

LEGISLATIVE COUNCIL

Thursday 15 December 2005

The House met pursuant to Standing Order 36.

The President (The Hon. Dr Meredith Burgmann) took the chair at 11.30 a.m.

The Clerk of the Parliaments offered the Prayers.

The PRESIDENT: I acknowledge that we are meeting on Eora land.

ASSENT TO BILLS

Assent to the following bills reported:

Criminal Procedure Amendment (Sexual Offence Case Management) Bill
 Crimes and Courts Legislation Amendment Bill
 Industrial Relations Amendment Bill
 James Hardie Former Subsidiaries (Winding up and Administration) Bill
 James Hardie (Civil Liability) Bill
 James Hardie (Civil Penalty Compensation Release) Bill
 Commission for Children and Young People Amendment Bill
 Mental Health (Criminal Procedure) Amendment Bill
 Parliamentary Superannuation Legislation Amendment Bill
 State Revenue Legislation Further Amendment Bill
 Police Amendment (Death and Disability) Bill
 Workers Compensation Legislation Amendment (Miscellaneous Provisions) Bill
 Terrorism (Police Powers) Amendment (Preventative Detention) Bill
 Building Professionals Bill
 Mine Safety (Cost Recovery) Bill
 Residential Parks Amendment (Statutory Review) Bill
 Water Management Amendment Bill

WATER MANAGEMENT AMENDMENT BILL

Message received from the Legislative Assembly agreeing to the Legislative Council's amendments.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Motion by the Hon. Tony Kelly agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith relating to the conduct of business of the House.

CONDUCT OF BUSINESS OF THE HOUSE

Motion by the Hon. Tony Kelly agreed to:

1. That consideration of Government Business take precedence of all other business, including questions, for today.
2. That during debate on the motion for the second reading of any bill this day a member may not speak for more than 20 minutes.
3. That in Committee on any bill this day a member may not speak for more than 10 minutes at a time on any question.
4. That during the debate on the motion for the third reading of any bill this day a member may not speak for more than five minutes.

[The President left the chair at 11.35 a.m. The House resumed at 12.10 p.m.]

LAW ENFORCEMENT LEGISLATION AMENDMENT (PUBLIC SAFETY) BILL

Bill received, read a first time and ordered to be printed.

Motion by the Hon. John Della Bosca agreed to:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Second Reading

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Assistant Treasurer, and Vice-President of the Executive Council) [12.10 p.m.]: I move:

That this bill be now read a second time.

I thank all honourable members for gathering today to show our united resolve in the face of thuggery, intimidation and violence. The Parliament has been recalled for one simple reason: police have asked for new powers to uphold public order, and we are here to make sure they get them. Louts and criminals have declared war on our society and we are not going to let them undermine our way of life. They will face tough new powers, which I will detail now to the House.

Schedule 1 amends the Law Enforcement (Powers and Responsibilities) Act 2002. Firstly, the bill inserts a new part 6A into the Law Enforcement (Powers and Responsibilities) Act 2002 to create a range of new powers to prevent or defuse large-scale public disorder. These powers are not intended for use in respect of peaceful protests, union demonstrations and the like. One of the most central parts of this bill relates to lockdown powers, which will enable police to declare an area on the basis that large-scale public disorder is occurring or threatens to occur, and then to set up roadblocks and employ stop and search powers in or around that area. The disorder need not be constituted by one single incident but can be constituted by several smaller incidents in different locations. This gives police freedom to nip in the bud any developing situation.

Under proposed section 87D the Commissioner, Deputy Commissioner, or Assistant Commissioner of Police will be able to authorise a lockdown. The lockdown can last for up to 48 hours or longer if extended by the Supreme Court. Proposed section 87E provides that the target area for a lockdown can be either the place where the riot is actually occurring or a road that may be used by people travelling to participate in the riot, or both. Obviously we cannot define in legislation the maximum size for a lockdown area. The senior police who authorise a lockdown will exercise commonsense in keeping the lockdown area as small as necessary to do the job.

The powers available to police in a locked-down area are contained in the following proposed sections: 87I, which relates to the power to set up a cordon or roadblock; 87J, which relates to the power to stop and search vehicles without warrant; 87K, which relates to the power to, without warrant, stop and search persons and anything in the possession of those persons; 87L, which relates to the power to request that persons identify themselves, and to an offence of refusing to disclose identity and of supplying a false identity; and 87M, which relates to the power to seize and detain for up to seven days any vehicle, mobile phone or similar device if such seizure or detention would substantially assist to prevent or control public disorder. Finally, proposed section 87N allows any police officer to stop a vehicle on a road without an authorisation being in force, provided the officer has reasonable grounds for believing there is large-scale public disorder occurring, or threatening to occur in the near future, and that the use of the powers is reasonably necessary for preventing or controlling the disorder. Proposed section 87N provides a back-up power for urgent circumstances: a prudent measure that will allow front-line police to deal with a brewing riot while formal authorisation is sought.

The oversight powers are another important element of the bill. Proposed section 87O provides for monitoring and reporting on the powers by the Ombudsman, who is to keep the use of the powers under scrutiny for two years and to then report on them within 18 months to the Attorney General and the Minister for Police. The Attorney General will then table the report in Parliament. Proposed section 87P places a two-year sunset clause on the powers, with the Government then able to review, in light of the Ombudsman's report, whether the powers need to be continued in the same or another form, or at all.

The final set of amendments to the Law Enforcement (Powers and Responsibilities) Act 2002 gives police more powers in relation to the criminal use of motor vehicles. Items [2] to [7] of schedule 1 will ensure that all occupants of a vehicle stopped in connection with the commission of an indictable offence may be identified. This addresses a current loophole whereby people who may have been involved in certain indictable offences can avoid being identified. Occupants will now be required to identify other occupants in the vehicle at the time of being stopped by police or to identify those who may have left the vehicle shortly before being stopped. Items [8] and [9] of schedule 1 make it clear that police will have powers to direct a vehicle to stop in certain circumstances. These provisions convey a strong message that it is unacceptable for a person to fail to stop a vehicle after being directed to stop, and that non-compliance with such a direction will have serious consequences. This power will apply where a police officer has reasonable grounds for suspecting that the vehicle or its occupants had been involved in the commission of an offence.

Proposed sections 87B and 87C relate to liquor restrictions. These provisions give police of the rank of superintendent or above the authority to close licensed premises where he or she has reasonable grounds for believing large-scale public disorder is occurring or is threatened in the vicinity of the licensed premises and the closure would reasonably assist in preventing or controlling the disorder. The closure of licensed premises cannot exceed 48 hours unless the closure is extended by the Licensing Court or by an order of an authorised officer under the Liquor Act. A breach of this provision will incur a maximum fine of \$5,500 or 12 months gaol. In addition, a senior police officer of the rank of superintendent or above will be able to declare an emergency alcohol-free zone for a period of 48 hours or less. Police can warn people possessing or drinking alcohol that drinking in the zone is prohibited and that any liquor in their possession may be confiscated. If the warning is ignored, penalties of up to \$2,200 may be applied. This power would have enabled police to declare Cronulla beach an emergency alcohol-free zone last weekend.

Schedule 2 amends the Crimes Act 1900. Proposed section 59A creates a new offence of "assault during public disorder" with a higher penalty than that for general assault. Assault during public disorder that does not cause actual bodily harm will now carry a penalty of five years gaol. Where the assault does cause actual bodily harm the sentence will be seven years imprisonment. Actual bodily harm includes any hurt or injury that interferes with the health or comfort of a victim. Proposed sections 93B and 93C increase the penalty for riot from 10 years to 15 years and from five years to 10 years for affray. These tough new sentences send a clear message to would-be thugs and hooligans that if they tear up the fabric of our society, they will pay the price—a price that, as of today, just got a whole lot heavier.

The final measure I shall address relates to changes to the Bail Act 1978. Twenty-three people charged over Sunday's riots have been granted bail, one of whom had been granted bail days earlier on a charge of assault and destroying property. The bill will help stop that revolving door by creating a presumption against bail for the offence of riot, and for any other offence that is punishable by imprisonment for two years or more, where that offence is committed in the course of the person participating in large-scale public disorder, or in connection with the exercise of police powers to prevent or control such disorder or the threat of such disorder. In that way, police can do their jobs knowing the courts will back them up, not let them down. That is an important point: supporting the police. Police can be assured that they have our full support to use these laws to rid our streets of violent thugs and criminals. Front-line police should not need to look over their shoulders wondering whether sound policing decisions will be second-guessed. They will not be. Police will be free to use these powers as intended by the Parliament. Firm, effective policing will be rewarded not questioned.

Ideally these new laws will not need to be used often; it would be great if they were never used at all. But as long as thugs and hotheads disrespect the law, and as long as they refuse to show responsibility, these powers will be used to the fullest extent. Order will be upheld. Our streets and suburbs will be kept safe for families and ordinary Australians. Our police will be backed to the hilt, and the House can play its part by giving these laws speedy, unanimous consent. Law enforcement is the first step—the biggest step—but it is only a beginning. Hardworking, responsible Australians of every ethnic background and of all religious denominations were appalled at what happened in Cronulla, at the attacks on surf lifesavers and at the disgraceful events that followed. It is not the Australia we want for our kids. It is not the way we want the world to see us. Indeed, it is not the way we want to see ourselves. That is why, once law and order is firmly re-established, we have to look at the next steps.

We have to ensure that the best of Australia comes through and that we continue to build a society based on mutual respect, tolerance, responsibility and a fair go for all, regardless of their religious denomination, whether they have a religion at all, or their ethnicity. That means there must be no first-class or second-class citizens, just Australians, united by common values, united by the responsibilities of citizenship,

and united in respect for the law and public order, so that Australians can build a peaceful and prosperous country for our children and our grandchildren. If those goals seem far away this week, it is only because a very small minority of thugs and hoons lost track of what it means to be Australian. The vast, law-abiding silent majority did not, and we are here today to protect their hopes and aspirations. In their name I commend this bill to the House.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [12.20 p.m.]: The Opposition will support this bill. I also indicate that there will be only one speaker from the Opposition to reflect our view on the bill. Many of our members would like to have spoken today. The fact is, once again we have legislation at the last moment and we are up against a time barrier within which to put this legislation in place. It would be selfish on our part if all those members were to speak. We acknowledge the time barrier.

Interestingly, the Government once again is doing things at the last moment. We are pleased the Government has accepted the Opposition's proposal to recall Parliament as a matter of urgency to address issues that have not been addressed for 10 years. It should be on the record that when the Leader of the Opposition first mooted this, the Minister for Police howled him down. Each time leadership initiative has been shown in this State in the past two weeks it has come from the Opposition. Frankly, the Government is moribund and unable to make decisions to take us further. We accept that the bill has come about as a result of the leadership shown and pressure applied by the Opposition. We are pleased that we are here. We called on the Government to abandon its softly-softly policing strategies, provide greater enforcement powers and bring police from interstate. The Government initially rejected all those proposals, but has now accepted them.

The bill introduces a number of provisions to deal more effectively with civil unrest such as that which has occurred in the Sutherland shire since Sunday 11 December. Last weekend's violent episode, which continued into this week, is disturbing, disappointing and, frankly, unacceptable. The Law Enforcement Legislation Amendment (Public Safety) Bill contains a number of measures that will allow the police to control more effectively such antisocial and thuggish behaviour until longer-lasting, albeit more difficult, solutions can be found to overcome such difficult and entrenched problems.

The Opposition supports the important changes in the bill that deal with the provision of alcohol; locking down zones and closing roads; confiscating cars; presumption against bail; increased penalties for the offences of riot, affray and assault; and providing the Ombudsman with an oversight role. In relation to alcohol, the bill gives police a new power to shut down licensed premises if it would prevent a large-scale public disorder incident or riot. It is important to note—because the Government has not done so—that the local liquor outlets in Cronulla co-operated fully with police in voluntarily closing their doors during Sunday's riots. The majority of the alcohol consumed during the brawl was brought in from outside. In fact, the local liquor outlets' sales on the day were less than normal. It is an indication of a responsible attitude among those people.

I also indicate my concern with our national broadcaster, the ABC. As many people know, I am a great fan and supporter of the ABC. Over the years, Steve Chase and June Kennedy have set the bar very high as independent journalists who escape the parliamentary pack on many occasions. The ABC certainly does that. As a defender of the ABC, I was disappointed at the inference on some television and radio news that the Prime Minister was in denial on the fact that there were undertones of racism in this incident. Blind Freddy could see racism was involved in part, probably in large part, in this incident. The Prime Minister is certainly not blind. The Prime Minister was asked whether, underlying the incident, Australia is a racist country. The Prime Minister quite correctly answered that this country is not racist. Yet the ABC ran that quote with the preamble that the Prime Minister appeared to be in denial. I thought that was disappointing, coming from an organisation that I normally find pretty responsible.

The bill also introduces a new power for police to declare a temporary alcohol-free zone covering a specific area, such as we saw during the 2000 Olympics. A new offence is created for alcohol consumption in such temporary zones, as well as a new offence of drinking in an already declared alcohol-free zone and participating in riotous behaviour or public disorder. The bill contains a number of provisions regarding the locking down of trouble spots. It provides for road closures and the cordoning-off of certain areas, and police powers to stop and search anyone in the area or leaving or entering the area. Police will also be able to search cars at random and, if necessary, seize them. The Opposition is concerned that the effectiveness of this clause will be limited by police having powers to search the cars only within the locked-down area, instead of at the point of assembly, which is a far more sensible, practical and effective option. It means they can search only after the cars have assembled and arrived at the point where the occupants intend to commit the crime.

In relation to the confiscation of cars, the bill creates a new power for an Assistant Commissioner of Police or above to declare a riot roadblock. The commissioner would need to be satisfied that the establishment of the roadblock was necessary to prevent large-scale public disorder or riot, or to restore public order after the commencement of such an event. If there is no riot roadblock but police stop a vehicle and reasonably suspect the occupants are on their way to a riot, they will be able to seize the vehicle for up to seven days. We applaud this, but we are concerned at the seven-day time limit. A longer period could provide a much greater deterrent. The loss of such a treasured possession as a motor vehicle would provide a real deterrent to some of these criminals and thugs.

The Opposition also has a very real concern that we are rushing legislation through when we do not have any holding yards. Will areas be designated as safe holding yards, or has money been allocated in the budget for holding vehicles that are seized? Certainly the legislation is silent on that point and we have seen nothing in the budget so far about a place where a person's property could safely be looked after. If someone's car is seized it has to be looked after properly.

An important provision encompassed in the legislation is that police will have the power to confiscate mobile phones. The Opposition congratulates the Government on this important measure, given that an SMS message was one of the main means of communication between participants in last week's riot on Cronulla beach. The bill provides for a presumption against bail for the offences of riot and affray, and for acts of violence arising out of riot and affray. The legislation also proposes to increase penalties for riot and affray, so that the maximum penalties will be 15 years for riot and 10 years for affray. The Government has had 10 years to deal with this issue, and it is disappointing that it took the activities of last weekend and this week to compel it to do something. But there remain loopholes in this area of the law that one could frankly drive a hot car through.

The bill seeks to make riotous behaviour an aggravating factor for the crime of assault. The legislation provides for the Ombudsman to have an oversight role similar to his role under preventative detention laws. The Ombudsman should prepare a report after 18 months of the operation of these provisions. The fact that the bill provides for all of these proposed laws to sunset after two years quite frankly demonstrates that this is nothing more than a political band-aid solution. That there is a two-year sunset provision under which these laws will be reviewed or cease to exist just after the 2007 election makes it obvious to honourable members of this House that these changes have been designed as a band-aid to take the Government just beyond the next election. The chances are, given the Government's track record, that these laws will then be removed from the statute books and the Government will revert to its current softly-softly approach.

For the main part, the Opposition supports the necessary provisions contained in the bill. If passed successfully by the House today, I am advised they will enable police to begin enforcing the new powers as early as tomorrow. The violence that has occurred in Cronulla, Miranda, Maroubra and Lakemba has been despicable—with many innocent bystanders, residents and public servants and public infrastructure being casualties of the riots. I take this opportunity to congratulate our front-line police. If it were not for their abject acts of bravery last weekend there would have been much more serious injuries inflicted on many people, if not a loss of life. That police put their own lives at risk, as they did, deserves our appreciation and plaudits.

The amendments proposed by this bill have come amidst calls from the Police Association of New South Wales for the Government to give police extra powers. It is saddening to see a place like Cronulla beach—a public place that should be enjoyed and accessed by all Australians, no matter their race or religion—overcome with such violence. It is clear that extra police resources and police powers are needed to deal with these extraordinary events. The plan also recommends that the number of police attached to the new police riot squad, which will become operational in January 2006, be increased from 45 to 200. Increasing the number of dedicated riot police is essential in the current circumstances, as it has been for some time. Since 2003 this Government has lost 674 police officers, with 1,078 front-line police officers cut. That means fewer officers are patrolling our streets. Due to the Government's neglect and inaction regarding activities in the Sutherland shire over the past 10 years, Cronulla has been economically and socially disadvantaged by the events of the past week. The Government has a fiscal responsibility to address this issue, and one of the most urgent is to increase police numbers in the area.

Had there been a question time today the Opposition would have sought the Government's response on the following issues: whether it will rule out any new taxes or increases in existing taxes to fund its economic mismanagement; when it will reinstate the 674 police that have been lost since December 2003; when it will boost the Public Order and Riot Squad to 200 officers, in line with calls by the Police Association; when it will

reinstate the 21 police cut from Miranda Local Area Command; what projects it will be funding in Cronulla, Maroubra and Lakemba to address the underlying social breakdown; why Task Force Gain has been slashed by 177 to 57 offices; and why police were told not to go into an area of Punchbowl on 12 December. Those and many other questions need answering, and it is disappointing that we do not have question time in conjunction with the passage of the bill through the House. As I indicated earlier, the Opposition will support the bill. It is important, albeit late—but better late than never. We believe it is a good start.

