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LEGISLATIVE ASSEMBLY

Wednesday 5 March 2014

The Speaker (The Hon. Shelley Elizabeth Hancock) took the chair at 10.00 a.m.

The Speaker read the Prayer and acknowledgement of country.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

COURTS AND OTHER LEGISLATION AMENDMENT BILL 2014

Bill introduced on motion by Mr Greg Smith, read a first time and printed.

Second Reading

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [10.11 a.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Courts and Other Legislation Amendment Bill 2014. The purpose of this bill is to make miscellaneous amendments to legislation affecting the operation of New South Wales courts and other legislation administered by the Attorney General, and Minister for Justice. The bill is part of the Government's regular legislative review and monitoring program. It amends a number of Acts to improve the efficiency and operation of our courts as well as the operation of various agencies within the Department of Attorney General and Justice. I now will outline each amendment in turn. Schedule 1 to the bill makes amendments to the administrative process for tabling annual reports that fall within the Attorney General's ministerial portfolio. The amendments enable annual reports to be tabled out of parliamentary session, which is a common process. Equivalent provisions can be found in a range of other New South Wales Acts, including the Annual Reports (Departments) Act 1985 and the Annual Reports (Statutory Bodies) Act 1984.

However, some Acts within the Attorney General's portfolio do not contain provisions that allow for out-of-session tabling. As a result, a small number of annual reports cannot be tabled out of session in the Legislative Assembly, including annual reports under the Anti-Discrimination Act 1977, Inspector of Custodial Services Act 2012, Professional Standards Act 1994, Public Defenders Act 1995 and Workplace Surveillance Act 2005. The amendments in schedule 1 to the bill will ensure a single procedure is in place for tabling all annual reports within the Attorney General's portfolio. A unified procedure for tabling will make the administrative process simpler and more efficient for both the Office of Attorney General and Justice, and the staff in the Legislative Assembly Table Office. It will ensure also that Parliament receives these reports more timely than might otherwise be the case.

The bill contains two amendments to the Justices of the Peace Act 2002. The first permits regulations to be made to vary the term of office of a justice of the peace, or JP. Currently New South Wales has more than 90,000 justices of the peace and a large number of these appointments will expire between June 2014 and February 2017. Between October 2016 and February 2017 the number of justices of the peace needing reappointment when their term expires will peak, and this will create a significant volume of administrative work. This amendment will enable reappointments to be distributed over a longer time frame, which will make the reappointment process more efficient and ensure people do not experience delays when applying to be reappointed. The amendment will enable an expiry date to be set that is no more than 12 months earlier or up to two years later than the current five-year expiry date of the term of a justice of the peace.

The second amendment to the Justices Act would allow a justice of the peace to be temporarily suspended by the Attorney General where it is unclear whether he or she is fit to continue performing his or her

functions. The circumstances in which a justice of the peace could be suspended have been drafted to mirror equivalent provisions in the Act that provide for a justice of the peace to be permanently removed from office. These circumstances include where a justice of the peace becomes bankrupt or is convicted of an offence that is punishable by imprisonment for 12 months or more. It is disappointing that every month I seem to have to recommend striking off justices of the peace for misconduct, bankruptcy or convictions. This amendment contains a safeguard to ensure that if a justice of the peace exercises a particular function whilst suspended, such as witnessing or certifying a document, the validity of the document cannot be challenged unless a person relying on the document knew or ought reasonably to have known that the justice of the peace was suspended.

The bill amends the State Records Act 1998 to exclude justices of the peace from the record-keeping requirements of that Act. Many New South Wales justices of the peace are volunteers. Attempting to enforce the record-keeping requirements contained in the States Records Act would be administratively difficult; more importantly, it may reduce the willingness of justices of the peace to serve voluntarily. The State Records Authority has been consulted and does not object to this amendment. Schedule 3 concerns amendments relating to judicial officers. Schedule 3.1 of the bill clarifies the operation of a clause that was introduced into the Industrial Relations Act 1996 by the Industrial Relations Amendment (Industrial Court) Bill 2013. Schedule 2, clause 10A, of the Industrial Relations Act permits a member who is retired from the Industrial Relations Commission to continue hearing certain part-heard matters. This amendment clarifies that if the former member was the president the member does not continue to exercise the functions of the president if he or she stays on to complete a part-heard matter. The Industrial Relations Commission has been consulted regarding the drafting of this amendment and considers that the amendment is necessary to avoid any doubt about the operation of clause 10A.

The amendments in schedule 3.2 to the bill amend the Judicial Officers Act 1986 to clarify that a report prepared by the Conduct Division of the Judicial Commission must be provided to the Judicial Commission and the judicial officer concerned. The commission will also be empowered with discretion to provide the person who made the complaint about the judicial officer with a copy of any report, or a summary of any such report, unless the Conduct Division has notified the commission in writing that this should not occur. These provisions were requested by the president of the Judicial Commission. They will apply only when a complaint has been dismissed by the Conduct Division under section 26 of the Act or where the complaint has been wholly or partially substantiated but referred to the head of jurisdiction for attention pursuant to section 28 of the Act. Section 29 of the Judicial Officers Act 1986 already permits the Conduct Division's report to be provided to affected parties where the complaint has been referred to Parliament to consider whether the judicial officer should be removed.

Schedule 3.3 to the bill relates to the Judges' Pension Act 1953. That Act was amended in 2000 to provide a lump sum superannuation guaranteed benefit for judges and acting judges who are not eligible for a pension under the Act. This was required by the Commonwealth Superannuation Guarantee (Administration) Act 1992. At present the lump sum entitlement calculated in part 3 of the Judges' Pension Act 1953 is based on the 9 per cent superannuation guarantee percentage that was previously in section 19 (2) of the Commonwealth Superannuation Guarantee (Administration) Act 1992. This percentage increased to 9.25 per cent from 1 July 2013 and the rate will continue to increase each 1 July until 2019. To ensure continued compliance with the Commonwealth Superannuation Guarantee (Administration) Act 1992 schedule 3.3 to the bill amends the Judges' Pension Act 1953 to apply the correct percentage in each year, or part year, of judicial service that counts towards the lump sum benefit.

The amendments contained in schedule 4 seek to give effect to an agreement with the former Standing Committee of Attorneys-General [SCAG] in 1999. For some reason that acronym has been removed and changed to SCLJ [Standing Council on Law and Justice] and will soon change again—probably to something even more unpronounceable. The agreement authorises locally engaged staff at Australian and overseas posts to take evidence, serve process and witness documents. Currently this work can be done only by high-ranking Australian diplomatic or consular officers, which is defined to include ambassadors, Office of the Australian Department of Foreign Affairs and Trade and persons appointed as honorary consuls. There is no compelling reason why appropriate locally engaged staff at overseas posts cannot also do this work. The persons employed at these posts have undergone stringent security and criminal record checks and many already have significant experience with this type of work. Allowing locally engaged staff to do this work would facilitate faster and more convenient processes for consulates and for the people who seek their services.

Schedule 5 deals with a number of minor amendments to various Acts. Schedule 5.1 amends the Coroners Act 2009. Section 37 (2) of the Coroners Act requires the deaths in custody and police operations annual report—something that my colleague the shadow Attorney General is familiar with—to be made to the

Attorney General within two months from the end of each reporting period. It is read closely by all concerned. As the end of the reporting period is 31 December this means that the deadline for the report is 1 March each year. The annual report must then be tabled within each House of Parliament within 21 days. This deadline places an unreasonable deadline on the Coroners Court as it is extremely difficult to prepare the report by 1 March each year. In particular, the required data is generally not available early enough to allow the statistics to be cross-checked against Corrective Services and police data resources. Schedule 5 amends section 37 (2) of the Coroners Act to require the report to be provided to the Attorney no later than 1 May each year. This will ensure that the Coroners Court is provided with a more reasonable timeframe in which to verify the data and finalise the report. The State Coroner supports this amendment.

Schedule 5.2 amends the Courts Suppression and Non-Publication Orders Act 2010. The amendment provides that information that is subject to a suppression order may be lawfully provided to the Bureau of Crime Statistics and Research [BOCSAR] for the purpose of maintaining criminal statistics. This will ensure that the Bureau of Crime Statistics and Research statistics on criminal proceedings are comprehensive and do not exclude matters that are the subject of suppression orders. The information obtained by the Bureau of Crime Statistics and Research will continue to be subject to the suppression order. This means that the information will continue to be treated as confidential.

Schedule 5.3 amends the Land and Environment Court Act 1979. Section 32A of the Land and Environment Court Act provides that a commissioner of the Land and Environment Court may not exercise functions in relation to proceedings arising under the Aboriginal Land Rights Act 1983 unless he or she has particular qualifications and experience. The qualifications are: suitable knowledge of matters concerning land rights for Aboriginals and qualifications and experience suitable for the determination of disputes involving Aboriginals. It is appropriate that commissioners who hear matters under the Aboriginal Land Rights Act have special qualifications and experience.

However, because of the way the Land and Environment Court Act is currently drafted commissioners must have the required qualifications when they are appointed to the court. If commissioners gain the required qualifications after they join the court they still cannot hear matters under the Aboriginal Land Rights Act even though they are qualified to do so. To ensure that all commissioners who are appropriately qualified can hear these matters schedule 5.3 to the bill amends section 32A to enable commissioners to exercise functions under the Aboriginal Land Rights Act if, in the opinion of the chief judge, the commissioner has the required qualifications. Schedule 5.4 amends section 69C of the Supreme Court Act 1970, which relates to stay of orders pending judicial review. The section provides that the execution of a sentence imposed as a consequence of a conviction, or any other order, is stayed when proceedings seeking judicial review are commenced. However, the section does not operate to stay the execution of a sentence where a person is in custody when proceedings seeking judicial review are commenced.

It is unclear whether the section currently operates to stay apprehended violence orders. It is also unclear whether a person serving a sentence by way of an intensive correction order or a home detention order is considered to be in custody for the purposes of the section. To clarify this, schedule 5.4 to the bill amends section 69C to specify that the section does not stay the operation of an apprehended violence order and that a reference to a person who is in custody includes a person who is the subject of an intensive correction order or a home detention order. The amendments in the bill, although relatively minor in nature, will improve the administration of justice in the State thereby assisting the courts and other agencies within the Department of Attorney General and Justice to perform their work more efficiently. I commend the bill to the House.

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

CRIMES AMENDMENT (FEMALE GENITAL MUTILATION) BILL 2014

Bill introduced on motion by Mr Greg Smith, read a first time and printed.

Second Reading

Mr GREG SMITH: [10.31 a.m.] I move:

That this bill be now read a second time.

The Government is pleased to introduce the Crimes Amendment (Female Genital Mutilation) Bill 2014. The bill amends the Crimes Act to increase the maximum penalty for performing female genital mutilation from seven

years to 21 years imprisonment and to create a new offence of removing a person from New South Wales with the intention of having female genital mutilation performed on that person. In December 2011 the Commonwealth Government announced the review of Australia's legislative framework criminalising female genital mutilation. In March 2013 the review of Australia's female genital mutilation legal framework made a number of recommendations aimed at ensuring consistent offences and penalties. In April 2013 the Standing Committee on Law and Justice agreed to the recommendations. Female genital mutilation involves the partial or total removal of the female genitalia. It is an abhorrent practice. There are no health benefits and a number of short- and long-term complications can arise from the practice. The immediate harm to the girl or woman can include severe pain, haemorrhage, tetanus and sepsis. Long-term health problems are associated with the practice.

The World Health Organization estimates that more than 125 million girls and women alive today have been the victim of female genital mutilation. New South Wales was the first Australian jurisdiction to introduce the offence of performing female genital mutilation in 1995. The Commonwealth review found that the New South Wales provisions differed from the provisions later settled on in the model criminal code and other jurisdictions in two respects. First, the maximum penalty of seven years imprisonment is significantly less than the maximum penalty in the code and other jurisdictions. Second, New South Wales is the only jurisdiction that does not have a specific removal offence. The removal offences in Victoria and the Northern Territory apply regardless of age of the person taken from the jurisdiction. All other jurisdictions apply only to taking a child or arranging for a child to be taken from the jurisdiction. The review recommended that the States and Territories consider adopting consistent penalties for their female genital mutilation offences and broadening the scope of their offences so that it applies to a female person regardless of age.

I turn now to the detail of the bill. Item [2] of schedule 1 to the bill amends section 45 (1) of the Crimes Act to increase the maximum penalty for performing female genital mutilation from seven years to 21 years imprisonment. This will bring the maximum penalty into line with the penalties applicable for performing female genital mutilation in Western Australia and Tasmania. Since the female genital mutilation offence was introduced in 1995, there has been a steady increase in maximum penalties for offences in New South Wales for other matters. Increasing the maximum penalty for female genital mutilation to 21 years also brings the penalty into line with similar offences in New South Wales, such as intentionally causing grievous bodily harm or wounding, which carries a maximum penalty of 25 years imprisonment.

Item [4] of schedule 1 to the bill amends the Crimes Act to introduce a new offence of taking a person or arranging for a person to be taken from the State with the intention of having female genital mutilation performed on that person. The offence is not restricted to taking a child or arranging for a child to be taken from New South Wales; it will apply to adults as well. While female genital mutilation is traditionally practised on girls, women can also be forcibly removed or coerced to leave New South Wales to have female genital mutilation performed on them. For example, a woman could be physically escorted by her husband to another country to have female genital mutilation performed on her, or a father could buy a plane ticket for his daughter to travel to another country to have female genital mutilation performed on her. These acts will be covered by the removal offence. The existing female genital mutilation offence in New South Wales prohibits the female genital mutilation of women as well as girls and it would be inconsistent for the removal offence not to apply also to children and adults.

An evidentiary provision similar to that which appears in the model criminal code has been included to facilitate proof of intention. It provides a presumption that a person intended female genital mutilation to be performed on another if the prosecution proves the person took or arranged to take the other person from New South Wales and female genital mutilation was performed on her while she was outside the State. The accused can lead evidence to rebut this presumption. Subsection (3) of new section 45A states that the consent of the person to be taken from the State is not a defence to the removal offence. This means persons cannot consent to having female genital mutilation performed on them or consent to leaving the State to have female genital mutilation performed on them. This is consistent with the removal of consent as a defence for female genital mutilation offences across all Australian jurisdictions and the model criminal code.

New section 45A subsection (4) will ensure that the removal offence applies only to female genital mutilation, which is an offence under existing section 45 (1) so the medical exemptions in section 45 subsections (3), (4) and (7) also apply. The removal offence will carry a maximum of 21 years imprisonment to ensure consistency with the performing female genital mutilation offence in section 45. Currently, section 45 (2) provides that the geographical nexus for the offence of performing female genital mutilation is satisfied if the offence is performed on a person who is ordinarily a resident of New South Wales. This captures a person performing female genital mutilation on a New South Wales resident even if the procedure occurred in another country.

