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LEGISLATIVE ASSEMBLY

Tuesday 19 March 2013

The Speaker (The Hon. Shelley Elizabeth Hancock) took the chair at 12 noon.

The Speaker read the Prayer and acknowledgement of country.

AUSTRALASIAN STUDY OF PARLIAMENT GROUP

The SPEAKER: I remind everybody that today the Australasian Study of Parliament Group is hosting a presentation by Mr Antony Green on the 2013 State electoral redistribution at 1.00 p.m. in the Macquarie Room.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

PRIVATE MEMBERS' STATEMENTS

BUNDEENA EMERGENCY SERVICES FACILITY

Mr LEE EVANS (Heathcote) [12.07 p.m.]: Today I inform the House of an exciting facility being built in my electorate of Heathcote, after decades of lobbying for a permanent ambulance station by the Bundeena Ambulance Action Group. Bundeena, which is a seaside community within the Royal National Park, is isolated and cut off when bushfires and floods occur in the region. It gave me great pleasure to represent the Minister for Police and Emergency Services, the Hon. Michael Gallacher, and join the Minister for Health, the Hon. Jillian Skinner, at the signing of a memorandum, together with members of the fire and ambulance services, including Commissioner Greg Mullins, AFSM, Fire and Rescue NSW; Commissioner Mike Willis, Ambulance NSW; Area Commander, Metro South, Gerry Byrne, Fire and Rescue; Superintendent, Zone Commander, Darryl Dunbar, Fire and Rescue; Zone Manager, Sydney Zone, Sean Kearns, Ambulance NSW; Captain of Bundeena Fire Station, Ron Hozak, Fire and Rescue; and Duty Operations Manager Bundeena-Engadine, Ambulance NSW.

This new building will be the first of its kind in New South Wales. A memorandum of understanding has been signed between NSW Fire and Rescue and Ambulance NSW to cohabit in a single, purpose-built facility. The Bundeena facility is the prototype for future emergency centres in New South Wales. It represents a great step forward in meshing services that dovetail one another to cover emergencies. In regional towns that have old fire and ambulance stations and perhaps a State Emergency Service all separate in their silo organisations this model will allow all of the town's emergency services to cohabit on a single site, housed in a new state-of-the-art building purpose built for modern emergency services.

This will save the taxpayer and double, sometimes triple, resources. Design input from local ambulance and fire officers brought some innovative features into the new building, such as shift rest accommodation for a commanding officer that can be utilised by a senior emergency commander when an emergency arises. On several occasions during the 1994 and 2001 fires Bundeena was surrounded and cut off by fire with the only exit being by water. This new accommodation will allow a commander to be stationed onsite in such a circumstance to control issues as they arise.

Lobbying for a permanent ambulance station in Bundeena has been successful with this state-of-the-art building. I will single out just one of many people who need to be thanked. Ms Tasmin Clarke never relented in her quest to see this ambulance station built, albeit in joint partnership. Tasmin will agree that this building will be worth the wait. I congratulate Fire and Rescue NSW and the Ambulance Service of NSW on signing the

memorandum of understanding to allow this project to proceed. I congratulate also the Minister for Police and Emergency Services and the Minister for Health, and Minister for Medical Research on recognising a great opportunity to change the way we think about delivering emergency services in New South Wales. Recently I represented the Minister for Environment and Heritage in launching the Great Eastern Ranges connecting people, connecting nature initiative. It was my great pleasure to confirm \$4.4 million of funding for this most ambitious project.

The Great Eastern Ranges initiative expands its reach through my electorate of Heathcote down to the Illawarra and beyond. Known as the GER, eventually it will stretch from the Queensland border to the Victorian border—a meandering spine along the Great Eastern Range preserving a living environment. From Queensland to Victoria, the GER will preserve the local biodiversity from the tropics to the savannah and coastal river lands, which are protected and treasured by local volunteers. Connectivity was the buzzword on the day. Participants work alone but with a vast range of other networked volunteer groups protecting and preserving their neck of the woods. Their work connects into the larger vision of the Great Eastern Ranges initiative. I wish all involved the best of luck and congratulate them not only on the \$4.4 million dollar grant but also on the vision of creating a lasting environmental monument to the hard work of those who came before them.

CAMP BREAKAWAY

Mr DARREN WEBBER (Wyang) [12.12 p.m.]: Previously in this place I have spoken about Camp Breakaway, highlighting its history, its contribution to our local community and the great work carried out by its staff and many volunteers. Recently I was privileged to be joined by the Premier, the Hon. Barry O'Farrell, and the Minister for Disability Services, the Hon. Andrew Constance, to announce that the New South Wales Government will contribute \$200,000 to this respite camp so it can continue to provide essential respite services to Central Coast families. This wonderful announcement was made at the Mingara Recreation Club, Tumby Umbi, where the Community Cabinet was meeting that same day. The Community Cabinet program was implemented after the O'Farrell Government's election in order for Ministers to visit local communities across the State. Almost all Government Ministers were in attendance and the afternoon was filled with face-to-face meetings of local organisations and relevant Ministers.

The day was a great success, culminating in an open public meeting attended by more than 300 Central Coast residents, many of whom asked questions directly of the Premier or relevant Minister. This is an important way in which the Government can be open, accessible, transparent and accountable to communities across New South Wales. Camp Breakaway, which provides camps for adults with disability and children with high medical needs, relies heavily on corporate sponsors and community donations. Prior to this \$200,000 funding announcement, with the one exception of its successful application for a Community Building Partnership grant through me last year, Camp Breakaway had never received a dollar or a cent from State governments of any political persuasion. For the first time a State Government is rolling up its sleeves and supporting this worthy cause on the Central Coast by providing \$200,000 in funding.

This funding will go a long way to help expand infrastructure on the site to provide more camps and more respite care for families. The Minister for Disability Services, Mr Andrew Constance, joined me recently at Camp Breakaway to celebrate its thirtieth anniversary. For 30 years a State Government had never invested in this place—until now. The Minister and I have shared some touching stories with the House. Minister Constance said that the additional money will allow the organisation to prepare for the introduction of the National Disability Insurance Scheme for the anticipated spike in providing assistance to people from the lower Hunter and, indeed, across the State and eventually the country. New South Wales is leading the way with the National Disability Insurance Scheme. This clearly illustrates our preparedness to put money on the table to support disability services across the State and to be ready prior to the rollout of the National Disability Insurance Scheme.

In my electorate of Wyong, according to the 2011 Australian Bureau of Statistics census figures, some 5,000 people have identified as needing assistance due to a disability. Organisations such as Camp Breakaway are crucial in delivering respite care, family camps, and camps for the frail aged and for children with autism. Camp Breakaway's efforts certainly should be acknowledged and not underestimated. The Central Coast has a high demand for respite services, particularly for services as provided by Camp Breakaway. That has been my experience in doorknocking many suburbs across the electorate. I look forward to seeing the organisation grow and deliver more opportunities for people living with a disability. In conclusion I highlight that Camp Breakaway would not exist if it were not for the many volunteers who give up their time to assist with the many requirements needed to ensure that each camp is a great success and that those attending have a wonderful and

memorable stay. Camp Breakaway is the highest standard respite care facility I have seen. The potential for expansion and increased services is exciting. Already the camp attracts clients from all over the State, not just the Central Coast. It is a true privilege to have such an asset in the Wyong electorate. The financial contributions of local residents and businesses will keep the camp running now with government assistance. I thank and pay tribute to all involved in Camp Breakaway.

ST JOHN AMBULANCE COMMUNITY FIRST AID CENTRE

Mr NICK LALICH (Cabramatta) [12.16 p.m.]: On 1 March 2013 I was filled with great pride as a lifelong resident of Bonnyrigg to join with members from St John Ambulance Australia New South Wales and Bonnyrigg High School to have the honour of officially opening the very first St John Ambulance Community First Aid Centre at a school—the first in New South Wales, if not Australia. In 2009 local hero Mr Stan Walden established the Bonnyrigg High School St John Ambulance cadet division, which educates and trains cadets to perform first aid whilst boosting their confidence and reinforcing the merits of community service. Presently Bonnyrigg High School has upwards of 30 trained first aid cadets at any given time who are prepared and capable of administering first aid as a result of this great program. It is wonderful to see the volunteering spirit alive and well in our youth of today. I am sure that much of that spirit can be attributed to outstanding programs such as are involved with St John Ambulance Australia cadets.

I am very proud to open the Community First Aid Centre, which provides the facilities cadets require to nurture their growth, support their education and promote first aid learning. The St John Ambulance Community First Aid Centre is located on the public school grounds of Bonnyrigg High School and was made possible through funding received from government grants through the Community Building Partnership and the Mounties Group with the support of a number of hardworking men and women who make up the backbone of our local communities. In recent years Bonnyrigg High School has hosted St John Ambulance cadet classes for two hours once a week—after school, of course. The Principal of Bonnyrigg High School, Mr Michael Bryce, said:

Since the introduction of this program there have been a number of students who have received a substantial boost to their self-confidence and have also benefited from notable improvements in their schoolwork.

Cadets who receive training at the community first aid centre will be given the chance to practise first aid at the centre and also volunteer for community events, training camps and interstate camps through St John Ambulance. Results speak louder than words. The provision of an environment that promotes development and nurtures vital skills should be commended. The opening of the Bonnyrigg Community First Aid Centre has ignited a spark. Several other community organisations and schools have seen its value and are considering establishing their own community first aid centres throughout the State. The provision of appropriate community facilities assists St John Ambulance cadets to be taught vital life skills, the importance of volunteer work and the merits that such work brings. They become an important addition to local communities throughout the State.

I acknowledge Mr Michael Bryce, Principal of Bonnyrigg High School; the students and teachers of Bonnyrigg High School; and Mr Stan Walden, Division Superintendent of St John Ambulance. It is Stan's vision and drive, together with his ability to motivate the young people of Bonnyrigg High School, that has made this possible. Without him it would not have been achieved. I also acknowledge Mr Murat Dizdar, Regional Director for south-western Sydney of the Department of Education and Communities; Miss Yvonne Ross, President of the Liverpool Lions Club; Miss Marilyn Price, Director of the Mounties Group; and Mr Howard Chen, Vice-president of the Bonnyrigg High School Parents and Citizens Association.

Thanks to their continued support, effort and dedication the Community First Aid Centre will prove to be an invaluable asset to the cadets in our local community, ensuring that we have the appropriate facilities available to train, educate and inspire the up-and-coming young men and women of the St John Ambulance cadet force. The cadets do not just practise their new-found knowledge; they also volunteer their time and services at a range of community events. It is great to see these young men and women giving back to the community which has supported them so well throughout their lives.

BALLINA ELECTORATE EMERGENCY SERVICES RESPONSE

Mr DONALD PAGE (Ballina—Minister for Local Government, and Minister for the North Coast) [12.21 p.m.]: I take this opportunity to highlight the magnificent work done by the volunteers of the State Emergency Service in the Ballina electorate. The recent wet and stormy weather that has battered the New

South Wales North Coast has taken a toll on the region in many ways. Farmers are again faced with large bills and the potential loss of income as a result of heavy rains and floods. Councils are burdened by the huge costs associated with the repair of infrastructure and clean-ups. Homes and businesses have been inundated and the coastline has been seriously eroded by the battering of strong winds and huge seas. After Australia Day Tropical Cyclone Oswald, which tracked down the east coast from Queensland, made its presence felt on the far North Coast. For several days the coast was buffeted by high winds of up to 135 kilometres per hour and heavy rain. In just a few days Upper Main Arm, in the hills behind Mullumbimby, received an incredible 757 millimetres of rain.

When most people were seeking refuge in their homes the State Emergency Service workers were hard at work. I am always amazed at the commitment and sacrifice of those volunteer workers. I know many people in the Ballina electorate are grateful for the work they do. The water from Tropical Cyclone Oswald had just started to subside when another east coast low pressure system hit the North Coast. The coast received more rain and cyclonic winds and again we were running for cover. Ballina State Emergency Service controller, Gerry Burnage and Byron State Emergency Service controller John Farley were again mobilising their crews. People who have lived in Ballina all their lives have told me that they have never experienced such strong winds.

During the two weather events the Ballina and Byron State Emergency Service units received more than 900 calls for assistance. These wonderful volunteers left the safety of their homes and families to help people in emergency situations. Some people were stranded by floodwaters; others had roofs torn from their homes. In the worst of conditions the State Emergency Service volunteers—often with a smile and offering words of encouragement and sometimes demonstrating their sense of humour—attended to those situations.

On Australia Day this year I was present when Gerry Burnage, the Ballina State Emergency Service controller, was named the Ballina shire Citizen of the Year. However, because of the floods in January there was no time for him to celebrate that honour. I know how committed he is to the State Emergency Service and to helping others. Gerry has been a State Emergency Service volunteer for 28 years, 25 of those years in the position of local controller. Under his leadership, membership of the Ballina unit has increased to more than 60. Gerry leads by example; he is respected by his peers and works extremely hard for the State Emergency Service. This includes rolling up his sleeves and helping out with other activities such as fundraising. Gerry is presently focused on helping the Ballina unit raise half a million dollars for an upgrade of its shed and facilities.

Gerry and I cross paths regularly and I am always impressed by his passion and commitment to his unit. He is a wonderful mentor for other State Emergency Service members. The damage caused by the flood events in my electorate and in other areas of the North Coast was immense and it will take many months and perhaps years for some producers to recover. Our tourism industry was also temporarily affected, with our world-famous coastline suffering from dirty water being flushed out of the rivers and onto the beaches. Some beaches have been badly eroded, a reminder of the force of Mother Nature. That is the case along much of the New South Wales coastline at the moment.

I also take this opportunity to acknowledge the efforts of the people who work for Essential Energy. The wind, rain and fallen trees caused by the storms resulted in thousands of people being without power for up to several days. I know Essential Energy staff—like the State Emergency Service volunteers—were out there in the worst of the weather, trying to fix problems and working long hours in difficult conditions. Crews were exhausted after the first weather event in late January, only to go through it all again in February. The staff did their best in trying conditions. The Ballina and Byron shire local government areas were declared natural disaster areas and the damage bill for councils is expected to be several million dollars.

Unfortunately, from advice I have received today, I understand that farmers in the Ballina and Byron shires will not be eligible to receive category C funding because they will not meet the Federal Government's new eligibility criteria. None of us knows what is around the corner weather-wise, but it is comforting to know that we have the State Emergency Service and other emergency services, including the Volunteer Rescue Association, the NSW Police Force, Fire and Rescue NSW, the Ambulance Service of NSW and Marine Rescue NSW available to help our community when disaster strikes. I commend everyone involved in our emergency services. They do a wonderful job in supporting our community when natural disasters occur.

ANGLICARE SHARE THE BENEFIT PROGRAM

Ms GABRIELLE UPTON (Vacluse—Parliamentary Secretary) [12.26 p.m.]: Last Sunday, 17 March, I joined Rector Michael Palmer and the parishioners of St Michael's Anglican Church in my

electorate of Vacluse. From 27 February to 17 March this year St Michael's congregation has partnered with Anglicare for a Lent experience called Share the Benefit. Share the Benefit is a church-based event that has been developed by the local rector in association with Anglicare. The plan is to test run the event in 2013 at St Michael's and at Christ Church, Kiama. Share the Benefit allows a person to experience, in a small but powerful way, how it would feel to live on the financial component of the Newstart allowance that is spent on food and drink. The experience is meant to raise awareness about poverty and challenge us to live more simply and frugally.

Anglicare—a partner in Share the Benefit—supports the welfare work of Anglican parishes throughout Sydney and beyond and addresses areas of need that cannot be met by parish resources. Share the Benefit is run throughout Lent, the time traditionally set aside by Christians for prayer and reflection, in preparation for the celebration of Easter. St Michael's Anglican Church, Vacluse and Christ Church, Kiama, are the first two congregations to pilot this program. It involves a four-week commitment. During the first two weeks participants keep a food and drink diary; in the third week they prepare a strategy and a menu to live a week on the Share the Benefit food and drink allowance; and in the fourth week, they experience living on that allowance. Anglicare lets the participants know how much money is available to a person in their situation, calculating the demographics, the rental cost and their particular circumstances and then calculates the week's food budget. The challenge is for them to live on this budget, compare it with their usual budget, and to donate the balance to charitable causes, including Anglicare.

For a single parent with one child the Newstart allowance is about \$265 per week. That benefit has to cover gas, electricity, travel, school and medical expenses, clothing, and food and drink. When someone does not have enough money to feed one's family and oneself it is known as being food insecure. It means that people do not eat enough of the right types of food and cannot obtain food in ways that are considered socially acceptable. It can mean worrying about food running out, cutting one's meal sizes, going without meals and experiencing hunger pains. Anglicare reports that in 2007 families that are food insecure ate smaller meals, missed meals and sometimes went without food for a whole day. It is hard to believe that this happens in wealthy and generous societies such as Sydney and other parts of Australia. On the final day of Share the Benefit last Sunday I joined the parishioners at St Michael's for a community lunch. The parishioners shared their insights and discussed the experience of preparing for and living on their food and drink allocation under the Newstart allowance.

The communal lunch was prepared using whatever food and drink allowance each congregant had left over. It was a nutritious yet modest lunch that the congregation generously shared with my husband and me. It was a different experience from the abundant food and drink we have become accustomed to seeing on offer at the usual lunches that we attend. As we shared lunch with members of the congregation they spoke about the challenges they had budgeting for the week on the allowance. Some gave up brand loyalty to the food and drink they usually buy and others had to decide what types of food and drink to give up from their regular diet. One participant spoke about her son bringing friends over for a meal. With limited food in the fridge it meant sharing that allocated food for the day in smaller portions between a larger group of people.

Other participants commented that they found themselves unusually grateful to be offered free cups of coffee by friends and colleagues and that being grateful for such things was a new and somewhat uncomfortable experience. Others said that they understood why people on the Newstart Allowance would withdraw from regular social activities as they could not afford to participate. These were all very sobering and genuinely heartfelt reflections shared with me at lunch last Sunday. I make this private member's statement today so that I too can raise awareness in this Chamber of the new Share the Benefit experience. For individuals it is an eye-opening experience to live on a very modest food and drink budget and to deal with the social challenges that presents. It also provides an opportunity for those of us who are Christian to learn biblical principles concerning the relationship between our faith, the *Bible* and practical works in that regard. I commend my private member's statement to the House.

PATRICIAN BROTHERS' COLLEGE FAIRFIELD

Mr GUY ZANGARI (Fairfield) [12.31 p.m.]: On Friday 15 March 2013 Patrician Brothers' College, Fairfield celebrated the annual St Patrick's Day mass at St Mary's Cathedral. It was a double celebration as it also marked the sixtieth diamond jubilee of the college. One thousand students were present to celebrate this significant milestone in the college's history. The celebration was led by Bishop Terry Brady and parish priests from the feeder parishes of Villawood, Fairfield, Cabramatta and Smithfield. Sixteen Patrician Brothers were present to witness the occasion, most notably Brother Philip Mulhall, the head of the Patrician Order in

Australia and Papua New Guinea, former secondary principals Anges Kavanagh, Charles Barry, Mark Ryan and Bernard Bulfin and former Patrician Brothers primary school principal Brother Nicholas Harsas. The first lay principal, Mr Michael Krawec, and second lay principal, Mr Wayne Marshall, were also in attendance.

Adding to the guests present were current and former parents, former students, Catholic Education Office officials and local principals and student leaders from Patrician link schools. The liturgical celebration was outstanding, with the college choir, orchestra and the Catholic Schools Performing Arts [CaSPA] musicians all adding to the joyful and prayerful atmosphere. The cathedral came to life with the strong backing voices of the 1,000 boys sitting in the pews and singing their hearts out. One could tell from the overall participation of the Patrician community that this was not just an average celebration. The essence of 60 proud years came via the speeches of Principal John Killen and Brother Philip Mulhall. What was common in both addresses was the contribution of the brothers and parents to the Fairfield community.

The college campus is an iconic landmark in the region. As one crosses the famous creek driving up The Horsley Drive and into the Fairfield central business district one sees the prominent lush green oval comprising the rugby league field, cricket pitch, soccer field and the Brother Richard Doheny stand. Mr John Killen spoke at length about how migrant communities have made a significant contribution to the construction of the school. There have been four significant waves of migration to Fairfield over the past 60 years and the Patrician Brothers have witnessed them all—the arrival of post-World War II migrants from Europe, followed by the settlement of Vietnamese refugees in the late 1970s and early 1980s; the arrival of refugees from the Middle East; and, finally, the settlement of the North African migrants. The college has been blessed by the cultural diversity and determination of all migrant families in the Fairfield area.

In August 1952 the Patrician Brothers were asked by Archbishop O'Brien to open and administer a boys school at Fairfield. Prior to that time there had been no Catholic school catering for boys education. The college originally began in 1953 with year 4 to year 6 and then expanded over the years to cater for boys education from year 5 to year 12. Since 2006 the college has been one of the largest year 7 to year 12 secondary boys colleges in Australia. The school had a Patrician principal from 1953 until 2001. Brother Bernard Bulfin was the last brother to act as principal. Mr Michael Krawec, a former college student, took over from Brother Bernard, and the current principal is Mr John Killeen. The college has had many successes over the years. The college has a reputation for producing its fair share of Kangaroos, Socceroos and Olympic gold medallists.

Academically the college has achieved outstanding Higher School Certificate [HSC] results. Culturally there are many former students on radio and television. Politically the college has produced its fair share of parliamentarians and local government representatives on both sides of the political spectrum. The mark of all this success rests with the teaching staff and the Patrician Brothers. The teachers at Patrician Brothers' College are first class, the contribution by the Brothers immense, and history speaks for itself. I send a heartfelt congratulation to the students, teachers and staff, both past and present, of Patrician Brothers' College, Fairfield, on 60 years of wonderful quality education in Fairfield and in the broader community.

GUNNEDAH SENIORS WEEK

Mr KEVIN ANDERSON (Tamworth) [12.36 p.m.]: I inform the New South Wales Parliament of an excellent event that I attended on Sunday 17 March at Alkira Aged Care in Gunnedah. It was the official opening of Gunnedah Seniors Week. In attendance were the general manager, Mr Graham Crown and the chair of the board of directors of Alkira Aged Care, Mr Malcolm Heath. Cliff Griffen delivered a welcome to country, Mr Scott Dunlop said the opening prayer, we were provided with entertainment by Ellen and Pete and I was warmly welcomed by Gunnedah Mayor Owen Hasler. That excellent afternoon kicked off a week of seniors festivities organised by the township of Gunnedah. Seniors Week committee members included Leslie Mills, Donna Hammond, Trish Schumacher, Rachael Geddes, Kathryn Kidd and Carolyn Bridge. Pensioners Association members included Jan Snow, Shirley Anderson and Julia Smith, and Joyce Schilds coordinated Meals on Wheels.

Also in attendance were the Federal candidate for the city of New England, Mr Richard Torbay, Councillor Gae Swain and the former mayor of Gunnedah Adam Marshall. The aim of Seniors Week is to promote opportunities for older people to remain physically and mentally active and socially engaged in community life. Aging positively means challenging negative stereotypes and promoting positive views on aging, recognising not only the work that an individual does to assist others in the community but also his or her positive attitude towards ageing. Ordinary people do extraordinary things and in Gunnedah they often go unseen

and unheard and we do not have an opportunity to thank them. Seniors Week gives us an opportunity to acknowledge their contribution and to say thanks. Older people in our community are an inspiration and Seniors Week demonstrates that seniors can be healthy, active and social.

Our seniors shaped our communities and our industry, forged innovation and set the culture for who we are today. I believe that we need to listen to and learn more from them. They are the ones who will tell us the stories of how things were before us and they will be able to tell us how to improve on many of the things that we are doing today. Seniors Week in Gunnedah normally is held at many venues but on Sunday Alkira hosted its opening in Gunnedah. Three organisations take their turn—Yallambee Hostel, Gunnedah Aged Care Services and Alkira Aged Care Facility. Special events throughout the week include bingo, family history information sessions, a scooter day, a mystery tour, morning tea at the Men's Shed, book covering and repairs, movies and—my favourite—the special luncheon by Yallambee committee.

Last year I had the pleasure of helping to serve the seniors a sensational lunch at the Smithurst Centre—corned beef with white sauce and veggies, which is my favourite. It is with great regret that I cannot join them this Wednesday because Parliament is sitting but I thought I would share with my colleagues the wonderful things that our seniors do in the Gunnedah community so that they can gain a greater understanding of the wonderful township of Gunnedah. I recognise not only the work of the seniors but also the involvement of the businesses and thank them for their support during this special week. I acknowledge Karen Carter Chemist and Civic Theatre, which screens movies such as *The Man from Kangaroo*—this week's movie is *Young at Heart*. I thank also Hagley Osmond Pharmacy and Tim Duffy Optometrist, and the list goes on. I wish seniors not only in Gunnedah but also in the entire Tamworth electorate a wonderful week. I encourage them to enjoy the festivities. They are to be congratulated. We respect and acknowledge them. We need to listen to them and to learn more.

SPORTS BETTING ADVERTISING

Mr GREG PIPER (Lake Macquarie) [12.41 p.m.]: I bring to the attention of the House an issue that is of great concern to constituents in my electorate and in the wider community—the insidious nature of advertising by sports betting companies. Problem gambling remains a concern in our communities. A survey commissioned last year by the Office of Liquor, Gaming and Racing found there were 40,000 problem gamblers in New South Wales and that at least one in eight gamblers in this State was at some risk of developing a gambling addiction. Within this environment we are seeing the emergence of a potent, highly accessible, heavily marketed form of gambling that threatens to create a new generation of problem gamblers by allowing the promotion of sports betting to children and other vulnerable people in their own homes. I have been approached by parents in my electorate who object vehemently to having their family weekend footy-watching time hijacked by a relentless succession of advertisements and sponsored segments inviting them to gamble.

I heard this week from Judy Wiersma from the Lake Macquarie Financial and Gambling Counselling Service, an important facility funded by the State Government. She is seeing firsthand the effects of the growth and heavy marketing of online sports betting. She spoke of teenagers surreptitiously using their parents' credit cards to lay bets and of her concern that sports betting seems to target young men—those at greatest risk of developing a gambling addiction. She fears that the full impact will not be seen for another four or five years when youths who have developed a gambling addiction leave the relative financial security of their family homes and begin to live as independent adults, with their own mortgage and car payments to service, household bills to pay and perhaps family responsibilities of their own to meet.

We have all seen on television the slick, seductive advertisements for sports betting; it is impossible to miss them. They bombard our sporting broadcasts and prime-time viewing slots with their empty promises of excitement and instant rewards, all available without people even having to leave their lounge room chairs. People need only to dial them up on their mobile or to click onto their website. These advertisements, endorsed by icons of Australian sport and even movie stars, make gambling appear a glamorous and fun pastime. They do not show the downside of problem gambling—the marriage and family breakdowns, the lost livelihoods, the shame and despair of facing court or being branded bankrupt. There is no dose of reality to temper the enthusiasm with which they peddle their wares to impressionable young minds.

I believe that the vast majority of people in New South Wales object to this unseemly flourish of sports gambling marketing. They are concerned that their children are being indoctrinated into believing that sports and gambling go hand in hand. A radio talkback segment on this issue on Newcastle's ABC 1233 station yesterday morning prompted a strong response from listeners overwhelmingly against the airing of betting

promotions during televised footy games, cricket matches and the like. As one listener pointed out, her child is not allowed to bet, walk into a TAB or walk through a poker machine room, yet sports betting companies are allowed to advertise to her children during family viewing hours. It is hypocrisy that has to stop.

Online sports betting is a high-stakes game. Bookmaker Tom Waterhouse reportedly paid \$50 million to become the National Rugby League official betting partner for the next five years, an indication of the vast riches his company expects to glean from the pockets of punters. Other codes have similar partnerships. Sports betting, which is Australia's fastest growing form of gambling, is expected to exceed \$4.5 billion this financial year. Its promotion is not restricted to advertisements but is integrated also into sports reporting and match coverage delivered to audiences with the tacit approval of high-profile commentators. I am not anti-gambling or against the Saturday afternoon flutter at the races or the office footy tipping competition. However, this wave of slick, targeted advertising that is invading our lounge rooms is way more than that and should not passively be accepted as normal.

