

# LEGISLATIVE ASSEMBLY

Monday 20 June 2011

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**The Speaker (The Hon. Shelley Elizabeth Hancock)** took the chair at 1.00 p.m.

**The Speaker** read the Prayer and acknowledgement of country.

## PRIVATE MEMBERS' STATEMENTS

### BLAKENEY MILLAR FOUNDATION

#### TUMUT HIGH SCHOOL ANZAC EXCURSION

**Mr DARYL MAGUIRE** (Wagga Wagga) [1.00 p.m.]: I acknowledge an outstanding initiative involving the Blakeney Millar Foundation and Tumut High School in my electorate of Wagga Wagga. The Blakeney Millar Foundation was established in 1984. It is a private philanthropic foundation for Tumut and its environs, funded by a bequest of Mrs Lillian Maude Blakeney-Millar. Mrs Lily Millar, as she was known, died at the age of 100 leaving a \$1.5 million estate to the town she grew up in—Tumut. The Blakeney Millar Foundation was established to administer the estate. The Winston Churchill Memorial Trust approached the Blakeney Millar Foundation to suggest sponsoring Churchill fellowships that could be awarded for the benefit of Tumut and its surrounding areas. It is awarded to residents of Tumut only.

For the past nine years, the foundation has supported an excursion to Europe for Tumut High School by funding all the travelling teachers' expenses and assisting some students. The initial aim of the excursion is that a visit to the Western Front battlefields of World War I is included in the itinerary. Where possible, the experience is enriched by the students meeting and staying with residents of the village of Villers-Bretonneux. In recent years the students and teachers have been billeted by generous people of that village. This excursion is unique in New South Wales public education. Over the years it has realised some significant benefits for both teachers and students.

This year Tumut resident and Chairman of the Blakeney Millar Foundation, Tim Oliver, joined the Tumut High School Europe excursion and represented the New South Wales Government at Anzac Day services. The pressure on the small French village of Villers-Bretonneux is increasing, so the Blakeney Millar trustees felt it important that the school associate with another town. They have now organised the school to visit Ypres in Belgium, which is an area where more than 300 men from the Tumut area served in World War I. The Menin Gate Memorial to the Missing is a war memorial in Ypres, Belgium, which is dedicated to the commemoration of British and Commonwealth soldiers who were killed in the Ypres Salient district during World War 1, and whose graves are unknown. Every night at 8.00 p.m. a moving ceremony takes place under the Menin Gate.

I understand the New South Wales Government and the city of Ypres recently signed a memorandum of intent, which strengthens the ties between both. It recognises the significant loss of life on men from New South Wales in Flanders and, in doing so, enforces the need for peace by fostering relations between our countries. The Blakeney Millar trustees and Bob Lange, who is the principal of Tumut High School, attended in Sydney to witness the signing of the memorandum, and met with the Mayor of Ypres, Burgemeester Luc Dehaene. This year, the chairman of the trust, Tim Oliver, was invited to represent the New South Wales Government at the Anzac Day services at both Villers-Bretonneux and the Menin Gate at Ypres.

The trustees feel this is very significant for Tumut and that it recognises the foundation's commitment to the program. During their visit, the mayor of Ypres generously invited Tim Oliver and the students of Tumut High School to a reception. The Tumut Fire Brigade also will be involved by providing a wreath for the students to lay at the daily Last Post Service at Menin Gate, which is conducted by the Ypres Fire Brigade. This was a very important visit by the chairman of the foundation for the benefit of Tumut and the opportunities it could present. In fostering the Tumut High School excursion, the trustees hope that the students will develop a sense of civic duty and pass on their new-found knowledge to students who will come after them.

## CALVARY MATER HOSPITAL MAGNETIC RESONANCE IMAGING FACILITIES

**Ms SONIA HORNERY** (Wallsend) [1.05 p.m.]: When the Federal budget omitted to give a Medicare licence for the magnetic resonance imaging [MRI] scanner at the Calvary Mater Hospital, there was great concern among residents of my electorate of Wallsend and throughout the Hunter and New England districts. It followed the former Labor Government funding the MRI scanner to the tune of \$2.2 million. I had been lobbying for that vital piece of infrastructure during my first term in Parliament, and I was really delighted on behalf of my electorate and the Calvary Mater Hospital when the former Labor Government recognised the need. For the benefit of members who do not live in the Hunter, which does not include my colleague the member for Port Stephens and Parliamentary Secretary who is present, the Calvary Mater Hospital is the largest cancer specialist hospital in the Hunter and New England districts. The history of this issue is that on 28 December 2010, the hospital's general manager, Colin Osborne, was quoted in the Newcastle *Herald* as having stated:

We've got to bear in mind that the MRI's not yet installed at the Hospital, it's not scheduled until March or April next year, but it is important that we have some form of Medicare eligibility to ensure that the MRI that's operating here is on a level playing field with others operating in the public sector.

The aim was that people who require an MRI scan would be able to obtain treatment at the Calvary Mater Hospital without incurring great cost. The MRI scanner was brought on line on 30 May and now is servicing patients in the region. It is important to point out that from November next year Medicare subsidies will be available to allow patients to participate in the screening process. A great deal of credit must go to my Federal colleague who represents Newcastle, Sharon Grierson, MHR. Ms Grierson worked tirelessly to secure the new Medicare licence. The longer-term aim of this initiative is that people who seek cancer treatment at the Calvary Mater Hospital will be able to obtain treatment at a one-stop shop without having to go to the John Hunter Hospital or elsewhere when they are feeling really unwell.

What is so important about the MRI scanner? Magnetic resonance imaging offers a fairly new technique, which has been in use since the beginning of the 1980s. By comparison, the first human X-ray image was taken in 1895. The MRI scanner uses magnetic and radio waves so that there is no exposure to X-rays or any other damaging forms of radiation. There are no known dangers or side effects connected to an MRI scan. The test is not painful. Patients cannot feel it. Since radiation is not used, the procedure can be repeated without problems. It is harmless to the patient. However, there is a small theoretical risk to the foetus in the first 12 weeks of pregnancy and scans are not performed on pregnant women during that time.

The scan is usually done as an outpatient procedure. That means patients can go home after the test, causing the least disruption to their day-to-day life, saving on overnight stays and the locking up of precious resources of the Calvary Mater Hospital. The MRI provides a good contrast between the different soft tissues of the body, which makes it especially useful in imaging the brain, muscles, heart and cancers compared with other medical imaging techniques. The technology is a major step forward for the community and will inevitably save lives. I thank all the people involved in moving this important project forward. I thank the staff of Calvary Mater Hospital and Sharon Grierson for their work in ensuring that the Hunter has the first-class facilities that it needs and deserves.

## POONCARIE FIELD DAY

**Mr JOHN WILLIAMS** (Murray-Darling) [1.10 p.m.]: I inform the House about my attendance at Pooncarie Field Day on 7 May 2011. Pooncarie is a small community situated between the townships of Menindee and Wentworth. It is a magnificent part of the Darling River. A group of young people in the area help to hold the community together by undertaking a great deal of voluntary work, which is a clear demonstration of their commitment to the area. Pooncarie Field Day, a biennial event, is an excellent example of the commitment these young people make to the community. On the day they raised \$3,265 to be distributed between the Pooncarie Bush Nursing Association and Ambulance, Pooncarie Public School and the Royal Flying Doctor Service. An additional \$173 was donated to the Royal Flying Doctor Service by the Guess the Weight of the Lamb exhibit, as well as \$700 from the Dorper lamb exhibitors.

The Pooncarie Field Day chairman was Angus Whyte, vice chairman was Patty Byrnes and committee members were Eve Syme and Kevin Ingram. Denika Barnes was the inaugural Youth Ambassador and Caroline Freeman was the photographer. Pooncarie runs its own ambulance service with the assistance of 11 volunteers and the local community holds various events to provide funding for these local services. A race meeting is held once a year and all events are well supported. At Pooncarie Field Day 3,200 people passed through the gate and

participated in a range of events that occurred throughout the day. Some of the highlights were the yard dog trials, machine shearing, blade shearing, goat dog trials, a colouring and craft competition, boot art, a Mothers Day competition, a bush photo competition and the well-worn Akubra hat competition. Unfortunately, every two years I have the job of judging the Akubra hat competition. I make two young people very happy and the rest very unhappy. Events also included a whip cracking competition, the tri-State blade shearing title and an auction of donated goods. The crowd was entertained by local talent.

This year's Youth Ambassador, Denika Barnes, attended all the events. For the next field day in 2013 the committee is looking for another youth ambassador aged between 15 and 24 years. Chelsea Mason, 24 years of age, from Clunes, Victoria, was the runaway winner of the Pooncarie Field Day's inaugural Ladies Trailer Backing competition. She whipped through the task in a lightning 1.19 minutes. The bio-clip demonstration attracted a great deal of attention from the many graziers who attended the field day. The merino sheep used were from Angus and Kelly Whyte's Wyndham Station at Wentworth.

Wyndham Station's wool took out two seconds in the fleece competition and Pastoral Wool Show in the medium and strong classes. The whip cracking competition, a great spectator event, was popular with the young people. Sam Wakefield, 15 years of age, from Mildura, was both the under-16 and open winner, beating cousins and neighbours Clay Lambert of Kapana Station and John Lambert of Lelma Station, Pooncarie, in the under-16 event and Tahni Skewers of Mildura and Kate Barnes of Lethero Station, Pooncarie, in the open event. Thirteen-year-old Gabby Holgate cleaned up in the junior photograph competition, winning a first, second and two-thirds. [*Time expired.*]

### **SHELLHARBOUR SURF LIFE SAVING CLUB**

**Ms ANNA WATSON** (Shellharbour) [1.15 p.m.]: On Saturday 28 May 2011 I attended the Shellharbour Surf Life Saving Club 2010-2011 Club Person of the Year presentation ceremony at Shellharbour Workers Club. The evening was a great success. I take this opportunity to acknowledge and thank all the organisers, nominees and sponsors whose contributions made the evening possible. Special thanks go to the following people who organised the evening event: Sharon and Sandy Rose, Greg Boess, Maree Love, Gina Robson and Michael Flood. As with most surf life saving clubs, the Shellharbour Surf Life Saving Club relies heavily on the support of the public and the business sector to allow them to continue with their efforts and various activities. This would not be possible without the continued support of sponsors and funds received from grants. Sponsors support the club financially or in kind so that the club can provide the necessary life-saving equipment and training activities necessary for members.

Some of these sponsors include: Shellharbour Workers Club, Warilla Bowls and Recreation Club, Oak Flats and Shellharbour Community Bank branches, Oak Flats Bowling Club, Kel Campbell, petroleum services, Ray White Real Estate Shellharbour Village, Ray White Real Estate Shellharbour City, Transfield Services and Surf Rider Caravan Park. As well as being the recipient of a donation from the Surf Rider Caravan Park, the club was also a donor. In March this year the park was devastated by flood and many of the residents were left homeless. Following a recommendation from two life members, Terry Barton and Don Briggs, the surf club made a donation back to the caravan park's residents, which was gratefully received. This is only one of countless examples of the "pay-it-forward" attitude that exists in the community-focused electorate that I am fortunate enough to represent.

Equally as important to the club are the contributions of local businesses and tradespeople who have assisted and supported them over the last 12 months. One sponsor that deserves special mention is the Oak Flats and Shellharbour Community Bank branches, in particular, Mr Geoff Egan, chairman of Bendigo Bank. Thanks to information shared with me by acting club president Mr John Sinclair, I can acknowledge that as at last year's annual report the community bank had donated \$50,000 and provided a loan of \$50,000. However, at the club's annual presentation night last year in June Mr Geoff Egan, the bank's chairperson, received a standing ovation when he announced that the promised loan of \$50,000 was to be converted to a donation. He then went on to announce that a further \$50,000 would be donated to enable the surf club to purchase furniture and complete an internal fit-out, providing the club with a total donation of \$150,000. This is another wonderful example of local business and community organisations banding together for the future viability and greater good of the entire community.

In the past 12 months Shellharbour Surf Life Saving Club and its members have been very busy. This season alone saw another increase in the number of patrol hours done by members of the club. The members patrolled North Beach Shellharbour for 560 hours, compared to the 2009-10 season of 544 hours and the

2008-09 season of 440 hours. The 12 patrol teams work together to provide a safe environment for everyone to enjoy whilst at the local beach. Once again, thanks to the vigilance of club members, I am proud to state that no lives were lost at our beach and only a small number of rescues performed across the patrolling season. The club has continued with its success and has significantly grown in all areas of surf life saving.

Shellharbour membership has continued to grow in the past 12 months and boasts some 636 members. Whilst considering this growth, it fascinates and humbles me to think that these members are all volunteers so giving of their time and skills to ensure that our beautiful coastline is a safe haven for families to explore and enjoy. They volunteer their time to patrol the beach, train and educate others, and complete all paperwork and compliance items associated with running a successful and dynamic local surf club.

I take this opportunity to extend my gratitude to each and every contributor who has assisted the club and its members to achieve so much over the season, including those who have helped by educating juniors, coaching competitors, fundraising, undertaking administrative tasks and cooking barbecues et cetera. Thanks to all club management committees, the junior activities committee and members of the other committees who were on board this season.

### AGED CARE SERVICES

**Mr JONATHAN O'DEA** (Davidson) [1.20 p.m.]: For the more than one million older people residing in New South Wales, aged care is critical to maintaining the exceptionally high standard of living that modern Australians enjoy. Facilities, programs and services are designed to ensure continued community interaction and prevent an unnecessary decline in elderly residents. Last Wednesday 15 June was World Elder Abuse Awareness Day. I commend both the Minister for Ageing and the Minister for Community Services for launching a DVD to promote and encourage respect for seniors. Recently I spoke about palliative care, an issue that particularly affects elderly residents, and note that a petition on that issue soon will be discussed in this place.

New South Wales and Australia face challenges from an increasing ageing population. In my electorate of Davidson, for the 2006 census more than 22 per cent of the population was over the age of 60, a figure significantly higher than the Sydney average of 16.7 per cent and 10 per cent higher than the 19.7 per cent recorded in the 2001 census. With the 2011 census due later this year I expect that figure will have increased further. In early 2011 the Commonwealth Government's Productivity Commission released a draft report on aged care entitled "Caring for Older Australians" that highlighted the necessity for action on that issue. The Federal Government plays a crucial role in supporting aged care. However, this issue exists for all levels of government and requires action from all levels.

The New South Wales Government is determined to build the strongest client-focused service system for ageing in its first term of office. Focusing on person-centred approaches that empower individuals and their families is the most effective way to manage care of our elderly. The Northern Sydney Regional Organisation of Councils recently tabled a submission on the Productivity Commission report, drawing attention to the increasing role played by councils in performing many important functions that contribute to the wellbeing and lifestyle of older persons. These include the provision of funding to community organisations and programs such as the Ku-ring-gai Council Seniors Festival, the management of Meals on Wheels services, seniors centres, Home and Community Care facilities, neighbourhood centres, the operation of library and community buses, and the House Bound Library Service.

In Davidson the highly successful Community Shed located at St Ives Showground stands as a shining example. Ku-ring-gai Council and the State Government jointly funded \$132,000 for the purpose-built facility that provides seniors with facilities for woodwork, metalwork, handicrafts, cooking and free internet access. One key recommendation raised in the Northern Sydney Regional Organisation of Councils submission was a greater acknowledgement of the contribution of local government towards aged services, its strong connection with local communities and its expertise in service provision. I commend the Northern Sydney Regional Organisation of Councils for raising this issue and highlighting the constructive involvement of local councils with aged care, and specifically note Ku-ring-gai and Warringah councils in the Davidson electorate.

The Davidson electorate has a wide range of residential institutions that contribute similarly to providing services and facilities for seniors. These include Fernbank Retirement Village, Wesley Gardens Georgian Aged Care, Glenaeon Retirement Village, Lady Gowrie Nursing Home, Whitehall Aged Care Facility, Lourdes Retirement Village, Archbold House Hostel, Belrose Country Club and Lindfield Gardens Retirement

Village. These institutions perform a commendable service in ensuring that older residents are properly accommodated after years of work helping to forge our community. Equally, it is important to recognise that a significant proportion of elderly people choose to remain in their homes rather than move to institutions—a choice that society should support through various voluntary and community programs, including home-based palliative care.

Yesterday morning the St Ives Uniting Church in the Davidson electorate hosted the Minister for Ageing, Andrew Constance, the Federal member for Bradfield and me as guests at a function for seniors. Minister Andrew Constance spoke well reflecting on the importance of respect for seniors. This excellent occasion also featured an interview with Dr John Frawley of Pymble. Human life should be properly valued through its various stages. Recognising the wisdom, the rich life experiences and the continuing contribution of our senior residents is fundamental to achieving this.

### **LANSDOWNE BRIDGE**

**Mr GUY ZANGARI** (Fairfield) [1.25 p.m.]: I speak today about what is considered to be one of Australia's finest examples of colonial architecture: Lansdowne Bridge, over Prospect Creek at Lansvale, situated at the boundary of the Fairfield electorate. An iconic landmark, Lansdowne Bridge was built by convicts between 1834 and 1836 and today is Australia's only surviving masonry bridge, with the largest single spanning stone arch. The bridge was designed and its construction supervised by David Lennox, and it is classed as one of the finest pieces of colonial engineering on the heritage register. The bridge's single-arch sandstone construction spans an impressive 110 feet across Prospect Creek and at its centre clears 76 feet above water level. Lansdowne Bridge is not only David Lennox's greatest work; it is today a scenic and engineering attraction. David Lennox was a trained stonemason who emigrated from Scotland to Australia in the early 1830s. He was employed as a mason with the Government and worked from the Legislative Council Chamber in the Parliament where we gather today.

Whilst many bridges of this era were constructed from cast iron, such technologically advanced materials were not readily available in Australia, thus shaping the aesthetics of the colonial bridges we preserve today. Convict labour and the need to be self-reliant heavily governed the face-of-the-times architecture. The sandstone used for the bridge's construction was sourced on the right bank of Prospect Creek, 11 kilometres downstream from the bridge's location today. Upon its completion, Lansdowne Bridge was officially opened by Governor Bourke on Tuesday 26 January 1836 to mark the forty-eighth anniversary of the foundation of the colony of New South Wales. Like many important pieces of infrastructure, tolls were collected for eight years to recover its construction cost. Interestingly, masonry bridges today are rare historical structures and I am honoured to speak of this exceptional piece of Australian history located at the boundary of the Fairfield electorate.

Today many commuters most likely are unaware of the Lansdowne Bridge's historical significance or its exact location. As they travel along this section of the Hume Highway the bridge's existence is obscured, going unnoticed as an icon of Australian colonial history. The size, aesthetic appearance and durability of the bridge mark it as a rare jewel and one of the very few examples of colonial engineering that functions daily with purpose. Fairfield City Council and the Southern Districts Soccer Football Association commemorate this impressive structure by incorporating its image as the centrepiece of their logos. Today, Lansdowne Bridge is accessed daily by over 57,000 vehicles as it provides vital access along one of New South Wales principal thoroughfares: the Hume Highway. Lansdowne Bridge not only is the title of an historical architectural masterpiece, but also proves to be a vital infrastructure link that is heavily utilised in New South Wales today.

### **COOLY ROCKS ON MUSIC FESTIVAL**

**Mr GEOFF PROVEST** (Tweed) [1.29 p.m.]: I inform the House of a great event that occurred recently in the Tweed—the first staging of the Cooly Rocks On music festival at the twin towns of Coolangatta and Tweed Heads, which ran from 3 to 13 June. Last year, when I sat on the other side of the House, the then Minister for Tourism informed the House that she had stolen the event from Queensland. I had to inform the Minister that she had misled the House because it was staged across the border, but it significantly benefited the fine people of New South Wales.

The Cooly Rocks On music festival was devised after the Wintersun festival moved to Port Macquarie. The passion and hard work of local residents ensured that a new festival could replace the Wintersun festival,

and following the success of the past 10 days it is clear that their hard work has paid off. I have been the manager of one of the largest clubs in the region, the great Tweed Heads Bowls Club, and that club actively supported the Wintersun festival for 15 to 20 years. It was amazing the number of people that festival attracted. I attended the new Cooly Rocks On music festival. The organisers of the event estimated that around 90,000 people attended the festival over its 10 days, with around 50,000 people estimated to have attended on Saturday alone. Without the wet weather it would be fair to assume that even more people would have attended the event. Given its success, the organisers are seeking to make it the largest annual event on the Gold Coast and northern New South Wales.

Needless to say, the festival has obvious effects for local businesses, especially the local hotels, restaurants, café and retailers. All the accommodation on the New South Wales side was full. It was an amazing event that had significant benefits for that great area of New South Wales. Like Wintersun before it, Cooly Rocks On celebrates 1950s nostalgia, and residents and visitors enthusiastically dress up to match the event and, of course, dance to some classic rock and roll music. But the 2011 festival has surpassed all others. I can guarantee that there were more Elvis impersonators in Tweed Heads than in Las Vegas. More than 1,000 classic cars were on show—probably matched only by the same number of Elvis impersonators—and the atmosphere was barely affected by the occasional rain shower. As reported in the Tweed *Daily News* of 13 June, the general manager of Tweed Tourism, Phil Villiers, said:

Not even the rain could deter people, they were running straight back out to the stages as soon as it cleared.

Both exhibitors and long-time visitors have enthusiastically received the restaged festival, many claiming that it is already bigger and better than Wintersun. The success of the festival is due first and foremost to the passion of the local residents of Coolangatta and Tweed Heads, who quickly got behind a new festival after the departure of Wintersun and engaged the backing of the local business community. The success is also due, in no small part, to the festival management committee made up of local business men and women including president and chair, Steve Archdeacon; deputy president and deputy chair and also general manager of Tweed Tourism, Phil Villiers; treasurer, James Sullivan; festival operations manager, Bob Newman; car committee chair, Steve Bowman; entertainment committee chair, Brian Foster; and Professor Kerry Brown, Ross Mercer, Jim Wilson, Tony Cannon, Lloyd Collingwood, and Gail O'Neill.

Cooly Rocks On is a significant major event, and I am pleased to inform the House that I have had discussions with the Minister for Major Events and I believe there will be greater input from New South Wales to ensure the event is continued. Gold Coast City Council has invested significant funds in the event as have Tweed Shire Council and Queensland Events. This is a big step in cross-border issues. The event will benefit both sides of the border, particularly the New South Wales side because half of Coolangatta airport is in New South Wales, and this year alone the airport will process 5.5 million passengers. We can claim to host half the event. The festival needs recognition and the Minister for Major Events is fully aware of that. I have already made submissions for the festival to continue annually. Cooly Rocks On is a great tribute not only to the organisers but also to the local people. Once again, I am 100 per cent behind the Tweed.

### WOONONA AND TOWRADGI SURF LIFE SAVING CLUBS

**Mr RYAN PARK** (Keira) [1.33 p.m.]: On Saturday night I was fortunate to attend the presentation awards of Woonona and Towradgi surf life saving clubs. They are both very important surf life saving clubs and institutions in the electorate of Keira. People who live on the coast, as I have all my life, know the importance of surf life saving clubs all year round—not just because of the hundreds of lives they save during the swimming season between October and April, but, more importantly, for the work they do throughout the year in training and supporting young people in first aid and in providing the community with a venue at which to hold events and to support the local community. Woonona and Towradgi surf life saving clubs are very important clubs located in the heart of the Keira electorate, both of them along breaks and in surfing areas where there have been fatalities and injuries in the past. Those two clubs and surf clubs right along the South Coast and across the Illawarra play a vitally important role in their communities.

Woonona and Towradgi surf life saving clubs have been in existence in the Keira electorate for a very long time and over the years they have honoured many life members and many champion surfers. I am particularly impressed with the sheer numbers of young people getting involved in surf life saving. When you have lived along the coast and have spent all your life along the coast you are particularly aware of how important it is to know how to swim safely in the surf. It is a tremendous testament to the work that these

volunteer clubs do that young people—some as young as five and six—are becoming involved in the nippers programs that both these clubs run. The clubs are engaging with the community and, as a result, they have got widespread support through the community and their membership is growing. It is an absolute honour to be their local representative.

I particularly pay tribute to both of these clubs because they play very active roles within the surf life saving community in the region. They are very traditional clubs that have received enormous praise and recognition over many years. They have got great committees, they are made up of fantastic volunteers from our local community and they do a fabulous job in keeping our beaches safe. Anyone who has been to the Illawarra knows that without a doubt we have some of the best coastline in Australia and we are fortunate to have a safe coastline. But it is made safer because of the work of our surf lifesavers right across the summer months.

They are the people we turn to when we are in trouble in the surf; they are the people we go to for help when there is an incident on the beach. In my community, as I am sure is the case in many other members' communities, they are held in the highest esteem. They give a lot of their time and they spend weekends down at the beach. While the rest of us are relaxing on the beach they are on duty and performing that duty 150 per cent for their local community. I would like the House to recognise, as I certainly do, how important surf life saving clubs are to our local communities. They do a fantastic job all year round, but particularly during the summer season, in keeping our community safe.

### **ASHFIELD, BURWOOD AND STRATHFIELD COUNCILS**

**Mr CHARLES CASUSCELLI** (Strathfield) [1.38 p.m.]: May I say, Madam Acting-Speaker, how refreshing it is to see such a delightful smile emanating from the Chair this afternoon. Today I commend the work of the three councils in the Strathfield electorate in looking after the interests of their respective communities. I appreciate the challenges faced by the State and local government agencies in delivering those services that our community rightfully deserves. I acknowledge the contribution and efforts of Ashfield, Burwood and Strathfield councils to deliver reliable services as cost efficiently as possible. Equally, I am aware of their efforts to plan for the future wellbeing and prosperity of their communities. It is my intention to support them in their endeavours as well as encourage them to explore opportunities for more effective and beneficial relationships between themselves and my office.

To this end I am proposing a forum that includes representation from all councils in the Strathfield electorate that will facilitate a dialogue of mutual interest between local and State government. Issues regardless of their nature but common across all local government areas will have a forum for discussion and resolution. The process of establishing this forum is underway, and I am delighted with the response I have received so far. Today I acknowledge the work of one particular council. It does not happen often enough that a council proves itself to be somewhat visionary, but I believe that Strathfield council has earned praise in proposing the construction of a bus-rail interchange within the Strathfield railway station precinct.

Strathfield railway station and its surrounds are a major transport hub servicing the needs of the inner west. Strathfield town centre immediately south of the railway station is in need of rejuvenation and reconfiguration. It is adversely affected by poor access and egress arrangements, and the conflicting requirements of the many different transport modes as they intersect one another provide risk to community safety and inefficiencies and act as a disincentive not only to the use of public transport but also for commerce in support of local small business. The New South Wales Government has already indicated the high priority afforded to the improvement of public transport in New South Wales. Much more can and must be done to exploit the opportunities provided by this significant investment in public transport by the New South Wales Government.

Strathfield council recognises that better rail and bus services must be complemented with better interchange infrastructure at Strathfield railway station. The council has spent many years and over \$2 million to develop a Strathfield bus-rail interchange proposal that directly supports the New South Wales Government priorities for public transport. It has included extensive community and stakeholder consultation and enjoys widespread support from government agencies. The proposal will encourage greater use of public transport; address the non-existent bus-rail interchange capabilities at Burwood railway station—there are no prospects that this will ever be addressed at Burwood, due to the loss of suitable land—provide a benefit for many

adjoining suburbs; remove major safety risks arising from the current conflict of pedestrian, taxi, and bus traffic sharing the same space; eliminate access and egress problems; allow for the redevelopment of surface space into recreational and community participation use; and provide the catalyst for the redevelopment of the town centre into a modern, family friendly recreational and commercial centre.

It is widely acknowledged that one of the major problems in increasing patronage of rail is the lack of commuter car parking at major railway stations. This proposal also recognises that opportunities exist to make use of existing State land to provide substantial commuter car parking facilities integrated with this bus-rail interchange at some future time. This proposal is at a stage where council will seek assistance from the New South Wales Government to allow it to progress to the next step of its development. It is visionary, it is practical, it will take cars off the road on the most congested part of the Sydney road network, it will increase patronage of bus and rail services and it will be the stimulus for the improvement of Strathfield town centre and all of its small businesses. This project has my support, and I encourage the council to pursue its progress with vigour and determination. I wish the council success in seeking additional funding for the next stage of development. I congratulate the council on being a council with true vision.