Items [1] and [3] of schedule 1 to the bill moves this extraterritorial application provision to part 1A of the Crimes Act, which sets out the provisions regarding the geographical jurisdiction of the Crimes Act. The extraterritorial application provision will now apply also to the removal offence. This means it will cover a person removing a resident of New South Wales from the State to have female genital mutilation performed on her and will ensure adequate coverage of the offence. Schedule 2 to the bill makes a consequential amendment. It provides that a person being charged with the removal offence under section 45A of the Crimes Act will require that the Children's Guardian conduct a risk assessment under the Child Protection (Working with Children) Act 2012.

The Government is committed to ending the practice of female genital mutilation. The Government will run a public awareness campaign to educate young women and the community about these legislative changes and the short- and long-term health consequences of the practice. These changes will ensure that people who perform female genital mutilation or take or arrange for persons to be taken from New South Wales to have female genital mutilation performed on them will receive appropriate punishment. I commend the bill to the House.

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

SNOWY HYDRO CORPORATISATION AMENDMENT (SNOWY ADVISORY COMMITTEE) BILL 2013

Second Reading

Debate resumed from 4 March 2014.

Ms KATRINA HODGKINSON (Burrinjuck—Minister for Primary Industries, and Minister for Small Business) [10.42 a.m.], in reply: I thank all members who have made a contribution to this debate for their commitment to an approach that delivers positive outcomes for the Snowy. Some 27 members contributed to the debate, which shows the depth of feeling that exists for the Snowy Hydro Corporatisation Amendment (Snowy Advisory Committee) Bill 2013. The passion with which many of speakers addressed the bill shows the strength of feeling in New South Wales for a proper committee structure that reflects true community ownership. The Snowy Hydro Corporatisation Amendment (Snowy Advisory Committee) Bill 2013 will amend section 57 of the Act to create the Snowy Advisory Committee. The committee will replace the Snowy Scientific Committee, which has existed since 2008. The new committee's advice will still reflect its own views and the chair will be outside of government, but it will include government and technical representatives to ensure the advice is practical and able to be implemented.

The rationale for a Snowy Advisory Committee is, firstly, that the previous Snowy Scientific Committee's role and membership as set out in section 57 does not meet today's needs and contemporary water management arrangements. Section 57 does not really ensure that the correct technical expertise is represented on the committee; nor is there a mechanism to allow community or government water specialists to provide advice to the committee even when there is an identified shortfall in technical expertise. Secondly, as I stated, the role and membership of the Snowy Scientific Committee of 1997 does not reflect the needs for managing the system today. Much has happened and changed in the past 17 years, including agreement on the volume that would be recovered, the actual recovery of the 212 gigalitres of entitlement for the Snowy River and various trials of release patterns.

Thirdly, today we need an advisory committee that can address the broader range of issues associated with environmental flow releases, including input from Aboriginal groups and technical and water management experts. They are important contributors to an effective committee for the Snowy. Fourthly, the Snowy Scientific Committee was not set up until 2008 and was not given the resources it needed then to meet its specified roles. This is made clear by the fact that it was not able to produce the required state of the environment catchment reports. In addition, there was a doubling up of the need to produce state of the environment catchment reports because the environmental department was also required to produce such reports. Requesting similar bodies to produce exactly the same reports was a total duplication of resources, and the Snowy Scientific Committee was not able to meet that requirement. The final rationale for the establishment of the Snowy Advisory Committee is that the New South Wales Government cannot afford to waste funds and double up on activities. The Snowy Advisory Committee will have access to government information and monitoring and modelling and research, and therefore it will be a much more effective committee.

I acknowledge the concerns of members opposite about scientific expertise on the Snowy Advisory Committee. The New South Wales Liberal-Nationals Government is committed to policy founded on science. For that reason the Snowy Advisory Committee will draw on input from environmental groups and government agencies such as the NSW Office of Water, the Office of Environment and Heritage, and Fisheries NSW. The previous Snowy Scientific Committee was also an advisory committee. Its role was to advise Ministers on the regime for release of water for environmental purposes under the Snowy water licence and the adequacy of those releases. The important difference is that the Snowy Advisory Committee is broadened to ensure that other members of the community are also represented and that the expertise of government specialists is also utilised.

Rather than being a committee handpicked by the New South Wales and Victorian State governments, the Snowy Advisory Committee will be nominated by a range of interest groups, including environmental and Indigenous bodies, to ensure the formation of a broad and balanced group. It is envisaged that the Snowy Advisory Committee will comprise: a chair appointed by the New South Wales Minister responsible for water with appropriate committee facilitation skills and a reasonable understanding of water and/or environmental issues and/or the Snowy River; New South Wales government specialists from, for example, the Office of Water, Fisheries NSW and the Office of Environment and Heritage; a Victorian government specialist such as the Victorian Environmental Water Holder; and Snowy Hydro Limited. The committee will also comprise: four local community representatives, two of whom will be from New South Wales and two of whom will be from Victoria; one environmental organisation representative; and one male and one female Aboriginal representative. The Committee will not be government controlled as its predecessor was. It is anticipated—and expected—that these representatives will bring extensive expertise in aquatic environments and water management.

On the issue of water flow, I advise members that the volumes of water recovered under the Snowy Initiative for the Snowy River Increased Flows and the Snowy Montane River Increased Flows will remain committed to these waterways. That is 212 gigalitres of entitlement for the Snowy River, and for the montane rivers it is a volume equivalent to that required to produce up to 150 gigawatt hours of electricity. Environmental releases have continued every year with or without the Snowy Scientific Committee. In the 2013-14 water year we saw the largest volume of environmental water ever released into the Snowy, which was more than 190 gigalitres. I note that last night the member for Dubbo spoke extensively on this issue during his contribution. The water was released via a new strategy that better mimics the hydrology of a Snowy montane river. This involved five separate high-flow releases during the spring of 2013 to replicate the "flashy" nature of the Snowy River, plus increased flow variability. This approach is more typical of a snowmelt rainfall river system and is based on the natural flow patterns in the Thredbo River.

The approach was developed in consultation with the Victorian and Commonwealth governments, Snowy Hydro Limited, the chair of the former Snowy Scientific Committee and other industry specialists. I acknowledge the member for Albury for highlighting the fact that the requirement to produce a public state of the environment report was never met by the former Snowy Scientific Committee. In addition, as the member for Rockdale stated, the former Government did not get around to appointing the Snowy Scientific Committee until 2008—more than a decade after the Snowy Hydro Corporatisation Act 1997. To express concern about a bill amendment that delivers a shift towards a balance of community representation and scientific expertise—when the former Government took a decade to appoint a committee that never met its obligation—rings of opposition for opposition's sake and not real sense. As the member for Murray-Darling noted, there are no plans to change the flow regime and this is not a conspiracy theory. This is simply the best means of ensuring that there is representation at the community level, and that is consistent with the philosophy of the Liberal-Nationals Government.

I acknowledge that the member for Mount Druitt said there are grounds for both scientific and community representation—a point on which I absolutely agree. The Snowy Advisory Committee will build on the strengths of the previous committee and ensure the committee is a more representative advisory body with contemporary governance arrangements. The role of the Snowy Advisory Committee will be to advise on the timing and patterns of the release of environmental water each year from that recovered under the Snowy water licence. In 2013-14, 190 gigalitres will be released, the largest volume of environmental water released into the Snowy River below Jindabyne. I stress that this will be achieved through a more variable flow regime, including a trial of five high flow releases that mimic the natural flows of the Snowy. This is designed to improve the habitat of the river for fish and other species.

I have been advised that the Office of Water is already seeing positive results from this new pattern of variable releases. The new committee's arrangements will be more consistent with other environmental water

advisory committees across New South Wales. In summary I make special mention of the member for Monaro, an exceptional member who is totally devoted to his local community. The member for Monaro, in his speech in support of this amending bill, highlighted the fact that in order to maintain achievements to date we have to draw on a wider range of community stakeholders. This is his area and he knows it inside out. He knows his communities which is why he supports this piece of legislation. The formation of the Snowy Advisory Committee is sensible. It will ensure that input will extend beyond the representation of environmental groups and that community and Aboriginal interests have a say in the management of their river. There has been general recognition that a new approach to the committee is needed. This bill delivers that new approach. I commend the bill to the House.

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

The House divided.

Ayes, 58

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

Noes, 23

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

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Ms Katrina Hodgkinson agreed to:

That this bill be now read a third time.

Bill read a third time and transmitted to the Legislative Council with a message seeking its concurrence in the bill.

CRIMES AND OTHER LEGISLATION AMENDMENT (ASSAULT AND INTOXICATION) BILL 2014**LIQUOR AMENDMENT BILL 2014****Take-note Debate****Debate resumed from 25 February 2014.**

Mr JOHN SIDOTI (Drummoyne) [11.04 a.m.]: It gives me great pleasure to speak in the take-note debate in support of the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 and the Liquor Amendment Bill 2014. Many members have spoken about the objects of these bills and I am glad to see this important issue being debated. The matters addressed in this legislation are extremely serious and affect the lives of everybody in New South Wales. It is important that there be free and frank debate about alcohol-fuelled violence and its consequences and the most effective ways to prevent the harm, fatalities and tragedies that have been a most regrettable consequence over the past few years.

Even though the number of alcohol-related assaults has declined since 2008, it is a sad fact that the number of hospitalisations attributed to alcohol has steadily increased. According to the Auditor-General, the New South Wales Government does not currently estimate or report on the total cost of alcohol abuse in this State. However, Audit Office-sponsored research estimates that it could cost the Government about \$3.87 billion per annum—or, in simple terms, \$1,565 for each household per annum. These are alarming figures. Clearly, alcohol abuse results in significant social and financial burdens on society, and on the Government's financial resources. That is just as serious as the direct human costs.

As a father I grieve with the families who have suffered terribly as a result of alcohol-fuelled attacks on their children, including the families of Michael McEwen, Thomas Kelly, Greg Griffin and Daniel Christie. This Government is committed to doing everything in its power to ensure that such attacks are not repeated and that every member of the public is able to walk the streets in safety. This objective requires not only action by the Government but also, as Daniel Christie's father said, extensive cultural change in our society's attitude to the consumption of alcohol and drugs. This change is supported by everybody, including our schools, churches, sporting organisations, the hospitality industry and families across New South Wales. I have listened with great interest to contributions to this debate. The member for Pittwater brought some valid points to the discussion. He spoke about alcohol advertising on buses seen by our children. Those advertisements are directly targeted to our children. Much more must be done, and I hope that the Premier will take this up in another debate nationally with the Council of Australian Governments.

Unlike in Victoria, in New South Wales an intoxicated person may be guilty of offensive conduct, but public drunkenness alone is not an offence. While there are significant powers of detention under the Law Enforcement Powers and Responsibilities Act 2002, a person who is intoxicated in a public place can be detained by a police officer only if he or she is found to be: first, behaving in a disorderly manner; secondly, behaving in a manner likely to cause injury to himself or herself or someone else or damage to property; or, thirdly, for physical protection because of his or her intoxication. I do not understand that. It is not okay, it is not cool and it is not socially acceptable to get drunk or to alter one's perception of reality by the use of drugs—full stop.

When I was recently in Europe I found there were many places where alcohol is freely available and much more affordable than it is in New South Wales, particularly in Italy. Despite that, I did not once experience drunken behaviour. The spectacles that I have seen or read about on the streets of Sydney are amazing. There appears to be an idea that it is normal or an acceptable part of a Friday or Saturday night out that a young person gets paralytic. That attitude must change. Apart from the serious health consequences of this abuse and the resulting behaviour, there are also very serious safety issues, even for consumers. For example, people drunkenly wandering across busy streets or falling down stairs at train stations and people unwittingly placing themselves in sexually dangerous company and situations are very vulnerable.

In December 2013, the Legislative Council Standing Committee on Social Issues tabled its report entitled "Strategies to reduce alcohol abuse among young people in New South Wales." This excellent report canvasses many issues regarding the extent and nature of alcohol abuse among our young people, including binge-drinking, their preference for shots and ready-to-drink beverages and the common practice of preloading. The committee found that there is a deep-seated culture of drinking to get drunk and a rising incidence of preloading—that is, the consumption of alcohol before going out to licensed premises or other venues.

These are social issues and not matters for the law and we require a raft of measures to change the culture and the expectations of the younger generation. Measures introduced to address these issues must include an extensive review of how alcohol is sold and its promotion across our society, including at sporting events. I commend the Premier for his calls for and support of a national alcohol summit. Clearly, many aspects of the problem of irresponsible alcohol consumption and its solution require action by both State and Federal governments, including initiatives in marketing, advertising and taxation. The issue of alcohol abuse and stopping the harm it causes to innocent individuals and across our State generally will not happen overnight. However, while the long-term solutions are a work in progress with many aspects and matters having to be considered and reviewed, this Government is determined to put in place what measures it can now. Accordingly, new laws are now in effect.

This legislation creates a new separate offence with a maximum penalty of imprisonment for 20 years where an assault by intentionally hitting a person causes death. The legislation does away with the necessity to prove that death was reasonably foreseeable or of establishing whether the person was killed as a result of the injuries received directly from the assault or from hitting the ground or an object as a consequence of the assault. An aggravated form of this offence has also been established that increases the maximum penalty for the offence to imprisonment for 25 years if the offence was committed by an adult when intoxicated, whether under the influence of alcohol, a drug or some other substance. Courts are now required to impose a minimum sentence of imprisonment of eight years if a person is found guilty of this offence.

I understand many members of this House, the legal profession and the broader community have some reservations about the imposition of minimum mandatory sentences. I appreciate those concerns. However, let us not forget that the taking of drugs and the consumption of alcohol is a voluntary activity and, accordingly, and I believe quite properly, evidence of self-induced intoxication cannot now be relied on by an offender to establish that he or she did not intend to commit the offence. Under the legislation there is still adequate protection of an accused person if his or her intoxication is involuntary. For example, there will still be a defence if intoxication was not self-induced or if the accused had a significant cognitive impairment. However, in most instances, an individual chooses to consume these substances, which inevitably change a person's behaviour and perception of reality. Indeed, the evidence appears to be that this is exactly why many of our young people drink and take drugs rather than simply go out to have a great time and perhaps have a couple of drinks.

On that basis, when someone is attacked police officers can now require a breath test or the provision of a blood or urine sample for the purpose of confirming whether an offender has consumed or taken alcohol, a drug or any other intoxicating substance before the alleged offence, and the likely amount consumed or taken. Further, there is now a conclusive presumption of intoxication if an accused person has a prescribed concentration of alcohol of more than 0.15 grams in his or her blood following a breath or blood sample analysis. These provisions apply after a person is arrested for the aggravated intoxication offence of assault causing death or for any other offence that may lead to such a charge if the victim subsequently dies. [*Extension of time agreed to.*]

The legislation prevents self-induced intoxication being taken into account as a mitigating factor in determining the appropriate sentence for any offence. It also declares various anabolic and androgenic steroids to be narcotic drugs subject to the same maximum penalties for trafficking and possession that apply in the case of other narcotic drugs. These are important and serious measures that are intended not only to reflect community expectations that the penalties for engaging in this type of unacceptable behaviour reflect how seriously this conduct is viewed by society but also to emphasise that its consequences are totally unacceptable. These laws also emphasise that cultural change must occur in our society.