Ms LEE RHIANNON [12.35 p.m.]: The Greens condemn the violence and racism of recent days. It is anathema to Greens philosophy and I believe to what the majority of Greens stand for. What we have seen in recent days is not a failure of multiculturalism, but an absence of multiculturalism. How the debate has unfolded in this House illustrates why our society is beset by such deep divisions. Later in this speech I will return to issues to do with lack of time allowed in this debate. For the moment, I want to respond to remarks made by the Leader of the Opposition and the Leader of The Nationals. I watched them deliver their speeches while I was waiting for the debate to start in this House. What they said I found deeply disturbing.

In the speeches delivered by those leaders time and again the emphasis was on ethnicity and ethnic gangs. The emphasis was ramped up to a degree that was disturbing. We know how this Parliament works. We know that, because of these extraordinary recent circumstances, this debate is being closely followed. Yet here we have Opposition parties—parties that think they are heading to government—totally misusing these tragic episodes to their own political ends. Having listened to their speeches, one would have to think they believe they can ride into government on the so-called ethnic riots, which they have now shown they are trying to whip up.

The Hon. Michael Costa: The Greens accuse the Opposition of whipping up riots.

Ms LEE RHIANNON: I note the interjection by Minister Costa. The Minister should be ashamed that he would give those leaders any encouragement at all on this matter. Members of Parliament should be aware, as should everyone in this society, of how low the Opposition has sunk today.

The Hon. Amanda Fazio: And the Premier stated it very well.

Ms LEE RHIANNON: He did, in a difficult situation. We should acknowledge, as I do, that this is a difficult time for the Premier, as it would be for any responsible leader of any State faced with such difficult events. I think we need to explore the origins of the racism that we have seen in the past few days. I believe that both Prime Minister Howard and former Premier Bob Carr have been involved in actions that have helped let this genie out of the bottle. That is tragic for the whole of this country. When Pauline Hanson was on the rise, Prime Minister Howard never condemned her. Indeed, people are probably surprised that Australia no longer has a Race Relations Commissioner at the Human Rights and Equal Opportunity Commission. There is now no such permanent position; it was let go in 1999.

Tragically, although Premier Carr was incredibly capable, time and again he saw how the law and order agenda could work for him, and we witnessed him use the ethnic card, particular when it came to rape. Rape is a terrible crime. It is a crime that has been committed by many Anglo-Saxon gangs as well as by people from non-English-speaking backgrounds. When he started using ethnic descriptors to push a clearly racist agenda on that issue, I thought it was a low point in his career, which had many high points. I join with other members in congratulating many of the police officers on their activities last Sunday. Their job obviously was incredibly difficult. From what I could see, they certainly saved lives on that day.

We should acknowledge also that many of the people involved in the terrible incidents on Sunday, such as Troy Dennehy and Glenn "Steely" Steele, have actually apologised for their actions. It is also significant that people from United Muslims of Australia have met with the Bra Boys, and they should be congratulated on that initiative. I am disappointed that the leaders in this place have not placed emphasis on those important developments. We should highlight the fact that people from the beaches and the western suburbs, from both Lebanese Christian groups and Muslims groups, have met in a mission of peace. We should support them in that.

The bill is an ill-conceived and knee-jerk response. It is more about public relations than reality. Unfortunately, when the law is constantly changed as a public relations exercise it cheapens the law. The root problem is not a lack of police powers in New South Wales. We have had 10 years of law and order. The police already have extensive powers to respond to riots, as was demonstrated in the past few days. They are empowered to quell a riot. They can stop cars and search them. The police operations on Tuesday night are an example of successful operations without new powers. Police are already using roadblocks. They are already searching cars and people.

Labor wants to be seen to be acting but we do not need additional police powers. We need considerably more far-reaching analysis of the causes of violence and clear-headed, appropriate responses by the Parliament. We need to keep some perspective on the scope and importance of the problem. Will tougher police powers address the problem of racism or exacerbate it? Are these offences and powers proportionate? Should the liberties of all be abrogated to address the problems of a few? Commissioner Moroney is quoted as saying, "We are not about disrupting the lives of the ordinary citizens of this State". However, these laws are capable of doing just that.

Parliament is elected to scrutinise proposed laws, but members have not been given even one day to do this; we have not been given even one hour, and that is an affront to democracy. I acknowledge that the bill is urgent, but even within the parameters of how this Government works it could have introduced the bill today and adjourned the debate until tomorrow to allow us to subject the bill to greater scrutiny. But with the Opposition's nod, the final details of this bill are rendered pretty much unimportant. We need more detail on how the laws will be invoked and what the triggers will be. Will guidelines be developed to provide clear boundaries for police on the use of these powers?

How can we be sure that these laws will not, even within the two years before the sunset clause takes effect, be used to quell legitimate civil disobedience, such as large rallies in the city on industrial relations issues? We need to be sure that the laws are not used improperly and that there is a clear process to ensure accountability. The Government has remained silent on those important questions. Will these laws allow the police to lock down the entire city of Sydney? We must ensure that police do not have access to emergency powers for everyday events, for example, protesters converging on Lucas Heights. If a bottle is thrown or there is a clash with police during such a protest will the police be able to invoke these laws? I do not think anyone within the Government knows the answer to that question.

The Premier is presiding over a unique and particularly disturbing time and I acknowledge the difficulties he faces. As the new Premier he can find success through innovative and sensitive responses to this unrest, or he can continue to mark New South Wales Labor as a conservative Government that plays one instrument, that is, the law and order drum. Once these disturbances end, we need to engage in careful and ongoing work to ensure that police responses are carefully crafted and that police working with the community, design sensitive responses to difficult problems, and evaluate their success.

I would like to mention one positive example of police operations, Operation Titus, which is a community-based initiative in Western Sydney designed to respond to youth crime. I understand it was the winner of an Australian crime and violence prevention award in 2003. This is a model by which police consult closely with the community. The community is asked for its opinion of what is required, although, of course, there is always a clear limit to the operation and close monitoring of whether things have improved and whether the local community is happy with results. This program is culturally aware. For example, where an Islamic community is involved, it would include visits to heads of family and cultural leaders. Police are carefully selected for the job, properly supervised and mentored.

Another important initiative is conferencing, which is being developed and backed by the Attorney General's Department. It is designed to assist young people who have made a mistake—as we all did when we were young—and maybe even committed an offence and end up facing criminal charges. Youth conferencing can help to ensure that they do not end up with a criminal charge against their name if it is their first offence. I have been told that Commissioner Moroney does not agree with that initiative and I am disappointed if that is the case. These important measures are necessary in the difficult circumstances that we now face.

Another positive initiative is the NSW Ombudsman's audit of local areas where unrest has been centred. This approach has been successfully followed in Aboriginal communities in New South Wales. I commend these measures because they address the problems we face. These latest developments have not come out of the blue; in order to tackle these difficult problems we need a comprehensive approach using a range of methods that have been found to have an extensive success rate, not merely a law and order response after the fact.

We should remember also that the Victorian Premier has virtually agreed with the Greens by stating that his State does not need such laws. He referred to various measures that Victoria has in place for developing diverse communities and respecting multiculturalism. That is why I emphasise those factors rather than just concentrating on a law and order response. We should also remember the terrible riots that recently happened in France under the right-wing Government of Mr Chirac. Although he introduced some tough measures, he spoke

about the need for urban renewal and his commitment to creating 20,000 jobs. This Government should follow his important lead.

I turn now to the specifics of the bill. The Greens welcome the inclusion of a two-year sunset clause and the Ombudsman's oversight of the new powers. They are critical because of our lack of time to properly scrutinise the bill. The speed with which the bill has been introduced into the Parliament mirrors the ludicrous situation we faced in recent weeks when the House debated complementary terrorism legislation before the Federal Parliament had passed the original legislation. It seems to be a bad habit of this Labor Government and the Coalition that when they are in agreement on law and order issues they negate the role of Parliament and rush legislation through with minimum time for debate, willing to sign off because it comes from some greater power and, they believe, it is a solution to the problems we face.

Like the Howard Government, the Carr and Iemma governments have increasingly adopted a cavalier and cynical approach to law making, whereby bills such as this are debated with very little notice. The Ombudsman's oversight is therefore welcome. Although we believe the bill is ill conceived, the provisions relating to licensed venues and bottle shops are commonsense and worthwhile. There is no doubt that alcohol played a considerable role in the shameful events of last Sunday. Preventing access to alcohol in such situations is a sensible way to reduce the potential for harm that does not significantly curtail anyone's rights.

The bill provides for road closures and the cordoning off of lockdown zones. It gives police the power to stop and search anyone within, leaving, or entering a lockdown zone. Police will be able to stop, randomly search and, if necessary, seize cars. Police now have the power to stop and search persons and/or vehicles if they reasonably suspect them of conveying anything stolen or otherwise unlawfully obtained, or any other thing used or intended to be used in the commission of an indictable offence. That is our law at the moment. In the past few days we have seen it in place and being used quite successfully in police operations. With these lockdowns will the police have the power to prevent people from entering an area? How large can that area be? Who will have the power to declare an area and on what grounds? These are very broad powers, and we believe that people should be concerned about them, just as we are concerned about the presumption against bail.

The bill creates a presumption against bail for offences of riot and affray and for acts of violence arising out of riot and affray. The first and most obvious point to make is that these offences do not apply to the great majority of those who were arrested in recent days. I again argue that that highlights the superficiality of the bill. As the law currently stands, if the circumstances of a case involve significant violence or damage the magistrate or judge determining bail still has the discretion to refuse bail if the circumstances merit it. Bail can and will be denied. Reversing the presumption in this way is neither necessary nor proportionate. It conflicts with judicial discretion. Bail should be used only to ensure that the accused attends court or to protect the community, not as a de facto punishment.

The bill deals next with increased penalties. In current circumstances we know clearly that the increase in penalties will not take the heat out of a situation. We have heard time and again that when people are intent on committing a crime, particularly when they are drunk, they will not suddenly reflect on how the maximum penalty has been increased. That aspect of the bill certainly shows that it is clearly a public relations exercise. The bill also contains assault provisions. The bill makes "riotous behaviour" an aggregating factor for the crime of assault. In reality that probably would already be taken into account in sentencing, so again it seems unnecessary window dressing.

Relevant to our consideration is what measures are in place if the police abuse the additional powers provided by the bill. That is a question the New South Wales Government and the upper echelons of NSW Police fail to answer every time there is an increase in police powers. The people of New South Wales need answers. Increasingly, police with little operational experience who are on productivity bonuses are poorly supervising rank and file police. That means more charges, more arrests, and more summonses. Chasing quantitative data does not make for successful community policing. The Government is silent on what happens to police who abuse their powers.

Recently at a football match between Australia and New Zealand a spectator hit a woman police officer—a disgusting and unprovoked crime. Her attacker was arrested and while being held by other police the police officer who had been attacked took out her capsicum capsule and sprayed the restrained attacker in the face. What happened to that police officer, and what happens to other police officers who exceed their powers? These are relevant questions if we want to restore order and respect in our community. Law enforcers and lawmakers must abide by the same laws. It should be remembered that members of this Parliament often behave badly.

Alcohol and bad behaviour are problems. Let us be consistent and set a good example. Hypocrisy is not as bad as racism, but it is still unacceptable. Standards must be set and that starts with us. Clearly, this bill is ill conceived. The Greens acknowledge that these alcohol provisions are needed, but overall the bill is about a headline. It is about trying to keep the Opposition at bay. What we need is a comprehensive response. Certainly our society is facing many challenges. Racism is rearing its ugly head but the bill is not the solution.

Reverend the Hon. FRED NILE [12.54 p.m.]: On behalf of the Christian Democratic Party I support the Law Enforcement Legislation Amendment (Public Safety) Bill. I recognise that time limits have been imposed on debate, because the police need the bill to be enacted today so they can use it this coming weekend. I hope they do not need it, but it is prudent that they have these powers available to them so they have the flexibility to protect our public. I congratulate the Government on its prompt response to the request of the Commissioner of Police to give police additional powers.

The bill will extend existing police powers and make it quite clear that police will have the power to control the phenomenon of gang violence that we saw last week. Legislation is needed to meet a special need. As I said, I hope the legislation will not be needed in the long term but, sadly, there has been a change in western societies in recent years. Reference was made earlier to the riot in Paris, which no-one expected. Reference was also made to the tragic violence in Holland, which, again, no-one expected. We should not be arrogant and say there will be no more problems. It seems we are destined to see the development of some of these tragic activities.

All honourable members know that the bill was prompted by two events. The first was the 5,000-strong protest at Cronulla on Sunday 11 December, which, in the main, was a peaceful protest, as organisers had hoped. However, we know that that protest turned violent. We are not clear about all the factors that caused that violence. Police officers, any person of Middle Eastern appearance, and even ambulance drivers and staff who were trying to remove injured people from the scene were attacked. We have never seen such mindless violence in Australia. Additional factors were involved in that event to which I will refer later.

Racist agitators exploited that peaceful protest and, as other honourable members have said, there was excessive consumption of alcohol. Today the Commissioner of Police told us in a briefing that he anticipated backlash revenge attacks as a result of what happened at Cronulla. Sadly, that occurred in Maroubra, Brighton-Le-Sands, Miranda, and other beachside suburbs. On Sunday night I left my home to drive to Sydney to prepare for a meeting on Monday morning of the Committee on the Independent Commission Against Corruption. I listened to the radio and heard reports about what was happening at Maroubra. Gangs were going down the road smashing the front and back windows of every car they saw and attacking anyone they regarded as a white Australian.

I have to admit that I felt very apprehensive when I was driving through Brighton-Le-Sands. Police vehicles screamed past me driving towards Brighton-Le-Sands and it became clear that gang action was taking place there. It creates a sense of fear to think that you could be attacked merely because of your race and not because of anything you had done. We must take firm action to deter and prevent gang action in our city and State. In recent days a church building at Auburn was set on fire. We are not yet sure about the reason for that. Shots were fired at a Catholic primary school where Christmas was being celebrated. Some individuals fired guns and I saw on television the bullet shells lying on the footpath. I cannot comprehend what is to be achieved by that, but it indicates some dangerous developments in our city that I believe warrant this legislation.

Some people have questioned why 5,000 people would gather in a protest at Cronulla. No doubt the trigger for that was the bashing of two lifesavers by a group of Middle Eastern men on the previous Sunday. It has been alleged that they were Lebanese but they were obviously Middle Eastern men. I believe that the attack was unprecedented; I do not know of any other attack on lifesavers. It is an Australian tradition to respect young men and women who volunteer to be lifesavers. They give their spare time to save the lives of individuals, irrespective of race or religion. Lifesavers are simply providing a community service. I believe that the attack on the two lifesavers was the trigger that led to the large protest at Cronulla. The people were crying out for help from the New South Wales police, saying they should not have to resort to vigilante action. Such harassment and violence should not be permitted. Donna, who is the mother of one of the lifesavers who was attacked, gave a first-hand report of the attack. She said that her 20-year-old son had just finished a double four-hour patrol in front of the North Cronulla surf beach with his 19-year-old friend and they were walking off the beach to sign off and return home when it happened. She said:

My son said there were four young Middle Eastern men. One of them said to his [19-year-old] friend: "Get off our beach". They said: "We are here to protect you, to save you from drowning", then my son's friend got hit.

Within a minute ... both young men were being punched by up to 16 men, who attacked a third member of the club, aged 15, who tried to stop the fight. The melee left all three with bruising to their faces and the 19-year-old with stitches to his head after he was "king hit" from behind and knocked out.

Representatives of the North Cronulla club and Surf Life Saving New South Wales requested more police protection for lifesavers and beachgoers. That should not be necessary. The Surf Life Saving New South Wales spokesman said:

... it was the first known attack on members of the organisation, although North Cronulla and other beaches had seen gangs intimidate and threaten beachgoers and lifesavers during the past two summers for no reason.

So there were warning signs on our beaches, which are volatile places with many hundreds, if not thousands, of young people out for recreation and enjoyment. The problems of gang action and arguments about who owns the beach should have been dealt with and stamped out two years ago. If they had been, the protest at Cronulla would have been unnecessary, and the Middle Eastern gangs would not have attacked as revenge for what they saw as unfair attacks on Middle Eastern people by individuals in the Cronulla protest. Some groups took advantage of the Cronulla protest, which was well publicised. I believe that small racist groups infiltrated the crowd and used it to ensure that the protest turned violent later in the afternoon. I am not in any way excusing the violence that occurred—it should not have occurred; police, ambulance drivers and so on should not have been attacked. The small racist groups identified themselves as Australia First and Patriotic Youth. There may have been other groups, and perhaps they have only a handful of people, but it does not take many agitators in a large crowd to inflame a situation with chants and pushing the mob into mindless violence.

These groups must be condemned. I urge the police to monitor the activities of these groups and do all they can to prevent them from adding fuel to the fire, as they did on this occasion. Obviously alcohol played a major role in the protest violence that occurred. As honourable members would anticipate, I strongly support the provisions in the bill that enable the temporary emergency closure of licensed premises by police or prohibit the sale or supply of liquor from such premises to assist in the prevention or control of a large-scale public disorder. The bill also provides for the establishment by police of temporary alcohol-free zones to assist in the prevention or control of public disorder. That may not go down well with the liquor industry, the hotels and bottle shops that may be affected by the legislation. However, we fully support this essential bill. I believe the public will support the legislation so that at least future events will not be fuelled by excessive alcohol consumption.

