating to the responsibilities of public authorities, the precedence of noxious weed legislation over other Acts, the use of weed management strategies to replace orders, joint-occupier responsibility, monitoring and reporting requirements, and other minor issues.

The staff of the Department of Primary Industries has been diligent in consulting with their opposite numbers in other organisations to ensure that their concerns and needs have been considered. The review met three broad requirements. The first was a statutory requirement that the Noxious Weeds Act 1993 be reviewed as soon as possible after five years from the date of its assent, which was 4 March 1993. The second was to continue the New South Wales Government's ongoing program of red tape reduction and regulatory reform. The third was to fulfil the New South Wales Government's commitment to review legislation that may impact on competition under the Competition Principles Agreement. In preparing the bill the importance of ensuring that the amendments were consistent with the objectives of national weed management was also recognised. Where possible the bill is consistent with the nine core principles of State and Territory weed legislation as set out by the Australian Weeds Committee.

Furthermore the House should note that weeds regulation in other States often is incorporated into broader land management legislation. Where practicable the bill has been developed to be consistent with the objects, functions and powers of that legislation. I will now turn to the findings of the review group. The final report identified several problems with the Act. Some of these problems included competition policy issues, in particular problems with supply of materials and equipment by local control authorities. The inherent ability in the current Act for a local control authority to artificially subsidise the cost of these services is contrary to the competition policy. This issue has been fully addressed in the Local Government Amendment (National Competition Policy Review) Act 2003. In response to the concerns of the review group the bill removes these provisions from the Act. A number of other amendments are required also to give effect to the recommendations of that review group.

The existing methods for declaring noxious weeds and defining weed control requirements are quite inflexible. Put simply, they do not address contemporary land and weed management practices. In most cases methods for controlling noxious weeds are limited to continuously suppressing and destroying weeds. However, contemporary land and weed management practices mean that noxious weeds can be controlled effectively by alternative methods. These techniques either address the cause of the weed problem or provide effective control using a range of techniques. For example, maintaining a dense pasture through improvement and grazing management can provide competition for weeds, reduce the level of infestation and reduce the opportunity for weeds to invade further. Other methods can include revegetation, farm forestry, and the establishment and

maintenance of biological control agents. All these new methods avoid the need for continuous herbicide application, which can be expensive and can lead to the replacement of the existing weed with just another weed.

The other major advantage of these new land and weed management practices is that desirable competitive species are allowed to develop. To support this new approach, and to better reflect the significant danger that noxious weeds represent to pasture productivity and the environment, the bill replaces the existing categories of noxious weeds. New categories known as "control classes" have been created. The Government is committed to involving the community in this new approach. That is why the bill ensures that weed control orders, other than emergency weed control orders, will be subject to public consultation. The Act makes no provision for this type of public consultation. Weed control orders will continue to be declared by ministerial order, as is currently the case. Other changes to the order-making provisions provide for increased flexibility in the management practices that can be used to control weeds. In some cases, particularly with common and widespread weeds, true long-term weed control will be achieved only through changed land management practices. As I noted earlier, special provision has been made in the bill for the making of emergency weed control orders. In addition, powers for local control authorities to deal with emergency noxious weeds also have been provided for.

Emergency weed control orders will be effective for up to three months. In some situations, the threat of the spread of a weed incursion may warrant immediate action. As such, the Minister responsible will have the power to waive the public consultation requirements for the making of these orders, if necessary. The bill provides that special emergency powers may be used in relation to emergency weed control orders. This means that a local control authority will be able to take emergency action to control noxious weed infestations where the circumstances justify such action. I am pleased to put on the record that after I have been speaking for 10 minutes, a member of The Nationals, the Hon. Melinda Pavey, has finally arrived in the Chamber.

Reverend the Hon. Dr Gordon Moyes: What about Madam Deputy-President?

The Hon. IAN MACDONALD: The Hon. Jennifer Gardiner is required to be present in her capacity as Deputy-President. I was referring to the absence of members of The Nationals on the Opposition backbench. I am not sure that the Hon. Jennifer Gardiner is still in The Nationals.

Mr Ian Cohen: Perhaps you should refer to weeds at this point.

The Hon. IAN MACDONALD: I am sure Mr Ian Cohen is enthralled. Where practicable, local control authorities will be required to give notice to the owner or occupier before entering a property to carry out work. In accordance with the existing provisions in the Act, this notice will have to be in writing. However, in a situation where an incursion of a particularly virulent weed not previously present in this State is detected on land and contact cannot be made with either the owner or occupier of that land, the fact that notice has not been given will not prevent a local control authority from entering the land to carry out work. The bill provides that the cost of such work will be recoverable by a local control authority from the owner or occupier of the land.