As a society we successfully fought the battle against tobacco advertising and we are addressing the association between alcohol and sport. How sad that we now have a fight with the gaming industry looming on the same front. I acknowledge that broadcast advertising is a Commonwealth responsibility and I note that a Senate joint select committee is currently looking into the advertising and promotion of gambling services in sport. However, I raise this issue for a number of reasons. First, there are overlapping areas of interest in which we can act, with the State Government overseeing many aspects of wagering in New South Wales, as well as funding gambling education, intervention and support programs. More importantly, as individual members and collectively as the Government we can use our position and influence to send a clear message both to the community and to our Federal colleagues that we find saturation advertising of sports betting inappropriate and unacceptable.

Mr DONALD PAGE (Ballina—Minister for Local Government, and Minister for the North Coast) [12.46 p.m.]: The member for Lake Macquarie raised an important issue because of the significant dangers associated with online betting and the relentless giving of the latest odds to people while they are watching television. Recently I heard an ABC commentator who said that this may not necessarily be a problem for people who have control over their gambling habits but it is a major problem for those who are struggling with their gambling habits. As I recall, the Minister for Sport and Recreation expressed concerns about this issue in his inaugural speech. I give an undertaking that I will raise this matter with both the Minister for Tourism, Major Events, Hospitality and Racing, and the Minister for Sport and Recreation.

INTERNATIONAL WOMEN'S DAY

Mr JOHN SIDOTI (Drummoyne) [12.47 p.m.]: A couple of weeks ago I had the pleasure of attending an International Women's Day function in Five Dock organised by the Agira Association. For the benefit of those in the gallery, Agira is a little town in Sicily in the province of Etna—a great place to holiday. It is a beautiful area with wonderful churches such as the Norman Chiesa Madre, the mother church dedicated to Santa Maria Maggiore, and the Norman Church of Santa Margherita, the largest in the diocese dating back to the early thirteenth century. The municipality of Agira has around 9,000 inhabitants. I thank President Sam Mugavero, who is doing an amazing job for the Agira Association in New South Wales. Also present at the function was the newly elected senator to the Italian Parliament representing the Australasian region, Mr Francisco Giacobbe, who is a local in the Hunters Hill area. I congratulate him on his appointment.

On this fantastic day we celebrated the achievements of all women over time and distance as well as the equal rights of women and how they have progressed. Each year around the world International Women's Day is celebrated on 8 March but numerous events are held throughout the month of March to highlight and inspire the economic, political and social achievements of women worldwide. It is a celebration of respect, appreciation and love towards women, which is why I took my wife and kids along with me, and also to keep my wife happy.

While we can be proud of the significant progress that has already been made, International Women's Day reminds us that all over the world much more action is required for true gender equality. From the government that changes laws, to the enterprises that provide decent work and equal pay, to the parents who teach their daughters and sons that all human beings should be treated the same, equality ultimately depends on each of us. Although tremendous progress has been made, only with the full empowerment and participation of women will we have a society that is enriched for the better. Girls consistently outperform boys and more than half the university graduates in the United Kingdom are girls, but that statistic is not quantified in the top

boardrooms. In fact, only 19 per cent of the members of Parliament in the United Kingdom are female. It is worth remembering some of the achievements that we have seen in Australia over the past 100 years. In 1921 the first woman was elected to the State Parliament and in 1943 the first woman was elected to the Federal Parliament.

In the current Federal Parliament 30 per cent of its members are women. Legislation was introduced guaranteeing 12 months maternity leave for women. Important legislation was enacted with the introduction of the Federal Sex Discrimination Act 1984. The Human Rights and Equal Opportunity Commission was established. Women have been appointed as Senior Counsel and as Queens Counsel. Women judges have been appointed to the Supreme Court, the Federal Court and the High Court. A female Governor was appointed in New South Wales and a female Governor-General was appointed by the Commonwealth of Australia. A female Premier and a female Prime Minister have been elected. We have come a long way. Much has been achieved in Australia but much still has to be done in the world to improve gender equality. I commend the Agira Association for the great function that took place at Mediterranean House in Five Dock. There were many participants throughout the day and it was a worthwhile function that highlighted our awareness of this issue.

EAST LAKE MACQUARIE HISTORICAL SOCIETY

HEARTKIDS NEW SOUTH WALES

Mr GARRY EDWARDS (Swansea) [12.51 p.m.]: It is a privilege to address the House and to refer to the East Lake Macquarie Historical Society—a most unassuming and tirelessly working community group that is located in my electorate. I am delighted to acknowledge that recently it was honoured by receiving the City of Lake Macquarie Community Group of the Year award for its contribution to many of the townships in East Lake Macquarie. I refer also to a recent fundraising effort in Belmont for HeartKids NSW, whose members are also known as the Zipper Warriors. The East Lake Macquarie Historical Society, a self-funded volunteer organisation, aims to encourage interest and awareness in the history and development of East Lake Macquarie. That small group of 200 volunteers has remained active since 1955. To date the historical society has published 10 local history books and it is in the process of releasing two more. Last year the historical society published the book *Trailblazers*, which details the history of pioneer families in Catherine Hill Bay.

I note that my friend and colleague the member for Rockdale is a descendent of one of the first families to settle in Catherine Hill Bay. Flowers Drive, which is the main street running into and through Catherine Hill Bay, is named after the member's grandfather. I attended the recent East Lake Macquarie Australia Day awards at which the historical society was awarded the 2012 Community Group of the Year award in recognition of its positive contributions to Lake Macquarie. I congratulate Vicki-Ann Williamson and the remaining historical society members on this outstanding achievement. I wait in anticipation to read further works that catalogue the lives of people and events that shaped the villages and townships surrounding Lake Macquarie.

HeartKids NSW is a registered charity organisation that is dedicated to assisting families of children with heart disease, whether it is congenital or acquired. Recently I had the pleasure of attending the HeartKids NSW fundraising dinner, which was organised by Kevin and Allison Baker, close friends and strong supporters of HeartKids NSW. I attended the event with my younger brother, Ken, who in 1963 was one of the first five HeartKids in Australia to receive life-saving surgery. However, there is a sad aspect to this statistic. Ken, then aged five, is the only survivor of five children who underwent surgery.

Amy McDonough, an adult HeartKids member and guest speaker at the fundraising night, graciously spoke of her many childhood heart operations and her determination to survive. Life can be a daily struggle for many families with HeartKids but it can also be a rich experience that teaches us about the importance of our health and the depth of human spirit in the face of adversity. Approximately six kids are born with congenital heart defects in Australia every day—more than 2,000 every year. Congenital heart defects are the leading cause of infant mortality in children under the age of one. More than \$5,000 was raised at the recent fundraising event and every dollar of that amount will directly assist in saving the lives of Aussie HeartKids. I thank the House for its indulgence.

PARKES MUSICAL AND DRAMATIC SOCIETY

Mr TROY GRANT (Dubbo—Parliamentary Secretary) [12.56 p.m.]: Earlier this month I attended the official opening of the Parkes Musical and Dramatic Society's breakout area, known locally and affectionately as the Little Theatre. I was pleased to be on hand to open the new area because the New South Wales

Government had assisted with funding for the project through a Community Building Partnership grant. This was the second construction at the Parkes theatre that had been built with funds provided from the grant program. The first project was the construction of an orchestra pit in 2009, which was done with the help of former member Dawn Fardell. I acknowledge the former Premier, the member for Toongabbie, who is in the Chamber, and congratulate him and commend him for the wonderful Community Building Partnership initiative.

As many of the society's productions are booked out with more than 200 people attending, the breakout area was designed to provide additional covered seating for patrons waiting for the commencement of a show. In addition to providing cover from the afternoon sun, the construction also improves the aesthetic enhancement of the theatre. The construction of the breakout area was undertaken using the services of local builders and architects. The project was completed with funds from a true partnership of not only the Community Building Partnership program but also the Parkes Shire Council and the Parkes Musical and Dramatic Society. The breakout area cost \$16,000 to construct and half the funds came from the grant.

The official opening of the breakout area on Saturday 2 March served as a prelude to a community Raise the Roof charity concert. The concert was held to raise funds for the replacement of asbestos-laden roofs in an East Timorese village—an initiative undertaken by Ken Keith, Parkes's excellent mayor and his wonderful council. In 2010 the Parkes Shire Council signed a friendship agreement with the village and has raised more than \$37,000 for the project. A near capacity crowd was entertained by a variety of local performing artists and the proceeds of the concert raised a further \$5,000, which will go towards the roof replacement project. Parkes Musical and Dramatic Society is a particularly vibrant and active society whose members are dedicated to the goal of delivering quality theatre productions to the people of Parkes. Through its hard work, the society has earned a distinguished reputation throughout New South Wales for many of its award-winning productions.

Due to its active involvement in the Canberra area theatre awards, the society is widely recognised in the Australian Capital Territory. Many of the theatre and musical directors, cast members and crew who have worked on the productions have received nominations and won the prestigious Canberra Art Theatre awards. The additional exposure and publicity given to the work of the society has drawn attention to Parkes. This has had the unexpected benefit of encouraging theatre and musical patrons and touring companies to travel from further afield to attend shows, and this is bringing extra tourist dollars to our wonderful community. Over the past five years Parkes Musical and Dramatic Society has hosted 20 productions, demonstrating its strength and viability. The society's ability for achieving quality productions that entertain the people of Parkes and the surrounding district is well founded.

The society also encourages large numbers of talented junior members, who are carefully mentored in performance and technical skills by experienced theatre technicians, to ensure a healthy and viable future for live theatre performance. Many past members of the society have gone on to study subjects in the arts at university or have gone on to carve out a career in theatre or behind the scenes. The Parkes Musical and Dramatic Society needed an expanded theatre facility that would better meet the requirements of theatregoers. I am glad that the New South Wales Government, through its Community Building Partnership, has been able to help deliver an improved theatre and musical experience for patrons. In a tribute to the society's very hardworking president, Neil, I conclude by quoting the final act of the night with a slight change: Edelweiss, Edelweiss, every morning you greet me. Small and white, clean and bright, bless my electorate forever.

SOUTHERN HIGHLANDS ELECTORATE SESQUICENTENARY CELEBRATIONS

Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, and Minister for Women) [1.01 p.m.]: The northern part of my electorate is known as the Southern Highlands. It is Gundungurra and Dharawal land, and although it was originally thought that the cool climate of the highlands did not support a permanent indigenous population, that view is now being challenged. Colonial explorers first visited the region in the early days of settlement. Early pioneers Charles Throsby and John Oxley were issued land grants before 1820. These men and their families opened up tracts of land for sheep and cattle, and their grand family homes still stand—although, truth told, now in less rural surroundings.

The first township, named Bong Bong, was established on the flats close to the Wingecarribee River. This settlement was short-lived as the first flood inundated the plains and the town was relocated further up the hill and aptly named Bowral, which is believed to be an Aboriginal word meaning "high". Moss Vale was established on the other side of the Wingecarribee River, named after Jemmy Moss, a convict servant who worked at Throsby Park. A pub in the area is called the Jemmy Moss pub. Throsby and Oxley invested in new

roads and a railway line and soon the early settlements became more established—with stores, hotels and post offices. By 1863 both Moss Vale and Bowral were recognised as towns and this year celebrate their sesquicentenaries.

The Southern Highlands are suitably named as the area sits around 690 metres above sea level. This elevation affords the district its distinct temperate climate. The construction of the railway and the opening of the Bowral and Moss Vale stations in the 1880s enabled easy access to the district from Sydney. The Sydney gentry soon learnt of the climate of the highlands and established retreats and estates so they could escape from the humidity of Sydney summers. Many guesthouses were also set up and the Sydney bourgeoisie made the journey by train to appreciate the mountain air.

The highlands are still seen as a retreat by some and Sydneysiders continue to spend their weekends there, with tourism being one of the area's biggest industries. The array of hotels, guesthouses and self-catering cottages is impressive and there are many cafes and restaurants to suit all tastes and budgets. The magnificent cool climate gardens are particularly spectacular in autumn and spring, when the district opens many private gardens to the public. Although the town's continuous prosperity may be due to tourism, the story of the highlands does not stop there.

The surrounding rich grazing land has fed a dairy industry since the 1870s, although a recent subdivision of these dairy farms has seen a new breed of farmer to the district, with a number of high-quality vineyards, fruit farms, horse studs, hobby farms and boutique foods creating a new rural backdrop for the shire. There is a thriving manufacturing industry. Bowral Brickworks was established in the 1920s and is still operating. Boral, Joy Mining, Dux, Tyree and HarperCollins are just a few of the major businesses with major facilities in the district.

The highlands region has also had a long-established tradition of excellent education. A range of options is available across the shire, and both Moss Vale and Bowral boast fine public and high schools, Catholic schools and independent schools. There used to be numerous boarding schools in the district until boarding fell out of fashion in the mid twentieth century. Frensham School, St Pauls International and Tudor House School still offer boarding options which attract students from across the country, who often return to the district later in life to make the shire a permanent home.

The sesquicentary celebrations got off to a very soggy start this year with the launch and cake cutting being rained out in the spectacular style that only a highlands summer storm can achieve. However, the Wingecarribee Shire Council has not let this dampen its spirit and I have been able to join it with several well-attended events already this year: the marvellous Berrima District Historic Vehicle Club meet at the Bong Bong Race Club, the Moss Vale Uniting Church thanksgiving service and the Bush Week Street Parade on the weekend of the ever-successful Moss Vale Show. I look forward to many more events to come this year, including the Autumn Music Festival this weekend, art and photography prizes, the mayoral ball in July, the Tulip Time Festival and the grand finale to the celebrations in late November.

The Southern Highland towns of Moss Vale and Bowral have always fought to balance their heritage with economic development. For the most part, past councils have managed the equation well. As we advance into the twenty-first century we must continue to be mindful of our rich land and rural landscape and protect our greatest asset—the abundant aquifer sitting beneath its surface—whilst providing viable career paths to enable our young to remain in the district. I wish Bowral and Moss Vale a very happy birthday and many happy returns of the day.

BAULKHAM HILLS ELECTORATE INFRASTRUCTURE AND EVENTS

Mr DAVID ELLIOTT (Baulkham Hills) [1.06 p.m.]: This afternoon I brief the House on a number of community developments occurring in the Baulkham Hills electorate and the broader Hills shire. It is with pleasure that I inform the House of some of these exciting developments because, as many members will be aware, my electorate of Baulkham Hills is very family-orientated yet still very much semi-rural. I acknowledge my neighbour the member for Castle Hill, who is in the House. I am sure he will join me in congratulating those who have been involved in some of the recent activities around our area.

Baulkham Hills is home to one of the most vibrant and family friendly communities in this State, if not the entire country. That is why it is with great satisfaction that I can inform the House that our dynamic Hills community continues to go from strength to strength. That should come as no surprise to those who know

anything about The Hills and the great pride that The Hills residents rightly have in their district. One of these developments is the relocation of the war memorial from Arthur Whitling Park in Castle Hill—a neighbouring electorate—to a more spacious location at Wrights Road Reserve in Kellyville. Technically the location is in Castle Hill but it is known as Wrights Road Reserve, Kellyville. This relocation will be completed in time for Anzac Day this year. The people of The Hills are very proud of the great sacrifices that our service men and women have made, with every dawn service very well attended in The Hills district.

More than 5,000 people attend our annual dawn service. I am sure that this strong tradition of respectful remembrance will continue at the war memorial's new location, particularly as we approach the centenary of Anzac Day. Of particular interest is the current push to rename Wrights Road Reserve to the Centenary of Anzac Reserve. The member for Castle Hill and I are very keen to have a public debate on the change of name as it would naturally be very appropriate given the build-up towards the centenary of Anzac and the enduring significance of Anzac to the Australian people 100 years on. I join with the community in commending this name change and I am hopeful that the change will be approved soon. The member for Castle Hill and I congratulate Colonel Don Tait, OAM, who is the chairman of our RSL sub-branch, on his re-election as RSL president last week.

Another exciting development is the move of the historic New South Wales Open Golf Championship to Castle Hill Country Club later this year. The New South Wales Open Golf Championship is one of the most admired golfing events on the calendar. It is wonderful news that this highly prized competition is coming to the electorate of Baulkham Hills. I commend Golf NSW for its excellent choice of venue, which I am certain will live up to all expectations. I also congratulate Castle Hill Country Club president David Geraghty and his team on bringing the New South Wales Open Golf Championship to the Hills and wish them all the best for the championship. I should point out that although the club is called Castle Hill Country Club it is in my electorate of Baulkham Hills.

Mr Dominic Perrottet: For now.

Mr DAVID ELLIOTT: For now. That is one of the challenges that the member for Castle Hill and I regularly have to face; not that we complain about those challenges at all. Finally, I commend the Castle Hill and Hills District Agricultural Society for yet another successful show. The Castle Hill Show is one of our oldest and most cherished community occasions, with thousands of people from all over Sydney turning up each year. Over the past 127 years the show has become such a staple of life in The Hills district that it is hard to imagine the district without it. The Castle Hill Show continues to grow and it is excellent to see the community getting the most out of the showground. Long may that be the case. The show's continued success since the 1880s is a testimony to the showground and its persistent value to the community.

Members would be aware that Premier Barry O'Farrell opened the Castle Hill Show last year. I again acknowledge my predecessor Mr Wayne Merton, AM for his ongoing commitment to and active involvement in the show. I also acknowledge Judith Adam, Carol Baker, Bella Bath, Robert Cochrane, Ian Henderson, Ray Parker, Greg Petrin, Cheryl and Josh Roney, Carolyn Smale, Marilyn Stoneham and Elaine White for their continued work on the committee. The Hills is one of the great districts of Sydney and it continues to be home to one of our State's most energetic communities. It is my absolute pleasure to represent The Hills district and its people in this House.

URBAN ACTIVATION PRECINCTS PROGRAM

Mr CHARLES CASUSCELLI (Strathfield) [1.11 p.m.]: Saturday 16 March 2013 was D-Day for New South Wales and 11 o'clock was H-Hour. That was the moment the New South Wales Government announced one of our State's biggest housing supply programs that will see up to 171,700 new homes delivered across Sydney. Over the next 20 years the population of Sydney is expected to grow by 1.3 million, and the Government is planning for that growth. Sites in 31 new and existing suburbs with the capacity for more than 111,000 homes have been identified and the Government has announced the investigation of a further 13 sites that have the potential for an additional 60,000 homes. All of these new houses will be supported by \$61.8 billion in infrastructure investment, including the North West Rail Link and South West Rail Link, both of which are on or ahead of schedule, the light rail extension to Randwick and upgrades to many roads, including the M5 West widening and the WestConnex project. Importantly, employment areas are also being created alongside this new housing to allow people to get jobs closer to where they live.

When the Government came to office housing delivery was at a near record low. In 2009 just 13,752 new homes were built in Sydney. We need around 27,400 additional homes in Sydney each year to keep

up with population growth and to keep house prices affordable, especially for our young. The program includes 27,400 new homes and 49,500 new jobs in centres around the eight new railway stations along the North West Rail Link; 30,000 new homes across eight existing urban areas to be revitalised under the Government's new Urban Activation Precincts Program; rezoning land for 30,250 new homes and 29,000 jobs across five precincts in Sydney's growth centres near the new North West Rail Link and South West Rail Link; the release of three additional north-west growth centre precincts, where planning will start for a further 8,200 homes; and immediate action to progress seven outer suburban greenfield sites with potential for 15,850 homes in response to the Government's Potential Home Sites Program.

Not all of the new homes we need in Sydney will be built on greenfield sites. The Urban Activation Precincts Program will revitalise eight existing urban areas in consultation with local communities and their councils. Under this program plans are well advanced at the Epping and North Ryde locations, while planning has just begun on the other six precincts. The Government has allocated \$50 million to help councils improve local amenities such as parks and other public spaces in these eight locations. That is outstanding. We want our families to live close to us—well, maybe not all of us but the majority, I would guess. I certainly would like my children to have the opportunity to live close to me, although I am not sure whether they feel the same. I hope so.

The eight sites chosen in the initial round of the Urban Activation Precincts Program are Epping town centre, North Ryde station, Macquarie Park, Randwick, Anzac Parade, Carter Street at Homebush, Wentworth Point and Mascot station. But we need to do more. I believe that in my electorate an area known as the Homebush-Strathfield-North Strathfield triangle should be included in the next round of Urban Activation Precincts. The triangle is perfectly positioned for multiple transit orientated developments, and the rejuvenation of Parramatta Road affords even more opportunities for these types of developments. WestConnex will provide opportunities for urban renewal and quality of life will improve for inner west residents stretching from Strathfield to Broadway. It will have road network-wide benefits, not just local to the inner west. In the triangle tall, skinny, elegant buildings should be preferred to the squat, fat, ugly developments that have been built in Strathfield for some time. There is the potential to fix longstanding issues of amenity, liveability, access and security.

Strathfield Council has developed the next generation of transit orientated development—a sophisticated development that incorporates all of the main elements that are required for a successful development of this type. It is called the Strathfield Town Centre Project and it is truly visionary. The remarkable thing is that it was inspired by the Strathfield community. It has already attracted attention from overseas. I believe it represents global best practice in what it will achieve. Some of its features include below ground works that accommodate all transport modes and integrate into the existing Strathfield railway station; a modern bus-rail interchange that provides a short, secure and attractive walk between modes; and a seamless transition between modes that with the Opal card will make commuting a thing of pleasure rather than the burden it has been.

It will also incorporate taxi and cycle facilities and promote active travel. It will also remove the conflict that exists between different travel modes by grade separation of buses, taxis and pedestrians. It would be my pleasure to invite the Minister for Transport and the Treasurer to a special briefing by Strathfield Council on this magnificent vision over the course of the next month. I congratulate Strathfield Council on this special initiative.

CASTLE HILL SHOW

Mr DOMINIC PERROTTET (Castle Hill) [1.16 p.m.]: I join my colleague the member for Baulkham Hills in congratulating all the members of the Castle Hill and Hills District Agricultural Society for once again putting on a great Castle Hill Show at the Castle Hill Showground. The Castle Hill Show is probably the main event on the community calendar in Castle Hill and The Hills district. The showground is the heart of our community and two weeks ago its importance to the shire was once again on display.

The Castle Hill Show showcases many of the aspects that make our community great. The first aspect is the focus on family. With our busy lives today many families do not have time to stop or slow down, because they are either dropping kids off or working on weekends. One of the great things about the show is that it brings families together and has done so for a long time. Last Saturday when I was at the show I saw many young guys whom I went to school with who now have their own families. It is great to see that the tradition of attending the show is being passed down from one generation to the next.

Its focus on schools is the second aspect of the show that demonstrates a great thing about the electorates of Castle Hill and Baulkham Hills and The Hills shire. We are blessed to have many great schools in our area. Friday, which is the first day of the show, is known as Schools Day. Many schools compete in a variety of agricultural competitions and their entries will soon go on display at the Royal Easter Show. Not only is it great to see the schools compete, it is also great to see schools with and without a focus on agriculture come to the show to learn about agriculture and the history and heritage of our local community. That leads me to the third great aspect of the Castle Hill Show—the focus on heritage and history. Whilst cows might not wander down Showground Road these days, there is still a sense and understanding of our rural heritage. In order to know where we are going as a society and a community it is important to have an appreciation of our past.

The Castle Hill Show is the one event in our local community that provides that education to our local people, and it does it very well. The final aspect of the show that showcases the great things about my electorate is the focus on volunteers. Numerous local volunteer groups had displays at the show, including Rotary clubs, Lions clubs and other community organisations, and they do a fantastic job. The Hills district has the highest rate of volunteering in the country, and the presence of so many at the show is a good demonstration of that commitment. I specifically note the efforts of this year's Castle Hill Woman of the Year, Judith Adam. Judith has been a community volunteer for many years, particularly with the Castle Hill Art Society, which is connected with the show society and which has an exhibition in the week leading up to the show.

Judith has also volunteered with the Riding for the Disabled Association. When I was at school we went out to the Kellyville Riding for the Disabled facility. The volunteer work that she has done has transcended generations and she sets a great example of how we should live our lives and give to the local community. It is people like her who have made The Hills community what it is today. She humbly received the Woman of the Year award and said that she could not have done what she has done without the support of her family and friends. The Castle Hill community is extremely grateful for the work Judith Adam has done over many years of service to the district.

ALBURY ELECTORATE SPORTS FACILITIES

Mr GREG APLIN (Albury) [1.21 p.m.]: "I always turn to the sports pages first, which records people's accomplishments. The front page has nothing but man's failures." These instructive words, credited to a former American judge, provide a clue to the ongoing allure of sport, both to the genetically gifted and to those who are more inclined to watch and applaud. The people of Albury and the surrounding district have an instinctive affinity for outdoor activities and sport. Of course, we reside in one of the most picturesque areas of regional Australia and have a climate of distinct seasons. This climate provides opportunities to engage in summer sports and winter sports—sometimes in the one day. We are also privileged to have a number of tremendous sports facilities and leading coaches, from Margaret Court to Lauren Jackson to a host of Olympians and international sports men and women, Albury is where sporting talent is nurtured.

It is partly because of its facilities that Albury has become the destination of choice for an astonishing variety of regional, State and national tournaments. This was Albury's summer of sport. In January the nation's up-and-coming young basketballers pounded the courts of Albury and Wodonga for the Australian Country Junior Basketball Cup, which was held at Albury's Lauren Jackson Sports Centre. There were a record 72 teams this year, with more than 720 players lining up to play. Supporting them were 100 referees, 75 coaches, 75 managers and all the general volunteers and helpers necessary for such a major youth event. This was the twenty-seventh year of the tournament. The competition was devised as a development program for outstanding players from regional areas of New South Wales, South Australia and Victoria. Over nearly three decades it has grown to become one of the great national basketball title events, with teams battling it out over six long days of competition.

Teams now come from New South Wales, Victoria, South Australia, Western Australia, Tasmania and the Australian Capital Territory. The contingent from New Zealand this year numbered 160. This is a tournament of the very best in the nation and region. Indeed, I understand that more than 80 players from previous years have progressed in their sporting careers to represent Australia or New Zealand at the level of international competition. Hundreds more came to Albury to support family members and friends participating in the competition. They too had an opportunity to enjoy the leisure and recreation opportunities of Albury and its region. I congratulate cup coordinator Paul Gooding, the directors and their team on organising such a successful tournament.

On the Australia Day long weekend Albury and Lavington swim centres were both used for the New South Wales country clubs water polo tournament. They came from across the State looking for the best in

competition. Twenty-two teams participated in the tournament, which involved more than 300 players. On the same weekend Albury's sportsground was the scene of one of the premier sprint meetings of the athletics calendar: the Albury Wodonga Gift. The festival boasted cash and prizes worth \$25,000. The key men's event was won this year by Shane Ezard, while Laura Jane Hilditch claimed the trophy for the women's event. Not all of our major sporting events this summer were concerned with being at the cutting edge of competitive sport. Sometimes the emphasis was on getting into the great outdoors, having fun and facing a personal test. On 23 February 288 cyclists gathered at the Hume Weir foreshore for the fourteenth Lake Hume Cycle Challenge. Numbers were up substantially on those of past years.

The program catered for cyclists with a range of abilities, with three bike ride circuits sharing a common start and finish line. At 7.00 a.m. the hardest riders commenced the Granya Grind, a course winding 133 kilometres past the lake and well into the valleys. One hour later the next group took off for a 40-kilometre ride called the Tallangatta Tour, taking participants to the town reborn in the 1950s when it had to be moved to make way for the flooding of the Hume Weir. Then at 9.00 a.m. the last riders set out on the Weir Wall Waddle. About two-thirds of the competitors came from outside Albury-Wodonga. The event was a great boost to local businesses. The main proceeds of the ride—estimated at \$10,000—will go towards the establishment of the Wellness Centre at the Albury Wodonga Regional Cancer Centre. As members can see, this event was an exercise in good health from several perspectives. The Lake Hume Cycle Challenge will be on again next year on the last weekend in February. I congratulate Reg Hinton and organisers from the Bellbridge Rotary Club.

At a time when we are still digesting the revelations from Lance Armstrong—and a host of other leading cyclists—as well as from the report into the integrity of sport prepared by the Australian Crime Commission, it is worth going back to the roots of sport, which lie in local communities. It is in our communities that we take our first steps towards enjoying the challenges of outdoor recreation and sport. It is here too that we make many lasting friendships and develop a sense of ethics and fair play. I invite members to bring their team or event to Albury and to see how Albury brings out the best in sport.

Private members' statements concluded.

[Acting-Speaker (Mr Lee Evans) left the chair at 1.26 p.m. The House resumed at 2.15 p.m.]

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

Government Business Notices of Motions (for Bills) given, by leave.

QUESTION TIME

[Question time commenced at 2.21 p.m.]