One tragic result of the Cronulla protest was that the agitation and alcohol led to mindless attacks on anyone of Middle Eastern appearance. It did not matter where people came from or whether they were Coptic, Egyptian, Syrian or even South American; they simply looked a bit dark skinned and they were attacked by mobs on Sunday. Of course such blind, mindless attacks caused young men of Middle Eastern background—I presume that most of them would have been young Lebanese men from an Islamic background—to attack as revenge for race discrimination or for being attacked unfairly in the first place. That is what we saw occur in other suburbs, such as Maroubra and Brighton-Le-Sands, later that night and probably up until now.

We support the provisions imposing restrictions on licensed premises. However, I note that the Government has issued a draft liquor bill. In our opinion that bill is weak, watered down legislation dealing with alcohol problems. As a result of this legislation and the problems we are facing, I hope that draft bill will be withdrawn, redrafted and then released for further discussion, and that it will be realistic legislation dealing with the serious issue of the influence of liquor in society as a base for and cause of some of the violent behaviour we see not only in mobs but in one-on-one situations and outside hotels and other places where liquor is sold.

One complicated issue is how to deal with the use of mobile phones to send SMS text messages. Text messages seemed to mobilise people for the protest in Cronulla as well as the counter-protest. The Government, together with the police, should investigate whether text messages can be controlled, especially if they are used to incite violence. Perhaps the messages could be blocked or stopped before they reach hundreds or thousands of individuals and incite further violence. Also, it is important that we do not label all Middle Eastern persons as troublemakers in our society. The majority of Middle Eastern people I know—I have contact with many Middle Eastern individuals, young people, members of churches and pastors who have come to Australia from Lebanon, Egypt, Iran, Iraq, Syria and other Middle Eastern countries—came to Australia to escape such violence and harassment.

They come to Australia to live in a peaceful, safe and secure environment. Many of them have come to our country because they experienced mob violence, harassment and persecution. It would be a tragedy if they feel threatened in our society because of their appearance. We must do what we can to ensure that racist attitudes do not take root in this country. Many immigrants from the Middle East—probably the majority—have a Christian background. Most Lebanese people are Maronite Catholics and are peaceful, law-abiding citizens of our country. They would not participate in the violent action of recent days. We must recognise that although race is part of the problem there is also a religious element, which complicates the situation and makes it more sensitive and difficult for the police.

The police were criticised for not moving in the other night when 300 or 400 young Muslims gathered at the Lakemba mosque. Apparently someone had circulated a message that the mosque would be attacked. One message suggested that the mosque would be fire bombed. That false information provoked a rapid response among Islamic youth, who gathered to protect their mosque. As far as we know, no action of that sort was planned. But the police have been criticised for not acting aggressively towards those young men, who had gathered only out of concern for their mosque. They had not been involved in any violent action. I believe the police must have some flexibility in dealing with groups. They must ensure that their actions do not inflame a violent backlash from the group they are confronting.

I note that the legislation increases police powers to enable police to deal with crowds or gangs. The Christian Democratic Party fully supports those provisions. The bill confers special stop, search and seizure powers on police officers in relation to targeted areas or roads to assist in the prevention or control of large-scale public disorders. We fully support the provision. The legislation will also empower police officers expressly to stop vehicles for the purpose of exercising police powers of arrest, detention or search. Some have said that the police already have that power. But I have followed court cases in which the police were criticised and chastised for stopping a vehicle when their suspicions for doing so could not be proved. This power must be clarified and strengthened so that police can stop vehicles confidently.

The bill will also extend the powers of police officers to require occupants of vehicles connected with indictable offences to disclose the identity of previous drivers of, or passengers in, such vehicles. It empowers police officers to seize and detain for a period of not more than seven days a vehicle or mobile telephone if its seizure will assist in preventing or controlling a public disorder. The Government and the Parliamentary Counsel have had only a short time to prepare the legislation. We congratulate the Government on introducing this bill in response to a request from the Commissioner of Police and we look forward to the powers it contains delivering an atmosphere of safety and peace in the city of Sydney.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [1.13 p.m.]: We have been recalled in great haste to deal with the Law Enforcement Legislation Amendment (Public Safety) Bill. My question is: Is it really necessary? Did the bill originate with the police or with the Government, which is trying to look good? Jonathan Swift, the English satirist, defined a struggle as being between those who want to open their eggs from the large end and those who want to open them from the small end. As I watched Premier Iemma attacking Mr Debnam in the lower House earlier this morning, I was reminded strongly of that quote. One could reflect that the battle—if there is a religious battle—between Christians and Muslims is between those who support a prophet of love from 2,000 years ago and those who support a prophet of love from 1,400 years ago. The question for us is whether the recent riots and disturbances are triggered by basic racism and injustice or are simply turf wars between youths.

I think John Howard has fanned racism and his chickens are coming home to roost. The fact that he wishes to go into ostrich mode is irrelevant. Many words and some humbug have been written about this issue, but the Moir cartoon of Tuesday 13 December in the *Sydney Morning Herald* was most apposite. It depicted a thug who was wearing a T-shirt with an abusive slogan and clad in the Australian flag. He is saying, "We will decide who comes into our suburb and when." I seem to recall at the time of the last Federal election someone saying, "We will decide who comes into our country and when." The cartoon was of course a parody of John Howard's pronouncement and his dog-whistle politics. The Moir cartoon in today's edition of the *Sydney Morning Herald* depicts John Howard standing on a surfboard riding a wave labelled "Racism" and covering his eyes, ears and mouth, like the three wise monkeys.

The overseas perceptions of recent events are most interesting. The Canadian *Globe and Mail* cartoon, which the *Sydney Morning Herald* carried again today, shows people in Ku Klux Klan robes, with "Foreigners Out" written across their chests, walking past a sunscreen dispensing stall on an Australian beach and saying, "No thanks, we don't need protection from the sun." Naturally, they were wearing their Ku Klux Klan robes.

Alan Ramsey wrote in yesterday's *Sydney Morning Herald* about a lack of leadership at Federal level from both the Liberal and Labor parties, and quoted Alf Liebhold, an old Jewish general practitioner who fled the Nazis and who understands quite a lot about racism. Alf Liebhold told me that he came home from school and asked his parents, "Who are these Jews who are doing so much harm to our society?" and he was told, "You, son. They are talking about you." He knew that that was ridiculous and that he was being targeted quite unfairly, as was his race.

Last year there was a riot in Redfern involving primarily Aboriginal people about which there was a parliamentary inquiry. It was said that the riot was caused by injustice to Aboriginal people, and some efforts are being made to make restitution and to address the problems in Redfern. Then there were riots in Macquarie Fields that involved predominantly white, disadvantaged people. I believe the Government has been keen to minimise the significance of the parliamentary inquiry into those events by squeezing committee hearings between the end of the parliamentary session and Christmas. It was believed the riots that occurred in Paris could not happen here. But now we have had the riots in Cronulla. Following the Paris riots I spoke to Gabr El Gafi of the Supreme Islamic Council and asked him whether he thought similar events could happen here. He was of the opinion that they most certainly could. He said that there are groups of Muslim youths who cannot secure jobs. They were born in Australia but they are made to feel that they do not belong. He said that they no longer care and have nothing to lose, which makes them very dangerous. It is interesting that he told me that only weeks ago.

Earlier this week I attended a committee hearing in Macquarie Fields at which the police said of the riots there, "We felt like we were in a war zone." One resident—it may have been a school headmaster—then said, "We felt that we were being invaded." In other words, it depended what side one was on. During questioning of the Commissioner of Police, Ken Moroney, the Hon. Robyn Parker asked:

Can someone from a policing point of view explain the difference to me between an incident, a public disturbance and a riot? I am interested to know how you determine those terminologies.

Commissioner Moroney replied:

... it is important to note the comments of the known and respected senior leader of law enforcement, Commissioner Bill Bratton, who is currently the commissioner of the Los Angeles Police Department ... his own observations while ... in Australia at about this time of February 2005 he noted that the issues at Macquarie Fields were not by his standard, by his observation and by his experience a riot as such.

I think the events that we have seen lamentably in other countries such as Los Angeles, more recently throughout France but in particular in Paris, by any reasoned definition of a layman's interpretation of that would classify these matters as riots—issues almost, if not totally, out of control. I think the matters indeed as Mr Bratton referred to in Macquarie Fields were a disturbance. They were confined geographically to a number of streets, as indeed was the incident at Redfern some 12 months before that. It was confined to a small geography. I think by any reasoned interpretation there is a very distinct difference between the two both in terms of the intensity of the activity and the response arrangements required.

In other words, he was singing from the Government's song sheet, which was that the incident at Macquarie Fields was not a riot. However, when increased penalties were discussed, I asked him whether what happened at Cronulla would be considered a riot. He said he did not want to play down the significance of Macquarie Fields and that he did believe it was a riot. That is important as this legislation wants to double penalties for offences committed during a riot. Australia has a history of episodes of riots. The shooting at Clontarf in 1868 of Prince Alfred by an Irishman who was claimed to be a Fenian—the Fenians were trying to get freedom from British rule in Ireland—led to some anti-catholic, anti-Irish statements by Henry Parkes, who was later to become the founder of Federation. His comments, which were anti-catholic and anti-Irish, were certainly not politically correct and led to the de-funding of catholic schools. Funding did not return until much later.

The groups that fought for supremacy, the bodgies and widgies, was seen as a threat to law and order. Keith Moore produced a paper, "Bodgies, Widgies and Moral Panic 1955 to 1959" at the Queensland University of Technology conference "Social Change in the 20th Century" on 19 October last year. There was also a lot of argument between surfies and rockers, who were gangs in the 1960s. There has been a history of public disturbances and turf wars between youths under the influence of alcohol, or other drugs to a lesser extent—although I believe that has not been a problem yet but it may become one.

The bill provides emergency powers for liquor restrictions so police can close licensed premises. As Reverend the Hon. Fred Nile pointed out, the draft liquor bill, which was pleasing to those who sell liquor, proposes the abolition of the Liquor Licensing Board, a sound institution, and further deregulation so that liquor can become more available. We know the effect alcohol can have, and police are now being given the power to

stop liquor sales in emergencies. One might assume that when people go into battle in circumstances such as those as Cronulla they have already consumed the liquor and probably bought a supply as well. A far more preventive approach ought to be used. It is ironic that these powers are being given to the police for short-term benefit when the long-term aspects are not being considered at all.

I presume police already have emergency powers to put roadblocks and lockdowns in place if there were a terrorist incident. The bill will allow police to do that in other situations such as riot or affray. I am not certain whether that is possible at present. Currently police seem to be able to stop cars quite effectively. Is the Government merely window-dressing and trying to look good, or is it providing a legal power to stop people travelling along certain roads? If three people are visiting their sick grandmother or travelling towards the location of a possible riot the next day, to what extent will police have the discretion to stop them? To what extent does stopping them infringe their civil liberties, and to what extent do we need to discuss that? It is difficult to decide such matters when we received this bill only about half an hour before we came into the Chamber today.

The bill increases the maximum penalties for riot and assault. It increases the penalty for assault from two years to five years, and to seven years for assault occasioning actual bodily harm. The penalty for riot will increase from 10 years to 15 years, and for affray from five years to 10 years. This is all good drum-banging stuff. Much of the legislation that comes through this House seeks to broaden police powers. One would think that an assault is an assault and that we should leave it to magistrates to decide whether there are extenuating circumstances. It may not be right to assume that an assault is worse in a riot, when people are hot-headed and less likely to make rational decisions, than it is when someone comes out of a pub and attacks a passer-by. The charge should be left to the discretion of the police.

As far as the change in the presumption against bail is concerned, if a magistrate releases someone on bail who has a bad history of affray or assault and that person should not be released, surely that is a matter for the Judicial Commission rather than for Parliament to change the presumption. I believe the police already have the power to stop vehicles. The confirmation of that power does not have any great legal significance. The requirement for disclosure of the identity of the driver or occupants is, again, somewhat of an assault on civil liberties. I would have thought that police already have an adequate right to question people.

The provision in relation to SMS messages is interesting. The idea is that people should be liable for sending SMS messages, which can go to thousands of people. Shock jocks send fairly racist messages all the time, yet no-one suggests that the media should be controlled. A cynic might say that small messages to small numbers of people is a big problem but big messages to large numbers of people are judged under a different standard. One can only wonder at that.

The police at Cronulla did an excellent job. They took personal risks to protect individuals from gangs and to stop the violence. That sort of courage and leadership is needed from politicians. Leading players from the Sharks and the Bulldogs have walked together to emphasise that the ethnic groups and geographical locations from which they come should not lead to conflict. That is an important initiative, and the players should be praised for that. Similar leadership is needed from this Parliament, but I am not sure that the bill is anything more than window-dressing.

An inquiry into racism is needed. Should fringe political groups with racist agendas be looked at? Is it better to make them martyrs or to let them continue their racist ways? That is a serious question which must be debated. The extent to which economic disadvantage and racism work together and the extent to which they can be separated are proper issues for investigation. While the Government claims it is looking for a solution, it must look at both short-term and long-term solutions. Affirmative action programs are needed to address disadvantage, especially in some racial groups.

I am disappointed that the Human Rights Commissioner, Sev Ozdowski, who did an extremely good job, has not had his term renewed. That is a bad decision by the Federal Government. This is another rushed bill. It is urgent, and it will be passed with minimal discussion. We have even been asked to shorten our speeches, regardless of the fact that we have not had a chance to discuss the bill publicly or to work through it. To use an analogy from the health area, it is like arguing over a ventilator when there are no preventive programs in place for tobacco use and the cases keep coming into the intensive care unit. It has always been thus, but it would have been nice if the Government changed it in this case. Perhaps the Minister they might address these issues in reply or perhaps, once again, there will not be time to do so.

Ms SYLVIA HALE [1.29 p.m.]: At the outset I state clearly and unambiguously that the criminal actions by all individuals and groups that have occurred in recent days in Cronulla, Maroubra, Lakemba and other suburbs are unacceptable and have no place in the tolerant, multicultural, peaceful Australia that most of us wish this country to be. Much of the media hysteria in recent days has focused on Lebanese youths and youths of Middle Eastern appearance. There is no doubt that some of those involved in the violence have been Lebanese, as there is equally no doubt that others have been Anglo surfers. Both stand equally condemned for the violence, and both must now take responsibility for helping to heal the rifts. It is also important that we look at the underlying political, social and economic contributors to these events to find some constructive ways of addressing those problems and avoiding any recurrence of this week's violence.

Sydney is Australia's richest city, but it also has a disproportionate number of low-skilled, unemployed and disadvantaged youth, many of whom are from non-English speaking backgrounds. Although just over 20 per cent of Australia's population lives in Sydney, the city's population includes 31 per cent of all immigrants to Australia. In recent times that trend has accelerated, with 37 per cent of new arrivals in the decade between 1986 and 1996 settling in Sydney. Sydney is home to approximately 70 per cent of the more than 160,000 Lebanese immigrants to Australia, with about 30 per cent having arrived in the last 15 to 20 years. Their contribution has been overwhelmingly positive. The economic and cultural fabric of Sydney has been strengthened greatly by their active participation in so many areas. Sydneysiders should be, and most are, thankful that so many immigrants have chosen to call Sydney home. Modern Australia is a migrant nation.

Although in recent decades the numbers of migrants have been relatively small compared with those accommodated by other nations, as a percentage of the total population Australia has the highest immigration rate of any western nation. Overseas-born residents make up approximately 23 per cent of Australia's total population compared with approximately 15 per cent of Canada's population and 9 per cent of the United States' population. Despite that, Australia is one of the most culturally and politically harmonious countries in the world. Accommodating such a high rate of new arrivals from widely differing backgrounds is something in which all Australians can take pride. That is not to gloss over the barriers and isolation that some new arrivals experience, or to deny the recent demonisation of Arab and Muslim members of our community. But in relative terms Australia is a very successful and harmonious multicultural society.

It is at times like these that we should pause to remind ourselves of this success, but also to remember and abhor the earlier racial divisions in this country: the murder of Aborigines and the seizure of their land, the hostility endured by the Chinese on the goldfields and during the Lambing Flat riots, the exploitation of the Kanakas, the detention of German-born Australians and the confiscation of their property during World War I, and the aggression and hostility experienced by "refos" and "Balts" after World War II. But undeniable tensions and discrimination remain, the impacts of which are borne by the most recent immigrants to this country. In particular, many migrants feel discriminated against by being denied access to services and economic opportunities that Australian-born residents take for granted. As the demographer Bob Birrell notes:

Structural change in the Sydney economy has favoured those with technical, managerial and professional skills and penalised those without such skills, especially if they have limited English.

Over the past 20 years some parts of Sydney have witnessed dramatic demographic changes as the majority of new migrants have settled in the south-western suburbs around Canterbury, Auburn and Fairfield. More importantly, it has been low-income immigrants who have settled in those areas. Numerous studies have shown that migrants with few skills, poor English or those from economically disadvantaged backgrounds have tended to settle in the middle and south-western suburbs that stretch from Auburn to Liverpool. Yet governments of all persuasions have failed to provide new migrants in these areas with adequate support services to help them integrate fully into society. From housing to employment to education and health, the provision of services has been woefully inadequate. As a result, social disadvantage and cultural tensions have been allowed to fester and grow.

These are the root causes of the social tensions that have played out on our streets in the past week. Those factors can no longer be ignored by governments. I will say more shortly about what the State Government can and should do, but before I do so I wish to address another underlying factor in the social unrest, namely, the role of the Prime Minister, John Howard. The Greens cannot condemn the criminal actions of brawling individuals without also condemning the shameful and cynical political strategy pursued by John Howard and the spineless surrender to those tactics by the Federal Opposition. Just as race riots do not happen in a social and economic vacuum, neither do they happen in a political vacuum. The necessary political prerequisites for this week's disturbances have been slowly but surely put in place by the Prime Minister during his decade in power. His primary political strategy has been to divide and rule this nation. He has pitted one section of the community against the other consistently—

The Hon. Rick Colless: Point of order: The comments the member is making are well outside the leave of the bill. I ask you to ask her to redirect her comments back to the bill.