The bill also makes provision for the joint management of weeds by local control authorities. This will mean more effective weed control through joint arrangements between local control authorities and other persons or organisations. For example, under the current Act local control authorities have the power to inspect land for noxious weeds. Similarly, under the Rural Lands Protection Act 1998 rural lands protection boards have the power to inspect land for animal pests. The bill allows local control authorities and rural lands protection boards to enter into joint arrangements in respect of the inspection of land under the Noxious Weeds Act 1993. This will significantly increase efficiency between the agencies in terms of time and money.

Mr Ian Cohen: They already have that power.

The Hon. IAN MACDONALD: I will repeat what I said, and then Mr Ian Cohen will probably withdraw his comment. The bill allows local control authorities and rural lands protection boards to enter into joint arrangements in respect of the inspection of land under the Noxious Weeds Act 1993. The bill increases equity in weed management by giving landholders as well as occupiers responsibility for noxious weed management.

Mr Ian Cohen: They have always had that power.

The Hon. IAN MACDONALD: Rural lands protection boards control animal pests.

Mr Ian Cohen: And noxious weeds.

The Hon. IAN MACDONALD: Previously, it was just the occupier who was responsible for weed management on land. However, because weed invasion is recognised as a major contributor to land degradation, it is an issue that needs to be addressed at all levels. Some landholders shy away from their land management responsibilities by passing them on to other people, such as the tenants of their land. The bill ensures that landowners cannot totally ignore their land management responsibility to keep their land free from noxious weeds. Another matter that the bill deals with is the provision of information about weeds and weed control activities by local control authorities to government. Proper weed management is often frustrated by the lack of information on the presence and extent of noxious weed infestations and the actions being taken to control them. Without this information, it is extremely difficult to effectively plan weed management, allocate resources or to measure the success of weed control operations.

The bill provides that local control authorities must collect and record this information and prepare reports about weed-related matters for the New South Wales Government when requested to do so. This requirement is not onerous as local control authorities already collect this information to report for other purposes, such as preparing state of the environment reports. The New South Wales Government provides more than \$7 million in noxious weed grants annually to local control authorities to assist them with their functions under the Act. It is, therefore, reasonable to expect recipients to maintain these records. The Minister for Primary Industries provides these grants for noxious weed control. However, the current Act is unnecessarily restrictive in allowing these grants to be made to assist organisations in carrying out their obligations under the Act. The bill broadens this function to allow grants to be made to further the objects of the Act.

Local control authorities are the front line for weed management in New South Wales. If they fail to fulfil their obligations, the effects on productivity and the environment can extend well beyond the boundaries of their local control authority. Lack of action by one local control authority cannot be allowed to threaten the broader weed management programs being implemented in neighbouring areas. The bill makes provision for the Minister responsible to direct a local control authority to exercise its functions under the Act, and to exercise those functions where the local control authority does not comply with the direction. In order to exercise this power to its full extent, the bill provides that the Minister must first consult with the Minister for Local Government or some other responsible Minister. This will ensure that this provision is used only in very limited circumstances and generally only after no other option is available.

This provision is consistent with those given to the Minister for Primary Industries in part 14 of the Rural Lands Protection Act 1998 and to the Minister for Infrastructure and Planning in the Environmental Planning and Assessment Act 1979. In 2004-05, only 4.7 per cent of noxious weed grants were allocated to administration, down from 6 per cent in 2003-04. Administration costs of local councils, other than county councils, are specifically excluded from receiving noxious weed grants. The majority of the funds go to the special function of local control authorities as outlined in section 36 of the current Act. These remain unchanged under the bill's amending provisions. The bill also deals with the movement of weeds in seeds, fodder and turf on machinery and other equipment. This is a major source of the spread of noxious weeds.

The bill provides an effective means of controlling this route of spread, in particular for those weeds that are not yet in New South Wales or that have limited distribution but that have a high potential impact. This is achieved in two ways. First, the weed control order declaring noxious weeds may, in the methods for control and the obligations, specify such measures as need to be taken to prevent further spread. Second, the provisions of the Act have been strengthened to limit the spread of materials containing noxious weeds and the deliberate selling of noxious weeds or materials containing these weeds. For example, alligator weed, although common in some parts of the State, occurs in only a very few small patches in the Wah Wah Irrigation District near Griffith. There is a very real possibility that this weed could be carried on agricultural and earthmoving machinery from its current sites into the rest of the inland irrigation districts in New South Wales. This would have a devastating effect on the rice industry and on the environment of our inland rivers.