This Government is sending a very clear message: It is not okay for a person to engage in this behaviour and then rely on the fact that they were under the influence of drugs or alcohol as an excuse or mitigating factor when a sentence is being imposed for such destructive conduct. The measures this legislation introduces should be actively supported. In addition to actively encouraging a national summit on the issue of alcohol abuse, this Government will vigilantly monitor the effectiveness of these changes to the law and the other measure I will discuss in a moment, and will be prepared to make changes and/or introduce new measures to achieve its goals.

As I have already stated, this Government is committed to wiping out alcohol-fuelled violence, preventing its consequences and putting in place effective ways to prevent future harm and fatalities. In accordance with this objective, the Liquor Act 2007 and the Liquor Regulation 2008 have been amended also to

enable regulations to declare areas to be "prescribed precincts" and to impose regulatory conditions on licensed premises within those precincts. For example, the Sydney central business district has now become the Sydney CBD Entertainment Precinct and conditions have been imposed on certain licensed premises. The bill extends for two years the current freeze on granting hotel, club and some other licences to certain premises in the Sydney area. Across New South Wales, bottle shops and other takeaway alcohol venues can no longer sell alcohol after 10.00 p.m. I cannot understand how people can drink for 24 hours.

This is a great piece of legislation and I take the opportunity to compliment the Minister for Tourism, Major Events, Hospitality and Racing, Minister for the Arts and Minister for the Hunter. These are tough measures and they are not popular across the State, but we must make these hard decisions. This Government has sent a clear message that if it has to tweak these laws to achieve the required results it will certainly do so. However, like all Government members, I am confident that these reforms will make a significant difference in tackling drug- and alcohol-fuelled violence on our streets and improving the safety of everyone—especially our young people. I make no apology for the sweeping changes this this legislation makes.

As I said, a raft of measures has been introduced. The Minister spoke about the Liquor Amendment Bill 2014 and the Crimes and Other Legislation (Assault and Intoxication) Bill 2014. A new Sydney CBD Entertainment Precinct has been defined in the Liquor Amendment Bill 2014 and there are now 1.30 a.m. lockouts and 3.00 a.m. cease-liquor-service provisions. Everything worked relatively smoothly last weekend with the large crowd attending the Mardi Gras, and I hope that over time these measures will reflect those positive results. The Sydney CBD Entertainment Precinct liquor licensing freeze and the temporary and long-term banning orders are also important measures.

The bill prohibits the sale of takeaway liquor across the State after 10.00 p.m. This will apply to liquor stores, hotels and clubs authorised to sell takeaway liquor and also to any home delivery services. The bill includes a framework and regulation-making powers for the introduction of annual risk-based liquor licence fees, which will include a periodic fee and risk-based loadings. Importantly, the bill will suspend approvals to deliver online responsible service of alcohol training courses until the Government is satisfied that enhancements can be made to improve the integrity of the training scheme. A raft of legislation has been introduced and this Government has made it clear that it will do whatever it takes to address these problems. It will introduce whatever legislation is required, realising that not one size fits all, and it will make all the necessary changes required to ensure that culture of drinking in this State is changed.

Mr CLAYTON BARR (Cessnock) [11.19 a.m.]: Madam Acting-Speaker, I welcome you to the chair. It is great to have in the chair someone who will apply an unbiased, fair and even-handed interpretation of the standing orders. I am pleased to take part in this superfluous take-note debate on the Crimes and Other Legislation (Assault and Intoxication) Bill 2014 and the Liquor Amendment Bill 2014. Although the Parliament has been in recess for three months, there has been an absence of legislation moving through the House and we are spending some time taking note. The only thing members should be taking note of is the fact that this legislation is another example of the Government's shallow approach to tackling a complex social problem. As ever, this Government has used a blunt object to address an issue in the hope that it will go away. It wants it out of the media—if not out of society. This is a media solution, a headline grabber from a government that sees the front page of the *Daily Telegraph* as the only indicator of its performance.

Just as heavy-handed and ill-targeted legislation failed to stop shootings in south-western Sydney, this legislation will not address many of the factors that lead to late-night public violence. I remind members that the legislation dealing with the sale of ammunition provided that every piece of ammunition that was sold had to be recorded by the seller. It was thought that every time a shot was fired the police would establish who bought the cartridge and its source. I can tell the House that no ammunition seller in the electorate of Cessnock has ever been asked to provide such details, although they go to great lengths to keep those records.

I am using the expression "late-night public violence" because I believe it captures what this debate really is about. "Alcohol-fuelled violence" suggests a much broader scope—violence resulting from the consumption of alcohol. But, of course, this legislation does not address domestic violence, because that happens very quietly, away from the public eye and in the background. So this legislation is all about late-night public violence. Startling statistics indicate that a woman is killed by a former or current partner every week in Australia, and the perpetrator was almost always under the influence of alcohol at the time. But, again, that is not in the public eye; the newspapers do not splash it on the front page, so it is not on the Government's legislative agenda. This is about people being violent in public after dark, and only that, so let us call it that.

These bills are another example of the whole State being punished for a Sydney problem. It is no different from the whole State having to suffer poorer health services because Sydney needs infrastructure. It is no different from people across New South Wales being ripped out of their graves because of a looming shortage of burial sites in Sydney. Newcastle had a problem with late-night violence and it was addressed. In consultation with police and the local licensed venues, a series of regulations was implemented that led to a significant decline in violent incidents. The additional provisions introduced by this Government are superfluous and mere chest beating for the sake of the media. The Government refused to acknowledge that the Newcastle solution, which Labor advocated for months in the lead-up to this debate, would alone be sufficient. The Premier's ego would not allow the Opposition to set the agenda and have a policy position adopted by the Government, so here we are.

As an example of an unnecessary add-on, let us consider the ban on takeaway alcohol sales after 10.00 p.m. It seems almost anomalous in the context of this debate. I would have thought that by 10.00 p.m. the people causing the trouble would already be out, and at a place where they could continue drink for another four or five hours; that is, inside licensed venues. The people who are buying takeaways and heading home are not the target of this legislation because it and the debate have ignored domestic violence. What is the point of this ban and why is it being applied statewide? The Premier and the Attorney General talked about "pre-loading"—that is, loading up before going out. A 10.00 p.m. cut-off for takeaway alcohol sales will hardly address that problem because most people would already be out by then. Even if it did have an effect, I am sure revellers around the State will learn to buy their alcohol supplies earlier in the day. It is a confusing and seemingly random provision, and is not without side effects. For example, thanks to the violence in Sydney's Kings Cross, shift workers in my electorate cannot buy a beer on their way home from work. As I said, the Government has burdened the whole State with laws designed to address a Sydney problem. No reason has been given for applying this measure equally across the State. Given the haphazard way the legislation was slapped together, it is possible that it was an accident.

I do not intend to raise the issue of mandatory sentencing again, other than to say that I do not support it in principle, or as it has been applied in this legislation. I believe the legal experts both within and beyond this Parliament have prosecuted the case comprehensively demonstrating that it is bad policy, and it will be shown to be so. The Attorney General has prosecuted the case himself. He has spoken for three years about rehabilitation being the answer to preventing crime. He has pushed back against the tabloid press, refusing to bow to the constant demand to lock up as many offenders as possible. Regardless of what one thinks of this policy, that was clearly the Hon. Greg Smith's deeply held belief based on his career and experience. He has jettisoned it now. The Premier, who spent month after month denying there was a problem, finally bowed to the pressure, and his Attorney General was forced to follow him. What a sad state of affairs.

What is so baffling about these bills is that they are in complete opposition to earlier actions of this Government. The Government is spending more than \$100 million to tear up the Newcastle rail line. It is not merely under-investing in public transport; it is investing in removing public transport infrastructure. Actions speak louder than words. The people of Newcastle need to be able to get out of the city safely after a night out. Without access to that public transport infrastructure, that will no longer be the case. While Premier Barry O'Farrell says he does not want people to be on the streets in the early hours causing trouble, he has spent years planning to make it harder for the people of Newcastle to get home. He has also made it less safe: In the past three years the Government has magically turned 900 transit officers into 309 police officers on our trains, hoping nobody would notice. In the absence of 600 people caring for our safety on trains, drug and alcohol violence on our public transport is alive and well and increasing.

The Government has undercut these drug and alcohol bills again by making contradictory cuts. The Government will suggest it is listening to the medical fraternity by introducing these laws. However, many doctors and nurses in emergency wards have given accounts of the chaos on Friday and Saturday nights, and they have pleaded with the Government to take action. They are pleading for more resources. Instead, the Health budget was slashed by \$3 billion. On the one hand the Government talks about being strong by introducing this policy, but on several other hands it is deliberately undermining legislation. The swathe of evidence linking alcohol and drug abuse to mental health problems has not prevented the Government from allowing Hunter New England Health to cut counselling, psychology and social work services. Even when the new Hunter hospital is built it will not be helpful to victims of late-night public violence because it will be tucked away in a corner of Maitland, far from the Hunter Expressway, which is the main feeder road for the region.

The Government undercut its legislation again when it abolished the Department of Education and Communities' Drug and Alcohol Unit. The Minister for Education now has the hide to go back to the director

general and ask her to look at ways to strengthen drug and alcohol education in New South Wales schools. That program was in place and the Minister scrapped it. There is plenty to take note of in this debate. We should take note of how this Government has made a big scene about tackling late-night public violence despite spending three years cutting services that would be of most assistance. It is patently evident that the Government is not interested in this social problem; it is interested only in its political problem. Any policy that does not include increased public transport to get people home, more counselling and drug and alcohol programs, and more resources for hospitals to look after victims will simply be another shallow, short-term crowd pleaser.

Mr DOMINIC PERROTTET (Castle Hill) [11.28 a.m.]: It is a pleasure to speak in the take-note debate on the Crimes and Other Legislation (Assault and Intoxication) Bill 2014 and the Liquor Amendment Bill 2014. These bills have been introduced following last year's senseless deaths of Thomas Kelly and Daniel Christie and the assault of Michael McEwen—events that caused significant outcry. Greater than the outcry in response to those deaths was the outcry about the sentence handed down to Kieran Loveridge—a minimum of five years and two months and a maximum of seven years and two months in prison. As both the Premier and Attorney General have said, the coward punches and alcohol-related violence that we have seen recently on the streets reflects a terrible culture.

As Australians, we are very proud of our culture; and we have a lot to be proud about. We celebrate that culture on Australia Day, focusing on our many great attributes. However, as a State and a country, when confronted by negative aspects of that culture we should take steps to change it. The alcohol-related violence is a blight on the culture of this State, and I am pleased to be a member of a government that is attempting to tackle it. As the Premier has said from the outset, these laws may not be perfect and they may need to be tweaked. The Government is implementing a raft of measures to send a clear message to the community that it is serious and that this culture and behaviour will not be tolerated on the streets of this State.

I will refer briefly to some of the measures in this bill and then comment on how we can further address these issues. As legislators, the passing of laws is a significant way in which we can attempt to change the culture. One of the major provisions of the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 is the creation of a new offence of assault causing death, which is punishable by up to 20 years imprisonment. An aggravated offence involving intoxication carries a maximum of 25 years and a mandatory minimum sentence of eight years imprisonment.

The creation of the offence of unlawful assault causing death is a significant feature of the Government's reform in this area. Perpetrators of so-called one-punch killings as well as of killings involving more than one punch previously were prosecuted in New South Wales under a charge of manslaughter. Unfortunately, in a case of manslaughter the prosecution must satisfy the court that reasonable persons in the position of the accused would have realised they were exposing the deceased to an appreciable risk of serious injury. This new offence of assault causing death involves a less onerous burden of proof and simply requires the prosecution to prove that the accused assaulted the victim by intentionally hitting him or her and that the assault caused the victim's death.

A conviction for this new offence carries a significant maximum penalty of 20 years imprisonment, which recognises the severe consequences of the conduct of the accused. When the offence is committed by a person who is intoxicated an increased maximum penalty of 25 years imprisonment will apply, with a mandatory minimum of eight years imprisonment. Under this new offence, unlike manslaughter, it will not be necessary for the prosecution to prove that the victim's death was reasonably foreseeable. Previous speakers in this debate have referred to other measures in the bill that are aimed at tackling this epidemic. It is important to note that the bill removes intoxication by drugs or alcohol as a mitigating factor when courts determine sentences. Jason Morrison wrote in an article in the *Daily Telegraph* that we do not consider drugs and alcohol a mitigating factor in relation to driving offences. In those circumstances, we consider that the offence is greater than if the person were not under the influence of drugs or alcohol. Why should we take a different perspective in relation to assault crimes?

The Government also is increasing the maximum penalty by two years where drugs and/or alcohol are aggravating factors for violent crimes, including assault causing grievous bodily harm, assault against police, affray and sexual assault. The Government is making other important amendments by increasing penalties and fines for matters under the Summary Offences Act that are enforceable by police. I welcome an increase in on-the-spot fines from \$200 to \$1,100 for continued intoxication and disorderly behaviour and for disobeying a police move-on order. Fines will increase for offensive language from \$150 to \$500, offensive behaviour from

\$200 to \$500 and the continuation of intoxicated and disorderly behaviour following a move-on direction from \$200 to \$1,100. The maximum penalty for the offence of continued intoxication and disorderly behaviour will increase from \$660 to \$1,650.

Other measures include: the introduction of a periodic, risk-based licensing system with higher fees imposed for venues and outlets that have later trading hours and poor compliance histories or are in high-risk locations; the introduction of 1.30 a.m. lockouts and 3.00 a.m. last drinks across an expanded central business district precinct to include Kings Cross to Darling Harbour, the Rocks to Haymarket, and Darlinghurst; and new statewide 10.00 p.m. closing times for all bottle shops and liquor stores. I know that that has been met with some scepticism but, once again, it is the Government providing a solution to the problem. It may create some inconvenience for shiftworkers, but we all face inconveniences in life. Shops are not open 24/7 and neither should bottle shops.

Mr Nathan Rees: Does that include shiftworkers in your area?

Mr DOMINIC PERROTTET: People have numerous opportunities to buy alcohol before closing time. I am sure the member for Toongabbie, following his attendance at a community function, may have wanted to go to a bottle shop on his way home after 10 o'clock. In fact, he can organise his life to ensure that he does not need to purchase alcohol after 10.00 p.m. This is just one of the Government's raft of measures aimed at tackling this problem, and it is a measure that members on this side support. The licensed premises trade restrictions will not apply to small bars that have a maximum capacity of 60 people. Due to their small patron capacity, they are not seen as high-risk licensed venues. That is important in effecting a change in culture. On a recent visit to Melbourne I noted the greater propensity of small bars, which affects the culture of drinking in that city.