### **RURAL SCHOOLS NETWORK**

**Mr RICHARD TORBAY** (Northern Tablelands) [1.43 p.m.]: A cornerstone of equity across the nation has been for all children to have access to a free, high-quality education. It is to the credit of this country that this has been applied in some of the most isolated and remote areas of this State, none more so than in the New England north-west area, where there are 64 one-teacher or two-teacher schools, the highest number in New South Wales. A majority of these are located in my Northern Tablelands electorate. Like many members, I am a regular visitor to the schools in my electorate. It is a wonderful time, particularly in the smaller schools. It is a great opportunity to see the quality of education and the sense of community that exists in those schools.

As I said, what stands out is the tremendous sense of community in these schools. Often they are the only government-run entity in the community. The teachers are regarded as community leaders and the community identifies with its school and supports it through fundraising and voluntary work to a degree not experienced in big cities and larger centres. From an educational standpoint, there has been considerable research particularly at the University of New England on the outcomes achieved in these small rural schools. The report card is positive. Key advantages are teaching and learning in multigrade classes where students learn to work together and there is greater potential for innovative classroom practices. Schools with smaller numbers also engender strong student leadership skills, including helping others. Good relationships between students and teachers directly contribute to student learning, and this is much easier to achieve in small schools.

It also results in fewer management issues and disruptions to teaching, as well as improved attitudes and social behaviour. Small schools have better ways of valuing diversity and encouraging a sense of inclusion. All students get to become more involved in school and community activities. Parents also become more involved with the school and make an essential contribution. In turn the school is a leader in the effective and innovative use of technology in the community. When I speak to parents and teachers at these small schools they stress the value of having a school located close to where their children live. Primary school children who have to travel long distances to school become tired, particularly in more remote areas, fall behind in their work and also face higher risks of accidents on the road. There is always great pride from students and their families and the general community in the achievements of their local schools, an increased sense of personal responsibility and an improved sense of citizenship.

The school is its own community and plays an important role in enhancing rural sustainability. Most of the research on small schools comes under the heading of multigrade classes, where a teacher teaches more than one grade or year in the same classroom at the same time, but each grade is taught a different syllabus. Most small rural schools are multigrade schools and each school forms its own small community of learning rather than just being a collection of different classes. Students in small schools usually have the same teacher for more than one year. This means that students feel secure and teachers know their students' learning needs. So except perhaps for the first year with the teacher there is no wasted getting-to-know-you time and learning begins straightaway. There are also opportunities for students to work up or down, and for mixed-grade groups to work on learning activities together. This can lead to a lot of informal learning, which is a bonus.

Academic results show that there is no academic disadvantage from being in a mixed-grade class in a small rural school but there are considerable social advantages. These include factors such as liking school, leadership and mentoring opportunities, harmony in the classroom, a low level of aggression in the school, a



feeling of security and a positive attitude to school. Students also like interacting with younger and older classmates. I am speaking on this issue today as one of vital importance to rural communities. Fluctuating populations due to seasonal work and conditions can play havoc with school numbers. For a short period enrolments in one small school in my area fell to only three as a result of drought and other local issues. Now, a short time later, the number has reached 28 and the figure looks sustainable into the future. I call on the Government to continue to support and strengthen the small rural school network for the value it offers not just in excellent education outcomes but to maintain the resilience and independence of the sector that relies on it and supports it so willingly.

### STUDENTS ON THE STREETS

**Mr BRUCE NOTLEY-SMITH** (Coogee) [1.48 p.m.]: On Saturday 4 June I had the pleasure of attending a great event, Students on the Streets. Students on the Streets is a fundraising initiative of Jewish House, a self-funded community organisation that provides support for the downtrodden in our society. It provides counselling, emergency accommodation and advice for healthy living. The event was organised by Avremi Joseph and Rabbi Mendel Kastel, the Chief Executive Officer of Jewish House. Rabbi Kastel has a long history of involvement in our community, sitting on the board of Waverley Action for Youth Services, as well as being a chaplain for Jewish athletes at the Sydney Olympics, a chaplain for the New South Wales Police Force, Maccabi of New South Wales, Reddam House College and local hospitals. He has taken Jewish House from strength to strength over the years, forging ties with Lifeline, Jewish Care and the Chai Foundation.

Rabbi Kastel has also founded local Jewish organisations, including Point Zero, an outreach program that aims to provide a safe space for young people to congregate and J-Junction, a Jewish dating service that has expanded nationwide. Students on the Streets is just one small part of Rabbi Kastel's tireless dedication to our local youth. He is an inspiration not only to our local Jewish residents but also to the wider community. In fact, in my first week as the member for Coogee I had cause to call on him for assistance with a constituent. At last census it was estimated that approximately 17,000 people around Australia were homeless and living on the streets; that is 17,000 without a warm bed or a warm meal and exposed to the elements with little protection. No-one should live like that. That is where Students on the Streets comes in.

On 4 June about 85 local schoolchildren chose to sleep rough at Randwick Racecourse to raise awareness and money and to learn about homelessness. The children were from nine different local schools, both private and public. The event was the first of its kind in our area and it was a great success, with more than \$15,000 being raised. The wonderful thing about the program is not only the money that it raised but also the heightened awareness of issues affecting homeless people and the sensitivity towards the plight of homeless people it instilled in the children who attended. After the event many children were vocal in their praise for the evening, saying that it had opened their eyes to a world with which they were not previously familiar. One year 10 student said the following in an email:

It was truly eye opening and something that I will never forget! I realised how sheltered all my peers and I are at Masada College. I would personally like to help in spreading the word about this amazing Jewish House, because we never know who may need this information in the future, and by helping in any way that is possible!

A year 8 student said:

I really enjoyed myself. I think that sleeping in a cardboard box was a great idea as we really got the feel of homelessness. The guest speaker's stories were very touching and I enjoyed listening to them. I think this organisation is truly amazing and I am so happy I helped donate money towards such a great cause.

Many eastern suburbs children are not familiar with the sight or plight of homeless people. Students on the Streets aims to change that and to provide an education to our local children about the causes and effects of homelessness and the bitter cycle of homelessness to which many are exposed. Such was the response to the program from the children that Jewish House is now seeking to implement a voluntary youth community service program in the eastern suburbs based on the enthusiasm of the young people at the event.

As a society, we all have the responsibility to help those in need. That is a lesson all of our local young people have taken on board with a new-found eagerness and generosity. It is my hope that events like this and organisations such as Jewish House will continue to prosper in my electorate and throughout the State. For 25 years Jewish House has served Bondi and its surrounds, providing invaluable services to those in need. Students on the Streets is but one of many ways of providing support in our community. Its education of young

people about homelessness in our city will prove invaluable in ensuring our community remains compassionate, ready and able to help those in need well into the future. Jewish House provides a much-needed service to those in the eastern suburbs who find themselves in desperate times, and I commend its work to the House.

### **CRIMINAL JUSTICE SYSTEM REFORMS**

**Ms CLOVER MOORE** (Sydney) [1.53 p.m.]: Today I speak about an issue of concern to my constituents, and I share that concern. I refer to reform of prison laws, policies and programs and for a restorative, rehabilitative justice system that achieves positive outcomes for the community and for offenders and their families. There has been unprecedented public debate recently about how New South Wales legislation and policy deals with crime, with reputable organisations such as the Community Justice Coalition and the Council of Social Service of New South Wales arguing for a move to reduce recidivism. Judge Marien, President of the Children's Court, has called for implementation of the Noetic report to address the underlying issues that cause juveniles to commit crime, rather than simply to continue to imprison young people.

I commend the Government for its review of the Bail Act following serious concerns being raised about increased numbers of juveniles in prison. Simply putting more people in prison has been standard practice in New South Wales and the statistics are alarming. The number of prisoners in this State has increased by 32 per cent since 1999 despite stable and falling crime rates. New South Wales has more than 11,000 prisoners—twice as many as Victoria and the third highest recidivism rate in Australia. While imprisonment has a role in crime control and punishment, there are also social and economic costs such as family breakdown. I have heard many reports about former prisoners released to homelessness in the inner city, with no job, no home, no income and few prospects. It is not easy to get back on your feet from there.

It costs \$210.50 a day or nearly \$77,000 a year to keep someone in prison, and New South Wales spends more than \$966 million on custodial services. We could perhaps spend this amount more wisely and get better outcomes. Very little is spent on early intervention or diversion from crime. Short-term and remand prisoners do not get rehabilitation or treatment and three-quarters of juvenile detainees get no help to make their way out of a crime career. The Bureau of Crime Statistics and Research states that a 10 per cent drop in the number of prisoners returning to prison would save more than \$28 million each year. This money could be invested in diversion, rehabilitation and alternatives to imprisonment, and it could be targeted towards disadvantaged communities where imprisonment rates are high. While the previous Government said that it would reduce re-offending by 10 per cent by 2016, there are few programs, little funding and little progress.

I call upon the new Government to invest more in services that help former prisoners to get back on their feet, into employment and housing, rather than back in prison. Nearly 45 per cent of New South Wales prisoners have at least one mental illness and prisons now act as asylums. We should use targeted services such as the Mental Health Court in Hobart, which integrates treatment with sentencing and has significantly reduced reoffending. Many prisoners have a history of substance abuse and we need programs that break the nexus between drug addiction and crime, such as drug courts and the Magistrates Early Referral into Treatment Program, which has successfully reduced re-offending amongst drug offenders.

Specialist programs are needed for the significant proportion of prisoners who have a disability, particularly an intellectual disability, which could be one-third of those attending court. We need programs targeting women, Indigenous people and some ethnic communities that are at risk for specific crimes. Community services such as Community Restorative Centre Justice Support, Tribal Warrior, Babana Men's Group and the Women in Prison Advocacy Network must be expanded. Diversionary programs like the Intensive Supervision program have reduced offending by 60 per cent. Circle sentencing and the bail assistance line have also been successful. These initiatives and pilots must be extended across New South Wales.

Other countries have applied a justice reinvestment approach, where a share of public spending on imprisonment is diverted back into initiatives that reduce offending. In Oregon in the United States of America this resulted in a 72 per cent drop in juvenile incarceration. In Texas reinvestment of \$241 million in treatment and post-release programs stopped the prison population growing for the first time in decades. New York's Re-integrative Sentencing, which focuses on education, job training and substance abuse treatment, reduced prison numbers by 20 per cent with no increase in crime. The United Kingdom has the Rehabilitation Revolution, which is aimed at reducing crime and recidivism, has trialled integrated offender management approaches like the Diamond Initiative.

I call on the Government to increase investment into early intervention through support services, therapeutic help and local capacity building to divert people from the criminal justice system and to expand diversion and rehabilitation programs to reduce reoffending, to reduce prisons expenditure and to integrate former offenders back into communities. This approach would reduce community impacts and give hope that people in the criminal justice system can make their way out and reintegrate into the community.

#### **SOUTH WESTERN REGIONAL TENANTS ASSOCIATION INC.**

**Mr BRYAN DOYLE** (Campbelltown) [1.58 p.m.]: It gives me great pleasure to share with the House information about the South Western Regional Tenants Association Social Housing Volunteer of the Year Awards 2011 that I attended on Friday 17 June at the Mount Pritchard Community Club. About 120 people attended the function and I was honoured to represent the Minister for Family and Children's Services, Ms Pru Goward. I was also the guest speaker and presenter of a number of well-deserved awards.

The South Western Regional Tenants Association has been operating for about 25 years and originally focused on safety, security, empowerment and giving the community a collective voice. The group aims to increase participation through the use of events, projects and activities held for tenants and their community, including barbeques, training workshop days and community forums. I was very fortunate to sit at a table with the association's president, Janet Davies, and other guests. The master of ceremonies was Ms Willine Toka, the welcome to country was performed by Uncle Steve Williams and Kyle Freeman played the didgeridoo.

The national anthem and entertainment were provided by Francine Kelso and Jeanette Gagan respectively. I was honoured to present the awards. I told the tenants of our social housing that the people of south-western Sydney are some of the greatest in the world. The South Western Regional Tenants Association covers Campbelltown, Camden, Liverpool, Fairfield and Bankstown. We have come from the four corners of the world but we are all proudly Australian. Their spirit of volunteerism exemplifies them as some of the best of Australians, and that is what the awards recognised on that night.

I am pleased that a number of the award winners are residents of that great opal of the south-west, Campbelltown. First place went to a very good friend of mine, Uncle Ivan Wellington, who has been a tireless volunteer for the Macarthur region for many years. He is an esteemed Aboriginal elder of the community and makes himself available to many organisations on a volunteer basis, with a particular focus on youth. Second place went to Lyn Bullman, who for more than 20 years has been actively engaged in voluntary activity on the Claymore estate in Campbelltown. She has volunteered for Burnside, helped with community lunches and activities, started and participated in the Concerned Residents of Claymore group and has been a constant help acting as liaison between Claymore residents and Housing NSW.

Third place went to another good friend of mine, Rosemay Gray, who for more than 10 years has been the secretary of Care-n-co Cooperative, which is part of the Access Committee for Campbelltown City Council. For the past 15 years she has also been the assistant secretary of St George Association for People with Physical Disabilities. She is a member of the Minto Residents Action Group and is active within her community. Joint third place went to Jen Rignold who is a very active member of her community, a graduate of the Training for Community Action Course, chairperson of the Airds Masterplan Group and president of Campbelltown Toastmasters. She was Toastmaster for 2006-07.

I was honoured to present these awards to these wonderful volunteers. One could not help but be inspired by their care, sense of community and love for one another. These people who are part of our social housing network contribute so much to their community, much of which goes unnoticed and unrecognised. For that reason it was such a pleasure and honour for me, on behalf of the Minister, to attend, to be the key note speaker and to present these awards to such wonderful Australians. I commend the group to you, Madam Acting-Speaker.

#### **ST MARYS PUBLIC SCHOOL 150TH ANNIVERSARY**

**Mrs TANYA DAVIES** (Mulgoa) [2.03 p.m.]: I am pleased to inform the House that on 11 and 12 June 2011, St Marys Public School celebrated its 150th anniversary. It was a full and exciting weekend of official ceremony, historical reflection and school reunions. Historical records of the origin and operations of the St Marys Public School are quite interesting—everything from the students being convinced that a schoolroom was haunted, to the principal's daily paper being delivered either dry or drenched based on whether or not the

delivery boy was administered discipline. In 1878 the old schoolhouse was burnt and valuable contents of the library were destroyed. However, the stones from the foundations of the old schoolhouse were used to build the cairn in honour of Blaxland, Lawson and Wentworth and can still be found at Luddenham Road, Luddenham.

The St Marys Public School 150th anniversary celebration was officially opened on Saturday 11 June 2011. The ceremony enjoyed the talents of Nicholas Gentle, who sang the school song and national anthem. Nicholas Gentle has exceptional singing and performance talent and has just recently returned from performing on the West End. It is noteworthy to put once again on the parliamentary record, as I did in my inaugural speech, that the author of the Australian National Anthem was a former student of St Marys Public School, Peter Dodds McCormick. The current students worked very hard to deliver an amusing, creative and informative historical account of the school history.

The celebration weekend was jam packed with festivities such as: photo exhibitions, memory tours, historical displays, children's rides and attractions, entertainment from the St Marys Pipe Band, a display by the Light Horse re-enactment group dressed in full regalia, an Aboriginal smoking ceremony, children's concert, the unveiling of commemorative bricks and a bush dance. A special thanks to Norma Thorburn for her passion for history, accurate record keeping and promotion of the great story that is the St Marys community. Jean Priest and Vera Mills are part of St Marys Public School's history. They are both aged 93 and are believed to be the oldest surviving former pupils. Mrs Mills was a special guest on the weekend. She cut the cake with Cheyenne Logan, the school's youngest pupil, who is in kindergarten this year.

I congratulate principal Matthew Plummer on his leadership, enthusiasm and great pride of his school. I also congratulate the 150th Committee of Gayle McLister, Collette Rankine, Michele Maton, Norma Thorburn, Paul Mills, Cheryl Guy, Lisa Kitching, Marion McLeod, Bruce Sheridan and Tanya Judd. Special thanks are also extended to the St Marys Public School Parents and Citizens and staff of St Marys Public School; Uncle Greg, an Aboriginal Elder; Gary Rule Aboriginal Dance; the Encore sewing group; Michelle Findlay; Taylor Printing; Dianne Wilson; Andrews Nursery Kemps Creek; Ross Hutchinson Vintage FM; David Clayton and Teresa Justin from St Marys Senior High School; Fusion; the St Marys Historical Society; Julia Plummer; Lindsay Gardner; and Erskine Park High School.

It was a tremendous weekend of reminiscing and reflection on what former students of the school had achieved in life and the direction people had taken. It was also an opportunity to consider and imagine what the next 150 years for the school might be. I heartily congratulate all who were involved on celebrating a significant historical milestone.

**Mr CRAIG BAUMANN** (Port Stephens—Parliamentary Secretary) [2.07 p.m.]: Private members' statements provide all members with the opportunity to talk about important events in their electorate. I particularly thank you, Madam Acting-Speaker, for allowing the last two members who were not on the list to speak.

**Private members' statements concluded.**

*[Acting-Speaker (Ms Melanie Gibbons) left the chair at 2.08 p.m. The House resumed at 2.15 p.m.]*

**LEGISLATIVE COUNCIL VACANCY**

**Joint Sitting**

**The SPEAKER:** Order! I report the receipt of the following message from her Excellency the Governor:

MARIE BASHIR  
Governor

Office of the Governor  
Sydney, 20 June 2011

I, Professor Marie BASHIR, AC, in pursuance of the power and authority vested in me as Governor of the State of New South Wales, do hereby convene a joint sitting of the Members of the Legislative Council and the Legislative Assembly for the purpose of the election of a person to fill the seat in the Legislative Council vacated by the Honourable Anthony Bernard Kelly, and I do hereby announce and declare that such Members shall assemble for such purpose on Monday the twentieth day of June 2011 at 3.30 p.m. in the building known as the Legislative Council Chamber situated in Macquarie Street in the City of Sydney; and the Members of the Legislative Council and the Members of the Legislative Assembly are hereby required to give their attendance at the said time and place accordingly.

In order that the Members of both Houses of Parliament may be duly informed of the convening of the joint sitting, I have this day addressed a like message to the President of the Legislative Council.

**Joint sitting set down as an order of the day for 3.30 p.m. as appointed in Her Excellency's message.**

**DEATH OF THE HON. ALAN ROBERT LINDSAY GORDON, A FORMER MINISTER OF THE CROWN AND MEMBER FOR MURRUMBIDGEE**

**The SPEAKER:** Order! It is with regret that I inform the House of the death on 16 June 2011 of the Hon. Alan Robert Lindsay Gordon, a former Minister of the Crown and former member of the Legislative Assembly, who served as the member for Murrumbidgee from 14 February 1970 to 5 March 1984. On behalf of the House I extend to the family the deep sympathy of the Legislative Assembly in the loss sustained. This matter will be the subject of a motion of sympathy on a future day.

*Members and officers of the House stood in their places as a mark of respect.*

**ASSENT TO BILLS**

Assent to the following bill was reported:

Industrial Relations Amendment (Public Sector Conditions of Employment) Bill 2011

**BUSINESS OF THE HOUSE**

**Notices of Motions**

**Government Business Notices of Motions (for Bills) given.**

**QUESTION TIME**

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*[Question time commenced at 2.21 p.m.]*

**MEMBERS OF PARLIAMENT REMUNERATION**

**Mr JOHN ROBERTSON:** My question without notice is directed to the Premier. What justification does he have for creating additional paid positions for 64 of his 88 members of Parliament?

**Mr BARRY O'FARRELL:** What hypocrisy from those opposite. I well remember issuing a press release during my term in opposition, and when the member for Heffron came to power, about 23 Ministers and more than 20 committees appointed by Labor. Labor also increased the number of presiding officer positions from four to seven. Labor's wages policy for public servants over the past four years meant that they could get an increase only if they showed some productivity gains. Forgive me if I am wrong, but I am not sure that the number of Assembly members in the Parliament before last was any different from that of the previous Parliament, yet under those opposite two additional Labor Party members were appointed to two additional presiding officer positions.

In addition, of course, they had not just 13 Parliamentary Secretaries, but the salary-supercharged Parliamentary Secretary, the condolence gift for the former Speaker—who was replaced by the member for Northern Tablelands, who did an excellent job for four years. As a result there was one special Parliamentary Secretary's position given to the former member for Riverstone, at about \$40,000 to \$50,000 more than other Parliamentary Secretaries received. That was in addition to the fact that he was the only Parliamentary Secretary I saw in the last four years of Parliament who each night that the House sat had a black hire car waiting for him on level 4.

We will not be lectured by those opposite, because when I did the sums back then only three or four members of the entire Labor Party caucus, upper House or lower House, did not have a job; that is, more than 95 of the Labor caucus had a job. There are four to five times that number of my members who do not have paid

jobs in this Parliament across both Houses, so we are running a leaner and cleaner operation. We are ensuring, because we intend to restore integrity, openness, transparency and scrutiny in the parliamentary committee process, and inquiries will be undertaken that seek to engage the public of this State in matters of government.

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

**Mr BARRY O'FARRELL:** One of the issues that I flagged on radio yesterday that, for instance, I want a Staysafe inquiry to have a look at is that proverbial issue that people, particularly people in the city, raise time and time again—40-kilometre speed zones outside high schools. The point that I raised yesterday when that issue was thrown up to me again was that it has to be looked at in terms of what infrastructure is around those schools.

**The SPEAKER:** Order! The member for Canterbury will come to order.

**Mr BARRY O'FARRELL:** I know schools across this city, for instance, where not only is there a 40-kilometre speed zone but also a set of traffic lights—and in one case an overhead pedestrian bridge—and yet the 40-kilometre speed limit is still in operation. So I would like, for instance, the Staysafe committee to have a look at that issue to see whether or not there can be a one-size-fits-all rule for high schools, or whether or not it should be on the basis of what road infrastructure exists around high schools. Essentially it is engaging the public and it is engaging road safety experts on the way in which our road safety laws operate. That is a good thing, as is another one of the issues that we intend to have looked at: the excellent draft boarding-house legislation that was brought forward by the member for Ryde in the last Parliament.

We know that across this city, particularly around some of our great universities, there are owners of boarding-houses ripping off students, there are owners of boarding-houses exploiting in particular foreign students, and there are owners of boarding-houses who, frankly, because of changes being made to the internal nature of those houses, putting people's lives at risk. It took a member of the then Liberal-Nationals Opposition to draw attention to that issue. It took Victor Dominello, the member for Ryde and current Minister for Communities and Citizenship, to draft legislation on that matter. And in order that we get that legislation right from the get-go, that issue will also go to a parliamentary committee.

**Mr John Robertson:** Without justification.

**Mr BARRY O'FARRELL:** I hear the bleating voice of the Leader of the Opposition. When I looked at this assignment when in opposition I saw that one of the few people who got a job was the former member for Blacktown, who at that stage was out of sorts because he was saying that if Labor pushed him out he would resign early and run again as an Independent—and, of course, he would have got elected. It is not the former member for Blacktown who should be without a job; it is the current member for Blacktown.

## STATE ELECTIONS

**Mr MARK SPEAKMAN:** My question is directed to the Premier. What action will the Government take to enable the people of New South Wales to force an early election in New South Wales?

**Mr BARRY O'FARRELL:** I welcome this question from the member for Cronulla. I acknowledge that this great legal issue will have to be looked at in terms of the State's Constitution to give people across this State the safety valve that I think they deserve. There is no doubt that over the past four years, during the term of the last Parliament, people across the State were desperate for an early election so that they could throw out the incompetent, disastrous and corrupt Government that New South Wales had during that time. They wanted to remove a government that had been plagued by scandals. And I read in today's paper that those scandals are still continuing months after they left office. However, voters' desires for an early election were thwarted by the legislation here in New South Wales requiring fixed terms of parliament.

While we have supported fixed four-year parliamentary terms, what became clear during the last Parliament was the need for a safety valve to rid voters of corrupt, incompetent governments in New South Wales. As part of our 100 Day Action Plan we made a commitment to establish a panel of constitutional experts to advise on the potential in New South Wales for recall provisions to allow early elections in New South Wales. I am pleased to say once again that we are delivering on that commitment. I am happy to announce today that the expert panel will be led by one of the State's leading barristers, David Jackson, QC. Other members will

be Dr Elaine Thompson and Professor George Williams. The panel has been asked to report back to the Government by 30 September on the feasibility of establishing recall procedures in New South Wales—recall provisions that could, and would, trigger an early general State election.

At present, the circumstances allowing an early election are very narrow. They involve a vote of no confidence in the government or the failure to pass supply. But we want to give power back to the people, in line with our commitment at the election. So the panel will look at the issues involved in a recall provision or procedure. For instance, it will examine what reasons or grounds will be required to trigger a recall, and what proportion of voters would be required to petition for such a recall election. In some States in the United States of America and in Canada the proportion is between 20 and 25 per cent of those who voted at the last election. It would also consider what time limits, if any, should apply before a government can be subjected to a recall election. As I have said before, my Government supports four-year parliamentary terms for the New South Wales Parliament. They enable governments to make the sorts of tough decisions that we are making now.

They also deliver some certainty to the political process. We have to look at creating a safety valve where a deeply unpopular and/or corrupt government has clearly lost public support and is damaging the State's performance or its prospects. I note that the former Labor leader, the member for Heffron, who took the party to its greatest electoral defeat in decades, has joined the chorus of experts telling Labor how to rebuild its base. She correctly said in a weekend paper that the deterioration of Labor's brand is something that occurred not just in New South Wales but across the country over a long period of time. She said: "We speak very well to the unionised workforce and we speak very well to the educated progressive class but we don't have a brand or a method of speaking to middle Australia."

On the other hand, some members of the Labor Party just cannot accept their defeat of 26 March. I refer to Mr John Graham, the Assistant General Secretary of the Labor Party, who today issued a plea to members for a broad reform agenda to get the party back on track. The only problem is that he sent it to the member for Granville, who happens to be a member of our side of the House. In fact, the Liberal member for Granville secured a swing of 13.8 per cent to grab 52.7 per cent of the two-party preferred vote. If you do not know who your members of Parliament are, what hope do you have? Until Labor gets its act together and realises it does not hold seats like Granville it is going nowhere.

### ALCOHOL ABUSE

**Mr JOHN ROBERTSON:** My question is addressed to the Minister for Healthy Lifestyles. In light of the Minister's answer in this House on Friday that he takes excess alcohol consumption seriously, will he please explain why he provided a reference for a Moree publican convicted of two counts of serving alcohol to intoxicated persons?

**Mr KEVIN HUMPHRIES:** I thank the member for her question. I have just come from the Network of Alcohol and Drug Agencies forum. One of the things we committed to was driving down alcohol consumption, particularly among youth and young people at risk and people who live in marginal communities, particularly Aboriginal communities and multicultural communities, and others. One of the reasons I engaged with the network today—it was at the network's request, which was fantastic; I have met some of its members individually—is that it was concerned it had been ignored by those opposite who were in government for far too long. Those who attended the forum thought putting strategies in place to deal with alcohol consumption and its misuse, and supporting the non-government sector in particular to deal with alcohol awareness and prevention, had gone missing in action.

*[Interruption]*

We will get to it. One of the things the network was concerned about was the 80 community drug and alcohol action teams in New South Wales. The other day I said that one cannot target drug and alcohol issues at the community level if one fails to put people in legitimate full-time equivalent positions that were gazetted by the then Government. When members opposite were in government, drug and alcohol action teams had at least a 40 per cent vacancy rate because the then Government was propping up its poor budget position by not filling those positions. If members opposite want to look at it in the context of the wages issue, they were telling and continuing to propagate a lie when they were in government.