Ms SYLVIA HALE: To the point of order: I am addressing the racist component in the riots that have taken place, and I believe I am attributing blame to where it needs to be attributed, namely, the Prime Minister.

The DEPUTY-PRESIDENT (Reverend the Hon. Fred Nile): Order! The member will confine her remarks to the bill.

Ms SYLVIA HALE: The bill is designed to address the riots that have occurred. In doing so it is necessary to address the causes of the riots, and one of their causes is racism. In discussing racism it is important to discuss the factors that have given rise to that racism. I believe that the actions of the Prime Minister, in pitting one section of the community against the other—whether it be wharfies, Aborigines, the unemployed, refugees, academics, welfare recipients or trade unionists—is a significant element. By identifying a minority and telling the majority that it should fear and loathe it because it is a threat to the way of life of the majority, the Prime Minister has achieved electoral success, but he has also created the social division that we all now confront. Undoubtedly, the most destructive aspect of this strategy has been his pandering to the fearful, racist element in the Australian community. The Prime Minister denies consistently that he does so, but, as in so many other matters, when you examine the facts you see that the Prime Minister does not speak the truth. Examine his record and his message becomes clear.

During his first term as Leader of the Opposition, the Prime Minister saw potential electoral advantage in playing race politics. His comments in July 1988 promising a reduction in Asian immigration if he became Prime Minister established his credentials as a politician willing to play the race card if he thought it would win him votes. He was condemned widely for those comments and he was forced to withdraw them, but the lesson he learned was not that this sort of politics is destructive and wrong. Rather, he learned that his appeal to racism had to be more subtle. He learned the black art of dog whistling, the tactic of subtly appealing to racist fears while avoiding making overtly racist comments. Howard went on to demonstrate this newfound approach soon after being elected Prime Minister. His failure to condemn quickly and unambiguously the racist rantings of Pauline Hanson's inaugural speech—

The Hon. Melinda Pavey: Point of order: My point of order is relevance. I would argue that the member is speaking outside the leave of the bill.

Ms SYLVIA HALE: To the point of order: I maintain that there has developed in this country a strong element of racism, and that has been promoted by certain people within the community, primarily the Prime Minister.

The Hon. Duncan Gay: To the point of order: The honourable member indicates that racism is inherent in the bill. If the member wishes to continue in this manner, I would ask her to show us where in the bill racism is identified.

Ms Sylvia Hale: Further to the point of order: I am not saying that the bill is inherently racist—

The Hon. Rick Colless: You were!

Ms SYLVIA HALE: If I did, I apologise and I withdraw those remarks. What I say is that the bill is designed to deal with a situation that has very great racist undercurrents to it.

The Hon. Rick Colless: To the point of order: The overview of the bill states:

The object of this bill is to provide for a range of law enforcement and other criminal justice measures to deal with large-scale public disorder in any area for the purposes of securing public safety.

It does not say anything about racism. This is not a bill about racism; this is a bill about public safety. I ask you to instruct the honourable member to draw her comments back to the leave of the bill.

The Hon. Dr Peter Wong: To the point of order: Indeed you, in your speech Mr Deputy-President, mentioned that race was a factor in the disturbances. Whether or not honourable members opposite dislike hearing the name of the Prime Minister being tarnished is not the point. The point is that the honourable member was making a legitimate comment.

The DEPUTY-PRESIDENT (Reverend the Hon. Fred Nile): Order! Ms Sylvia Hale is devoting a disproportionate amount of her speech attacking the Prime Minister rather than speaking to the bill. Her contribution must remain relevant to the bill.

Ms SYLVIA HALE: I believe—

The Hon. Duncan Gay: You have not got anything except an attack on the Prime Minister, I suspect.

Ms SYLVIA HALE: I believe that the Prime Minister has introduced a high level of paranoia and concern into the Muslim and Arabic communities, who see themselves as targeted by government for oppressive surveillance, predawn raids, and arrest and detention without charge. He has also incited paranoia and anger amongst many non-Muslim Australians by repeatedly telling them that they could be subject to random terrorist attacks at any time.

The Hon. Duncan Gay: Point of order: You indicated that the honourable member should return from her attack on the Prime Minister to the bill. It is quite obvious to everyone in this Chamber that she has nothing except an attack on the Prime Minister, and that she is going to refuse to address the substantive motion that is before the House. I ask that you remind her of that and bring her back to the bill.

The DEPUTY-PRESIDENT (Reverend the Hon. Fred Nile): Order! The member's contribution should be relevant to the bill.

Ms SYLVIA HALE: I will conclude my discussion of the Prime Minister with the comment that, by denying that the Cronulla riot was racially motivated, and by lauding the Sutherland shire as representing mainstream Australia, the Prime Minister has once again given a nod and a wink to those who promote racist views. Once again he has shown that he is more interested in maintaining the support of the Hansonite constituency than he is in uniting the country. For this he should be condemned by this Parliament, just as he will be condemned by history.

Another group whose role in promoting these shameful scenes deserves close examination is the media commentators, who have preyed upon the community's fears and who quite deliberately promoted the gathering that led to the riot at Cronulla last Sunday. The opinion columns and talkback diatribes that were published and broadcast the week before the riot represent one of the most shameful episodes in Australian media history. Reproducing in the newspapers and repeatedly broadcasting on radio and television the text message calling on people to assemble in Cronulla to attack people on the basis of their race was reckless at best and criminal incitement at worst. To see those same media organisations now trying to wash their hands of their involvement by blaming those who participated in the disturbances indicates that they are unwilling to examine their own actions and take responsibility for them—something that they are all too willing to demand that others do. The Greens therefore call on the Government and the police to examine the media coverage in the lead-up to the Cronulla riot, and to consider bringing charges of incitement to racial violence against those media organisations and commentators who promoted it.

In examining the cause of the recent events, I would like to briefly comment on access to Sydney's beaches. Sydney has some of the world's most beautiful coastline. That coastline is a natural asset that belongs to us all, not just to those who live in the suburbs next to the coast. For the most part, those who live in the coastal suburbs are welcoming, but there is a significant minority of people who are not, who believe that because they or their families are rich enough to live in the coastal suburbs the nearby beach belongs to them. The issue of those who live in other parts of Sydney being made unwelcome by those living near a beach has existed in this city for decades. It has nothing to do with race and a lot to do with wealth, and it is not restricted to the Cronulla area.

For the most part, beachside real estate in Sydney is very expensive. Most of us live in other parts of Sydney and travel to the beach on weekends or public holidays. Cronulla has long been a favourite beach for residents of Western Sydney, because, unlike the northern and eastern beaches, it is on a train line. People from Western Sydney being made to feel unwelcome by a small but noisy minority at Cronulla goes back decades, and this attitude was undoubtedly a contributing factor last week. But it is not just some at Cronulla who seek to make residents of other suburbs unwelcome. For a family travelling from the western suburbs to the northern and eastern beaches, a car is in many cases the only option because of the poor public transport links to those beaches. Tight parking restrictions and excessive parking fees are seen by many Western Sydney residents as a mechanism for discouraging people from the west from coming to those beaches.

The outcry from the residents of Bondi to the proposal to put a rail line through to the beach reflects this exclusionary attitude. While the Bra Boys beach gang from Maroubra are to be congratulated on trying to play a more positive role in calming matters in recent days, they are well known for asserting their ownership of Maroubra Beach, and actively discourage people from other parts of Sydney from surfing at Maroubra. In resolving the tensions of recent days, there must therefore be an acknowledgement by these noisy minorities in Sydney's beachside communities that the beaches do not belong to them, they belong to everyone.

The Greens recognise that the police are doing a very difficult job and that the short-term goal must be to stop the violence. We do not want to see an escalation of behaviour that shames us all here and internationally. In the long term, however, the Government needs to respond positively and not simply embrace a law and order solution. We know the Government has proposed an inquiry, and we welcome it, but we need that inquiry to produce not just another report but concrete social programs that will answer the questions that now confront us. If all people see is social exclusion and all they hear is the message, "You are not welcome. You are all terrorists. We are going to lock you up with no trial," they feel alienated and like an embattled minority.

The Greens appreciate the necessity for an immediate response from police to minimise the violence on the part of all parties, but our focus now should be on the appropriate long-term response. I now turn to what would be an appropriate response. I give to the House one example. In the Netherlands a successful project for bringing different cultures together can be found in Limburg. Lonsdale youth—white Dutch youths with racist tendencies who are into hardcore music and wear Lonsdale brand clothing—and Moroccan Dutch youth, who had been arrested, were forced to participate in a survival camp together, as a team. They had no choice but to interact and co-operate with people who were their worst enemies just a few days earlier. As a result, the attitudes of three out of four teenagers who participated in the project changed.

It is not only action by state that is important. In Britain we saw Rock Against Racism in 1976 and the Anti-Nazi League was formed in 1977-78. This was a people-driven group that became a countervailing force to the skinheads and the National Front. We need a short-term response to take some of the heat out of the situation and prevent the violence from escalating. The long-term need, however, is to address the underlying causes of these problems, to understand why people are acting out their frustration in a violent manner and to determine what can be done in a practical sense at the community level to address both crime and disadvantage.

I now turn to the important constructive work that needs to be done, because it is not enough for the Government to recall Parliament merely to undertake a punitive, law and order public relations exercise. The Greens propose that the Government immediately pursue a series of positive initiatives to address these problems. First, use the many public occasions scheduled over the next month to promote the values and benefits of a tolerant, multicultural society, including by way of paid advertisement, sponsorship and distribution of information. Second, sponsor a major public event on Australia Day 2006 involving community groups, political parties, trade unions and religious organisations. Third, provide additional resources and support for teaching and learning programs that challenge racist attitudes and behaviour and increase students' understanding of reconciliation and multiculturalism. Fourth, take steps to address areas of socioeconomic youth disadvantage by establishing government-sponsored traineeship and apprenticeship schemes. Fifth, bring forward, as a matter of urgency, its promised affordable housing initiative. Sixth, introduce a human rights bill, which would enshrine in the laws of this State the principles of the Universal Declaration of Human Rights and other international human rights standards.

The Hon. Dr PETER WONG [1.49 p.m.]: The Unity party condemns violence and riots by gangs of any kind. Like many members of this House, the Unity party condemns racism. Today I express my gratitude and extend my personal thanks to the many officers I saw undertaking their duties on that fateful day in Cronulla. I believe that many police officers are worthy of receiving from the commissioner citations and other awards for their valiant efforts under extreme circumstances. I know that many members of ethnic communities have praised some officers whose actions were remarkable. One example that springs immediately to mind is that of an officer who, armed simply with a baton, managed to control hundreds of rioters as he forced his way onto a train carriage to protect two unfortunate individuals who were under a sustained attack by dozens of others. Other officers, who were escorting an ambulance away from the scene, came under fire from missiles, rubbish and abuse, while others protected individuals who were under a similar attack. I commend all the police officers involved, as well as those civilians who entered the fray to assist those who were under attack.

At the crossbench briefing this morning it was quickly ascertained that police already have some of the necessary powers to deal effectively with what this bill is intended to introduce. Police have the power to set up roadblocks, search vehicles and even to seize vehicles. I hasten to add that they already have considerable powers to deal with public drinking and drunkenness and, under the police and public safety legislation, to direct people to leave an area. For some reason that I am unable to deduce, not all these powers were fully utilised.

Today I am pleased that the Commissioner of Police has stated that the new powers in this bill will finally do the trick. It is for that reason that I will support the bill. I expect that in the future front-line police officers will not be hamstrung from undertaking reasonably preventative action to curb what clearly would otherwise descend into chaos. However, I make it clear that this bill should be an interim measure only until the Parliament can properly consider all of the ramifications of the laws. We will be making a serious mistake if we make longstanding law as a knee-jerk reaction to a passing crisis. I have asked the Government to undertake legislative reform to deal with issues such as the Cronulla riots in a properly measured way.

It no doubt will surprise many that racist attacks and race riots are not covered by the Crimes Act. Offences of serious racial vilification in the Anti-Discrimination Act are concerned only with threatening physical harm, threatening property damage and inciting others to make such threats. Any prosecution of serious racial vilification requires the Attorney General to consent to the prosecution. This must be an explanation for why we have seen very few prosecutions of racial vilification. I give the example of the treatment of Keysar Trad yesterday to illustrate the type of racially inspired action that is allowed to go unpunished in our community. Yesterday some weirdo decided to contribute to our community's concerns by filling Mr Trad's letterbox with faeces.

Keysar is doing his utmost to quell the problems in our society—a task he has long fought with vigour and goodwill—yet some petty little person can presently get away with such behaviour. The only time a person can be punished for racial vilification in New South Wales is if they threaten, in a public space, to do the type of thing I have described, and then only if the Attorney agrees that they should be prosecuted. If a person actually carries out a racist crime, no matter how bad it is, that person cannot be prosecuted for it under our existing laws as a racist act. That sends a very bad message to every one of us.

I will follow up this matter in the future by asking the Attorney General how often he has received a request for an authority to prosecute racial vilification offences, and how often he has given such an authority to proceed. The ethnic community of New South Wales is very interested and concerned to know that—and in the light of recent events, they have a right to know. Members of the ethnic community have a right to be protected by the law from the outrageous racial taunting that has occurred over the past few weeks, as do all members of the community. Indeed, if, in the wake of all the recent incidents, we do not see one single racial vilification prosecution under the existing law, then there is a serious major flaw in our legal system.

During the crossbench briefing today I asked many questions related to issues that concern many of us, including, as mentioned by Ms Lee Rhiannon earlier, whether text messages are a major factor in riots and whether NSW Police is investigating the link. Furthermore, I asked whether NSW Police are investigating elements of the media. Obviously, some radio personalities supported violent action prior to the weekend. I also asked whether, given the new powers in this bill, police officers will be fair to everyone concerned. For example, will police search every vehicle, not just vehicles whose occupants have a specific ethnic profile? I also raised concerns about lockdowns and whether citizens who are in fear of riots will be able to safely depart in haste.

Today I received a letter from Keysar Trad. While I share the concern of every member of this House that lifesavers, who are wonderful volunteers, should not be subject to assault, I wish to read the other side of the story from a person whose name is Issa. He states:

I and one friend went to Cronulla Beach to just go for a swim. As we were driving through, we saw a large crowd hanging out, we did not know what was happening, we thought people were there for fun. We parked the car and started walking, we heard the crowd chanting racial slogans. We stood behind the crowd, we stood there dumbfounded ... we did not feel that we would be targeted because we were born here and regarded ourselves as Aussies anyway. The crowd turned around and one said: There's the Lebs, we said: our background is Lebanese but we are Australian just like you.

I and my friend joined them in saying Aussie, Aussie, Aussie.

Then the crowd became more racist in their chanting.

Someone threw a beer bottle into the middle. Some people started yelling at us, we just stood there as we were surrounded by people and could not go anywhere.

We tried to calm them down by saying: we are all Australian, we all want to enjoy a good time at the Beach.

One bloke with an Australian flag jumped in front of me and said: our Grand fathers fought for this country.

I touched the flag respectfully and said: this is my flag too.

He snatched the flag away and said do not touch our flag ...

Someone threw a punch at me from behind, at least five blokes started kicking into me. Two blokes jumped over me and tried to protect me, they said just wait, we are trying to protect you. If these two did not shield me, I would have been dead from all the kicks and punches.

He concluded by saying:

I hold no grudges and I would like to thank the two men for shielding me and the Police.

Keysar Trad also wrote at length about the media and his concerns regarding the proposed new laws. While I concur with Ms Sylvia Hale's sentiments regarding John Howard's statement on multiculturalism—the so-called Pauline Hanson phenomenon—I must say that in recent times John Howard has been a changed man. However, I believe that some of the attitudes towards the Arabic-speaking community are not justified. I would like to quote from John Howard's statement to illustrate that at times he can be very fair. During his address at the launch of Australian multiculturalism—at which time I was a member of the national multicultural committee—John Howard said:

Australia is a tolerant, compassionate and cohesive society. One of the reasons is that our migration program has brought people from many cultures and backgrounds to Australia. The diversity together with an overriding commitment to Australia has given us strength. It is not a weakness ...

It's an opportunity to assert on behalf, not only of the Government, but of the entire Australian community, that there is no place in the Australia that we love for any semblance of racial or ethnic intolerance. There is no place within our community for those who would traffic, for whatever purpose and whatever goal, in the business of trying to cause division based on a person's religion, a person's place of birth, the colour of the person's skin, the person's values, ethnic make-up or beliefs.

During the parliamentary debate on racial tolerance the Prime Minister said:

Two other things that I want to say, I want to say very directly to Australians of Asian descent: so far as the government of this country is concerned, those Australians of Asian descent are as honoured citizens as any other section of the Australian community. People of the Asian communities have contributed very greatly to the enrichment of our life. They have brought their values of the extended family, they have brought their values of hard work, they have brought their values of commitment to small business and entrepreneurial flair and their infectious vigour in so many other areas to our shores, and particularly, but not only, of course, in my own home city of Sydney they have made a very significant mark on the life and the activities of that city.

They number amongst their ranks like any other section of the Australian community—people whose views we may or may not share. But it is important that we remember that relations between people have a deeply personal character. Insensitive remarks, hurts, insults and intemperately made generalisations can inflict enormous personal hurt and damage on individuals.

I wish John Howard and Kim Beazley would today show good leadership by saying similar words to the Arabic community. John Howard further said:

... that freedom of speech carries with it a responsibility on all of those who exercise that freedom to do so in a tolerant and moderate fashion and to not convert the new-found freedom, if I may put it that way, into a vehicle for using needlessly insensitive and intolerant language.

I was extremely touched by an article published in the *Daily Telegraph* under the title "Racism: we must strive to defeat it". The article, written by Mirko Bagaric and Adem Atmaca, states:

Given Australia's large multicultural mix, the hatred and resentment that stems from unyielding racist attitudes probably constitutes a bigger risk to our collective security than the risk of terrorism. Racism can only be defeated if we understand its root cause and come to accept the reassuring commonality of the human condition.