I have some observations about the culture of drinking. I have set up the Castle Hill Leadership Program in my electorate. I do not think that binge drinking has come as a surprise when we see the activities provided for 18-year-olds during schoolies week in Queensland. During schoolies week many young people binge drink, take drugs and sleep around. That culture must change. The statistics in relation to Schoolies Week show that three in four young people report being drunk every day, two in three consume more than 10 drinks a night and one in four report being stoned every day. I participated in schoolies week and, like 90 per cent of those who attended schoolies week, I look back on it with a sense of negativity. That type of behaviour is culturally ingrained in our society. We, as a government, have a responsibility to send clear messages to the community that it is unacceptable behaviour. We can do that by introducing laws that will create a different environment and stamp out this behaviour.

I note the response from my constituents, who have been very supportive of the Government's position on this issue. Brandon Jack, son of the great and famous Garry Jack, wrote an article in the *Sydney Morning Herald* in which he spoke about the importance of sending a clear message to his generation that this behaviour is unacceptable and must be stamped out. I commend the Premier and the Attorney General for introducing this legislation.

Mr GUY ZANGARI (Fairfield) [11.38 a.m.]: The object of the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 and its cognate bill, the Liquor Amendment Bill 2014 is to tackle the drug- and alcohol-related violence we have witnessed in the streets across the Sydney central business district and Kings Cross. Drug- and alcohol-related violence needs to be stopped; there is no room in today's society for that type of abhorrent behaviour. On many occasions I have been contacted by constituents who have voiced their concerns regarding the out-of-control alcohol- and drug-fuelled violence that we are all too frequently witnessing in our city's centre. I have been contacted by families who are fearful to go out for a night in town because they have heard and seen what goes on after dark and do not want to be put at risk and by parents who stay awake at night because they worry whether their child will make it home safe from Kings Cross. Even young adults no longer feel safe travelling into the central business district or Kings Cross due to the unpredictable nature of the out-of-control thugs. I understand their fears. Not only as an elected representative of the people in my area but also as a father; it worries me greatly.

The plans to tackle this ongoing issue are to provide legislation that enacts tougher sentencing for offenders, tougher rules and ramifications for irresponsible venues and additional transport options for commuters to get in and out of these areas as a means to curb some of this problematic behaviour. This legislation will introduce a tougher one-punch law where an individual who unlawfully assaults a person and that person dies as a result of such actions will receive a 20 year maximum sentence. Stronger legislation is

something no member in this House could morally oppose, but mandatory sentencing leaves a sour taste on the palate. We need to get behind these measures and push and strive for change. However, more still needs to be done. When it comes to drug- and alcohol-fuelled violence, an obvious discussion is the mentoring of young men. I agree that mentoring is required. It can take place in the home, the school and the workplace. However, it should also be provided to young women. All too often we tend to forget that women also are impacted by alcohol and whilst they are not generally the perpetrators of the violence they are often the innocent bystanders.

Mentoring is equally important for our young men and women to ensure they understand their responsibility to protect not only themselves but also their brothers, sisters and friends. As a former teacher, it disappoints me that in this debate there has been no discussion about the education of children in schools. We have a moral obligation to ensure that all children understand the impacts of drugs and alcohol. In conversations with my constituents, a common point that is raised is that although there is a stronger police presence in the problematic areas, what happens when these people go home, having been told to adopt plan B? While we are pleased to see a crackdown on drug- and alcohol-fuelled violence in our central business district and Kings Cross, will not these issues spill out into other areas once people are herded onto our public transport network? This issue needs to be addressed.

Residents in my area already are afraid to use the trains since the removal of transit officers. No longer do trains have an on-board presence of transit officers who people can turn to for help. When people who are intoxicated or on drugs decide they have had enough of the city and catch the train home, to whom do other passengers turn should these people begin to cause trouble? This legislation will not deter anyone who is already in an altered and unreasonable state of mind. The only option for passengers will be to report to the station guard at their destination station and for closed-circuit television footage to be reviewed. Of course, no active security will pose a risk on our rail network during the late hours of Friday and Saturday nights. Reports of bashings, theft, drug use and standover and intimidating behaviour are not unheard of on our rail network, and the lack of security most certainly has something to do with that. While I support these bills, I firmly believe that more needs to be done to address the ramifications of these lockouts on the wider community and the safety of individuals travelling to and from these areas.

Mr CHRIS HOLSTEIN (Gosford) [11.44 a.m.]: I support the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 and cognate bill. I will deal with two aspects: first, the range of measures being introduced; and, secondly, the liquor accords, in particular the Central Coast liquor accords. The purpose of the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 and the Liquor Amendment Bill 2014 is to make our streets safer by introducing new measures to tackle drug- and alcohol-fuelled violence. The Government has heard the community's call for action and these measures will build on the targeted approach that has been adopted since it was elected.

I highlight aspects of the package that go part of the way to addressing these issues. Some members have raised concerns about mandatory minimum sentencing. This measure will give the judiciary a clear indication that it has not kept abreast of public concerns and is in response to the way that courts have dealt with perpetrators of alcohol-fuelled violence. It includes the introduction of 1.30 a.m. lockouts and 3.00 a.m. last drinks across an expanded Sydney central business district and a statewide 10.00 p.m. closing time for all bottle shops and liquor stores. The member for Cessnock raised the furphy about shiftworkers. He does not have much faith in their intelligence; shiftworkers are very educated people. Because of the nature of their working environment, they are smart enough to ensure there is a cold beer in the fridge when they get home. The member for Cessnock thinks they will want to buy alcohol after 10.00 p.m., but shiftworkers are smarter than that and are capable of organising their lives.

The package increases the maximum sentence for illegal supply and possession of steroids, increases on-the-spot fines, and introduces a community awareness and media campaign to address the culture of binge drinking. The member for Fairfield said not enough had been done to educate our young people about the use of drugs and alcohol. I should ask Life Education Australia's Healthy Harold to visit members opposite; it would be an education for them. Life Education has been around for a long time and our young people are being educated about the impacts of drugs and alcohol use. I do not know where the member has been, but he needs to find out about Life Education and Healthy Harold.

The package also includes the removal of voluntary intoxication by drugs or alcohol as a mitigating factor and increases maximum penalties where drugs and/or alcohol are aggravating factors in violent crimes. It also enables police to impose an immediate central business district precinct ban and introduces a periodic, risk-based licensing scheme and a precinct-wide freeze on liquor licences. These measures build on the

Government's targeted approach to tackling drug- and alcohol-fuelled violence since it came to office, including the three-strikes regime, increasing police numbers and powers, and improving public transport. The Government is getting on with the job of making our streets safer. The initiatives already implemented have seen a fall in violence on licensed premises, but more improvement is needed—no-one would deny this—and that is the basis for these measures.

A strong, consistent message is required that drug- and alcohol-fuelled violence will not be tolerated. There is no single or simple cure-all for these problems. Part of the solution will involve community education and a culture change about the dangers of drug- and alcohol-fuelled violence. It is incumbent upon all of us to play our part if we are to stamp out this unacceptable behaviour and change the culture that surrounds this issue. I turn now to liquor accords. In his second reading speech the Premier spoke about the approximately 140 voluntary liquor accords that already exist in Sydney suburbs and towns throughout the State. He spoke about his experience with the Tamworth model and what was happening in Manly. He demonstrated that when communities want to tackle this problem, when those involved in the alcohol industry are prepared to step up and accept that there is a problem and that they are part of the solution, it can be resolved.

Brisbane Water Local Area Command enjoys a strong relationship with the Brisbane Water liquor accord and has a number of measures in place. When debate was taking place about the Newcastle lockout restrictions, the view was that the Newcastle model was the fix-all. However, local police have told me that although the measures have worked in Newcastle they will not work in Gosford or Sydney. It is a different environment; it is horses for courses. The Brisbane Water liquor accord is based on open communication and collaboration between the liquor accord participants and the local area command. A number of key initiatives have been introduced. First, a number of liquor accords have been amalgamated into one to ensure clear communication and strong governance of the initiatives that have been introduced. Secondly, the consequences for patrons who cause trouble at a local venue through antisocial behaviour is "barred from one barred from all". Thirdly, there has been a voluntary installation of identity scanners at selected venues. Fourthly, there has been the introduction of voluntary lockouts at selected venues. These initiatives reflect the needs of our local area.

The Brisbane Water Local Area Command has implemented Operation 550 to effectively manage patron behaviour within its operational footprint. Operation 550 is a zero-tolerance measure. It focuses on alcohol-related violence and antisocial behaviour and uses liquor licensing powers where the current fine is \$550. The public face of this operation is the Brisbane Water Local Area Command Eyewatch Facebook page where, for example, it is clearly communicated that if police are called to a club or a pub because of the behaviour of a patron, the patron will be issued a \$550 fine. This is an initiative of Brisbane Water Local Area Command, which is renowned for using Facebook to inform Central Coast residents about the local liquor accord. The Brisbane Water Local Area Command Facebook page has 17,697 followers. It is one of the most popular Eyewatch sites in the State. Key to the success of the initiatives in the Brisbane Water liquor accord is cooperation and collaboration between the liquor industry and the local area command.

In September 2013 the *Central Coast Express Advocate* published Bureau of Crime Statistics and Research information that demonstrated that alcohol-related violence in the Gosford local government area fell by 53 per cent compared to 2007 levels. These figures validate the long-term, substantial results that can be achieved by taking a multifaceted approach that focuses on zero tolerance to alcohol-related violence and antisocial behaviour, introducing risk-based initiatives to manage patron behaviour, and sending a clear and consistent public message. When the liquor industry works with the local area command to implement a clear, concise plan that focuses on local issues there are extensive benefits. The problems experienced in Kings Cross and the Sydney central business district are being addressed through a plan. Perhaps their liquor accords should be reviewed and focus on local issues. On the Central Coast and in Newcastle plans have been implemented that are relevant to their local areas. I support the legislation and I commend the bills to the House.

Mr MATT KEAN (Hornsby) [11.53 a.m.]: There would not be a member in this Chamber who was not affected by the tragic death of Daniel Christie on New Year's Eve 2013. Daniel was cut down by a sickening, unprovoked, cowardly attack by a perpetrator allegedly high on drugs and alcohol, a grub who deserves to face the full force of the law. Even more horrific was the random nature of the attack; the victim could have been anyone's son, daughter, neighbour or friend. Daniel was just 18 years old. He had just finished high school and was looking to pursue his dream of becoming a teacher.

I did not know Daniel personally, but I do know that Daniel loved his family and friends and that they loved him. He had a smile that would light up a room and a heart as big as Phar Lap's. He was kind, compassionate and generous, and the type of person who would do anything for anyone. His family described

him as a beacon of morality and person who had a heart of gold. Although he was big, he never made anyone feel small. Although he was strong, he never made anyone feel weak. Everyone who knew Daniel or knew of him will miss his life-affirming, life-enhancing zest. Daniel will live on forever. The causes he inspired, the dreams he had and the goals he set will live in the hearts of all who knew him.

In death Daniel continues to give life. As many as 10 people have received a second chance at life because of the decision by Daniel's family to donate his organs. It is a decision that the Christies felt would honour the generous and giving spirit of their beautiful son. The contrast between Daniel Christie and his family and the alleged perpetrator, whose selfish and gutless acts stole a life, could not be more stark. The public rightly was outraged by the egregious crime that stole Daniel from us too soon. What happened to Daniel could have happened to any one of us; it affects us all. That is why I support the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 and cognate bill.

The aim of this legislation is to make our streets safer through the introduction of measures that tackle drug- and alcohol-related violence. The family and friends of Thomas Kelly and Daniel Christie need to know that the deaths of these young men have led to something positive. This legislation is the start of making that a reality. The bills send a clear message. At Daniel Christie's funeral the Governor-General stated that Australians should not accept or tolerate violence in any form. The community must say "no" to this ever happening again. That is why the Government has introduced these bills. It has listened to the community and is committed to addressing the increasingly violent alcohol- and drug-fuelled attacks on our streets. The bills respond with a broad range of tough measures to tackle drug- and alcohol-related crime and antisocial behaviour in Sydney's central business district and across New South Wales.

This legislation is in addition to measures already introduced by the Government. The Government has put a further 420 police officers on our streets since December 2011, implemented the three-strikes licensing scheme, which targets irresponsible venues, and introduced trial sobering-up centres in Kings Cross, Coogee and Wollongong. A plan of management has been introduced in Kings Cross that includes new late-night transport options, tough new licence conditions for licensed premises, drink restrictions, and new security measures. The Government has passed laws so that offenders can be banned from licenced venues in Kings Cross and drug detection dogs can be used in the area without police requiring a warrant. As well, identification scanners will be used in high-risk Kings Cross venues. These actions will strengthen the violent venues scheme, which applies special conditions to the State's most violent venues. The Government has extended liquor freezes in Oxford Street, Darlinghurst and Kings Cross and launched a multimedia advertising campaign aimed at warning of the dangers of excessive and binge drinking.

According to the Bureau of Crime Statistics and Research, the introduction of these reforms coincided with a reported reduction in alcohol-related violence across the State. However, the assault of any person as a result of alcohol-fuelled violence is unacceptable. That is why all members of this House, as community leaders, must do whatever it takes to stamp out violence. This legislation goes some way towards that end. The Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 promotes personal responsibility of offenders and the Liquor Amendment Bill 2014 strengthens the Government's existing management approach to licensing. The Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 introduced a one-punch offence with a 20-year maximum sentence for assaults where a person unlawfully assaults another person who dies as a result of that assault.

The formulation of these bills has not been undertaken lightly. We understand that a number of our freedoms will be restricted by these measures, but I have sat with the Christie family and seen what they are going through. If this legislation stops one more person becoming a victim like Daniel Christie it will be worth it. It is worth enacting this legislation to protect every young man and woman, all of whom should be able to go out and enjoy a night on the town without fear of being assaulted by a drunken thug. Whatever we do to make our streets safer and to make people feel more confident when they go out is a step in the right direction. These bills go some way towards making that happen.

We were all shocked by what happened to Daniel Christie. There is not a person in this place who was not appalled by his tragic death, the death of Daniel Kelly or the horrific assault of Michael McEwan, who is a young constituent of mine. These incidents occur too often and their impacts have been too devastating. It is now time to act. I am pleased that my advocacy has led to these changes and I am pleased to support them. I commend the Premier for taking strong and decisive action to prevent violent attacks from happening to other young people. The measures contained in these bills will not stop all attacks. Other people will probably be injured as a result of alcohol-related violence, but I could not look another

parent in the eye without knowing that I had done everything in my power to minimise that risk. This bill is a step in the right direction. As members of this House we must do all that we can to protect people in the community from violent alcohol-fuelled assaults. I am pleased to support these measures to make that happen.