When it comes to local issues I am proud to be the member for Barwon and to have an office right in the middle of Moree. I am proud to be able to say I know most of the publicans, I know all the police—the 54 of

them who do such great work there—and I know the general community. On a number of occasions, particularly in western New South Wales, they took a lead. If members want to come to Brewarrina with me they will see the way the liquor accord that we started is working.

**The SPEAKER:** Order! The member for Canterbury will come to order.

**Mr KEVIN HUMPHRIES:** The liquor accords started with the community, not with those opposite. People were sick of lack of enforcement and community engagement when it came to resolving alcohol issues. If members opposite come to Brewarrina they will see one of the most improved towns in western New South Wales.

**The SPEAKER:** Order! The member for Canterbury will come to order.

**Mr KEVIN HUMPHRIES:** Perhaps members opposite would like some of those people and me to go to Blacktown to clean up some of the problems there and show them how to do it by engaging with people on the ground.

**Mr John Robertson:** Are you going to answer the question?

**Mr KEVIN HUMPHRIES:** We are talking about liquor accords. The Leader of the Opposition is talking about why I wrote a specific letter, which did not endorse anything to do with alcohol-related issues or breaking the law. I am not sure whether the Leader of the Opposition has read the letter—I hope he has, but if he has not I will get him a copy of it. It said that until there was more meaningful engagement with licensees, people at risk, youth and the community, nothing would change. I did not support any breaking of the law. What I did support was a more meaningful engagement and the development of liquor accords, which we know work.

They worked for us when we were in opposition because we were driving them in our communities while those opposite were sitting back and doing nothing. Forget Brewarrina, a fantastic success story done with no help from Labor and come to the Bourke community where we also put in place—I can honestly say it was not without difficulty—another liquor accord. But have we community consensus; did we get any help from members opposite? Absolutely not; we got nothing at all. Come to my town, Moree. We know we have problems, but we have dealt with them internally.

**The SPEAKER:** Order! Opposition members will come to order.

**Mr KEVIN HUMPHRIES:** We will continue to deal with them through a community-based response. I say to the Leader of the Opposition that it is not totally up to governments to solve these problems. Communities have to learn to resolve their own problems.

**The SPEAKER:** Order! The member for Canterbury will come to order.

**Mr KEVIN HUMPHRIES:** If they fail we will take on those issues through community engagement front and centre and make sure that we have consensus. Do we have consensus in Moree now? Yes we have. Have the problems relating to young people and alcohol continued to decline? Yes they have.

**The SPEAKER:** Order! I call the member for Canterbury to order.

**Mr KEVIN HUMPHRIES:** That has occurred under this Government. Members opposite failed; they ignored the issue for far too long. They should sit back down in their hole.

## CARBON TAX

**Mr KEVIN ANDERSON:** My question is directed to the Deputy Premier. How will Labor's proposed carbon tax impact on the State's agriculture sector?

**Mr ANDREW STONER:** I thank the member for Tamworth for his question. Our primary producers in the Tamworth electorate and right around the State are rightly concerned about Labor's killer carbon tax. They are concerned because it will hit them, their enterprises and communities—in fact, it will hit the entire economy of New South Wales—hard. Just recently a dairy farmer wrote to the Treasurer and revealed that last financial year the electricity bill for his milking operation and the rest of his farm climbed to more than \$70,000.



That is bad enough, but what is coming is going to be even worse because this farmer estimates he will face an additional \$15,000 cost over and above that figure for his dairy farm as a result of electricity and diesel price increase if there is a carbon price based at \$26 a tonne. There is no doubt that the attitude of communities in regional New South Wales to this toxic tax is absolutely clear. They do not want it, and neither do members on this side of the House. We have been absolutely clear about this as well. We have said, "No carbon tax" over and over. But what has the Leader of the Opposition said? What is his position on this?

**The SPEAKER:** Order! The member for Clarence will come to order.

**Mr ANDREW STONER:** If he was worried about jobs in New South Wales, whether they are farm, manufacturing or mining jobs, all of which are affected by the carbon tax, one would think he would be all over this issue. But no, he has stayed mum on it. One would think he would be in Canberra kicking down the Prime Minister's door—no, not at all. In fact, he has been as quiet as a mouse and as silent as a lamb. Look at him over there still trying to ignore this issue. It is no wonder the member for Heffron, perhaps seeking some of the limelight she has been missing but speaking with remarkable clarity—

**Dr Andrew McDonald:** Point of order: The Deputy Premier is canvassing your ruling yet again. He knows he is not allowed to wave props around. I ask you to call him to order.

**The SPEAKER:** Order! I thank the member for Macquarie Fields for drawing that to my attention. He was very quick to notice it.

**Mr ANDREW STONER:** Perhaps I should not have waved it around too much, but the important point is that the weekend *Australian* reported the "Keneally 10-point plan for recovery". With great clarity of mind, she said things such as, "The vast majority of the population ... do not know what the ALP stands for."

**Dr Andrew McDonald:** Point of order.

**Mr ANDREW STONER:** Please, let me read this.

**The SPEAKER:** Order! The member for Oatley will come to order. I cannot hear the member's point of order.

**Dr Andrew McDonald:** I know the Deputy Premier can read and write, but the question was about carbon tax and his answer is not related to carbon tax. I ask that he be brought back to the leave of the question.

**The SPEAKER:** The Deputy Premier will return to the leave of the question.

**Mr ANDREW STONER:** This is absolutely relevant because nobody knows what the Leader of the Opposition stands for in relation to carbon tax. He will not open his mouth. The great silence continues. The member for Heffron has gone on to opine in the article that recent membership reforms will "likely do nothing to arrest the potentially terminal decline of the ALP." She was, of course, referring to the half-baked United States style primary preselection put up by young Sam.

**Dr Andrew McDonald:** Point of order.

**The SPEAKER:** I presume this will be the same point of order. I have asked the Deputy Premier to return to the leave of the question.

**Dr Andrew McDonald:** He needs to come back to the leave of the question.

**The SPEAKER:** Order! I have drawn the Deputy Premier's attention to the leave of the question. The member for Macquarie Fields will resume his seat. I am sure the Deputy Premier will now return to the leave of the question.

**Mr ANDREW STONER:** Those opposite do not want to hear this. It was half-baked because he was suggesting that non-party members could have up to 50 per cent of the vote in some seats in Labor preselections. The Nationals have already done it by opening it up to 100 per cent non-party vote, and the member for Tamworth is proof of the success of that. We are all concerned about carbon tax. The National

Farmers' Federation estimates that a carbon price of \$36 a tonne would increase costs to a New South Wales grain farm by around \$19,000 per annum and reduce that farm's income by a whopping 21 per cent per annum over five years.

**The SPEAKER:** Order! Government members will come to order.

### POLITICAL LOBBYING

**Ms LINDA BURNEY:** My question is directed to the Premier. Given that eight of the 18 members of his State Executive are lobbyists, with massive input over Liberal Party preselections, how can the Premier say that his Government's decisions will not be influenced by these powerbrokers and their clients?

**Mr BARRY O'FARRELL:** We have changed the legislation to strengthen the regulation of lobbyists in this State. How long were those opposite in office? It was 16 long years.

**Ms Linda Burney:** Preselections.

**Mr BARRY O'FARRELL:** The member asked about preselections. Forgive me, but the member for Heffron changed electoral funding laws before the last election campaign. Under those changes, is it not true that affiliated Labor unions—that is, unions that were signed up to the Labor Party, unions that represented 50 per cent of the vote at the Labor conference, unions that represented more than 50 per cent of the vote in every preselection contested on that side of politics—were given a free pass through the State's spending laws, enabling them to spend \$1.05 million, if my memory serves me well?

**Mr John Robertson:** Point of order: The Premier is misleading the House when he says that every preselection that occurred involved 50 per cent union—

**The SPEAKER:** Order! That is not a point of order. The Leader of the Opposition will resume his seat. I call the Leader of the Opposition to order.

**Mr BARRY O'FARRELL:** One of my favourite stories from the *Sydney Morning Herald* during the election campaign related to the campaign trail of the former member for Heffron in Wollongong. My favourite is the one where the member for Wollongong introduced the Premier to people who were at one of her campaign functions.

**The SPEAKER:** Order! The member for Canterbury will come to order.

**Mr BARRY O'FARRELL:** Did she use their first name? No. Did she use their second name? No. She used their union appellation—this is the misso's union, this is the PSA, this is the ETU. I am not surprised that a former Labor boss in New South Wales seeks to hide from his union connections. The fact is that we have strengthened lobbyist laws in New South Wales.

**The SPEAKER:** Order! The member for Wollongong will come to order.

**Mr BARRY O'FARRELL:** We can and we will ensure that decisions are made for the right reasons and I am happy to say for the third time in this House that anyone who believes—

**The SPEAKER:** Order! The member for Shellharbour will come to order. The member for Kiama will come to order. I call the member for Kiama to order.

**Mr BARRY O'FARRELL:** Anyone who believes that employing a lobbyist in New South Wales will get them special access is wasting their money. Anyone who employs a lobbyist in New South Wales believing they are going to get a partial decision is wasting their money. We intend to make decisions based on the public interest. We intend to abide not just by Labor's old lobbyist regulations but by a strengthened code, which also includes an abolition of success fees. Labor should not apply to this side of politics the way in which it used to run the Government. On 26 March people voted for change. That change also includes openness and transparency in decision-making. That change includes making decisions based on the public interest, not party issues—there will be no Hawker Britton under my administration.

## SYDNEY CONVENTION AND ENTERTAINMENT FACILITIES

**Mr CHARLES CASUSCELLI:** My question is addressed to the Premier. What steps is the Government taking to deliver new world-class convention and entertainment facilities for Sydney?

**Mr BARRY O'FARRELL:** I appreciate the question from the member for Strathfield, a member who in the short time he has been in this Chamber has made a far bigger impression than his predecessor.

*[Interjection]*

Did the member opposite say that does not take much? Of course, those opposite are not interested in infrastructure because for the past 16 years they left every infrastructure problem go hang—no new roads built, only half a rail line built, and the member for Toongabbie delivered us the start of a project, the Rozelle metro, but all we got is a \$500 million bill that taxpayers and commuters alike are going to be paying off for some time. We are determined to change that. We are determined to build the North West Rail Link and we are determined to build the South West Rail Link because people in the north-west and south-west of Sydney—areas identified by those opposite as our growth regions—deserve access to public transport options.

But we do not intend to stop there. We are also determined to again make Sydney the nation and region's entertainment and exhibition capital. We are going to secure Sydney's place as the Asia-Pacific's premier destination and the first step in that process is to deliver a world-class exhibition and convention centre. Members opposite allowed the exhibition and convention precinct at Darling Harbour to run down through years of neglect. At the same time our competitors, north and south nationally but also within the region, were working hard to expand their facilities to attract businesses to their cities. As a result we have been left with dated facilities with limited capacity that are unable to meet the demand for world-class conventions, functions and entertainment events.

We intend to change all of that. We will soon call for expressions of interest for a world-class exhibition and convention centre in accordance with our 100 Day Action Plan. It will incorporate exhibition and entertainment halls and will replace the existing Sydney Entertainment Centre. We intend to try to deliver the new facilities by 2015. This project will have substantial economic benefits for the New South Wales economy and make New South Wales once again the number one destination for high-profile domestic and international events. I can assure the House that we are committed to extensive consultations with stakeholders so that the new facilities work successfully with the neighbouring cultural, residential and business developments in the region. I read over the weekend about the experience with former Labor leaders. There is one who the current Labor leader is trying to send to Canberra, but apparently he is not interested in going.

The member for Heffron is desperate to get to Canberra, but they are not interested in giving her a seat. The only one who sits in this House looking comfortable with a smile on his face and the only member who has been far more engaged with members of the Opposition than at any other time he has been a member of this Parliament is old 41, the member for Toongabbie. What I am told is that the work he has done with the member for Keira, the member for Fairfield, the member for Shellharbour and the member for Cessnock is working: He has better numbers than the member for Maroubra in the Labor leadership stakes. No wonder he is sitting there looking happy and is everybody's best buddy in the lifts and stairwells of this place. Change is coming.

**The SPEAKER:** Order! I call the member for Maroubra to order.

**Mr BARRY O'FARRELL:** The member for Maroubra is upset. He has been eclipsed by a has-been before he has even been the leader.

**The SPEAKER:** Order! I call the member for Maroubra to order for the second time.

**Mr BARRY O'FARRELL:** On 8 July a major industry forum will be held to publicly release the design concept for the new convention and exhibition facility, brief industry on the Government's time frame, objectives and scope of the project, advise on potential development opportunities and receive expert industry feedback before our plans are finalised. We will also call for expressions of interest from the private sector to partner the Government in delivering the new facilities. A short list and request for formal proposals will be released in November this year. By March next year the tender period will be finalised. The Government aims to award the proposal to the successful bidder by July 2012. We expect construction to commence by the third

quarter of 2012, with the new facilities being open for business by 2015. In other words, we are getting on with getting New South Wales moving again. The State is open for business. We intend to fix the mess left to us by members opposite, whether the mess relates to finances, services, integrity or infrastructure.

### SCHOOL FUNDING

**Ms CARMEL TEBBUTT:** My question is directed to the Minister for Education. Given his commitment to giving school communities greater control over their budgets, will he guarantee that schools have sufficient funding so they are not forced to compromise their education programs to pay their power bills?

**The SPEAKER:** Order! The House will come to order.

**Mr ADRIAN PICCOLI:** I lost my voice advocating for school students right across New South Wales. It is hard work, but somebody had to start doing it in New South Wales—and this Government has started to do it. The department pays supplementation to schools that exceed their budget for power bills and other utility costs as short-term casual financial relief, as has always been the case. But supplementation has never been automatic. It has always been the case that principals have had to provide supporting evidence before supplementation has been paid. In 2011 principals will still have to certify their expenditure before supplementation is paid and certify that they have complied with their financial responsibilities under the existing award provisions and the department's existing leave and staffing provisions.

It is interesting to see that the primary cost that is blowing out in schools is electricity. When we think about who is responsible for the increase in electricity prices that is putting big pressure on schools, we know where to direct the blame. There are two places: one is towards Labor members as a collective, but individually we should also point at Captain Solar, the Leader of the Opposition. What Labor did with electricity prices and mismanaging electricity over the past decade not only caused a substantial increase in the price of electricity but also put school budgets under pressure. The member for Marrickville, who asked the question, was a member of Cabinet for approximately a decade, except for a short period when she was a backbench member. She was very much front and centre in the decision-making that increased power prices.

**Ms Carmel Tebbutt:** What will you do?

**Mr ADRIAN PICCOLI:** I was about to say to her, "What you need to do is get on the phone", but the member for Marrickville does not need to get on the phone to talk to the Federal Labor Government. We know what Federal Labor has planned for electricity prices. Where are electricity prices going to go if Federal Labor has its way? Down?

**Government members:** No.

**Mr ADRIAN PICCOLI:** Up?

**Government members:** Yes.

**Mr ADRIAN PICCOLI:** That will put increased pressure on school budgets. Before the member for Marrickville comes into the House and lectures the Stoner Government—a slip; once a Nat, always a Nat—the O'Farrell-Stoner Government—

**The SPEAKER:** Order! Opposition members will come to order.

**Mr ADRIAN PICCOLI:** The Nationals do not have as many members as the Liberal Party, but we have nearly as many as the Labor Party. All we need is Andrew McDonald, the member for Macquarie Fields, to come over—I know he loves The Nationals—and it will be 19-all. That would be lovely. I love the thought of the Labor Party being ranked as the third political party in New South Wales. Labor members need to get on the phone to their Federal colleagues about the price of electricity. It is adversely affecting households and pensioners, and is causing huge financial stress for families right throughout New South Wales. However, the adverse effects are broader than that and include schools. The price of electricity adds substantially to school costs. Before Labor members lecture us they should take some responsibility for the increase in electricity prices. They should prevent their Federal colleagues from introducing a carbon tax, which will send electricity prices through the roof and put increased pressure on school budgets.

### SOLAR POWER GENERATION

**Mrs ROZA SAGE:** My question is addressed to the Minister for the Environment. How is the Government meeting its commitment to attract solar investment in New South Wales?

**Ms Linda Burney:** Come on, Robyn. We can't wait to hear from you.

**Ms ROBYN PARKER:** I know the member cannot wait to hear me.

**The SPEAKER:** Order! I call the member for Canterbury to order for the second time.

**Ms ROBYN PARKER:** This is great news, so the member for Canterbury should listen. I thank the member for Blue Mountains for her question. I know she is very interested in environmental issues, particularly in making New South Wales a global leader in renewable energy.

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

**Ms ROBYN PARKER:** We came to government with a commitment to make renewable energy a viable option, particularly in regard to solar power, and to succeed where members opposite failed. We have already taken strong action to fix the mess that Labor left the people of New South Wales through the grossly mismanaged Solar Bonus Scheme.

**The SPEAKER:** Order! Opposition members will come to order.

**Ms ROBYN PARKER:** From the Premier downwards in our team our Government is one that is dedicated to delivering on solar. The Minister for Resources and Energy, Chris Hartcher, and the Parliamentary Secretary for Renewable Energy, Rob Stokes, and I have been working on a coordinated approach to ensure that New South Wales becomes a national leader on renewable energy. Unlike members opposite, our solar power legacy will not be billion-dollar blowouts and skyrocketing electricity bills. Last Saturday the New South Wales and Commonwealth governments, working together, jointly announced a new solar project that will be the cornerstone of the New South Wales renewable energy agenda, the Moree Solar Farm.

**The SPEAKER:** Order! I call the member for Marrickville to order.

**Ms ROBYN PARKER:** The Moree Solar Farm is a 150-megawatt solar photovoltaic power plant. When construction is completed in 2015, it will be one of the largest in the world. The New South Wales Government has committed \$120 million to the cost of the approximately \$700 million project. The solar farm will be built by a consortium including BP Solar, Fotowatio and Pacific Hydro.

**The SPEAKER:** Order! Opposition members should listen to the answer. It might address some of their interjections.

**Ms ROBYN PARKER:** I take this opportunity to congratulate the consortium partners on their achievement of being the successful Solar Flagships consortium.

**The SPEAKER:** Order! I call the member for Canterbury to order for the third time.

**Ms ROBYN PARKER:** Unlike members opposite, this Government has shown it is able to work in partnership with the Federal Labor Government. The benefits of the Moree Solar Farm will be enormous. It will produce enough electricity to supply 45,000 homes, which is roughly equivalent to a city the size of Darwin, and reduce carbon pollution by approximately 400,000 tonnes a year. It will cover an area of 1,200 hectares, which is roughly equivalent to 600 football fields. Furthermore, construction of the plant will create approximately 400 direct jobs and 500 indirect jobs in Moree, which will provide enormous benefit to the economy of the town and to many other towns in New South Wales. I am particularly pleased to note that the Moree Solar Farm includes a solar research program that will result in \$66.5 million of Commonwealth funds being provided to further develop our world-leading solar research institutions.

The selection of Moree Solar Farm as the round one Solar Flagships Program winner is also testament to the efforts of New South Wales government agencies and business working together to attract solar flagship

projects to New South Wales. The Solar Flagships Taskforce, led by the Office of Environment and Heritage, and guided by the vision of Simon Smith and the hard work of Ben Pearson, has worked extensively over the past few years with all New South Wales bidders to help develop their bids and maximise their competitiveness. Our goal was clear: to secure a world-class solar project for New South Wales, and we have succeeded. I must acknowledge the Minister for Western New South Wales and member for Barwon, Kevin Humphries, in whose electorate this solar farm will be built.

The member for Barwon has had a strong commitment to this project and has shown enormous support. There will be jobs for people in his electorate. I acknowledge also the excellent member for Ryde, Minister Victor Dominello, in whose electorate BHP's solar head office is situated. Those members support jobs and this Government, unlike the previous Government, which proved it was incapable of running a scheme that creates jobs, boosts the economy and delivers affordable and sustainable renewable energy. I look forward to bringing to the House in the near future more information about the progress on the Moree Solar Farm and our solar summit number two. There will be more good news.

#### **MINISTER FOR FAMILY AND COMMUNITY SERVICES**

**Mrs BARBARA PERRY:** My question without notice is directed to the Minister for Family and Community Services. Who asked the Minister to hire the factional operative she subsequently terminated for using the facilities of her office to undertake internal Liberal Party activities?

**Ms PRU GOWARD:** I thank the member for her question. I employed the employee in question when I was in opposition and he was asked to leave when he no longer met the requirements of my office.

#### **BUILDING THE EDUCATION REVOLUTION**

**Mr PAUL TOOLE:** My question is directed to the Minister for Education. What action has the Government taken to fix the ongoing problems in New South Wales government schools associated with Building the Education Revolution?

**Mr ADRIAN PICCOLI:** I say from the outset that this is part A; members can expect a few more answers.

**The SPEAKER:** Order! The member for Fairfield will come to order. The member for Wagga Wagga will come to order.

**Mr ADRIAN PICCOLI:** The Building the Education Revolution could have been a once-in-a-generation opportunity to provide essential funding for education facilities desperately needed in New South Wales schools. What did State Labor do instead? It wasted and mismanaged it—straight out of the "Labor Party Playbook" waste and mismanagement. How do I know? I still have the "Labor Party Playbook". Under waste and mismanagement in the "Labor Party Playbook" is a photo of the member for Toongabbie: Mr Rozelle Metro. With \$3.5 billion of Federal Government money to invest in New South Wales, value for money was crucial.

**Mr John Robertson:** Tell us what Ray Williams would have done with that money?

**Mr ADRIAN PICCOLI:** The member for Hawkesbury was right up your ribs on the weekend about how much money you wasted. How terrific that somebody read the paper to the Leader of the Opposition. The member for Hawkesbury was exactly right: taxpayers demand value for money. However, in New South Wales we did not get value for money. One of the earliest examples of Labor's incompetence was when a one-student school, the Lagoon School in the Bathurst electorate, received \$250,000. Building the Education Revolution funds for that school included the delivery of a \$140,000 covered outdoor learning area. But that is not the best bit: the school already had a covered outdoor learning area. Why did it need another one? Goodness knows.

**The SPEAKER:** Order! The member for Murray-Darling will come to order. Government members will come to order.

**Mr ADRIAN PICCOLI:** Another typical example of Labor's failures was Hastings Public School in the Port Macquarie electorate, which I visited. Following an embarrassing internal audit the New South Wales Labor Government was forced to scrap the covered outdoor learning area at Hastings Public School because the

structure was not value for money. Under Building the Education Revolution the covered outdoor learning area was supposed to cost \$954,000. But, again, that is not the best bit. The best bit is that in 2003 the school built a similar-sized covered outdoor learning area for just over \$73,000. The comments of the member for Hawkesbury on the weekend were right. I could go on.

**Government members:** Go on.

**Mr ADRIAN PICCOLI:** Tottenham Public School in the electorate of the member for Barwon received \$850,000 when it was decided that the school should have a canteen. For \$850,000 in the Barwon and Murrumbidgee electorates one could build a five-bedroom house with a pool, but Tottenham Public School got an eight metre by three metre concrete garage for \$600,000 of that money. That works out to be nearly \$25,000 per square metre. With all of these examples of waste, mismanagement and general incompetence in mind—the all-too-familiar refrain again straight out of the "Labor Party Playbook"—as soon as I became Minister I investigated the possibility of reviewing the Building the Education Revolution managing contractor contracts with a view to delivering the remaining projects through alternative means. However, sometimes one wishes they were not so efficient: all but 40 of the 4,657 Building the Education Revolution projects in New South Wales have already been completed.

[Interruption]

**Mr ADRIAN PICCOLI:** Yes, you are right, completed at about four times what it should have cost.

[Interruption]

**Mr ADRIAN PICCOLI:** Yes, you are right—finished.

[Interruption]

**Mr ADRIAN PICCOLI:** That is right, for four times what it should have cost.

**The SPEAKER:** Order! The member for Murray-Darling will come to order.

**Mr ADRIAN PICCOLI:** I see no value to the State in pursuing this option. Taking this path would be costly and, ultimately, unproductive. Unlike New South Wales Labor, we have put the interests of the people of New South Wales first. I can tell the House that the Building the Education Revolution managing contractors—  
[Time expired.]

**Question time concluded at 3.06 p.m.**

## **DEATH OF DAVE BROCKHOFF AND REX MOSSOP**

### **Ministerial Statement**

**Mr GRAHAM ANNESLEY** (Miranda—Minister for Sport and Recreation) [3.07 p.m.]: The past weekend saw the passing of two great Australian sporting icons: former rugby union international Dave Brockhoff and dual international player Rex "the Moose" Mossop. As someone who spent the greater portion of my life involved in sport it is an honour to stand here today and pay respects to both men who reached the elite level of their respective sporting careers by representing Australia. The similarities between both men are remarkable. The Moose and Brock were both born in Sydney in 1928. They played rugby union tests for Australia in the same team and both had the vision to create career paths after their playing days had ended using sport as the vehicle. Unfortunately, both men departed our company over the weekend to the sadness of countless fans, friends and family.

Brockhoff is best remembered as a rugby union innovator both as a player and as an administrator. He is widely acknowledged as being responsible for restoring pride in the Wallaby jersey during his stint as the coach of the Wallabies between 1974 and 1979. His ability to lift a team was the stuff of which legends are made. On one occasion, so the story goes, he loosened the screws on the dressing room door before delivering a no-holds-barred team talk. At the end of that rev-up Brockhoff called on his players to follow him to victory, knocking the door off its hinges as he exited.

I had the privilege of meeting Rex Mossop on numerous occasions. As a sportsman, Rex was as tough as old boots, and "retreat" was not a word that existed in his colourful vocabulary. He commenced his career with Manly Rugby Union Club as a teenager in 1947 and made his test debut against the All Blacks in New Zealand on 3 September 1949, aged 21. His second row partner in that test was Sir Nicholas Shehadie, husband of the New South Wales Governor, Her Excellency Marie Bashir.

Rex played 17 rugby games for New South Wales between 1949 and 1951 and more than 100 first grade games with Manly Rugby Union Club, including winning the 1950 first grade grand final. Rex changed to rugby league in 1951 and was reported to have been paid £5,000 as a signing-on fee plus match fees to play with the Leigh club. He had four seasons with Leigh before returning to Australia to sign with his beloved Manly club in 1956. Rex played eight seasons with the Sea Eagles, finishing at the end of 1963. In all, he played 129 matches for Manly, all in first grade, including the 1957 and 1959 grand finals against St George. Rex was famously sent off with Harry Bath by referee Darcy Lawler in the 1959 grand final. Trust a referee to create mayhem during an important rugby league match.

The Moose played nine matches for Australia and was vice-captain on the 1959-60 Kangaroo tour to the United Kingdom, and he played six games for New South Wales between 1957 and 1960. Possibly the greatest legacy he left rugby league was as a sports commentator. Rex commenced his role with Channel 7 when it advertised for a sports director in 1964, and he called his first game in 1965. I think it is fair to say that his regular Sunday morning sports show, which was called *Sports Action*, was the forerunner to the modern-day versions of sporting programs. The appropriately named "Controversy Corner" was synonymous with Rex Mossop, as was the Commonwealth Bank Pass the Ball competition, which still survives today in many clubs at fan day and promotional events.

The colourful media life of Rex Mossop also included television appearances as the host of *Beauty and the Beast* in 1971. He had a stint with Channel 10 from 1986 to 1991, and in 1991 he was with the ABC on an Andrew Denton program called *Live and Sweaty*. He had his memoirs penned in a book appropriately entitled *The Moose that Roared*. These past few days have seen many accolades in remembering Rex and it would not be a tribute to the man affectionately called the Moose if I did not include some examples of his tautology, for which he became famous. The classics include:

If I keep getting Boyd and O'Grady mixed up, it's because they look alike, especially around the head.

He once referred to the "tiny, diminutive, little Mark Shulman". Another classic is, "He seems to be favouring a groin injury at the top of his leg" and, famously, "He's running sideways across the field, without making forward progress". Apparently that quip won Rex an International tautology award. Rex is survived by his wife, Joan, and their two sons, Kirk and Greg. Rex Mossop and Dave Brockhoff were great Australian characters who will be sadly missed. On behalf of all members of the House I say: Thanks for the memories.