STATE WATER CORPORATION BOARD APPOINTMENTS

Mr JOHN ROBERTSON: My question without notice is directed to the Minister for Primary Industries. When the Government appointed Nick Di Girolamo to the State Water Corporation Board did the Minister disclose to Cabinet the \$10,000 personal donation the Minister received from a company whose major shareholder is Mr Di Girolamo?

Ms KATRINA HODGKINSON: It is very exciting that those opposite have made it to page 11 of today's *Sydney Morning Herald*. Indeed, it is terrific that those opposite have now ventured beyond the *Daily Telegraph* and are now also reading the *Sydney Morning Herald*. I wish to correct the record. I did not receive nor did I accept a donation from Australian Water Holdings Proprietary Limited. I made this clear to the journalist who asked the question but some things I said were not included in that article. On 18 October 2010 Australian Water Holdings Proprietary Limited made a \$10,000 donation to The Nationals, and that donation is included in its 2010-11 disclosure. That donation went into The Nationals general revenue and was fully disclosed to the New South Wales Election Funding Authority, as required by law.

The SPEAKER: Order! The Minister has the call. She does not need any assistance.

Ms KATRINA HODGKINSON: It has been brought to my attention that "National Party—Katrina Hodgkinson" is listed as the recipient of that donation on the Australian Water Holdings Proprietary Limited donor disclosure list. I did not receive that donation; The Nationals did. On the website of the Electoral Funding Authority—

[Interruption]

If the member were to be quiet, she might learn something.

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

Ms KATRINA HODGKINSON: On the website of the Electoral Funding Authority under the donor disclosure tab "reportable donations made" it incorrectly shows that this amount was donated to me with a link to my disclosures, rather than showing The Nationals as the recipient and a link to The Nationals disclosures, which includes this donation. Today the Electoral Funding Authority has agreed to amend its website to correct this. As I have said, this information was provided to the journalist who wrote the story but he chose not to include this very important detail in his article.

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

URBAN ACTIVATION PRECINCTS PROGRAM

Mr KEVIN CONOLLY: I address my question to the Premier. What is the Government doing to improve housing affordability and create jobs?

Mr BARRY O'FARRELL: I thank the member for his question. Last Saturday I was joined by the member for Riverstone, the member for Hawkesbury and the Minister for Planning and Infrastructure at Box Hill to unveil plans for 170,000 extra homes across Sydney. For most people the single biggest cost of living expense is their mortgage or rent payment. As a result of the incompetence of those opposite, as a result of the failure of those opposite to release sufficient land, as a result of those opposite presiding over the lowest number of housing starts since figures were recorded, the price of property in this State has gone through the roof.

[Interruption]

No lectures from those opposite—whether or not they have been temporarily promoted to the frontbench—will have any impact on this side of the House. What we announced last Saturday is great news for Sydney families. It will mean jobs, it will mean improved housing affordability and, importantly, it will mean that the dream of families to access a backyard will once again be alive. The Government's 20-year plan will see up to 171,000 new homes delivered across this city. Before the election I said I wanted to ensure that owning a home with a backyard was still realisable by young families. We can all remember growing up in houses—at times many of us have also lived in units—that had access to a backyard where one could swing a cricket bat, kick a football or run around with a dog or a cat, depending on one's choice. This package will go a long way towards delivering on that pre-election commitment. It will include 31 new sites and existing areas for an additional 111,700 homes and a further 13 sites to be explored for an additional 60,000 homes.

Ms Linda Burney: Where is the planned white paper?

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

Mr BARRY O'FARRELL: In response to the interjection from the noisy one opposite, we have learnt the lesson of those opposite. The Government will ensure that these new houses will be supported by our \$61.8 billion infrastructure program. For example, in Box Hill in western Sydney, which we visited last Saturday, not only is the Government finally building the North West Rail Link and the M2 widening is almost complete, but also upgrades to major arterial roads such as Richmond and Schofields roads are underway. Along the course of the North West Rail Link around 27,500 new homes will be built—that is sensible planning. The delivery of housing and infrastructure together is a perfect match—a bit like the Labor Party and Independent Commission Against Corruption. The delivery of housing and infrastructure together should not be a radical idea; it should be common sense. The Government is also doing the same thing in other parts of Sydney. Yesterday I joined the Macarthur trio, the opal of the south-west and the other two members, at Leppington—

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

Mr BARRY O'FARRELL: I joined the opal, the diamond and the emerald of the south-west at Leppington—

The SPEAKER: Order! There is too much audible conversation in the Chamber.

Mr BARRY O'FARRELL: —where we stood in a paddock a year ago to indicate the success we were having with the South West Rail Link. Yesterday we stood at the site of a station being built that has six kilometres of rail track laid. How much rail track was laid under those opposite? Zip, zero, nil, nada.

The SPEAKER: Order! The member for Macquarie Fields will come to order.

Mr BARRY O'FARRELL: Those who move into that south-west growth area, those who move into that east Leppington area designated by the Minister for Planning and Infrastructure as a growth centre—

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

Mr BARRY O'FARRELL: —will have access to those rail services when they move into their homes. When was the last time that happened across this city? In addition, the Government is delivering what those opposite failed to deliver: the widening of the M5. The Government has plans also for Narellan Road and Camden Valley Way. The Government is getting on with the job not only of providing home ownership, units and other accommodation across the city, but also of providing the infrastructure needed to make communities work. This is sensible policy. Last week I noted a speech from the Assistant Governor of the Reserve Bank—not someone who is prone to exaggerate or who is particularly colourful; we do not want a colourful or exaggerating Reserve Bank Governor or Assistant Governor—in which he said, "Across almost every major region in Sydney, building approvals since mid-2012 have been higher than they were in the previous five years." That is a tick to the Treasurer and a tick to the Minister for Planning and Infrastructure. This side of politics is getting on with the job. People deserve the right to buy a home or unit in this city and we are determined that they can.

STATE WATER CORPORATION BOARD APPOINTMENTS

Mr JOHN ROBERTSON: My question is directed to the Premier. Given that the Minister for Primary Industries told the *Sydney Morning Herald* that the Premier personally approved the appointment of Nick Di Girolamo to the State Water Corporation board, is the Premier aware that companies under Mr Di Girolamo's control donated \$100,000 to the Coalition?

Mr BARRY O'FARRELL: First, did the member say Sydney Water?

Mr John Robertson: No, the State Water Corporation board.

Mr BARRY O'FARRELL: I thought the member said Sydney Water. The State Water Corporation board—why do I remember that? Was it because of the Health Services Union? Was it because of the Labor Party? No, it was because of Michael Williamson.

Mr John Robertson: Point of order—

The SPEAKER: Order! It is a little early—30 seconds into the question—to take a point of order. I will not tolerate too many vexatious points of order, but I will hear this one.

Mr John Robertson: It was simply to clarify for the Premier who asked across the Chamber—

The SPEAKER: Order! Clearly, it was a rhetorical question. The Leader of the Opposition did not want the Premier's assistance or his answer. The Premier has the call.

Mr BARRY O'FARRELL: The Minister for Primary Industries has been helpful, as usual. We all know that just before an election campaign the Government goes into caretaker mode. No major decisions are meant to be made unless there is consultation with both sides of the House. For instance, I note that the Federal Opposition has been consulted about certain decisions at a Federal level currently before they have been made. Curiously, on the eve of the State election campaign, an appointment was made to the State Water Corporation—

Ms Carmel Tebbutt: Point of order—

The SPEAKER: Order! The Premier is being relevant to the question asked. The member for Marrickville is entitled to take a point of order; however I hope it is not in relation to relevance—I am losing my patience with members taking such points of order. What is the member's point of order?

Ms Carmel Tebbutt: It is relevance.

The SPEAKER: Order! The Premier is being relevant to the question asked. There is no point of order. The member for Marrickville will resume her seat.

Ms Carmel Tebbutt: No, the question was about the State Water Corporation, not Sydney Water. The Premier is not being relevant.

The SPEAKER: Order! I know what the question was about. The member for Marrickville will resume her seat. There is no point of order. The Premier has the call.

Mr BARRY O'FARRELL: The appointment started on the eve of the election. To be fair to the Leader of the Opposition, who was a Minister in the former Government—he did not seem to know much about what was going on in the Labor Government because he was the only person who did not read the *Sydney Morning Herald* and *Daily Telegraph* stories about Obeid, Macdonald, Tripodi and the rest of them. He did not sign this appointment. It was signed by the former Treasurer, the Hon. Eric Roozendaal, but there was another signature on the paper.

Dr Geoff Lee: Whose was it?

Mr BARRY O'FARRELL: It was not senior leadership; it was not junior leadership; it was middle management himself. In whose electorate did or does Michael Williamson live? The Maroubra electorate.

Dr Andrew McDonald: Point of order: My point of order relates to Standing Order 129. The question was about Mr Di Girolamo and the State Water Corporation.

The SPEAKER: Order! The member for Macquarie Fields will resume his seat. The Clerk will stop the clock while I make a statement about the taking of point of orders. Standing Order 129 is being used repeatedly every day, after 10 seconds, 30 seconds or 50 seconds into an answer. The next time it is used in this manner I will place members on one call, two calls or three calls to order. If they do not resume their seats instantaneously, they will be removed from the Chamber for the remainder of question time or placed on three calls to order and removed from the Chamber completely. My tolerance for the use of Standing Order 129 has now gone. Does the member for Fairfield wish to speak to the point of order?

Mr Guy Zangari: No.

The SPEAKER: Order! The Premier is being relevant to the question asked. The Premier has the call.

Mr BARRY O'FARRELL: I am talking about the State Water Corporation. I am talking about board appointments to the State corporation. I also want to talk momentarily about the donation laws presided over by members opposite that required donations to be declared. Certain categories of donors—developers and hoteliers—were outlawed, but other donations were legal. I know that because Labor accepted them as well. The fact is that in the lead-up to the last election campaign donations were made orderly. All State-owned corporation board appointments made by this Government are merit based and approved by Cabinet, and that is more than can be said of the process under Labor.

If the Leader of the Opposition wants to argue that that was not the case, it means that he was complicit in Michael Williamson's appointment to the State Water Corporation board on the eve of the election, during the caretaker period. Once again, members opposite do not come to these matters with clean hands, as is evident from what has been happening at the Independent Commission Against Corruption. I shall use the remaining 50 seconds to defend the member for Toongabbie from an outrageous attack that I saw on television last week. The most interesting story last week on ABC television was not Monday night's *Four Corners*—

Mr Michael Daley: Point of order: It relates to Standing Order 129; relevance. The Premier admitted that he was going to digress with the introduction—

The SPEAKER: Order! The member for Maroubra is correct, but I do not quite know whether he has yet demonstrated whether it is relevant. It may well be relevant to the question that he has been asked. The member for Maroubra will resume his seat. There is no point of order.

Mr BARRY O'FARRELL: The program on Monday night last week was at least factual. The program on Friday night was fictional. It goes to influence. To suggest, as Kristina Keneally did, that Eddie Obeid's influence had waned since 2003 is a nonsense; he appointed her Premier. [*Time expired.*]

METROPOLITAN STRATEGY FOR SYDNEY

Mr STUART AYRES: My question is addressed to the Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW. What is the Government's strategy to provide for the future growth of Sydney?

Mr BRAD HAZZARD: I thank the member for Penrith, who is doing an excellent job in his electorate. As late as last Monday I was in Penrith looking at some of the work being done and seeing the opportunities for a new style of housing to provide more housing and jobs. Well done to the member for Penrith. It is a great challenge for the Government. If there is one thing that a government should do it is honour the bond of trust with the community about providing opportunities for jobs and housing. No matter what stage of life one is at, one should have the opportunity to acquire a home and provide the comforts that go with owning a home and property, or even rent a property at a reasonable price. The problem is that for 16 years the former Government simply failed to honour that bond of trust. One must consider what Labor did do. Did Labor give us the houses that families needed?

Government members: No.

Mr BRAD HAZZARD: Did Labor give us the infrastructure that was needed?

Government members: No.

Mr BRAD HAZZARD: In its 16 years did Labor give us the jobs that were needed?

Government members: No.

Mr BRAD HAZZARD: What Labor did do was find a good place for suckling pig and champagne at lunchtime for its members. Today we have launched the draft Metropolitan Strategy for Sydney 2031. This draft metropolitan strategy seeks the community's input into what the Government sees as being the big agendas for the growth of our wonderful city. It is a bold new blueprint for Sydney. What we have done in this metropolitan strategy is identify the areas that need a focus to ensure that our city grows and supports the community that makes Sydney its home. Over the next 20 years we are expecting about 1.3 million extra people to want to live in Sydney. Approximately 70 per cent of those people will be our children, families and those who are leaving the family home. It is critical that we ensure we provide not only homes but also the opportunity for jobs.

One lesson we have heard loud and clear, which was not heard by the former Government, was that we need to ensure, in whatever we plan, that jobs are near houses, that houses are near jobs and that infrastructure is there to connect them. That is why the Government has announced billions of dollars in infrastructure delivery. That is why we are working flat out to finish the South West Rail Link and to try to get the North West Rail Link out to where it should go. In his address to the House the Premier indicated that Labor left us with the lowest housing starts in many years. The Government is ensuring that it is moving on from that.

In our first two years in government we have increased housing, but we intend to increase it further. Our target is 27,250 new homes to be built each year. That compares with just 14,500 built each year in the last five years of Labor. The Government also has a target of creating 625,000 new jobs over the next 20 years, with half of those being in western Sydney. Western Sydney is this city's Aladdin's cave, with great opportunities for those who want to live and work there. The Government will make sure that those opportunities are available. The Government is setting minimum housing targets that are 17 per cent higher than Labor's targets. In its 2010 strategy Labor was talking about 17 per cent lower than that, but it did not even achieve that target.

Mr Robert Furolo: You haven't achieved yours yet.

Mr BRAD HAZZARD: What we have done in less than two years is increase the number of houses by 20 per cent—a much better achievement than those opposite. While they were having lunch in Sussex Street, eating suckling pig and drinking champagne, we have been working. This strategy sets out some key projects: the Camden Valley Way, the Richmond Road, Schofields Road, the North West Rail Link and the South West Rail Link. I encourage the community to get on line, have a look at our draft proposal and have their say. The Government will work with the community to make sure that we have the best plan for Sydney.

NEPEAN HOSPITAL FUNDING

Dr ANDREW McDONALD: My question is directed to the Minister for Health. When she said, "We have never had it so good", was she referring to the pregnant women being turned away from the Nepean Hospital because its maternity ward has lost 15 full-time staff under the Government's budget cuts?

Mrs JILLIAN SKINNER: As the shadow Minister for Health knows, I was referring to the wonderful report from the independent Bureau of Health Information that came out last week reporting on activity in our hospitals for the last quarter of 2013—up to December last year. The bureau compared that quarter to the same period two years earlier when the shadow Minister was the Parliamentary Secretary for Health. The bureau found that there had been a remarkable improvement in waiting times for surgery and for emergency department attendances. The 34,000 extra patients who turned up at emergency departments, whether urgent or semi-urgent, were seen more quickly in times that were above the benchmark for every category. The same improvement was evident with waiting time for elective surgery. I am proud of the work that is being done by the doctors and nurses in our hospitals. The maternity department at Nepean Hospital should have 124 equivalent full-time midwives. The Opposition has been running around with a spurious claim about vacancies.

The SPEAKER: Order! I call the member for Canterbury to order; she should stop shouting across the Chamber. I call the member for Canterbury to order for the second time.

Mrs JILLIAN SKINNER: I suggest that, if Opposition members want the answer to the question, they should listen. The reality is that of the 124 positions 15 positions are vacant. Two midwives have been recruited from overseas and will start as soon as their registration is complete. Earlier this year I was with colleagues from the Nepean area welcoming new nurse and midwife graduates. Among them were eight midwives and in April, 13 midwife graduates will also start work at the Nepean Hospital. The vacancies at that hospital will then be filled. I am always pleased to welcome new midwives to our workforce.

The former Labor Government prepared a proposal for staffing maternity units called Birthrate Plus, which was introduced in 2004 but was never implemented. The former Labor Government knew it could not be implemented because there is a worldwide shortage of midwives. What has this Government done? It has focused on training midwives through the university system so that this year 175 midwives will join the nursing workforce. I am thrilled about that. I have a soft spot for nurses because my mother was a nurse. I love going to hospitals and speaking to nurses. I am glad my mother is not around to hear those opposite jeering when I say that. I love going to hospitals and meeting with nurses. Peter Mason, the representative of the NSW Nurses Association at Nepean Hospital is a nurse who assisted in getting the member for Penrith elected. Peter was present when we turned the sod for the car park that was so badly needed at that hospital.

Recently I was with the members for Vacluse and Coogee at the Prince of Wales Hospital emergency department where the nurse unit manager, Liz Ryan, together with the head of the emergency department, Dr Michael Golding, have done such wonderful things to improve the lot of the patients who attend that hospital. Whether it is maternity units, hospital wards or wherever the need is, I am proud that the Government has employed 3,000 extra nurses since it has been in office. The Government has employed more nurses in the past two years than we promised to appoint in our full four-year term. I welcome every one of those 3,000 nurses.

CARBON TAX IMPACTS

Mr JOHN WILLIAMS: My question is addressed to the Deputy Premier and the Leader of The Nationals in New South Wales. What impact is the carbon tax having on the New South Wales economy?

Mr ANDREW STONER: I thank the marvellous member for Murray-Darling for his question. I take this opportunity to congratulate the Minister for Resources and Energy; the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts; the Minister for Local Government; and our colleague in the

other place the Minister for Roads and Ports on their 25 years of service to the people of New South Wales. Twenty-five years to this day after they were elected to the Parliament, we have four outstanding Ministers undertaking much-needed reforms to get the New South Wales economy and our State back on track.

Between them they have 100 years of experience in Cabinet, 75 years of experience in The Nationals team and 50 years of experience in my Trade and Investment cluster. Their extraordinary service in this place is exceeded only by the member for Mount Druitt who celebrates 30 years in the Parliament this year which, incidentally, is more experience than the entire Labor caucus combined. Whilst the only experienced and amusing Labor member of Parliament languishes on the backbench, we are reminded that the member for Toongabbie was installed as Premier after just 17 months in the Parliament. I know it is difficult to recall exactly what the member for Toongabbie—

Mr Ron Hoenig: Point of order: My point of order relates to relevance under Standing Order 129. The member's answer is not remotely relevant to the carbon tax.

The SPEAKER: Order! I uphold the point of order.

Mr Ron Hoenig: He is acknowledging service to the Parliament.

Mr ANDREW STONER: It is that service that is getting our economy going again, despite the efforts of Canberra. As I told members last week, this Government, through NSW Trade and Investment, has facilitated projects that will create \$1.3 billion in new investment for the State and nearly 6,000 new jobs. However, while the Government is working to create jobs and investment, I am sad to say that the Gillard Labor Government is putting both under threat. As the Treasurer revealed on the weekend, our State will pay a carbon tax bill of nearly \$1 billion this year. That means that electricity consumers in New South Wales, including businesses and households, will face an estimated \$580 million bill as a result of increased electricity prices.

Our electricity generation assets are also facing a \$355 million bill for stranded carbon costs. That is a hit to the State budget of around \$237 million. Yet the Gillard Government still refuses to provide this Government with appropriate compensation to offset this tax. Those opposite and their Federal Labor colleagues can deny it, but the carbon tax is already having an impact on New South Wales at a time when we can least afford it. This is money that the Minister for Health, the Minister for Education, and the Minister for Roads and Ports could be spending on additional facilities in our State and creating additional front-line jobs.

We know that the carbon tax is hurting New South Wales businesses. The member for Tamworth tells me that some 35 workers in his electorate were made redundant at the Tamworth plant of Grain Products Australia two weeks after the carbon tax and other environmental levies added costs of about \$500,000 each year to that business. The member for Murray-Darling tells me that the carbon tax has resulted in an increase of more than 50 per cent to the generation charges of the Broken Hill operations of Perilya Limited, costing around \$3 million each year. That is right, the carbon tax has added \$298,317.40 per month to Perilya's electricity costs; and that is an operation that directly employs around 450 people, and many more indirectly.

It is not just big businesses that are being hit. In the electorate of the member for Port Macquarie small business is struggling with the impacts of the carbon tax. The Wiggly Tail butchery, with three businesses spread throughout Port Macquarie and the Camden Haven, has seen a big spike in its power bills. It is very difficult for businesses that need cool rooms, ovens and other equipment that rely on electricity to cut their power use. Cafe Buzz, in the electorate of the member for Port Macquarie, is paying \$500 more on its electricity bill each quarter thanks to the carbon tax. We know that this is also a tax that is discouraging foreign investment into New South Wales. [*Extension of time granted.*]

It is not only small businesses like Chrysalis Printing, in the electorate of Port Macquarie, that are suffering the impacts of the carbon tax. That business has had to stump up an additional \$1,500 a year, and of course that means jobs; and it also means a struggle to remain competitive in a very competitive global market like that of printing. But when I am speaking to investors or would-be investors from places like Japan, Korea or China I know they are very keen to invest in Australia, and particularly the number one State in the nation, New South Wales. But there is always one topic of conversation, a stumbling block if you like, and that is the carbon tax and its accompanying big new tax, the mining tax. Simply put, these taxes have discouraged investment into our great State. While this Government will continue its efforts to support jobs growth and attract investment into this State, we need a Federal Government that will ease the cost-of-living pressures on families, help small businesses and restore confidence to the economy by abolishing the carbon tax.

ST GEORGE HOSPITAL FUNDING

Mr ROBERT FUROLO: My question is directed to the Minister for Health. When the Minister said patients "have never had it so good", was she referring to the case of Sid Jackson, who waited 105 days for urgent aneurism surgery at St George Hospital and was forced to leave hospital early due to a bed shortage?

Mrs JILLIAN SKINNER: As I have indicated previously, my reference to improvements in the health system referred to the Bureau of Health Information report, which any member can read because it is on the bureau's website. If they do, they will see exactly how much improvement has been made to assist not only patients right throughout the system but also the people who work in our system. I have sought advice in relation to the treatment of Mr Jackson at St George Hospital and I am advised—

Mr Robert Furolo: "Never had it so good"?

Mrs JILLIAN SKINNER: The member should listen. Mr Jackson's case tests—he had the tests before he underwent surgery and prior to discharge—showed that his surgery was successful. His consultant surgeon declared Mr Jackson as medically safe to be discharged. His discharge was not related to any bed shortages at St George Hospital. After feeling unwell, he called an ambulance to take him to St George Hospital on 21 September, where he was subsequently admitted for further tests. His readmission to the hospital following his surgery was due to a pre-existing condition—this is his consultant surgeon saying this—and was unrelated to his heart valve replacement surgery.

I have written to Mr Jackson advising him that the normal practice of the Ambulance Service of charging a fee for its services has been waived in this case because of the exceptional circumstances. Whereas Mr Jackson's surgery was regarded as semi-urgent, requiring 90-day treatment, in reality there was a slight delay, and that is because the surgeons and other clinicians at the hospital determined that there were others whose conditions required more urgent attention than did his. I am very pleased that Mr Jackson is well; I am pleased that his surgeon has advised that everything was done appropriately, that we have been able to waive the ambulance fee, and that in fact there was no bed shortage at St George Hospital.

SMALL BUSINESS SUPPORT INITIATIVES

Mr KEVIN ANDERSON: My question is directed to the Minister for Primary Industries, and Minister for Small Business. How has the New South Wales Government supported small business operators throughout New South Wales?

Ms KATRINA HODGKINSON: I thank the member for Tamworth for his very timely question and commend his hard work on behalf of the beautiful electorate of Tamworth. The New South Wales Government is committed to small business—the lifeblood of this economy—and is fully supporting owners and operators to create jobs and opportunities across the State.

The SPEAKER: Order! I call the member for Canterbury to order for the third time. The member's comment was unnecessary and disorderly.

Ms KATRINA HODGKINSON: So it was pleasing that the report card released today by the NSW Business Chamber highlights our successes in helping the small business sector to thrive. I am very pleased to say that the Liberal-Nationals Government very clearly has been the given thumbs up; we got an overall rating of 8 out of 10. That is pretty good. I remember some of the scores that Labor administrations received in times gone by. Opposition members should be hanging their heads in shame. In the words of Stephen Cartwright, Chief Executive Officer of the NSW Business Chamber:

.. the mid-term of the O'Farrell Government clearly demonstrates that the change of government in 2011 has brought many positive changes with it. Stable, deliberative and focussed on delivery, Premier O'Farrell and his team have proved effective in progressing a positive agenda for business.

You do not get much better commendation than that. This Government clearly is delivering change to better the State and is working hard to make New South Wales number one again. In the small business space we have achieved so much already. The Liberal-Nationals Government has implemented its new small business advisory service, Small Biz Connect. Rather than Labor's model of spending big on overheads, we have focused our funding on making sure businesses get practical, relevant advice. There are almost 60 full-time equivalent Small Biz Connect experts delivering practical face-to-face support to small businesses right across New South

Wales, tailored to meet their particular local needs. A big thank you goes to the Treasurer because this financial year alone he delivered a 50 per cent funding boost to the Small Biz Connect program, with \$7.5 million allocated for our Small Biz Connect advisers to support the small business sector and address gaps in existing business support programs.

As part of the Small Biz Connect program, we have the Small Biz Bus, which is currently touring New South Wales, offering mentoring and information to local small business owners and operators, linking people to Small Biz Connect advisers across the State—within the city, recently in Hurstville, in the electorate of the member for Oatley, and in the electorates of other members around the State. The bus has been in operation since Christmas; it has already made stops in the electorate of the member for Goulburn, as well as at Bowral, Yass, Leeton, Griffith, Nowra, Armidale, right throughout the Central Coast, Forster, Taree, Port Macquarie, Hurstville and the inner west; and I am pleased to say it is in Gosford today. We have commenced a three-pronged pilot program with the University of Western Sydney to complement Small Biz Connect.

Dr Geoff Lee: Hear, hear!

Ms KATRINA HODGKINSON: I hear the member for Parramatta; he is very happy about this one. The pilot program includes a particular focus on the needs of small business owners from non-English speaking backgrounds and research to ensure services are effectively and efficiently enhancing small business growth and sustainability. We implemented our election commitment to ensure agencies pay bills to their small business suppliers within 30 days, or automatically pay interest on the outstanding amount. This was a popular policy, and we are achieving this in government. We have put in place a "one on, two off" policy to reduce red tape.

We now have a NSW Small Business Commissioner; she is working to address key government administrative and regulatory burdens as they are raised by small businesses. We have given rebates of up to \$500 for small businesses that have used the Government's dispute resolution service. Small businesses were given two-thirds of their fees back after accessing the mediation service through the Office of the Small Business Commissioner. In June, the Government introduced far-reaching changes to the way that workers compensation is to be delivered in New South Wales, which is another real issue that has been put forward by the small business sector in this State.

The SPEAKER: If the member for Shellharbour is waiting to ask a question, I suggest that she not interject at this stage.

Ms KATRINA HODGKINSON: Members opposite continued to ignore small business for the 16 years that they were in Government. How long? It was 16 years. These WorkCover reforms were absolutely vital for workers, employers and the economy. The reforms included reducing premiums for small businesses while improving cover for injured workers. Stephen Cartwright, from the NSW Business Chamber, praised the New South Wales Liberal-Nationals Government for its achievements. I thank the member for Tamworth for his question. [*Extension of time granted.*]

Mr Cartwright stated:

The Government has also reacted positively to new challenges. Following advice from the NSW WorkCover Advisory Board that the cost of workers compensation premiums would need to be hiked by 28%, the Government sensibly delivered a new WorkCover scheme that is fair, competitive and sustainable over the longer term.

This Government's decisive action has protected jobs. The best protection for workers, for employers, and our community is a financially sound scheme, focused on returning injured workers to work where possible. That is what we have now. Over the past two years, the Liberal-Nationals Government has supported small businesses. We have been listening; we have been acting. We have improved services and conditions for the people of this State. That is a huge contrast to the efforts of the members opposite. Mr Cartwright also notes:

At the commencement of the current Government's term, trust in Government was at an all-time low. The electorate was not just unsatisfied with what the former Government was doing, but, even more critically, was how it was being done.

Unlike members opposite, we will continue to work for the people of New South Wales. We will continue to deliver change for our State's small business sector by expanding small business advisory services at a grassroots level. If it was ever needed, the results of the New South Wales State election of 26 March underline the distinction between our side of politics and the collection of union officials opposite. The people on this side

of the House stand for supporting individuals with passion and enthusiasm. According to this report, we are at the top of the class. Whilst there is still more to do, we will continue to help small businesses in New South Wales. I congratulate the Premier and my ministerial colleagues on achieving this great result.