The article goes on to say that a minority of the population, whether Anglo-Saxon or Arabic, are causing the problems. With regard to racial tolerance the article states:

It also comes in the form of qualified expressions of tolerance: "Not all Arabs are bad but ..."

The article concludes:

Let's make sure that we continue to live in a society where all citizens are given an equal opportunity to flourish—this is the best guarantee of our individual prosperity.

I am amazed that some members have attacked our education system. Maralyn Parker, in an article in the *Daily Telegraph* following the riots in recent weeks, wrote the following about public schools:

The one thing I am sure of—[racial intolerance] is not taught in our Australian public schools.

Public schools today take extra care, extra time and put much planning and thought into teaching tolerance and the acceptance of difference.

Our state public schools are the safest and most tolerant places that a person can be in the world today.

Also today the public system is putting unprecedented money and support into making school meaningful to boys so they won't feel that they have to bash and be tough and part of a gang to fit in.

In public school classrooms throughout the state this week there will be many discussions, role plays and debates about the disturbances at the Sydney beaches and what caused them.

Racism and religious bigotry will be clearly identified and discouraged by teachers.

Which brings me to a reverse situation—instead of asking public schools to teach family and community values, how about parents and communities supporting and helping teach the public school values—tolerance and acceptance of difference.

It is never OK to hate someone for the way they look or for their religious beliefs.

For the past few days I have been consulting community leaders, particularly those of Arabic-speaking background. I have come to understand that, regardless of ethnic background, there is a problem with our youth. As has been said, the problem is not with our schools but with our families and our communities. I hope this bill, as tough as it is—and I do not like many aspects of it—will do the job. However, I emphasise that, given our stringent racial vilification laws, in some respects the bill is inadequate.

The Hon. PETER BREEN [2.08 p.m.]: I support the provisions of the Law Enforcement Legislation Amendment (Public Safety) Bill. Despite what the press has said in some quarters, the bill is not unprecedented. In the lead-up to the Olympics, special bills were passed by this House and the other place, and those provisions remained in force for the duration of the Olympics. I am sure most people would agree that the Olympics were conducted extremely well, particularly with regard to security aspects.

I am concerned about one provision in the bill, and in that regard I have circulated an amendment. The need for it was drawn to my attention by a Senior Counsel. None of the powers contained in the legislation that was passed in the lead-up to the Olympics were to be exercised except where a police officer, on reasonable grounds, believed there was a contravention of the legislation. Proposed section 87L of this legislation provides a power to obtain disclosure of identity. However, that power is subject to the qualification that the police officer reasonably suspects that the person has been involved or is likely to be involved in public disorder. In other words, a police officer cannot indiscriminately ask a person to identify himself or herself and what his or her purposes are; the officer must have reasonable grounds for suspecting that the person was involved in a public disorder.

However, the stop and search provisions relating to vehicles and persons do not, on their face, appear to be subject to that qualification. Arguably a police officer could stop a vehicle that happens to be in a declared area or in an area or on a road that is the target of an authorisation. The vehicle could be stopped and the driver and the occupants searched without police being required to have a suspicion on reasonable grounds that any of the persons were likely to have been involved in public disorder.

Any member of the community who is found in an area that is the target of an authorisation could be approached by a police officer, could be searched or could have his or her vehicle searched, without that police officer being required to justify his or her action. That is an extraordinary use of police powers; perhaps it is an oversight in the bill, given that the qualification exists in proposed section 87L, which provides power to obtain disclosure of identity. That is a lesser infringement on a person's liberty than the power to stop and search vehicles or the power to search a person. Given that the qualification of police having a reasonable suspicion that a person has been involved in public disorder applies to the lesser infringement, it seems to me that the provision ought to apply also to the higher infringements of liberty—that is, the power to stop and search vehicles and to search persons.

The bill is subject to division 4 of part 4 of the Law Enforcement (Powers and Responsibilities) Act 2002, which includes the requirement, in relation to the search of a person, that police be reasonably suspicious of a breach of the law. The provision in that Act relating to the search of vehicles has not been carried over into this bill, and that appears to be an oversight. On that basis I have circulated two amendments that I propose to move in Committee.

In relation to the bill generally I agree with the comments of the Hon. Dr Peter Wong and Ms Sylvia Hale that there has been a large element of racism in the attacks at Cronulla. An attack on a person on the basis of skin colour or ethnicity is a racial attack; to suggest otherwise is to deny an obvious fact and to be complicit in any harm caused by that attack. It is important to label these issues, and I compliment the Premier on labelling those attacks as racial attacks. Clearly that is what they were. It was courageous of the Premier to so label the attacks as he could have taken the soft option and referred to them as suburban or beach problems. However, he identified them and named them. It was brave of the Premier to make those comments as he is from an ethnic background. He has been vilified by a number of people including members of Australia First, who published an item of their web site attacking the Premier on the basis of his ethnicity and support of multiculturalism. I compliment the Premier on the stand that he took.

The issue raised by the Hon. Dr Peter Wong about the enforcement of racial vilification laws in New South Wales is of great concern. The law has been in place since the original Anti-Discrimination Act, but has not been enforced since 1989. Honourable members would be aware that I have sponsored a private member's bill about religious vilification. Often religious vilification and racial vilification are closely related, a fact to which Reverend the Hon. Fred Nile alluded. It is important to understand that the current laws are deficient with regard to religious and racial vilification and should be updated, along with police powers.

The bill provides a satisfactory solution for a number of people in the community who are concerned about safety. This morning, while travelling from Lismore to Sydney, I was told by a staff member of Rex Airlines that she lives at Cronulla and would not be going home on Sunday unless Parliament passed these laws. Her attitude is indicative of how people feel about the role of members of Parliament in strengthening police powers and being seen to support police. Although on one level this bill is unnecessary because police already have extensive powers, on another level the community demands action by the Parliament—and this bill is the action that the Government has chosen to take. The bill was unanimously supported in the other House and I hope it is supported unanimously in this House.

Mr IAN COHEN [2.15 p.m.]: I support the comments of the Greens members on the Law Enforcement Legislation Amendment (Public Safety) Bill. The behaviour that led to Parliament being recalled today for the introduction of this bill saddens me deeply and disgusts me to the core. The displays of racism, xenophobia and violence last Sunday were an absolute outrage. So too was the response of attacking property and, more concerning, the targeting of people not involved in any unlawful activity based purely on their appearance. People of both Arabic extraction and Caucasian background have been attacked. This is a very dire situation. It is unfortunate that it has arisen just before Christmas. A previous speaker made the comment that no-one is talking about Christmas; that we are all talking about potential riots and violence on our beaches—and that to me is a very sad situation.

I compliment and support the police; they have acted most professionally. We have all read media reports of police stepping bravely into the firing line to protect people who were under assault from mobs—from people whose reason had left them and who were ruled by a fundamentalism that is an absolute insult to our sophisticated society. I compliment also the ambulance officers who put themselves into harm's way while bravely going about their job. I concur with the comments of the Hon. Dr Peter Wong, who referred to people with integrity who bravely stood over, and in one case lay on, others to shield and protect them from assault by a violent mob. They are the people who are upholding the Australian spirit of a sense of fair play and decency, and they are to be commended to the highest order.

The bill introduces a provision for the temporary emergency closure of licensed premises in order to prevent or control large-scale public disorder. This can include prohibition on the sale of alcohol from premises. The Greens support that measure. Alcohol has obviously been a major ingredient in the disturbances, fuelling the disgusting behaviour that we have all witnessed. It is entirely appropriate to remove from the equation any premises in a problem area that is supplying alcohol. The Greens support also the establishment of emergency alcohol-free zones in areas where large-scale public disorder has been declared or where there are reasonable grounds for believing that such disorder is imminent. Current provisions dealing with alcohol-free zones are weak and ineffectual. Under current provisions, officers can give a person a warning if he or she is about to drink, is drinking or has been drinking alcohol within an alcohol-free zone. This may be followed up with a minor fine if the person does not comply with a direction.

Stronger provisions are needed to take alcohol out of the equation. Alcohol should be prohibited entirely in declared areas. In situations where alcohol is poured over people and bottles are used as weapons, it is entirely appropriate that stronger provisions are put in place. In my home town of Byron Bay I have witnessed

alcohol fuel unacceptable behaviour, especially on New Year's Eve, and police have inadequate powers to take alcohol from people. The Byron Bay council, following consultation with police, has introduced alcohol-prohibition zones in parks, gardens and public places, and as a result stronger powers are available to police.

But I understand that despite the council introducing those zones, the police cannot enforce them. So I believe there is a loophole in the law that will be remedied, to an extent, by the bill enforcing a declared area. The police, together with council, should have the power to enforce alcohol prohibition zones, which would stop people thumbing their noses at police and perhaps tipping the contents of one bottle out but having some alcohol in reserve that they can consume a little further away. Containers of alcohol—particularly glass bottles—in public places such as streets, have the potential to become serious weapons, and this factor needs to be given appropriate attention by government and authorities.

I am concerned about the lockdown provisions in the bill. I believe that the police have adequate powers in this respect, as has been demonstrated by the lockdowns and barricades that have been implemented over the past several days. I am concerned that reasonable suspicion will not be necessary for searching vehicles and people. Surely it is reasonable for there to be at least some suspicion before infringing on people's rights. The increasing of maximum sentences for riot and affray are unlikely to be a deterrent or to have any major impact: it is merely a public relations exercise for the Government. The removal of the presumption of bail is also of major concern. Freedom is one of the fundamental rights of our society and it should not be taken away without conviction.

I also have concerns about the transfer of power to impose measures in situations of public disturbance from the courts into the hands of the police. It is a difficult situation. On the one hand, such situations often require a rapid response—and there are practical considerations with having to get a court order; but on the other hand, how many of our civil rights are we prepared to give up? I understand the Leader of the House mentioned peaceful demonstrations, union demonstrations and such like. I have seen many situations in which peaceful demonstrations can be perceived as disorderly and therefore the police are allowed to act. I have real concerns that whilst this provision is put in place with the best of intentions, it could be abused at some later date in other circumstances.

One of the main points I make is that while some of the provisions in this legislation might be perceived as necessary in the circumstances, this legislation will achieve nothing without addressing the deeper social problems that are at the root of the unrest. It saddens me also that we do not have the leadership in this country to repudiate the type of racist violence that has occurred. The Prime Minister's famous words, "We will decide who comes to this country," on Sunday evidently translated for some to mean "We will decide who comes to this beach." While our country has made real progress with acceptance and multiculturalism, the past 10 years under the Howard Government has seen a massive step back in this respect. Australia needed a more direct repudiation from the Prime Minister, not just of the violence but of the racism that stirred it. I congratulate the Premier, who called it what it is: he said that there are obvious racist elements, and I think that shows that he is in touch with the issues on this particular count.

John Howard's comment "I would never condemn people for being proud of the Australian flag" clearly condones the use of the flag in a racist manner, as happened last weekend. It is absolutely deplorable. Now, more than ever, we need leadership to stand up and condemn racism, and to condemn this type of behaviour. Yet the type of behaviour we have seen is a reflection of John Howard's Australia and the types of sentiments that have been encouraged by his scapegoating and demonising of Australians of Middle Eastern backgrounds.

There seems to be an expectation of late in Australia that people of ethnic backgrounds, particularly those of Middle Eastern backgrounds, need to adhere to a higher standard of social behaviour than those of Anglo descent. This in no way compromises a justified criticism of riotous and inappropriate behaviour on both sides of the divide in this debate, and certainly in no way does it condone antisocial behaviour by people on our beaches who make it less pleasant for other people. There are elements in every community and in every group of people who undertake antisocial behaviour, but it is a real concern to me that we have this dual standard that targets specific ethnic groups. This assumption certainly could be made over the past weeks from the media coverage of the issues before us.

While Australians who commit crimes or misdemeanours are dealt with by legal authorities, those of certain ethnic groups have to face trial by media in addition to trial by the legal system. This adds an extra dimension of punishment and it frequently results in humiliation and stigmatisation for the entire ethnic group.

This kind of rule by media has no place in a modern democratic State. People who have migrated here, whether as refugees or not, have generally come here for a better and fairer life than they experienced in their home country. It is important that they should be treated fairly in the law and in the media, just as any Australian should be. I believe that the media, and particularly certain radio personalities, should be condemned for their role in whipping up a fervour that has made the situation far worse than it needs to be.

Having said that, I support a number of aspects of this proposed legislation but I have concerns about other aspects. I hope that we can see the community move forward with the steps undertaken by a number of different groups such as the Bra Boys, certain surfers, and people in the Muslim community—mature people who are seeking to have communication and peace prevail in our society. Cronulla is a place where I spent quite a few years—from the age of about 6 to 19—swimming and surfing. In that time I never experienced racism on the beach: I always experienced friendship. Of course there were occasional outbreaks of violence but my own personal experience was that the area, the community, did not exhibit racial hatred in any way.

Perhaps I was just lucky, but I think back to Cronulla as a wonderful place where I had the most enjoyable times in my childhood on that great stretch of beach where everyone strips down to their costumes and there is a certain sense of egalitarianism that everyone is there together to enjoy the summer. I think this latest situation is going to scar our community for a long period of time and I hope that authorities and those in positions of authority choose to work together. I commend the resolve of the previous speaker in this debate, who talked about what happened in the Netherlands, where members of different ethnic groups and rival gangs were put together on a survival course to acknowledge and recognise that they can work together and share a common humanity.

The Hon. DAVID OLDFIELD [2.27 p.m.]: In general, I support the Law Enforcement Legislation Amendment (Public Safety) Bill; indeed, it is not dissimilar to issues I have raised myself. What concerns me, however, is an apparent lack of capacity by this Government to acknowledge how all this began and, hence, why these new powers are necessary. Last Sunday Cronulla experienced a series of most disturbing scenes. What happened was ugly and inexcusable, but that does not mean we cannot find some understanding of why this terrible day took place. Nothing I am about to say is intended in any way to excuse groups who gang up on individuals or inappropriate drunken behaviour or assaults on police or assaults on emergency personnel such as was witnessed last Sunday at Cronulla. However, it is ignorant, irresponsible and wrong in the extreme to overlook, and hence deny, the provocations over a long period of time that caused so many Australians to behave so badly.

Not once have I heard the Premier use the term "Middle Eastern gangs". Not once have I heard the Premier give any indication that these badly behaved citizens were in any way provoked to stage this rally that went so terribly wrong. It is as if all the trouble began with this riotous group last Sunday at Cronulla—but that is wrong. It is as if these apparent racially related attacks were confined only to the Cronulla incident—but that is wrong. It is as if nothing preceded Cronulla and as if the residents of Cronulla, or for that matter any other residents of Sydney, have not been subjected to racially inspired violent assaults, rapes and murders over a period of years. The provocation for what took place at Cronulla has been building for many, many years and is the result of a lack of government action to address the evil of Middle Eastern gang violence.

I note that many of those at Cronulla on Sunday were not riotous, did not engage in violence, and had simply turned up to support the principle that local people had had enough of being victimised, intimidated and assaulted by Middle Eastern gangs. That said, I reiterate that we cannot excuse what took place, but a much bigger crime is to ignore why this happened. If we cannot properly publicly acknowledge the root causes of last Sunday's terrible scenes, we cannot begin to address the issues. If this Government continues with its present attitude, no amount of policing, no level of extreme measures or forcefulness of legislation will give the people of Sydney the protection they deserve from the evil of Middle Eastern gangs. I am compelled to make the point that there is nothing wrong in describing these violent thugs as members of Middle Eastern gangs because, indeed, they are of Middle Eastern descent and despite in many instances being born in Australia—

The Hon. Henry Tsang: Point of order. I would like to draw to the attention of the House that the Hon. David Oldfield's comment itself is racially biased. I ask him to be fair and to address the debate in a fair manner. It is not just one group or the other. The Hon. David Oldfield addressed the cause to only one community group. I ask you, Madam President, to draw him back.

The Hon. DAVID OLDFIELD: To the point of order: The Hon Henry Tsang is too quick to rush to his feet. A debate must of course be taken in context.

The PRESIDENT: Order! While there is debate as to whether incitement to racial hatred legislation may collide with standing orders as they relate to total freedom of speech in this Chamber, there have certainly been Presidents' rulings on many occasions in the past that sexist or racist comments are unparliamentary. I warn the member that I will also rule that sexist or racist comments are unparliamentary. He may proceed.

The Hon. DAVID OLDFIELD: Despite in many instances being born in Australia, they do not consider themselves to be Australians. These low-lives are merely termed this way by me and by others because it is an accurate description. It is how they see themselves. Surely it is reasonable for me to call them what they call themselves. My references are in no way intended to unfairly tag a specific group in our community. Indeed, I have good friends who are of Middle Eastern descent, and many who are of that origin have made significant positive contributions to Australia. These people, however, are not thugs or gang members. They see themselves as Australians, and truly that is what they are—good, decent, law-abiding Australians. They should not be confused with those responsible for provoking the events that occurred at Cronulla last Sunday.

I have been asked to note, and do so willingly as a mark of acknowledgment and respect, that Australians of Lebanese Christian background, Assyrian Christian background and Coptic Christian background are all among those good and decent Australians who are incensed by the actions of Middle Eastern gangs. These good people, in particular, should not be considered in any way associated with the thugs of whom I speak.