**Ms LINDA BURNEY** (Canterbury) [3.12 p.m.]: On behalf of the Opposition, I join the Minister in remembering Dave Brockhoff and Rex Mossop. As the Minister said, Dave Brockhoff highly represented Australia in rugby union, in eight tests. He attended Scots College and played in the college's First XV. He also represented the University of Sydney in 95 games. He died recently at the age of 83. Rex Mossop was an Australian rugby league and rugby union legend, and he was on our television sets for 27 years. I am sure everyone would agree he was a massive personality. He died last Saturday at Royal North Shore Hospital, surrounded by family and friends. It is hard to imagine Rex Mossop suffering from Alzheimer's disease, but that is part of what ailed him in his latter life.

Rex Mossop was born on 18 February 1928 at Five Dock, the younger son of Norman and Nellie Mossop. They moved to Balgowlah when Rex was five and he started his long life and career at Manly. He began playing rugby union for the Manly club and played eight tests for the Wallabies from 1948 to 1951. His international rugby union career was played at lock. He changed to rugby league in the United Kingdom in 1951, where he played for Leigh. When he returned to Australia in 1956 he joined the Manly Sea Eagles and soon became indispensable to the team as part of its forward pack. He played for the Manly side that lost to St George in the grand finals in 1957 and 1959.

There is the often talked about incident in the 1959 grand final, when Rex Mossop retaliated to the attention he received from the St George team, who were keen to know if the rumour about his broken cheek



bone was true. Having had enough of their attention, Rex Mossop responded by standing on Harry Bath's head. A brawl broke out and both were sent off the field. Regardless of such incidents, he won the best and fairest award in the previous year. He first represented Australia internationally when he was 30, against Britain in 1958. This made him Australia's twenty-fifth dual code rugby international.

*[Interruption]*

I am sorry but this is a ministerial statement about a great Australian who has passed away. Generally members would hold their tongues. Rex played a total of nine tests for Australia, 136 games for many before retiring in 1963 at the grand old age of 35. He then began his career as a commentator on Channel 7, calling his first game in 1965. He spent 20 years as host of the rugby league preview show, including "Controversy Corner", which the Minister mentioned. From the early 1970s until 1990 he was the voice of rugby league on Channel 7 and Channel 10, and a voice that was completely recognisable to all of us.

His style when calling games resulted in the now famous, or possibly infamous, tautology to which the Minister referred, and I will give a couple of examples. He said, "son of a very famous father", "a little bit marginal", and "he's made great yardage of 25 metres". That is the sort of thing we came to expect. Rex became a life member of New South Wales rugby league in 1999 and in 2006 he was named in both the Manly rugby league and Manly rugby union best ever sides. He was awarded an Australian Sports Medal in 2000. We send our condolences to the family of Rex Mossop and the family of David Brockhoff.

*Members and officers of the House stood in their places as a mark of respect.*

## **CURRAWONG BEACH SITE SALE**

### **Personal Explanation**

**Mr JOHN ROBERTSON**, by leave: I wish to make a personal explanation following imputations made last Friday by the Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast in relation to a particular matter he continues to raise. I make the following personal statement. I have had no involvement with Currawong since resigning as Secretary of Unions NSW in 2008.

**Mr Chris Hartcher**: Since resigning.

**The SPEAKER**: Order! I cannot hear the personal explanation.

**Mr JOHN ROBERTSON**: Other than what has been reported in the media, I have no knowledge of the details of the final settlement between Unions NSW and the purchaser as I was not a party to it. In government I had no role in any decisions taken in relation to the site. I have not spoken to Tony Kelly since his resignation, and at no point has Mr Kelly ever discussed Currawong with me. I have not been contacted by the Independent Commission Against Corruption. If I were I would have no issue cooperating with any request. I have always acted with honesty and integrity. I call on the Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast to do the same and withdraw the imputations he made last Friday.

**The SPEAKER**: Order! I have heard the member's personal explanation.

## **MEMBER FOR BLACKTOWN**

### **Personal Explanation**

**Mr CHRIS HARTCHER**, by leave: I wish to make a personal explanation about the reflections made upon me by the Leader of the Opposition. I have always acted with integrity. The question for the Leader of the Opposition is whether he will act with integrity or whether he will hide behind parliamentary privilege in defending himself against the Currawong allegations.

**The SPEAKER**: Order! A personal explanation is not subject to debate.

## PETITIONS

**The Clerk announced that the following petitions signed by fewer than 500 persons were lodged for presentation:**

### **Oxford Street Traffic Arrangements**

Petition requesting the removal of the clearway and introduction of a 40 kilometres per hour speed limit in Oxford Street, received from **Ms Clover Moore**.

### **Greendale Planning**

Petition requesting the overturning of the joint regional planning panel decision regarding DA-1291/2010 and the suspension of any government decisions regarding cemeteries, crematoria and places of worship in Greendale, received from **Mrs Tanya Davies**.

### **Pet Shops**

Petition opposing the sale of animals in pet shops, received from **Ms Clover Moore**.

### **Mental Health Services**

Petition requesting increased funding for mental health services, received from **Ms Clover Moore**.

## **BUSINESS OF THE HOUSE**

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

**Mr BRAD HAZZARD** (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.21 p.m.]: I move:

That standing and sessional orders be suspended to permit:

- (1) the resumption of the adjourned debate and passage through all remaining stages at this or any subsequent sitting of the Destination NSW Bill;
- (2) the introduction and passage through all remaining stages at this or any subsequent sitting of the Parliamentary, Local Council and Public Sector Executives Remuneration Legislation Amendment Bill and the Statute Law (Miscellaneous Provisions) Bill, notice of which was given this day for tomorrow; and
- (3) the introduction as cognate bills and passage through all remaining stages at this or any subsequent sitting of the Independent Commission Against Corruption Amendment Bill and the Public Interest Disclosures Amendment Bill.

In this last week of the sittings it is necessary, regrettably, to move a number of pieces of legislation through the House. I have just indicated briefly to the Leader of the Opposition that there is some urgency about these matters. The Parliamentary, Local Council and Public Sector Executives Remuneration Legislation Amendment Bill limits increases in salaries of members of Parliament to 2.5 per cent. It is necessary that these bills move through. The joint sitting is at 3.30 p.m. so I will not speak for very long to allow the Leader of the Opposition time to speak on these issues, if he so wishes. The bills will be made available to the Opposition for their examination this afternoon.

**Mr MICHAEL DALEY** (Maroubra) [3.22 p.m.]: If the Leader of the House is trying to indicate by that final statement that we should in some way be gratified that the Government is cooperating, the answer is that we are not. As I said on Friday—

**Mrs Jillian Skinner:** Vote us down.

**Mr MICHAEL DALEY:** "Vote us down" says the Minister for Health—that is the embodiment of the arrogance with which this Government is now conducting itself. I have had a good relationship with the Leader of the House in the six or seven weeks we have sat.

**The SPEAKER:** Order! Members will come to order.

**Mr MICHAEL DALEY:** We have done everything we can on this side of the House to ensure that the Government has had business to put through this House and into the Legislative Council. Time and time again they have spoken at length on inconsequential bills, such as the Library Amendment Bill, and here we are today—

**Ms Gladys Berejiklian:** Inconsequential.

**Mr MICHAEL DALEY:** Inconsequential compared to what we are dealing with today. In approximately three minutes a motion for suspension of standing orders will be voted on relating to the passage through this House of bills that deal with very important subject matters. We have had absolutely no time whatsoever to look at those bills. We do not agree to this suspension. We know that we will be voted down. Again I say, the arrogance with which this Government is now conducting itself is on display for all the world to see with the passage of this suspension. We do not agree to it. We have cooperated fully with the Government and frankly this is a disgrace.

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

**The House divided.**

**Ayes, 66**

Mr Anderson	Mr Flowers	Mr Roberts
Mr Annesley	Mr Fraser	Mr Rohan
Mr Aplin	Mr Gee	Mr Rowell
Mr Ayres	Ms Gibbons	Mrs Sage
Mr Baird	Ms Goward	Mr Sidoti
Mr Barilaro	Mr Grant	Mrs Skinner
Mr Bassett	Mr Hartcher	Mr Smith
Mr Baumann	Mr Hazzard	Mr Souris
Ms Berejiklian	Ms Hodgkinson	Mr Speakman
Mr Bromhead	Mr Holstein	Mr Spence
Mr Brookes	Mr Humphries	Mr Stokes
Mr Cansdell	Mr Issa	Mr Stoner
Mr Casuscelli	Mr Kean	Mr Toole
Mr Conolly	Dr Lee	Ms Upton
Mr Constance	Mr Notley-Smith	Mr Ward
Mr Cornwell	Mr O'Dea	Mr Webber
Mr Coure	Mr O'Farrell	Mr R. C. Williams
Mrs Davies	Mr Owen	Mrs Williams
Mr Dominello	Mr Page	
Mr Doyle	Ms Parker	
Mr Edwards	Mr Patterson	<i>Tellers,</i>
Mr Elliott	Mr Perrottet	Mr Maguire
Mr Evans	Mr Provost	Mr J. D. Williams

**Noes, 22**

Mr Barr	Dr McDonald	Ms Tebbutt
Ms Burney	Ms Mihailuk	Mr Torbay
Mr Daley	Ms Moore	Ms Watson
Mr Furolo	Mr Parker	Mr Zangari
Ms Hay	Mrs Perry	
Ms Hornery	Mr Piper	<i>Tellers,</i>
Mr Lalich	Mr Rees	Mr Amery
Mr Lynch	Mr Robertson	Mr Park

**Pairs**

Mr George	Ms Burton
Mr Piccoli	Ms Keneally

**Question resolved in the affirmative.**

**Motion agreed to.**

## **LEGISLATIVE COUNCIL VACANCY**

### **Joint Sitting**

At 3.30 p.m. the House proceeded to the Legislative Council Chamber to attend a joint sitting to elect a person to fill the seat in the Legislative Council vacated by the Honourable Anthony Bernard Kelly.

At 3.40 p.m. the House reassembled.

**The SPEAKER:** I report that the House has met with the Legislative Council in the Legislative Council Chamber this day for the purpose of electing a person to hold the place in the Legislative Council vacated by the Hon. Anthony Bernard Kelly, and that Stephen James Robert Whan was duly elected. I table the Minutes of the Proceedings of the Joint Sitting of the Houses of Parliament of New South Wales held to choose a person to fill the vacancy in the Legislative Council caused by the resignation of the Hon. Anthony Bernard Kelly.

**Ordered to be printed.**

## **CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**

### **Carbon Tax**

**Mr ANDREW CORNWELL** (Charlestown) [3.43 p.m.]: I argue that the following motion should be accorded priority:

That this House supports a national plebiscite on a carbon tax.

The motion should be accorded priority for the following reasons. First, six days prior to the Federal election Prime Minister Gillard categorically ruled out a carbon tax. As Tony Abbott has said on numerous occasions, they have no mandate to introduce this.

**Mr John Robertson:** It hasn't stopped you.

**Mr ANDREW CORNWELL:** I hear the Leader of the Opposition talking about mandates.

**The SPEAKER:** Order! The Leader of the Opposition will have his opportunity shortly.

**Mr ANDREW CORNWELL:** On 26 March this year we were given the most comprehensive mandate in Australian political history—to address 16 years of economic vandalism.

**The SPEAKER:** Order! The Leader of the Opposition will have his opportunity shortly.

**Mr ANDREW CORNWELL:** We could have had a vote about this last year if Federal Labor had been honest about the dowry it was offering to The Greens to help Labor form a Labor-Greens coalition. We need a plebiscite to enable the Australian people to exercise their democratic right. Citizens have a right to either support or oppose what is arguably the largest economic reform in our nation's history. Six days before the last Federal election Julia Gillard said:

There will be no carbon tax under a government I lead.

That reminds me of some of the other notable guarantees given by the Australian Labor Party, such as: By 1990 no Australian child will be living in poverty.

**The SPEAKER:** Order! The member for Toongabbie will come to order.

**Mr ANDREW CORNWELL:** I see the member for Keira is frothing at the mouth. If he wants to see me later on, I will have a look at him. The second reason that the motion should be accorded priority is the question: Where does the Leader of the Opposition stand on the issue of a carbon tax?

**The SPEAKER:** Order! Members will come to order.

**Mr ANDREW CORNWELL:** The Leader of the Opposition has been all over the place on the issue so far. On 24 March this year the *Australian Financial Review* reported Mr Robertson as stating:

I think there is a general view that everybody wants some certainty around the price of carbon. We need a price on carbon to make gas competitive. At the moment there is no price on carbon; it just doesn't compete with coal.

However, on 3 April, on "Insiders", the Leader of the Opposition stated in relation to the carbon tax:

I want to get more information from the Prime Minister on the detail of the compensation package before I arrive at a position.

Well, next he will say that he supports a carbon tax.

**The SPEAKER:** Order! The Leader of the Opposition will have his opportunity shortly.

**Mr ANDREW CORNWELL:** He has flipped and he has flopped. He is happy to make some noise now, but I have heard the member for Terrigal talk about the great silence—

**The SPEAKER:** Order! I call the member for Canterbury to order.

**Mr ANDREW CORNWELL:** It's not Sussex Street blues, and you can't plead the fifth in New South Wales.

**The SPEAKER:** Order!

**Mr ANDREW CORNWELL:** This leads me to the third reason that the motion should be accorded priority. On election night this year former Premier Keneally made perhaps the most insightful comments about where New South Wales Labor went wrong when she said:

They didn't walk away from us, we left them.

A carbon tax may be no bad thing for a merchant banker from Double Bay, but it is a catastrophe for a sheet metal worker from Warners Bay. A carbon tax may not be a problem for a stockbroker from Darling Point, but it is a disaster for an aluminium worker from Speers Point. Federal Labor is demonstrating why it is a crippled administration. It is for these same reasons. It has listened to interest groups that do not reflect the feelings of the general population, least of all the people who have been traditional Labor voters. The employees at Hydro Aluminium are generally Australian Workers Union members. Last year they were left pleading to the State Government to sign a power deal. Now they are confronted with a tax that threatens their livelihoods and their community's prosperity. These are the people that supported the Coalition on 26 March.

The final reason that the motion should be accorded priority is that it is not about science, it is about economics. It is not about climate change, it is about tax. It is about imposing on the New South Wales economy a dead hand that will affect the constituents of the Hunter harder than most. It is about classic Labor economics—tax something until it suffocates then try to provide mouth to mouth through subsidies. All that a carbon tax will achieve is to send New South Wales jobs, particularly those in the Hunter, the Illawarra and Western Sydney, offshore. On 26 March Labor faced the reality of what happens when you walk away from the electorate. A carbon tax will damage most of those people Labor once purported to represent. That is why the motion should be accorded priority.

### Government Parliamentary Appointments

**Mr JOHN ROBERTSON** (Blacktown—Leader of the Opposition) [3.48 p.m.]: This motion deserves priority for several reasons, but firstly because this is about the Government working hard on a jobs creation program for its own members and not the people of New South Wales. That is an apt summation of this situation. I wish I had written it myself, but those are the words of the now Premier, recorded in the *Daily Telegraph* of 8 January 2010. Yes, when the former Government announced five committee chairs fewer than this Government has announced the then Opposition leader said he was outraged. He accused the former Premier of "running a sideshow in which every member wins a prize" and that "there's more pigs than puppets and they're in danger of drowning as the snouts go deeper into the trough". Well, well. How many pigs are in the sty today? It is a record number. It is the biggest trough yet.

**The SPEAKER:** Order! Government members will come to order.

**Mr JOHN ROBERTSON:** It is so big they cannot even get it through the door. There is another broken promise to add to the shame sheet, and it is growing.

**The SPEAKER:** Order! The member for Strathfield will come to order.

**Mr JOHN ROBERTSON:** There is another good reason why my motion deserves priority and it is that "the hidden aspect of this jobs creation program is the flow-on consequences for superannuation payments which are based on total salaries for those MPs". That is a very astute point. The people of New South Wales will be paying for this record trough not only now but for decades to come. I just wish I had thought of that fine argument, but again I have to give credit where credit is due. These are again the words of the Premier—same newspaper, same date. The Liberals can wipe all the promises they like off their website—and gee they have wiped a fair few of them off the website recently—but they are having a bit of trouble shutting down News Limited's website.

There is one more good reason why we should accord this issue priority. It is this: "If these additional positions had resulted in better services and infrastructure for families and business then they might be justifiable, but the public know they haven't." Can members guess whose words they are? They are not my words but the Premier's in a media release on 21 January 2010. That is the release in which the Premier promised that such positions were "the type of waste and rort the New South Wales Liberals and Nationals are committed to ending". They have not ended; they have been given a whole new lease of life by this Premier. In this circus everybody gets a prize when Barry O'Farrell is the ringmaster—well, almost everybody.

**Mr John Williams:** Point of order—

**Mr JOHN ROBERTSON:** Didn't you get a prize?

**The SPEAKER:** Order! The Leader of the Opposition will resume his seat. What is the member's point of order?

**Mr John Williams:** My point of order is that the Leader of the Opposition is talking about the circus on this side. I might add they recycled Noreen Hay seven times.

**The SPEAKER:** Order! That is not a point of order, as the member for Murray-Darling well knows.

**Mr JOHN ROBERTSON:** Almost everybody got a prize. There are a handful of members who managed to miss out on the greatest gravy train in the history of this House. It does raise the question: What did they do wrong?

**Mr Brad Hazzard:** Point of order: In regard to the assertion about the greatest gravy train, we know that is what Labor did when it was in government, so the member is speaking outside the leave of his motion. If he now wants to talk about the greatest gravy train that was when Eddie Obeid—

**The SPEAKER:** Order! That is not a point of order. The member is trying to establish why his motion should be accorded priority. The Leader of the Opposition has the call. The member for Murray-Darling will come to order.

**Mr JOHN ROBERTSON:** It raises the question of what they did wrong. Let us take the member for Granville as an example. Is he not a lovely guy? How could you say no to that face? Sure, he has been known to pick the odd fight with the police now and then—

**Mr Brad Hazzard:** Point of order: We actually love his face. We just do not like the face of the Leader of the Opposition or his approach, so he should stop—

**The SPEAKER:** Order! There is no point of order as the Leader of the House well knows. The Leader of the House will resume his seat.

**Mr JOHN ROBERTSON:** Sure, he picks the odd fight with the police but I am told that as long as you do not tell him where to park his ute he is a really lovely fellow. Why did he not get a guernsey? Above all,

this motion deserves priority because it is more proof that in spite of the promise of members opposite that there would be change the Premier has not lived up to the standards he set himself. Nothing has changed under you blokes. I leave the last words as to why this motion should be given priority— [*Time expired.*]

**Question—That the motion of the member for Charlestown be accorded priority—put and resolved in the affirmative.**

**The SPEAKER:** Order! Before we proceed to the motion I inform members that today is Mr Ian Delahunty's birthday. It is a very important decade. Happy birthday, Ian.

## **CARBON TAX**

### **Motion Accorded Priority**

**Mr ANDREW CORNWELL** (Charlestown) [3.55 p.m.]: I move:

That this House supports a national plebiscite on a carbon tax.

We need a plebiscite to enable the Australian people to exercise their democratic right. We have a right to either support or oppose what is arguably the largest economic reform in our nation's history. Prior to the election the Prime Minister ruled out her Government introducing a carbon tax during this term of government. Once the election was over she moved quickly to reveal the true position—supporting a tax on jobs, supporting a tax that will not produce any tangible environmental benefits, and supporting a tax that will devastate regions in New South Wales such as my own, the Hunter, and electorates such as Dubbo, Wollondilly, The Entrance, Campbelltown, Londonderry, Bathurst, and Myall Lakes.

The Federal Government has no mandate to introduce this regressive tax. I hear members opposite going on about mandates and we addressed that matter earlier. We achieved a mandate on 26 March. The Prime Minister deceived the Australian people and did not let them know of her intentions prior to the election. The Prime Minister has no such mandate because the Rudd Government dropped the proposed emissions trading scheme in a display of political cowardice unparalleled in recent times. Prime Minister Gillard then categorically ruled out a carbon tax prior to the Federal election. A plebiscite would either provide the Federal Government with the mandate it needs to impose this tax or see it rejected as a dowry to the Federal Labor Party's bedfellows, The Greens.

Confronted with opposition from a cynical public, Federal Labor is rolling out the best reports money can buy to support its claims that the tax will not adversely affect the national economy. Federal Treasurer Wayne Swan recently stated that a \$20 a tonne carbon price would not greatly affect aggregate employment levels. This is a nationwide average and makes no allowance for regional variations. As I said, a carbon tax may be no bad thing for a merchant banker from Double Bay but it is a catastrophe for a sheet metal worker from Warners Bay. A carbon tax may not be a problem for a stockbroker from Darling Point but it is a disaster for an aluminium worker from Speers Point.

On election night when Premier Keneally made the comment, "They didn't walk away from us, we left them", she was insightful in that Labor is walking away from its constituency. Federal Labor is now demonstrating why it is a crippled administration. It is the same reason. Labor is listening to interest groups that do not reflect the feelings of the general population, least of all people that have been traditional Labor voters. The employees of Hydro Aluminium are generally Australian Workers Union members. They pleaded for months last year for the then State Government to sign a power deal, but it was not forthcoming. They are now confronted with a tax that threatens their livelihoods and their community's prosperity. These are the people that supported the Coalition on 26 March. They know that Labor is beholden to sectional interests and the personal vanities of the elite. Labor has stopped representing mainstream values, reward for hard work and a fair go for families.

The last time we spoke on this tax those opposite attempted to take some sort of moral high ground and argue that a carbon tax was justified on environmental grounds alone. This is not a debate about science; it is a debate about economics. It is not a debate about climate change; it is a debate about tax. All a carbon tax will achieve is the off-shoring of our emissions. A carbon tax will not reduce global emissions. Off-shoring emissions is done by off-shoring jobs. This will be hardest felt in regions such as the Hunter Valley. In the Hunter we produce 20 per cent of the State product and we have 10 per cent of the population, yet under State

Labor we received less than 5 per cent of funding. As I said in my inaugural speech, give us the tools in the Hunter and we will drive the New South Wales economy through this century. A carbon tax will rip this ability away from the Hunter and reduce the productive capacity of the engine room of New South Wales. Some thanks that is.

Using economic levers to reduce global emissions is a tricky business. That is why no country has successfully grappled with the issue. Introducing a carbon tax to attempt to reduce emissions is like using a blunt instrument for brain surgery. Labor keeps sprouting about using subsidies to reduce the effect on communities and industry. It is classic socialist Labor economics: tax it until it suffocates then attempt to revive it through subsidies. It will be an enormous money-go-round run by an inefficient, bloated bureaucracy that will remove half the benefit on the way through. In 2008 Frontier Economics produced a report outlining the effects on the Hunter Valley economy. As I previously stated, the impact on the Hunter will be five times greater than the national average. Our Hunter economy would lose 13,000 jobs in the period to 2020. It would cost the Hunter \$1.2 billion in the same period.

The New South Wales Government will oppose a carbon tax. It is a tax that threatens tens of thousands of jobs in New South Wales and it will slug families with an extra \$500 on their electricity bills. Many families, pensioners and low-income earners will struggle to find that \$500. Kevin Rudd said that climate change was the greatest moral challenge of our time. I do not agree. Most members on this side of the Chamber would agree that the greatest moral challenge of our time is to look after the mums and dads sitting around their dining room table at night working their way through the bills, trying to work out how they are going to feed their family. The former State Government increased electricity bills by up to 60 per cent over the past five years, and there is more to come under a carbon tax. The Federal Government has no mandate for this tax and we need to know where the Leader of the Opposition stands. I say to those opposite: Learn the lessons of 26 March and join with us in opposing this dead hand on the New South Wales economy. That is why this motion should be supported.

**Ms CARMEL TEBBUTT** (Marrickville) [4.02 p.m.]: I speak against the motion. We see once again in this Chamber that the Government is so bereft of its own ideas, its own initiatives and its own achievements that its members come here to talk about what Tony Abbott is doing in Canberra. This is the New South Wales Parliament. I find it extraordinary that once again we see the Coalition taking its direction from Tony Abbott in Canberra. I would really like to hear what the members opposite intend to do to support a national plebiscite. What is it that they are going to do? What is it that the New South Wales Parliament is going to do? It is not a State issue; it is something that Tony Abbott has proposed for Canberra, and we all know that it is a stunt. We all know that it is yet another stunt from the master of stunts himself, Tony Abbott.

If members opposite think that addressing climate change is not an issue of concern to the mums and dads of New South Wales they need to get out a bit more because the reality is that climate change will have an impact on the people of New South Wales. The people of New South Wales will be seriously affected if we are not able to address climate change. We know it means more adverse weather events, we know that it will have an impact on our food bowl, we know that it will have an impact on our quality of life, and we know that it will have a health impact.

**Mr Troy Grant:** You don't think that a carbon tax will have an impact on the food bowl?

**Ms CARMEL TEBBUTT:** Do you think that climate change does not have an impact on people's health status? It does. There is no doubt that climate change is an issue for the people of New South Wales.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! Government members will direct their comments through the Chair.

**Ms CARMEL TEBBUTT:** It is particularly an issue for people in regional New South Wales. The regional parts of the State, particularly coastal areas, are going to be some of the worst affected areas as a result of climate change. I see that the Coalition is extremely selective when it comes to talking about support for a plebiscite. The Coalition claims that the Federal Government does not have a mandate to implement a price on carbon because it did not directly put that to the people at the election and it needs to participate in a plebiscite in order to get that mandate. We do not see the same test applied in New South Wales. The Coalition did not apply the same test to its own proposals recently put through this Parliament where it limited the independence of the Industrial Relations Commission and prosecuted an attack on public sector workers right across New South Wales.



**Mr Troy Grant:** Point of order: On relevance, the member is starting to go off track and is not talking to the motion in relation to the impact of carbon tax. She needs to get back to the motion of the member for Charlestown, which has been accorded priority.

**The DEPUTY-SPEAKER (Mr Thomas George):** I am sure the member will return to the leave of the motion.

**Ms CARMEL TEBBUTT:** I certainly will, because the resolution itself is about a plebiscite and I am making the point that the Coalition is extremely selective when it comes to the issue of a plebiscite. Its members want to see a Federal plebiscite but they do not want to see a plebiscite here in New South Wales where they had no mandate to introduce the changes that they introduced constraining the power of the Industrial Relations Commission. That is not something that they took to the people of New South Wales—in fact it was the very opposite: as shown by the correspondence between the Police Association and the then shadow Minister for Police. The Coalition has a very selective view about mandates and plebiscites.

We know that Tony Abbott's proposal for a national plebiscite is a stunt, and a very expensive stunt at that. It would cost anything up to \$70 million and the results would not be binding. Tony Abbott has a real problem. He cannot accept that after the last Federal election Labor was able to negotiate an agreement with the crossbenches and form government. Tony Abbott is having a great deal of difficulty accepting that. He continues to use all sorts of spoiling tactics because he cannot accept the outcome of the last election. It is incumbent on the Federal Government to govern in the best interests of the people of New South Wales and that means that they have to address the challenges that face the people of New South Wales and the people of Australia—climate change is one of those challenges.

In order to address climate change the Federal Government set up a multi-party committee. If Tony Abbott was so interested in climate change, if Tony Abbott was so committed to seeing the right thing done to address this challenge, he would have participated in that multi-party committee, but he did not. Tony Abbott is not genuinely interested in addressing climate change. All Tony Abbott is interested in is running scare campaigns. I quote from none other than John Hewson, a former august Opposition Leader in the Federal Parliament, who said:

To be clear, Abbott's response is mostly political. While there is merit in soil carbon, tree planting, solar, etc, if they were to be well developed policies, as part of a more broad-based overall response, his strategy is the belief that you can frighten and fool most of the people, all of the time.