Further examples are the transfer of golden dodder in pasture seed and mesquite in the rumens of livestock to clean areas. I am sure the Hon. Melinda Pavey knows a lot about "dodders", especially the golden variety! I could certainly educate her about some of the "dodders" in The Nationals. Some of these weeds are currently regulated under the Seeds Act 1982. Some of the restrictions on the weed seed content of seed offered for sale for sowing, which are in the Seeds Act 1982, are still needed and have been endorsed by industry. It is

proposed that these provisions will now be provided for under the amended Noxious Weeds Act 1993. The bill places strong obligations on public authorities by requiring them to manage noxious weeds to the level necessary to prevent them from spreading to adjoining lands. It is entirely appropriate that this obligation should be strong but different from that of private land managers. In New South Wales, there is an extensive system of conservation areas such as national parks, State forests, conservation areas and other Crown lands.

The majority of these areas are managed to protect and conserve a wide variety of native plants and animals and for cultural heritage purposes. The State of New South Wales has a statutory responsibility to manage and protect these reserves for these purposes. The majority of noxious weeds are currently declared under the Noxious Weeds Act 1993 because of their potential effect on agricultural production. In many cases, these weeds have little overall impact on the purpose for which the public lands are managed. Both the Noxious Weeds Act and the National Parks and Wildlife Act require weed control programs to be undertaken to mitigate the impacts of weeds. However, the National Parks and Wildlife Act also imposes constraints on the management practices that can be employed in these areas so that the impacts on native plants and animals are minimised. In addition, the nature of the land itself—commonly very large areas, heavily vegetated and often rugged—makes effective control of most declared noxious weeds impossible in practical terms.

Put simply, requiring public authorities to control all noxious weeds to the same extent as private landholders is not necessary to prevent spread to adjoining lands and unrealistically raises public expectations. The bill does not seek to alter the obligations or arrangements that currently apply on public land that runs through or that adjoins areas of private land. Private landholders will continue to be responsible for weed control on any unfenced public land holdings on their property in the same way that they are required to control weeds on any other area of occupied land. Similarly, the relevant public land managers will continue to be responsible for meeting their weed control obligations on fenced areas and local authorities will be for roads. The remaining matters dealt with by the Seeds Acts 1982 are now covered by a comprehensive code of conduct that has been developed in conjunction with the Seed Industry Association of Australia. As such, the Seeds Act 1982 can now be repealed.

The provisions in the Act that allowed local control authorities to provide materials, equipment and services to landholders for noxious weed control were identified as being contrary to national competition policy. The bill removes these provisions. This issue has been further addressed in the national competition policy review of the Local Government Act 1993. The Local Government Act allows local government to charge fees for services provided, including some that may relate to their noxious weed control functions. So, in order to ensure that the objectives of the Noxious Weeds Act are not frustrated by the charging of excessive fees, it is proposed that some of these charges be regulated. Another change to the Act relates to aquatic weeds. These weeds are amongst the most devastating and difficult to manage noxious weeds in the State. Aquatic weeds or floating weeds are moved by wind, tides and stream flow and cannot always be determined as any particular person's responsibility.

The Act places the obligation for control of these weeds on the landholder who owns property adjoining the waterway. So, while allowing a local control authority to exempt landholders from these responsibilities in certain circumstances, the Act does not enable the weed control responsibilities to be transferred to another party. The bill provides that the weed control responsibilities in these specific cases are transferred to the local control authority. The bill includes other important changes that are designed to improve the operation of the Act. I will now take the House through each of them. Some changes have been made to include "owner" as well as "occupier" to cover the changes brought about by the bill. Other changes to remove the powers of the Minister for Primary Industries relating to enforcement of weed control on private lands have also been made. These powers are no longer needed as they duplicate local control authorities' powers—real devolution.

Other minor changes that have been made relate to the people who may sign certificates of authority as well as to how a weed control order may be served. Changes to the procedures for serving weed control notices have been made in the interest of efficiency and procedural fairness and to align this Act with similar provisions in the Rural Lands Protection Act 1998. The bill provides for local control authorities to retain the power to serve weed control notices and to enforce those notices. However, the local authorities will now be required to inform the owner or occupier of their intention to serve the notice. Intended recipients will then have the opportunity to respond and make submissions to the local control authority about the matter. It is proposed that the bill will commence on a day or days to be appointed by proclamation. This delay is necessary for a number of reasons.

The first is to ensure that before the Seeds Act is repealed proper provision is made in the Noxious Weeds Act and the Plant Diseases Act to prohibit the sale and spread of species of weed seeds. The second is to ensure that the existing declared noxious weeds lists are re-evaluated so that the new weed control orders are a true reflection of current needs. In summary, I believe the bill introduces a number of significant reforms that will greatly improve noxious weed management in New South Wales. It provides a balance between the need to require noxious weed control to protect our productive and environmental resources and the needs of the community for a management system that allows consideration of contemporary techniques. I commend the bill to the House.