Let us examine the damage report in sequence. After years of violent crimes the straw that broke the camel's back was the senseless, unprovoked, racially inspired criminal bashing of two volunteer lifesavers at Cronulla. In response this was followed by the unfortunate incidents of the Cronulla rally, which was then followed by Middle Eastern gangs destroying 100 cars at Maroubra, smashing windscreens, bashing panels and slashing tyres. In Malabar Road they set a car on fire with a Molotov cocktail thrown from a vehicle, and bashed several local residents. In Maroubra Road, one group of Middle Eastern gang members brandished a pistol. Gang members were armed with lengths of wood, baseball bats, nunchakus, crowbars, steel poles, tree stakes, knives and machetes. Gang members stabbed in the back a man who went to the aid of three women they were harassing. Several gang members burned the Australian flag at Brighton Le Sands RSL.

Three Middle Eastern gang members stabbed and bashed a 26-year-old man outside Woollooware Golf Club. Radio 2GB reported three girls were attacked by Middle Eastern gangs, with one girl hit over the head with an iron bar. Up to 70 car loads of gang members bashed Cronulla locals and smashed shops and vehicles. More than 20 cars and three shops in Elouera Road were smashed and approximately 30 gang members savagely bashed a Cronulla resident. A Uniting Church hall was torched in Auburn and Middle Eastern suspects were noted at the scene. Gang members fired shots into cars during a Christmas carol service at St Joseph the Worker Catholic primary school in Auburn. Numerous men of Middle Eastern appearance were noted brandishing Glock semiautomatic pistols, itself a clear and serious breach of a number of laws. These are but examples; the list is too long to complete. I have received many calls and emails in regard to these issues. All have been like these two that I quote as examples:

So what's 'personal' about my attitude you may ask? Why am I so down on them? Well here are some of the benefits this community has bestowed just on my little western suburbs family alone. I don't ask a lot of the other people I share this city with.

Was it too much to ask that my 14-year-old niece could go on her first date to her school dance without having her boyfriend bashed because she declined to dance with some gatecrashing Lebanese goon in his mid 20s?

Was it asking too much that my elderly neighbour not have a screwdriver pressed against his neck at a motor auction and be told his next bid would be his last?

Why did my cousin have to have her nose broken standing up for a near hysterical Down's Syndrome girl who was having her breasts pinched and skirt pulled by three of these creatures?

Or my nephew and his mates who were bashed at Auburn McDonald's one night (the usual...20 or so to three teenagers...) because it was their McDonald's. As is Lidcombe and a host of others.

The second email reads:

It is absolutely obvious that multiculturalism is a dismal failure!
They are raping our young girls!
Calling them whores and sluts!
Shooting up our police stations!
Burning our flag!
Bashing our lifesavers!
deriding our way of life!
and many more things that are cancerous to our way of Australian life!

Yesterday, in response to a press release I issued, the member for Manly, David Barr, called for my resignation because the press release read, "Don't barricade them out, barricade them in." Although the statement simply suggested initiatives not dissimilar to this legislation, Mr Barr accused me of attempting to create a Lebanese ghetto. He then went on to use as a parallel the ghettos used to subjugate an ethnic group in Europe. I would be surprised if the decent, law-abiding Jewish community were not greatly offended that Mr Barr used the unparalleled suffering of those who experienced the Holocaust as being somehow related to policing measures I recommended for the purposes of dealing with Middle Eastern crime gangs.

I have spoken in this House of my support for the Jewish people and the state of Israel. I have attended memorial services to honour the victims of the Nazis. I have attended functions celebrating the state of Israel and recently attended the reopening of the Sydney Jewish Museum, often referred to as the Holocaust museum. On none of these occasions have I seen David Barr, the member for Manly. Perhaps David Barr might meet these Middle Eastern gangs when they arrive in his electorate one day and give them the keys to the city. Clearly he does not understand the issue and his remarks were totally inappropriate. Those who suffered and died at the hands of the Nazis experienced a terror not otherwise known in human history and it is most inappropriate, inaccurate and offensive in the extreme for Mr Barr to cite their memory in his wish to score political points. I turn now to the eminent and respected Tim Priest, a former police officer, for an accurate account of the rise of Middle Eastern crime in Sydney:

I believe that the rise of Middle Eastern organised crime in Sydney will have an impact on society unlike anything we have ever seen.

In the early 1980s, as a young detective I was attached to the Drug Squad at the old CIB. I remember executing a search warrant at Croydon, where we found nearly a pound of heroin. I know that now sounds very familiar; however, what set this heroin apart was that it was Beaker Valley Heroin, markedly different from any heroin I had seen. Number Four heroin from the golden triangle of South-East Asia is nearly always off-white, almost pure diamorphine. This heroin was almost brown.

But more remarkable were the occupants of the house. They were very recent arrivals from Lebanon, and from the moment we entered the premises, we wrestled and fought with the male occupants, were abused and spat at by the women and children, and our search took five times longer because of the impediments placed before us by the occupants, including the women hiding heroin in baby nappies and on themselves and refusing to be searched by policewomen because of religious beliefs. We had never encountered these problems before.

As was the case in those days, we arrested every adult and teenager who had hampered our search. When it came to court, they were represented by Legal Aid, of course, who claimed that these people were innocent of the minor charges of public disorder and hindering police, because they were recent arrivals from a country where people have an historical hatred towards police, and that they also had poor communications skills and that the police had not executed the warrant in a manner that was acceptable to the Muslim occupants.

The magistrate, well known to police as one who convicted fewer than one in 10 offenders brought before him during his term at Burwood local court, threw the matter out, siding with the occupants, and condemning the Police.

In 1994 I was stationed at Redfern. A well-known Lebanese family who lived not far from the old Redfern Police Academy were terrorising the locals with random assaults, drug dealing, robberies and violent anti-social behaviour.

When some young police from Redfern told me about them, curiosity got the better of me and I asked them to show me the street they lived in. Despite the misgivings of the young police, I eventually saw this family and the presence they had in the immediate area. As we drove away in our marked police car, a half-brick bounced on the roof of the vehicle. The driver kept going. I said, "What are you doing? They've just hit the car with a house brick!" The young constable said, "Oh, they always do that when we drive past."

It was about 1995 to 1996 that the emergence of Middle Eastern crime groups was first observed in New South Wales. Before then they had been largely known for individual acts of anti-social behaviour and loose family structures involved in heroin importation and supply as well as motor vehicle theft and conversion. The one crime that did appear organised before this period was insurance fraud, usually motor vehicle accidents and arson. Because these crimes were largely victimless, they were dealt with by insurance companies and police involvement was limited.

But from these insurance scams, a generation of young criminals emerged to become engaged in more sophisticated crimes, such as extortion, armed robbery, organised narcotics importation and supply, gun running, organised factory and warehouse break-ins, car theft and conversion on a massive scale including the importing of stolen luxury vehicles to Lebanon and other Middle Eastern countries.

When the Middle Eastern crime groups emerged in the mid-to-late 1990s no alarms were set off. The Crime Intelligence Unit was asleep. I know personally that operational police in south-west Sydney compiled enormous amounts of good intelligence on the formation of Lebanese groups such as the Telopea Street Boys and others in the Campsie, Lakemba, Fairfield and Punchbowl areas.

The inactivity could not have been because the intelligence reports weren't interesting, because I have read many of them and from a policing perspective they were damning. Many of the offenders that you now see in major criminal trials or serving lengthy sentences in prison were identified back then.

The Hon. Peter Breen: Point of order: I do not normally listen to the speeches of the Hon. David Oldfield because they upset me so much, but on this occasion he has condemned various Lebanese groups, particularly Lebanese people of the Muslim faith. He was going on to mention Lebanese gangs, and some of the people and matters that he is referring to are before the courts.

The Hon. DAVID OLDFIELD: No, they are not.

The Hon. Peter Breen: The Hon. David Oldfield referred to the police investigation of those matters, and recited, no doubt for the benefit of his supporters and for the parliamentary record, the views of a certain Tim Priest about how the world goes around. Those views may well be interesting to the Hon. David Oldfield, but they are not at all relevant to the bill. If the honourable member would confine his remarks to the bill, I for one would be very grateful.

The Hon. DAVID OLDFIELD: To the point of order: This is background to everything that today's debate is about: how events have occurred to cause us to be here. Honourable members essentially have said what they liked in this debate. That some members have been eroding my time by taking points of order is not appreciated.

The Hon. Peter Primrose: To the point of order: I will be very brief, because I do not wish to take up the honourable member's time. Earlier in debate points of order were taken by Opposition members when Ms Sylvia Hale was seeking to give background to the debate and the alleged role played by the Prime Minister in relation to racism. The Chair ruled that the honourable member should not pursue that matter and should specifically address the bill. I submit that that should happen in this case.

The Hon. Peter Breen: Further to the point of order: The remarks of the Hon. David Oldfield that were directed to the Lebanese community of people of the Muslim faith, in the context of the bill, are entirely inappropriate. I have friends who live in Caringbah who happen to be Italian and whose shops have been trashed as a result of the affairs in Cronulla and the riots and disorder that the bill addresses. If the Hon. David Oldfield wants to be reasonable in his remarks, he should consider the other ethnic groups in the Sutherland shire who are also subjected to this kind of riotous treatment. His remarks, as far as I am concerned, ought to be confined to the bill and should not relate to, or focus on, any particular ethnic group.

The Hon. Amanda Fazio: To the point of order: The Hon. David Oldfield has been quoting large portions of material prepared by Tim Priest. Former Presidents have ruled that members may quote selectively from material but may not read large slabs of it verbatim. I seek a ruling on that matter.

The Hon. Henry Tsang: To the point of order: The Hon. David Oldfield is misleading the House by quoting comments about the Jewish community and the ghetto for his own purpose of condemning Australians of Middle Eastern background. I demand that he withdraw those remarks.

The Hon. DAVID OLDFIELD: To the point of order: I would like to highlight the confusion demonstrated by the Hon. Henry Tsang, who obviously has not understood any of the debate. I would suggest that he perhaps read it later and speak at a time when he does understand it.

The PRESIDENT: Order! When contributing to debate members may make general comments. However, the comments of the Hon. David Oldfield about Lebanese people are racist and bordering on unparliamentary. Further comments of such a nature will be ruled out of order.

The Hon. DAVID OLDFIELD: As my time has been eroded by the taking of points of order it is very difficult to continue my speech in proper context. However, I will make one comment regarding the work of Tim Priest. I commend to all honourable members that they read his full speech regarding the rise of Middle Eastern crime. He finishes by saying:

The ingredients are there already. It is but a small step from urban terrorism to religious and political terrorism, as we have seen with groups such as the IRA, where organised crime often became interwoven with terrorism.

That was just a sample of Tim Priest's remarks. I commend his work to honourable members, and I praise his courage and commitment. The bill is merely a bandaid, not a long-term solution. We are a country of people from almost everywhere, and hence our people are diverse. But, while we can embrace a level of cultural diversity, we are confronted every day with clear evidence that the policy of multiculturalism is dividing people

rather than bringing them together. Too many of those born in Australia do not consider themselves Australian. This is not because Australians have not been tolerant or accepting; it is because the policy of multiculturalism precludes social integration, it highlights difference and divides us culturally.

Multiculturalists see integration as evil. How could that be so? The dictionary says that to "integrate" is to "combine parts into a whole—complete (an imperfect thing) by the addition of parts—bring or come into equal participation in or membership of society". We will not be on the path to our all being Australians until we embrace the fact that integration does not preclude difference; rather, it includes difference and uses it for a better outcome. [*Time expired.*]

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Assistant Treasurer, and Vice-President of the Executive Council) [2.46 p.m.], in reply: I thank all honourable members who contributed to the debate. There have been refreshing and responsible contributions at all levels. As to interpretation of the issues raised by Mr Ian Cohen, the Government has made quite clear in the second reading speech that these new powers are in no way designed to target any peaceful protest, union marches, or the like. I reiterate that to put at rest the concern in the mind of the honourable member and others who might be concerned about that aspect of the legislation.

I foreshadow that in Committee the Government will move a minor amendment, based on advice from Parliamentary Counsel as to how best to achieve the Government's intention. The Government will move an amendment to proposed section 87M. I will, of course, provide further supporting comment in Committee about that amendment. These are extremely important new laws that we are passing today. They are designed to make our community a safer place in which to live. I commend the bill to the House, and I thank honourable members for their tolerance.

Motion agreed to.

Bill read a second time.

In Committee

The CHAIR: Order! Before we consider the bill in detail, I remind members that under the terms of the resolution carried this morning, they have only 10 minutes to speak to any question before the Committee.

Clauses 1 to 6 agreed to.

The Hon. PETER BREEN [2.51 p.m.], by leave: I move my amendments Nos 1 and 2 in globo:

No. 1 Page 8, schedule 1 [1] (proposed section 87J). Insert after line 31:

and the police officer reasonably suspects that an occupant of the vehicle has been involved or is likely to be involved in a public disorder.

No. 2 Page 9, schedule 1 [1] (proposed section 87K). Insert after line 4:

and the police officer reasonably suspects that the person has been involved or is likely to be involved in a public disorder.

The purpose of these two amendments is to ensure that, in exercising their powers under the bill in relation to searching motor vehicles and persons, police officers can exercise those powers only if they reasonably suspect that a person is involved in a public disorder. Under the bill as drafted, police officers can search a car or person for any reason at all, the only qualification being that the person or the car happens to be in the authorised area. That means that anybody who happens to be in that authorised area can be the subject of these powers.

I am sure that in the future there will be many situations where people not involved in riots or any kind of protest, affray or assault, but are merely bystanders or living in the area, will be the subject of these powers. It is a misuse of police powers for the Government to allow police officers to exercise these extraordinary powers—and they are extraordinary powers—against people who have no involvement in any kind of public disorder. Commissioner Moroney has acknowledged that police are being given extensive powers—indeed, he wants them in place by the weekend—but those powers should only be exercised against people involved in a public disorder; otherwise it is a misuse of power.

I urge the Committee to support the two amendments so that the stop-and-search-vehicle power and the search-of-person power be subject to the police having reasonable belief that the occupants of the car or the people involved are in breach of the law. That qualification applies in proposed section 87L, which is the power to obtain disclosure of identity. If police want to know a person's identity, they have to have reasonable cause. Therefore, it follows that if they need reasonable cause to look at one's identity, they should also have reasonable cause to search one's person or vehicle. I urge the Committee to support my amendments.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Assistant Treasurer, and Vice-President of the Executive Council) [2.54 p.m.]: The Government does not support the amendments, although it supports the sentiment and concern behind them. The amendments are not acceptable because the Government has taken a policy decision that the powers contained in proposed sections 87J and 87K are random powers not to be fettered by reasonable suspicion. The Government has put in place a general test encapsulated in proposed section 87D that that section requires the most senior police in this State to make the decision about whether to lock down a particular area.

In deciding whether to do that, an officer of or above assistant commissioner rank must have reasonable grounds for believing that a large-scale public disorder is occurring and must also be satisfied that the exercise of power is reasonably necessary. Hence, these safeguards exist in relation to the declaration of the zone. Once the zone is declared the Government believes that the police need these powers to be random. On that basis the Government cannot support the amendments.

The Hon. JOHN RYAN [2.55 p.m.]: The Opposition also does not support the amendments for the reasons outlined by the Government. The power to search vehicles only applies in places that are targeted under an application made by the Commissioner of Police or an assistant commissioner. The public generally believes that these checks will be similar to those undertaken at an airport. This is about preventing crime rather than investigating crime. Vehicles will be searched in circumstances where police are not exactly aware which vehicles might contain people equipped to cause trouble. That is not easy to tell from the footpath.

This power will mean that police will be able to stop and randomly check vehicles in order to prevent trouble happening. These are significant powers, but they are aimed at improving public safety. As we all saw at the weekend, in these circumstances police are protecting the public from being injured by people who intend to injure them. I think that most people would take the view that the police will exercise these powers very responsibly.

The final point I make is that searching a car is significantly different to searching an individual. Police will search vehicles only for implements designed to cause riot and affray. Searching an individual is a completely different situation. Given that these powers are designed for public safety and we are assured that the public support them, the Opposition cannot support the amendments.

Reverend the Hon. FRED NILE [2.57 p.m.]: The Christian Democratic Party does not support the amendments. I said in the second reading debate that recently a lot of court time has been taken up by lawyers arguing with police officers about the meaning of the very wording referred to in these amendments, and therefore we do not support its inclusion in the legislation.

Amendments negatived.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Assistant Treasurer, and Vice-President of the Executive Council) [2.58 p.m.]: I move:

Page 10, schedule 1 [1] (proposed section 87M). Insert after line 11:

- (2) The Local Court may, on the application of a police officer, authorise the continued detention of a vehicle, mobile phone or other communication device under subsection (1) (a) for an additional period not exceeding 14 days if satisfied that its continued detention will assist in preventing or controlling a public disorder. More than one extension of the detention may be authorised under this subsection, so long as each extension does not exceed 14 days.

The Government moves this amendment following advice received this afternoon that a small change is needed to ensure that the intent of the bill is not frustrated. In this regard I draw the attention of honourable members to

proposed section 87M (3). In light of the time pressures associated with the finalisation of the bill, it had been determined that the machinery provisions standing behind the confiscation power would be included in a regulation. Honourable members would be aware that there is an existing regime or precedent relating to confiscation that exists in relation to what is colloquially known as the "car hoon" laws.

I am advised that virtually all of the relevant provisions can be encapsulated in a regulation rather than in the Act, and the drafting of that regulation is under way. However, one provision cannot be covered in a regulation as it would be ultra vires the Act, that is, beyond the power of the Act. That is a provision to enable the Commissioner of Police to apply to the Local Court for an extension of the seven-day confiscation provision that is currently in the bill. Obviously it would not make sense, in some potential circumstances, to automatically hand a vehicle back after seven days. This amendment will mean that if the court agrees that a further period of confiscation is warranted to further prevent or stop a large-scale public disorder, an additional period of 14 days can be granted. Parliamentary Counsel advised the Government that this aspect could not be covered in regulations. The Government considered this matter very carefully, which is why I moved the amendment.