Who said that? None other than John Hewson, a leading Liberal, and that is what he thinks about Tony Abbott. I think it is outrageous that we have an Opposition Leader who scares people when we are talking about one of the most serious issues that is confronting our community. To say that this is not about climate change but about economics is just a cute play on words. We know that all of the serious commentators agree that the best way to address climate change is to put a price on carbon.

Any number of serious economic commentators, from Ross Garnaut to a whole range of other people, have outlined that the cost of inaction is far greater than the cost of action, so putting a price on carbon is fundamental to addressing climate change and is fundamental to reducing carbon pollution. The Federal Government has indicated that that is exactly what it intends to do. It intends to put a price on carbon by 1 July next year, which will be followed by an emissions trading scheme within three to five years, and we do not forget that former Prime Minister John Howard himself proposed an emissions trading scheme.

**Mr LEE EVANS (Heathcote) [4.09 p.m.]:** I thank the member for Marrickville for reminding me that the Opposition stands for climate change, which is not what we are discussing. The motion deals with a new tax on carbon dioxide. I support the motion for a national plebiscite on the Federal Government's proposed carbon dioxide tax. Ill-conceived taxes have a devastating impact on every business and household in New South Wales. There has been a shameful lack of consultation in relation to the carbon dioxide tax. Countless constituents in the Heathcote electorate and elsewhere across the State are struggling already under the burden of an ever-increasing cost of living. The Federal Government wants to keep even more pressure on them, and for what?

Coalmining is the lifeblood of the Heathcote electorate. The imposition of a new tax on this industry will seriously threaten jobs. But the damage will not stop there. Coming from a food service background, I know a carbon tax will impact severely on the food industry. Costs will be passed on increasingly across the board and will damage every facet of consumption. I agree that we must move to a clean sustainable energy future, but

crippling our economy will not achieve that. Unless every country on the planet accepts the same responsibility at the same time, a carbon tax will do nothing but export jobs overseas. The people of Heathcote simply cannot afford to bear the brunt of another Labor tax. Is a carbon tax truly for the betterment of this country, or is it a thinly veiled attempt at redistribution of wealth by a party that has an obvious socialist bent.

It seems that Julia Gillard wants to be a modern Robin Hood—taking from the rich and supposedly giving to the poor, but we should not be fooled. She will let the economy crash and burn for her own re-election strategy. During the State election we strongly opposed a tax on carbon dioxide and on 26 March the people of New South Wales made it abundantly clear that they support our position. Members opposite backed dangerous legislation that will increase prices and threaten jobs, and they were duly punished by voters. However, the Leader of the Opposition now is suspiciously silent on this issue. He is apparently afraid of telling the public where he stands. The truth is that Labor members have no policy on a carbon dioxide tax. They have no case to argue and no answer as to why the hardworking people of this State should endure an unnecessary hardship.

Labor members inflated electricity prices through their disastrous mismanagement of the Solar Bonus Scheme and now they want to do the same through Federal legislation. Time and time again my constituents tell me that they experience difficulty in paying their rent, mortgages, school fees, and their water, electricity and strata bills. They do not want government charity; they just want us to stop making it harder for them to support their families. They want us in their corner making legislation to help, not hurt. They deserve better from the Government, and I will not sit idly by while they are denied their say. A plebiscite will give the public their chance to say "No" to higher prices, "No" to risking jobs, and "No" to governments ignoring the will of the people.

We have listened to the people of New South Wales and now the Federal Government must listen to all Australians. If the Federal Government fails to do that, it will be at its peril. State Labor members know the wrath of the electorate. Members opposite have tried to distance themselves from their Federal Labor colleagues. They say that a carbon tax is a Federal issue. But make no mistake: the damage and burden from this pointless tax would fall upon every State, every Territory and every household in this country. While doorknocking in the recent election campaign, I came across a member of one of Labor's own—a member of the Electricity Trades Union. He told me he is sick of turning off electricity for disabled people and other pensioners as a result of high electricity prices. We cannot allow prices to increase any more. In conclusion, I encourage all thinking members of this House to do what they know is right—support the motion.

**Mr NICK LALICH** (Cabramatta) [4.14 p.m.]: I am beginning to wonder whether members opposite know which Parliament they are in. They seem to think they are in the Parliament that is on Capital Hill in Canberra. I remind you that you are in Macquarie Street, Sydney.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Cabramatta will direct his comments through the Chair.

**Mr NICK LALICH:** They are in the oldest Parliament in Australia, and I remind members opposite that that is the Parliament of New South Wales in Sydney. In this Parliament, we have to make serious decisions about very important issues such as education, transport, health, and law and order to name just a few. They are the areas for which we have responsibility, and they are the areas on which the people of New South Wales expect us to focus, not Federal issues. Why is it that every time we debate motions that are accorded priority we find ourselves debating Tony Abbott's issue of the day? It would be nice if members opposite got their act together and started to talk about their plans for New South Wales, not the destructive agenda of the Federal Leader of the Opposition.

I am beginning to get the feeling that members opposite do not want to be in government. Perhaps it is becoming too hard. I know they are finding it hard to find their feet in government because their agenda is very thin. I understand why they feel that way. When the Premier makes a decision, he makes a mess of it. He will retrospectively cut the incomes of families who had signed up to the Solar Bonus Scheme, and then do a humiliating backflip. Members opposite may want Tony Abbott to be their leader, but unfortunately they are stuck with Barry O'Farrell. They should get used to it. He will be their leader for a couple of years, although not much longer than that. In relation to the motion to support a national plebiscite on a carbon tax, I will first cite what Tony Abbott said on radio this morning:

Something of this nature must go to the people before it becomes law.

The Prime Minister should not try to sneak this tax through a Parliament that has no mandate for it.

As I said, this is the vote that the Prime Minister didn't allow us to have at the last election.

That sounds all too familiar. Labor members used similar words only last week when speaking during debate on the Industrial Relations Amendment (Public Sector Conditions of Employment) Bill. Government members were not interested in hearing about a plebiscite for that legislation, but rammed it through. Under the Premier's industrial relations legislation, the O'Farrell Government will have unprecedented powers to slash workers' wages and conditions. I do not remember the industrial legislation ever being put to a plebiscite. Not surprisingly, the Government did not mention it at all prior to the March election. Even worse, prior to the election the current Minister for Finance and Services and the current Minister for Police and Emergency Services stated on the record that there would be no changes to the role of the Industrial Relations Commission in New South Wales. We know what happened.

**Mr Paul Toole:** Point of order: My point of order relates to Standing Order 76. The member for Cabramatta is wavering from the subject matter of the motion. I ask him to return to the relevant subject matter.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Cabramatta will confine his remarks to the leave of the motion.

**Mr NICK LALICH:** As recently as last week, laws were passed that represent one of the biggest changes to the Industrial Relations Commission in more than 100 years. What hypocrisy from members opposite who now have the gall to support Tony Abbott's stunt to push for a plebiscite on carbon tax.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I draw the attention of the member for Cabramatta to my previous ruling.

**Mr NICK LALICH:** I am relating my speech to the carbon tax. A plebiscite is similar to a referendum, except that it is not compulsory to vote and the result is not binding. A plebiscite not only would be non-binding but also would cost \$70 million. Tony Abbott says that even if a yes vote is delivered, he will not accept the decision. Government members not only are wasting the time of the New South Wales Parliament by pushing Tony Abbott's agenda but also are pushing for an expensive non-binding stunt that serves only to assist Tony Abbott to continue his destructive scare campaign. Everyone knows that Tony Abbott opposes everything and has no positive agenda of his own. He has no policy background; he is all about fear, negativity and scare campaigns. Members opposite should start to focus on supporting the people of New South Wales, not worrying about what is happening in Canberra and not supporting the destructive agenda of Tony Abbott.

**Mr ANDREW CORNWELL** (Charlestown) [4.19 p.m.], in reply: I thank the members for Marrickville, Heathcote and Cabramatta for their contributions. In summarising, again we hear the Opposition trying hard to make the argument about climate change. A carbon tax will not address climate change; nor will it produce any tangible environmental benefits. The argument is not about the environment; it is simply about a new tax that ultimately will burden New South Wales households. The member for Marrickville took the same approach when we debated this issue previously. As I have said, I believe in anthropogenic climate change, but a carbon tax is not the solution. In fact, the environmental outcome will be worse. The case in point is the Hunter Valley, which has two large aluminium smelters. Manufacturing aluminium uses vast amounts of electricity. The Hunter Valley region produces aluminium using black coal, the cleaner coal, but that industry will be exported to India, which will use brown coal.

**Mr Bryan Doyle:** Dirty coal.

**Mr ANDREW CORNWELL:** India will use dirty coal that will result in a far worse environmental outcome. A carbon tax will not change the world's demand for aluminium; it will just change where it is produced. We heard comments that the plebiscite proposal is part of a scare campaign. We had the mother of all scare campaigns last week when we debated industrial relations. This side of the House was talking about a legislative instrument to enforce Labor's policy, but it has been described as a scare campaign. The member for Cabramatta referred to the Solar Bonus Scheme. I am pleased that my constituents have not been adversely affected by Labor's financial recklessness.

All Australians have a right to either support or oppose what is arguably the largest tax reform in many years. The argument is not about climate change; it is about how to deal with it. A new tax to burden on New South Wales households is not the answer. Only recently did the Federal Minister for Resources, Martin

Ferguson, admit that coalmines and its workers will be sacrificed under the Gillard Labor Government's carbon tax. The Australian Coal Association announced recently that 18 mines would be forced to shut and that 4,000 jobs would be lost due to the tax. The following is part of an interview on *Radio National* with Martin Ferguson:

Martin Ferguson: It's not a question of modelling; we accept that there are some gaseous mines that are actually going to be challenged under a carbon tax.

Fran Kelly: Closed?

Martin Ferguson: That's why we are engaged in discussions. No one can rule out a mine or two closing.

The Federal Labor Government has admitted finally that this carbon tax will cost jobs, many of which will be in the Hunter region because it will be 2½ times worse off than the next most-affected region due to the carbon tax. Many calls I receive in my electorate office are about the cost of living and how residents are struggling to cope with increased electricity prices. Electricity prices in New South Wales have increased by 60 per cent over the past five years. The imposition of a carbon tax will slug families with \$500 increases in their electricity bills.

**Ms Carmel Tebbutt:** But what about the compensation?

**Mr ANDREW CORNWELL:** The compensation is classic Labor economics: it is a giant money-go-round. Tax something until it suffocates and then subsidise it to try to breathe life into it. The Labor Party tries to blend science with morality. The science is completely separate to the economics. This tax will merely export our emissions; it will not reduce global emissions. The end result will be like lemmings throwing themselves off an economic cliff: there is no environmental gain. Everyone on this side of the Chamber believes that we need to address climate change, but there has to be good economic value and a good environmental result. A carbon tax will not deliver it. As a consequence, we should support the plebiscite. I commend the motion to the House.

**Motion agreed to.**

**The DEPUTY-SPEAKER (Mr Thomas George):** The motion accorded priority having concluded, the House will now consider Government business.

## **CRIMES AMENDMENT (MURDER OF POLICE OFFICERS) BILL 2011**

### **Agreement in Principle**

**Debate resumed from 2 June 2011.**

**Mr PAUL LYNCH** (Liverpool) [4.25 p.m.]: I lead for the Opposition on the Crimes Amendment (Murder of Police Officers) Bill 2011. The Opposition does not want to see murderers of police officers escape justice. For that reason, we oppose this bill. Despite all the emotion that, understandably, surrounds this debate, our view is that mandatory sentencing for life will not achieve the goals sought by the Government. In recent years there have been a number of tragic murders and unlawful killings of police officers. While the list is not large, each case not only devastated the families and friends of officers, but also had a real impact on the community generally. The most recent victims are Constable Glenn McEnally, who was murdered in April 2001, Senior Constable James Affleck in January 2001, Constable Peter Forsyth in February 1998 and Constable David Carty in April 1997.

Mandatory sentencing is a flawed and failed approach. Rather than ensuring longer sentences or greater justice, it is likely to lead to fewer convictions, increased acquittals and, unforgivably, avoidable heartache for the families involved. There is considerable evidence that mandatory sentencing does not work and is counterproductive. A report by the Australian Institute of Criminology called "Mandatory Sentencing" found that both judges and juries refused to convict offenders or found other ways of avoiding conviction under mandatory sentencing. The institute is Australia's national research and knowledge centre on crime and justice funded by the Commonwealth. The institute delivered its report while John Howard, who also opposed mandatory sentencing, was Prime Minister. On 6 April 2000 the then Prime Minister put this position:

As a matter of principle, I do not agree with mandatory sentencing. I agree with strong sentencing laws, but in the end I do think these matters ought to be determined by judges and magistrates.

A plethora of other authorities and institutions also regard mandatory sentencing as ineffective and counterproductive. In September 2001 the Law Council of Australia concluded, amongst other things, that

mandatory sentencing was an ill-conceived means of addressing crime rates. Mandatory sentencing has been likewise rejected by the Commonwealth Legal and Constitutional References Committee. Mandatory sentencing has been adopted in other jurisdictions and failed. The Northern Territory introduced legislation in 1997, but repealed it in 2001. Judge Greg Woods, QC, in *A History of Criminal Law in New South Wales* records the courageous attempt to introduce mandatory sentencing in this State in the nineteenth century. It was abandoned after a very short time as an abject failure.

The broadly accepted evidence from the United States of America is that mandatory sentences shift sentencing decisions from an open court to back rooms where parties can do deals on what charges are laid. Strong evidence comes from the United States Sentencing Commission, which was created by Congress as an independent and permanent agency. Following the introduction of a substantial degree of mandatory sentencing, the commission prepared a special report to Congress dealing with mandatory penalties. Only four of 60 statutes with mandatory minimum sentences frequently resulted in convictions. Defendants would regularly plead guilty to offences carrying reduced terms. The report stated:

Since the charging and plea negotiations processes are neither open to public review nor generally reviewable by the courts, the honesty and truth in sentencing intended by the guidelines system is compromised.

In fact, what emerges from the report is that as a result of mandatory sentencing discretion has moved from judges to prosecutors. Because sentencing is closely related to the alleged offence, sentencing effectively had moved from the court to the prosecution. The confirmation of this fear in New South Wales is from the previous Director of Public Prosecutions, Mr Nicholas Cowdery, QC. Recently he made the point that laws imposing minimum mandatory sentences on people convicted of serious crimes could lead prosecutors to negotiate with offenders to get around sentences they believed would be unjust. He said that mandatory sentencing was unfair on prosecutors, and could lead them to negotiate with the offender to get them to plead to a different offence so as to not be put into the straitjacket of seeking the mandatory penalty. Mr Cowdery said:

Prosecutors don't want to be witnessing injustice. Prosecutors are trying to find an outcome that satisfies justice for the accused and for the community and they don't like being put into that position.

Certainly, the Sentencing Commission report to which I referred concluded that mandatory sentencing failed to improve public safety or deter crime. There is simply no evidence that mandatory sentencing reduces crime. Another problem with the imposition of mandatory terms in such instances is that it is highly unlikely that anyone would plead guilty, thus extending the pain and anguish for friends and relatives by exposing them to a fully contested hearing that may have otherwise been avoidable. That particular impact of mandatory sentencing is quite obvious and was conceded by the current Attorney General when speaking on radio 2GB on 17 September 2010. Indeed, the Attorney has had a bit to say about mandatory sentencing. He has been on record opposing mandatory sentencing. On 16 April last year he said:

I know there are still rednecks out there that want mandatory sentencing and matters of that sort.

In the previous year, referring to mandatory sentencing, he said, "I don't go along with any of that." Recently I attended a function on juvenile justice in the Parliamentary Theatre. The forum was hosted by the Hon. John Dowd, AO, a former Liberal Party Attorney General and Supreme Court judge. He is a good man and a good lawyer. Certainly my experience of him in the International Commission of Jurists in relation to his work in East Timor has led me to have a very high opinion of him. He described the policy behind this legislation as "inane". He also pointed out the extraordinary difficulties of management that could arise in jails managing prisoners who will be there for the rest of their natural lives with nothing to lose by further misbehaviour and criminality. There is nothing that could be done to hold out hope to them in return for good behaviour.

Interestingly, Mr Dowd said he thought the Attorney General probably fought as hard as he could against this legislation in Cabinet. I will leave that up to the Attorney General to deal with. Of course, that is not to say that there are not other aspects of the law that appropriately impose more severe sanctions in cases of homicide of a police officer. Under the Crimes (Sentencing Procedure) Amendment (Standard Minimum Sentencing) Act, a standard minimum non-parole period of 25 years is set for murder of a police officer. This also goes absolutely to the point as to whether this legislation will be a specific deterrent.

I am not persuaded that a perpetrator will murder a police officer knowing that the sentence involves a 25-year standard minimum non-parole period but would not do it if it was mandatory life. It is also appropriate to note that it has been made an aggravating factor for murder and all other crimes where the offence is committed against another police officer. No evidence-based research has been presented by the Government to

suggest that this legislation will actually be a greater deterrent to killing police. Looking at the four cases in 16 years, there seem to be none on the face of it where this legislation would, had it been in place, function as an effective deterrent to perpetrators. To date the points I have been making have been practical ones. There is another, more philosophical problem.

It is hard logically to single out the murder of police officers and not introduce similar provisions, for example, for someone who murdered a two-month-old child, the murder of a nurse or paramedic killed in the line of duty, or the murder of a 90-year-old woman in a wheelchair bashed by a vicious intruder. At a philosophical level this proposal seems to be legislating to value one life higher than another. This aspect has attracted significant public comment. Mr Bob McEnally, father of Glen McEnally, does not agree that police officers should be treated differently. Mr McEnally has been joined in his view by Martha Jabbour of the Homicide Victims Support Group. Howard Brown of the Victims of Crime Assistance League said:

It is a dangerous piece of legislation because it has not been well thought out ... We are told by the judiciary and by politicians that everyone is treated equally before the law. But for some reason they have decided to place police above everyone else, including judges.

I have had the benefit of meeting and discussing these issues with both Martha Jabbour and Howard Brown. There is another pernicious aspect to this legislation. In previous debates and discussions there seemed to be a claim that this legislation would deliver closure in cases where perpetrators received what were seen by some as inadequate sentences. This bill will not affect those cases because the real controversy in those instances concerned people convicted of manslaughter and other offences, but not murder. This bill does not apply to those situations. One interesting aspect of this legislation is how it markedly differs from the legislation previously introduced in 2007 as a private member's bill by the Hon. Michael Gallacher. I note that the 2007 bill was identical to the 2002 bill introduced by the then Leader of the Opposition, John Brogden.

As police Minister, Minister Gallacher has introduced this bill in the other place. No explanation has been given for the difference between the two bills by either the mover in the other place or the mover in this place. That strikes me as curious. The 2007 bill simply provided for mandatory life imprisonment for someone convicted of murder if the murder was committed while in the execution of a police officer's duty or as a consequence of or in retaliation for action undertaken in the execution of a police officer's duty. There is certainly no judicial discretion. The prerogative of mercy is unaffected, but that is an executive prerogative of mercy entirely unrelated to judicial discretion, as any student of the separation of powers would know, although I note that the Hon. Michael Gallacher did not seem to follow that distinction in the debate in the other place on that occasion.

The 2011 bill contains the basic proposition to which I have just referred. It then goes on to qualify that mandatory life applies only if the person convicted of murder knew or ought reasonably to have known that the person killed was a police officer and intended to kill the police officer or was engaged in criminal activity that risked serious harm to police officers. Likewise, it does not apply if the person had a significant cognitive impairment. I do not object to those provisions. They are marginally positive additions to what remains a bill I oppose. As I said, I am however curious that no explanation was given as to their inclusion. One suspects it might be because it backs away from the election commitment made by the now Government. In straightforward terms, in his letter dated 20 March 2011 to the Police Association, the Hon. Michael Gallacher wrote bluntly and without qualification:

A New South Wales Liberal-Nationals Government will introduce mandatory life sentences for those convicted of the murder of police.

This bill does not do that. It purports to introduce mandatory life sentences for only some of those who murder police. I have received significant representations from the Bar Association and the Law Society, to which I will refer. The core of the Bar Association's commentary to me stated:

The Association opposes mandatory sentences of natural life in respect of the murder of a police officer for the following reasons:

1. Mandatory sentencing breaches basic principles of justice, in particular the concept that similar cases should be treated similarly but that relevant differences should lead to different results.
2. NSW has trialled mandatory sentencing in the past without success.
3. Mandatory sentencing will lead to unjust outcomes, as it will not take account of either the myriad factual circumstances in which an offence may occur or individual prospects of rehabilitation.

4. The current applicable sentencing law is not unduly lenient.
5. A sentence of natural life imprisonment should be reserved for the very worst offenders.
6. There is nothing to suggest that the Bill would have an increased deterrent effect.
7. There will be no incentive to plead guilty.
8. There will be fewer convictions for murder and more convictions for manslaughter.
9. There is no justification for singling out police officer victims from prison officers, ambulance officers, judicial officers and other public officials.
10. No other Australian jurisdiction imposes a mandatory sentence of natural life.

I note that I had the assistance of a meeting with representatives of the Bar Association to discuss this issue. I also received a letter from Stuart Westgarth, President of the Law Society. I will read part of his letter dated 26 May 2011; I will not read it all onto the record. The letter stated:

The Law Society of NSW has always strongly opposed mandatory sentences and in particular mandatory life sentences.

... It is widely recognised that mandatory sentences do not deter offenders. The Government has provided no objective research or other evidence in support of its proposal.

...

A standard non-parole period of 25 years already applies to an offender convicted of murdering a police officer or other public officials. The standard non-parole period of 25 years is well and truly sufficient as a starting point for sentencing. A Judge in exercising his or her sentencing discretion is not bound by the standard non-parole period and may increase it following a trial. Murder of an on-duty police officer is already one of the most serious murders that it is possible to commit. Judges can currently impose a life-means-life sentence in an appropriate case.

In addition, in opposing the bill, Mr Westgarth's letter further states:

- it provides powerful disincentives to plead guilty, with attendant acquittal risk, and resource allocation issues for courts, the Crown and Legal Aid;
- there will be no effective incentive possible for a co-accused to co-operate and give evidence, there being no possibility of a discount for such assistance, or alternatively the Crown will be forced to charge manslaughter to get accomplice evidence;
- it would be well-known to juries and may of itself influence acquittal rates;
- there may be greater difficulty in apprehending suspects because of the prospect of life in prison if caught, and more casualties than otherwise would occur during apprehension, due to desperate steps which might be taken to avoid apprehension. Short of a death penalty, life in prison is the maximum sentence anyone can receive, so once someone has killed one police officer, they have nothing to lose by killing anybody else present, including any other police officers—an offender cannot spend more than one lifetime in prison, and
- mandatory life sentences remove any incentive for a prisoner to be of good behaviour during the sentence, to rehabilitate, educate or improve him or herself or to be actively involved in the improvements of fellow prisoners. Life prisoners can pose a security problem in the prison system and a threat to good order, discipline, rehabilitation and education initiatives.

As I said, that is the Law Society's position. In conclusion, I finish where I commenced. The Opposition does not want to see murderers of police officers escape justice. For that reason we oppose the bill.

**Mr STEPHEN BROMHEAD** (Myall Lakes) [4.40 p.m.]: It is with great pleasure that I support the Crimes Amendment (Murder of Police Officers) Bill 2011. I bring some experience to this area of law, having been a police officer and a defence lawyer. The bill amends the Crimes Act to provide for mandatory life sentences to be imposed on persons convicted of murdering police officers. Since 1971, 17 officers have lost their lives as a result of the actions of offenders who have attacked police executing their duty to protect the community. Murder currently carries a maximum penalty of life imprisonment but under section 21 of the Crimes (Sentencing Procedure) Act courts retain the discretion to impose a shorter sentence. This applies to cases when a police officer is murdered.

Since 2002 the New South Wales Liberal-Nationals have introduced several bills to impose mandatory life sentences on those who murder police officers. In 2010 the Liberal Party and The Nationals made an election commitment to introduce mandatory life sentences for offenders who murder police officers, and indicated that the necessary legislation would be presented in the first parliamentary session. Mandatory

sentencing already exists in New South Wales; for example, in traffic laws when the magistrate or judge proceeds to conviction he or she must impose certain penalties as prescribed by the legislation. We already have in place legislation that treats people differently; for example, a person in authority who sexually assaults a juvenile receives a different sentence to other people. The member for Liverpool spoke about different rules for different people; we already have that.

The parameters in this bill are clear and unambiguous. A compulsory life sentence is to be imposed on the perpetrator where a police officer is murdered while executing his or her duties or as a consequence of, or in retaliation for, actions undertaken by any police officer. This legislation is essential and overdue. Too many police men and women have been killed in the line of duty when they are enforcing laws for the safety of the greater community. Members of our Police Force need and deserve this new law to deter anyone who may be considering murdering a police officer. It is important that, as a community, we provide protections under the law for police officers who protect us.

When police are attacked and killed, it is an attack on our principles and way of life; it is an attack on the very rule of law that has made this State so great. It is important to the fundamental peace and stability of our society that we protect the law and the officers who enforce it. Punishment must be strict for anyone who knowingly kills a police officer who is carrying out his or her duties or who retaliates against an officer. Similarly, where a person is engaged in criminal activity that risks serious harm to police officers and, as a result, murders a police officer, that person deserves the full force of the law and the highest penalty that the law provides—imprisonment for the term of the person's natural life without release on parole. The family of Glenn McEnallay still live in Forster and the community of Forster want this legislation. Recently in Queensland Constable Damian Leeding, who had just been made a detective, attended an armed hold-up, was shot in the face and died.

Sergeant de Lorenzo, who was not killed—he was nearly killed but survived—attended a hold-up in a hotel in Sydney and was confronted by an armed person. He did not have the appropriate weapon so he went back, rearmed himself, returned and shot the offender. It is interesting that the unique difference between a police officer and any other professional in New South Wales is that when police go to work every single day they know that they are putting themselves at risk and in danger of being shot, injured or killed by offenders to protect the people of New South Wales. Emergency services personnel put themselves at risk, but police officers know that they must stand their ground no matter how dangerous or scary it may be to protect the people, which is different to any other profession in New South Wales that does not have that duty or responsibility.

For that reason, police officers deserve to be supported by the people of New South Wales and protected by this type of legislation. Criminals must receive the message that our police will chase them, will not back down, will attack, will stand their ground and, if necessary, engage them. Criminals must realise that if they murder a police officer they could go to jail for life. Mandatory sentencing is a deterrent, something with which the member for Liverpool did not agree. Mandatory life sentencing for criminals who kill police officers will be a deterrent, and the message must get out there that the community and the Government will support our police. We will put legislation in place to help and protect them in their everyday conduct as police officers. The message is that police are doing something very special and unique for the people of New South Wales and they need to be supported. In the Governor's Speech at the opening of the Fifty-fifth Parliament of New South Wales she said:

Our police officers are among those who on our behalf put themselves in harm's way as part of their job.

The Government will introduce legislation to give effect to a long standing policy, to introduce mandatory life sentences for people convicted of murdering police officers, and will also strengthen provisions relating to drivers who engage in police pursuits, the legislation which many people know as "Skye's Law".

This legislation will help police in this State and will send a message to criminals that our police will not back down but will attack and enforce the laws of this State. If criminals attack our police and kill them they can go to jail for life.

**Ms CLOVER MOORE** (Sydney) [4.48 p.m.]: I oppose the Crimes Amendment (Murder of Police Officers) Bill 2011, which introduces a mandatory life sentence for persons convicted of murdering a police officer. I strongly support New South Wales police and for all my time as an elected representative I have worked very closely with them in the inner city. I commend New South Wales police for their work protecting the community in tough and dangerous situations. I believe they have a particularly demanding and stressful job,



particularly in the inner city where alcohol-fuelled violence is a regular occurrence every weekend, and the situation for them is dangerous. I support harsh penalties for crimes committed against them, but I do not support mandatory sentences, particularly life sentences.

In our system of justice sentencing is the role of the courts, where the circumstances of each particular case can be taken into account. All cases are different and a just sentence should be determined based on an offender's personal circumstances, life experience and rehabilitation opportunities, as well as the interests of the victim's family and the wider community. This bill would remove the court's ability to ensure that the punishment fits the crime, forcing a uniform blanket sentence regardless of circumstances.