AMBULANCE SERVICE OF NSW FUNDING

Ms ANNA WATSON: My question is directed to the Minister for Health. When the Minister said patients "have never had it so good", was she referring to the case of an unconscious patient who was forced to wait for 2½ hours for an ambulance in Oak Flats last year because of the \$4 million funding cut to the Ambulance Service?

Mrs JILLIAN SKINNER: I do not think members opposite are listening. It is a shame that they ask these rogue questions that do not take into account the answers that have already been provided in this Chamber. I was in fact referring to the Bureau of Health Information report when I mentioned that patients have never had it so good, which relates to the improvements in the number of patients being seen in our emergency departments and in our elective surgery theatres. Patients are now waiting less time than ever before. There has been absolutely no budget cut to the Ambulance Service—the member is wrong. In fact, there has been an increase in the Ambulance Service budget, which has resulted in an increase in Ambulance Service staff over the past few years, and this will continue. In respect of the rollout of the ambulance reforms that have been announced, particularly as the new chief executive of the Ambulance Service started this week, it augurs well for the Ambulance Service and for the paramedics who do a wonderful job across our health system.

SOUTH WEST RAIL LINK

Mr CHRIS PATTERSON: My question is directed to the Minister for Transport. What progress has the Government made on the construction of the South West Rail Link?

Ms GLADYS BEREJIKLIAN: I thank the member for Camden for that question. I know he and his colleagues are very interested in this matter. I am very pleased to advise the House that not only are we getting on with the job of building the South West Rail Link but also we are ahead of schedule. Obviously weather and other factors have an impact on major projects such as this one, but the people of south-west Sydney can be assured that we are moving as quickly as possible. This is a vital piece of infrastructure for the people of south-west Sydney and a priority project for the O'Farrell-Stoner Government. Yesterday I was pleased to be joined by the Premier and also the member for Camden, the member for Campbelltown and the member for Wollondilly to inspect the construction site at Leppington station. I know the member for Macquarie Fields would love to have been there as well. Unfortunately, his Government did nothing on the project so he was not able to join us.

Yesterday was a year to the date when we inspected the site for Leppington station. A year ago it was just a grass paddock; a lot has changed in a year. We are getting on with the job. Yesterday there was a buzz of construction activity happening on the concourse and the rail line. It was a proud moment for us all to see what has been achieved in the past 12 months. The station has emerged out of bare ground and for the first time there is a continuous corridor between Glenfield and Leppington. Anybody who walks past, drives past, or has the opportunity to see it aboveground will be amazed at the progress that has been made. You can now clearly see where the 11.4-kilometre rail line will run. Six kilometres of track have been laid. As the Premier alluded to today, that compares to zero centimetres laid by those on the other side.

Amazingly, 14 bridges have to be constructed to support the rail line—13 out of 14 are near completion. The stations at Leppington and Edmondson Park will have modern customer facilities and will be a striking landmark for the new town centre. I take this opportunity to thank the Minister for Planning: The South West Rail Link will support a great area, which was mapped out in today's draft Metropolitan Strategy. We are a Government that realises the importance of building public transport. We are building houses and creating jobs. If only members opposite had had the same discipline and focus during their 16 long years of service, but we know they were distracted. The South West Rail Link is an example of the stark contrast between this side of the House and that side of the House. I will not go over how many times the project was announced and cancelled and announced again; I will save that for later this session. The former Labor Government had so many plans that it could not stay focused.

This Government is delivering on its commitments. Not only are we getting on with the job of building the South West Rail Line but as part of the \$61.8 billion infrastructure program we are also investing in

upgrades for Camden Valley Way, Narellan Road and the M5 West widening, as well as the WestConnex, which is coming. To support the growth we have introduced 553 new bus services for Oran Park, Narellan, Campbelltown and Minto. Customers are benefitting from bus services on the 896 and 850 routes, in addition to many others. I am interested in these bus routes, but unfortunately when the Leader of the Opposition was the Minister for Transport, the only route number he was interested in was the 1122, which was the number to Mr Obeid's office. If only he was as interested in bus route—

Mr Adrian Piccoli: It was the express, too.

Ms GLADYS BEREJIKLIAN: The Minister for Education reminds me that it was an express route. I digress, Madam Speaker. The issue I have been asked to answer a question on— [*Extension of time granted.*]

I digress. This is an important issue. I assure all residents of south-west and western Sydney that not only will they get a new rail line but through a whole-of-government approach they will also get more housing, more jobs and better public transport. I thank the community, the local members who have supported the project and also the project team, which has so diligently managed to accelerate the project. We inherited a project that was not being run efficiently and was not progressing as quickly as it should. The Government has turned that around and accelerated progress on the South West Rail Link. We were extremely proud yesterday to see the progress that is being made. I assure the people of New South Wales that they will be proud of the improvements that this Government is making to transport infrastructure, which will continue at a pace.

Question time concluded at 3.11 p.m.

LEGISLATION REVIEW COMMITTEE

Report

Mr Stephen Bromhead, as Chair, tabled the report of the Legislation Review Committee entitled, "Legislation Review Digest No. 33/55", dated 19 March 2013, together with the minutes of the committee meeting regarding Legislation Review Digest No. 32/55, dated 4 March 2013.

Report ordered to be printed on motion by Mr Stephen Bromhead.

PETITIONS

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

Albion Park Aeromedical Services

Petition requesting the retention of aeromedical services at Albion Park, received from **Mr Gareth Ward**.

Sydney Electorate Public High School

Petition requesting the establishment of a public high school in the Sydney electorate, received from **Mr Alex Greenwich**.

Walsh Bay Precinct Public Transport

Petition requesting improved bus services for the Walsh Bay precinct, and ferry services for the new wharf at pier 2/3, received from **Mr Alex Greenwich**.

Rooty Hill Railway Station Access

Petition requesting the installation of elevators at Rooty Hill railway station, received from **Mr Richard Amery**.

Inner-City Social Housing

Petition requesting the retention and proper maintenance of inner-city public housing stock, received from **Mr Alex Greenwich**.

Pet Shops

Petition opposing the sale of animals in pet shops, received from **Mr Alex Greenwich**.

Duck Hunting

Petition requesting retention of the longstanding ban on duck hunting, received from **Mr Alex Greenwich**.

Bowraville Murders Case

Petition requesting a royal commission inquiry into the investigation and legal proceedings relating to the murders of three Aboriginal children at Bowraville, received from **Mr Greg Smith**.

Container Deposit Levy

Petition requesting the Government introduce a container deposit levy to reduce litter and increase recycling rates of drink containers, received from **Mr Alex Greenwich**.

The Clerk announced that the following petition signed by more than 500 persons was lodged for presentation:

TAFE Arts Education

Petition requesting that the value of TAFE arts education to New South Wales be recognised and that funding of TAFE arts education continue at viable levels, received from **Ms Carmel Tebbutt**.

BUSINESS OF THE HOUSE**Business Lapsed**

General Business Notices of Motions (General Notices) Nos 2353, 2355 and 2358 to 2368 lapsed pursuant to Standing Order 105 (3).

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**Urban Activation Precincts Program**

Mr RAY WILLIAMS (Hawkesbury) [3.13 p.m.]: As members can imagine, it gives me great pleasure to raise this motion because it deals with the most comprehensive announcement about housing ever made in this country. On Saturday I proudly joined the Premier, the hardworking Minister for Planning and Infrastructure the Hon. Brad Hazzard, and my colleague the member for Riverstone, Kevin Connolly, to announce plans for the next 25 years of housing development in the Sydney metropolitan area that will deliver 172,000 new homes. Where were members of the Opposition on Saturday afternoon while we were working hard for the people of New South Wales, as we have done for the past two years and for many years prior to coming to government? Obviously they were not working hard because the cooler weather has started to kick in and they are planning their skiing holidays at Perisher. They were on the phone booking rooms at Eddie's chalet.

Ms Linda Burney: Point of order—

The SPEAKER: Order! The member for Canterbury should be cautious about interjecting during the member's three-minute limit. I advise the member to return to the leave of the motion. The member must establish priority.

Mr RAY WILLIAMS: This is an important priority motion. It is not every day that a government announces the provision of 172,000 new homes in the Sydney metropolitan area supported by thousands of jobs. I am flattered by the attention of the member for Canterbury because I have nothing against older women.

Ms Linda Burney: Point of order—

The SPEAKER: Order! I was unable to hear the member's last comment because of the level of noise in the Chamber.

Ms Linda Burney: Do you want me to tell you?

The SPEAKER: Order! I do not want the member for Canterbury to repeat the comment if it was something offensive.

Ms Linda Burney: I want him to withdraw the comment.

The SPEAKER: Order! It was difficult for me to hear the comment; therefore I cannot rule on it.

Mr RAY WILLIAMS: As I said, I am flattered by the attention of the member for Canterbury. As the Premier said, the provision of 172,000 new homes will keep downward pressure on the price of houses in Sydney. This Government is standing up for the families of western Sydney now and it will continue to do so in the future. It is keeping downward pressure on house prices, which is the best way to address the increasing cost of living.

Cost of Living

Mr GUY ZANGARI (Fairfield) [3.16 p.m.]: My motion should be accorded priority because the residents of New South Wales are hurting. They are hurting because the Government has failed to ease the skyrocketing cost of living. Instead of providing relief for struggling households, the O'Farrell Government has imposed price hikes and implemented or approved new taxes that are hurting mums and dads across New South Wales. Nowhere is this felt more than in Fairfield and south-western Sydney. According to the Australian Bureau of Statistics, 29 per cent of households in Fairfield have incomes in the lowest quartile in the greater Sydney area. The residents of Fairfield know better than most about the burden of increases on the cost of living. The O'Farrell Government could not have started the price increases any sooner.

The SPEAKER: Order! There is too much audible conversation in the Chamber. The member for Kiama will come to order.

Mr GUY ZANGARI: One of its first acts on coming to office was to approve an electricity price hike, then another and then another. To date electricity prices have increased by up to 40.5 per cent since March 2011.

The SPEAKER: Order! Government members will come to order. I call the member for Monaro to order.

Mr GUY ZANGARI: It is not only electricity prices that have skyrocketed. Water prices have increased by an average of \$24 per household and the price of natural gas has increased by 14.8 per cent since March 2011. The residents of New South Wales have not been given a breather. The humble car has not escaped the O'Farrell Government's cost junket because compulsory third party insurance has increased by 20 per cent since 2011. It is not much cheaper to leave the car at home because since the O'Farrell Government came to office train and bus fares have also increased by double the rate of inflation. The mums and dads who choose to take the train to work in the city from Fairfield station will have to pay an extra \$156 a year.

Who turns up when there is a photo opportunity at Fairfield station? It is the member for Smithfield; he is front and centre. But where is he when it comes to fighting cost of living increases in his community? Since the O'Farrell Government came to office there has been a spate of new taxes and levies imposed on the residents of Fairfield. The member for Smithfield has given his support to these increases. The member for Smithfield supported the Government introducing a levy on public preschools, which costs families up to \$40 a day.

The SPEAKER: Order! I warn Government members that I will extend the member's speaking time if there are any further interjections. Opposition members should be listening to their member.

Mr GUY ZANGARI: I have met with concerned parents from Old Guildford Public School, including a mum called Cara, who told me that public preschool fees would force some parents to opt out of preschool education for their children because it is an expense they simply cannot afford. The member for Smithfield also supports the new fire services levy. [*Time expired.*]

The SPEAKER: A concern was raised during the time allocated to the member for Hawkesbury to give reasons as to why his motion should be accorded priority about a comment that was made across the Chamber. Due to the level of noise in the Chamber I was unable to hear the comment and therefore I was unable to rule on the point of order. I advise the House again that members have only three minutes in which to make their case. The member does not have a lot of time to put forward his argument, and I ask that members not interject during that time. I apologise for not being able to rule on a comment that a member considered was genuinely offensive—I could not hear it. I do not want that situation to arise again.

Question—That the motion of the member for Hawkesbury be accorded priority—put.

The House divided.

Ayes, 67

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

Noes, 22

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

Question resolved in the affirmative.

URBAN ACTIVATION PRECINCTS PROGRAM

Motion Accorded Priority

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [3.27 p.m.]: I move:

That this House notes:

- (1) housing starts fell to record lows under Labor;
- (2) the Reserve Bank's comments that building approvals in Sydney are at a five-year high; and
- (3) the Government's plans to improve housing affordability and create jobs through the State's biggest ever land supply package.

I want to say from the outset that if I have offended any person in my remarks to establish priority I certainly apologise. The most comprehensive announcement on future housing in the Sydney metropolitan area was made last Saturday. I, together with the member for Riverstone, very proudly stood at the side of our Premier and the Minister for Planning and Infrastructure when they made the announcement whereby for the next quarter of a century housing will be provided for the expected population growth in western Sydney. By 2031 Sydney's population is expected to grow by an additional 1.3 million people and almost one million of that population will reside in western Sydney.

It is imperative for governments to implement strategies to provide housing to accommodate population growth but those families must be supported by jobs, infrastructure and all the necessary services. As to the Government's measures over the past two years, it is important to note the comments made by the Assistant Governor of the Reserve Bank which suggest that housing approvals in Sydney are at a five-year high. In 2008, under the previous Government, housing approvals slumped to a 50-year low. I acknowledge that the Sydney Metropolitan Strategy, which the O'Farrell Government has amended and will follow, commenced under the previous Government. However, whilst some very good planners—people with a background similar to mine—put together that strategy and put in print the expected population and the infrastructure, recreational space and services needed to support that population, nothing was implemented to sustain and support the strategy.

The amended Sydney Metropolitan Strategy is a plan for the future. This comprehensive plan for the next 25 years of housing growth will be supported by jobs. One of the many successes of this country is that everyone is given the opportunity to work. As the Premier said earlier, the purchase of a home is one of the greatest financial burdens on a family. Under those opposite demand for houses outstripped supply and, as occurs with any commodity, a minimum amount of a commodity results in increased prices. Every weekend people have lined up to rent a place or when new home sites have been released they have camped out to buy land.

The amended strategy and subsequent rollout of housing will reduce the cost of land by ensuring that supply is ahead of demand; it also will ensure that people have a place to live. A home and employment are the most fundamental aspects of family life. The strategy also provides a link between residential areas and access to employment. Under the amended strategy employment zones will be created in the housing areas. Almost 50 per cent of the employment zones will be in these new housing areas. This is great news for Sydney, particularly western Sydney. The Government is getting on with the job of providing affordable housing for the families of this State.

Mr MICHAEL DALEY (Maroubra) [3.33 p.m.]: I am pleased to contribute to the debate on the motion of the member for Hawkesbury, which talks about housing affordability strategies and the biggest ever land supply package. One of the marquee promises of the O'Farrell Government in the lead-up to the election was to return planning powers to the people. That clear and unequivocal commitment did not require too much elaboration. But the O'Farrell Government loves reviews and when it came to office it was unable to put even that clear and simple commitment into action. As with many of its other policy pronouncements, that commitment was preceded by another review. The planning white paper was supposed to have been delivered at the end of December last; we are stilling waiting for it. Today, in the absence of that planning white paper and with a promise to return planning powers to the people, we are discussing the apparently biggest ever land supply package to New South Wales. Did the Government consult with councils or residents on the urban activation precincts in this strategy? The answer is a very clear and unequivocal no. On 17 March 2013 in an article by Nichole Hasham in the *Sydney Morning Herald* it was reported:

[The Government] will also make the final decision on land to be rezoned, despite a pre-election promise that planning powers would be returned to communities. This is raising fears that plans will be rammed through without local support.

On 31 January 2013 in an article by Leesha McKenny in the *Sydney Morning Herald* it was reported:

[The Planning Minister] Mr Hazzard said the precincts would go out for public consultation "once finalised".

Those two statements are completely and utterly inconsistent with that clear and unequivocal promise to return planning powers to the people. Last weekend I was contacted by residents who were seeking comfort following media reports on this issue. I was unable to give them comfort that this was not a secret plan to enrich developers at the expense of local residents. On 16 March 2013 in the *Sydney Morning Herald* Leesha McKenny reported that Chris Dunkerley, from the Epping Civic Trust, had said:

The effects of the changes are already being felt. Chris Dunkerley ... said developers and real estate agents were doorknocking his neighbourhood, where single-storey dwellings are facing a likely rezoning for five storeys.

That concerns me because that sort of scale and change has been mooted for the southern part of my electorate, along the so-called Anzac Parade Urban Activation Precinct. It seems in the O'Farrell Government the left hand does not know what the right hand is doing. On 29 January 2013 Sam Haddad, Director General of the Department of Planning, wrote to me about the Randwick Local Environmental Plan 2012, stating:

I have congratulated the council and its staff for the professional manner in which it has approached planning for the future growth of its local government area.

The Randwick Local Environmental Plan was consulted on for two years. On the one hand the head of the Department of Planning congratulates the council on the professional manner in which it has approached future growth, and on the other hand the Minister has written to Councillor Tony Bowen, Mayor of Randwick, that, despite the local environmental plan, the council is about to have an urban activation foisted upon it. Members should heed the words of Professor Bill Randolph, City Futures Research Centre, University of New South Wales, when he said that the authorities need to take heed of the "real traps" that had befallen previous plans, such as the overdevelopment in Strathfield and community backlash in Ku-ring-gai. The overdevelopment in Strathfield is a minnow compared with what will happen under these urban activation plans. But there will not be a community backlash in Ku-ring-gai because these multistorey units will not be found there. These urban activation precincts have been carefully chosen. There will be no concrete trucks anywhere near the leafy suburbs of the north shore. Minister Hazzard should put flats along Wakehurst Parkway if he wants urban activation precincts.

Mr JAI ROWELL (Wollondilly) [3.38 p.m.]: I speak to the motion accorded priority moved by the member for Hawkesbury. The recent super Saturday announcement which supports the Government's actions to improve housing affordability in New South Wales is an important one for the people of south-west Sydney. It has long been the Australian dream for people to own their own homes. Sadly, that dream started slipping away when those opposite and their Federal mates neglected New South Wales. Home ownership is one of the hallmarks of a harmonious society. It provides the necessary shelter and, in many cases, financial equity for families to live and work. Those opposite, despite their supposed working-class agenda, have failed the hardworking families in this State. They have failed time after time, through neglect, incompetence or self-interest.

We need only walk down the road to the Independent Commission Against Corruption to find out what the former Minister for State Development spent his day focusing on. The apples do not fall far from the tree, and members opposite may be as guilty as their former colleagues for their 16 years of indulgence in the fruits of taxpayers' hard work by neglecting the State. The Government understands that the supply to demand ratio dramatically affects the price and affordability of home ownership. Labor had a 50-year record low in housing starts. We believe that forward thinking, appropriate planning and transparency are solutions to the current housing crisis. Recently the Government unveiled one of the State's biggest ever housing release programs, which will deliver the homes and jobs that Sydney needs.

Over the next 20 years Sydney will need approximately 57,000 new homes and an estimated 600,000 additional jobs for the additional 1.3 million people who are expected to live here. Unfortunately, as I said, housing supply languished over the past decade under members opposite. But that should not, and will not, stop the Government from taking positive action to remedy the situation. Already we have seen a boost to the housing market since we took office almost two years ago. I wonder how much more could have been delivered over the past 16 years had the Labor Government got on with the job. The next thing we will hear is that Cherrybrook was only purchased to subdivide in an effort to change the supply to demand ratio. I can hear "It was in the State's best interests" in that defence down the road, but I digress.

Not only are we securing more home sites; we are also funding vital infrastructure, ensuring that these houses are supported by a \$61.8 billion infrastructure program, including the WestConnex program, the M5 West widening and upgrades to Camden Valley Way, among others. Yesterday I was pleased to be with the Premier, the Minister for Transport and the opal and the emerald, the member for Campbelltown and the member for Camden, inspecting the South West Rail Link. In the words of the Premier:

We will not repeat the mistakes of Labor—who allowed houses to be built in Sydney long before the necessary infrastructure was in place to support them.

The Minister and the Premier are getting on with the job. They have provided a program to ensure that housing affordability is number one in this State. [*Time expired.*]

Mr RON HOENIG (Heffron) [3.41 p.m.]: Every afternoon before question time when there are no ministerial statements I hear the member for Wollongong yelling, "Lazy, lazy, lazy". Until this issue arose

I thought she was having a go at the Government. Finally I understand that the member for Wollongong, with her lengthy experience, knows exactly what the situation is with the Government of the day—lazy, lazy, lazy. I draw the attention of members to some words I found on the website of the Department of Planning and Infrastructure:

The draft Metropolitan Strategy for Sydney sets out a new plan for the city's future over the next two decades.

By 2031, Sydney will have around 1.3 million additional people. We need to make sure there are more affordable homes, good job opportunities and easier ways to get around.

You can play an important role in shaping Sydney's future by having your say on these plans.

That was released in 2010. The Minister for Planning and Infrastructure, in referring to the draft metropolitan strategy for Sydney 2012, came up with the same numbers, as if somehow this is a new initiative of the O'Farrell Government. What is happening is that the organ grinder, the Department of Planning and Infrastructure, is still there but the monkeys change, not the words. During the 30 years I have had the honour to represent my area the Tories ran the State for nine years and the Labor Party ran it for 21 years. They use buzz words: "urban consolidation", "brownfield sites", "greenfield sites", "in-field", "urban activation", and "affordable housing". They continue using the same buzz words as they try to shove more and more into an antiquated city with no infrastructure.

The last time the Liberals governed this State, for seven years, they had State Environmental Planning Policy 28, which provided that people could subdivide their land for granny flats. That was their solution to Sydney's expanding population. An extra 1.3 million people must fit into Sydney. There is a great Australian dream for people to own their own home and there is a proper way to plan for it, not by the Department of Planning and Infrastructure regurgitating stuff. I bet that if members went back 20 years they would find the same buzz words. The Government is lazy, lazy, lazy, lazy. When the Independent Commission Against Corruption stuff goes away we will be able to measure the Government's performance, not its buzz words. [*Time expired.*]

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [3.44 p.m.], in reply: I shall pick up some of the comments made by members opposite about the Metropolitan Strategy. As I said in my opening comments, the Metropolitan Strategy was commenced under our predecessors. However, if members looked at the differences between the 2010 strategy and the 2013 strategy they would see that the Government has addressed exactly the need for housing to fit with the expected population, with a 70 per cent increase in housing required. The member for Heffron pointed out that the plan had been put in place in 2010; in fact, it was put in place in 2005. The Metropolitan Strategy is a work in progress. It was set out by some good planners—one could not credit the former Government with being part of that—who looked at future needs and recognised that the Metropolitan Strategy is a work in progress that will require amendment from time to time, because it is a strategy.

The former Government provided that the Metropolitan Strategy would be amended every five years. Given that the strategy was amended in 2010, we are ahead of the curve in 2013. I make the point that we do not just have a plan on paper. The Government has announced sites to be developed for housing. There was also an announcement on Saturday. We have infrastructure such as the North West Rail Link and the South West Rail Link under construction as we speak. We have employment zones such as Box Hill in my backyard to supply employment for up to 16,000 people who will move into that area, supported across the metropolitan area, whether it be in-field or greenfield development, because there is a mix of housing choices that people so richly deserve. Instead of simply having words on paper, which the Metropolitan Strategy was prior to the Liberal-Nationals coming to government two years ago, this Government has worked hard for two years to ensure that housing, infrastructure and jobs have been rolled out to address the needs of the population.

Housing choice is important. People get older—we acknowledge that we have an ageing population. When older people sell their large home with a backyard and downsize into an apartment or a townhouse they leave behind a home with a backyard for a new family. That is why the Government has supported housing through a \$15,000 rebate on construction of a new home for a new family. That will free up existing homes in areas where new families will be able to buy cheaper homes. The additional supply of housing product will keep house prices down. The Government is hard at work. We have finished with the rhetoric of our predecessors. We are putting our plans into shape and delivering homes and infrastructure for the people of New South Wales. [*Time expired.*]

Question—That the motion be agreed to—put.

The House divided.**Ayes, 65**

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

Noes, 19

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

Pair

Mr Piccoli

Ms Burton

Question resolved in the affirmative.**Motion agreed to.****EVIDENCE AMENDMENT (EVIDENCE OF SILENCE) BILL 2013****CRIMINAL PROCEDURE AMENDMENT (MANDATORY PRE-TRIAL DEFENCE DISCLOSURE) BILL 2013****Second Reading****Debate resumed from 13 March 2013.**

Mr PAUL LYNCH (Liverpool) [3.59 p.m.]: I lead for the Opposition on these cognate bills, the Evidence Amendment (Evidence of Silence) Bill 2013 and the Criminal Procedure Amendment (Mandatory Pre-trial Defence Disclosure) Bill 2013. The Opposition opposes both bills. The package represented by these two bills is wrong in principle and undesirable in practice. The object of the Evidence Amendment (Evidence of Silence) Bill 2013 is as follows:

The object of this Bill is to amend the *Evidence Act 1995* so that in proceedings for a serious indictable offence an unfavourable inference may be drawn from the defendant's failure or refusal to mention a fact during official questioning that the defendant could reasonably have been expected to mention and that is later relied on by the defence in the proceedings.

Such an inference will not be able to be drawn unless, before the questioning, a special caution was given to the defendant in the presence of a legal practitioner acting for the defendant.

Such an inference will also not be able to be drawn if it is the only evidence that the defendant is guilty of the offence.

The object of the mandatory pre-trial defence disclosure legislation is as follows:

The object of this Bill is to amend the *Criminal Procedure Act 1986*:

- (a) to expand the matters that must be disclosed by the defence and the prosecution before a trial for an indictable offence, and
- (b) to enable the court (and other parties with the leave of the court) to make proper comments in a trial for an indictable offence in circumstances where the accused person fails to comply with certain pre-trial disclosure requirements, and
- (c) to enable the court or the jury in such circumstances to then draw such unfavourable inferences as appear proper.

The issue that will attract most attention in this debate is that contained in the earlier of those two bills, and that is the abolition of what is known as the right to silence for serious indictable offences. The right to silence, so called, is a principle in the law that a person does not have to answer questions if asked by the police, and that there are no consequences for a person who does not answer those questions. The principle comes from an essential element of our legal system, which is that if you stand charged or accused of an offence it is up to the State, the Crown, to prove the offence; and the Crown must prove it beyond reasonable doubt. The Crown does not prove it by forcing the accused person to give evidence against himself or herself. That is a fundamental principle of our system, and it has been so for a very long time.

Some have pointed out to me that if you go back through history you will find evidence of that principle being adopted as far back as the Old Testament. Certainly, in terms of more contemporary common law traditions, it is often said to date from the 1640s and the abolition of the Star Chamber, and the bloody battles of the English Civil War. Granted that it is a principle that has been in our system for so long, one would have thought that there was fairly substantial onus on the Government to warrant the overturning of that principle. I quote from material from the Bar Association in relation to the right to silence and its significance. The Bar Association says this:

The right to silence, along with the presumption of innocence, is one of the cornerstones of our criminal justice system. For over 300 years it has protected those accused of crimes while providing that no person is bound to give answers to questions that may incriminate them.

A suspect under investigation has no duty to answer questions of any kind. The suspect may not be penalised for exercising the right by allowing adverse inferences to be drawn at trial from silence in response to police questions.

Any system which forces individuals to answer questions from police can result in the intimidation of the innocent and in false confessions, particularly in people from vulnerable groups.

As I said, when we are talking about a principle that has the history that this one has one would have thought that there was a fairly substantial onus on the Government to provide evidence as to why that principle should be overturned. In my view absolutely no evidence has been provided by this Government to justify such a fundamental change in the law, such a fundamental change in the way that our system operates. It is worth noting that this is a Government that will have a review to work out what it is the Premier is going to have for lunch; yet we have not had a review, an inquiry or anything of that nature to give thought to this legislation. It has been dreamt up, I assume, by someone's spin doctor, and pulled out of their back pocket to deal with a particular stage of a political debate. I note the Leader of the House is agreeing with me.

Mr Brad Hazzard: I was saying I have heard this speech before.

Mr PAUL LYNCH: I am happy the member agrees with my analysis. The only review of any substance in this State on this topic was by the New South Wales Law Reform Commission in the year 2000, and it comprehensively rejected the proposition that is now before this House. There are a plethora of reasons why abolishing the right to silence is a bad thing to do, not just in principle but in practical terms. At one level, if it were to be implemented, it would lead to an extraordinary lengthening of the trial process, because a series of people will be giving evidence as to why they were silent when they were asked questions. The issue will become whether that is reasonable, whether it is appropriate, whether an inference should be drawn. If the inference is going to be drawn, how can it be dealt with? Those issues will be dealt with at some length at many trials being conducted under this regime.