The Hon. JOHN RYAN [3.00 p.m.]: The Opposition supports the Government's amendment. Notwithstanding the rather interesting description given by the Minister about the origin of the amendment, we believe that the Government has finally been mugged by reality and that it has accepted submissions made by the Opposition in another place that seven days might not be enough to detain vehicles and there is a necessity to make it longer.

The Opposition would have been happy simply with extending seven days to 14 days or 21 days, as required. There are a number of reasons why it is not sensible to return vehicles to people who are causing trouble. The current problem, which has existed for nearly seven days, could go on for longer. Confiscating the motor vehicle of a troublemaker or a suspected troublemaker for seven days might not be sufficient—a point that was made by the Leader of the Opposition and others in debate in another place. We are pleased that the Government has woken up to that fact.

I refer also to the need to modify these powers. These powers are special powers that exist only when trouble has already commenced. Some of these things—that is, the need to control motor vehicles and mobile phones—might be usefully employed other than at special events. We might need to consider giving police powers on other occasions. The police are not about punishing people for driving motor vehicles; they are about stopping danger to the public. Many of the events that they tried to prevent on Sunday had much lesser causes as their origins. If individuals start using mobile phones as a means of rustling up a crowd we might need to authorise police simply to stop that form of communication.

It would not be a massive problem for individuals who lost their phones if they compared that with the real danger posed by large groups of people confronting police officers and other members of the public. Opposition members not only support this amendment; we also think there is good reason to look at these provisions in future to establish whether confiscating mobile phones and motor vehicles is a crime prevention device that can be used by police in circumstances other than in a zone that is declared to be a lockdown zone after a period of riot and civil disobedience. It might well be too late by that time.

The Hon. PETER BREEN [3.02 p.m.]: The kinds of powers that the Hon. John Ryan suggested the police might have are already in existence in proposed section 87M (1) (b), which states:

A police officer may, in connection with a search under this Division:

- (b) seize and detain all or part of a thing (including a vehicle) that the officer suspects on reasonable grounds may provide evidence of the commission of a serious indictable offence ...

As I understand it, the offences in this legislation range from five to seven years. Without the benefit of getting proper advice on the bill I cannot be absolutely sure, but I think they are indictable offences. So that would already cover this situation. If the police think a mobile phone or a motor vehicle can be used, or is available as evidence of the commission of a crime, it can be confiscated anyway. The idea that this provision is introduced at all seems to me to be a serious incursion into the rights of citizens in relation to their possessions and to their motor vehicles in particular.

When confiscating a vehicle, a mobile phone, or any other item without any good reason except that it happens to be in a particular area, which is what we are talking about, and it is part of a police task force, if you like, for preventing or controlling a public disorder, surely the onus ought to be on the police as to why they should retain it at all. In my opinion, detaining it for seven days is bad enough. To have it extended to 14 days is a further incursion of the rights of the owners of those items. The last sentence of the Government's proposed amendment states:

More than one extension of the detention may be authorised under this subsection, so long as each extension does not exceed 14 days.

The police could go back to the Local Court every 14 days and get an extension of the order.

The Hon. John Ryan: Yes, but you have to get the magistrate to agree.

The Hon. PETER BREEN: Yes, but the point is that if they keep it for any reason other than the fact that it is useful in the prosecution of a crime it seems to me that the wrong that it seeks to address, that is, preventing public disorder, will become a bigger problem if some of these young people are forced to go to court and argue about whether they should get back their phones and their cars. In my opinion the amendment is unnecessary and it should be opposed.

Reverend the Hon. FRED NILE [3.05 p.m.]: The Christian Democratic Party supports the amendment, which we believe provides necessary safeguards. This decision has to be made by the Local Court after application by a police officer. The Hon. Peter Breen and others always argue that there should be judicial involvement. That is provided for in the legislation. Before the Local Court grants such an extension it must be satisfied about the application.

The Hon. PETER BREEN [3.05 p.m.]: As young people are the target of this legislation their mobile phones and cars are important to them. If they have to go to court and pay lawyers to get them back that defeats the purpose of the amendment. I urge all honourable members to oppose it.

Amendment agreed to.

Schedule 1 as amended agreed to.

Schedules 2 to 4 agreed to.

Title agreed to.

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

DEFERRED ANSWERS

The following answers to questions without notice were received by the Clerk during the adjournment of the House:

PUBLIC SCHOOLS SCIENCE CURRICULUM

On 8 November 2005 the Hon. Dr Arthur Chesterfield-Evans asked the Special Minister of State, representing the Minister for Education and Training, a question without notice regarding public schools science curriculum. The Minister for Education and Training provided the following response:

In NSW, all schools must teach the mandatory Board of Studies syllabuses, including compulsory science courses from K-10 and a choice of several elective science courses in Years 11 and 12.

Intelligent design is not part of any NSW Board of Studies syllabus, nor is it in the science curriculum, because it is not scientific and is not evidence based.

Intelligent Design is not to be set as part of the school-based assessment tasks for science that contribute to the School or Higher School Certificate assessments.

BOARDING HOUSE LICENCE CONDITIONS

On 8 November 2005 the Hon. John Ryan asked the Minister for Disability Services a question without notice regarding boarding house licence conditions. The Minister for Disability Services provided the following response:

On all occasions when a licensed or unlicensed boarding house is reported to the Department of Ageing, Disability and Home Care (DADHC) as being potentially in breach of the Youth and Community Services Act 1973, DADHC undertakes an inquiry. If DADHC has firm information indicating a breach it can seek a warrant to enter the premises.

If an unlicensed boarding house is confirmed as having two or more residents with a disability DADHC commences proceedings to bring the boarding house within the ambit of the Youth and Community Services Act 1973.

If the Honourable John Ryan is in possession of such information he should forward it to my office or DADHC.

NATIONAL PARKS AND WILDLIFE AMENDMENT LEGISLATION PROVISIONS

On 8 November 2005 Mr Ian Cohen asked the Special Minister of State, representing the Minister for the Environment, a question without notice regarding National Parks and Wildlife amendment legislation provisions. The Minister for the Environment provided the following response:

While the yet-to-be commenced provisions referred to provide for a new "due diligence" defence to the Schedule 1 offence, there is no specific power for guidelines to be gazetted that explain how land managers should exercise their "due diligence" obligations. In the absence of such guidelines, land managers are likely to be exposed to inadvertent breaches of the new offence provision.

The Government is examining the need for further amendments to deal with this issue and to further assist the statutory regime protecting Aboriginal cultural heritage within NSW.

COUNTER-TERRORISM MEASURES

On 9 November 2005 the Hon. Dr Peter Wong asked the Minister for Ports and Waterways, representing the Minister for Police, a question without notice regarding counter-terrorism measures. The Minister for Police provided the following response:

The arrests inevitably came to public attention due to the persons arrested living in suburban Sydney, due to the number of persons arrested and due to the number of police prudently involved.

COUNTER-TERRORISM MEASURES

On 9 November 2005 the Hon. Peter Breen asked the Special Minister of State, representing the Premier, a question without notice regarding counter-terrorism measures. The Premier provided the following response:

The Government does not support the introduction of laws to prohibit religious vilification. The former Premier, the Hon R J Carr, clearly stated this position and the reasons for it to the Parliament on 21 June 2005.

SHOALHAVEN HOSPITAL RADIOLOGY SERVICES

On 9 November 2005 the Hon. Don Harwin asked the Minister for Health a question without notice regarding Shoalhaven Hospital Radiology Services. The Minister for Health provided the following response:

I am advised that South Eastern Sydney and Illawarra Area Health Service has established an Area-wide Radiology Business Unit, South East Sydney And Illawarra Medical Imaging (SESAIMI) in accordance with Department of Health policy. This business unit has undertaken to ensure the Area is able to provide radiologic services at 11 sites within the Area Health Service, which includes Shoalhaven District Memorial Hospital.

This means that approximately 3000 CT scans that are performed per annum at Shoalhaven District Memorial Hospital on equipment installed and operated by the Area Health Service, are now being reported by Radiologists employed by the Area Health Service, rather than contracting that reporting out to a private practice.

Networked reporting is the standard model for delivery of radiology services being adopted worldwide. Using a networked reporting model, as opposed to the former fee for service model, allows for the delivery of more timely services at a better cost for the taxpayers of NSW. This speed translates into improved diagnosis and management of all the patients seen by the Radiology Departments in the Illawarra - that's more than 100,000 examinations per year. I am advised that the savings realised are being directed towards equipment improvements in the Radiology Department.

NON-CUSTODIAL FATHERS SUICIDES

On 15 November 2005 Reverend the Hon. Dr Gordon Moyes asked the Special Minister of State, representing the Attorney General, a question without notice regarding non-custodial fathers suicides. The Attorney General provided the following response:

I am advised that the NSW Legal Aid Commission contributed to a submission made by National Legal Aid on the exposure draft of the Family Law Amendments (Shared Parental Responsibility) Bill 2005.

I understand that the Commonwealth is currently undertaking further drafting of this legislation.

GROUP HOME ASSAULTS

On 15 November 2005 the Hon. John Ryan asked the Special Minister of State, a question without notice regarding group home assaults. The Special Minister of State provided the following response:

The NSW Disability Service Standards requires organisations to document any incident of injury, neglect or abuse of clients in compliance with relevant legislation, including the Ombudsman's Act, in relation to children.

The Department of Ageing, Disability and Home Care's role in monitoring non-government organisations is to ensure that policy and procedures are in place to manage such incidents.

- Standard 10 of the NSW Disability Service Standards is Protection of Human Rights and Freedom from Abuse. This Standard covers management of abuse, injury and neglect, and outlines the minimum practice requirements, including recording incidents, informing staff and providing training, following up action, and reporting serious assaults. This is consistent with the Department's Assault Policy.
- Monitoring of service providers involves a review of policy and practices, seeks information on incident reporting and response, as well as changes to practice. In addition, information from clients, advocates and staff is sought to determine how well the practice operates.

MAJORITY VERDICTS

On 15 November 2005 Reverend the Hon. Fred Nile asked the Special Minister of State, representing the Attorney General, a question without notice regarding majority verdicts. The Attorney General provided the following response:

The Government will introduce a bill permitting majority verdicts into parliament next year. It is appropriate that the Government's proposed scheme be subject to a period of close consultation with the judiciary and the legal profession.

SENATE INQUIRY INTO CHILDREN IN INSTITUTIONAL CARE

On 15 November 2005 the Hon. Dr Peter Wong asked the Special Minister of State, representing the Minister for Community Services, and Minister for Youth, a question without notice regarding the Senate inquiry into children who experienced institutional or out-of-home care. The Minister for Community Services, and Minister for Youth provided the following response:

The NSW Government is working with the States and Territories and the Commonwealth on a co-ordinated response through the auspices of the Community Services Ministers' Advisory Council (CSMAC).

The NSW Government has issued an Apology in line with the Senate Inquiry's report, Forgotten Australians.

The NSW Government is strongly committed to reforming the child protection and out-of-home care systems, and continues to implement its \$1.2 billion reform package announced in 2002.

DRUG OFFENDER SENTENCE REDUCTION

On 16 November 2005 the Hon. Charlie Lynn asked the Special Minister of State, representing the Attorney General, a question without notice regarding drug offender sentence reduction. The Attorney General provided the following response:

The system of confiscation and forfeiture does not operate in the manner suggested in the question.

SALTY LAGOON, BROADWATER NATIONAL PARK, CONTAMINATION

On 16 November 2005 Mr Ian Cohen asked the Special Minister of State, representing the Minister for the Environment, a question without notice regarding Salty Lagoon, Broadwater National Park, contamination. The Minister for the Environment provided the following response:

DEC has written to Richmond Valley Council advising that its current sewerage infrastructure is not sufficient to service population growth. The Department has recently required the Council to investigate and report on the health of the lagoon and adopt appropriate management strategies. DEC will continue to monitor Richmond Valley Council's investigations.

Questions regarding development approvals should be directed to Richmond Valley Council.

MOTOR VEHICLE ENVIRONMENTAL PERFORMANCE STICKERS

On 17 November 2005 Reverend the Hon. Dr Gordon Moyes asked the Special Minister of State, representing the Minister for the Environment, a question without notice regarding motor vehicle environmental performance stickers. The Minister for the Environment provided the following response:

Yes, I am aware of the Green Vehicle Guide. However, the NSW Clean Car Benchmarks were devised prior to the development of the Green Vehicle Guide. The methodology of the NSW Clean Car Benchmarks was used by the Commonwealth Government to develop the Green Vehicle Guide.

New vehicles display a mandatory fuel consumption label which is required under the Commonwealth Motor Vehicle Standards Act 1989 and Australian Design Rule 81/01 Fuel Consumption Labelling for Light Vehicles. The label carries a carbon dioxide emission figure as well as a fuel consumption figure.

As the labelling scheme in question is administered by the Commonwealth Government, suggestions on amendment to the scheme should be referred to the appropriate Commonwealth minister.

PIG INDUSTRY WORKERS COMPENSATION PREMIUMS

On 17 November 2005 the Hon. David Clarke asked the Minister for Industrial Relations a question without notice regarding the pig industry workers compensation premiums. The Minister for Industrial Relations provided the following response:

WorkCover premium rates are set by the claims experience in each particular industry class. There are more than 500 industries in the WorkCover Industry Classification (WIC) system.

Policies taken out by employers are assigned to the industry class which most closely reflects the risk profile of the employer based on their business operations and activities.

Industry rates for WIC 015100 – Pig Farming have been reducing since the introduction of the WIC system, as follows:

Policy Period	Industry Rate (%)
2001/02	9.86
2002/03	9.85
2003/04	8.37
2004/05	8.21
2005/06	7.97

The downward trend in rates represents an improving occupational health and safety and claims cost performance in the pig farming industry over the five year period.

ANTI-TERRORISM LAWS

On 16 November 2005 the Hon. Peter Breen asked the Special Minister of State, representing the Attorney General, a question without notice regarding anti-terrorism laws. The Minister for Police provided the following response:

I am advised that the Crime Commission has been issued with a reference by its management committee to investigate terrorist activity in NSW. As such, its activities are monitored by the management committee.

SPECIAL ADJOURNMENT

Motion by the Hon. John Della Bosca agreed to:

That this House at its rising today do adjourn until Tuesday 28 February 2006 at 2.30 p.m.

ADJOURNMENT

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [3.09 p.m.]: I move:

That this House do now adjourn.

PUBLIC DISORDER

The Hon. MELINDA PAVEY [3.09 p.m.]: I believe that the core reason we have sat today is simply because of the disengagement of several key Labor members of Parliament from their core electorates. The Labor machine, so intent on the games of numbers and thereby the ultimate game of power, rides roughshod over the people Labor members purport to represent. Labor members are so disengaged from the genuine concern of their electorates that they have not even attempted to draw attention to the continued social disorder caused by gangs of young hooligans, whether those gangs roam the streets of Macquarie Fields, Redfern, Auburn, Rockdale or Lakemba. Frank Sartor, the ultimate outsider, in similar fashion to Barrie Unsworth, was parachuted into the safe Labor seat of Rockdale, casting aside a genuine community representative who clearly understood the enormous social pressure that that electorate is experiencing.

Similarly, Craig Knowles, the former member for Macquarie Fields, lacked the passion and dedication to confront the enormous social pressures that ultimately resulted in the riots in Macquarie Fields. Labor takes Labor seats for granted. And what of the member for Lakemba, our new Premier? In 12 years of representing the people of Lakemba, how many times has he raised the issue of hooligans and street thugs marauding his electorate, disturbing the peace, selling drugs, stealing cars, and threatening good and decent people? A check of *Hansard* shows that not once has the Premier, the member for Lakemba, raised in this Parliament issues of hooliganism and street thuggery. The only question he raised about hooliganism was a Dorothy Dixier relating to drunkenness at the Sydney Cricket Ground in 1997.

When the member for Lakemba was appointed to the premiership by Mark Arbib and the Hon. Eddie Obeid one of the glowing tributes made of him was that he was so intent on winning the seat of Lakemba that he wanted to doorknock on Boxing Day. What a work ethic! But not once has he raised what many of the good people he doorknocked would have raised—that is, the issue of the thugs and hooligans who roam roughshod over the community of Lakemba.

The Hon. Amanda Fazio: Point of order: My point of order is simple. The Hon. Melinda Pavey is well aware that if she wishes to attack the Premier in any capacity she must do so by way of substantive motion; she should not slip it in during an adjournment speech. I ask you to rule accordingly.

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! The Hon. Melinda Pavey may refer to matters of concern to the general community. However, in so doing she must not make imputations against other members, unless by way of substantive motion.

The Hon. MELINDA PAVEY: The issues that have confronted Sydney over the past week have not happened overnight; they have happened over many years of not listening and responding to the decent people of all ethnic backgrounds and religious persuasions, people who know what is going on and who know that the State Labor Government has been paralysed to act. Why is the Government paralysed? That is the million dollar question—branch stacking, rorting and games played by those wanting power for power's sake, not for the improvement of the communities they pretend to represent. The community needs answers to those questions. We need to open the door and investigate the deals that have been done and the price we are all paying for the inaction of those at the top.

The Hon. Jan Burnswoods: Point of order: My point of order is that the Hon. Melinda Pavey, in her remarks, is now reflecting on a vote of the House. The remarks she is making are closely tied to aspects of the legislation we have carried this afternoon. It is totally out of order for a member to reflect on a vote of the House in any speech, including an adjournment speech, but I contend that that is exactly what the Hon. Melinda Pavey is attempting to do.

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! Under the new standing orders there is no point of order. The member may continue, but I ask her, in fairness to Hansard, to reduce her rate of delivery.