I understand from the Law Society of New South Wales that persons convicted of murdering a police officer are already subject to a standard non-parole period of 25 years, which can be increased to someone's natural life if a court determines that is appropriate. I agree with the society that 25 years non-parole is a strong starting point for a sentence. Mandatory sentencing goes against the longstanding principle of the separation of powers by transferring sentencing from independent courts to the Parliament and the Executive, politicising sentencing and reducing the opportunity for justice. In 1999 when the injustices of mandatory detention laws in the Northern Territory and Western Australia were coming to light, Justice Michael Adams of the Supreme Court stated in a Law Journal article that mandatory sentencing "is tantamount to a vote of no confidence in the judiciary".

The Government needs to tell us why it has lost confidence in the courts to determine the appropriate sentence in murder cases of police officers. The Government tries to justify this bill with a claim that a mandatory life sentence will be a deterrent against the murder of police officers, yet it has provided no evidence in support of this. Meanwhile, most research to date has found that mandatory sentences fail to prevent crime. Mandatory sentencing in the Northern Territory failed to deter people from committing property offences, and tougher and mandatory penalties in the United States of America helped achieve nothing but high imprisonment rates.

It is absurd to argue that someone who plans to, or who in the heat of the moment chooses to, murder a police officer, would weigh up their likely sentence in such a way that the prospect of serving life over the prospect of serving at least 25 years will influence their decision. In fact, the Law Society of New South Wales points out that the knowledge of a mandatory life sentence could lead someone who has killed a police officer to commit additional crimes, including the murder of other officers, because they no longer have anything to lose. The Law Society's submission on this bill presents other problems with mandatory sentencing, including the burden on courts with the removal of any incentive to plead guilty, removal of incentives to get someone co-accused of murder to cooperate and give evidence, and the potential to influence not-guilty verdicts from juries.

The society also points out that non-parole life sentences pose problems in prison facilities because there is no incentive for a prisoner to behave, or engage in rehabilitation or education. The bill would also breach provisions under the International Covenant on Civil and Political Rights, which Australia ratified in 1980, which require sentences to be reviewable by a higher tribunal. In conclusion, sentencing is not something that should be done by formula—it is up to the courts to get it right and ensure justice. This bill removes the court's ability to do that, and I cannot support it.

**Mr STEVE CANSDELL** (Clarence—Parliamentary Secretary) [4.52 p.m.]: I am proud to speak in support of the Crimes Amendment (Murder of Police Officers) Bill 2011. I read new section 19B proposed by the bill:

- (1) A court is to impose a sentence of imprisonment for life for the murder of a police officer if the murder was committed:
  - (a) while the police officer was executing his or her duty, or
  - (b) as a consequence of, or in retaliation for, actions undertaken by that or any other police officer in the execution of his or her duty,
 and if the person convicted of the murder:
  - (c) knew or ought reasonably to have known that the person killed was a police officer, and
  - (d) intended to kill the police officer or was engaged in criminal activity that risked serious harm to police officers.
- (2) A person sentenced to imprisonment for life under this section is to serve the sentence for the term of the person's natural life.
- (3) This section does not apply to a person convicted of murder:
  - (a) if the person was under the age of 18 years at the time the murder was committed, or
  - (b) if the person had a significant cognitive impairment at that time (not being a temporary self-induced impairment).

- (4) If this section requires a person to be sentenced to imprisonment for life, nothing in section 21 (or any other provision) of the Crimes (Sentencing Procedure) Act 1999 or in any other Act or law authorises a court to impose a lesser or alternative sentence.
- (5) Nothing in this section affects the obligation of a court to impose a sentence of imprisonment for life on a person convicted of murder in accordance with section 61 of the Crimes (Sentencing Procedure) Act 1999.
- (6) Nothing in this section affects the prerogative of mercy.
- (7) This section applies to offences committed after the commencement of this section.

It is apt that the bill is now before the House. We have pushed for this law since 2002 and it was our policy going into the last State election. On two occasions since I became a member of Parliament in 2003 a law of this type was put to the Labor Party, but Labor rejected the proposal on each occasion, virtually showing no support for our hardworking police officers, who risk their lives every time they go out to do their duties. That is telling. In May this year, in Queensland, Damian Leeding responded to a call about an armed robbery at the Pacific Pines tavern.

Three men were running away when he turned up at the crime scene, and was shot in the head. Though treated in intensive care, he died three days later. In the past few years in New South Wales, police officers who had been doing their job have lost their lives. One was Constable McEnallay, who in 2003 pulled up a car in which there were four criminals. Three jumped out of the vehicle and ran off, but the other shot and killed McEnallay. This was an officer who was just doing what we pay our police to do, trying to keep our community safe. Another police officer, de Lorenzo, was shot in a robbery, however he survived.

I think criminals rely on magistrates having a weak moment and consequently getting away with murdering police officers. I believe mandatory sentencing will send a clear message to any criminal or thug who pulls a gun on a police officer that they can look forward to the rest of their lives being spent behind bars. Though some do not mind a holiday behind bars, a penalty of life imprisonment is a different story altogether; it will be a definite disincentive and make them consider their actions before they do something as ridiculous as endangering the life of a police officer.

Since 1971, 17 officers have lost their lives as a result of the actions of offenders who have attacked police executing their duty to protect the community. Murder currently carries a maximum penalty of life imprisonment but under section 21 of the Crimes (Sentencing Procedure) Act courts retain the discretion to impose a shorter sentence. This applies to cases where a police officer is murdered. I am a person who supports mandatory sentencing in certain instances. Over the past few years there have been occasions on which magistrates have imposed ridiculously lenient sentences for heinous crimes against children and women where a 20-year sentence should have been imposed on the offender.

A few years ago one particular offender, Rodney King, broke into a house at Grafton and sexually assaulted a child. He was given a two-year suspended sentence, even though the magistrate said it was one of the most heinous crimes against a young child to have come before him. I give credit to the former Attorney General, the Hon. John Hatzistergos, for appealing that sentence. Because of the double jeopardy rule, the offender was only able to be sentenced to six years imprisonment, but at least he spent time in jail for a crime that the magistrate, for reasons known only to himself, saw fit to impose a ridiculous penalty. Mandatory sentencing is essential to protect our police officers.

The bill amends the Act to provide that a mandatory life sentence is to be imposed by the court on a person convicted of murdering a police officer while the officer is executing his or her duties. The amendment also provides for mandatory life sentencing where someone knows a person is a police officer and retaliates for being arrested, tailed or investigated by murdering that police officer, who was merely carrying out his or duties. I am proud to be part of the O'Farrell-Stoner Government that is cracking down on antisocial and criminal behaviour. It is getting right behind and supporting our Police Force.

Already it has introduced laws to give police powers to direct a person to move on. It has introduced the drunk and disorderly law, and now this mandatory sentencing law. Police, who have the knowledge that the Summary Offences Act has been strengthened to give police powers where persons are drunk and disorderly, have powers to direct people to move on, and now, having this mandatory sentencing provision, will be a little more comfortable that they have a Government that supports them. They know that when they go out to perform their duties they will have the support of the Government and of the community—the community that they are employed to protect.

I am very proud to be part of this Government. The parameters of the bill are clear and unambiguous. A compulsory life sentence is to be imposed on the perpetrator where a police officer is murdered. It is important to reiterate that and to send the message to the criminal element that there is no get out of jail free card. It is a life sentence and no sob story to a judge or magistrate is going to alter that sentence. This legislation is essential and, I believe, long overdue. Too many police men and women have been killed in the line of duty because they were enforcing laws for the safety of the greater community. Members of our Police Force need and deserve this new law to deter anyone who would consider the murder of a police officer. It is important that as a community we provide protections under the law for police officers to protect us.

When police are murdered it is an attack on our freedoms and our expectations for a safe community. It is an attack on the very rule of law that has made New South Wales not just a great State but a reasonably safe State. The first thing people do when they are in trouble is to call the police. The ridiculous thing is the first thing the criminals do when they get into trouble is to call the police. Yet they are the ones criminals class as their enemy. We must send a clear and firm message to anyone who knowingly kills a police officer who is carrying out his or her duties. Similarly, where a person is engaged in criminal activity that risks serious harm to police officers and, as a result, murders a police officer that person deserves the full force of the law and the highest penalty the law provides—imprisonment for the term of the person's natural life without release on parole.

These amendments will recognise that there are, however, situations where police may die at the hands of others and a life sentence is not mandatory. If someone has a mental illness the bill will cover that situation. They will still have to face the provisions of the law but not a mandatory life sentence. If someone is under the age of 18 the same will apply. They will be able to say they did not have the maturity to fully realise the consequences of their actions, and that will be taken into account. However, if someone goes out and maliciously murders a police officer, whether spontaneously in the course of an armed robbery or other criminal activity by shooting a police officer to protect themselves rather than be arrested or by conspiring and planning to murder an officer in the line of duty, the mandatory sentence will apply. I commend the bill to the House. As I said, I believe it is long overdue. It shows that the O'Farrell-Stoner Government is acting to protect our hardworking police men and women.

**Mr GREG PIPER** (Lake Macquarie) [5.03 p.m.]: I speak on the Crimes Amendment (Murder of Police Officers) Bill 2011 and raise points that I regard as important in this House's consideration of the bill. I cannot support the bill because it would remove the ability for a judge to exercise discretion, regardless of the individual circumstances of any case. I understand the sentiment that one would want to send the strongest message possible that killing a police officer in the carrying out of his or her duties will not be tolerated. I am sure that it will be a popular position in many circles, but I am not certain that many who support this proposal will have given a great deal of thought to the counter arguments.

Front-line police represent the law of our civilized society in their dealings with the public and the murder of a police officer is a serious matter that deserves full consideration by a court. I am concerned about the characterisation—although it has not been overly stressed—that if one does not support the bill one is not supporting police. I have never seen that in this Parliament. I think everybody supports the police. We appreciate the great work they do. I have never been overly involved in the law but I know many police officers. One of the first police officers I knew was a man I met in my nursing career as a psychiatric nurse at Morisset Hospital. He was a young constable named David Swilkes, who has now risen in the ranks in the New South Wales Police Force.

I recall having great admiration for Dave Swilkes from the day I met him. That admiration only grew a few short years later when as a constable stationed at Morisset he arrested a person armed with a .303 rifle near a local swimming pool. The man was firing shots in the area and indeed fired a shot at David Swilkes, causing a slight wound. David Swilkes carried out his duty and arrested that man. In that case I believe the man had suffered an incident in his life that triggered his behaviour. Certainly it was very much a life-threatening situation. One of the matters that has been quoted by the Government in advancing this bill was the murder of Senior Constable Doug Eaton at Toronto Country Club in the late 1970s. That was a great tragedy. I know Doug Eaton's wife, Judy, quite well and I see her around. I know that she has carried the burden of that loss to her and her family all those years.

**Mr Troy Grant:** What have they done to her? Do you know about that too?

**Mr GREG PIPER:** No, I do not know about that, but it was a great tragedy and it impacts on the family and friends of the officer involved, the entire Police Force and, of course, the community. I think we all

understand what we are weighing in considering this particular bill. If it is ever appropriate to distinguish between different types of murder, this should surely be done according to factors intrinsic to the murderer and the motivation, not by saying that one type of victim is more significant than another. The taking of a human life is a hugely significant crime, but any judgement on such a crime should be based on all of the relevant factors without being constrained in its ability to consider and appropriately respond to all those factors. It could be seen as an irrelevant and fanciful proposition that a criminal who has chosen to break the law and commit a murder will somehow temper or reverse that decision because the prospective victim represents law and order.

In his agreement in principle speech the Minister stated that making sure that those who murder a police officer are imprisoned for the term of their natural life is the most effective deterrent. Surely this could only be true in cases where the murder is committed with some forethought and the opportunity to consider the consequences. There is no compelling evidence that this is how the murder of police officers always occurs and therefore there is no logic in the suggestion that this particular punishment would provide any level of increased protection for police officers, who make such great efforts to protect our community.

Surely it would not be appropriate to have a linear scale where at one end the murder of a police officer brings a mandatory life sentence while at the other end of the scale the murder of a criminal results in a mandated lenient sentence. I am not sure where this legislation is taking us and I think we are embarking on a very dangerous path. It would not be appropriate because the law does not provide for different values for human lives. The bill implies that some laws are more important than others and should be upheld with greater rigour. This may be relevant if one were comparing murder with littering, but not when one is comparing murder with murder. I would not and could not be so callous and uncaring as to say that police do a dangerous job and should accept the risks.

The fact is that such a view will never be relevant to any consideration of what constitutes fair punishment for taking a human life. Every protection should be afforded our police; however, I do not believe this bill will provide that protection. The Newcastle Law Society has written to me informing me of its opposition to mandatory sentencing, in particular mandatory life sentences. The society advises that the Australian Law Reform Commission and the New South Wales Law Reform Commission have both considered and rejected mandatory sentencing a number of times. The society also expresses the view that the current standard 25-year non-parole period for a person convicted of murdering a police officer or public official is well and truly sufficient as a starting point for sentencing.

A judge is not limited by this standard and can increase the non-parole period and impose life-means-life sentences where appropriate. I support appropriately harsh punishment for heinous crimes such as murder, but I believe what is appropriate within the law can best be determined by a judge on a case by case basis, not by us in this House today when we have absolutely no insight into future events. It would be arrogant of the Parliament to consider that it can produce legislation today that requires foresight to deal with all of the intricacies surrounding future events. I have heard speakers today talking about those persons who, in many instances, could be categorised as career criminals who might be the focus of this type of legislation. I am concerned about those persons who fall outside the safety net, such as those who have a mental health issue or who are under the age of 18 years.

This leaves people who are at a particular place in their life where they are consorting with the wrong elements but are otherwise good people who are looking forward to having a good life being at the wrong place at the wrong time and receiving mandated a life sentence for being involved in murder. How can any legislation or legislators anticipate the nuances of circumstances that might occur? That is why we have a judiciary and, while we find fault with it from time to time, we must agree that it has served us very well. I am concerned that a dangerous precedent will be set in starting to apportion certain levels of mandated sentence when sentencing has been handled so well by the judiciary over the years. I oppose the bill because it seeks to simplify the law in a way that diminishes its capacity to deliver judgement and punishment that suit all of the facts relevant to a particular case.

**Mr BRYAN DOYLE** (Campbelltown) [5.12 p.m.]: I support the Crimes Amendment (Murder of Police Officers) Bill 2011. In my speech today I will seek to draw attention to the special nature of policing and what this bill is designed to do. The object of the bill is to provide for mandatory life sentences to be imposed on persons convicted of murdering police officers. A life sentence is to be understood as a sentence for the term of the person's natural life without release on parole. It is important to note that the proposed amendment covers circumstances where the officer was executing his or her duties or as a consequence of, or in retaliation for, actions undertaken by any police officer in the execution of his or her duties; where the person knew, or ought

reasonably to have known, that the person killed was a police officer; and where the person intended to kill the police officer or was engaged in criminal activity that risked serious harm to police officers. It should be noted too that this proposed section does not apply to persons under 18 years of age or persons suffering a significant cognitive impairment.

I speak as a police officer over some 27 years and as a chief inspector, the most senior ranking police officer ever to have entered Parliament. I note that I am supported by the member for Dubbo, who is another well served and commissioned officer, and by the member for Myall Lakes. I also note that the member for Mount Druitt is a former police officer. Policing is a unique vocation. In fact the police mission involves the police and community working together to reduce crime, violence and fear. I have always maintained that policing is best done for and with the community, not to and against it. It is important to note that the police uniform and insignia say a lot about what this Act is about.

The police insignia, which was designed and adopted in 1959, is a symbol of the police force as well as being the cap badge that police officers wear every day while on duty. The insignia displays a crown, signifying Her Majesty's Government, surmounting the segment containing the New South Wales crest and the eagle carrying Nemesis, representing justice and the law. The eagle is the Australian wedge-tailed eagle. Much of the British legal system, which has been adopted by Australia, is based on old Roman laws introduced to Britain by Julius Caesar. The symbol of Rome was the Roman eagle and, in this sense, the Australian wedge-tailed eagle represents the law of the Crown and the nature of the sovereign state of New South Wales. When a police officer is struck down and murdered it is a strike against the Crown. The oath of office sworn by police officers is somewhat more detailed than the oath of office that we parliamentarians swear.

Police officers swear that they will well and truly serve our sovereign lady the Queen as a police officer without fear or favour, affection or ill will, until legally discharged, that they will see and cause Her Majesty's peace to be kept and preserved, that they will prevent to the best of their power all offences against that peace, and that, while continuing to be a police officer, they will to the best of their skill and knowledge discharge all of their duties faithfully according to law. This means that police officers are required to put themselves at risk in the protection of the community. They go to places we would prefer not to go. In my 27-year career I lost several good friends who were murdered in the execution of their duty. I recall Constable Paul Katsivelas who was killed on 4 April 1984. I was just a young constable at Newtown then, and Paul was a young officer at the start of a promising career. He was murdered while guarding a drug-affected prisoner.

Paul never got to see the rest of his career. Brett Sinclair, another good friend of mine, was murdered while trying to arrest an offender in a domestic violence incident. While trying to arrest the offender he was driven into a telegraph pole and crushed. Brett too died while serving his community. Senior Constable Jim Affleck, VA—the letters stand for Valour Award—was a very well respected police officer at Campbelltown who served and protected his community in the area of road safety. On 14 January 2001 a call was put over the radio that an offender in robbery offences in the Southern Highlands was proceeding north at dangerous speeds and attempting to evade police. Senior Constable Affleck, being a very professional police officer, headed out towards the front of the pursuit. The air was hard with the sound of sirens in front of Campbelltown police station as police responded to the call.

The order was given to lay road spikes on the F5, and Jim Affleck was in position and doing that to protect his community when the offender veered across two lanes, ran Jim down, and then left the scene. Each year the people of Campbelltown remember Jim's sacrifice with a special ceremony at the front of the Campbelltown police station. The people of Campbelltown still deeply feel the loss of Senior Constable Affleck. In laying down the road spikes to apprehend a very dangerous offender, Jim also laid down his life. The penalty imposed on the offender was not life imprisonment, but Senior Constable Affleck certainly gave up his life for the protection of his community.

The nature of this bill is reflective of the special nature of the duty of police officers in serving their community. As former commissioned officers, my good friend the member for Dubbo and I know what it is like to bear responsibility for sending officers into a dangerous situation. As a public order commander I was responsible for leading police into circumstances that I knew were dangerous. Being responsible for the lives of officers under one's command is a heavy obligation. The bill sends the message that the community stands right behind the police, values the services that police officers provide, and will ensure that justice will be done to them and for them. I commend the bill to the House.

**Mr TROY GRANT** (Dubbo—Parliamentary Secretary) [5.22 p.m.]: It is with a sense of pride that I speak in support of the Crimes Amendment (Murder of Police Officers) Bill 2011. The bill seeks to amend the

Act to provide for a mandatory life sentence to be imposed by a court on a person who is convicted of murdering a police officer when the officer is executing his or her duties, or as a consequence of or in retaliation for actions undertaken by any police officer in the execution of his or her duties. In common with the member for Campbelltown who preceded me in this debate, I participate in this debate as a member of Parliament who—for more than 21 years in my case—had the opportunity to serve my State in the capacity of a police officer. I bring that perspective to this debate not to reiterate many of the points that have been made by previous speakers but in the hope of properly defining this debate.

As indicated by my friend the member for Campbelltown, after police officers are sworn to carry out their duties and take the oath they have two functions. One is, as a uniform police officer at the outset of their career, to protect and serve the community. But the second function has been missed during this debate, and it is why I am so committed to this bill. Police officers represent the community: they are the community. They are the embodiment of all that is our law and all that protects us from wrongdoing. As I stated in my inaugural speech last week, I have witnessed a decline in the moral standards of our society. Our society has crumbled while we as a community actively pursue the rights to everything possible well in advance of making sure that in achieving those rights and opportunities we do not leave behind responsibility. During our search we have left behind the very morals and fabric of society that we must hold dear and to which we must have absolute commitment.

I am encouraged to speak strongly in support of this bill because this bill aims to restore society's commitment to doing what is right. It aims to set a new benchmark to make us turn from the error of our ways and from the path onto which we have drifted. As a Parliament, we are saying that if someone murders a police officer in the State of New South Wales there is no discretion in the sentence that will be imposed. Under every circumstance and in the face of every conceivable argument that can be advanced—other than circumstances already cited in the bill, for which I commend the Attorney General—the sentence for murdering a police officer should involve no discretion.

As a result of this bill an offender will receive a life sentence because that is the standard for which we must fight so that our community can restore moral fibre and moral integrity to our society. If members of this House say that there is an option, a reasonable excuse, or a means of getting away with attacking our community, or lenience will be extended to someone who is charged with murdering a police officer—bearing in mind that police officers are the very symbol of our community and the laws by which we are protected and by which we live and hope all members of our community will continue to respect—and if we do not establish a baseline, which is what this bill represents, then we are in a lot of trouble. That is the foundation with which we must begin.

I am somewhat concerned that some members entered into a legal debate about the merits of the legislation and suggested that there is no evidence the legislation will be an effective deterrent. I say that there are just as many arguments suggesting that it will be an effective deterrent, but I do not think that is the issue. This bill is not about deterrence; this bill is about choosing the most appropriate and absolute outcome for the most heinous offence. I am not suggesting that a mandatory life sentence should be imposed in respect of an individual officer—some members have asked what separates a murdered police officer from a murdered nurse or emergency services worker—the single element that separates them, as I stated in my opening remarks, is the second function of a sworn police officer. Police officers are the symbol of our community and the only thing symbolically that stands between right and wrong. If we want our community to progress we absolutely must demark where right ends and wrong begins. I believe that this bill will achieve that.

The member for Lake Macquarie referred to the late Senior Constable Douglas Eaton of Toronto. I am not critical of the member for Lake Macquarie for doing so. During my inaugural speech I mentioned Senior Constable Eaton's son, Senior Constable Michael Eaton, as an officer to whom I gave great credit throughout my career for being inspirational. I worked with Senior Constable Michael Eaton, who is the son of a murdered police officer. Despite the most horrific of circumstances, he still took an oath of office and for many days and nights put his own life potentially at risk and in harm's way. What I did not mention was that the murderers of his father received the benefit of discretion in their sentence.

It saddens me to inform this House that Senior Constable Michael Eaton and his family have been subjected to ongoing intimidation and harassment by the offenders. Is that acceptable? I do not believe it is. This bill would stop that from occurring, and that is another reason why I support it. How can we expect police officers to be packed up, dressed up and shipped out to do what we ask them to do to protect our community if that discretion is taken away? How can we ask the families of those police officers to send out their husband,

wife, father, mother, son or daughter knowing that they could come into harm's way and, in the worst circumstances, not return home because they are murdered to accept lesser penalties to ensure that the current discretion is not taken away?

This bill does not just support and protect our police officers; it protects our communities from slipping further down the slippery slope of moral decline. It gives us an opportunity to set a new and absolute benchmark from which we will not regress. This bill also will provide the families of those police officers with a confidence that this Government understands that difficult and dangerous job but if the worst happens they will be protected by this place through the laws of this State. Those families can be assured that murdering police officers is unacceptable and the courts will have no discretion other than to impose a mandatory life sentence for that heinous crime. I commend the Premier, the Minister for Police and Emergency Services and the Attorney General for introducing this bill to the House.

**Mr KEVIN CONOLLY** (Riverstone) [5.31 p.m.]: I am not a police officer. I am a citizen, a husband, a father and a member of a local community. Over many years on occasions I have had to call the police, whether because my home was broken into, I witnessed violence on the street or I felt intimidated. When I dial 000 I fully expect that uniformed police officers will respond, as they have done when I have made that call. Being a police officer is not an ordinary job. Unfortunately, it involves seeing the extremes of life: all too often the worst that life can offer and sometimes, fortunately, the best that life can offer. Police officers experience all of that and everything between in whatever tasks the community needs done. Police officers have to put that duty before their own comfort or self-interest on our behalf. In that sense a police officer's job is different.

When a police officer stands in harm's way protecting me, my wife, my children, my community and my neighbours an assault against that police officer is not just a crime against him or her; it is a crime against the community that police officer represents and protects. I support this bill because through it the Government unequivocally will support and protect those who accept that extraordinary and dangerous job on our behalf. The thousands of loyal, conscientious men and women of the police across the State take on this onerous responsibility every day of their working lives. They go to work perhaps expecting the mundane, the ordinary, the boring and the nuisance but equally could find that their day contains the many dangerous, frightening and terrible consequences. From day to day they will not know what to expect. At any moment on any working day their life is on the line. We delegate that extraordinary responsibility to them. Therefore, it demands an extraordinary level of community support.

I have had occasion to attend the attestation ceremony at Goulburn to see new recruits to the force take the oath that was read earlier by another member. Our police officers accept willingly the burden attached to that oath. Those conscientious and loyal officers who sometimes end up paying a horrific price with their lives deserve us to stand by them. Over the years too many police officers have met their deaths in the line of duty. I was surprised to learn that, since the force was constituted in 1862, 250 officers have lost their lives in the course of duty, many through accidents inherent in the dangerous work they do—whether motor vehicle accidents in the modern era or horse, carriage or drowning accidents in the past—but also many at the hands of offenders, people who deliberately took the lives of officers protecting the safety and welfare of the community.

This bill is designed to send the strongest possible message of support to officers serving now and to the community they serve that the heinous crime of murdering a police officer will not be tolerated by the community. The bill will ensure that a life sentence will be imposed on those convicted of knowingly murdering a police officer in the line of duty or where circumstances arise because of that duty. There can be no mistake or confusion that this bill applies to people who murder police officers because of the work they do. It does not apply to those who are too young to be legally responsible or those whose mental state makes them not able to be held responsible. This law will apply to those who knowingly take the life of a police officer because he or she is a police officer.

The uniform our police officers wear is a symbol of our civilised society and the standards we wish to apply throughout New South Wales so that people can go about their lawful business peacefully and safely. That symbol should be upheld by all members of the community and supported by those who wish to maintain those liberties of community. When parents, partners and families of police officers farewell their loved ones as they begin each shift they do not know what that shift might hold. They are well aware of the risk involved for those who wear that uniform. Those parents, partners and families wish that the community will stand alongside their loved ones and support them in their tasks. This bill is about making sure that the punishment that would apply fits the crime of murdering one of those who fulfil that duty on our behalf. I commend the bill to the House.

**Mr GEOFF PROVEST** (Tweed) [5.38 p.m.]: I, like many on this side of the House, fully support the Crimes Amendment (Murder of Police Officers) Bill 2011. The object of the bill is:

... to amend the *Crimes Act 1900* to provide for mandatory life sentences to be imposed on persons convicted of murdering police officers. A life sentence is a sentence for the term of the person's natural life without release on parole.

As members on this side of the House have said, we must support the fine, hardworking men and women in the NSW Police Force. I believe the community supports police on a regular basis. All we can do is minimise the risks to them. Like some of my colleagues, I have taken the liberty, as a member of Parliament, of doing a 10-hour and a 12-hour shift on Friday and Saturday nights, either in the back of a general duties van or in a highway patrol car. The police work hard in the field. At two or three o'clock in the morning they turn up to deal with alleged antisocial behaviour and domestic violence or even a car pulled up along the side of the road in the wee hours of the morning. The courage of the officers is second to none; indeed, their courage is much greater than mine.

Since 1971, 17 New South Wales officers have lost their lives as a result of the actions of offenders who have attacked police executing their duty to protect the community. I support this bill. As I have often said in this place, my electorate of Tweed is on the border with Queensland and the Gold Coast. On 29 May Detective Senior Constable Damian Leeding was shot in the face while attending an armed robbery at the Pacific Pines Tavern. Unfortunately he passed away in hospital on 4 June 2011. It was a sad day for not only the fine officers in the Queensland police force but also many of his colleagues based in New South Wales. The funeral was held at the Gold Coast Convention Centre, and was attended by thousands of men and women in uniform, as well as a large number of people from the local community, which was showing its support for its police officers.