Mr CHRISTOPHER GULAPTIS (Clarence) [12.02 p.m.]: I support the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 and the Liquor Amendment Bill 2014 and thank the Premier for their introduction. The Premier has listened to the call of the community and has acted with due consideration. The measures that have now been introduced will cause a change in alcohol-fuelled violence in Sydney hotspots and throughout New South Wales. We must ask why this bill was introduced. The fact is that personal responsibility is no longer a core value taught at home. That is a fundamental reason behind the introduction of these bills and, in my opinion, it is the fundamental cause of alcohol-fuelled violence on our streets. Parents no longer tell their kids to wait until they are of age to drink alcohol and to drink responsibly. Too often parents allow their kids to consume alcohol at home at 14 or 15 years of age. We know that that is not right because at that age young people's brains are still developing. The consumption of alcohol can impair their ability to think clearly and that can set them on the path to rack and ruin.

People in this country have a very poor attitude towards alcohol consumption. Last summer I was watching the cricket on television when I saw Bob Hawke sitting in the crowd having a beer. About four or five Richie Benaud look-alikes approached the former Prime Minister and encouraged him to scull a beer. Of course, he did so. We know that Bob Hawke has some prowess in alcohol consumption. Following the incident the commentators said of him, "What a legend." What sort of message does that send to kids watching the cricket at home?

Mr Nathan Rees: It is sponsored by VB.

Mr CHRISTOPHER GULAPTIS: It is not good to advertise alcohol. Alcohol logos should not be emblazoned on the shirts of sports men and women, especially in a country where the first thing a child wants to do when he or she turns 18 is scull the contents of a yard glass. We must change our attitude towards alcohol, and that starts at home. However, that change of attitude is not happening at home and that is why these bills were introduced. A member mentioned schoolies week earlier. We know what happens during that week. Some kids are just dying to get up to the Gold Coast or Byron Bay so that they can rip into alcohol, use ecstasy and other drugs on the beach and party on. That behaviour is inflamed by the press covering the event and broadcasting it to be seen by younger kids who then aspire to do the same thing when they reach schoolies age. That is the wrong message to send to our kids and it is the wrong message for families to talk about at home. Alcohol is a dangerous drug and it needs to be consumed responsibly.

In other cultures such as those in Europe alcohol is freely obtainable. It is true that it is consumed at a much younger age than in this country, but the pattern of consumption is different. They have a glass of wine with dinner and conversation amongst friends. It is not their culture to scoff as much they can to get off their heads and become different people. Alcohol is a relaxant and sharing good wine and good food can be a great way to enhance enjoyment of a meal. But we have gone wrong somewhere in this country. Did it start with the Rum Rebellion? I do not know the answer, but someone has to take control of the situation. I am glad that the Premier is prepared to do that. He has listened to the people of New South Wales and is taking the appropriate measures to draw a line in the sand and say enough is enough.

As I said, the community has been crying out for the Government to do something. I am pleased that the Premier has listened and introduced a host of measures. Lockouts at 1.30 a.m. are now in effect. Let us face it, if people have not had enough to drink by that time there is clearly something wrong. I know that young people like to preload so that by 1.30 a.m. they are well and truly intoxicated and they can barely stand. The lockouts only prevent people from entering venues after 1.30 a.m. They can roam the streets, but it is hoped that they will be encouraged to go home. There will be public transport available to take people home. Another measure is to cease the service of alcohol at 3.00 a.m. Not many cities in the world serve alcohol beyond 3.00 a.m. and it is unbelievable to think that not allowing it would be seen as a problem here. In addition, liquor outlets are to close at 10.00 p.m. That is not unreasonable. I see myself as an ordinary person and I certainly do not go down to the bottle shop to grab a beer or a scotch at 10.00 at night. By that time I usually have my pyjamas on and I am ready for bed.

Ms Pru Goward: How boring.

Mr CHRISTOPHER GULAPTIS: I am not boring; that is just what reasonable people do. There are times when we can party and other times when we have to be responsible. Consuming alcohol responsibly as an adult and a parent is pivotal to this debate. The other measure introduced by the Premier was mandatory sentencing. There has been much debate about mandatory sentencing. It has been suggested that we are interfering with the judiciary and that we do not understand the separation of powers, which I think is a lot of bunkum. We understand the separation of powers. People are looking to us to make the decision because the judiciary is handing down decisions that are out of step with the community expectations. The judiciary seem to be handing down far more lenient sentences and the community is becoming outraged, especially following the deaths of Thomas Kelly and Daniel Christie. It is disgraceful to think that Kieran Loveridge, the killer of Thomas Kelly, could be out of jail on parole by 2017 after serving four years. The Kelly family has a life sentence but the killer of their son could be released from jail by 2017.

Members of the community have every right to be outraged. Every decent man, woman and child should be outraged by the fact that someone who takes a life and destroys a whole family could be out of jail in four years. In this case there will be no rehabilitation because we have seen Mr Loveridge's record. As far as I am concerned these thugs can be locked up in Grafton jail. There is plenty of room there and this is an opportunity to reopen the jail to accommodate them. Part of Grafton jail is 100 years old, but let us face it, these people are not in jail for a five-star holiday; they are in jail to do their time because they have done the crime. I commend the Premier for being responsible and for listening to the people of New South Wales in introducing these bills.

ACTING-SPEAKER (Mr Gareth Ward): Order! It gives me great pleasure to acknowledge in the gallery Annette Holmes from Albion Park, a constituent of mine. She is a nominee for the 2014 Women of the Year Awards. Annette has made an enormous contribution, particularly to the care of young people in the Illawarra. Annette, it is wonderful to have you in the State Parliament. On behalf of all members I welcome you to the Parliament of New South Wales.

Mr DAVID ELLIOTT (Baulkham Hills) [12.12 p.m.]: I have more than a passing interest in the new liquor licensing laws and indeed in the hospitality industry. Although it has been some seven years since I was deputy chief executive of the Australian Hotels Association—I have to admit to being more than a little rusty on licensing laws as I am not as familiar with licensed premises after about 9 o'clock or 10 o'clock as was the member for Clarence—I am a director of Castle Hill RSL Club, a large registered club in the Hills district and owner of other licensed premises. However, these days my presence at licensed premises and other registered clubs is normally after local under-12 soccer matches, Easter egg raffles and attending the swimming club because, as happens quite regularly, children have taken over my recreation time. I am delighted that the Castle Hill RSL Club has been so accommodating to my family and my community by providing recreational resources and facilities for young people.

Not everything about the liquor industry is evil or bad. In my community the registered club of which I am a director provides more than \$1 million a year in support for community activities. This is support that the Government cannot afford to provide. The club sponsors soccer clubs, gymnastics, swimming clubs and various charitable, community and multicultural needs in my electorate and the electorates of Castle Hill, Hawkesbury and Parramatta. In speaking about the new liquor licensing laws, I am proudly wearing my Parramatta Eels tie to acknowledge that liquor has an interesting interdependence with the sporting fraternity. Whilst we have yet to see these laws operate at their full capacity, I am confident that they will be effective.

I congratulate the Minister for Gaming and Racing and the Premier on helping to introduce this legislation, which is designed to reduce alcohol-related violence. This violence has resulted in too many tragic deaths. I remind the House that young Thomas Kelly was a student in my electorate and he was well loved by the Kings community. I have had previous opportunities to speak about his death, which subsequently motivated me to debate these laws and related legislation. In voting for the legislation I remind the House about the concerns I referred to the Premier and the apology I gave to Mr and Mrs Kelly because I think the system failed their son in sentencing his murderer.

I will raise three concerns. I believe we can never be too tough when we clamp down on illicit drugs. Many problems relating to alcohol-fuelled crime arise because alcohol is being mixed with illicit drugs. When the current chief executive officer of the Australian Hotels Association mentioned this on a *Four Corners* report some time ago, he was criticised heavily. I do not know why, because I have spent the better part of the past decade involved with the alcohol industry and I know there is a great concern in the industry that the use of illicit drugs has made alcohol-related crime even worse. I know I echo the concerns of many Government

members when I make the point that the current legislation fails to prevent the results of mixing illicit drugs and steroids with alcohol. The Premier has addressed this issue, but previous laws have failed to address the fact that mixing drugs and steroids with alcohol has created a mindset of violence. The dangerous combination of drugs and alcohol leads to unpredictable results, especially when alcohol is mixed with drugs laced with toxic substances, such as drain cleaner and tranquilisers. This leads to users being out of control.

Armed police do a great job in the tough late-night environment of the city and Kings Cross. I know some of the police in Kings Cross very well because many of them contact me regularly because of relationships they have with my family and friends. They tell me it is unbearable to maintain a working relationship with some licensed premises in Kings Cross simply because of what is occurring on the streets. The playing field is not even for those trying to run a law-abiding venue. We must give more power to those charged with stopping people from mixing drugs with alcohol. We need to send clear signals to the legal system that this behaviour is unacceptable.

I find disgraceful the fact that cleanskin wine from Dan Murphy's is cheaper than a schooner of beer at a club. One can buy a bottle of cleanskin wine or a bottle of Bowler's Run semillon sauvignon blanc for \$2.85 at Dan Murphy's, but a schooner of beer at a King's Cross pub costs \$7. One can buy a bottle of wine for half the price of a schooner of beer. To put that into perspective, \$2.85 for more than seven standard drinks is less than 40¢ per drink. I am appalled that alcohol is so freely and cheaply available. The problem with cheap alcohol is that it is consumed by a minority in a dangerous manner. People preload because the equivalent of seven standard drinks costs only \$2.85. Alcohol preloading is dangerous and irresponsible and it occurs without supervision. Pubs and clubs adhere to the responsible service of alcohol regulations, but in the absence of those who serve responsibly in public, idiots drink copious amounts of alcohol at home and then go into the community and assault people.

When alcohol is so cheap and so easily available it is no surprise that these abhorrent acts occur. I call upon WestFarmers and Woolworths to seriously consider voluntarily withdrawing heavily discounted liquor from sale. Personal responsibility is extremely important. Whilst deaths as a result of coward punches are mostly random, it is important that parents help their kids make responsible decisions in life. I have been a supporter and a director of the Life Education program, which educates more than 300,000 students in more than 1,400 schools each year. Research that Reverend Jay Bacik, Chief Executive Officer of Life Education, has shown me illustrates that the earlier children are educated and develop responsible attitudes towards alcohol, violence and relationships the greater the likelihood that they will have responsible attitudes later in life and make responsible decisions. I encourage all parents to put their children through these types of programs and I encourage schools in my electorate to include life education in their syllabus.

Effective drug and alcohol education is the only way in which we will be able to ensure responsible behaviour in the community. People need to take responsibility for their actions, and undergoing drug and alcohol education will help people take the right course of action, much like the way smoking and drink-driving are addressed these days. After the trial of Thomas Kelly's killer, I asked in this place, "How many more schoolboys will die before the rights of victims of crime become the paramount concern of our legal system?" The Government introduced minimum sentences for those who commit these horrific acts of violence, ensuring that those who kill under the influence of alcohol go to prison. These ideas, along with the legislation that took effect this week, hopefully should reduce the incidence of these random acts of violence.

I may be out of touch with the modern world, but I find it extraordinary that this city allows a State-sponsored heroin injection room to operate at King's Cross but makes it hard for licensed premises to go about their law-abiding business whilst, at the same time, alcohol is sold so cheaply. I was surprised to read the correspondence from the Law Society opposing minimum mandatory sentencing, which it says reduces the incentive to plead guilty. I consider that to be no argument. Why should we care about an incentive for people to plead guilty if they are innocent or vice versa? I commend this legislation to the House. The children of New South Wales deserve to get a strong message from this place about the dangers of alcohol.

Mr TONY ISSA (Granville) [12.22 p.m.]: I will speak only briefly in this take-note debate on the Crimes and Other Legislation Amendment (Assault and Intoxication Bill) 2014 and the Liquor Amendment Bill 2014. This is the best place in which to voice my community's concern and its appreciation for this Government introducing legislation to address the need to make our streets safer. The reason this Government introduced the legislation is that we acknowledge we have a commitment and a responsibility to provide a safer environment for our community, including our children. There was concern in the community about what was happening on

the streets and, because this is such an urgent matter I was pleased to see the Premier recall the Parliament during the Christmas break to show the community how serious the Government is about addressing issues relating to community safety.

The Government has previously acted to make the central business district of Sydney a safer place by introducing the late night transport plan, imposing new conditions on licensed bars and clubs and implementing new security measures. The Government also introduced a ban on troublemakers entering venues in certain circumstances. During my time in local government, particularly when I was lord mayor, Parramatta city was no different from any other city and no different from the Sydney central business district. Back then the Government had no legislation to address these problems. An urgent meeting was called in Parramatta between the council, me, the police commander and bar owners in the region. We worked together to ensure the installation of closed-circuit television cameras on licensed premises to monitor the movement of people around bars, especially late at night. That was effective in addressing some of the concerns about alcohol-fuelled violence. This Government introduced a 1.30 a.m. lockout and a 3.00 a.m. cease-liquor-service restriction, but there is no easy solution to the problem of drug- and alcohol-fuelled violence.

The whole world has changed; it is not how it was 20 or 30 years ago. In 2011 I was on holiday with my family and a friend in Beirut. I told my son to be home before midnight. Our friend started laughing and I asked him why. He said, "We are not going to go out until midnight." Attitudes have changed, in particular the attitudes of the younger generation, and I believe this Government must make changes to address that. The Government must ensure that the changes it makes meet community expectations. I am sure that the Government will amend the legislation whenever it is needed to make our streets safe and to ensure that our kids live in a good environment. I had the privilege of being with Mr Kelly, the father of Thomas Kelly, the victim of a coward-punch attack, when he addressed Higher School Certificate students at Granville Boys High School in my electorate. I know how parents feel when their children go out at night; they wait patiently for them to come home and they are always afraid that something will happen to them. It is the Government's responsibility to make parents feel more comfortable, and this legislation will make it safer for their children when they go out at night.

There is no doubt that tough legislation is required and that the Government needs to make changes. The changes in this legislation are in line with community needs. When I listened to Ray Hadley's interview with the Leader of the Opposition on 2GB this morning I was surprised to hear him say that he would not support the Government's actions. The Leader of the Opposition said he would not play politics when it came to issues affecting the safety of the community. Making the streets safe should be beyond politics. Importantly, we must consider those whom we represent. Members of the community trust us to deliver what they need and deserve, which is why this Government is making these tough decisions.

I acknowledge that some bar owners will not be happy. Small bars with fewer than 60 patrons will not be affected by the legislation because we understand it would be easy to monitor 60 people in a small bar. The Government is taking responsibility for monitoring the operations of big bars, even if security staff members are always on duty, to ensure the safety of the community. I wanted to make only a brief contribution, but I could go on about other issues that are affecting my community. Today I speak on behalf of the thousands of people in my electorate of Granville who appreciate the Government's response to this issue. That appreciation has been highlighted to me and to my office through emails and by people on the street who have said, "Thank you. We appreciate what your Government is trying to do to help us." I commend the Premier for recalling the Parliament during the Christmas break as that was necessary to show that this Government is committed to providing a safe environment for the community. There is no doubt that this bill will make significant changes and address the needs and expectations of the community. I commend it to the House.