Debate adjourned on motion by the Hon. Don Harwin.

ADJOURNMENT

The Hon. IAN MACDONALD (Minister for Primary Industries) [8.26 p.m.]: I move:

That this House do now adjourn.

REDEEMER BAPTIST CHURCH AND SCHOOL

The Hon. DAVID CLARKE [8.26 p.m.]: Tonight I pay tribute to the Redeemer Baptist Church and its affiliate Redeemer Baptist School, both of which serve the Parramatta and surrounding districts of Sydney. In Western Sydney both institutions are respected and held in high esteem. I am acquainted with members of the church, and parents with children enrolled in the school. What sort of people are they? They are good people. They are decent people. They are intelligent people. They are true Christians in faith and practice. They are model citizens of our community and I have the highest regard for them and their adherence to Christian values. Their school stands as a model of a well-run, caring and focused educational institution.

Its accomplishments, both socially and academically, are extensive and far reaching. It has received numerous awards and recognitions. The school stands as a testament to the Redeemer Baptist Church, to the faith, hard work and sacrifice of church members and to the foresight and vision of the church's founding pastor, Reverend Noel Cannon. Redeemer Baptist Church and our community can take great pride in this school and its achievements. From time to time, every institution in our society is the subject of criticism and complaints—and that does not exclude our churches and educational institutions. That is normal and it is nothing unusual. Sometimes criticism is reasonable and sometimes it is not. Sometimes it is true but sometimes it is malicious, spiteful, exaggerated or untrue.

What causes me great concern is that there seems to be a campaign of vitriol and vilification spearheaded by a tiny group of individuals who are using every means they can to hawk, tout and peddle their campaign against the Redeemer Baptist Church and its school. One or two local newspapers have readily given oxygen to this campaign. To my mind, and from what I can ascertain, Redeemer Baptist Church and school have been wrongly maligned. They have been unjustly accused and unfairly condemned. Recent accusations hurled at the church are a bizarre and mixed bag, and many are fanciful and absurd. For example, one ringleader condemns the school for teaching that "sexuality should not be considered until after marriage". Oh, what a terrible offence to teach such a thing!

The truth is that on moral matters the church and school teach orthodox Christian doctrine. It is, after all, a Christian community school. Another allegation is that "there is no sex education as part of the curriculum". All I can say to that is: Considering some of the sleazy material that passes for sex education in some of our schools, many parents would probably heap praise on Redeemer Baptist School for being more discerning and treading cautiously. The truth of the matter is that the school does nothing that is not consistent with the Board of Studies curriculum, which allows what is taught to be compatible with the religious beliefs of the school community.

One aspect of these attacks which I find quite unsavoury is the bigoted condemnation of a small number of church members who have chosen to pursue the religious life on a full-time basis by living together as a community. I refer to members who have committed themselves to what is called the Ministry Order of Redeemer Baptist Church. There is nothing unusual or different about such a group. Religious community members living and sharing together is common to many Christian denominations—Catholic, Protestant and others. Time does not permit me to refute other criticisms in this current campaign other than to say that they are a beat-up and a misrepresentation. What motivates some of these critics?

One voluble ringleader has publicly stated, "The best possible outcome is the destruction of the church fellowship itself along with the school." He has further publicly stated, "This is to inform people that 'the ex Redeemer people' are serious about bringing to an end 'the Redeemer World'". The motives are very clear for all to see. The facts relating to Redeemer Baptist School are those summarised by the Board of Studies when it said:

The documentation and associated knowledge of the school reflects a highly efficient and effective educational institution, successfully blending its Christian ethos with clearly articulated programs K-12 across a commendable extensive range of curriculum areas.

I am talking about a school where last year 75 per cent of Higher School Certificate students obtained university placement and 55 per cent of students were in the State's top 20 per cent. I conclude by again praising the good name of Redeemer Baptist School. I call on the Federal and State Labor members for Parramatta likewise to defend its good name. Up until now their support has not been forthcoming. Up until now they have been silent. Labor members representing Parramatta in both State and Federal parliaments must allay the widespread public suspicion that when failed Labor leader Mark Latham bashed independent and Christian schools he was voicing the viewpoint of the majority of Labor members. They must reassure the community that Labor's attitude to independent schools is not one of disdain, resentment, hostility and opposition. I have no doubt that Redeemer Baptist School will continue to go from strength to strength and I wish it well.