It is also said that the regime being proposed by this bill is identical with that in England. As a historical fact, it might be worth remembering that it was actually introduced in the north of Ireland in 1988 in the context of the civil war to try to crush the Provisional Irish Republican Army. That is where this legislation actually comes from. To say it came out of nowhere in 1993 in England is simply wrong. But, more substantively, the regime in England that has cautions such as those provided by the bill also has as part of it the provision in police stations of duty solicitors giving advice to people who are facing accusations so that those people can then make rational decisions as to what they should do. Publicly funded, paid for by the state, it is a regime of solicitors sitting in police stations. That is not proposed here. In fact, the Government has made it abundantly clear that it will not be funding legal aid to carry out that role. Legal aid has had cuts to its funding. In my view it is already struggling to do the job it is meant to do. It certainly does not have the capacity to expand its role, and the Government has made it very clear that it is not going to be expanded.

While talking about England it is worth making the point that the regime contained in this bill did not achieve in England the results that were hoped for. In relation to those changes in England I draw the attention of the House to the United Kingdom Home Office report released in 2000. It made a number of quite damning findings about the effectiveness of the amended law. Amongst other things, it found that prior to the introduction of that scheme 55 per cent of suspects made confessions during police interviews; the proportion of confessions made after the introduction of these laws remained the same, at 55 per cent: it had absolutely no impact in terms of increasing the number of confessions that were being extracted.

The same report made the comment that those that might be termed hardened criminals continued to maintain their silence, in exactly the same way they did prior to the introduction of this scheme: it made no substantial difference and had no substantial impact. One other issue that needs to be dealt with is the utility of this scheme. At the moment the Law Reform Commission has made it pretty clear—and I guess it is a reasonably available inference from anecdotal evidence—that the majority of people already quite willingly answer questions asked by police in interview situations. If that be the case, one has to be fairly sceptical about this sort of change. On that point I might quote once again the Bar Association:

Research overseas indicates that, where a suspect exercises their right to silence, this does not increase the likelihood of the suspect being charged, pleading guilty or being convicted.

A similar change to the right to silence in England has not led to any discernible increase in charges or convictions.

There have also been a number of successful appeals in the UK from procedural problems resulting from the new caution which raised the possibility that guilty people may go free as a result of the amendments. As a result, the new provision could well result in fewer, not more, convictions.

There is some support within the ranks of the Government for this change on the basis that it will deal with what is called a wall of silence surrounding drive-by shootings. As justification for this change in legislation, that of course is palpable nonsense. The complaint, as I understand it, from the investigative authorities is that witnesses will not come forward to give evidence about what they know about drive-by shootings. That is really interesting—except that the only people that could be affected by this legislation are people who are being charged; it is not witnesses who will be affected. If this is meant to obtain more information from witnesses it is a fundamentally ineffective tool, because that is not who it is actually aimed at.

In addition to that, it is worth making the point that a number of vulnerable groups, such as the intellectually disabled, will have considerable difficulties dealing with interview situations. That is reasonably well known. There is some evidence that Aboriginal people struggle in interview situations with police. Those people will be impacted upon unfairly by this legislation. The legislation also assumes that silence equals confession; that is, if you are silent then you are necessarily guilty of the offences that are alleged against you. That is a matter of logic, and in practice it is simply not right. If people want to pursue that further I direct their attention to the Law Reform Commission submission, and indeed to the submission by the NSW Society of Labor Lawyers that was made on the draft bill, which quite eloquently set out how inadequate that argument actually is.

It is worth making the point that the bill before the House represents a substantial backdown by the Government. Although this bill is wrong in principle, it is a substantially different bill to its predecessor. The original bill provided that if the caution was to be given and the inference was subsequently drawn, it could only happen in a situation where the accused person received legal advice, which also included telephone advice. It is interesting that the Attorney General has justified that while at the same time releasing the Law and Justice Foundation's survey of legal needs that panned telephone advice services up hill and down dale as being totally inadequate. The bill no longer provides that you have to have legal advice that can only be telephone advice

before this regime comes into effect. It provides that for the caution to be given and for the inference to be drawn, a solicitor for the accused must be present at the time that the caution is given. The vast majority of people being interviewed in police stations do not have a solicitor present. Legal Aid will not provide them.

The people who presently go to a police station with solicitors tend to have deep pockets; if they did not they could not afford to have solicitors there. I note in passing that in his second reading speech the Attorney made it clear that having a solicitor present does not include getting telephone advice from the Aboriginal Legal Service, which is a regular service. It will apply only if you have a solicitor for the accused in the police station when the caution is given. That deals with a small number of cases. I make the prediction that if this bill becomes law, the only impact it will have is that we will never see a solicitor within a police station. Solicitors will not go to a police station to give advice to their clients: They will give their advice outside and then leave their clients at the door. The special caution cannot be given and the inference cannot be drawn. The only impact of this bill will be to drive solicitors away from giving advice to their clients within a police station.

Mr Troy Grant: That's not a bad idea.

Mr PAUL LYNCH: I note the ex-police officer, Parliamentary Secretary Grant, says that is a really good idea because it gets solicitors away. The serious point is that that is what is going to happen and therefore the special caution will never be given and the inference will never be drawn. This bill becomes a triumph of spin over substance. It does not achieve the desired outcome. I suggest the Parliamentary Secretary read the bill: The solicitor has to be physically present when the caution is given. It is conceivable that the solicitor could go in with the accused, have an interesting conversation and then disappear out the backdoor when the caution has been given, in which case it will have no impact and the inference cannot be drawn. As I say, it is a triumph of spin over substance. The other interesting point is how situations will be dealt with when some charges are serious indictable offences and some are not. In his second reading speech the Attorney General said that if you are charged with a serious indictable offence obviously the regime applies.

If the offence is broken down to a lesser offence when the indictment is presented and when the accused is finally dealt with, whatever evidence has been gathered in the process can be used in relation to that lesser charge. That is if the accused has made admissions or has said various things when asked questions and because a special caution has been given that evidence can still be used against the accused. How does this apply in a situation when a person is charged not just with a serious indictable offence but also with a back-up offence at the same time? Will there be two separate interviews? Is there a special caution and one interview for the serious indictable offence and an entirely different set of questions and no special caution for the back-up charges? That strikes me to be a matter with some practical difficulty that has not yet been dealt with in any of the material that I have seen.

The second of the two bills, the Criminal Procedure Amendment (Mandatory Pre-trial Defence Disclosure) Bill 2013 relates to mandatory pre-trial disclosure. I do not object philosophically or in principle to disclosure. There is already a regime whereby alibi notices have to be served. That is entirely appropriate and has been in force for a considerable time. There is a problem with this bill in that it is going too far in every case. It is really using a sledge hammer to crack a nut. During the period of the former Labor Government, the then Attorney General, John Hatzistergos, gave terms of reference to the Trial Efficiency Working Group to deal with issues about the length of trials. For some reason, the running of efficient trials in these cognate bills has been rolled into the issue of the right to silence. The Trial Efficiency Working Group got the stakeholders in the criminal justice system together and made a series of recommendations, one of which was that, in appropriate cases, the court could order far broader disclosure than it does currently. That makes sense in complex and difficult cases where that is appropriate and necessary; I do not have a problem with that.

This bill states that disclosure has to happen in every case. The court is no longer making the decision whether it is appropriate and in which case it is appropriate to order broader disclosure. That seems to be an unnecessary extra level of decision-making. In my view it is better to leave the discretion with the judge. Perhaps it would not be such an issue if it were not for the practical implications. The Trial Efficiency Working Group has been meeting under the current Government. The proposal to expand disclosure to every case was considered by that group and the overwhelming majority said no to the proposal. As I understand it, two Supreme Court judges thought it was a good idea. Everybody else—including the Chief Judge of the District Court, defence lawyers and the Director of Public Prosecutions—thought it was a bad idea. Apart from taking away a District Court judge's discretion to make those decisions—because that is where the majority of the decisions will be made—one reason they think it is a bad idea is that the briefing of trial counsel will have to occur much earlier.

Trial counsel for both the defence and the accused will be involved in the process at a much earlier stage, which means the financial bill will be astronomical. Lloyd Babb, the Director of Public Prosecutions, will have no chance of keeping his budget under control. Before the disclosure by the defence comes into effect, the prosecution's disclosure has to be in place, so the Director of Public Prosecutions will have to do the work a lot earlier and the meter will be ticking. He will not be able to do this without a dramatic increase in finances and he will break his budget. In practical terms, that is simply not going to work. It is proposed that the bill will make the system more efficient. It will make it more expensive and that is why the Director of Public Prosecutions and others have opposed it. It is a regime that is going to be too expensive. Therefore, it will not work. The Opposition opposes these bills. They are wrong in principle and their impact is totally undesirable.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [4.16 p.m.]: I make a contribution to debate on the Evidence Amendment (Evidence of Silence) Bill 2013 and the cognate Criminal Procedure Amendment (Mandatory Pre-Trial Defence Disclosure) Bill 2013. The bill amends the Evidence Act 1995 to allow an unfavourable inference to be drawn against certain accused people who fail or refuse to mention a fact during the official questioning that they later rely on at trial. The bill is targeted at seeking information from a suspect in the first stages of an investigation and aims to identify the defences and the facts that the suspect will later rely on at trial, if charged. Early identification of these issues will assist later in the efficient management of trials.

The bill complements changes to the Criminal Procedure Act case management provisions in the Criminal Procedure Amendment (Mandatory Pre-Trial Defence Disclosure) Bill of 2013. That bill will provide a second opportunity for an accused to give information in the weeks before trial in the District Court or Supreme Court. It is important to understand at this point that the law is ever changing to adapt to modern society, as well as adapting to the expectations of our wider community. It is important that we continually debate new ideas that are put forward to make justice transparent and available for the wider community. I support the Attorney General's proposal.

The Evidence Amendment (Evidence of Silence) Bill 2013 reflects similar amendments to those that have been made to the United Kingdom's Criminal Justice and Public Order Act 1994. The United Kingdom's Criminal Justice Act was amended to allow for an unfavourable inference to be drawn against a defendant because of a well organised abuse of the right to silence by experienced criminals. The English Act also sought to remove the hardened criminals' capacity to undermine the system—a system that aims to protect the innocent rather than aid the guilty. Mr Deputy-Speaker, you would have heard concerns expressed in your community echoing those expressed in the wider community that at times the law appears to aid criminals rather than to protect the innocent. There are some differences between the two pieces of legislation. In the United Kingdom the possibility of an unfavourable inference was applied to all offences.

As stated, the amendments in this legislation are applicable only to serious indictable offences and they do not apply to defendants under the age of 18. The bill also provides that a supplementary warning must be issued to the defendant before an inference can be drawn from silence at the time of arrest. That provision is not contained in the United Kingdom legislation. The bill does not remove the right to silence, but it does force suspects to speak. It also provides for consequences if a suspect chooses to remain silent until the last minute. It applies to serious indictable offences and represents a targeted and balanced response to the wall of silence that has been the subject of significant community, police and government concern. This is a common-sense response to the tactical use of silence by sophisticated and organised criminals.

For the provisions to apply, a special caution must be issued and the investigating official must have reasonable cause to suspect that the person being questioned has committed a serious indictable offence. The special caution means that saying or doing nothing may result in an inference being drawn that may harm a person's defence because of a failure or refusal to mention a fact relied upon subsequently. It also includes the words of the standard police caution and may be issued after or in conjunction with the standard caution. If the charge is later reduced, the issuing of a special caution in accordance with this provision does not of itself make the evidence obtained in response to a special caution inadmissible in the proceedings for a less serious charge.

The suspect must have been issued the special caution in the presence of a legal representative. "Presence" is not defined in the bill, but its everyday interpretation means that the legal representative must be physically present. The suspect must also be allowed a reasonable opportunity to consult in private with that legal representative about the nature and effect of the special caution before failing or refusing to mention a fact. If the suspect's legal representative was not present then the provision will not apply. However, the proposed pre-trial mandatory defence disclosure provision will mean that an unfavourable inference can be drawn against an accused who fails to comply with a disclosures obligation in the trial process.

The bill contains important safeguards for people suspected of committing serious indictable offences who are questioned by police. No inference can be drawn against an accused who is under the age of 18 or who is incapable of understanding the general nature and effect of the special caution at the time of questioning. The incapable person test is familiar to police because it is currently used to assess whether a person is capable of giving informed consent to the carrying out of forensic procedures. It replaces the cognitive impairment exemption in the exposure draft bill and has been amended to reflect the issues raised during consultation. Additionally, no inference can be drawn where an accused was not in the presence of his or her legal practitioner at the time the accused was issued the special caution and if the accused was not allowed a reasonable opportunity to consult in private with a legal practitioner about the effect of the special caution.

The legislation does not remove the current protections provided for other vulnerable people in police detention, such as assistance from non-qualified support persons during an interview and access to the Aboriginal Legal Service telephone advice line. The bill will be reviewed five years after commencement. This is a good step forward that has been introduced after extensive consultation. This bill, which the community has wanted for a long time, is all about punishing criminals and protecting the innocent. I congratulate the Attorney General on introducing it and I commend it to the House.

Mr RON HOENIG (Heffron) [4.24 p.m.]: The law and order auction that seems to have permeated the political process over the past 25 years evaporated during the last State election campaign—neither the Opposition nor the Government went down that track. I was disappointed about the verdict handed down by the people of New South Wales, but many in the legal profession and the judiciary welcomed the appointment of the current Attorney General because he is highly regarded as a member of the bar and is a former Deputy Director of Public Prosecutions. Given that, it was thought that law and order auctions would cease. However, the Premier recently indicated that the right to silence had to be addressed to get criminal bikies to assist in police investigations. Everyone knows that that is nonsense.

The right to silence, even in its current form, has absolutely nothing to do with the capacity to interview witnesses. Any witness can refuse to speak to police officers—although people can be compelled to speak to the Crime Commission. The right to silence has no impact on criminal investigations. Over the past 25 years or so this Parliament has intruded into age-old principles that have been effectively hammered out by the conservative Law Lords of England. Over the centuries, the Law Lords have handed us freedom of speech and freedom of religion, and through trial and error they have formulated policy. The Law Reform Commission's website states:

The development of the right to remain silent at trial is frequently attributed to the practices of the English Courts of Star Chamber and High Commission. During the late sixteenth century, these courts developed the practice of compelling suspects to take an oath known as the "ex-officio oath" and, without formal accusation, to answer questions put by both the judge and the prosecutor. Failure to either take the oath or answer questions attracted severe sanctions, including torture. This practice was held to be unlawful on four occasions in the early seventeenth century and both courts were abolished in 1641.

That is the timetable for the formation of the right to silence that has since been assiduously followed in common law countries. The English model that has been referred to by members bears no resemblance to that. That model, which comes from Ireland, was developed at a time of huge stress when the English were being subjected to bombings and so on. I do not need to remind members how many injustices were visited on the Irish by the English judicial system. The Guildford Four and the Birmingham Six cases come to mind because they are well-known examples of English excesses and interference by the Legislature in the common law developed by judges over hundreds of years.

Members made suggestions about drawing inferences of guilt because people avail themselves of the right to silence. If a person is arrested and says nothing then goes to trial and again says nothing, the jury would be told that that person could be convicted of a serious offence because he or she said nothing. Some members say that is not the case because if you can infer guilt from silence, then a jury can be told just that. There is no point in trying to cloak the fact that the provisions in the bill will not apply to vulnerable people, because everybody who is arrested by a police officer who has a reasonable suspicion that the person has committed an offence is a vulnerable person. People are not in a police station by choice; they are not there because they have exercised freedom of choice. Therefore that provision, in itself, is of no protection.

The shadow Attorney General has spoken at length about the right to silence. I will move to the Criminal Procedure Amendment (Mandatory Pre-trial Defence Disclosure) Bill 2013, which relates to criminal procedure and give members the benefit of my lengthy experience in the criminal courts of this State both in defending and prosecuting people accused of committing crimes. A hardworking district court judge once said to me that for a criminal trial to commence you need the cooperation of a huge number of people: You need the

cooperation of the Crown Prosecutor and the Director of Public Prosecutions; you need the cooperation of the accused; you need the cooperation of either the Public Defender and counsel or their instructing solicitors; you need the cooperation of the police; you need the cooperation of Corrective Services; and you need the cooperation of the court staff. It is a huge exercise to bring a person to trial.

The Attorney General stated that when he was first called to the bar the average trial took 2.5 days; now it takes 11 days and he is seeking to redress that. The way in which to redress it is not to come up with another convoluted criminal procedure amendment bill, but to look at the interference of this Parliament in enacting legislation that has made the administration of justice more and more complicated, and more and more costly in this State. Look at the way Treasury isolates all the participants in the criminal trial to make them accountable for their own budget. No doubt, for example, the Chief Judge of the District Court would say that it costs \$40,000 a day for a district court to sit, therefore he wants judges to sit all day, every day. But in the zeal to look at his own budget, he does not take into consideration how many police officers might have to sit around the court all day waiting to give evidence. Nobody looks at the cost for Corrective Services officers to sit around all day waiting at the courts convenience. This zeal to meet some arbitrary individual cost centre is, in itself, inefficient and is causing complexity in the approach.

It does not matter what amendments we insert into the Criminal Procedure Act, the fact is that no barrister is completely on top of a criminal trial, whether prosecuting or defending, until the matter is almost ready for trial. Thousands of pages of information have to be absorbed by a barrister in preparation for appearing in a criminal trial. The resources of the Director of Public Prosecutions are so inadequate that its officers cannot focus their attention and provide consistency of representation from the time an accused first appears to the time it goes to trial. Criminal matters go from crown prosecutor to crown prosecutor to crown prosecutor at the last minute. In fact, a barrister's very function is to be able to pick up briefs in criminal trials and to run them at court on relatively short notice.

The inability to process criminal trials efficiently in this State is due chiefly to the way in which the Director of Public Prosecutions is organised and resourced, and the lack of public defenders and Legal Aid Commission solicitors, together with the lack of cooperation between courts, the Director of Public Prosecutions, the Legal Aid Commission and public defenders. This bill is an attempt to add yet another layer. That is why the Public Defender, the Director of Public Prosecutions and every stakeholder, other than a couple of Supreme Court judges, are opposed to the provisions in this legislation. I would like the Attorney General's Department to go back to when trials took 2.5 days on average and ask why that is the case, and then ask whether it can address the many facets of legislation that have been of enormous cost to the New South Wales taxpayer.

Mr KEVIN ANDERSON (Tamworth) [4.34 p.m.]: I support the Criminal Procedure Amendment (Mandatory Pre-trial Defence Disclosure) Bill 2013. I listened with great interest to the contribution from the member for Heffron. I certainly do not believe that this is a law and order auction. This is common-sense legislation that will assist our police officers to bring criminal bikies to account and to make them accountable for their actions. The Opposition's views are certainly a beat-up. This bill will stop serious criminals from manipulating a system in which the scales are already tipped in their favour and prevent them from circumventing the legal system and thereby denying victims the justice they deserve. It does not interfere with, nor is it an abuse of, the right to silence. People accused of a crime will continue to have the right to silence.

Legislative change is needed, and the Government has introduced a separate bill containing changes to the Evidence Act that will allow an unfavourable inference to be drawn against accused people who rely on facts at a trial when they did not mention them during police questioning. If someone has done something wrong and that person is being questioned by police, the police need the tools to bring them to justice. This bill complements those changes by allowing for an unfavourable inference to be drawn against an accused who fails to comply with obligations to disclose particular material before trial pursuant to the Criminal Procedure Act. It will apply only to trials heard in the higher courts.

Although the Criminal Procedure Act has mandatory disclosure requirements, the new provisions increase the scope of what is required from both the prosecution and the defence in their mandatory disclosure notices. They also allow flexibility for the court to order additional defence disclosure as the circumstances of the case dictate. The member for Heffron referred to a lack of cooperation in the court system; he blames our current situation on that lack of cooperation. I remind the member for Heffron that he was part of that system and that the Labor Government was in power for some 16 years. The lack of cooperation to which the member for Heffron was referring was generated by his own people. That is why we need legislative change. The new provisions will ensure that disputed issues are identified and addressed before trial.

The prosecution is required to serve a notice of its case on the accused and the accused is required to serve its notice of the defence response in the weeks leading up to the trial. The timetable will be set out in District and Supreme Court practical notes. The court practice note timetables reflect that trial counsel for the prosecution and the defence will have been briefed by the time notices are required to be served. Trial counsel will therefore be able to undertake the tasks of drafting and settling the notices, as well as identifying and, hopefully, resolving any disputes between the parties. The prosecution notice must include the material required by both the mandatory and discretionary requirements in the current case management provisions. This expansion of the existing mandatory prosecution disclosure requirements is necessary to meet the expanded mandatory defence requirements in the bill.

For the defence, the notice of response must now include, in addition to the current mandatory requirements, first, the nature of the accused's defence, including particular defences to be relied upon; secondly, the facts, matters or circumstances on which the prosecution intends to rely to prove guilt, as indicated in the prosecution's notice and with which the accused intends to take issue; and thirdly, points of law that the accused intends to raise. It is these elements of defence disclosure that will ensure that trials are run on the disputed issues identified before the trial begins. When an unfavourable inference can be drawn, change is needed to ensure that the case management provisions of the Criminal Procedure Act are used. The purpose of the availability of an unfavourable inference to be drawn from failures by the accused is to ensure that defence disclosure obligations are complied with.

The sanction of an unfavourable inference against the accused is in addition to the existing sanctions in the Criminal Procedure Act, which apply to both the prosecution and the defence. They allow for exclusion of evidence or adjournments where obligations under the case management provisions have not been met. If the accused fails to comply with any disclosure requirement imposed by the new case management provisions or fails to give a notice of alibi where required to do so, then the court, or any other party with the court's leave, may make any comment at trial that appears proper. For example, the prosecutor may bring to the jury's attention during closing addresses at the end of trial the accused's failure to disclose. The court or jury may then draw unfavourable inferences as appear proper. Only the trial judge will be permitted to comment to the jury on drawing the unfavourable inference, and it is intended that the Bench Book Committee of the Judicial Commission will prepare material for judges giving guidance on how to make such comment.

To reflect the expansion of the mandatory defence disclosure requirements, the bill includes certain safeguards for the accused in relation to the availability of the unfavourable inference and the use of the case management provisions. For example, an accused person cannot be found guilty solely on the basis of an unfavourable inference. There must be other evidence of the accused's guilt besides the unfavourable inference before a jury can be satisfied beyond a reasonable doubt and return a guilty verdict. This is contrary to the comment by the member for Heffron that there will be an inference of guilt from silence. That is simply not the case. As the member for Heffron worked in the court system for many years, he would have fair knowledge of these matters. It is a beat-up by the Opposition. The Government wants to stop serious criminals from manipulating the system.

The court can order the waiver of the disclosure requirements. To reflect the fact that compliance with the mandatory requirements should be the starting point, a waiver order can be made only when the court is of the opinion that it is in the interests of the administration of justice to do so. One of the factors the court must consider is whether the accused is legally represented. If the court makes a waiver order then it must state its reasons for doing so. Disclosure will take place at a time out from trial when it is expected that trial counsel will have been briefed to settle the defence notice of response and discuss issues with the prosecution. The provisions will be subject to a statutory review two years after they have been in force. This legislation is not part of a law and order auction; its purpose is to aid criminal investigations. Criminal bikies will be held to account. The NSW Police Force should be given the support it requires to uphold the law and for far too long the Opposition has not been at the table in support of police. I commend the Criminal Procedure Amendment (Mandatory Pre-trial Defence Disclosure) Bill 2013 and cognate bill to the House.

Mr ALEX GREENWICH (Sydney) [4.44 p.m.]: The right to silence is a fundamental principle that exists to protect the innocent. It supports the basic common right of innocence until guilt is proven, together with the principle that confessions are made voluntarily and that one does not have to prove his or her innocence. This is essential to ensure access to a fair trial. The right to silence has been enshrined in our legal system since the 1700s and since 1824 in Australian law. The Evidence Amendment (Evidence of Silence) Bill defies these basic fundamental rights by allowing a jury to make an unfavourable inference against an accused person if he or she fails to give information during questioning by police. Similar laws exist in the United Kingdom, which the Law Reform Commission assessed in 2000.

The Law Reform Commission concluded that the right to silence is not used more by guilty suspects than by innocent suspects, nor does it impede prosecution or conviction. It was reported in the *Sydney Morning Herald* on 16 August last that Professor David Dixon, Dean of Law at the University of New South Wales, said that little research has been done on this issue since the Law Reform Commission assessment. However, Professor Dixon did discuss his assessment of a year's worth of interviews conducted in New South Wales in 2006, which showed that in most cases if there is evidence against someone they tend not to use their right to silence and they cooperate with police. He said that most suspects will confess immediately or they will maintain denial. Professor Dixon said that the best case for prosecution is based on evidence, not confessions, because it is less subject to malpractice.

The Law Society of New South Wales has said that making an adverse inference against someone because he or she provides new information in court is tantamount to assuming evidence provided in court is made up. It said this legislation will force people to provide their defence when they are brought into custody. While the bill applies only to an accused with legal representation present during questioning, the New South Wales Bar Association has pointed out that legal practitioners often have inadequate information about the nature of evidence against an accused, which makes it difficult to provide advice at initial questioning. I am particularly concerned about the impact of this on Aboriginal people, people with a mental illness, lesbian, gay, bisexual, transgender and intersex people and people who are homeless, who can often mistrust police and the legal system.

The Aboriginal Legal Service has said that vulnerable people will be inclined to make false confessions to stop intimidating pressure or to achieve bail, which will result in more people being incarcerated. If a person chooses not to explain himself or herself when arrested, that should not be used against that person. One should not be forced to incriminate oneself. There may be a number of reasons why a person may feel disinclined to talk and that should not incriminate them. The legal system is difficult to understand and people have the right to understand relevant laws before they give evidence.

The Government is wrong to imply that if a person is innocent they will not be accused of wrongdoing, or if a person is innocent they will be happy and able to talk about it. The Government has not provided evidence that the changes in this bill will increase guilty pleas or convictions, or that the right to silence is preventing prosecutions. The New South Wales Bar Association has reported that similar laws in England and Wales have not resulted in any successes but have been widely considered to be problematic. It has stated that the application of police warnings will create new grounds for appeal, as it did in the United Kingdom.

I am also concerned about the Criminal Procedure Amendment (Mandatory Pre-trial Defence Disclosure) Bill, which makes pre-trial disclosures mandatory and allows an unfavourable inference to be made against a defendant who fails to comply. This requirement will make court preparations more onerous. More pre-trial hearings will be needed, which will delay trials and increase costs. The vulnerable people represented by legal organisations with limited resources, such as Legal Aid and the Aboriginal Legal Service, will be impacted. The Bar Association has pointed out that the bill could increase the length of trials—as it has done in the United Kingdom—because time will be taken up by legal argument about the adequacy of statements. I cannot support these bills.

Mr JOHN FLOWERS (Rockdale) [4.48 p.m.]: I make a contribution in support of the Criminal Procedure Amendment (Mandatory Pre-trial Defence Disclosure) Bill 2013 and the Evidence Amendment (Evidence of Silence) Bill 2013. The object of the Criminal Procedure Amendment (Mandatory Pre-Trial Defence Disclosure) Bill 2013 is to amend the Criminal Procedure Act 1986. The purpose of the bill is to expand the matters that must be disclosed by the defence and the prosecution before a trial for an indictable offence; and to enable the court and other parties with the leave of the court to make proper comments in a trial for an indictable offence in circumstances where the accused person fails to comply with certain pre-trial disclosure requirements. It also enables the court or the jury in such circumstances to then draw such unfavourable inferences as appear proper.

The object of the Evidence Amendment (Evidence of Silence) Bill 2013 is to amend the Evidence Act 1995 so that in proceedings for a serious indictable offence an unfavourable inference may be drawn from the defendant's failure or refusal to mention a fact during official questioning which the defendant could reasonably have been expected to mention and which is later relied on by the defence in the proceedings. Such an inference will not be able to be drawn unless before questioning a special caution was given to the defendant in the presence of a legal practitioner acting for the defendant. Such an inference also will not be able to be drawn if it is the only evidence that the defendant is guilty of the offence.