Mr BRUCE NOTLEY-SMITH (Coogee) [12.29 p.m.]: I support the Liquor Amendment Bill 2014 and the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014. These bills demonstrate that this Government is committed to continuing to address drug- and alcohol-fuelled attacks on our streets and the increasing violence that is used in those attacks. The measures that the Government has introduced build on the targeted approach to tackling drug- and alcohol-fuelled violence that it has adopted since coming to office. Our reforms to date have included putting an extra 420 police officers on our streets since December 2011; implementing a three-strikes licensing scheme targeting irresponsible venues; trialling sobering-up centres in Kings Cross, Coogee and Wollongong; introducing a plan of management for Kings Cross that includes new late-night transport options, tough new licence conditions for licensed premises, drink restrictions and new security measures; passing new laws which allow for offenders to be banned from licensed venues in Kings Cross and providing for the use of drug detection dogs in the area without police requiring a warrant, and which

will result in identification scanners being used in high-risk venues in Kings Cross; strengthening the violent venues scheme, which applies special conditions to the State's most violent venues; extending liquor freezes in Oxford Street, Darlinghurst, and Kings Cross; and launching a multimedia advertising campaign aimed at warning of the dangers of excessive and binge drinking.

The Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 promotes personal responsibility of offenders. The Liquor Amendment Bill 2014 strengthens the Government's existing management approach to licensing. The Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 introduces a new offence for one-punch assaults where a person unlawfully assaults another who dies as a result of the assault that attracts a 20-year maximum sentence. Perpetrators of one-punch killings have previously been prosecuted in New South Wales for manslaughter. This means that when the case goes to court the prosecution has to prove beyond reasonable doubt that the offender should have foreseen that, by doing what he or she did, the victim would be placed at risk of serious injury.

To make it clear that drugs and alcohol are not an excuse for violent behaviour, voluntary intoxication by drugs or alcohol will be removed as a mitigating factor when courts determine sentences in future. This change reflects the view that the choice to become intoxicated should not lead to reduced culpability. Self-induced intoxication is no excuse for violence. The vulnerability of the victim, including age, will continue to be taken into account, as it is now, in relation to sentencing. The bill will insert 50 steroidal agents into the list of prohibited drugs under schedule 1 to the Drug Misuse and Trafficking Act 1985, making them prohibited drugs in New South Wales and allowing heavy penalties to be imposed for their possession and supply. Currently, the New South Wales maximum penalty for the illegal supply and possession of steroids is two years; this will be increased to 25 years, to bring it into line with Victoria. The significant increase will send a very strong message about the seriousness of illegal steroid use.

Alcohol-related violence and antisocial behaviour are not welcome on our streets, and will no longer be tolerated. It is therefore critical that police can fine those offenders who behave in such a manner, and that the fine is a sufficient amount to act as a deterrent for this unacceptable behaviour. For this reason, the legislation will increase fine amounts for criminal infringement notices routinely used by police in dealing with antisocial behaviour. Fines for offensive language will increase from \$150 to \$500 and offensive behaviour fines will increase from \$200 to \$500. Fines for continuation of intoxicated and disorderly behaviour following a move-on direction will be increased from \$200 to \$1,100. The maximum penalty for the offence of continued intoxicated and disorderly behaviour will increase from \$660 to \$1,650.

The bill introduces a 1.30 a.m. patron lockout for hotels, nightclubs, general bars and registered clubs in the Sydney central business district precinct. These venues will also be required to cease alcohol service at 3.00 a.m. However, these restrictions will not apply to small bars, which are those which have a maximum capacity of 60 people and which, due to their small patron capacity, are not seen to be as high risk as other licensed venues. Nor will they apply to restaurants and tourism accommodation establishments, which are establishments other than accommodation on a bed or dormitory-style basis rather than in separate rooms. However, where tourist accommodation establishments contain a bar that can be accessed from the street, the bar will be subject to the 1.30 a.m. lockout and the 3.00 a.m. cease liquor service provisions. The Government recognises that these measures will result in some business operators having to reconsider how they operate their licensed premises, and people heading out for a night in the city may have to adjust their plans accordingly. However, these restrictions are needed to improve the safety and amenity of the Sydney CBD Entertainment Precinct, which must be our number one priority.

When I was mayor of Randwick from 2007 to 2009, alcohol-fuelled antisocial behaviour and violence on the streets of Coogee was a very real issue. Saturday nights would see blood being spilt on the streets as a result of assaults, and people would be seen milling around an area until the early hours of the morning. In 2008, I called for a lockout to be imposed on the Coogee Bay Hotel and the Beach Palace Hotel. We were fortunate, after the amendments to the Liquor Act, to get lockouts imposed. I can speak from personal experience, having been in Coogee after hours, in the early hours of the morning—

Dr Geoff Lee: Don't let too much out.

Mr BRUCE NOTLEY-SMITH: Not in an intoxicated state, but to observe what was going on there prior to the lockouts and what happened after they were imposed. I can assure the House that that action calmed the situation immeasurably. Lockouts were not exclusive to Coogee. Oxford Street had a couple of premises—in fact, one of my former drinking establishments had a lockout imposed on it.

Mrs Barbara Perry: Which one? Name it.

Mr BRUCE NOTLEY-SMITH: Stonewall. I adjusted, as everybody else did, to the lockout. Subsequently, the lockout was lifted and has not been imposed since. We saw firsthand in Coogee that the lockout toned down the level of antisocial activity and brought the situation under control. When I was mayor, every Sunday at about 8.00 a.m. the phone would ring and I would get a description of what had happened the night before. That stopped; no longer was there the same sort of violence or antisocial behaviour on the streets. No one silver bullet will solve this problem. I know that from the inquiry that the Legislative Assembly Social Policy Committee held last year into the provision of alcohol to minors. The committee heard a diverse number of views on how this matter should be approached, but acknowledged there is no one thing that we can do to prevent alcohol-fuelled violence, antisocial behaviour or binge drinking. We must implement a suite of measures. What happens in Rome is in stark contrast to what happens in Coogee or Kings Cross on a Saturday night. I was in a public square in Rome at about 1.30 a.m. and I observed many young people sitting in cafes having a drink. [*Extension of time agreed to.*]

The young people in Rome were drinking alcohol at 1.30 a.m. but I could hear a pin drop. They behaved in a most civilised manner late on a summer evening, which is in stark contrast to the way that Australians approach drinking. In Rome binge drinking is seen as particularly unsociable behaviour and public drunkenness is frowned upon. I would love to see the day when that attitude prevailed in this country and when people did not drink to excess to enjoy themselves or impress their friends. It will be a long time before we achieve that change in culture. The Premier has introduced these measures and they will take us a step closer to achieving the cultural change that we so desperately need in this country. I commend the Premier and the Minister for Tourism, Major Events, Hospitality and Racing for introducing these bills. I know from personal experience when I was the mayor of Randwick that lockouts work, and I expect to see some positive results in Kings Cross and the Sydney CBD Entertainment Precinct. I commend the bills to the House.

Dr GEOFF LEE (Parramatta) [12.41 p.m.]: I support the Liquor Amendment Bill 2014 and the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014. I acknowledge the Attorney General, the Hon. Greg Smith, who is in the Chamber. The Attorney General is always a strong supporter of law and order and ensuring that the judicial system is just and fair. He addressed a community forum in Parramatta last weekend and explained the Government's position on various aspects of the legislation which has been recently introduced and which is being debated today. I commend the Attorney General for taking an interest in Parramatta.

Parramatta is a cosmopolitan city that is on the move. Parramatta is to Sydney what Boston is to New York; a wonderful historic suburb with deep roots as far back as early European settlement. It is the great financial, insurance and commercial heart of Western Sydney; in fact, it is the fantastic capital of Western Sydney and a great place to live. It is no surprise that it was recently named the most liveable suburb in New South Wales, and we are very proud of that recognition. This legislation reflects that need for fairness and justice in the most liveable suburb in New South Wales.

Mrs Barbara Perry: I don't know about that.

Dr GEOFF LEE: I note the member for Auburn questions that statement. While Auburn is very nice, Parramatta simply outstripped every other suburb in New South Wales. I am sure that other members agree and will acknowledge that Parramatta is leading the way. The member for Campbelltown continues to be a great supporter of Parramatta as well as Campbelltown. It is true that one can see Campbelltown from Parramatta if one stands on the Westfield building. Parramatta is one of the most exciting and cosmopolitan cities in Australia. It has all the essential elements of a great city and it is a fantastic place in which to live, work and raise a family.

One of the features of Parramatta is its night-life precincts, which these bills will impact. It has the fastest growing night-time economy in New South Wales. Its night-time establishments range from large venues to very small wine bars where people go to drink, socialise and mix with other people. Small bars are the future of Parramatta because they offer a diversity of recreational and entertainment facilities. Large venues attract many people who may get out of control, but smaller venues attract a different clientele. A cosmopolitan city like Parramatta must offer venues where families, workers, those older than 30 can drink alcohol and eat safely. Given that, small bars will be an asset to the community.

I have spoken before in this place about the opportunities available to cafes to diversify their offerings. Parramatta has some very good cafes that could open at night and change the face of Parramatta. Those cafes

could give young professionals, families and our more mature residents night-time options. According to the 2011 census, the electorate of Parramatta has almost 7,000 18- to 24-year-olds, more than 10,000 in both the 25 to 29 and 30 to 34 year age groups and 23,000—more than 25 per cent of the electorate—are more than 50 years old. We need to offer safe and modern venues in which people can socialise and enjoy recreational activities, and small bars could fulfil that role.

It was great to see that the *Sydney Morning Herald Good Food Guide* awarded Circa, a modern cafe in Parramatta, the best cafe in Sydney award. The pop-up Erby Place bar is gaining popularity and demonstrates a growing culture and an appetite for venues that offer a more intimate and enticing atmosphere. Close to 50 per cent of the people in my electorate were born overseas and have chosen to live in Parramatta. Parramatta provides a vibrant and diverse community and has many fantastic features. More than 50 per cent of the residents of Harris Park were born in India, which is why it is better known as "Little India". Harris Park provides a unique dining, entertainment and shopping experience. China Town in Parramatta also offers great Chinese cuisine and grocery shopping.

These cognate bills are particularly important because the community has overwhelmingly expressed support for eight-year mandatory minimum sentences, the introduction of 1.30 a.m. lockouts, 3.00 a.m. last drinks, the new statewide 10.00 p.m. closing time for all bottle shops and liquor stores, as well as the 25-year maximum sentence for the illegal supply and possession of steroids and up to \$1,100 on-the-spot fines for continued intoxicated and disorderly behaviour. I have previously supported a tougher stance on antisocial and intoxicated behaviour. I agree with my colleagues that the solution to this difficult problem is complex. No one set of laws can change the way people behave and stronger sentencing must be addressed. Although it is important to preserve the separation of judicial and legislative powers, we must ensure that judges and magistrates deliver sentences that reflect community standards and that police are given the powers they need. It is pleasing that Premier Barry O'Farrell has pledged to do whatever it takes to get the message across that drug- and alcohol-fuelled violence is unacceptable.

The Government is targeting organised crime with the introduction of strong measures. Strike Force Raptor, under the management of Deputy Commissioner Nick Kaldis, has targeted outlaw motorcycle gangs. To date these measures have produced significant results, with the arrest of 2,196 people, more than 5,000 charges being laid and more than 500 firearms and \$2.5 million in cash and other drugs being seized. However, we must change the culture and stop our youths engaging in steroid abuse, preloading, binge drinking and illicit drug taking. We need a whole-of-government, whole-of-community approach. Individuals must take responsibility for their actions so that we can all live in a safer and better community. They cannot blame other people.

Mr KEVIN CONOLLY (Riverstone) [12.51 p.m.]: I support the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 and the Liquor Amendment Bill 2014. The drinking culture in New South Wales and throughout Australia causes real problems. Many people feel uncomfortable about the level of violence and the antisocial behaviour of people who drink and the damage they cause. We also know about the health issues associated with binge drinking over a prolonged period.

This culture must be challenged by leaders so that the community is protected from its impact. In a free and democratic society like New South Wales, governments like to allow people the freedom to enjoy themselves and to partake in lawful activities as long as they do not cause harm to others or infringe on the rights of others. The Government has felt the need to intervene on this occasion because it has recognised the harm caused to others and the infringement on the rights of others resulting from this unhealthy drinking culture. No member wishes to prevent people from having a good time—from going out, drinking, socialising, relaxing and enjoying the company of others in a safe and sensible way. Certainly, no-one wants to unreasonably impact on people making a living from selling alcohol on licensed premises.

However, the law has a role to play in ensuring that the community is safe, in restricting antisocial behaviour and in drawing boundaries where individuals have shown they are incapable of drawing them for themselves. In particular, the law plays a role in shaping the culture in which our young people are growing up and learning what they assume is normal adult behaviour. The member for Parramatta spoke about his electorate. The electorate of Riverstone probably has the youngest population in the State. I have not checked the latest census figures, but before the redistribution my electorate had the largest proportion of under five-year-olds in the country and the smallest proportion of over 65-year-olds. I imagine that under the redrawn boundaries that demographic will be more prevalent, given that the new electorate will comprise predominantly new suburbs.

I am concerned about the future for young people, the society in which they will grow and the culture that they will assume is normal. The legislation we passed recently and other legislation that will be introduced will have a role in shaping that culture and setting the boundaries for decent, responsible behaviour. I am pleased that this legislation has changed intoxication from a mitigating factor to an aggravating factor. That is a significant shift in recalibrating the culture and saying to the community, "If you make a choice to become inebriated or affected by drugs that then cause you to be violent, you are no less responsible, you are more responsible. The onus was on you to make a wise choice in the first place and not to become so inebriated or affected by drugs that you would be a threat to others."

That is a big lesson, a flag, a signal to all in the community who may engage in this behaviour that society does not regard it as acceptable and that New South Wales does not expect people to indulge in it. I have heard arguments against the legislation, with some suggesting that when people are rolling drunk they will not stop before they throw the punch and think, "What is the offence on the statute book for this?" I agree that at that point they will not, but we want to change the culture so that before a person goes out and imbibes too many drinks or takes drugs he or she understands that doing those things could lead to violence and that there will be consequences. It is before the event that the cultural change can take place. These issues should be the subject of community discussion so that cultural change takes place.

We all recognise that in New South Wales it is socially unacceptable for someone who is drunk to get behind the wheel of a car. That was not the case 30 years ago. It was a big challenge for the government of the day to introduce random breath testing, to enforce that regime and to change people's attitude to driving while under the influence of alcohol, yet that has been achieved and it has been an enormous success. Because of that initiative thousands of people are alive in New South Wales today who otherwise would have been killed on our roads and thousands more are in one piece and healthy who would have been severely injured on our roads. It is a magnificent example of what governments can do to change culture. It took sustained effort and many years of work to reinforce the message, but that cultural change has been achieved.