REDEEMER BAPTIST CHURCH AND SCHOOL

Reverend the Hon. FRED NILE [8.31 p.m.]: Last Sunday I was privileged to address the membership and families of Redeemer Baptist Church. On Monday I addressed Redeemer Baptist School and spoke to hundreds of schoolchildren of all ages from primary school through to high school. Tonight I raise a serious matter concerning attacks on that school. I have known the headmaster, Dr Max Shaw, since 1971—for 34 years. Since its commencement in 1981 the school has had a fine academic record. A few months ago, in the school's theatre, science awards were given to students from different schools, but students from Redeemer Baptist School won the majority of those awards—a remarkable effort.

Unfortunately, efforts are being made to destroy what I believe to be one of the finest Christian schools in the country—Redeemer Baptist School at North Parramatta in Sydney's west. The Hon. David Clarke, who spoke earlier in debate, referred to some of these matters. A small number of disgruntled former members of the Redeemer Baptist Church are driving this campaign of destruction and they are using un-Christian methods to achieve their aims. Quite simply, they are after money—\$6 million in fact—a ridiculous amount that is just not owed to them. That group is led by an accountant, Graham Glossop, who is running a deliberate campaign not to seek a fair resolution of these issues or claims in court, but to use the media to achieve his ill-conceived objectives.

Unquestioningly, he is using the media to spread untruths about the school. It is a pity that members of the media do not see how they are being used in such a calculated and callous manner. I have seen headlines in some of the free local newspapers in the Parramatta region. Mr Glossop admitted as much and he told representatives of the school, "I'm not going to your solicitors. You will be on the front page of the newspaper." That is a calculated and deliberate campaign to use the media to try to get money out of a school. Mr Glossop stated that his aim was to destroy the school and the church. On Thursday 2 December he wrote a letter to the school's lawyers in which he said:

Our campaign against your client has just started. We do not intend to discontinue.

In a letter to the school's headmaster dated 7 November 2004 Mr Glossop wrote:

The best possible outcome is the destruction of the fellowship [Redeemer Baptist Church] along with the [Redeemer Baptist] School.

It is outrageous for anyone to say those things. It is also totally hypocritical. Up until late last year the same Mr Glossop was speaking glowingly about Redeemer Baptist School. On 21 January 2003 he wrote to the school's headmaster, Dr Shaw, and said:

We are extremely grateful to your [Redeemer Baptist] School with the application, commitment, and encouragement in bringing out the best in students sitting for their Higher School Certificate, and especially in relation to our daughter's performance, Rebecca Glossop.

That same Mr Glossop made clear what this dispute is all about. He said that he wants to get his hands on money that rightfully belongs to Redeemer Baptist School. This is greenmail, using naive media to extort money from a respectable organisation. It should also be kept in mind that those who are complaining constitute less than 1 per cent of those who have been connected with the Redeemer Baptist Church and school—99 per cent are content with their lives and their lifestyles. They chose voluntarily to live a life of devotion to God and to help those who need it, in particular, street kids and the needy.

Those aspirations have been placed at risk because of the activities of this small splinter group that picketed the school and intimidated young students as they started their school day. These sorts of people use schoolchildren to get money. They have established a web site called Redeemer Parents Association which, by the way, has no official connection with the school or the church; it is designed to destroy the school. The material on that site is just plain offensive. Let me give some examples:

I want Redeemer to be shut down full stop. Bring it on!

You can only hope that the RBS is shut down just like the concentration camps for the Jews.

Go 'em for all their \$40 million!

That would probably be the value of the school property. Another example is:

We are going to get you. Just like the sleeping giant. We have awakened from a deep sleep. It is now our turn to rise up and expose these charlatans to the world.

Those disturbing and inflammatory statements are not statements that are made by people who have a genuine dispute that they want to resolve in a sensible and legal manner. This is intimidation of the worst kind to get an amount of \$6 million. I have great confidence in the school, its staff, its teachers and its students and, in particular, I have confidence in the quality of its teaching.

TRIBUTE TO MR JOHN ROYLE

The Hon. PETER PRIMROSE [8.36 p.m.]: Last week on Wednesday 23 February 2005 the Labor movement lost a remarkable man. John Royle was one of those rare human beings—a truly decent man. In a world in which the term "class struggle" is again becoming increasingly relevant John Royle was truly a class hero. John was a boilermaker who spent his life working to improve the lives of other workers. He joined his union, the Boilermakers and Blacksmiths Union, as a young man and was a shop steward and then chair of the Shop Stewards Committee during the long-running war of attrition that was a struggle for shorter working hours. He was also a prominent activist and a spokesperson in the campaign for superannuation rights to be extended to all workers.