The bill will not apply to a defendant who at the time of questioning is under 18 years of age or incapable of understanding the general nature and effect of a special caution. These two bills are cognate with each other and form part of the Government's response to concerns that criminal trials are conducted in a fair and proper manner. In an attempt to ensure that criminal trials run efficiently, the Government has introduced legislation requiring that an accused person disclose any available defence at the earliest opportunity. In circumstances where they do not, a jury may draw an unfavourable inference with respect to the late disclosure. The reform also allows a jury to draw an unfavourable inference against an accused who remains silent during official police questioning but who later produces evidence at trial which the accused could reasonably have given to police when first interviewed.

The Evidence Amendment (Evidence of Silence) Bill 2013 amends the Evidence Act 1995 to allow an unfavourable inference to be drawn against certain accused persons who fail or refuse to mention a fact during official questioning that they later rely on at trial. The bill is targeted at seeking information from a suspect in the first stages of an investigation and aims to identify the defences and the facts the suspect will later rely on at trial, if charged. This early identification of the issues will assist later in the efficient management of trials. The bill complements changes to the Criminal Procedure Act and the case management provisions in the Criminal Procedure Amendment (Mandatory Pre-trial Defence Disclosure) Bill 2013. That bill will provide a second opportunity for an accused to give information in the weeks before trial in the District Court or the Supreme Court.

The bill does not remove the right to silence; it does not force suspects to speak. It does, however, allow there to be consequences if a suspect chooses to remain silent until the last minute. The provisions will apply to serious indictable offences. They represent a targeted and balanced response to the wall of silence that has been the subject of significant community, police and Government concerns. They are a common-sense response to the tactical use of silence by sophisticated and organised criminals. For the provisions to apply, a special caution must be given. To be able to give a special caution, the investigating official must have reasonable cause to suspect that the person being questioned has committed a serious indictable offence. The suspect must have been given the special caution in the presence of their legal representative, that is, their legal representative must be physically present.

The suspect must also have been allowed a reasonable opportunity to consult in private with their legal representative about the nature and effect of the special caution before they failed or refused to mention a fact. If the suspect's legal representative was not present then the provisions will not apply. The proposed pre-trial mandatory defence disclosure provisions will mean that an unfavourable inference can be drawn against an accused who fails to comply with their disclosure obligations in the trial process. Although there are currently mandatory disclosure requirements in the Criminal Procedure Act, the new provisions increase the scope of what is required from both the prosecution and the defence in their mandatory disclosure notices. They also allow flexibility for the court to order additional defence disclosure as the circumstances of cases dictate.

The changes are being made because of concerns that trials are not running on disputed issues, which impacts on everyone involved in the process through unnecessarily longer trials, including court staff, witnesses, lawyers and, importantly, members of the community undertaking jury duty. To ensure that disputed issues are identified and addressed before trial, the prosecution is required to serve a notice of its case on the accused and the accused is required to serve its notice of the defence response in the weeks leading up to trial. The timetable will be set out in District Court and Supreme Court practice notes. The court practice note timetables reflect that trial counsel for the prosecution and the defence will have been briefed by the time notices are required to be served. Trial counsel, therefore, will be able to undertake the tasks of drafting and settling the notices, as well as identifying and, hopefully, resolving issues in dispute between the parties.

The prosecution notice must include the material required by both the mandatory and discretionary requirements in the current case management provisions. This expansion of the existing mandatory prosecution disclosure requirements is necessary to meet the expanded mandatory defence requirements in the bill. For the defence, in addition to the current mandatory requirements, the notice of response must now include the nature of the accused's defence, including particular defences to be relied on, the facts, matters or circumstances on which the prosecution intends to rely to prove guilt and with which the accused intends to take issue, and points of law that the accused intends to raise. These elements of defence disclosure will ensure that trials are run on the disputed issues identified before the trial begins. I commend the bills to the House.

Mr JAMIE PARKER (Balmain) [4.58 p.m.]: Tonight I speak on the Evidence Amendment (Evidence of Silence) Bill 2013 and cognate bill, the Criminal Procedure Amendment (Mandatory Pre-trial Defence

Disclosure) Bill 2013. I do not think members will be surprised to hear that The Greens are concerned about these bills. I have seen little evidence that this legislation should be supported, and in my contribution I will be drawing on information provided to me by a range of sources, including the New South Wales Bar Association. First, I will address the matter of evidence of silence. As members know, the criminal justice system is based on a handful of fundamental principles: the right to trial by jury; the Crown to prove guilt beyond reasonable doubt; the right to legal representation; and the right to silence. Those are important principles. The Government wants a few bikie confessions, so it will trash one of the most important legal principles, one that has been around for over 300 years. It is running on a bikie issue and suspects it can get some mileage out of these amendments.

I agree with the member for Heffron that the Attorney General was welcomed as a breath of fresh air, but perhaps he has been pressured by the Minister for Police and Emergency Services. I do not understand why this process is being carried forward, because legal rights such as the right to silence and the presumption of innocence are cornerstones of the criminal justice system. I have listened to members' speeches and researched the history of these rights. For over 300 years accused persons have been protected by not being bound to give answers to questions that may incriminate them. It is an important, critical, fundamental principle of our legal and democratic system. Any system that forces individuals to answer questions put to them by police can result in the intimidation of innocent people and false confessions. That is particularly so in relation to people from vulnerable groups, as previous speakers have noted. I do not know where the liberalism has gone from the Liberal Party.

Mr Gareth Ward: It's still here, mate. It's still here.

Mr JAMIE PARKER: Liberalism is not reflected in these bills. This is an important issue relating to the power of the State. The protection of individuals by their right to silence is being systematically dismantled.

Mr Greg Smith: What about the victims who get shot up in their houses?

Mr JAMIE PARKER: The Government is claiming that we should trash those principles. The Attorney General says, "What about people who get their houses shot up?" That is an important issue, but we must also protect our fundamental principles. If the right to silence is removed, the Government might say, "We have destroyed the right to silence provision. What about trial by jury? We can get rid of that. What about the right to representation? We do not need that." That is a concern shared by many people who strongly oppose this change. In the United States the right to silence is protected by the Fifth Amendment, but here the Government, which is under pressure because people's houses are getting shot at, promotes this ineffective proposal.

It has been demonstrated in the United Kingdom and other places that abolition of the right to silence simply does not work. Legal experts in this country have made similar comments. The New South Wales Law Reform Commission discussed this proposal in its 2000 report and concluded that there was no need for the curtailment of the right to silence. The proposed amendments will not affect the rate at which defendants plead guilty or are convicted. If the Attorney General has evidence to the contrary, let us see that evidence and have it tested and reviewed. The fact is there is none. In the English legal system, in the case of *Regina v Beckles* [2005] it was found that the proposal would lead to "a notorious minefield". In the United Kingdom it has been found to be a minefield, but this Government has to come up with something and pretends that these amendments will result in increased convictions and more guilty pleas.

The Government has used the example of an alibi that was not disclosed at the time of a police interview but was later relied on at trial. In fact, under section 150 of the Criminal Procedure Act 1986 a defendant has no right to call alibi evidence unless he or she has given notice in writing no later than 42 days before the matter is listed for trial. The notice must include the name and address of any proposed alibi witness if known to the accused. What is the Government's response to that? Research conducted in Australia and overseas indicates that suspects rarely remain silent, so removing the right to silence is unlikely to increase prosecutions. Earlier I mentioned the impact on the United Kingdom's Criminal Justice and Public Order Act 1994. Section 34 of that Act permits an adverse inference to be drawn where a defendant fails to mention issues that are later relied upon. This has led to significant problems and created a notorious minefield; it is not a course that we should follow.

The issue that a lawyer must be present is significant. The question must be asked: Will it be negligent for a lawyer to be present? A lawyer will say to their client, "If I am present and you are advised about requirements in this proposed legislation a negative inference may be drawn." So the lawyer does not participate in the discussion and, on that basis, a negative inference cannot be drawn. It would be negligent for a lawyer to

remain knowing that their client may be advised of the requirement that a special caution has to be given in the presence of a legal practitioner who is acting for the defendant. A lawyer will tell their client to say nothing and then the lawyer will leave so that a special caution cannot be issued. If the bikies are so clever that the Government and police cannot find them, surely that will be the approach their lawyers will take: if they are not present a caution cannot be given. That is the end of the problem; no negative inference can be drawn.

I speak briefly on the mandatory pre-trial disclosure legislation. This bill represents another disaster waiting to happen. In the United Kingdom they have had trials within trials where the prosecution questions defence lawyers: What happened? When did it happen? What did you say? What did he or she say? That is why stakeholders in the Trial Efficiency Working Group canned this idea as foolish and advised that it should not proceed. The Trial Efficiency Working Group comprises representatives of the Department of Public Prosecutions, the New South Wales Bar Association and the Chief Justice of the District Court. The District Court deals with a significant number of indictable criminal matters. If the District Court considered these changes necessary it would have requested them, but that has not been the case.

Another concern is that there is no justification for a reversal in direction in relation to disclosure requirements. Prosecution and defence disclosure will be mandatory and failure to make such disclosure may again result in an unfavourable inference. The Bar Association and others are concerned that this provision will have a disproportionate impact on vulnerable accused, particularly those represented by organisations with limited resources. If the Government proceeds with these amendments will it increase the resources of organisations such as the Legal Aid Commission and the Aboriginal Legal Service? If not, will the Government guarantee no increased complexity or increased costs for such organisations? I ask the Minister to address that issue because the legal fraternity has indicated that there may be a proliferation of appeals to the Court of Criminal Appeal and the High Court in order to clarify the appropriate content of the directions to be given.

In the United Kingdom the length of trials increased as a result of the need to hear evidence on alleged deficiencies in case statements and legal argument on appropriate judicial directions. The legal fraternity in the United Kingdom has identified the additional disclosure requirements in that jurisdiction as a significant problem. If these legislative changes result in increased complexity, the Government must ensure increased support for the organisations that protect and legally represent the vulnerable. On the balance of evidence, these bills are unnecessary and overly complex and they attack the fundamental rights that we all hold dear.

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [5.08 p.m.], in reply: I thank the members who represent the electorates of Liverpool, Tweed, Heffron, Tamworth, Sydney, Rockdale and Balmain for their contributions to the debate. I want to clear up a few matters that have been raised. The speeches I have heard this afternoon from the other side of the House remind me of a line in the poem *Around the Boree Log*, "We'll all be rooned", said Hanrahan". They speak as if for 300 years this precious right to silence has always remained and has always been protected. Yet, it has been admitted that alibi evidence is an area that requires a breach of the right to silence. There does not seem to be any disagreement about the use of alibi evidence.

It was said that the notice has to be given 42 days before the trial. That is honoured in the breach on many occasions: in many trials the alibi is revealed during the trial. Usually the trial does not abort; the Crown is given a day to send police round to investigate the alibi. But to a great extent that has adversely affected the running of a proper trial. Things like that are among the tactics that are used by "smart" practitioners in the law. I am not suggesting that good, ethical public defenders, such as the member for Heffron formerly was, or other counsel such as Mr Speakman and others who are now members of this House, or solicitors who have done a lot of criminal work would use those tactics; but there are some, and anyone who practises in the criminal law knows who they are. They will try to use the four corners of the ring and outside it if they can. The big criminals, those with money, will do anything to beat conviction.

Is what we are trying to do here so rare? We are trying to tie up, in a small way, the right to silence, to limit it to an extent, so that we can know in advance what defence will be raised, so that it can be investigated. If the first occasion on which the defence is raised is at trial, why should a defendant be allowed to get away with that when a prosecution case has been prepared on a particular basis? The whole idea these days in the criminal law is for disclosure. Three or four years ago the Labor Government brought in fairly strict disclosure rules by amendments to the Criminal Procedure Act. But it did not make those rules mandatory. The Crown has had to comply totally with those rules, but not so the defence. This legislation is brought in to make the playing field even.

Is New South Wales the only State to pass this sort of legislation? One would think that Australia is the only country in the world outside England that has ever done anything like this with its right to silence laws. For a start, Justice Paul de Jersey, Chief Justice of Queensland, published a piece of writing that the researchers of the Opposition should have shown Opposition members. It was in the legal section of last Friday's edition of the *Australian*. Chief Justice de Jersey's article was headed "Time to follow overseas lead on pre-trial disclosure and judicial discretion". In it the Chief Justice said that for too long the criminal trial process has been bogged down by failing to have order in trials. He stated:

I believe we have long passed the point where the defence should be permitted to withhold disclosure of its intended trial approach.

In this 21st century, a criminal proceeding should not amount to a game where the players may keep their cards up their sleeves.

The draft practice direction—

which he is developing as Chief Justice for the Queensland Supreme Court to apply to lengthy criminal trials, those expected to last 15 days or more, and virtually any criminal trial in the Supreme Court of New South Wales would last 15 days or more; and many trials in the District Court, probably the majority, would now go that long as well—

—is intended to go some way towards rectifying that situation.

That is, where "players may keep their cards up their sleeves":

The object is to improve efficiencies in relation to a number of matters: the reliability of the jury's determination, discovering the truth notwithstanding the adversarial context, and economy in the deployment of resources, time and expense.

I expect we would need legislative backing to compel the defence to disclose fully, pre-trial, the ambit of issues, and I expect that, as with majority verdicts, some would howl about the erosion of inviolable rights.

Remember, majority verdicts were brought in by the Labor Government. The right to a new trial under certain conditions after an acquittal was brought in by the Labor Government. The Coalition did not oppose those initiatives because we thought they were necessary to modernise the system and even up the playing field. Chief Justice de Jersey went on to say:

Yet in Victoria—

this is Queensland talking about Victoria; and it is rare they talk south—

which we have tended to regard as fairly conservative in these matters, the Criminal Procedure Act 2009 obliges the defence, pre-trial, to serve and file a document "identify(ing) the acts, facts, matters and circumstances with which issue is taken and the basis on which issue is taken".

That has to be done before the trial. That is what the bill before the House seeks to do. Chief Justice de Jersey went on to say:

That is a fairly comprehensive disclosure of the defence position before the trial begins and has been the position in Britain for more than a decade.

In fact, it has been for two decades. Opposition members talk about how things must be so dreadful and chaotic in England as a result of such a trial system. That system has not been changed; the administration continues with it. Indeed, in response to what was said by the member for Sydney, that the right to silence provisions will create grounds for appeal, as in the United Kingdom, the provisions in the United Kingdom have been considered on appeal by the European Court of Human Rights and have been found to be consistent with the right to a fair trial. So the highest court in the European system has said that it is consistent with the right to a fair trial. The British changes go much further than is being suggested in this bill by the Government regarding the right to silence.

What we suggest is that if you have your lawyer present you can be given a special caution, if you are suspected of committing a serious indictable offence, one punishable by five years or more jail. Opposition members said, "No-one will have their lawyer present." If so, no-one will suffer. If they do not have their lawyers present they cannot be given the caution. That is the point we are trying to make. Opposition members have been reading the original version. It is about time the Labor Party and The Greens got up to date with what this bill actually says.

Mr Ray Williams: They don't like to do the homework.

Mr GREG SMITH: Yes. But if they did the homework they would have a look at section 183 of the Victorian Criminal Procedure Act, which is headed "Response of accused to summary of prosecution opening and notice of pre-trial admissions". For more than 10 years in this State the prosecution has been required to disclose everything, including the fact that there is privileged material if that is the case. But in practice the defence does not have to disclose anything except the name and address of the defendant and who is appearing for the defendant. Section 183 of the Victorian Criminal Procedure Act 2009 provides:

- (1) After being served with a copy of the documents referred to in section 182, the accused must serve on the prosecution in accordance with section 392 and file in court, at least 14 days before the day on which the trial of the accused is listed to commence—
 - (a) a copy of the response of the accused to the summary of the prosecution opening; and
 - (b) a copy of the response of the accused to the notice of pre-trial admissions.
- (2) The response of the accused to the summary of the prosecution opening must identify the acts, facts, matters and circumstances with which issue is taken and the basis on which issue is taken.
- (3) The response of the accused to the notice of pre-trial admissions must indicate what evidence, as set out in the notice of pre-trial admissions, is agreed to be admitted as evidence without further proof and what evidence is in issue and, if issue is taken, the basis on which issue is taken.
- (4) Despite subsections (2) and (3), the accused is not required to state—
 - (a) the identity of any witness (other than an expert witness) to be called by the accused; or
 - (b) whether the accused will give evidence.

The parties are required to disclose details of expert evidence; and I think we have got that far now in New South Wales. But we want disclosure pre-trial of the acts, facts and things disputed so that the Crown will know whether or not it has to call an enormous number of witnesses to prove things, or whether it can get down to the nitty-gritty, saving the community and the Legal Aid Commission, which is normally representing them, either directly or by deferral, the unnecessary cost of trials. The cost of trials has blown out, and this measure is aimed at that fact too. It seeks to have the parties getting down to the real issues in the case. That is what criminal trials should be about—getting down to the real issues, and not wasting the time of the jury, witnesses and victims. Quite often trials are adjourned and victims have to keep coming back, not knowing whether they will be required, whether there will be a dispute over a particular part of the evidence, because the defence does not have to tell the prosecution that.

The member for Liverpool commented that the legislation assumes that silence means guilt. That is not the case; the right to silence remains. He has not read the bill properly. I ask him about the legislation that the Labor Party used when it enacted the Police Integrity Commission Act following the Wood royal commission, which takes away the right to silence for witnesses. It has continued to operate with the Independent Commission Against Corruption. In fact some of its former members are starring in the Independent Commission Against Corruption. We get to hear evidence because the right to silence is overwritten. That is why we are hearing about these dreadful things.

The member for Liverpool would have us believe that the right to silence was akin to one of the Ten Commandments, written on the plates of marble that Moses brought down from the mountain. It is not; it has been modified and abrogated over the years. This amendment to the Evidence Act does not abrogate the right to silence; it does not require or compel an answer to questions; it simply allows a higher court jury to draw an unfavourable inference if an accused chooses to be silent when questioned about a matter later raised as part of their defence at trial. And this is only if they have a lawyer with them and if they are given the special caution. It essentially provides for common sense guidance to a jury. This was the practice and law in this State up until *Petty and Maiden v The Queen* in 1991. Hunt J, who became the Chief Judge at Common Law, and one of the greatest common law judges we have had in our Supreme Court, ruled in the trial of Petty and Maiden.

A Crown witness in a murder trial gave evidence of a conversation with the accused in which admissions were made by the accused as to his participation in the killing of the deceased. The witness was cross-examined to suggest that the conversation of which he had given evidence did not occur but another conversation at a different location but at much the same time did take place in which the accused had said to him he had in fact killed the deceased but it had all been an accident. The first time this defence of accident came out during this whole case was during the trial when somebody was giving evidence about admissions that the accused had made. That was completely unfair and it is an example of how the right to silence is misused.

It is not an uncommon example for matters to be brought up in cross-examination of Crown witnesses where the accused is claiming self-defence or accident at the last minute. As Hunt J. said, the evidence was admissible. The Court of Criminal Appeal, comprising Mr Justice Priestley, Mr Justice Allan and Mr Justice Badgery-Parker—three eminent judges of our Supreme Court—dismissed the appeal and said that what Mr Justice Hunt had allowed was consistent with the law. The High Court took a stricter approach and said it cannot be done. The law has since been changed by aspects of the Evidence Act, the Independent Commission Against Corruption Act, the Police Integrity Commission Act and the New South Wales Crime Commission Act. Today the Royal Commissions Act contains provisions that override the right to silence: people are forced to answer questions. I suggest that members of the Opposition do some extensive reading and do not just believe what the lawyers say.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I draw the attention of the member for Liverpool to Standing Order 52.

Mr GREG SMITH: Thank you for restoring some decorum in this House.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): I call the member for Liverpool and the member for Bankstown to order.

Ms Anna Watson: I am not the member for Bankstown.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): I call the member for Shellharbour to order for canvassing the ruling of the Chair.

Ms Anna Watson: I am not canvassing your ruling.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I call the member for Shellharbour to order for the second time.

Mr GREG SMITH: I thank the member for Mount Druitt, who is a man of great experience in the criminal law, for exercising his right to silence. In relation to the English law, the European Court of Human Rights has found that some abrogation of the right to silence is permissible. The English provisions have been found to be compatible with the right to a fair trial under Article 6 of the European Convention on Human Rights. The English provisions are widely used by prosecutors and are now an established part of the criminal justice process in England and Wales. Those provisions have existed for 20 years. England has not collapsed because of these changes, which contain similar safeguards to the proposed amendments in New South Wales, such as the reasonableness test and the requirement for access to legal advice.

Comments were made to the effect that criminals will simply avoid the provisions by not having their legal representative with them at the police station. If they want to take that risk, let them do that. Many criminals take lawyers along so they will not be mishandled. The professional criminals who have been before the court might be worried about telephone books being used or such things that have been alleged in the Wood royal commission. They take their lawyers along to ensure that the police follow the rules. Lawyers may decide it is not in the best interests of their clients to attend the police station because it will trigger the provision.

In 2006 Professor David Dixon's research showed that in two samples making up 262 recorded interviews a private lawyer was present in just two interviews and a representative from the Aboriginal Legal Service was present in another four. This shows that the rate of legal representation at interviews was just over 2 per cent. A new requirement for access to legal advice is likely to have little impact on the rate of legal representation at police interviews. Therefore, the suspects will not be deprived. The research also showed that the two private lawyers who were present in the police records of interview were likely to be there because they involved more serious matters. The provisions target uncooperative and sophisticated organised criminals who commit more serious offences and who have the resources to pay for a lawyer to be present with them during interview.

When they bring their lawyer to the police station they will no longer be able to use to their tactical advantage silence in the face of questioning. Where, for some reason, an unfavourable inference cannot be drawn from silence at the police station, such criminals may still be captured by the new pre-trial defence disclosure provisions for contested higher court matters. Silence at this stage of criminal proceedings in contravention of the new requirements will mean that an unfavourable inference may be drawn against the accused. I could go on and on, but will not because Opposition members have made it clear they will oppose the legislation. So let the community hear that they are opposing legislation that is aimed at bringing more criminals to justice and to get convictions in trials that have been manipulated in the past by clever defence counsel and slippery criminals.

The Evidence Amendment (Evidence of Silence) Bill makes amendments to the Evidence Act to allow unfavourable inferences to be drawn against accused persons who seek to rely on facts at trial that were not mentioned during questioning by the police. It includes safeguards to protect persons under 18 years of age, those incapable of understanding the nature and effect of the special caution, and those who do not have a lawyer present with them at the police station. It also requires the giving of a special caution that explains to the suspect possible consequences of failing or refusing to mention a fact that is later relied on. The Criminal Procedure Amendment (Mandatory Pre-trial Defence Disclosure) Bill makes amendments to the case management provisions in the Criminal Procedure Act to expand the scope of pre-trial mandatory disclosure requirements. It is not true to say that the Director of Public Prosecutions opposed this matter in the committee; the Director of Public Prosecutions supports this legislation.

The legislation also makes provision for an unfavourable inference to be drawn against an accused person who fails to comply with pre-trial disclosure obligations. It includes safeguards to prevent an inference being drawn when it is the only evidence that the accused is guilty of the offence charged and when the prosecution has failed to meet its disclosure obligations under the legislation. Of course, the vast majority of members of that working party are defence lawyers—the Law Society and the Bar include only a small number of prosecutors. Defence lawyers defend people all the time, so they support an attitude that assists the people they defend rather than the prosecution. When I was in opposition the rights of those involved in the criminal justice system were regularly abrogated by the Labor Government and it ran law and order auctions in election campaign after election campaign.

Mr Paul Lynch: You said you wouldn't and look at what you are doing now.

Mr GREG SMITH: We did not conduct a law and order auction and the Labor Party did not know what to do, so it chickened out. The small rabble opposite has swung to the left and no longer supports the poor people of western Sydney who have been subjected to drive-by shootings in recent times. These bills will encourage the effective and efficient case management of criminal trials by encouraging the parties to identify defences and issues in dispute as early as possible in the criminal justice process. They will contribute to the smooth running of trials in this State and therefore improve justice for all. Despite being reminded every day at the Independent Commission Against Corruption of what the Labor Party has done, I commend the bill to the House.

Question—That these bills be now read a second time—put.

The House divided.

Ayes, 62

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

Noes, 22

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

Pair

Mr Hazzard

Ms Burton

Question resolved in the affirmative.**Motion agreed to.****Bills read a second time.****Third Reading****Motion by Mr Greg Smith agreed to:**

That these bills be now read a third time.

Bills read a third time and transmitted to the Legislative Council with a message seeking its concurrence in the bills.**CRIMINAL PROCEDURE AMENDMENT (COURT COSTS LEVY) BILL 2013****Second Reading****Debate resumed from 28 February 2013.**

Mr GARETH WARD (Kiama) [5.39 p.m.]: The Criminal Procedure Amendment (Court Costs Levy) Bill 2013 seeks to amend the Criminal Procedure Act 1986 to impose a mandatory levy on those convicted of most criminal offences.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I remind the member for Shellharbour that she is on two calls to order. If the member for Keira has come into the Chamber to interject, as he has indicated, I suggest that he leave the Chamber.

Mr GARETH WARD: I hope that those opposite are listening because I am talking about criminal offences. The current law provides that a court can make an order that the defendant pay court costs, generally in the amount of the filing fee, if that defendant is convicted. The bill will amend the Criminal Procedure Act to replace this existing discretion with a statutory court costs levy, which would apply to most defendants found guilty of an offence in summary proceedings before the Local Court. There are exceptions proposed in this legislation and I will touch on them in a moment. Section 10 of the Crimes (Sentencing Procedure) Act 1999 provides that in certain circumstances where the court returns a guilty verdict, the court can refrain from recording a conviction. The levy would align with the filing fee in the Local Court, which is currently \$83.

At present, orders for court costs made under section 215 are being applied inconsistently, with some magistrates selecting to not impose court costs. The amendment is intended to achieve greater consistency in the application of court costs by making this largely a mandatory levy. Moreover, it is my very strong view that those who commit crimes against our community should provide reparations in the financial sense, not only for their wrongdoing but also for the cost associated with administering the justice system. This measure means that to a greater degree people will be taking responsibility for their own actions. The 2013 report of the Productivity

Commission on government services estimates that the average cost to Government of finalising a criminal matter in the Local Court is \$750 per matter. The payment of a levy would therefore represent a modest contribution by the offender towards the community's costs in bringing that person to justice.

Indeed, in light of the Productivity Commission's report, I would argue that \$83 is manifestly inadequate and that this amount should be increased. I note that the bill contains provisions to review this measure in 12 months. I hope that the Government, upon review, does not just sustain but also increases this figure to better reflect the costs of justice. Why should honest, decent and law-abiding taxpayers be forced to pick up the bill for those who do wrong by our community? As mentioned, the proposed levy will contain certain exceptions, recognising that there are some special circumstances in which the levy should not apply. For example, the levy will not apply in the Children's Court, which will retain its existing discretion to make Local Court costs orders.

It will also not apply to findings of guilt recorded in the Local Court regarding traffic offences involving children where the court has chosen to deal with the defendant under the Children (Criminal Proceedings) Act rather than at law. If the levy would otherwise apply to a defendant in the Local Court who is under the age of 18 years, the Local Court will have a discretion to exempt that person from the application of the levy. These exceptions are drawn in recognition that children and young people deserve a different kind of justice when found guilty. It is a travesty when any child enters the criminal justice system and the best possible action society can take is to divert a young offender back onto a positive path of opportunity.

The bill also proposes that the levy not apply to convictions resulting in a sentence of imprisonment, other than a suspended sentence, as prisoners have little opportunity to pay off such debts while in prison, and the accumulation of debts could have a negative effect on rehabilitation. Similarly, the levy will not attach to convictions or other orders recorded in the Drug Court. At present, the judges of that court use their discretionary power and do not impose court costs on offenders in the Drug Court. The rationale is that the Drug Court is a therapeutic court and the imposition of further monetary penalties on this group of offenders at the time of the completion of the program may act as a barrier to their remaining crime free and drug free. Application of the levy may hamper rehabilitation of these individuals and counteract the benefits of the Drug Court program; a program that I believe is having a great affect in this State.

Finally, the levy will not apply to orders made under subsection 1 (a) of section 10 of the Crimes (Sentencing Procedure) Act, where a court finds a person guilty of an offence but, because of extenuating circumstances, directs that the charge be dismissed, except where the offence is punishable by imprisonment. This same exception applies in respect of the victims compensation levy. Importantly, the bill also contains an amendment to the Fines Act 1996 to ensure that individuals who cannot pay the levy in full will have access to a range of alternative payment options available through the court and the State Debt Recovery Office. Options open to offenders to pay off these court costs include paying in instalments, seeking an extension of time in which to pay or participating in the work and development order scheme that allows people to pay off their debts through community service and other forms of work or by undertaking certain courses or treatment.