I see these bills and others that will follow as part of a cultural change to recalibrate the expectations of the community about what is a healthy way to have a good night out, a sensible way to enjoy alcohol and company, and to go out at night and have a good time without violence, antisocial behaviour or harming others. I appreciate what the Government has done in response to a genuine community outcry. Members of Parliament were approached by many in their communities over the Christmas-New Year period concerned about the incidence of violence they were hearing about and, in some instances, experiencing firsthand, and demanding that the Government take action and lead the community in a better and more positive direction. The O'Farrell Government, through Attorney General Greg Smith, has done just that. Although much of the focus has been on mandatory minimum sentencing, that is only one small part of the package. It may be the headline part that has grabbed people's attention, but it is only one small part of the package.

The other measures in the bill are just as important. Expanding the range of drugs that police may test for is a positive measure, as it recognises that drugs, including steroids, are part of the problem. I am pleased that that is recognised in the legislation. It is important to understand that the combination of alcohol and drugs, rather than one or other in isolation, is an element of the problem. The legislation allows police to deal with that issue. It is important to look at issues such as the availability of alcohol and the drinking culture at licensed venues so that we can take the necessary steps to define the limits of appropriate behaviour. The introduction, in a limited way, of lockouts at 1.30 a.m. and the cessation of liquor sales at 3.00 a.m. are appropriate first measures in the context of heightened awareness of antisocial behaviour in the Sydney central business district. The lessons learnt from these initial measures will help determine further action that will be taken to address the issue.

We must send a message to the community that people do not need to get outrageously blind drunk or tanked to have a good time. They can enjoy alcohol sensibly while respecting the rights of others. I commend the Government on its action and response to community concerns through the introduction of legislation earlier this year and further measures planned for the future. I congratulate the Attorney General and the Government on introducing these measures. I look forward to positive, cultural change that encompasses the right of people to celebrate whilst respecting the rights of the community.

Mr CHARLES CASUSCELLI (Strathfield) [1.01 p.m.]: I support the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 and Liquor Amendment Bill 2014. Since taking office in March 2011, the Government has taken strong action to reduce alcohol-related violence. It has applied strong

regulatory measures that target problem venues and precincts. This approach has been supported by the imposition of tough sanctions on venues that do not comply with the law and investment in resources to enforce liquor licensing requirements and criminal laws.

Specifically, the Government's measures include: an eight year mandatory minimum sentence for those convicted under the new one-punch laws where the offender is intoxicated by drugs and/or alcohol; mandatory minimum sentences for violent assaults where the offender is intoxicated by drugs and/or alcohol; the introduction of 1.30 a.m. lockouts and 3.00 a.m. last drinks across an expanded central business district precinct that includes Kings Cross to Darling Harbour, The Rocks to Haymarket and Darlinghurst; the introduction of a precinct-wide freeze on liquor licences for new pubs and clubs; a new statewide 10.00 p.m. closing time for all bottle shops and liquor stores; increasing the maximum sentence for the illegal supply and possession of steroids from two years to 25 years; increasing on-the-spot fines to \$1,100—a fivefold increase—for continued intoxicated and disorderly behaviour and disobeying a police move-on order.

Community awareness will be increased through, amongst other things, a media campaign to address the culture of binge drinking and the associated drug- and alcohol-related violence. Free buses will run every 10 minutes from Kings Cross to the central business district to connect with existing NightRide services on Friday and Saturday nights. Further measures include: removing voluntary intoxication by drugs or alcohol as a mitigating factor in the determination of sentences; increasing maximum penalties by two years where drugs and/or alcohol are aggravating factors for violent crimes, including assault causing grievous bodily harm and reckless wounding; enabling police to impose an immediate central business district precinct ban of up to 48 hours for troublemakers; and introducing a periodic, risk-based licensing scheme, with higher fees imposed for venues and outlets that have later trading hours and poor compliance histories or are in high-risk locations.

The Government recognises that violence occurs not just on licensed premises but in public spaces, on our transport network and in and around our recreational facilities. The Government's approach is consistent with achieving a balance between the need to maintain a safe recreational environment for all and not taking away the right of people to enjoy themselves. I have some reservations. My biggest fear is that even with these measures, the very nature of violence in our community requires far more than just a legislative response to this problem. I am advised that overall the incidence of violent crime in Australia has fallen, but of late the incidence of capricious and extreme violence has become intolerable. This is demonstrated by the recent community outrage and media commentary which has culminated in the bills before the House. We need to address a number of other factors that contribute to violence in our community. I believe that the problem of violence is being aided and abetted, unintentionally, by government policy, by accepted societal norms, and the so-called socially progressive cliques in our community.

If I may be forgiven for briefly ignoring those selfless folk who devote themselves to service for the betterment of our community, broadly speaking, I think as a society we are becoming a cruder, coarser and more selfish lot. As with all broad generalist statements it does not apply to all, but it does tell a story. It is no mere coincidence that the level of violence, either perceived or actual, is directly linked to a number of other factors that have been undergoing change, some obvious and others less so. As violence is becoming a bigger problem in our community, we need to ask a number of other questions. What has happened to personal accountability? What has happened to community responsibility? What has happened to the implicit and explicit authority of our parents, our teachers and our police officers? What has happened to those recreational, sporting and entertainment activities that attract the attention of our youth?

As to the issue of personal accountability, we need only to review a number of sentences and proceedings in criminal prosecutions to observe that the legal system, as well as the supporting social support systems, go to extraordinary lengths to accommodate the premise that just about everyone else other than the offender is responsible for the crime. Every effort is made to present and consider circumstances to mitigate or excuse the criminal behaviour, sometimes to the point that an offender is portrayed as the victim. This leads to manifestly inadequate sentences and often increases the grief of victims' families. If we diminish personal accountability, we will increase criminal behaviour. The legal system is fundamentally based on the premise that people are accountable for their actions. Over time, this view seems to have diminished and, in doing so, we are giving comfort to criminals at the expense of our law-abiding and community-minded citizens. We are indirectly encouraging criminal behaviour. If we want to decrease violence, we need to look closely at how we promote personal accountability, not just through legislation but in a cultural sense.

As to the issue of responsibility, ours is a community that comprises many groups from many different cultures, including friends, neighbours, sporting codes, businesses and churches. Violence is an issue for all these

community groups and, therefore, all have a responsibility to respond to it. I was pleased to hear the remarks of Deputy Commissioner Nick Kaldas concerning the role of friends in preventing violence. Here is a police officer who gets it. His comments are very welcome. This legislation adds to the regulation of certain parts of our business community, the liquor industry. However, these actions need to be complemented not through more regulation but through a commitment by various community groups to take more responsibility for addressing violence. I note that some licensees have voluntarily accepted responsibility by changing their trading hours and effectively increasing security around their venues. The Manly initiative has produced some wonderful results through the cooperation and support of licensees. If we want to decrease violence, as the Premier has suggested, the community must take greater responsibility for responding to and preventing violence.

The Government clearly has a leadership role to establish a campaign to engage all the diverse elements of our community, to change attitudes and to promote positive actions to reinforce the new attitudes. Australians pride themselves on their level of tolerance, but my observations and experience are that our increasing level of tolerance has and will continue to contribute to the level of violence in our community. I am told that tolerance is socially progressive, but I believe we have crossed the line. Tolerance was once seen as a positive attribute of our society, but I fear it is now detracting from the wellbeing of our society. Today we tolerate appalling behaviour in our schools, in our public spaces and on our transport systems. We even tolerate criminal behaviour from our police officers and public servants and we tolerate offensive behaviour directed towards police and public servants. The courts tolerate criminal behaviour when they hand down inadequate sentences and grant early release on parole.

We tolerate the time of our youths being taken up watching violent movies and playing violent games and ignore the effects they have on our developing young. We spend billions of dollars on providing entertainment based on graphic but non-consequential violence. Our youth can experience the glamour, excitement and adventure of violence without experiencing its very real consequences. We tolerate this constant desensitising of our youth. Should we accept this and its consequences? The constant and continuing disempowerment of parents, teachers and police to act as authority figures creates an environment where disrespect and a lack of consideration for others are becoming all too common but unwanted attributes of our community. In contrast, last Saturday I attended the thirty-fifth anniversary of the Hwa Tsang Monastery Youth Fellowship and Tuition Classes. The ceremony and student performances were conducted at Homebush Boys High School and many community leaders attended. I was struck by the constant references to respect and consideration of others as our most fundamental values for living.

I commend the school for its efforts to instil a sense of respect and consideration for others in its students. I have no doubt that those students will make a positive and lasting contribution to our community. We need more of this in all our schools and homes. Socially progressive experiments that discard traditional wisdom and replace it with contemporary fads in the education and development of our children are a constant risk to our community's wellbeing. The lack of large-scale youth engagement programs that promote healthy, active lifestyles with service to community and that promote self-discipline and a sense of duty have had an adverse effect. We need increasingly to promote and better fund activities such as the Army Cadet Corps in New South Wales schools and service in St John's Ambulance, the Rural Fire Service, the State Emergency Service, the Scouts and Surf Life Saving NSW, amongst many notable others.

Unfortunately, these activities are subject to ever-increasing competition from many fragmented and narrow interest activities that appeal to our selfish instincts. I was disappointed by the recent participation of Mr David Shoebridge, The Greens member in the other place, in a demonstration outside the Parliament in front of the slogan "Save Our Night Life" as he campaigned against the latest initiatives to address alcohol-fuelled violence. I do not believe that saving our night life requires that we stand idly by as lives are ruined. The point is simply that the problem of violence requires far more than just a legislative response from government; it requires action in our homes, schools, courts, recreational spaces and government agencies and in our hearts and minds. I congratulate the Attorney General and the Government on these bills and I commend them to the House.

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [1.11 p.m.]: I will make a short contribution to the take-note debate on the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 and cognate bill. The time to act is now. This Government is again making the tough decisions that Labor would not make. The Government has responded to community concerns and it believes it is necessary to introduce these measures to combat the serious drug- and alcohol-fuelled attacks on our streets that the community will not tolerate. We are determined to send a strong message to those who engage in drug- and alcohol-fuelled violence. If people get drunk or take drugs and seriously assault someone in public they will go to jail.

As a father of three sons my heart ached for members of the Christie family when they lost their child in a violent and unprovoked attack. I felt the same emotion for the Thomas and Rodrigues families. I saw firsthand the effects of a single punch changing lives when a former colleague from the building industry, Tom Biviano, suffered a catastrophic brain injury while trying to stop a fight. Tom was a mate, a real life-of-the-party guy. He employed a team of gyprockers who subcontracted to my building company for many years. He was very much a part of the company family, as well as being a loving and caring husband, father and son.

Tom was acting as a peacemaker in Maitland, not Kings Cross, in the early hours of 31 October 2009 when he was punched. He fell and hit his head, and that changed his life and that of his family forever. Tom put himself between Beau Lawton and the man he was fighting and tried to calm the situation. He suffered a coward punch to the head that knocked him to the ground and put him in a coma, which he remained in for two months. He was then transferred to various brain injury units in Sydney and then to an aged-care facility. In February 2011 Beau Lawton pleaded guilty to recklessly causing grievous bodily harm and in the following month he was jailed for six years and three months with a non-parole period of three years and nine months. But in the following month the Court of Criminal Appeal altered the legal definition of "recklessness" and in October Lawton was released from jail pending a Court of Criminal Appeal decision.

Pursuant to sessional orders business interrupted and set down as an order of the day for a future day.

COMMUNITY RECOGNITION STATEMENTS

MICHAEL O'BRIEN, PREMIER'S COMMUNITY SERVICE AWARD RECIPIENT

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [1.15 p.m.]: I note the outstanding contribution that Michael O'Brien has made to the sport of water polo. I acknowledge that he has been a vital part of the sport for more than 40 years as a player, coach and administrator at State, national and international levels. I thank him for going above and beyond the call of duty in his role as deputy principal of Irrawang High School at Raymond Terrace as he nurtures our young people into well-rounded individuals. Mick is a worthy recipient of a Premier's Community Service Award.

PETER WILLIAMS, AUSTRALIAN FIRE SERVICE MEDAL RECIPIENT

Ms SONIA HORNER (Wallsend) [1.15 p.m.]: The great spirit of volunteerism and engagement with the community is alive and well in the Hunter. I congratulate Vacy Rural Fire Brigade member Peter Williams on receiving the Australian Fire Service Medal and thank him for his years of service. Peter joined the brigade in 1979. He was deputy captain from 1989 to 1990 and then senior deputy captain until 1994. After the horrific fires of 1994 he was elected captain, which is the position he holds today. Peter provides invaluable support to the cadet secondary school program as an instructor and is a key member of the community program engagement team. He also provides vital community support through his involvement with workshops to assist with the preparation of bushfire survival plans and the practical use of pumps, fire blankets and extinguishers. I thank Peter for his wonderful work and wish him all the best for the future.

MULGOA ELECTORATE HIGH SCHOOL STUDENT ACHIEVEMENTS

Mrs TANYA DAVIES (Mulgoa) [1.16 p.m.]: I proudly inform the House that a number of year 12 students in the Mulgoa electorate achieved outstanding results in the Higher School Certificate and International Baccalaureate. I extend special and hearty congratulations to Veronica Mitchell of Orchard Hills, who achieved an International Baccalaureate score of 42 out of 45, which is equivalent to an Australian Tertiary Admissions Rank of 99.25. Veronica attended St Paul's Grammar School. In 2013 two-thirds of its year 12 graduates were International Baccalaureate Diploma students. The International Baccalaureate Diploma results are not included in school rankings, which are based on Higher School Certificate scores and as such do not report that St Paul's Grammar School is one of the best schools in New South Wales for academic results.

I congratulate Jayden O'Brien from Penrith High School on being placed first in New South Wales in Business Studies and Morgan Gray from Penrith Anglican College in Orchard Hills on being placed first in Food Technology. I also congratulate St Marys Senior High School student Ma Thrizza Mae Lopez on being placed first in Filipino Continuers.

TRIBUTE TO TOM McBRIDE

Mr NICK LALICH (Cabramatta) [1.17 p.m.]: As a former student of St John's Park Public School, it is with great pleasure that I congratulate its principal, Mr Tom McBride, on his 60 years of service to public education. Teachers such as Mr McBride are truly the unsung heroes of our community. He has a passion for public education and making sure that children from disadvantaged backgrounds do not miss out on educational opportunities. During his 60 years of teaching Mr McBride has taught at 12 schools across New South Wales, including the Northcott Crippled Children's School and Forster Central School. Since 2002 he has taught at St John's Park Public School. Mr McBride is highly respected by the staff, students and parents of his school and by the wider community. We are truly blessed to have someone such as Mr McBride helping to shape the leaders of the future.