In recognition of his remarkable organisational skills John became a full-time official with the metal workers in 1981. He held many executive positions in his union and was later promoted to a national organising position that he held until 1999 when he retired. John Royle spent his life striving to improve the working conditions of men and women in the metal industry. He was deeply committed to the position that all workers should be treated with dignity. He believed that all workers should have the right to be paid decent wages and then be alive and uninjured at the end of the day to return to their families. He never accepted the proposition that a worker's safety was something that should be traded for wages.

Injuries and death should not be merely collateral damage in a society that is, as the *Australian Financial Review* recently reminded us, increasingly geared towards productivity and profit. Despite all the reasons that he should have become jaded and cynical, John never lost his faith. He remained committed to the principles of social equity and justice but he was more than an idealist. He was a practical man, never distracted or inhibited by fashionable political correctness. As I get older I increasingly understand the importance of men like John Royle. Their loss is much more than the loss of an individual, tragic though that is.

Like Jack Ferguson, Brian Fraser, Roy Turner and Wal Buckley, about whom I have spoken before in this House, John Royle was a fearless advocate for his co-workers and for working people generally. Australian workers today have decent wages and conditions because of these men and women and others like them. On his retirement John Royle was presented with an award of merit by his union, the Australian Manufacturing Workers Union. The inscription on that award reads:

You have given long service to the cause of trade unionism. May you live to see the day when the unity of workers becomes so strong that we can end the system which creates unemployment and poverty in the midst of plenty and replace it with a just and equitable one which will ensure a full and happy life to all who render service in society.

John's family and his union will celebrate his life and his enormous achievements tomorrow. I share their loss deeply and hope that they draw some comfort from knowing the great respect with which he is remembered.

REVESBY WORKERS CLUB REDEVELOPMENT

The Hon. JOHN RYAN [8.40 p.m.]: This evening I raise concerns about a proposal to redevelop Revesby Workers Club that has recently been considered by Bankstown City Council. Two years ago Revesby Workers Club submitted proposals for a future expansion of its facilities on its current site. While the site is near the Revesby railway station it is also surrounded by a couple of quiet residential streets such as Tarro Avenue and Brett Street. No-one objects to a registered club seeking to expand and improve its facilities, but this proposal is much more than that.

The club's master plan would see the club building transformed into a four-storey complex, with significantly expanded gaming and recreational facilities and the addition of 750 parking spaces. But there would be more. The site would also house a four-storey retail podium development and a multistorey residential tower that could be as high as eight storeys. Nothing anywhere near this site approaches anything like the height of eight storeys. Such a development would change the character of the neighbourhood massively and set a precedent for constructing more high-rise buildings in the area in the future. Like the Orange Grove factory outlet, this proposal requires an amendment to the local environmental plan [LEP], or what is commonly called a spot rezoning. The zoning change must be approved by the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), Diane Beamer.

Given the Orange Grove experience, one would expect this proposal to be the subject of carefully prepared studies. The retail proposal should, I expect, be the subject of assessment under the Carr Government's precious centres policy. That policy was sufficient to justify scrapping 400 jobs at Liverpool but it appears to have been no challenge to this proposal, which introduces a four-storey retail complex into a quiet suburban neighbourhood. Three Liberal councillors, Councillor Glenn Brookes, Councillor Scott Parker and Councillor Les Osmond, have drawn this proposal to my attention. They have also told me about their attempts to ensure that the consideration of this proposal was not compromised by the obvious pecuniary relationship that exists between Labor members of Bankstown City Council and the workers club. The workers club supports the Labor movement and is a generous supporter of local Labor candidates and political campaigns. It is no surprise that Labor councillors, who have an absolute majority on the council, would favour this proposal.

Planning studies may well confirm the merits of the proposed rezoning but it concerns me that the material presented so far to justify the rezoning to the council and to the State Government contains very little detail. It appears to be nothing more than a few pictures drawn by an architect. When the three Liberal councillors on Bankstown council made the very sensible suggestion that the proposal should be the subject of independent assessment and report to council their proposal was, regrettably and predictably, defeated by the majority of Labor councillors, voting along party lines. I strongly suggest that before the Hon. Diane Beamer agrees to this spot rezoning she ensures that the Department of Infrastructure, Planning and Natural Resources assesses it independently. This would ensure that the proposed development of the club site is not just in the best interests of one of the most generous political donors to Bankstown Labor campaigns and candidates but also in the best interests of the neighbourhood in which it is to be constructed.