The Hon. MELINDA PAVEY: My colleague the Hon. Robyn Parker sat through the upper House inquiries into the riots at Redfern and Macquarie Fields, and she questioned Commissioner Moroney about the misleading and politically correct language that resulted in the cover-up of those riots. What happened over the weekend was not about race or ethnicity; it was about young, militant hooligans who have no respect, and the Government has done nothing about it. [*Time expired.*]

HILLSONG EMERGE NATIONAL COMMUNITY CRIME PREVENTION FUNDING

The Hon. IAN WEST [3.14 p.m.]: On a number of occasions recently I have raised issues about some activities of Hillsong Emerge, Hillsong Church and the Federal Government.

The Hon. Duncan Gay: Point of order: I take a point of order and I hope I get a timely decision, because an inordinate amount of time was taken by points of order during the Hon. Melinda Pavey's speech.

The Hon. Eric Roozendaal: What's your point of order?

The Hon. Duncan Gay: Hang on a moment.

The Hon. Eric Roozendaal: Get on with it.

The Hon. Duncan Gay: I need to be allowed to make the point of order. If members take a point of order they take another member's speaking time. I am doing to the Hon. Ian West exactly what was done to the Hon. Melinda Pavey.

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! There is no point of order.

The Hon. IAN WEST: On 23 November I was able to meet with Hillsong Emerge Chief Executive Officer, Leigh Coleman, and his media advisor and communications officer, Maria Ierioanni. The meeting was attended by Vilma Ryan from Riverstone Aboriginal Community Association. The meeting was productive and we agreed on a number of items, including ongoing dialogue. However, I remain concerned about a number of issues, including recent matters that I have referred to appropriate bodies. And new concerns continue to be brought to my attention. I am aware that Hillsong Church continues to attack me and call me a liar at its services, most recently last weekend. It is not helpful and it is not an attitude that is conducive to an open organisation that is willing to look at matters honestly.

My concerns are basic, and I will outline the motivations for my actions. First, local communities continue to contact me and raise concerns about Hillsong and Hillsong Emerge. I seek to ensure that where taxpayers' money is concerned we need to ensure that proper processes are applied in determining areas and projects needing taxpayer funding, as well as the suitability of service providers; we need to check the legitimacy of all claims made in applications during the submission screening and approval process; we need to ensure that there is transparency in the spending of taxpayers' money and the activities supported by taxpayer funding; and we need to ensure that programs are implemented by qualified persons and organisations.

I believe that the community vests its trust, hopes and frustrations in institutions like Parliament, the judiciary, the media, unions and churches to protect, uphold and improve our fragile democratic processes, structures and values. Our role as members of Parliament includes attempting to protect the public interest, as well as supporting transparency and accountability, especially when it involves taxpayers' money. Part of our role is to ensure that the public interest is not compromised and that decisions and advice are provided based on relevant law and policy. Matters that apply policy to individual cases should be impartial and not be prejudiced by professional, party political, ethnic, family, religious or other personal preferences, alignments or enmity.

Our Constitutions helps to ensure that Australia remains a secular State and not a theocracy. The separation of church and State was made for good reasons, and helps to ensure that Australians maintain their rights and freedoms. Given the valued role that Hillsong plays in our community, it is important to ensure that there are proper boundaries between personal beliefs and public duties, especially where taxpayers' money and public services are concerned. Part of this whole debate includes the matter of quality of care. Our social and community services need adequate funding that enables the development of proper training and proper remuneration for quality care and advice. It is vital that staff adequacy and longevity, including corporate memory in the provision of quality care, is fostered, maintained and factored into the funding process.

I share the values espoused by the Christian community and believe that no person or institution holds a monopoly on such values. I spend my working life helping people to help themselves and seeking to ensure that local communities are satisfied with arrangements that governments put in place to assist them. I am duty bound to act when local communities raise concerns with me. I take this opportunity also to advise that I do not seek to colonise Hillsong or any of its various organisations. But issues of obvious importance to the community will no doubt require ongoing monitoring. I am also concerned about some practices at Hillsong in regard to "shining", which is an intense and concerted show of feigned affection by a group of people towards an individual whom they seek to recruit or otherwise influence. [*Time expired.*]

DEPARTMENT OF PEACE PROPOSAL

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.19 p.m.]: On 18 October this year in the British Parliament John McDonnell, MP, held an event to publicise the creation of departments of peace in many countries. About 40 people attended, many of them members of parliament from around the world. The Australian Democrats sent the New South Wales Divisional President, Biannca Pace, to the event as our representative. I was privileged to be invited to attend. However, the Legislative Council was sitting and I could not be there. However, I sent a message, which I will read into the parliamentary record. The message reads:

I would like to thank John McDonnell and the organisers of this Peace Summit for doing a great service for the world in taking a new initiative that will hopefully lead to a new approach to government and international relations. This initiative has great potential, which we must all nurture.

A Department of Defence prepares for war. A Department of Foreign Affairs does not look at aid nor at prevention of international harmony or discord. Great wars are studied in detail, but great peaces and the negotiation of them get far less attention.

Modern economics theories of free trade should make wars less likely but currently some nations are still imposing economic sanctions and trade restrictions on others. This has severe consequences for the wellbeing of citizens in these countries and makes extremism more likely.

A Department of Peace, which looked at how peace could be achieved, could change the approach. Policies that lessened the chance of war could be advocated, with benefits in foreign policy and the total well being of all nations.

Currently the West talks about Freedom and democracy, but does little to practise it. It often favours dictators who make economic deals against their citizens' interests and in return are propped up by Western powers. It ignores countries like Rwanda or Zimbabwe where there is not immediate economic benefit to the West.

Western Middle East policy has been to keep the Arab States divided so that Western Companies can extract their oil. Freedom and even unity of the Arab states need not lead to war, as they will still want to sell their oil for money.

Australia has historically had a fear of being a small western country in Asia. But this fear is not entirely rational, and is less felt in the new generation. Many countries have more powerful neighbours, but are not threatened. In a globalised world, racial differences need not lead to conflict. Injustice will.

Australia has a sad history of going into wars to please dominant world powers when our own interests are minimally involved. Our current Prime Minister put us into the Iraq war without even consulting the Parliament. He knew that he did not have the numbers in the opinion polls. 75% of the population did not want the war. He probably did not have the numbers in the Senate either.

If there were more of a culture of peace, he would not have dared to do this.

Australia has many war memorials, but few peace memorials. We talk about wars, but not long periods of peace. Australia has a proud record at the UN, in its early founding, and in defending human rights, and as peacekeepers in many lands. We can do this because one of our less recognised achievements is that we have accepted a greater percentage of our population as migrants than any country and we have done this without racist strife. There is a real understanding in Australia that people have different cultures and if you go to another land, you must expect them to be different and adjust accordingly. Not all peoples manage this simple concept as well as we. But you would not know any of this from our current foreign policy. Our proud history of tolerance and human rights is being undermined and we need to change from the foolish path of our present government and be drawn again into the concepts of peace and human dignity that are here at this forum.

I can speak for all Australians when I say that we want peace and the concept of a 'fair go', which is an Australian expression for equal opportunity and a reasonable chance of a good life. We are with you in your launch and we live for the day that we too have a Department of Peace, and a World at Peace.

AUSTRALIAN CULTURE AND SOCIETY

The Hon. CATHERINE CUSACK [3.24 p.m.]: Our community is fracturing. The urgent matter dealt with today by way of special legislation is a law and order emergency. But that is only the visible surface of a far deeper wound that has been allowed to fester and will not be healed simply by giving the police more powers. The Opposition does not stand against the urgent measures requested by the police. However, I have little confidence that the new police powers alone are a sufficient or complete answer to what is happening. Nor is it honest, fair or adequate support for our police, emergency services, teachers and health professionals, who are at the coalface of the underlying violence and disrespect that has been allowed to spread beneath the political and media radars. What, then, should be our long-term response to stop the violence? At its formation in 1946 the Liberal Party made this pledge to all Australians:

Our task is to give this nation every hope for the future, to give all its citizens every chance for free, useful and happy lives.

In 1954 the Liberal Party published a concise statement of 17 principles, including statements such as:

We believe in the Great Human Freedoms; to worship; to think; to speak; to choose; to be ambitious; to be independent; to be industrious; to acquire skill; to seek and earn reward ...

We believe in religious and racial tolerance amongst our Citizens.

In 1961 the Federal Secretariat published a statement on liberalism called "The importance of being YOU". It said:

The importance of being *allowed* to be *You* is the clue to Liberal Party thinking. The Liberal Party believes Australia can be strong and vigorous only when the importance of the individual is asserted and recognised.

In 1964 Robert Menzies outlined to the Liberal Federal Council our "Liberal Creed", which is:

There was and is no uniformity among personalities or talents, or energy. We have learned that the right answer is to set the individual free, to aim at equality of opportunity, to protect the individual against oppression, to create a society in which rights and duties are recognised and made effective.

Today is the day to reassert those beliefs. Today we must ask ourselves: Are we honestly fulfilling those commitments to all our citizens? Of course, the official answer is yes. We have world-class education for all our children. We have laws against racism. Australia is a classless society; there are no second-class citizens. That is the official position. But the truthful answer is no, particularly if one is a victim of either gang or mob violence. We are not fulfilling all our promises to all our citizens. Furthermore, the benefits and privileges of being an Australian are not being shared equally, and the inevitable result is a brewing undercurrent of violence and hate. Instead of covering up the facts we must have the courage to face them.

The 1996 McGraw report published rare data about educational outcomes across New South Wales. For Higher School Certificate English results, the average outcome for the State was given statistically as 1. For girls in the northern Sydney region, the result was 2.2—which is obviously outstanding. For boys in south-western and western Sydney the results were between 0.4 and 0.5. That means that girls in northern Sydney are achieving results four to five times better than boys in south-western Sydney. The knock-on consequences of equitable access to education and employment opportunities are simply devastating.

It is disingenuous to claim there are no second-class citizens. In the Premier's electorate of Lakemba 2,000 of his 66,000 constituents have never been to school at all and 7,000 have either a very poor grasp of English or cannot speak English at all. How can one be considered to be first-class in that system when one's parents do not speak English or have never attended school, and these and other circumstances block one from realising one's personal potential? These are deep and difficult issues that have been made harder to solve by covering them up. It is a system without energy, vision or hope that covers up these problems. It leaves lifesavers, police, ambulance officers and teachers at the front line with the violent consequences of what I would argue are systemic failures.

What happened at Cronulla last Sunday was a terrible destruction of basic human rights, not just for one group but for all of us. Rights and freedoms are universal. One cannot wipe them out for a few without wiping them out for all. In standing up for the worth of the individual, we must not seek to explain, excuse or forgive such behaviour. If we do, we permit an environment in which evil can and will flourish. If we fail to provide leadership at this crucial moment we are no better than the disgusting mob that turned on anybody of Middle Eastern appearance last Sunday. Our community is fracturing, and lack of leadership and lack of loyalty to our values and beliefs as Australians are at the core of the problem. It is the duty of all who aspire to be leaders to call for calm and to re-assert the rights of all Australians to their personal freedom and security. Innocent citizens are getting hurt and worse will come if we fail in this duty to our fellow Australians. [*Time expired.*]

RACISM AND PRIME MINISTER JOHN HOWARD

Ms SYLVIA HALE [3.29 p.m.]: Racism has preoccupied this House and the community over the past week. It is pertinent now to re-examine the Prime Minister's contribution to the rise of racism in this country. John Howard's primary political strategy has been to divide and rule this nation. He has consistently pitted one section of the community against the other, whether it be wharfies, Aborigines, the unemployed, refugees, academics, welfare recipients or trade unionists. By identifying a minority and telling the majority that they should fear and loathe it because it is a threat to the way of life of the majority, the Prime Minister has had electoral success, but he has also created the social division that we all now confront.

Undoubtedly, the most destructive aspect of the strategy has been his pandering to the fearful, racist element in the Australian community. John Howard consistently denies that he does so but, as in so many other matters, when you examine the facts you see that the Prime Minister does not speak the truth. Examine his record and his message becomes clear. During his first term as Opposition leader, John Howard saw potential electoral advantage in playing racial politics. His comments in July 1988 promising a reduction in Asian immigration if he became Prime Minister established his credentials as a politician willing to play the race card if he thought it would win him votes. He was widely condemned for those comments and forced to withdraw them, but the lesson he learned was not that this sort of politics is destructive and wrong. Rather, he learned that his appeal to racism had to be more subtle. He learned the black art of dog whistling.

The Hon. John Ryan: Point of order: We have already established in a previous debate that racist remarks are unparliamentary. This attack strikes me as being unparliamentary. It ought to be the subject of a substantive motion. Frankly, the attack is gutless. It is an attempt to make a number of statements about the Prime Minister to which no-one has the opportunity to reply. The speech the honourable member is giving is utterly inappropriate.

Ms SYLVIA HALE: To the point of order: I was prevented from making these remarks earlier on the grounds that it was irrelevant. Surely now, when that bill is no longer being discussed, they are relevant. I am not making racist remarks about the Prime Minister. I am accusing the Prime Minister of fostering a situation where racist tensions can increase. I believe it is perfectly permissible to do so.

The Hon. John Ryan: Further to the point of order: The honourable member did not say, as she just said then, that she accused the Prime Minister of promoting or fostering racism. She has accused the Prime Minister of being racist. That is an utterly unparliamentary attack on the Prime Minister, or on anyone for that matter, particularly when it is not possible for anyone to make a statement in response. To make a statement of that nature without the potential for debate shows an enormous lack of courage.

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! President Johnson ruled:

Offensive words must be offensive in some personal way. When a person is in political life, it is not offensive that things are said about him or her politically. There may be occasions on which remarks offensive to an identifiable member may not be regarded as unparliamentary when applied to a group where members cannot be identified.

Ms Sylvia Hale has referred to both the Prime Minister and the Federal Government. In accordance with President Johnson's ruling, the member should confine her remarks to matters of policy rather than personal issues.

Ms SYLVIA HALE: I referred to the Prime Minister's dog whistling. The first to face the dog whistling were Australia's indigenous community. Who can forget his shouting rant at a hall full of indigenous leaders shortly after his election, his 10-point plan to remove the common law rights of Aborigines arising from the Wik decision, his refusal to apologise to the stolen generation, his axing of Abstudy, his refusal to join the hundreds of thousands of Sydneysiders who walked across the Sydney Harbour Bridge for reconciliation, his destruction of the Aboriginal and Torres Strait Islander Commission [ATSIC], and his denial of the violence perpetrated against Aborigines as a black armband view of history. Next to be given the Howard treatment were the asylum seekers, predominantly Muslims from Afghanistan and the Middle East. His vicious willingness to falsely accuse asylum seekers of throwing the children overboard contrasts starkly with his reluctance to criticise the clear and undeniable racist element in Sunday's riots at Cronulla. This willingness to falsely accuse and smear—[*Time expired.*]

PUBLIC EDUCATION

The Hon. PENNY SHARPE [3.34 p.m.]: As the school year comes to a close I would like to draw to the attention of the House the success and achievements of the New South Wales public education system in 2005. This week across New South Wales communities have come together at presentation days, school picnics and graduation ceremonies to celebrate the achievements of the year. At the end of 2005, public education in New South Wales has the best paid and most professional teachers in Australia, small classes in the early years, a rich and dynamic curriculum that is able to meet the needs of all students, a commitment to supporting all students through programs such as breakfast clubs, parenting education and other support services, and a wide range of sport, art, music, technology, science and other programs that promote participation and success for every student.

As a result of the Government's investment in education and programs such as reading recovery, New South Wales Year 3s had the best results ever for their basic skills tests this year. Literacy and numeracy outcomes, despite Federal Government scare campaigns, are among the best in the world. Our public schools have an outstanding record when it comes to teaching academic and vocational skills. Our public schools strive mightily, and with many successes, to make sure all our children have every opportunity in their schooling and ultimately in their future careers. Our public schools also know that education gives our children precious opportunities in life as well as in work. There are skills and values we need to be good citizens and to maintain a good society that are not measured in any test but which are taught every day in our public schools.

Students learn that every one of them is valuable, and that their value has nothing to do with money or possessions. Our children and young people learn that being Australian has nothing to do with skin colour or where in the world your family came from—or how recently they came. They learn that we have to be careful of each other and we have to take care of each other. Learning together means learning to be together. We hear a lot about the importance of values in education; it is often used as a way to attack our public schools. The Howard Government, led dishonourably by the Minister for Education, Brendan Nelson, denigrates public education by peddling the myth that public schools do not have values and they do not teach values. What the Prime Minister and Brendan Nelson mean is that they do not agree with the values that public schools teach.

Our public education system teaches tolerance and, what is more important, acceptance. Our public schools teach students respect for others and to celebrate the wealth of diversity. They teach inclusion and social responsibility. They teach the values that John Howard's Federal Government dislikes and distrusts. They teach the values that John Howard's Government has systematically set out to destroy. Like thousands of parents across the State, this week I attended my daughter's school presentation day. The very best of public education was on display. I saw first hand how public schools teach values in the most effective way possible: through experience and example. I saw the pride and excitement of my daughter and her schoolmates. These kids were part of a caring community. They know that they are all Australian no matter what part of the world their ancestors came from.

They know this because they spend their time together, they play together, they talk together and they share their lives together. They are growing up side by side; they are growing up together. This experience lays an important foundation of tolerance that insulates those kids against ideologies of hatred and division, no matter who peddles them. This is one of the greatest achievements of our public education system. The children who grow up together will grow up to be adults who stand side by side. In a week where we have witnessed deeply disturbing events on the streets and beaches of Sydney, I acknowledge the successes of our public schools in 2005 and celebrate the contribution they make to tolerance and acceptance within our society.

[Debate interrupted.]

LAW ENFORCEMENT LEGISLATION AMENDMENT (PUBLIC SAFETY) BILL

Message received from the Legislative Assembly agreeing to the Legislative Council's amendment.

ADJOURNMENT

[Debate resumed.]

Motion agreed to.

The House adjourned at 3.38 p.m. until Tuesday 28 February 2006 at 2.30 p.m.