With the amount of legislation that has been passed in the past 16 years, police powers have been eroded to an unacceptable level. I am pleased to be part of the O'Farrell-Stoner Government that is turning the tide and giving protection to police officers. In the past three months we have had 67 armed hold-ups, all within 20 minutes drive of each other, in the Tweed electorate—many weapons have been used. Unfortunately Detective Senior Sergeant Mark Procter was stabbed in the chest at 9.10 p.m. on Sunday 19 June. He was executing a search warrant at an Upper Coomera house, where a clandestine drug laboratory had been in operation. Fortunately it was not a serious wound and he was able to return to duty this morning. Many criminals, many undesirables in our local community, can easily cross State borders.

This legislation will go a long way to protect and give credibility to police officers and the fine work they do. Too often they put their lives and limbs on the line. Only last night Senior Constable Damian Leeding's wife appeared on *60 Minutes*, and we saw the pain and anguish that his family, close friends and colleagues have suffered since his death. We must do all we can to protect police officers, particularly in this place. I applaud the police Minister in the other House and the Attorney General in this place for taking this great step. However, more steps must be taken to give police greater powers and local community support. Like many members, I talk to local constituents regularly. They think it is time there were sufficient laws in place and sufficient support from politicians to support the hardworking men and women of our local police.

As I said, in my local area I have seen a policeman gunned down in the line of duty and the effects of that on his family, colleagues and the general community. Communities have had enough. They will applaud this legislation. It has been a long time coming. As I said, since 1971, 17 officers have lost their lives executing their duty. Countless other officers have been injured, either permanently or temporarily, and have suffered psychological issues, et cetera. Being out there with the fine men and women of the NSW Police Force in the wee hours of the morning brings home how much they put their lives and limbs on the line not for themselves or the police but for the good of the whole community. We should be applauded for the support we give them. As I said, I applaud the police Minister and the Attorney General for introducing common sense legislation, which is what the community expects. This is about openness and transparency. I firmly support this bill, and I commend it to the House.

**Mr TONY ISSA** (Granville) [5.45 p.m.]: I support the Crimes Amendment (Murder of Police Officers) Bill 2011. Members of the New South Wales Liberal-Nationals Government have a longstanding commitment to introduce mandatory life sentences for those who murder police officers. This bill implements that commitment. I cannot believe that members opposite oppose this bill. I thought they would call for capital punishment perhaps, because that would show how much the police mean to them. Throughout my life I have



dealt with many police officers. I have been on a consultative committee with police. I have worked with the police at Harris Park and I attended a police demonstration in Parramatta. I know the high risk to police officers on duty. I cannot believe that members opposite do not support providing police with protection.

Since 1971, 17 officers have lost their lives as a result of the actions of offenders who have attacked them while executing their duty to protect the community. Murder currently carries a maximum penalty of life imprisonment, but under section 21 of the Crimes (Sentencing Procedure) Act the courts retain the power to impose a shorter sentence when a police officer is murdered. The bill is in line with bills previously introduced by the Coalition. I believe the Coalition has the best interests of the New South Wales police at heart. Police officers are someone's father, someone's son, someone's husband and someone's daughter. They go on duty with two things on their mind: to protect the community and to bring home the bread and butter for their family.

The Government is concerned about police officers being killed while protecting the community and never returning to their families. I am pleased that after 16 years of suffering under the former Labor Government, we can at last introduce this important reform and provide police with the legislative safeguard they deserve. The bill provides that the court must impose a sentence of imprisonment for a person's natural life when a police officer acting in the execution of his or her duty or as a consequence of, or in retaliation for, actions undertaken by the officer or any other police officer in the execution of his or her duty, is murdered. It will apply to those aged over 18 years at the time the murder was committed.

As I said earlier, murder currently carries a maximum penalty of life imprisonment. However, under section 21 of the Crimes (Sentencing Procedure) Act, courts retain the discretion to impose a shorter sentence, irrespective of whether the victim is a police officer. This reform is very important for the people of New South Wales. Under new section 19B, in making the decision on whether a cognitive impairment is relevant to the court's consideration of a case involving the murder of a police officer, the condition must be significant. The decision on whether an impairment is significant will be a matter for the sentencing judge to determine. The amendment will not apply in circumstances in which the offender did not intend to kill the police officer and was not engaged in criminal activity that risked serious harm to police officers executing their duty. I look forward to the implementation of the amendments contained in the bill as an effective way of supporting our police officers. I commend the bill to the House.

**Dr GEOFF LEE** (Parramatta) [5.51 p.m.]: It is a privilege to support the commitment of the Attorney General and the police with the Crimes Amendment (Murder of Police Officers) Bill 2011. This bill amends the Crimes Act 1900 to provide for mandatory life sentences to be imposed on persons convicted of murdering police officers. Since 1971, 17 officers have lost their lives as a result of the actions of offenders who have attacked police in the execution of their duty to protect the community of New South Wales. Murder currently carries a maximum penalty of life imprisonment, but under section 21 of the Crimes (Sentencing Procedure) Act courts retain the discretion to impose a shorter sentence. This applies to cases of a police officer being murdered.

Since 2001 the Liberal-Nationals have been very active in introducing several bills to impose mandatory life sentences on those who murder police officers, which this bill addresses. The Liberal-Nationals made a commitment prior to 2010 for mandatory life sentences for offenders who murder police officers and indicated that the necessary legislation would be presented in the first parliamentary session. Today we are honouring that commitment that was made prior to the State election within the first 100 days. The bill amends the Act to provide that a mandatory life sentence is to be imposed by the court on a person convicted of murdering a police officer while the officer is executing his or her duties or as a consequence of, or in relation to, actions undertaken by any police officer in the execution of his or her duties.

The bill will apply to cases in which the person knew, or ought reasonably to have known, the person killed was a police officer, and the person intended to kill the police officer or was engaged in criminal activity that risked serious harm to police officers. Quite rightly the bill notes that it will not apply to convicted persons under the age of 18 years or those suffering a significant cognitive impairment. This exemption will not apply to a person who has a temporary self-induced impairment at the time the murder is committed. This applies particularly to suburbs in Western Sydney, where, for instance, in January 2001 Senior Constable Jim Affleck was run down and killed on the Hume Highway near Campbelltown by the driver of a stolen car. The member for Campbelltown gave an excellent synopsis of that event and put it in context of its effect not only on police officers but also on the local community. In 1997 Constable David Carty was bashed and stabbed to death in Fairfield in Sydney's west, of which we are all aware. On 24 May 2011 an article in the *Age* stated:

According to the Judicial Commission of New South Wales, the Crimes (Sentencing Procedure) Amendment (Standard Minimum Sentencing) Act 2002, (NSW) introduced the concept of the standard minimum non-parole period for certain specified offences. Murder now carries two standard non-parole periods: 20 and 25 years imprisonment.

"The higher non-parole period," says the Commission, "applies to cases of murder where the victim is a public figure exercising public or community functions and the offence has arisen because of the victim's occupation."

We believe the Judicial Commission is talking about police. There are good reasons why mandatory sentencing for police killers is necessary. I will quickly outline those reasons. Premier O'Farrell says we need to send the strongest message we can that people who kill police officers will be locked up for life. Killing police officers is not acceptable. Police put their lives on the line every day when they stop a car to check a licence or when they conduct a breath test. They do not know what they will face, but they expect the worst. They are called out late at night to attend to domestic disputes and they do not know whether they will be faced with a fire arm, drug-induced people or intoxicated people, but they put their lives on the line. Even when police officers are not on duty they can be subjected to assault and potentially murder.

Police are murdered when they are doing their sworn duty or as a result of doing their duty when trying to stop or prevent crime. However, more importantly is the fact that police represent society today and put their themselves in harm's way so that we can have law and order in society. The service-above-self mentality of police should be recognised. Two weeks ago the Minister for Police and Emergency Services, the Hon. Michael Gallacher, and I attended a ceremony to commend the good service of 10 police officers from the Parramatta command. The Minister commended the officers for their courage and said their "willingness to go above and beyond the call of duty", and "not knowing what their working day will bring them, like fire officers, police run in when the rest of us run out."

Police do many things that I would not do, for example, attend domestic disputes, armed robberies or assaults; they have no choice. They put themselves second and put service first. I have talked to many police who support any measures that enable them to get their jobs done more effectively and efficiently. In general, police say to me that they want stronger support and stronger punishment for offenders. I agree with the sentiments of the Attorney General, the Hon. Greg Smith, reported in the media that this legislation is directed at people "who kill, having intended to kill or cause serious harm". "The murder of a police officer is a direct attack on our community and warrants exceptional punishment".

I believe that if a person kills a police officer they forfeit the right to live in society and that is why the Government wants mandatory sentencing. Murder is a serious crime and should be treated as such in those exceptional circumstances. These amendments meet the expectations and requirements of the general community, that is, to protect our valuable, hardworking police officers. I note that the Opposition had only one speaker—the member for Liverpool spoke to the bill. That is a clear indication that although the Opposition does not support the bill its members are too embarrassed to talk about and support our hardworking police, and to support the stronger measures that are contained in this bill.

In conclusion, we have heard from members of this place who are former policemen, whether that be the member for Myall Lakes, the member for Campbelltown or the member for Dubbo, all of whom have given their support for the bill. That is a clear indication that the bill meets the needs of society and the police themselves by reducing the potential for police to be killed. It is for those reasons that I support the Crimes Amendment (Murder of Police Officers) Bill 2011.

**Mr CHRIS PATTERSON** (Camden) [6.00 p.m.]: I support the Crimes Amendment (Murder of Police Officers) Bill 2011, which provides for life sentencing for criminals who murder New South Wales police. Since 2002 the Liberal Party and The Nationals have been committed to this policy, and now we are delivering. It is unacceptable to most law-abiding people in our community that a person convicted of the murder of a New South Wales police officer could one day be free to live amongst us. A person prepared to murder a police officer clearly has no respect for the society in which we live or the laws that we citizens choose to live by. It is a slap in the face to justice, to society and to public safety and perception to have someone murder a police officer. We must send a clear message to those with no regard for the values and morals that we as a society choose to live by.

We must also send a clear message of support to the enforcers of those values and morals that our society has chosen to uphold and abide by, our police force. These are the men and women that put their lives on the line every day to ensure that the rest of us do not live in a lawless society and can enjoy the lifestyles that we do, and so often take for granted. We must say enough is enough and stop society from becoming so desensitised and scared as to allow murderers of our law enforcement officers to be released. This is an extremely serious matter. We must make an example of police murderers, who have no respect for our society and community expectations. The very people that protect us and provide us with the safety that we take for granted in our communities need laws strong enough to send a message, a deterrent to anyone that would consider taking the life of one of our finest public servants—a member of the New South Wales Police Force.

The previous Labor Government was asked many times to deliver on this legislation, but it failed to do so, though expressing its concerns for police murdered in the line of duty. In fact, it was said that the previous Labor Government stood with the community and the police in seeking to have police killers rot in gaol, but it never acted on its words. The legal system is meant to mirror society's beliefs and values, and that is exactly what the O'Farrell Government is ensuring happens. The strongest possible message must be given that anyone who is convicted of murdering a New South Wales police officer will be locked up for life. This is the only acceptable outcome and there should be no alternative to a life gaol sentence.

Many times former Government members spoke in this House to express their sorrow at the loss of another officer, but not once did they support previous legislation introduced to have police murderers sentenced to life in prison. Now the Opposition has its chance to show the public its support for this bill. The fact that the Government is introducing this legislation means that it has listened to the community and acted. In January 2001 Campbelltown policeman Constable Jim Affleck was killed when he was hit by a stolen four-wheel-drive whilst laying road spikes to stop a criminal on the F5 just south of Campbelltown. It was an awful day in Macarthur's history. The person convicted of this heinous crime was sentenced to 12 years imprisonment, and one year later appealed to the courts for a reduction in the sentence.

At the time of sentencing the judge commented that he hoped the sentence would deter such acts against police. The family of Constable Affleck were outraged and questioned how many more police would die before more severe sentences were handed out. How right they were, because since the death of Constable Affleck other police officers have been murdered. In fact, 12 police officers have been murdered in the past 40 years. As a reminder to the community of his death, a bridge has been named in honour of Constable Affleck on the F5. I hope not only the local Macarthur community but all those who use the F5 take time to reflect on the death of Constable Affleck and the work that our hardworking police do each and every day as they put their lives on the line for us.

Every day a New South Wales policeman or policewoman goes to work there is a far greater risk to their personal safety than the majority of us will ever know in our workplaces. We must afford them everything the law can offer to minimise that risk. Another officer who was a victim of murder while on duty was Constable David Carty. Constable Carty was a man who was cut down in his prime. He had the hopes and aspirations of all young officers to do the best for the community, yet not even this horrific crime prompted the previous Government to take the hard decision on life sentencing. Once again, the men involved in his untimely death managed to have their sentences reviewed.

Every police man and woman in New South Wales who puts on that uniform and goes to work knows that one day they might not return. Every family member of these police men and women shares this concern, which must be a living hell. Where is the incentive for these fine police men and women to know that the society in which they live and serve has provided tough punishment to deter criminals from murdering our police and life in prison to honour those police men and women who may be murdered in the line of duty? Police officers deserve all the deterrents and protection we can offer them.

The legislation will also be imposed on persons who murder a police officer who is off duty in retaliation for actions taken by the officer whilst that officer was on duty. It will apply in cases where a person knew, or ought reasonably to have known, the person killed was a police officer and where the person intended to kill the officer or was engaged in criminal activity that risked serious harm to police officers. However the bill will not apply to convicted persons under the age of 18 years or those suffering a significant cognitive impairment. The decision on whether a cognitive impairment is significant is a matter for the courts to determine.

Each year on 29 September the police pause to honour officers whose lives have been cut short while performing their duty as a police officer. The Wall of Remembrance located on the eastern side of the New South Wales Art Gallery has the names of New South Wales police officers who have lost their lives while performing their duty. I urge anyone to take the time to visit this memorial and reflect on the lives that have been lost. There will be one difference this year, and that is that the public and police officers can be assured that this bill will ensure that the criminals who choose to kill officers, once sentenced, will never see the outside of a prison again.

The New South Wales Police have welcomed the introduction of compulsory life sentences. Killing a police officer while they are doing their job would have to be one of the most despicable crimes a person can commit. There is no more serious crime in this State than that of killing our law enforcement agents—our

police. Parliament needs to acknowledge that and reflect that in our laws. The bill is simple. It says that if anybody is convicted of the murder of a police officer it is mandatory that that person receive a life sentence for the term of his or her natural life. It is straightforward and it has the overwhelming support of the police and the community. The bill has that support because it is the right thing to do.

There have been comments that this legislation will not deter people from killing police. I do not think the public are happy with the 12-year sentence for the murder of Constable Affleck. At least if the criminals are in jail for life they will not have another opportunity to do it or to commit any other serious crime, whether it be against a police officer, that officer's family or any other member of the community. This legislation will be clear and concise to anyone who thinks they can take a police officer's life: you will go to prison for the term of your natural life. I am sure that like the New South Wales Police Force, the families of murdered police would welcome this legislation. It will not bring back their loved ones but it will make sure that anyone who murders a police officer will not get a second chance to do it. The community have been calling for this for many years and it can only go towards giving the families of murdered police officers the comfort that their voice has been heard.

Finally we have a Government that is prepared to take the hard line on this issue and do something about it. Sentences handed out previously have been criticised by the community and police as not sufficient. We can all be assured that anyone who thinks they can kill police and receive what is considered a light sentence will find that will no longer be the case. This Coalition Government is taking a stand that should have been taken a long time ago to protect the extremely hardworking men and women of the New South Wales Police Force. Our message is crystal clear: anyone who murders an officer will not see the outside of a jail again. The Opposition failed the people of New South Wales over four terms of government—four terms of talk and no action, four terms in which they said they wanted this legislation but did nothing about implementing it. I commend the bill to the House.

**Mr ANDREW FRASER** (Coffs Harbour—The Assistant-Speaker) [6.13 p.m.]: I will contribute briefly to debate on the Crimes Amendment (Murder of Police Officers) Bill 2011 as I understand other members wish to speak. There is a doctrine of the separation of powers in New South Wales between the Executive, the Legislature and the judiciary, and there are the police who enforce the law. It is high time that that triumvirate sent a message to the criminals in New South Wales that the killing of a police officer is totally unacceptable. We have heard from former serving police officers in the House this evening.

We have heard that 17 police officers have been killed on duty in this State since 1971. I personally remember two officers who were shot and killed on duty while attending a domestic violence call at Crescent Head in the early 1990s. In Coffs Harbour we have a police and community youth club and there is a memorial to Constable Allan McQueen, a Coffs Harbour local who was shot and killed while on duty. When we raised money for that via blue light discos and other public fundraisers it was put aside in a trust fund in his name to ensure that at some stage we would have a police and community youth club that would commemorate his death as well as the great job he did as a police officer. It was to remind people in our community that we wanted to take away the risk of police officers being killed on duty.

Mick Drury, an undercover officer, was shot in the stomach many years ago. I went to school with him at Whitebridge High School and he is still a friend of mine. Another police officer, Geoff Hampson, who stood against me for preselection for the seat of Coffs Harbour 20-odd years ago, tried to take the keys from a stolen vehicle and was all but killed by the offender when he drove off and dragged him some 500 metres along the road. How Geoff survived I will never know. We should not be sending our officers out to do a job when we know there are people who may pull a knife or use a gun or a motor vehicle to severely injure an officer with intent to kill that officer without those people being aware of the consequences.

As a Parliament we need to send a message to the judiciary that anyone who murders a police officer in the course of his or her duty will go to jail for life. I believe that is the strongest deterrent message we can send. It means the lout who wants to use a gun, a knife, a motor vehicle or any other weapon against an officer of the law will maybe think twice. One of the most disgusting acts that I have seen was the attack on a young police constable, who was married with a family, at Kings Cross recently. She was hit on the head with a brick. How she survived no-one knows. Recently she returned to duty as a police officer. What bravery she displayed, as did her husband, who is also a serving police officer, and their family.

**Mr Kevin Anderson:** Commendable.

**Mr ANDREW FRASER:** Absolutely commendable, as the member for Tamworth says. We need to get the message out there loud and clear. That officer, who was bashed with a brick, could have died, and nearly

did die; other officers such as Mick Drury and Geoff Hampson have survived, as did the member for Dubbo, who was stabbed whilst on duty. We need to send a message to would-be criminals that if they attack a police officer and the officer dies as a result, they will spend the rest of their life behind bars.

My electorate has a pretty high crime rate and a lack of police officers and those officers walk out the door each day, leaving their families in the knowledge that they may not come home. The only thing we can do as parliamentarians and as part of the triumvirate I referred to in the separation of powers is give an instruction to the courts that anyone who is convicted will serve life. I do not accept the argument that it will be harder to convict. The smoking gun is there; send them away. They are not worthy of being in our society. I commend the bill to the House.

**Mrs TANYA DAVIES** (Mulgoa) [6.18 p.m.]: I am proud to speak in support of the Crimes Amendment (Murder of Police Officers) Bill 2011. The bill amends the Crimes Act 1900 to provide for mandatory life sentences to be imposed on persons convicted of murdering police officers. A life sentence is for the term of a person's natural life without release on parole. The Liberals and Nationals took to the recent election a commitment to set in statute mandatory life sentences for those found guilty of murdering a police officer in the course of his or her duty.

Our communities expect to live in safety and with peace. It is one of the strengths of our civil society that we are ably served by proud, diligent and courageous officers of the New South Wales Police Force. New South Wales police officers, like every other occupation, should be afforded protection and appropriate occupational health and safety provisions when they are working. No officer should have to go to work without the support that this bill provides. We are sending the message: Murder an officer and be prepared never to be released.

The Crimes Amendment (Murder of Police Officers) Bill 2011 will send a loud, strong and clear message to those in the community who try to escape law and order by murdering a police officer that they will receive the full and heavy penalty of a mandatory life sentence. Police put themselves at risk and on occasions in direct harm's way to protect the people of this great State of New South Wales. They stand in the gap between the wider community and the evildoers in our society. They face situations that the rest of us would run from. Police are the public servants who go into the fray, who attend domestic violence calls, rush to reports of burglary and robbery, who attend hostage situations and numerous other matters as their duty calls. This bill is a "go straight to jail" message for the criminals who wield their evil behaviour against those individuals who set themselves in the front line to protect and defend us.

When a police officer is murdered in the line of duty, that officer and their family and friends receive life sentences. The honour roll commemorates those members of the New South Wales Police Force who have paid the ultimate sacrifice in the execution of their duty. The official New South Wales police honour roll records each officer's name and rank, and the date and precis of each death that has been accepted as duty related by the various commissioners and inspectors general of police. The names on the honour roll total 250. I reflect on the family of Detective Senior Constable Damian Leeding, a member of the Queensland police service. In May this year Senior Constable Leeding was shot in the face with the full blast of a shotgun at the Pacific Pine Tavern. Sadly, he died days later.

Senior Constable Damian Leeding was married with two young children—a toddler and a baby. Those children have now received the life sentence of never seeing or hearing their father again. They have now received the life sentence of never playing backyard cricket, never kicking a football or sharing their heart with their father. Senior Constable Leeding's extended family, friends and colleagues are all now living a life sentence. This family and those of the other fallen police officers recorded on the New South Wales Police Force honour roll have received a life sentence. The Crimes Amendment (Murder of Police Officers) Bill 2011 is welcomed by the Commissioner of Police, Andrew Scipione. I quote from a statement by Mr Scipione:

There can be nothing more despicable than to kill a police officer in the execution of his or her duty.

In my electorate of Mulgoa in April this year, the St Marys Local Area Command was investigating the death of a 26-year-old woman. Upon further and most urgent investigations, police moved quickly and urgently to Mount Portal lookout in Glenbrook National Park, for the suspect was walking with two children, aged one and three, towards the edge of the lookout. Thankfully, the police were upon the scene and no further harm was experienced by any individual. However, whilst recently talking directly with the police, they said that the situation was unknown to them. The frame of mind of the suspect was unknown. Anything could have happened and they stood in the way to rescue and save the children.

Police officers perform extraordinary acts of bravery each and every day to protect, rescue, save and defend our community members. This bill is evidence that the O'Farrell Government is determined to clean up this State and introduce bills that are reflective of the greater values of our society. The broader community finds the murder of a police officer unacceptable. This bill sends a crystal clear message that the community will not tolerate the murder of police officers. The message is clear: if you murder a police officer and execute a life sentence upon that police officer, their family, friends and colleagues, this bill will execute a life sentence upon you. I commend the bill to the House.

**Mr JAI ROWELL** (Wollondilly) [6.25 p.m.]: I stand before the House in support of the Crimes Amendment (Murder of Police Officers) Bill 2011. Not a day goes by without the New South Wales Police Force being in the news. Since 1971 17 officers have lost their lives as a result of the actions of offenders who have attacked police executing their duty to protect the community. These heroic men and women accept the risks that come with serving as law enforcement officers, and it is those risks that they take on our behalf every single day in ways large and small. They work tirelessly to make certain our community is safe by reducing violence, crime and fear.

Our police officers are tasked with the investigation into family and domestic violence matters, child abuse cases, alcohol-related crime, matters relating to illicit drugs and those in our community that pose a serious risk to the safety of people. They ensure our protection from serious criminal offenders and prevent incidents of sex crimes, crimes involving firearms, fraud, gangs, homicide, property crimes and robberies. It is for reasons such as these that amendments to provide that mandatory life sentences be imposed on persons convicted of murdering police officers should be supported. To act with the intention of harming a police officer strikes at the heart of our very democracy, for it is those same men and women who work tirelessly to uphold the laws and order that stabilise our society.

We have recognised that the murder of a police officer requires special consideration when sentencing and I am proud to stand before the House today to speak on a Coalition amendment to enforce tougher penalties. It is testament to the Minister for Police and Emergency Services that he himself saw active service for some 31 years. He understands this issue firsthand and I commend his proactive approach to making positive changes in this field. It is true that, as Minister Gallacher has stated previously, in a perfect world this legislation would not be needed. Sadly, history has told us otherwise. In January 2001, 43-year-old Senior Constable Jim Affleck from my region was killed on the Hume Highway as he laid road spikes to stop a speeding car. Our community honours his sacrifice in the protection of the community every year at a local ceremony.

We currently have a bridge named after the fallen officer in my electorate—a small tribute to a life of service. What greater tribute could we now make than to amend the laws that he fought to uphold to enable greater powers to prosecute those who knowingly target our officers? We must ensure that their sacrifices are not in vain. This bill seeks to provide for mandatory life sentences to be imposed on persons convicted of murdering police officers who are executing their duties. If a person or persons are found to have known or ought reasonably to have known the person killed was an officer of the law, they may be subject to this amended legislation. These amendments are not just a new idea by the Coalition; in fact the Coalition has been advocating for mandatory life sentences since 2002 with the support of the community and police officers.

Since 1971 there have been 17 officers killed in the line of duty, protecting our community, and I thank them and their families for their sacrifice. Just this morning I saw on television the family of a Queensland officer who was murdered. We must ensure that his death was not in vain. One death of a police officer is one too many, and the bill will deter offenders. I do not accept, as has been bandied about by non-government members, that passing these amendments will mean that a police murderer will then murder more people as they know they will be locked up for life. To hear certain members argue for anything less is disrespectful to police and a non-recognition of the work that our fine police have to endure on a daily basis. These amendments will ensure that these offenders are locked away for life, thereby protecting communities to the maximum.

Police officers have a special task in that they put their lives on the line each and every day and therefore deserve all the protection we can give them. My electorate of Wollondilly is serviced by the great local area commands of Campbelltown and Camden, whose officers do a fantastic job. I have many police officers as friends, including the former Chief Inspector of Police, the current member for Campbelltown, Bryan Doyle, and my very good mate, the now Federal member for Macarthur, the Hon. Russell Matheson. The work that our police officers undertake can be dangerous and even though we might not hear their stories on a daily basis as a community we know the sacrifice they make when needed to ensure our very safety. Locally, I can think of certain riots in which police were placed in a very dangerous position. The police did their job of restoring peace in the face of significant harm.

In conclusion, I acknowledge Government members who are former police officers—the member for Campbelltown, the member for Dubbo, the member for Myall Lakes, and the Minister for Police and Emergency Services in the other place. Our police officers need to know that when they are carrying out their duties this Government and the communities in which they work will afford them every possible protection. This amending bill does just that. This Government and I will always fight for the safety of our police officers. We will never know their daily sacrifices and struggles—the long nights and early mornings, the missed holidays and missed birthdays—nor will we ever fully appreciate the pain and loss suffered by the families of fallen police officers. But we can do something to make the duties of police officers safer, and this bill does just that. I commend the bill to the House.

**Mr JOHN SIDOTI** (Drummoyne) [6.30 p.m.]: I support the Crimes Amendment (Murder of Police Officers) Bill 2011. Members who preceded me in the debate acknowledged very articulately the main purpose of the bill, but I focus attention on the importance of our police. Police officers are great people—we all acknowledge that. They are empowered to enforce the law. They protect our property and prevent civil disorder. The New South Wales Police Force is the largest police force in Australia, and we must stand behind it.

I acknowledge that police officers work in extremely difficult circumstances. Their high-risk job is very stressful and dangerous. Broadly speaking, we can say that police officers keep at bay the bad elements of our society. They continue to fight to maintain peace and harmony for us all. One should not take for granted the services provided by police officers. I salute them. Police officers do a remarkable job. Their courage is to be commended. If it is safe for us to move freely in our society that is only because our police officers make that possible through their hard work. There is absolutely no doubt that police officers deserve much greater respect than they receive.

I commend the Minister for Police and Emergency Services for his knowledge and expertise in the field of policing. His life experience stands him in good stead to tackle many problems associated with policing in our society. Police perform their duties in an outstanding manner, for which they should be commended. As elected members of Parliament we must support them. The New South Wales Police Force has welcomed the introduction of compulsory all-of-life sentences for people who are convicted of murdering serving police officers. If the New South Wales Police Force welcomes such a measure so do I. It is unacceptable to the community that those who murder police officers are not sent to jail for life.