I take this opportunity to acknowledge the Attorney General for the Work and Development Order scheme. These types of schemes are wonderful examples of restorative justice that have been introduced by one of the most progressive Attorney Generals this State has seen in sometime. Compared to some of the first law officers of the State offered up by those opposite, Attorney General Smith's approach to the justice system is stern for those who deserve it, but compassionate towards those who are not beyond redemption, particularly in the area of young offenders. I struggle to contend with the attitude of those who sit opposite, which simply revolves around locking people up rather than taking the opportunity to ensure that people can be redeemed.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I draw members' attention to Standing Order 52, which states that when a member is speaking he has the right to be heard in silence.

Mr GARETH WARD: So often we see the dog whistle on display: lock them up, send them away. There is no greater travesty than seeing a young person, in particular, who can be redeemed, going to gaol, where that young person may meet people who are obviously not the right types of citizens. The young person learns the wrong types of tricks and tactics. On release from what is merely a university for criminals, that young person has not benefited from an experience and a harsher sentence, which is not warranted. I note that the Attorney General has arranged to provide more information about court costs and other fees that can apply when a defendant appears in court. This will mean that people are fully apprised of the detail involved and are

fully informed on the consequences. This is sensible legislation that will be welcomed largely by the community who want to see people pay for justice, particularly those who have broken the law. I believe the Attorney General is responding to community concerns with this legislation. I commend the bill to the House.

Mr PAUL LYNCH (Liverpool) [5.47 p.m.]: I make a contribution to the Criminal Procedure Amendment (Court Costs Levy) Bill 2013. I note that in my absence on Thursday the member for Heffron very ably led for the Opposition in this debate. The objects of this bill are, first, to amend the Criminal Procedure Act 1986 to make certain accused persons found guilty of offences in summary offences before the Local Court automatically liable to pay a court costs levy; secondly, to amend the Fines Act 1996 to provide that for the purposes of that Act a court costs levy is to be treated as a fine for the purposes of enforcement action; and, third, to amend the Children (Criminal Proceedings) Act 1987 merely to restate the current system that applies to criminal proceedings involving children under which there is no automatic cost levy but the court has a discretion to make an order that an accused person who has been found guilty of an offence pay court costs. As the member for Heffron indicated, the Opposition does not oppose the bill. I will very briefly outline for the House some of the concerns that the Law Society of New South Wales has raised with me about the legislation. In a letter to me dated 13 March it makes a number of points. One point is as follows:

The bill has the potential to create hardship for the most vulnerable in the community who may have to pay a court costs levy in addition to the Victims' Compensation Levy and Legal Aid contribution. The Committee is particularly concerned about the impact on people facing multiple charges, for instance 20 separate charges of goods in custody, which would amount to 20 x the \$83.00 levy. The Committee submits that the bill should be amended so that the court costs levy applies per set of proceedings rather than per conviction.

It also is concerned that new section 211A (2) (a) requires clarification because it is unclear whether the exemption for a person sentenced to imprisonment includes a sentence of home detention or an intensive correction order. Additionally, the Law Society is concerned about the possible impact of new section 42A (5), that an order for the payment of court costs may be included in any order under section 33. The concern is that it could be interpreted as allowing an order for costs to be imposed as a condition of a bond or other community-based order. The Law Society doubts this is the Legislature's intention, but has suggested that it be clarified to avoid doubt. The final concern raised in its letter of 13 March is as follows:

There is also no prohibition on ordering court costs against a child whose charges are dismissed under Children (Criminal Proceedings) Act 1987 section 33 (1) (a) (i), or dealt with under the Young Offenders Act 1997. This potentially places children in a worse position than adults, which is contrary to the principles of the Children (Criminal Proceedings) Act 1987 (section 6(e)).

I ask that the Attorney General provide clarification of those concerns in his reply. As the member for Heffron has indicated, the Opposition does not oppose the bill.

Mrs TANYA DAVIES (Mulgoa) [5.50 p.m.]: I support the Criminal Procedure Amendment (Court Costs Levy) Bill 2013, which will ensure that more criminals found guilty of offences in this State will help to pay the costs of our justice system. The bill will create a statutory court costs levy, which will apply to most convictions in the Local Court. The objects of the bill are to amend the Criminal Procedure Act 1986 to make certain accused persons found guilty of offences in summary proceedings before the Local Court are automatically liable to pay a court costs levy; to amend the Fines Act 1996 to provide that, for the purpose of that Act, a court costs levy is to be treated as a fine for the purposes of enforcement action; and to amend the Children (Criminal Proceedings) Act 1987 merely to restate the current system that applies to criminal proceedings involving children, under which there is no automatic costs levy but the court has a discretion to make an order that an accused person who has been found guilty of an offence pay court costs.

Magistrates currently have discretion to award costs against a convicted defendant at the end of proceedings. This discretion is used in some cases but not in others. This has created an inconsistency based on the judgement of individual magistrates. The bill will remove that inconsistency and ensure that a levy will be charged in all cases covered by the bill. The levy will be set to align with the Local Court filing fee of \$83. The levy will apply to convictions in the Local Court and to some orders under section 10 of the Crimes (Sentencing Procedure) Act. The levy will not apply to convictions resulting in a prison sentence, as there is little opportunity for prisoners to pay off a debt and therefore it could create a worse outcome for their rehabilitation. It will also not apply to convictions in the Drug Court because the debt may counteract the objectives of the Drug Court program.

The levy will not apply in the Children's Court, which will retain its existing discretion to make local court costs orders. It will also not apply to findings of guilt in the Local Court for traffic offences involving

children where the court has chosen to deal with the matter under the Children (Criminal Proceedings) Act rather than at law. The Local Court will have discretion to exempt a defendant in the Local Court who is under the age of 18 years from paying the levy. The bill is another step towards the New South Wales Liberal-Nationals Government's plan to respect our communities. The people of New South Wales have a right to a strong, fair justice system to protect them from criminals and criminal actions.

The bill will correct the injustice of the community having to bear the cost of the justice system and make the perpetrators of criminal action bear some of the costs of prosecuting them. The Productivity Commission's Report on Government Services 2013 estimates that the average cost to government of finalising a criminal matter in the local court is \$250 per matter. An \$83 levy is a fair and reasonable contribution to expect of convicted defendants. Indeed, some in the community would argue it is not near enough to cover administration costs. Importantly, offenders should take responsibility for their actions and be held accountable for not only their crimes but also the cost of prosecuting them. I commend the Attorney General for introducing this bill. I commend the bill to the House.

Mr NICK LALICH (Cabramatta) [5.54 p.m.]: I speak on the Criminal Procedure Amendment (Court Costs Levy) Bill 2013. The objects of the bill are:

- (a) to amend the Criminal Procedure Act 1986 to make certain accused persons found guilty of offences in summary proceedings before the Local Court automatically liable to pay a court costs levy. The levy will replace the present system under which the Local Court has the discretion to make an order that an accused person pay court costs if found guilty, and
- (b) to amend the Fines Act 1996 to provide that, for the purpose of that Act, a court costs levy is to be treated as a fine for the purposes of enforcement action, and
- (c) amend the Children (Criminal Proceedings) Act 1987 merely to restate the current system that applies to criminal proceedings involving children, under which there is no automatic costs levy but the court has a discretion to make an order that an accused person who has been found guilty of an offence pay court costs.

The purpose of this bill is to amend the Criminal Procedure Act to make certain defendants in criminal proceedings in the local court automatically liable to pay a court costs levy. The expected cost of this levy will not be the full cost of the court proceedings: It will be the equivalent of the filing fee which is currently set at \$83. This levy would be payable by any person who is dealt with and convicted of a summary offence in the Local Court, although a number of exceptions and conditions apply.

Mr Geoff Provost: What are they?

Mr NICK LALICH: I will tell members what they are. The levy will not apply to persons sentenced to imprisonment except for a suspended sentence. It will not apply to sentences imposed in the Drug Court. Orders under section 10 of the Crimes (Sentencing Procedure) Act, where the offence is not punishable by imprisonment, will not be subject to this levy—that section allows a court to find a defendant guilty but to dismiss the charge. The levy will not apply automatically to children, although the court will retain the discretion to impose it. It will not be payable in relation to convictions or orders exempted by regulation.

The levy will be treated as if it were a fine imposed by the court that would subsequently allow for enforcement action to be taken and to access alternative payment options such as in the Work Development Order scheme, although this seems to be simply a revenue measure. The end result will essentially be the collection of an additional \$83 fee from most people who are required to appear as defendants in the Local Court, with no real apparent deterrent or rehabilitative impact. It is uncertain whether or not a small levy for miscellaneous court fees will be any kind of deterrent for repeat offenders. The Opposition does not oppose the bill.

Mr TIM OWEN (Newcastle) [5.58 p.m.]: It is with much pleasure that I contribute to debate on the Criminal Procedure Amendment (Court Costs Levy) Bill 2013. I commend the Attorney General for yet again a very practical and pragmatic change to legislation for the good of the people of New South Wales. The purpose of the bill is to amend the Criminal Procedure Act to replace the discretion associated with the court costs levy and to ensure that those people found guilty of a summary offence in the New South Wales courts will be charged the levy. The bill will apply an automatic statutory court costs levy in respect of most convictions in the Local Court, as well as to orders under section 10 of the Crimes (Sentencing Procedure) Act 1999 where a defendant is found guilty but the court does not proceed with conviction. The levy will align with the current filing fee in the Local Court that is currently set at \$83.

Section 215 of the Criminal Procedure Act 1996 gives the Local Court the power to make an order that a defendant pay court costs where a magistrate has the discretion to order a convicted offender to do so—currently this process is being applied inconsistently in this State. The bill is intended to achieve consistency in the application of court costs. Further, it also aligns with the rationale that the proportion of the cost of conducting criminal proceedings should be borne by those found guilty of an offence. This is logical, legitimate and pragmatic. It is reasonable that people found guilty of criminal offences should certainly make a contribution towards the cost of bringing them to justice. I think that is reasonable. Offenders need to learn to take responsibility for their actions, and ensuring that they are accountable for their own court costs is the next step in the right direction from this Government.

The Productivity Commission's 2013 report on government services estimates that the average cost to government of finalising a criminal matter in the Local Court is \$750 per matter. The payment of the levy would represent a modest contribution towards the community's costs in bringing that person to justice. I point out that there will be exceptions to the proposed levy, acknowledging that there are always special circumstances in which the levy would be applicable. The levy would not apply in the Children's Court—that is a reasonable call—which will retain its existing discretion to make Local Court costs orders. It would also not apply to a finding of guilt recorded in the Local Court in relation to traffic offences involving children where the court has chosen to deal with the defendant under the Children (Criminal Proceedings) Act rather than at law.

If the levy would otherwise apply to a defendant in the Local Court who is under the age of 18 years, the Local Court will have the discretion to exempt that person from payment. The proposed levy would not apply to convictions that result in an imprisonment sentence, other than a suspended sentence, as the prisoners would struggle to pay off court costs. Furthermore, the levy would not be attached to convictions recorded in the Drug Court. The rationale behind this exemption is that the Drug Court is considered as a therapeutic court that is meant to rehabilitate the offenders and not hinder their recovery.

Exemption will be made to orders made under section 10 (1) (a) of the Crimes (Sentencing Procedure) Act, where a court finds a person guilty of an offence but, because of extenuating circumstances, directs that the charge be dismissed, except where the offence is punishable by imprisonment. This bill also takes into consideration the offenders who are not able to pay for court costs. As such, the bill contains an amendment to the Fines Act 1996 to ensure that individuals who cannot pay the levy in full will have access to a range of payment options through the court and the State Debt Recovery Office.

Any offenders who cannot afford to pay the levy can apply to pay in instalments. An option to request an extension of time in which to pay will also be available. In some cases the debt might be written off due to serious medical, domestic or financial problems that the individual may be facing. Finally, those offenders participating in the Work and Development Order scheme will be exempt from paying the proposed levy as the scheme ensures that individuals satisfy fine debts by non-monetary means, through unpaid work, community service or undertaking courses or specific treatments.

I note that the levy scheme will be reviewed after 12 months of operation. As I said at the outset, this bill is another pragmatic, logical bill that has been introduced by the Attorney General. I congratulate him on yet another important and logical piece of legislation. As articulated by the Attorney General, it is time for offenders to take responsibility and start contributing towards the costs of justice, and I think everyone in New South Wales would agree with that. The exemptions put in place will protect vulnerable individuals—that is smart and practical—and ensure that others become accountable for their actions. I commend the bill to the House.

Mr CHRIS HOLSTEIN (Gosford) [6.03 p.m.]: I support the Criminal Procedures Amendment (Court Costs Levy) Bill 2013. The bill was introduced by the Attorney General, and Minister for Justice, a good friend and colleague. He is doing a wonderful job in his portfolio, and this amendment bill is the finest example of his good work. This bill amends the Criminal Procedure Act 1986 specifically to replace the existing discretion residing with the Local Court of New South Wales under section 215 of the Act to make an order that the defendant pay costs, with a statutory court costs levy. This would apply to most defendants found guilty of an offence in summary proceedings before the Local Court. As well as attaching to most convictions in the Local Court, it would also attach to some orders under section 10 of the Crimes (Sentencing Procedure) Act 1999 where the defendant is found guilty but the court does not proceed to conviction.

The levy would align with the filing in the Local Court, which is presently \$83. Unfortunately, at present court costs orders made under section 215 are not being applied consistently. This amendment will deliver that consistency. The Government also believes that a proportion of the costs of conducting criminal

proceedings should be borne by those found guilty of an offence. It is important that offenders take responsibility for the impact of their actions on the broader community, which includes the cost of bringing them to justice. It has been estimated in the Productivity Commission's report of 2013 that the average cost to government of finalising a criminal matter in the Local Court can be up to \$750 per matter. The proposed levy would therefore only be a modest contribution by the offender towards the community's cost of bringing that offender to justice.

There will be certain exceptions, such as the Children's Court, which will retain its existing discretion to make Local Court cost orders. It will also not apply to findings of guilt recorded in the Local Court regarding traffic offences involving children where the court chooses to deal with the defendant under the Children (Criminal Proceedings) Act rather than at law. If the levy would otherwise apply to a defendant in the Local Court who is under the age of 18 years, the Local Court will have discretion to exempt that person from payment. It will also not apply to offenders who have been convicted and sentenced to a term of imprisonment, other than a suspended sentence, as it is accepted that those prisoners would have little opportunity to pay off debts while in prison.

It is also accepted that the accumulation of such debts while in prison could have a negative effect on rehabilitation. The levy will also not attach to convictions or other orders recorded in the Drug Court. That court, retaining its discretionary powers, invariably uses that power consistently not to impose court costs on offenders in the Drug Court. The rationale is that the Drug Court is a therapeutic court and that imposing financial penalties on this particular group at a time of completion of the program may act as a barrier to them remaining drug and crime free. It is believed that such a levy could counteract the potential benefits of the Drug Court program.

The levy will also not apply to orders made under section 10 (1) (a) of the Crimes (Sentencing Procedure) Act where a court finds a person guilty of an offence but, because of extenuating circumstances, directs that the charge be dismissed, except where that offence is punishable by imprisonment. The same exception applies in respect of the victims compensation levy. The bill also amends the Fines Act 1996 to ensure that individuals who cannot pay the full levy will have access to a range of alternative payment options available through the court and the State Debt Recovery Office. These options include seeking an extension of time within which to pay; having the debt written off due to serious medical, domestic or financial problems; applying to pay by instalments; and participating in the work and development order scheme, which allows disadvantaged individuals to satisfy fine debts by non-monetary means through unpaid work with an organisation or by undertaking certain courses or treatment.

Further efforts will be made prior to the implementation of the levy to improve the availability of information about court costs and other fees that may apply if a defendant goes to court. This is to enable people to be better advised of such costs before they are incurred. The bill also requires that the levy scheme be reviewed after a full 12 months of operation. The bill reflects a Minister responding to the expectations of the majority of the community in New South Wales who firmly believe that criminals should bear the cost of their actions. I commend the bill to the House.

Mr TONY ISSA (Granville) [6.09 p.m.]: I support the Criminal Procedure Amendment (Court Costs Levy) Bill 2013. Under the provisions of this bill, people found guilty of minor offences will have to pay court costs. As the Attorney General, the Hon. Greg Smith, has said, the current system dictates that court costs are to be paid at the discretion of a magistrate. This bill will make it compulsory for a convicted person to pay \$83 in court costs. This amount, which most people can afford, will contribute to the costs involved in bringing a person to justice. The operation of courts is a costly exercise. According to a recent report released by the Productivity Commission, the average cost to the taxpayers of New South Wales for a case to be brought before the Local Court is \$250. It is not unreasonable to ensure that convicted offenders make a payment towards court costs.

A charge of \$83 represents a mere 33.2 per cent of the total cost of processing the case. Taxpayers should not have to pay the full amount when an offender can contribute towards the cost of a hearing that has been made necessary by their own actions. This legislation will also free up court time because a magistrate will no longer have to consider whether or not to apply the cost. The current system often leads to inconsistent rulings on the charges that should apply. As members would be aware, the court system is already overloaded. As the Attorney General outlined in his speech, this legislation is necessary because it is important that people take responsibility for their actions and the subsequent cost to the community of their actions. It is important to note that the bill will include exemptions to the charge. For example, the charge will not apply to cases in the Children's Court, which will retain the existing discretion to make cost orders.

The provisions will not apply to findings of guilt in the Local Court relating to traffic offences involving children where the court has elected to deal with the defendant under the Children (Criminal Proceedings) Act, rather than at law. It also will not apply to convictions resulting in imprisonment, as those in prison have little opportunity to pay off debts and the accumulation of debt may affect their rehabilitation. People who are convicted in the Drug Court of New South Wales will also be exempted. This court was established to reduce the drug dependency of eligible persons, to promote the reintegration of drug-dependent people into the community and to reduce the need for such people to resort to criminal activity to support their habit. It is believed that exempting these people will assist them to remain drug free and that the application of the levy may hamper their rehabilitation and counteract the benefits of the Drug Court program.

The bill also contains provisions that allow individuals who cannot pay the full levy to have access to a range of alternative payment options. They may pay by instalment or seek an extension of time to pay. They may have the debt written off because of medical, domestic or financial problems or where a person is deemed disadvantaged. The debt may also be paid off through unpaid work. The bill provides that people will be advised of the costs before they are incurred. The levy scheme will be reviewed after 12 months of operation. The Government continues to introduce legislative reform for the benefit of the people of New South Wales. I support the bill and I commend it to the House.

Mr JAMIE PARKER (Balmain) [6.15 p.m.]: I speak on the Criminal Procedure Amendment (Court Costs Levy) Bill 2013. The bill provides for a compulsory levy on persons dealt with in summary proceedings before the Local Court or on those found guilty under section 10 of the Crimes (Sentencing Procedure) Act 1999. The bill moves from the current discretion to apply a court cost to an automatic statutory court cost levy that will apply to convictions, some section 10 charges and in the Local Court. There are legislated exemptions from the levy that have been described by other members: imprisonment; section 10 orders in the Drug Court; orders made under section 10A for convictions with no other penalty; and traffic offences dealt with under the Children (Criminal Proceedings) Act 1987. Discretionary exemptions also apply to children under the age of 18 years. The amendments will apply to existing proceedings that have not yet been determined by the time the amendments commence. They also clarify that the levy does not apply to the Children's Court of New South Wales. The Children's Court will retain its discretion to order court costs.

The Local Court can order that a defendant pay court costs, generally \$83, which is the amount of the filing fee. The Government is seeking to make this payment compulsory. I ask the Minister to address the issue of the cost involved in the operation of the legislation. Based on 2010 figures, these reforms have the potential to raise approximately \$7.7 million. I understand that it is difficult for the Minister to provide an exact figure because Local Court magistrates might choose to exempt children who appear before them and the levies may be made inapplicable if a court has chosen to deal with an offender under the Children (Criminal Proceedings) Act 1987, rather than at law. I also understand that the levy might be written off or paid over a long time.

Levies issued at the discretion of the court are recovered at the rate of about 25 per cent in the first year after the issue of the order. At present magistrates order court costs in about 50 per cent of cases. If one looks at the \$7.7 million figure—the maximum that can be gained by this levy—we know that in the current environment only 25 per cent of moneys are recovered in the first year after the issue of an order. What will be the cost of administering this system? If so many levy notices are issued, will it be revenue neutral? Is the levy designed to generate revenue? That information would be useful because at the moment we know from the annual report of the Department of Finance and Services that the costs of recovering a fine under \$100 are in excess of 10 per cent of the fine. With more levies applied and a recovery rate of only 25 per cent in the first year, it may cost the Government more to develop and administer the system than it will to recover the fines.

The Government wishes to introduce this levy so that people who are found guilty in specific, limited circumstances can make a contribution towards the court costs. On the information that is available it is unclear whether significant revenue will be generated. As well as the cost of the administration of the fines, the cost to the State Debt Recovery Office must also be considered. Efficiencies may be made by the levy being added to other penalties imposed by the court. It is my understanding that where people are unable to pay the levy they will be provided with options. The challenge to the State Debt Recovery Office is that people do not know that payment options are available or how to access them. I hope the Minister will address the issues I have raised.

The current exercise of the court's discretion may serve to protect those who are unable to pay fines. In my view, the discretion of the court is preferable to mandatory payments. I understand that the courts, in particular instances, may determine that people would be unable to pay fines and would exercise discretion. That appears to me to be preferable to engaging in a long-winded and expensive administrative process of

issuing a State Debt Recovery enforcement order when it becomes known that a person cannot pay. At the beginning of the process the discretion of the court to exempt payment may be more effective from a financial perspective. I would appreciate the Minister addressing those issues in his speech in reply. I thank the House for the opportunity to make this contribution.

Ms GABRIELLE UPTON (Vaucluse—Parliamentary Secretary) [6.21 p.m.]: It is clear to me why the Criminal Procedure Amendment (Court Costs Levy) Bill 2013 has come before the House. The reason is that as a matter of principle those involved in the justice system should share in the cost of administering that justice system, even if it does not cover the full cost of being a participant in that process. It also goes some way towards sharing the administrative costs of the justice system, an important part of our society and of community justice. It is for those two reasons that I support the bill. The bill will impose a levy on persons convicted of offences by an independent court of law in certain summary proceedings.

The Act has provisions regarding the Local Court, which is a court of summary jurisdiction that deals with relatively less serious charges. The court in those circumstances is presided over by a magistrate who can deal summarily with matters, with a maximum penalty provided of up to two years' imprisonment for a single offence, and up to five years' imprisonment for multiple offences, including some indictable offences, the more serious offences in the justice system. The Criminal Procedure Act 1986 provides that the Local Court of New South Wales has the discretionary power to make an order that the defendant pay court costs, generally in the amount of the filing fee, if the defendant is convicted. That is the status quo.

We know, as other members have said, that magistrates currently have discretion to award costs against a defendant at the end of summary proceedings if the defendant is convicted. However, we are aware that reports on the justice system show that discretion is being inconsistently applied. Consistency in the justice system is important; if there is consistency, people will know how they will be treated under our system of justice. Certainty also is not only important but vital in our criminal justice system. That is one of the issues addressed by the bill before the House today. Greater consistency and certainty are principles that those on this side of the House support and are proposing through this bill to enhance the criminal justice system.

The bill will replace the existing discretion with a statutory court costs levy, which will apply to most defendants found guilty of an offence in summary proceedings before the Local Court, as set out in schedule 1 [1]. The levy will attach to most convictions in the Local Court as well as some orders under section 10 of the Crimes (Sentencing Procedure) Act 1999 where the defendant is found guilty but the court does not proceed to conviction. The common thread is that this levy will only apply if someone is found guilty, whether or not the matter proceeds to conviction.

In addition to achieving greater consistency, this bill also aligns with the rationale for the existing power to order court costs; that is, that a proportion of the cost of conducting criminal proceedings should be borne by those found guilty of an offence. I emphasise that this is where the person is found guilty. It is also important that the full impact of offenders' actions is borne by them personally. We know from reports of the Productivity Commission and the Law Reform Commission that bringing an offender to justice costs money. Under the current scenario, this cost has not been fairly footed by defendants, or not even shared by offenders in many cases. It is that inconsistency that the bill addresses.

The levy will align with the filing fee in the Local Court, which is currently \$83. Persons liable to pay the levy will have a range of alternative payment options available if they are financially disadvantaged. This is not anything new; there are provisions for those experiencing financial hardship to pay back some of the costs associated with bringing them to justice once they are found guilty—I emphasise when found guilty of committing an offence. The court costs levy does not apply to the following convictions or orders. The first is convictions resulting in a sentence of imprisonment. As was acknowledged in the second reading speech of the Attorney General, it would not be appropriate where a prison sentence is handed down to impose the levy, because those serving a prison sentence have limited opportunity to earn income and address the levy that the Government proposes should apply to those found guilty of committing an offence.

Further, the court costs levy does not apply to orders under section 10 (1) (a) of the Crimes (Sentencing Procedure) Act 1999; that is, where a court finds a person guilty of an offence but directs that the charge be dismissed. The levy does not apply to findings of guilt recorded in the Local Court subsequent to the making of an order under division 4 of part 3 of the Children (Criminal Proceedings) Act 1987 in relation to a traffic offence; that is, where the offence is dealt with by the Local Court by virtue of section 210 of the Criminal

Procedure Act 1986. Also, the levy does not apply to convictions or orders under section 10 of the Crimes (Sentencing Procedure) Act 1999, recorded in the Drug Court, and to convictions or orders that the regulations exempt from liability to pay the levy.

Those are some of the circumstances in which there will be exemptions from this new levy. In addition, it is important to note that a person who is under the age of 18 years is not liable to pay the court costs levy in respect of a conviction or order imposed by the Local Court if the court directs that the person is exempt from the levy. In response to the contentions of the member for Balmain, the court will have discretion where the person convicted is under 18 years of age; and there are other cases in which the levy will not be applied. This bill is about having convicted offenders share the cost of administration and the process of bringing them to justice.

Schedule 2.2 amends the Fines Act 1996 to provide that a court costs levy is to be treated as a fine imposed by the court by which the person liable to pay the levy was convicted or found guilty. This will allow enforcement actions to be taken, including allowing the person liable to pay the levy access to a range of alternative payment options available under the Fines Act. Even where the person will be required to pay a court costs levy, there are a range of alternative payment options available. It is very sensible that the Attorney General proposes that the commencement of the operation of this levy will be delayed until there have been upgrades to court systems that provide for this mechanism to be put in place, and allow time for the public to be notified of the changes. That is only fair. Those who come before the criminal justice system will know the regime in which they present themselves and what will happen if they are found guilty.

Prior to the introduction of the levy, information will be made available about court costs and other fees so that people know that such costs exist before they are incurred. That may provide some deterrence, because not only will a person run the risk of being brought before the court and found guilty—a situation in which nobody would want to find themselves—but will know that if they are found guilty they will have to share the costs associated with their being found guilty of a summary offence before the Local Court. This is a sensible measure; it goes some way to mitigating concerns that were raised by the member for Balmain.

The operation of this levy will be reviewed. It is often the case that a piece of legislation passed by this Parliament is reviewed within a period of five years. Here, we have a very sensible provision that the levy will be reviewed after 12 months in operation. I thoroughly support the principles of this bill. Offenders dealt with under the criminal justice system and found guilty should share the costs of bringing them to justice. This is a matter of principle; I trust it will enable our courts to better administer the system of justice upon which our community relies to provide them with a society in which they feel safe. I commend the bill to the House.

Debate adjourned on motion by Mr John Flowers and set down as an order of the day for a future day.

PRIVATE MEMBERS' STATEMENTS

TRIBUTE TO PHILLIP CHARLES PORTER

Mr RYAN PARK (Keira) [6.30 p.m.]: Today I will talk about the late but great Phillip Charles Porter, or Phil Porter, as I knew him. Phil was the cornerstone of the Tarrawanna Blueys football club. In fact, he was much more than that. Over the past couple of years I worked closely with Phil so that the Tarrawanna Blueys—a great football club in my electorate—successfully obtained the funding the club needed and deserved to improve its playing facilities. I do not think there was a more hardworking individual committed to our community and to advancing the sport of football, or soccer, than Phil Porter. I attended his recent funeral with great sadness, but it was an opportunity for the hundreds present to share the great work this gentleman did and to enjoy the legacy he left.