GREEK ORTHODOX COMMUNITY OF NEW SOUTH WALES HOME FOR THE AGED

The Hon. KAYEE GRIFFIN [8.44 p.m.]: I recently had the pleasure of representing the Premier at the official opening of the new wing of the Greek Orthodox Community of New South Wales Home for the Aged at Earlwood. As a former mayor of the City of Canterbury, I have close ties with the Greek Orthodox community and it was a pleasure to be present on this occasion. The opening of the new wing of the Greek Orthodox Home for the Aged was the culmination of much hard work by members of the community in upgrading the facility. Funds for the recent extensions to the centre were raised mainly from the community. Construction on the new wing began in November 2003 and was completed in December last year. Since then, the existing buildings have been refurbished to provide uniformity. The facility has been awarded three years accreditation by the Aged Care Standards and Accreditation Agency, with compliance in all of the 44 standards.

At the opening I acknowledged publicly the fundraising efforts of the Greek Orthodox Community of New South Wales. Many organisations and individuals made financial contributions to the expansion of the facility, and again I recognise the support and generosity of spirit within the Greek community. The Greek

Orthodox Community of New South Wales was established in 1897 to serve the spiritual, cultural and socioeconomic needs of Greek settlers and their children. Our Greek community is one of the strongest of the older, established communities in this State. The efforts that the Greek community makes to care for its elderly are highly commendable. The Greek Orthodox Community Home for the Aged is a venture of the Greek Orthodox Community of New South Wales, with additional funding provided by the State and Commonwealth governments. It is a group residence that provides supported living for the older members of the community who need assistance with day-to-day activities.

The campaign for the Greek Orthodox Community Home for the Aged began almost 20 years ago. In 1987 the need for a Greek Orthodox aged care facility was recognised and soon after, in 1988, land was purchased in Earlwood. The willingness of the community to donate far exceeded expectations, enabling construction to begin in 1991. Stage one opened for residency on 31 August 1992. The Greek Orthodox Community of New South Wales is committed to providing a high level of quality care for the residents, and this is reflected in the high standard of facilities, the skilled staff and their commitment to continuing professional development.

The original concept was a 26-bed medium-level care hostel that was ethno-specific, catering for the needs of the elderly Greek community. The new extension will provide a further 22 units, making a total of 48 beds available to the elderly. The complex provides a socially interactive, stimulating and independent community living environment for those who, for many reasons, may be unable to remain in their own homes as they age. One of the objectives that I believe greatly assists residents is to provide for ageing in place. Experience has shown that transferring an elderly person to a nursing home tends to have a detrimental effect on the life span and quality of life of that person. The residents benefit in that the complex accommodates high-level hostel-care residents, who may progress to low to medium-level nursing home care when their needs change. This transition between appropriate levels of care is achieved gradually in the one facility, with minimal disruption to elderly people's routine by maintaining their familiar and secure surroundings.

A secure environment is provided for residents, with 24-hour assistance available but with no loss of the residents' independence. Services such as the provision of meals, cleaning and laundry services, and personal care assistance with grooming or showering are available so that residents with varying levels of needs can be catered for. The philosophy is based around the ideals of love, respect and caring in the provision of a home-like environment for the aged residents. The Greek Orthodox Community Home for the Aged works hard to provide the highest level of care for residents in the most professional manner. It offers a support network to residents and their families that is sensitive to their cultural background and individual needs. Furthermore, and perhaps most importantly, the management strongly believes all care given should promote independence and dignity for the individual at all times.

The Greek Orthodox Community Home for the Aged is an excellent facility and I was pleased to attend the opening of the new extension. The Greek Orthodox community of New South Wales is to be commended for its hard work in establishing and maintaining such a high-quality aged care facility. The Greek Orthodox community's commitment to providing for its elderly is an excellent model for other communities facing the same challenge of an ageing generation. I was proud to be involved in the official dedication of the new facility and I congratulate management and staff on their ongoing care and support of elderly members of the local Greek community.

MACQUARIE FIELDS RIOTS

Reverend the Hon. Dr GORDON MOYES [8.49 p.m.]: Until recently many of us would not have known the whereabouts of, or much about, a suburb by the name of Macquarie Fields. The suburb was flung into the community's consciousness on Saturday morning with the news that two teenagers had been killed in the area as a result of a police pursuit the night before. The car that the teenagers were driving was stolen. Perhaps the three occupants had many convictions between them, as I am led to believe. Since then we have heard much about the fierce animosity that some members of the Macquarie Fields community—mostly young people—feel for the Police Force. Riots followed the fatal crash on Friday, during which groups of rioters hurled rocks, bottles, and fire and chemical bombs at police. Consecutive nights of clashes on Macquarie Fields streets caused much unease and distress for both the community and police.