The message has to be concrete, clear and solid. The message has to be: those who murder police officers will be locked up for life. The murder of a police officer who is acting in the line of duty demands nothing less than a life sentence, which means a convicted killer's natural life. I believe this is good legislation. I understand that the Police Association of New South Wales, which has been calling for this type of legislation for a number of years, welcomes the legislation. It is important to note that this legislation was a feature of the Government's pre-election commitment. I commend the legislation to the Parliament.

**Mr RICHARD AMERY** (Mount Druitt) [6.32 p.m.]: In joining in debate on the Crimes Amendment (Murder of Police Officers) Bill 2011 I acknowledge the contributions made to debate on the bill. The object of the bill is to impose a mandatory life sentence on any person who is convicted of the murder of a police officer. As one of probably four former police officers in this House, I have to say that I find it difficult to disagree with much, if not all, of what the other former police officers said. The issue of mandatory sentencing is complex, but it is a very easy subject for which to gain public support. I declare as a member of this House that many times I have raised the issue of mandatory sentences. In the 1980s I sought to gain local party support for mandatory sentences, not just for the murder of police officers but for many repeat offences. My endeavours were unsuccessful.

The arguments presented during debate on this bill have shown shortcomings in the policy of mandatory sentences, which include that juries would be reluctant to convict. Opinions have been expressed by learned people such as judges, lawyers and the like that, with nothing to lose, offenders may kill others and perhaps even another police officer, that a policy of mandatory sentencing contradicts the system we have relating to the separation of powers that was so ably outlined by the member for Sydney, and that a mandatory life sentence may result in acquittal of many offenders. Overseas evidence exists to substantiate the latter proposition. I point out that others in our community put their life on the line in the course of carrying out their duties, and prison officers come to mind. As a former Minister for Corrective Services, I attended a number of commemorative ceremonies respecting the death on duty of prison officers not only in this State but in other States. What would the Government's position be if prison officers formed a delegation and asked for mandatory sentences for the murder of a prison officer?

**Mr Brad Hazzard:** What is the Labor Party's position?

**Mr RICHARD AMERY:** I conceded at the outset that for many years the Labor Party has consistently opposed the principle of mandatory sentencing. Both the shadow Attorney General and previous Labor Attorneys General oppose mandatory sentences, and this bill is encompassed by that opposition. As a former Minister for Corrective Services I attended the Goulburn jail after a riot. During the riot a prison officer was severely brain damaged. In that situation we saw on the one hand bravery and on the other hand commission of a criminal act. At that time the prison officer was gravely impaired and his career came to an end. I do not know his current status. How do we deal with an offender who is responsible for gravely injuring a prison officer, or for killing a prison officer?

I personally have no objection to a court sentencing the murderer of a police officer to a life sentence without parole; I welcome it. When Government members read out the details of cases in which the murderer of a police officer receives a sentence of 12 years imprisonment, judges, lawyers and others who are opposed to mandatory sentencing have only themselves to blame. The member for Liverpool knows my views on the murder of three police officers at Stringy Bark Creek in Victoria by the Kelly gang. We have a difference of opinion. My view is that on 11 November 1880, Mr Kelly got what he deserved when he was dispatched by the prison authorities. But there are circumstances in which a life sentence will not be imposed. The exemptions are stated in the bill, such as the age of an offender, the mental state of an offender, and other matters affecting intent.

The member for Lake Macquarie referred to co-offenders and asked whether the bill takes into account circumstances such as a weaker willed young offender being part of a group that kills a police officer. Perhaps the person involved may give evidence for the Crown. Is there any flexibility in the bill that would take account of such circumstances? It appears not. The member for Sydney asked for evidence that mandatory sentences are a deterrent. I concede that the public is not interested in deterrents but, rather, wants justice when an offence is committed.

The test of this bill will be whether the sentences that courts are instructed to impose result over a long period in higher rates of conviction of police killers and whether periods of imprisonment are longer than at present. On the one hand the courts argue very strongly that already they have shown that sentences that are currently imposed result in serious offenders remaining indefinitely in jail. For example, the sentences imposed on the backpacker killer, the murderers of Anita Cobby and the murderers of Janine Balding are just cases of the courts imposing very lengthy sentences for very serious offences. On the other hand the arguments against the bill may be proved correct in the fullness of time.

I conclude my remarks by expressing a sympathetic appreciation of the bill while supporting the Labor Party's general opposition to the imposition of mandatory sentences. I acknowledge that, unlike the Industrial Relations Amendment (Public Sector Conditions of Employment) Bill that was debated last week, the Government has a mandate for this bill because, for many years prior to the March 2011 election that the Liberal-Nationals Coalition won, the Coalition advocated this type of legislation. I reiterate that the Opposition is opposed in principle to the imposition of mandatory sentences, which includes opposition to the bill before the House.

**Mr GREG SMITH** (Epping—Attorney General, and Minister for Justice) [6.38 p.m.], in reply: I thank the members representing the electorates for Liverpool, Myall Lakes, Sydney, Clarence, Lake Macquarie, Campbelltown, Dubbo, Riverstone, Tweed, Granville, Parramatta, Camden, Coffs Harbour, Mulgoa, Wollondilly, Drummoyne and Mount Druitt for their contributions to the debate. I will state for the record my responses to a few aspects of the bill that have been discussed.

The member for Liverpool tried to gain some political points by suggesting that in the Coalition's policy and according to a letter from the Police Association of New South Wales we promised to introduce mandatory life sentences for people convicted of the murder of police officers, yet this legislation does not do that. Naturally the legislation necessarily is careful because of the finality of providing for a sentence of life imprisonment. Generally, before someone receives a sentence of life imprisonment they have to satisfy the conditions of section 61 of the Crimes (Sentencing Procedure) Act, which means that their crime must fall into the worst case category. Clause 3 of the bill will insert new section 19B into the Crimes Act 1900. New section 19B states:

- (1) A court is to impose a sentence of imprisonment for life for the murder of a police officer if the murder was committed:
  - (a) while the police officer was executing his or her duty—



That would catch the murderer of Glenn McEnallay because constable McEnallay certainly was acting in pursuance of his duty in trying to speak with those men or investigate what they were up to, having behaved most suspiciously and refusing to stop previously—

or

- (b) as a consequence of, or in retaliation for, actions undertaken by that or any other police officer in the execution of his or her duty,

and if the person convicted of the murder:

- (c) knew or ought reasonably to have known that the person killed was a police officer, and
- (d) intended to kill the police officer or was engaged in criminal activity that risked serious harm to police officers.

Sadly, there have been a number of well-publicised cases involving the murder of police officers by criminals. In answer to a recent question about this legislation I instanced the case I prosecuted for the murder of constable David Carty. I prosecuted two trials, one that lasted three months involving Gilbert Richard Adam. Gilbert Adam was convicted of murder and sentenced to 28 years with a 21-year non-parole period. The reason he received such a light sentence—although it is actually a heavy sentence—was that Justice Wood, the Chief Judge at Common Law at that time, was not satisfied that the evidence proved beyond reasonable doubt that Adam knew that David Carty was a police officer. The Peter Forsyth case was another that was mentioned during the debate and also in my response to which I have referred. In the sentencing remarks of Justice James Wood in *Regina v Hearne* 1999 New South Wales Supreme Court 605 handed down on 4 June 1999 His Honour set out some comments about whether Mr Hearne should receive a life sentence. The facts in the Hearne case were brief and I should like to restate them here:

About 11.25pm on 27 February 1998 Constable Forsyth was walking to his home in Ultimo with Constables Semple and Neville when they were approached by a young male selling Ecstasy tablets (an illegal drug). After speaking with this person and a second offender Constable Semple informed them that they were police officers and attempted to make an arrest. One of the offenders then produced a knife and stabbed Constable Forsyth and Constable Semple before running off. They were pursued for a short distance by Constable Neville before he quickly returned to assist his injured colleagues. The injured police were soon conveyed to the Royal Prince Alfred Hospital however Constable Forsyth unfortunately died of his wounds at 12.14am. Constable Jason Semple underwent surgery and later recovered. The Constable [Forsyth] was born in 1969 and joined the New South Wales Police in 1995. At the time of his death he was stationed at Leichhardt.

Constable Forsyth had served three years as a policeman and died doing his job. Justice Wood in his remarks on sentence at paragraphs 53 and 54 examined the question of whether it could be shown beyond reasonable doubt that Mr Hearne knew that Forsyth was a policeman. Despite the fact that constable Semple had said, "We are police" His Honour was not satisfied beyond reasonable doubt that Hearne knew that. His Honour said:

It may be finally accepted, in relation to the assessment of the objective criminality of the prisoner, that his actions were impulsive rather than premeditated. Had it been established beyond reasonable doubt that the prisoner knew Constables Forsyth and Semple were in fact police officers and also that they were acting in the execution of their duty at the time of the offences, then this would have brought the case into the worst category, justifying the maximum penalty of penal servitude for life or something approaching it.

As has been repeatedly observed by the Court of Criminal Appeal, police who are subjected to violence in the course of their duties are entitled to the full protection of the law, and offenders who are involved in crimes of that kind must expect condign punishment: see the decisions of the Court of Criminal Appeal in **Crump ... Nasif ... and Rees**. In **Adam's**—

that is Gilbert Adam—

I stated my conclusion, to which I adhere in this case, that similar considerations apply to those who inflict violence upon off duty police so long as the selection of the victim or the infliction of violence or the level of violence applied, can properly be said to relate to that office and not purely coincidental with it.

Although I am not satisfied beyond reasonable doubt that the prisoner in this case had the knowledge that would attract an application of these decisions, the offences still fall within the upper range of seriousness viewed objectively.

The member for Liverpool is right, in a sense: the bill does not cover every police murder. In effect, the bill is to codify the worst case of a police murder. A person has to know or reasonably ought to have known that the person killed was a police officer. In the case of Hearne Justice Wood was not satisfied that that fact could be proved. New section 19B (d) states:

- (d) intended to kill the police officer or was engaged in criminal activity that risked serious harm to police officers.

The chances are that anyone who satisfied those conditions under section 61 of the current law would receive a life imprisonment sentence. This bill codifies the intention and excludes those who are mentally ill or lacking in full criminal intent or knowledge and, therefore, cannot form that view. The provision does not apply to anyone driving the getaway car or matters of that sort who otherwise would be culpable for murder under the Taufahema High Court principle. The High Court has ruled that the evidence that Taufahema did not fire the gun but threw it away and ran was sufficient to justify that accused being convicted of murder. However, if I remember correctly, Taufahema was convicted of manslaughter in the retrial or pleaded guilty. The man who shot McEnallay was rightly convicted of murder.

Much has been said by various stakeholders, including the Law Society and of the Bar Association, organisations for which I have great respect. I speak regularly to both organisations and listen to them—I believe I listen to them more than my predecessors have. In many instances whilst I sat on the benches opposite the views of the Law Society and the Bar Association were ignored or those organisations were not even consulted. Members will remember the outcry by biker groups over the outlaw motorcycle gangs legislation. We were all concerned about that legislation, such that the High Court has reserved its judgement on the New South Wales legislation after having confirmed the setting aside of the South Australian legislation. It is good that such law is considered.

One speaker argued that mandatory sentencing could lead to further violence by those with nothing to lose. This is a classic objection raised by groups such as the Bar Association which oppose mandatory sentencing first and then try to think of objections second. Our policy was out there for months before the election. Yet the Bar Association and the Law Society were quiet about it. There was not a big campaign. They may have said they did not agree with it, but only once it was introduced into the Parliament—fair enough, they got the bill. The President of the Bar Association, Bernie Coles, QC—a man whom I respect—is reported in the press to have said that those who murder a police officer will have no logical reason to avoid killing more police officers.

I presume that Mr Coles is suggesting that these same police killers, cop killers, will be content to serve a minimum of 25 years in prison without seeing the need to commit further violence. Will they serve 25 years, get out and kill more police? My friend on the other side, the member for Mount Druitt, who is a well-known former distinguished police officer—he had a great ministerial career, and is now the Opposition Whip; he is a good whistler—used to support mandatory sentencing for many offences. I can tell members that I do not support mandatory sentencing, but for this offence I support it. We have a mandate for this legislation. It has been our policy for three elections. I thank everyone for their work. Mandatory sentencing is a deterrent against future crimes. It will not turn prisoners into more violent prisoners. Where is the evidence for that? There is no evidence that lifers in jail are more violent than other people. They generally end up quite peaceful after they get used to the idea, sadly. It would be awful.

This bill sends out a clear message to people that the life of police is precious; they are our vanguards against crime and violence. The bill recognises that an attack on police while undertaking his or her duty is unlike any other assault. It is an assault on our system of law enforcement and democracy. Those who seek to harm the persons responsible for the enforcement of laws passed by our Parliament should be subject to special punishment. The man convicted of murder for killing one of our comrades, one of our colleagues, Mr Phuong Ngo, got life and he is in jail for life because he killed a politician for the wrong reasons.

Some would want to kill us for many reasons but I do not believe there are any good reasons. It was a worst case scenario. Most importantly, it is a deterrent against future crimes. Criminals know with certainty what sentence they will face if caught and they will think twice before committing such a terrible act. Ivan Milat was convicted by a jury knowing that he would almost certainly get life imprisonment. Juries have convicted a number of criminals, multi-murderers and others who have committed horrendous crimes, knowing that they will probably get life imprisonment. I commend the bill to the House.

**Question—That this bill be now agreed to in principle—put and resolved in the affirmative.**

**Motion agreed to.**

**Bill agreed to in principle.**

#### **Passing of the Bill**

**Bill declared passed and returned to the Legislative Council without amendment.**

## BUSINESS OF THE HOUSE

### Notices of Motions

#### General Business Notices of Motions (General Notices) given.

**ACTING-SPEAKER (Mr Geoff Provest):** Order! It being before 7.00 p.m. the House will now consider the matter of public importance.

### CARERS

#### Matter of Public Importance

**Ms MELANIE GIBBONS** (Menai) [6.56 p.m.]: The New South Wales Government is strongly committed to supporting this State's carers. There are in fact more than 750,000 carers in New South Wales. To put it another way: one in 10 members of our community are providing care to another person. These carers are providing the majority of support for one or more people they know who are frail aged or have a disability, a chronic illness, a drug or alcohol problem or mental illness. Many carers provide support all day, every day, seven days a week. It is worth taking a moment to let that sink in: all day, every day, seven days a week, no break in sight, no day off. These carers contribute both socially and economically to ensure another person's wellbeing and connection to society.

Last year Access Economics released a report, "Economic value of informal care", which found that the work performed by carers is worth \$40 billion nationally each year. Though my previous career working for charities assisting people with disabilities, and in my very first volunteer role helping out in the Sutherland Hospital Kiosk, I came into contact with and got to know many carers. I got to spend time in some of their homes to see what they deal with on a daily basis. I had the opportunity to hear many of their stories and to listen to both the joy and the struggle they experienced looking after their loved one. I learned of their hardships and the effort they put into planning and organising their day-to-day lives and the long-term thought and stress that they invest when they plan for the future.

I am happy that a key priority of this Government is to support carers to have a life. The enactment of the Carers (Recognition) Act 2010 in New South Wales recognises the contributions made to society by carers. When in Opposition the member for Bega was the initial sponsor of carer recognition legislation. I believe he did so with the assistance of the President of Carers NSW in drafting the bill. The Act has two key functions: to introduce a Carers Charter and to establish a Carers Advisory Council. The Carers Charter contains 13 principles for recognising and supporting carers.

The charter provides that the contribution of carers should be recognised; that carers must be recognised as having their own unique and individual needs within and beyond the caring role; that carers' health and wellbeing are to be given due consideration; that carers' should be referred to appropriate services and that their needs should be considered, as well as the needs of the person they are caring for; and that the views and knowledge that carers have in regard to the individual needs of the persons they care for must be recognised and included in the assessment, planning, delivery and review of services that impact on them in their role as carers. The community, service providers and government should respect the relationship between carers and the persons they care for. The diversity of carers' individual needs should be identified and acknowledged, taking into consideration cultural differences, age, disability, religion, socioeconomic status, gender identification and place of residence.

The Carers Charter also includes two principles to recognise and support children and young people who are carers. It is hard to believe but in New South Wales 90,000 children and young people under the age of 25 years old are providing care and support for family members and friends. The legislation requires public sector agencies to take reasonable steps to ensure that officers, employees and the agents have an awareness and understanding of the Carers Charter and to reflect the principles of the charter when providing services that affect carers. Public sector agencies must also consult with carers and their representative bodies when developing policies that may impact significantly on them and in recognising the needs of their employees who are carers.

The Act also establishes a Carers Advisory Council so the Government has direct access to advice from carers, carer advocates and other experts who understand carer issues. Advertisements for membership of the Carers Advisory Council attracted nearly 200 applications. This shows the level of engagement that this State's

carers have with promoting awareness of carers and the issues they face, and ensuring their needs, rights and interests are taken into consideration. The majority of Carers Advisory Council members have current or previous experience as carers. The broad range of carers and caring experiences is represented by these members. Members come from both metropolitan and regional areas. This is important as the Carers Advisory Council now gives carers a direct voice. The council first met with this Government on 7 June. The members are such dedicated people who will increase the recognition and support provided to all carers in New South Wales.

Significant reforms are also underway to give carers of people with a disability more choice and control over the services their family uses. Under the second phase of the Government's Stronger Together plan people with a disability and their carers will have access to enhanced services and greater choice and control as person-centred approaches and individualised funding arrangements are introduced. The people to whom I have spoken are so looking forward to having the opportunity to choose the services they need; to determine what suits them; and to have the option to pick their preferred provider. Support is vital, and the Government supports carers directly through carer support services, counselling, respite and information to help them look after themselves and understand the service system. Carers are also supported indirectly through the provision of increased assistance and options for the people they care for.

In my inaugural speech I mentioned my career working in disability and my personal connection and experiences. But through other recent inaugural speeches by new members in this place I have been surprised to learn that many of our members have someone in their family who has a disability, or who have themselves been carers for someone who is frail aged, with a chronic illness, drug or alcohol problem or mental illness. This is an issue that touches so many and our experience in this place is just a reflection on the wider community, including in my electorate of Menai. In implementing the Carers (Recognition) Act 2010, building on existing services and whole-of-government initiatives begun under the NSW Carers Action Plan 2007-2012, I know this Government will ensure that carers are appropriately recognised in this State.

**Mrs BARBARA PERRY** (Auburn) [7.03 p.m.]: The Opposition acknowledges the significant contribution of the 750,000 people in this State who provide care to family members, friends or others in the community. More than one in 10 members of the community is a carer. The carers I know or have met are incredibly dedicated, compassionate and resilient people who often sacrifice their own life opportunities to care for a family member or friend. I acknowledge the hours that they give and the massive contribution they make both to the person they care for and the community as a whole. But, as we all know, it is not just hours they give; their love and empathy both nurture and maintain the dignity of those that they care for.

We know that for many carers their own physical health and emotional wellbeing often take a back seat because they are so focused on meeting the needs of those they care for. Others just do not know that support services are available for them. I have been privileged as the former Minister Assisting the Minister for Mental Health (Mental Health) to work with many organisations such as Carers NSW. Carers NSW plays a tremendously important role in improving the lives of carers and the people they care for. As the peak body for carers in New South Wales it has been a strong advocate working to increase the capacity of agencies and other non-government organisations to better support carers, promoting best practice in working with carers and identify emerging issues.

Carers come from a range of different backgrounds, life stages, careers and relationships from those of the person they are caring for. They care for people who live with a mental illness, persistent disability, or chronic degenerative conditions or many other conditions. With more than one in 10 people in New South Wales being carers the advice given to the former Government generally from Carers NSW and other key stakeholders in the sector, especially carers themselves, formed the basis of the New South Wales Carers Action Plan 2007-12. That plan guided the delivery of support to carers to achieve physical and emotional wellbeing and to participate in work and community life.

An example of a particularly successful initiative under the plan and involving collaboration between NSW Health, non-government organisations and the area health services is the Family and Carer Mental Health Program. That program provided an integrated multifaceted approach to support, education and information for families and carers of people with a mental illness. The focus was to ensure family friendly mental health services throughout all the area health services where families and carers are recognised, supported and included in treatment planning and service provision. Under that plan there were also investments to non-government organisations for carer support services including for specific disability groups dealing with conditions such as autism and multiple sclerosis.

I also acknowledge that the member for Menai referred to the Carers (Recognition) Act 2010 that was introduced by the former Government and supported in a bipartisan way by the former Opposition, now

Government. That Act provides clear and strong legislative recognition of carers in New South Wales. The Act establishes a comprehensive Carers Charter with 13 principles to recognise and support carers. Importantly, that Act established a Carers Advisory Council to ensure that the Government had direct access to advice from primary carers, carers' representatives and others with relevant expertise on carer issues. It is important to note, and I agree, that more than 90,000 carers are under the age of 25 in New South Wales. A recent Access Economics national report estimated the replacement value of the care provided by informal carers at more than \$40 billion a year, which is very significant.

I acknowledge the carers and advocates who worked tirelessly in our community. It is a privilege to speak on this issue. It is very important for the communities of our State and not just for those who have someone who needs care in their lives but for everyone. The fundamental acknowledgement made by the former Government was that the care of those in need is not a private problem but a public priority. We revolutionised the role and support of carers in our State not just with words but with money through the Stronger Together Program. Strong Together is not just a program for some of us; it is about all of us. The measures put in place by the former Government are in the long-term interests of not only those with a disability but also their carers.

Through Stronger Together we moved the longstanding focus away from temporary care and support to deliver a change in the way we think about and deliver services for people with disabilities and therefore their families and carers. Where once we used to fit people into the type of service we were able to deliver, we are now letting people make their own life choices about the disability services that will suit them best. The positive effects on people, their families, carers and communities have been profound. Stronger Together was ambitious from its inception. The former Government set out to do things differently from the way they were done in the past. It made a long-term commitment to achieve the best social and economic outcomes for people with a disability, their families and carers and for the broader community.

We enabled service providers to be more responsive to the individual needs of families—the families that bear the primary burden of care. I hope we made practical, positive differences to thousands of families. And most of all, we did this together with carers. We did it through a pragmatic, consultative, creative approach which challenges needs and which defines the best of contemporary governments. As we meet tonight I express my sincere hope that this new Government will not only meet its commitment to fund Stronger Together but also will continue this collaborative approach to building a strong and inclusive community for everyone.

I acknowledge that the role of carers, both social and economic, remains deeply undervalued. I acknowledge that we have so much more work to do together but I am proud that the Government I served in has helped to see a great shift of thinking about disability services. We need to maintain that momentum. We need to preserve the view that our society is only truly strong when we take responsibility for all in our communities. The more we understand that those who need help are not "them" that they are "we", then the stronger our society becomes. Tonight I pay tribute to the vital and often unacknowledged social and economic contributions that carers make to our society. I acknowledge their love, their compassion and their support for their families, friends and all that they care for.

**Mr MARK COURE** (Oatley) [7.10 p.m.]: I welcome the opportunity to speak on this matter of public importance, the Carers (Recognition) Act 2010. The Minister for Ageing, and Minister for Disability Services, the Hon. Andrew Constance, was the original sponsor of the New South Wales Carers (Recognition) Act passed in May 2010. In his agreement in principle speech delivered on 12 May 2010, he noted:

We can test the heart of society by looking at the response of government to community needs and the recognition of carers. For too long in New South Wales we have failed in that duty. We have failed to recognise those who contribute in ways that we can only imagine.

It was for those reasons that he introduced the Carers (Recognition) Bill 2010: As shadow Minister at the time, he did so on behalf of 750,000 carers in New South Wales. During his time as shadow Minister for Disability Services, the current Minister has seen carers commit to their loved ones in ways that would amaze the rest of our society. They gave of their time, their finances, their social existence and their health to look after and care for their loved ones in need. It is high time that the New South Wales Parliament recognised carers, and I thank and congratulate the member for Menai and the member for Auburn, who spoke on the bill tonight. This Parliament should recognise carers in the same way as have other Australian and international jurisdictions. We must do better than we have in the past.

In his 2010 speech the then shadow Minister for Disability Services also cited examples of the experiences of families illustrating the need for legislation to recognise carers and to support their rights to better treatment and better services. The New South Wales Carers (Recognition) Act 2010 provides legislative recognition for carers and describes obligations for public sector agencies. The Act includes a New South Wales

Carers Charter and also establishes a Carers Advisory Council to provide direct advice to the Minister from carers. I understand from speaking to the Minister that the Carers Advisory Council met as recently as last week, 7 June 2011.

It is a privilege to be part of a Government that established and chairs this group, which includes a diverse group of 10 members with experience as primary carers. The group will make a valuable input to advise the Government on improving responses to carers. Discussions at the council reinforced the reality of the everyday experiences of carers and the need for us as a community to recognise their role and contributions, and to better meet their needs. In the past three months, as the member for Oatley, I have had the privilege of seeing my community groups firsthand. I will mention but a few of those tonight. The first is the Pole Depot. Throughout my community a number of organisations just like the Pole Depot have provided invaluable support to people living with a disability.

I have had the benefit of visiting most of them, including the Pole Depot, St George Community Services and Mortdale Community Services before and after my election to this place. The Pole Depot was visited by the current Minister, the Hon. Andrew Constance, as shadow Minister. It is a non-profit organisation that has been in operation since 1975. It offers a range of services that have been expanded since that time to meet the needs of the community. The Pole Depot Community Centre is run by an independent board made up of local residents and users. It offers a range of services including carers, child services, Chinese support, home handyman services and disability services, and works with seniors.

Mortdale Community Services—with which I have a long history—offers a range of services to promote positive ageing that relates to the independent, participation, care, self-fulfilment and dignity of the ageing community in my electorate. Among the other services that they provide are social support, dementia monitoring, home maintenance, and advocacy and support. I also had the privilege recently of visiting St George Community Services. This is another non-profit, locally based organisation, which is in Carss Park. It offers a wide range of services to the frail aged, to people with a disability and their carers residing in the St George and Sutherland shire area. Carers in our community have done a great job. This Government recognises that significant problems exist for carers, and is determined to rectify this situation.

**Ms MELANIE GIBBONS** (Menai) [7.15 p.m.], in reply: The Carers (Recognition) Act 2010 recognises the contributions made to society by the more than 750,000 carers in this State. I am pleased it recognises all carers, whether they look after someone with a disability, chronic illness, drug or alcohol problem or a mental illness. The Act will ensure that carers in New South Wales receive better support from government and increased recognition from the broader community. In opposition, the Hon. Andrew Constance was the initial sponsor of this legislation, and I know as Minister he will ensure that carers are given the support they deserve and the opportunity to have a life while caring for their loved ones.

As I mentioned earlier, the Act has two key functions: to introduce a Carers Charter and to establish the Carers Advisory Council. The Carers Charter contains 13 principles for recognising and supporting carers, and helps to acknowledge their own unique and individual needs. The Carers Advisory Council provides the Government with direct access to advice from carers, carer advocates and other experts who understand carer issues, helping the government to support and represent them. Public sector agencies also have obligations under the Act in relation to consulting with carer representatives on relevant policy matters and in recognising the needs of their employees who are carers. Ageing, Disability and Home Care, Department of Family and Community Services, is responsible for implementing the Act and leading carer policy in New South Wales to ensure that carers are appropriately recognised in this State.

People deserve the right to make their own choices. I am sure this person-centred approach and individualised funding will help do this. I also trust that the Carers (Recognition) Act will help to ease some of the stress and concern that carers shoulder, and that this along with the Carers Advisory Council will help them to be represented. I conclude by paying tribute to the many carers in our communities. I empathise with the pressures that they are under. I thank them for all that they do. I also thank members for their contributions, particularly the member for Auburn and the member for Oatley. This is an issue close to a lot of our hearts, and I appreciate the time and effort that they put in.

**Discussion concluded.**

**The House adjourned, pursuant to standing and sessional orders, at 7.18 p.m. until  
Tuesday 21 June 2011 at 10.00 a.m.**

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