Last year I asked Phil to work with other community groups to develop ways that they could improve their grant submissions to government departments. As members know, grants are hard to come by. Community groups often do it tough. These volunteer organisations do not have the time or resources to deal with large government bureaucracies. Phil had become an expert in the grants application process. He was charged with sourcing and applying for every ounce of money that could be made available to the Tarrawanna soccer club. He shared his expertise, talent and commitment with others. Although Phil was not on this earth long enough, he made an enormous contribution to the sporting and community backbone of the electorate of Keira.

Phil spent countless hours working and improving the Tarrawanna football club. He would be the first person at the grounds and often the last to leave. He would be the first person to start the team song when the Tarrawanna Blueys won. He would be the first person on the phone chasing up the grants applications and made sure that local members at both State and Federal levels followed up with the relevant government departments. He was the type of man we would love to have and many of us are lucky to have in our communities.

The Keira electorate is sad that it has lost Phil, but it is extremely grateful for his contribution to our community. It is with great sadness that I inform the House of his passing, but his family, the Tarrawanna Blueys and the community look back with pride at the wonderful work done by Phillip Charles Porter and the great legacy he has left us all. When I watch the Blueys play this year there will be a tinge of sadness that Phil is not there. We now have a facility named after Phil that will help us to remember him. It will not be the same, but we are extremely grateful that because of Phillip Porter's contribution the Tarrawanna football club and the Tarrawanna community will be a better place. Vale Phillip Charles Porter.

COMMUNITY FIRST RESPONDER UNITS

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [6.35 p.m.]: It gives me great pleasure tonight to speak about an event that I attended last Friday in my electorate. Two new vehicles were handed over to the NSW State Emergency Service community first responder units in my electorate of Bathurst. One of the vehicles went to the Turon State Emergency Service unit and the other to the Burruga State Emergency Service unit. I was delighted to be a part of this special occasion. It means so much to our community first responder units, its operators, volunteers and the citizens of the communities in remote and rural areas.

The community first responder units provide remote rural communities with an improved initial medical response. The program was established in December 2005 and is a partnership between the NSW State Emergency Service and the Ambulance Service of NSW. It has been operating successfully for the past seven years. The volunteers who undertake community first responder responsibilities undertake rigorous training so that they can provide quality first responder services to their local community. The volunteers treat everything from cuts and bruises to life-threatening medical conditions and major trauma. Last year the community first responder operators attended 415 calls for help, which totalled more than 1,434 volunteer hours. These extraordinary men and women play a vital role in their local communities. I thank them for selflessly giving their time to help others in need. To help them undertake their role safely, effectively and efficiently, it is essential that they have the best vehicles and equipment.

It is important that the community first responder units are selected and fitted out with vehicles to help those in need in a wide range of environments and weather conditions. These vehicles are the first within the State Emergency Service fleet to display the new design markings and brandings. They offer improved visibility and usability for our community first responder operators. The New South Wales Government is proudly committing an additional \$48 million in operational fleet funding to the State Emergency Service and its volunteers over the next five years. This will permit the enhancement of the NSW State Emergency Service vehicle fleet with the addition of the new Ford Ranger community first responder vehicles. Eleven vehicles were rolled out across the State. Having these two vehicles valued at more than \$120,000 assigned to my electorate was a boost to our community.

The Burruga unit has 17 active volunteers with three reserve volunteers. I congratulate the local controller, Shane Bennett. These people give up their time every second Monday for training and to carry out maintenance on vehicles. They are also involved in weekend work. Most incidents occur during the darkness of night in extreme weather conditions and these people are often the first on the scene to assist people who are in need. The Turon State Emergency Service unit is under the control of Marty Tomkinson and has 12 active members who are also involved in training every second Monday night. Once again, these people give up their time when they are called upon. All the volunteers within the State Emergency Service do an incredible job in emergencies.

The Minister for Police and Emergency Services has recognised the need for increased funding for this service and will roll out new vehicles where they are needed. In remote and rural areas, people often have to wait for some time for the arrival of an ambulance, but the community first responder vehicles will enable State Emergency Service volunteers to be the first on the scene to provide the vital and necessary care that is required. I also congratulate State Emergency Service Central Western Region Controller Craig Ronan, who commands respect throughout the community. It has been an extremely busy season and he has worked tirelessly. I congratulate him on the effort he has put in to ensure that the two new vehicles are well utilised.

BLUE MOUNTAINS HEALTH TRUST

Mrs ROZA SAGE (Blue Mountains) [6.40 p.m.]: I draw the attention of the House to the Blue Mountains Health Trust. The trust was established in 2002 by the late Mary Hammon. She and her husband Harry Hammon owned and operated Katoomba's Scenic Railway, now known as Scenic World, which the third generation of the family still owns and operates. The Hammons were active members of the community and Mary's generosity in setting up the trust is just one example of their commitment to the local area. She set up the trust to promote the health and wellbeing of the people of the Blue Mountains with an initial donation of \$150,000, and after her death the fund was endowed with another \$150,000.

Last week I attended a fundraising dinner for the trust with members of the Blue Mountains community showing the same generous spirit that Mary showed a decade ago. The dinner was held at the Blue Mountains International Hotel Management School and its students did the catering. The school, which is overseen by Chief Executive Officer Guy Bentley, is a wonderful supporter of many Blue Mountains charities and is itself supported by the local tourism industry and other businesses. These fundraising nights are a good opportunity for the students to practise their skills and the first year students waited on the tables and cooked the food. The host for the evening was the very enthusiastic Maurice Cooper, OAM, who is a wonderful contributor to many Blue Mountains charities. The chairman of the board of trustees, Mr Kevin Laurenson, a retired obstetrician, was the guest speaker and explained the Blue Mountains Health Trust's activities and the impact it has had on the local community.

The trust has three purposes. It helps people who have an illness or disability and who have needs that are not addressed by government funding. That can include the provision of special equipment, treatment and services, or help with the management of an illness or disability. The trust also helps local health-related services, including Blue Mountains Cancer Help and the Women's Health Centre in Katoomba, and provides up to \$5000 to assist local people to undertake health and medical related tertiary studies. Since the trust began it has assisted 22 people with their studies, 15 of whom have completed their courses. The recipients include Amanda Wilshire, who is in the first year of a Bachelor of Psychology degree at University of Western Sydney; Marcus Blues, who is studying medical science at the University of Western Sydney; and Nathan Wilson, who is studying for a doctorate at the Centre for Developmental Disability Studies at the University of Sydney. They will all make a difference to the lives of others.

All applications for Blue Mountains Health Trust funding are assessed by the trustees. Members of the trust are Mr Kevin Laurenson, the chairperson; Ms Alexis Viles; Mr Malcolm Nicholson; Mr Paul Nagle; Ms Christine Killinger, who is also the Blue Mountains Woman of the Year; Dr John England, an eminent heart specialist; the Reverend Peter Kilkeary; Mr John Hilton; Ms Jane Young; and Ms Jill Single. I know many of the trust members from their involvement in other volunteer organisations in the Blue Mountains. That says a lot about the calibre of the members and their community spirit and input into the local area. Applicants for funding must be involved in services that provide relief to the sick, infirm, disabled, helpless or impotent; provide or help to provide medical advice, treatment or support; prevent or lessen illness or disability; employ medical, surgical and pharmaceutical staff; encourage the study of health issues and educate and train students in areas such as medicine, pharmacy, nursing and related areas of treatment; and promote medical research.

The service must also relate to the residents of the Blue Mountains, and many local residents have been helped over the years through the work of the trust. Local businesses also very generously sponsored the fundraising event with raffle and auction prizes. The major sponsors included the Carrington Hotel, Maurice Cooper and Kerry McKenzie's Bygone Beautys at Leura, and Randall Walker's Echelon Corporate Solutions. I often see them at the many fundraising events held in the Blue Mountains. We are extremely lucky to have such a supportive and active community and businesses that are involved with great charities such as the Blue Mountains Health Trust. I congratulate the trust and its trustees on the wonderful work they do.

MASCOT URBAN ACTIVATION PRECINCT

Mr RON HOENIG (Heffron) [6.45 p.m.]: I draw the attention of the House to my concern about the Mascot railway station precinct being designated an urban activation precinct. I will confine my remarks to that precinct and I will not repeat the views I expressed earlier today in this place about the Government's general approach. This is an example of urban activation without government intervention. When the Coalition was in government prior to the Labor Party's term in office it announced that a railway line would be constructed in partnership with the CRI Group of Companies with the assistance of a contribution from Qantas. The then Minister for Transport, the Hon. Bruce Baird—the Treasurer's father—also announced that the Government would contribute \$500 million to the project.

I was the Mayor of Botany Bay when the location of the railway station was announced and I arranged meetings with the Department of Planning and Infrastructure so that local environmental plans and development control plans could be established for the project. Like anyone who knows anything about good planning policy, I know that increased population density is required on transport routes, particularly around railway stations, and I wanted to encourage quality high-density residential development at that location. Since the opening of the station there has been a great deal of private sector investment in that sort of development in the area. I had oversight of and drafted many of the relevant development control plans, which required minimum room sizes, at least two parking spaces for two-bedroom units and plenty of storage space to ensure that a particular demographic developed in the Mascot railway station precinct.

The Mascot railway station precinct is a wonderful model of how development can occur around public transport facilities. Despite the high population density in the area, it is not crowded with cars on weekends because residents have allocated parking spaces within their buildings. Unfortunately, the same cannot be said about the quality of the developments around Green Square railway station. That area has been overdeveloped and that has resulted in gridlock in the surrounding streets. I am concerned about the decision to designate the Mascot railway station area as an urban activation precinct. I have had fights over the years with the Department of Planning and Infrastructure because it always opposes any expansion of residential development in the Botany Bay area.

However, several weeks ago Meriton announced that it had bought a site adjacent to Mascot station precinct I am told for \$100 million. I have no issue with high-density development at that location if it complies with development control plans and local environmental plans. However, an article in the *Australian Financial Review* I am told revealed that it is planned to build 1,000 units on the site. Bearing in mind the height limits that apply because of its proximity to the airport, it would be impossible to build that many complying units on that site—it is suitable for only about 500 units. Approval has been granted with voluntary planning agreements for buildings next door in accordance with the council's development control plans and local environmental plans.

The Government has announced this to be part of an urban activation precinct and I am somewhat concerned that it may well have been prompted by discussions with Meriton as distinct from its involvement for more than a decade now of the development of that particular area. I am concerned that the Government is saying that it proposes to investigate the precinct and the most suitable planning controls. We cannot get that level of investment from the private sector that I have been able to attract to that location if the development controls are not appropriate. I am concerned that this particular precinct in the Government's overarching precincts has an ulterior motive.

URBAN ACTIVATION PRECINCTS PROGRAM

Mr JAI ROWELL (Wollondilly) [6.50 p.m.]: I rise to further elaborate on the great announcement that was made by the Premier and the Minister for Planning over the weekend and today, and which formed part of the motion accorded priority: getting on with the job of delivering affordable housing. Over the weekend the Government cleared the way for almost 40,000 homes in Sydney's new release areas close to rail lines, employment areas and other new infrastructure. It has long been the Australian dream to own your own home but due to Labor's incompetence and being off the ball that dream has quickly moved out of reach of many families in New South Wales. Labor's only plan was to halt the housing industry altogether.

The supply to demand ratio affects the price and affordability of home ownership. All members on this side of the House get that. Unfortunately, Labor had 50-year record lows in home building starts. Under the O'Farrell Government the situation is now turning around with the recent announcements. As the Premier and the Minister have indicated, it is estimated that for the additional 1.3 million people that will call New South Wales home we need approximately 570,000 new homes and 600,000 additional jobs. Unlike Labor, which announced projects, scrapped them, re-announced them, wasted money and did nothing about them, we on this side of the House know how important it is to provide housing stock at a rate that meets the demand so home ownership does not remain a thing of the past and rents are affordable.

Equally important when planning for these homes is that vital infrastructure is delivered as well. Yesterday, alongside the Premier, the Minister for Transport and the members for Camden and Campbelltown, we inspected the South West Rail Link site and stood at the same place as we did a year ago to the day. What a transformation. Work is well and truly underway on the \$2.1 billion project. I can inform the House that it is

well and truly ahead of schedule. Such major infrastructure projects allow home sites to be available in the growth centres. Our Government has a track record of delivering home sites with the appropriate infrastructure being delivered. As the planning Minister said over the last couple of days:

The Growth Centres are well placed to be vibrant, liveable communities where people want to raise their families—close to transport, with land set aside for open space and other important uses such as retail areas, business zones, schools and police stations.

The Minister has announced the impending rezoning of the five precincts in the north-west and south-west growth centres to provide land for 30,250 homes and 29,000 jobs. These areas include Austral and Leppington North, Box Hill and Box Hill Industrial and East Leppington. Planning will soon start on three additional growth centre precincts at Riverstone East, Vineyard and West Schofields. The Metropolitan Strategy for Sydney to 2031 announced today shows how the Government will grow Sydney over the next 20 years, delivering homes and jobs and investment back into the State.

Infrastructure to support 545,000 new homes in Sydney is planned also. The Government will expand housing in greenfield areas while also renewing established suburbs. Fifty per cent of all new jobs are planned to be in western Sydney, and that is something that is very important to the people of Wollondilly, because over 70 per cent of them travel outside the electorate each and every day to access work. The people of Wollondilly also know how devastating it is when a government does not deliver on promised infrastructure projects. This has been seen time and again in Wollondilly. I think of the sewerage connections were promised by Labor for close to 16 years. It failed to deliver any of those projects.

Mr Stephen Bromhead: Sixteen years.

Mr JAI ROWELL: Sixteen long years. I am proud to say that our Government is now on the job of delivering vital infrastructure and by the middle of next year sewerage connections will be delivered to Bargo, Buxton, Wilton and Douglas Park. From all accounts things are going really well and we are very pleased with the progress that is being made. The O'Farrell Government has a record \$61.8 billion infrastructure program for this State. With that we are getting on with the job and supporting infrastructure projects such the WestConnex project, the M5 West widening, Picton Road upgrades to Camden Valley Way, the \$139 million for Campbelltown Hospital, upgrades to our train stations, to name but a few. In the words of the Premier:

We will not repeat the mistakes of Labor—who allowed houses to be built in Sydney long before the necessary infrastructure was in place to support them.

Unfortunately, as I have mentioned, housing supply has languished over the past decade. But this should not and will not stop this Government from taking positive action to remedy the situation. Already we have seen a boost to the housing market since we took office almost two years ago. But more must be done. The announcements on the weekend and today contain positive plans for the future. The steps we have taken have helped lift housing completions in Sydney in the last year to 18,186, the highest level since 2006—a stark contrast to the near record low of just 13,752 under those opposite in 2009.

This Government is focused on the task of delivering \$50 million to help councils improve local amenities. The work that the Premier, the planning Minister and everyone on this side of the House have done is an absolute testament to their efforts. I thank Campbelltown and Wollondilly Councils, their general managers, Paul Tosi and Les McMahon, for all of their hard work during this process, because many of the sites that we are talking about are within my electorate of Wollondilly. We have fantastic councillors and a fantastic council. I thank them for their hard work in this process. Mr Acting-Speaker, I heard that we have your father in the House. I welcome him to this House and hope that he has an enjoyable evening.

Private members' statements concluded.

SENIORS WEEK

Matter of Public Importance

Mr STEPHEN BROMHEAD (Myall Lakes) [6.55 p.m.]: I rise to speak on the matter of public importance, Seniors Week. New South Wales Seniors Week is now in its fifty-fifth year and is an opportunity for the Government and the general public to thank seniors for their contribution to families and the wider community. Seniors Week is the largest festival for people over the age of 60 in the Southern Hemisphere, with

250,000 seniors expected to take part in 900 events across the State. The Government supports the development and organisation of local seniors' activities through the Seniors Week grants program by providing funds and funding for local councils, community organisations and seniors groups. Across the State \$175,000 was provided to 229 organisations. As always, the centrepiece of Seniors Week is the Premier's gala concerts at the entertainment centre, attracting crowds of around 30,000 people and showcasing the best of Australia's local talent. I congratulate the Minister for Ageing, and Minister for Disability Services, Andrew Constance, for having the foresight to agree to bring a taste of those senior concerts that are held in the metropolitan area to regional areas. I had the great honour of hosting the first of these regional seniors concerts in Forster and in Taree. I would like to share with the House a few of the comments that constituents have made. The first is from Carol Stockham, the activities officer of Forster District Combined Probus Club, who wrote:

I am writing to sincerely thank you, the NSW Government, and all the sponsors for bringing this Concert to Forster, in celebration of Seniors Week, 2013.

We have only ever known these concerts to be held in capital cities and it is, indeed, a pleasure to us when they are brought out of the city to country areas.

...

We have in the past, travelled to Sydney for a Seniors Week Concert. However for us, it means an overnight stay in the city and the cost of a coach for transport. This not only becomes expensive, but it is also very tiring for our elderly members.

Lucy Bokaleak of Taree said:

I must congratulate Stephen's initiative of bringing the show to Taree.

...

I will write a letter to the Minister on behalf of the Senior Citz.
It was a great show!!!

Irene Henderson of Wingham said:

Thank you for promoting the Seniors Week Concert at Club Taree.
My friends and I thoroughly enjoyed the Concert.
I think that having the Concert prior to Seniors Week was a very good idea ...

Another constituent said:

Thank you for procuring Taree the great artists for "Seniors Week". ...
The Manning was privileged to have (a) the Concert and (b) The quality—superb.

Elaine Crossman of Tinonee said:

I would like to say thank you on behalf of Tinonee Friendship Club for the great concert we attended yesterday at Club Taree, for seniors in the Manning Valley.

In the Manning River Times there was printed:

We attended the Seniors' Concert ... at Taree RSL ...
The concert was put on by Steve Bromhead, a great artist ...
Everyone enjoyed this and I hope it comes (to Taree) every year.

That was from a number of people. Another person said in the *Manning River Times*:

Too often in our society, particularly in recent years, governments at all levels have been inclined to tokenistically acknowledge volunteers and seniors with let's charitably say tokenistic expressions of appreciation. A genuine thank you would be much preferred.

The recent Seniors Concerts, auspiced by the State Government and initiated by our local member ... were the real deal. Packed out, hearty, wholesome entertainment that delighted everyone who attended.

More than 2,000 people attended the concerts in Taree and Foster. It was fantastic to see the joy on their faces as they tapped along with the music of the professional entertainers from the metropolitan area who had visited some of our regional areas. Members well know that our population is ageing: the Government is now more than ever aware of the challenges associated with that. A number of initiatives are being implemented to get older people to remain active, healthy and independent, including artwork workshops, exhibitions, cooking classes, film events, surfing, tennis, rock climbing, paddle boarding et cetera. We now have tech-savvy seniors

with computers. For instance, my 85-year-old mother absolutely loves using a computer and attending senior workshops. The New South Wales Government is committed to strengthening the social and economic participation of older people, which is what Seniors Week is all about.

Ms TANIA MIHAILUK (Bankstown) [7.00 p.m.]: I am delighted to speak to this matter of public importance. Earlier today I met with members of the Greek Older Women's Network from Bankstown who were visiting our Parliament. The Greek Older Women's Network is a terrific locally-based organisation that encourages older Greek women to remain active, as well as providing them with social opportunities. They had been to the Seniors Week Concert, which they had immensely enjoyed. I take this opportunity to commend Voula Kerr for her work in organising the Greek Older Women's Network. This network is one of several great community organisations who work with older Australians in my community. I also acknowledge the Older Women's Network at the Bankstown Wellness Centre, Greenacre Area Neighbourhood Centre, Greenacre Senior Entertainers, Chester Hill Neighbourhood Centre and Bankstown Men's Shed.

Importantly, senior citizen centres provide a safe environment for older people to socialise, enjoy a meal or play board or card games. We have some great senior citizen centres in my electorate, including the Bankstown Senior Citizens Centre and the Yagoona Senior Citizen Centre. This year we have a full program of events for Seniors Week in the greater Bankstown area. On Sunday Bankstown Sports, a major participant in this week, kicked off Seniors Week with the St Patrick's Day concert. Tomorrow Bankstown Library will hold iPads for Seniors, where local high school students will demonstrate tablet technology to participating seniors. The culmination of Seniors Week will be the Harmony Day Concert to be held at Bankstown Arts Centre next Sunday. The Bankstown Centra Seniors Expo will be on until tomorrow. The expo aims to demonstrate products and services of benefit for local seniors. Participants in the expo include not-for-profit organisations, government agencies and local businesses such as the Aged Care Rights Services, Bankstown Hospital and Alzheimer's Australia.

Seniors Week is an important opportunity for us to recognise the enormous and ongoing contribution that older Australians make. "Live Life" is the theme of this year's Seniors Week. The object of the theme is to celebrate the life and achievements of older Australians while encouraging ongoing community engagements and 250,000 seniors are expected to participate in over 900 events statewide and, hopefully, there will be something for all who participate. Many older Australians have active and diverse social lives; others can find it difficult to socialise, particularly if they suffer from a debilitating injury or disability or have recently lost a loved one such as a partner. Seniors Week serves as an opportunity to encourage all older Australians to become involved in community events.

This year marks the fifty-fifth Seniors Week and no doubt all members are hoping for at least another 55 annual events. I take this opportunity to congratulate the ambassadors of NSW Seniors Week ambassadors. I congratulate Professor Michael Besser, AM. Professor Besser is a consultant neurosurgeon and clinical associate professor of surgery at Sydney University. He has called on seniors to remain active wherever possible in an area of interest to them or one where they have professional experience. In addition to his areas of expertise, Professor Besser is presently undertaking a course in cosmology. He is a big believer in the health benefits of regular exercise—he cycles and competes in triathlons and ironman events.

I congratulate also Ms Nan Bosler, AM. Ms Bosler is president of the Australian Seniors Computer Club Association—an organisation that assists older people with technology. Ms Bosler first attended university in her fifties and is a staunch believer in lifelong learning. Now aged 78, Ms Bosler has a Masters in Local Government Management and various tertiary qualifications in adult education, community organisation and local and applied history. She has also written a number of books on a diverse range of subjects, including technology for seniors, community management and history.

I congratulate Aunty Ruth Simms, who received the Medal of the Order of Australia for her work as an Aboriginal education officer. Aunty Ruth works to support children in the education system and assists in the planning of State curriculum. Despite being 71 years old, Aunty Ruth works full-time and loves her job. It is impossible to measure the enormous and enduring contribution made by older Australians to our society. I am sure all members join me in thanking older Australians throughout New South Wales for the great work they do every day for our communities, including countless hours of volunteering. I commend the member for Myall Lakes for bringing this matter of public importance to the attention of the House.

Mrs LESLIE WILLIAMS (Port Macquarie) [7.05 p.m.]: It is with much pleasure that I join the member for Myall Lakes and the member for Bankstown in acknowledging the importance of NSW Seniors

Week. It is a great opportunity for members of Parliament and the community to say a big thank you to all of our wonderful seniors. There are quite a few events planned to mark this annual event. Seniors Week is now in its fifty-fifth year. It provides opportunities for seniors to remain active, healthy and engaged with members of their community. In my electorate, and similarly in the other electorates, a range of events are being held, including a "Salute to Seniors", with Sinfonia, the community orchestra of the mid North Coast playing at the Glasshouse, and a sensational Seniors Lifestyle Expo with over 70 healthy, wealthy and wise stalls and travel stalls, along with a series of workshops and live performances. Retirement living master classes are also being staged. At this free seminar industry experts offer advice on topics covering downsizing, preparing one's home for sale, as well as looking at lifestyle options.

Also on offer is a chance to watch the best new Australian short films, with seniors in starring roles during screenings of the Young at Heart Short Film Awards 2013. It is also open house at the award-winning Port Macquarie Historical Museum for all seniors during Seniors Week, with free admission on presentation of a Seniors Card. Seniors make a tremendous contribution to our community through volunteering, mentoring and other activities. Seniors Week is a great opportunity to recognise the outstanding work they do while encouraging them to remain healthy, active and socially connected. During the past year I have met with many seniors in my electorate. For instance, last May I represented Premier O'Farrell at the fortieth birthday celebrations of the Harrington Seniors Citizens Centre. I had a wonderful time with so many of the local residents, including well-known locals and inaugural member Claire Brown, as well as Barbara McGowan and Hazel Colefax.

Eighty-year-old Gwenydd Carter continues to make her mark on the Port Macquarie community. For the past 17 years Gwenydd has worked as a Lifeline volunteer, spending 18 hours a week at the Lifeline shop. That is remarkable but not unusual for seniors in our community. I take this opportunity to honour the wonderful work of the volunteers who run our local men's sheds at Laurieton, Port Macquarie, Harrington and Wauchope. I honour also the very popular U3A group, which now has more than 500 members in Port Macquarie. I recently had the pleasure of addressing that wonderful group of people. More than 32 per cent of the Port Macquarie-Hastings area is aged 60-plus, which makes this area one of the highest regions that seniors call home and our community is so much better for it. In closing I wish the seniors in my electorate and all over this great State a very happy Seniors Week.

Mr CLAYTON BARR (Cessnock) [7.08 p.m.], by leave: I recognise an award winner in the electorate of Cessnock for Seniors Week awards—it is supporting working seniors. I read on to the record the nomination provided for the award:

The Hawkins Masonic Village Men's Shed is situated within the 45 acre complex of the Hawkins Masonic Village, a retirement establishment owned by the Royal Freemasons' Benevolent Institution, at Northville Drive, Edgeworth, within the wider city of Lake Macquarie, New South Wales. This Village is peopled by 400 senior citizens, housed in 200 self-care units, a Nursing Home and four Hostel buildings for the frail aged. The Men's Shed was established some 4 years ago in some of the empty units at the Village and because it has been such a success, further adjacent empty units have been made available by the Management to add to those originally allocated so that now the Shed comprises a workshop area, sales shop, model railway display, recreation area, BBQ area, and storage facilities. These are mostly connected with covered ramps and walkways to make a composite area given over to the needs of the senior male residents living at the Village and to other gentlemen from the outside community who are welcome to come and visit. The workshop area is fully equipped with all manner of woodworking machinery and tools. Many of our own residents are well qualified to use the tools having been carpenters and machinists during their working lives, and these are only too happy to teach others the necessary woodworking skills. Male residents from our hostels on site are brought over to the Men's Shed by staff on our Village bus every week to enjoy interaction with the other men from self-care units, and these enjoy immensely the opportunity to get out of their somewhat confined habitation. Once a month we have two men visit from a local Bunnings Warehouse which company allow these gentlemen to come during working hours, to assist our men with projects. Bunnings have also made available donations of goods which is much appreciated. Other local bodies have also made donations of timber. The men at the Shed make wooden toys and other items to donate to local charitable bodies and wooden items that our hostel and nursing home residents can use, such as book leaning supports etc. These of course are given freely. The men capable have also been instrumental in building bus shelter sheds in strategic places around the Village, and also ramps to units for the use of persons on walkers or in wheelchairs. The Men's Shed liaises with the local West Wallsend High School and at one time had a young man student visit on a regular basis to be taught hands-on skills by our senior men which was of great assistance ... Our Village Administration has made money available in the past for the purchase of tools and machinery, et cetera, as well as making the buildings themselves available, and paying for the use of electricity, telephone etc. The men regularly throughout each year put on B.B.Q.s and Pie, Potatoes and Pea Nights in the Village hall to raise extra funds, and they have held big raffles for this purpose also, with the prizes being a magnificent Dolls House and other items. The gentlemen using the Men's Shed are always active on some project or other, for their own enjoyment and for the benefit of others. Our Shed has been called a role model for others and certainly and definitely fulfils the purpose that any Men's Shed anywhere is supposed to do, that of providing the means for retired elderly men to lead happier, healthier, more useful lives enjoying interaction with others thereby avoiding or delaying the onset of any possible physical or mental illnesses and for those already afflicted gaining the support of others which they otherwise might not have access to. An Award from our State Government during Seniors Week would be a wonderful acknowledgement of the value of the work the Hawkins Masonic Village Men's Shed does, and would be very much appreciated by all those concerned and involved.

Mr STEPHEN BROMHEAD (Myall Lakes) [7.11 p.m.], in reply: I thank the member for Bankstown, the member for Port Macquarie and the member for Cessnock for their valuable contributions to this important discussion on Seniors Week and the work that seniors do in our community. The members spoke about the volunteering done by seniors. When one thinks about it, so many of the things we take for granted in our communities would not happen without seniors. Seniors are involved in many community organisations and keep those organisations going. Seniors Week is an opportunity to thank seniors for the work they do and for their involvement not only in their local communities but in families. I commend Seniors Weeks to the community.

Discussion concluded.

**The House adjourned, pursuant to standing and sessional orders, at 7.13 p.m. until
Wednesday 20 March 2013 at 10.00 a.m.**