Many have questioned why the Macquarie Fields community is rife with conflict. Is the Police Force not doing its job properly or is the youths' behaviour so illegal that it warrants police attention? Youths living in Macquarie Fields are socially disadvantaged. I know this as I have staff who work there and in adjacent areas.

I am informed that the average weekly family income in Macquarie Fields, which has a relatively young population, is far below the average for Sydney. For example, it is estimated that the average income of families in Macquarie Fields is between \$700 and \$800 per week, whereas the average for the rest of Sydney is between \$1,000 and \$1,200 per week. However, weekly rent in the suburb is regarded as the lowest in all Sydney rental markets.

The number of houses rented from the housing authority is greater than the number of houses owned outright in this suburb. The area has an unemployment rate of more than 12 per cent, which is almost double that of the Sydney average. Therefore, the socioeconomic status of this suburb reveals that many of its members are what we describe as "socially disadvantaged". I have spent all of my life seeking to ameliorate the plight of socially disadvantaged people, but I cannot accept that social disadvantage is a reason to target police in a vicious and disturbing manner. The assaults on our police and the alarming graffiti pledging death to all police are not signs of a healthy community. I believe that the tragic fatal car crash on 26 February has brought out one of the real reasons behind the conflict: that many youth in the area have just chosen the wrong lifestyle.

The *Bible* sets out clearly that we have a choice between what is life and good or what is death and evil. That means that all of us, disregarding our circumstances, have the power to choose to make decisions for positive outcomes or to make decisions that have negative repercussions. Unfortunately, a portion of the youth in Macquarie Fields have made wrong choices and have been caught up in a lifestyle that has spiralled downwards, accelerated by abuse of alcohol and other drugs. Some have said that the lack of sporting facilities or, more broadly, outlets for distraction is partly to blame. I asked my staff to check on the details. I argue that this is not the reason for the conflict that has ensued but that the youth have not made the right decisions that led to their benefit. For example, rather than play any of the field sports that are provided for them, or swim in the several swimming pools, or work out with weights, youths prefer to steal a car. Macquarie Fields has become the centre of car rebirthing in Australia. Many young people in Macquarie Fields have very serious police records. A number of youth, according to my staff, have criminal records for serious crimes.

Macquarie Fields has sporting fields, swimming pools and three full-time council-paid recreational officers, which is more than almost any other community in Sydney. Although I agree that the response to the conflict needs a multifaceted approach, I do believe that the buck stops with the youth. The youth need to make good decisions that lead to good outcomes. Furthermore, police in the area ought to be supported. Seeds, albeit small to begin with, need to be sown by all sides to cultivate better working relationships in this very troubled suburb.

MAITLAND FLOOD FIFTIETH ANNIVERSARY

The Hon. ROBYN PARKER [8.53 p.m.]: Last week the city of Maitland celebrated 50 years since the area was flooded. As a resident of Maitland I was pleased to be a part of the great celebrations. I am pleased to acknowledge that Maitland continues to thrive almost in the face of adversity. I have lived in Maitland for the past three years, and I worked there for several years some time ago. The people who live in Maitland are some of the friendliest people you would find. They cope and support each other no matter what the circumstances. They genuinely have a sense of community, which is borne out in almost every event which people are made to feel a part of. The recent Australia Day celebrations were the largest in the Hunter region. People enjoyed celebrating being part of the town. The photographs of the floods are amazing. One can drive around Maitland and see the high-tide marks on lamp posts that reveal how high buildings were flooded. Yet the community continues.

Maitland is thriving. The council's motto under mayor Peter Blackmore is that Maitland is a "can-do city". Maitland is one of the fastest growing communities in New South Wales. Maitland has the advantage of being a combination of rural and metropolitan areas, it is not too far from employment areas in the Hunter Valley and in Newcastle, and it is situated at the end of the F3. When I reach the end of the F3 it is like being in God's own country; it has a different feeling. I know I am in Maitland because when I drive around people wave to me. It is a comfortable place. Last weekend a number of celebrations took place. To some extent, the natural environment of the area thrives because of the floods. Maitland has created levee banks. As the flood-prone areas cannot be built on, a lot of grassland adds to the total environment. There have been a number of new development enterprises and small businesses. Maitland has a business park, which has been established at the end of the F3. I must say it is in no small measure due to a developer named Hilton Grugeon, who had the foresight to develop great industrial areas. Small industrial developments thrive at the end of the F3. I congratulate the people of Maitland on the fiftieth anniversary of the flood.

Motion agreed to.

The House adjourned at 8.56 p.m. until Thursday 3 March 2005 at 11.00 a.m.