AUNTY SUE BLACKLOCK, AMBASSADOR FOR CHILDREN

Mr ADAM MARSHALL (Northern Tablelands) [1.18 p.m.]: I congratulate Aunty Sue Blacklock, a Gomeroi elder from Tingha, on her recent appointment as the Australian Centre for Child Protection inaugural Ambassador for Children. The appointment is a significant recognition of Aunty Sue's lifetime of community service and work as chair of Winangay Resources Incorporated in supporting Aboriginal children in out-of-home care. Aunty Sue has worked tirelessly to reduce the number of children needing out-of-home care and assists those who have been removed from their families to return to their communities. I acknowledge Aunty Sue Blacklock and congratulate her on her thoroughly deserved appointment. I wish her every success in this role, which I am confident she will serve with distinction.

SYDNEY GAY AND LESBIAN MARDI GRAS

Mr ALEX GREENWICH (Sydney) [1.19 p.m.]: I commend organisers, volunteers, police and all the participants involved in this year's Sydney Gay and Lesbian Mardi Gras celebrations. They were as diverse as they were inspiring. I acknowledge Mardi Gras Chief Executive Officer Michael Rollick and his staff, co-chairs Siri Kommedahl and Paul Savage, and the entire Mardi Gras board for their hard work and commitment. Surry Hills Local Area Commander Tony Crandall worked tirelessly with the police and various community organisations, including the Inner City Legal Centre, the New South Wales Gay and Lesbian Rights Lobby, ACON, and me to ensure policing practices were an improvement on previous years. I also acknowledge the Premier and the Minister for Police and Emergency Services for their support.

This year I brought Mardi Gras to the Parliament of New South Wales when I hosted an event that raised needed funds for community organisations. Last Friday I brought lesbian, gay, bisexual, transgender and intersex community leaders together for a roundtable discussion with the United States Ambassador to Australia John Berry, Human Rights Commissioner Tim Wilson, and members of Parliament from all parties, including visiting New Zealand politician Louisa Wall. We committed to work together to progress important lesbian, gay, bisexual, transgender and intersex reform in Australia and the region.

DR PHILIP TRUSKETT, MEMBER OF THE ORDER OF AUSTRALIA

Mr MARK SPEAKMAN (Cronulla—Parliamentary Secretary) [1.20 p.m.]: I congratulate Dr Philip Truskett of Yowie Bay, who was named a Member in the General Division of the Order of Australia in the Australia Honours list for his significant service to medicine, particularly in the development and practice of surgery. Dr Truskett is the senior staff specialist in surgery at the Prince of Wales Hospital, Randwick. He has worked with children in East Timor and Myanmar as a rotational surgeon with AusAID and the Royal Australian College of Surgeons. He has been involved with many top medical associations, including the Australian Council of Healthcare Standards and the Trauma Society of Australia and New Zealand. He is a pro bono medical adviser with the Australian Jockeys Association and a trustee of the National Jockeys Trust. I congratulate Dr Truskett.

MRS JANE GRAY 112TH BIRTHDAY

Mr GUY ZANGARI (Fairfield) [1.20 p.m.]: I congratulate local resident Mrs Jane Gray, who turned 112 in December 2013. Mrs Gray is a remarkable woman who migrated to Australia from Scotland and who has lived through two world wars and several leaps forward in technological advancements. Mrs Gray does not plan to slow down because she plans to outlive the world's oldest person. Jane Gray attributes her longevity to having good genes, a healthy diet, not smoking and not drinking alcohol.

Mrs Gray has nine grandchildren, 14 great-grandchildren and two great-great-grandchildren—that is, five generations. It is an achievement and privilege in itself to be fortunate enough to see five generations of one's family grow up. I once again congratulate Mrs Jane Gray on her birthday. I look forward to Mrs Gray achieving her goals.

ST MARY'S HIGH SCHOOL STUDENT LEADERSHIP

Mr ANDREW CORNWELL (Charlestown) [1.21 p.m.]: It is with pleasure that I congratulate the young leaders of St Mary's High School in my electorate of Charlestown. A fortnight ago the school's annual Opening School Liturgy and Commissioning was held and the school's elected student leaders were recognised at a special ceremony, a celebration of the call to leadership in the context of the school's Christian calling. I congratulate the 2014 school leaders: Jacob Askew; Emma Gearing; Anthony Goodman; and Rachel MacNeill. Congratulations also go to the student pastoral council leaders: Cameron Allan; Jacob Askew; Christopher Bass; Ruby-Rose Betham; Sophia Castro; Rachael Copas; Hayden Copping; Samuel Froome; Matthew Garner; Emma Gearing; Anthony Goodman; Lachlan Hyde; Kiara Kruk; Inga Leinasars; Rachel MacNeill; Julia Minors; Jack Murphy; Damon Reid; and Milly Wright. Well done to the sporting house captains: Amy Campbell, Lachlan Blackwell, Kenedy Collins-Hanlon, Sam Morgan, Natan Leaver, Jye Hancock, Lana Miller, James Ward, Zoe Benson, Benjamin Hole, Maddy Cook-Greenwood, Zech Nissen, Gillian Anderson-Fox, Jack Kerin, Sophia Castro, Kyle Kingston.

TYSON MILLER, BOX'TAG COMPETITOR

Mr BARRY COLLIER (Miranda) [1.22 p.m.]: I ask the House to acknowledge the achievement of Tyson Miller, a Kirrawee teenager who has turned his life around through Box'Tag, a new, safe form of boxing for all ages. Tyson, a victim of bullying who at one time contemplated suicide, arrived at the Sutherland's Strong-Arm Boxing Gym weighing 156 kilograms. He struggled to walk, let alone throw a few punches. Eight months later Tyson had lost an astonishing 85 kilograms through diet and training. I recently watched Tyson get into the ring to take on the State novice Box'Tag champion in the main event of the night. As journalist Brad Forrest said, "Tyson was a real winner with the crowd."

Tyson Miller has proven to be one of the real success stories of trainer Losh Matthews and Box'Tag. As one who attends the same gym, I saw Tyson's transformation firsthand from a dangerously overweight teenager with no self-esteem to a fit, confident young man with an ambition to be a boxing trainer. Tyson's personal story is a source of inspiration and hope to other young people who find themselves bullied and with low self-esteem. It is a journey we should all recognise. Tyson and sport are the true winners.

DIVERSE AUSTRALASIAN WOMEN'S NETWORK

Mr ANDREW ROHAN (Smithfield) [1.23 p.m.]: I am pleased to announce the Diverse Australasian Women's Network has been officially launched as the first group in Sydney for Asian-Australian professionals. Started by Fairfield City Councillor Dai Le, this apolitical group aims to help create a platform for Asian-Australian women to connect, grow and support one another throughout their professional and entrepreneurial lives. I was honoured to attend the launch on 29 November 2013 in Fairfield. It is inspiring to see this diverse group of talented people, including men, gathering with the ultimate goal of promoting equality. This is particularly important in my electorate of Smithfield, which is one of the most diverse in Sydney. I highly commend the Diverse Australasian Women's Network and wish it all the best for the future.

SHELLHARBOUR CITY COUNCIL AUSTRALIA DAY AWARDS

Mr GARETH WARD (Kiama) [1.24 p.m.]: On Sunday 26 January 2014, I was pleased to join Mayor Marianne Saliba at Shellharbour City Council's Australia Day Awards ceremony at Lake Illawarra. I congratulate Ron Dryburgh of Albion Park, who was named Shellharbour's Citizen of the Year, on his hard work over two years to establish the Albion Park Men's Shed. Ron was motivated by the increasing number of local men suffering from depression or isolation, so he decided to build this project from the ground up. In 2012 he started with four members and there are now more than 70 members. I also congratulate Corey Belsito, who was named Shellharbour's Young Citizen of the Year, on his leadership qualities and fundraising activities, including the World's Greatest Shave and 40 Hour Famine. We are fortunate to live in a region with so many dedicated school leaders and wonderful volunteers who make the Shellharbour city area a great place to work, rest and play.

RETIREMENT OF MRS CAROL GILL

Mr ANDREW GEE (Orange) [1.25 p.m.]: I wish to recognise Mrs Carol Gill, who retired last year after 25 years of service to Catherine McAuley Catholic Primary School in Orange. Mrs Gill, who was the school's secretary, was recognised as someone who had been more like a second mother to more than 2,500 children during her time at the school. Mrs Gill attended a celebration of her retirement at the school with her husband, John, where tributes were read out and year 6 students performed a specially written rap. Among the personal messages, students thanked Mrs Gill for putting a bandaid on their cuts, calling their mums when they were sick, or passing on the message that they had left their lunch at home. Congratulations, Mrs Gill, and best wishes for your retirement.

I also acknowledge the wonderful work of Principal Michael Croke and Assistant Principal Steve Maguire and the team at Catherine McAuley Catholic Primary School in Orange. They are an integral part of the Orange Community. We appreciate the work they are doing educating the next generation of Orange.

SPECIAL OLYMPICS AUSTRALIA NATIONAL GAMES

Mrs LESLIE WILLIAMS (Port Macquarie) [1.26 p.m.]: In October 2014, Special Olympics Australia, the leading provider of regular sports participation and competition for people with an intellectual disability, will host the tenth Special Olympics Australia National Games in Melbourne. It will be the biggest national games ever hosted by Special Olympics Australia with more than 1,000 athletes of all ability levels competing in 16 Olympics-type sports. For the majority of competitors, these games represent the culmination of years of regular training, and the games will be a selection event for the Australian team to compete at the Special Olympics World Summer Games 2015 in Los Angeles, United States of America.

I congratulate Haley Brown, Jennifer Davis and Christine Wheeler on their selection as members of the basketball team and Glen Ball, Jason Holley, Aiden Roughly, Adam Smith, Joshua Southgate and Kylie Wilcox on their selection as members of the tenpin bowling team. I wish them the best of luck at the Special Olympics Australia National Games in October.

THE HILLS RELAY FOR LIFE

Mr DAVID ELLIOTT (Baulkham Hills) [1.27 p.m.]: The Hills Relay for Life was launched on 12 February at Event Cinemas in Castle Hill, where we were treated to the film *Last Vegas*. For those not familiar with *Last Vegas*, it follows the journey of four retirees on a stag weekend in Las Vegas. It features Robert De Niro, Morgan Freeman, Kevin Kline and Michael Douglas—and I think there might have been a cameo appearance by Richard Amery.

Relay for Life is now the biggest not-for-profit fundraising event in the world. Relay for Life serves four purposes: first, it celebrates survivors; second, it remembers those who lost their battle with cancer; third, it raises much needed funds for cancer research; and fourth, it encourages those who are still fighting their battle with cancer. Over the past 12 years The Hills Relay for life has raised \$2.5 million. The raffle on the evening raised thousands of dollars for cancer research, which was a great way to launch the event. It was a pleasure to attend the launch. I thank David Power and Michelle Byrne, co-chairs of The Hills Relay for Life, and the rest of The Hills Relay for Life committee. I recognise the Purple sponsors of The Hills Relay for Life: The Hills Shire Council, Castle Towers, Castle Hills RSL Club and C2K Fitness and Aquatic Centre. I also thank Event Cinemas, Castle Hill, for hosting the evening.

ROOTY HILL HIGH SCHOOL EXCELLENCE ASSEMBLY

Mr RICHARD AMERY (Mount Druitt) [1.28 p.m.]: I am pleased to acknowledge the Rooty Hill High School and its principal, Christine Cawsey, staff, teachers, students and school community for another successful year, 2013. The school's success was on display at the excellence assembly which took place on 7 February 2014. I was pleased to once again be invited to participate in the various awards. Though it is not possible to name everyone, I congratulate the dux of each year: year 7, Imico Publico; year 8, Lisa Vu; year 9, Emma Jurd; year 10, Megan Varley; and year 11, Caitlin Thick. A special mention goes to Madison Nixon, who was dux of the school and the School Council Student of the Year. Rooty Hill High School is a prime example of the success of public education, and I congratulate all on the school's success.

TRIBUTE TO BARBARA MALONEY

Mr JOHN FLOWERS (Rockdale) [1.29 p.m.]: I want to acknowledge a special member of my electorate of Rockdale. Barbara Maloney enjoys a busy life. She dedicates her time as a volunteer and assists with the smooth functioning of Ramsgate Seniors Club. In fact, Barbara is the one who organises monthly bus trips to Bowral, Camden, Kiama and Watsons Bay, to name a few. It was pleasing to note that in recognition of her services to the club Barbara was awarded this year's Noel Seiffert Memorial Award. Barbara also looks forward to spending time caring for her grandchildren whenever possible. Congratulations, Barbara.

CLARENCE VALLEY WOMAN OF THE YEAR AUNTY MURIEL BURNS

Mr CHRISTOPHER GULAPTIS (Clarence) [1.29 p.m.]: Today I offer my congratulations to Aunty Muriel Burns of Maclean who I announced as my local Woman of the Year. Aunty Mu, as she is commonly known, has been a pillar of the Clarence Valley community for many years. She is a proud Yaegl woman and a truly iconic personality who has unselfishly contributed so much to the Clarence Valley and, in particular, to the Lower Clarence. Aunty Mu is funny, witty and loving and uplifts all those around her. She holds the elders group together so that their contributions to public life are valued, and she provides unconditional care and love to everyone in her local community and extended family. We need more women like Aunty Mu walking among us in the community as she engenders all things good. I wish Aunty Mu a long, happy and healthy life, which will enable everyone in the community to spend time with her and learn from her.

PREMIER'S MULTICULTURAL MEDIA AWARDS

Mr JONATHAN O'DEA (Davidson) [1.30 p.m.]: Last month I attended the Premier's Multicultural Media Awards 2014 which showcase the multicultural and multilingual flavour of New South Wales and celebrate community media and their important contribution to our multicultural society. I congratulate one of my constituents, David Ossip, on winning a Premier's Multicultural Media Award for an article he wrote entitled "A Nation of Tribes?" David's article argues that society is stronger when it invites a range of individuals to access their uniqueness and fulfil their potential. He believes the key to preventing multiculturalism leading to a nation of tribes is a shared commitment to integrating and working together for the greater good. I congratulate David on his informed observations of multiculturalism and on his commitment to inclusiveness and tolerance, including in his role as a councillor on Ku-ring-gai Council.

TRIBUTE TO JEAN VALERIE PEARE, OAM

Mr BART BASSETT (Londonderry) [1.31 p.m.]: I was saddened to hear of the passing last week of Jean Valerie Peare, OAM, an icon in the Hawkesbury community. Last Friday I attended a mass of remembrance and thanksgiving for the life of Jean at St Matthews Catholic Church, Windsor. Jean was one of those rare people on whom every community relies for it to function. Jean had a long association with Hawkesbury City Netball Association. She served in a number of voluntary roles, she was the president for 27 years and she was made a life member in 1976. Jean also was heavily involved in the sister city program in the Hawkesbury community. The first sister city relationship began in 1984 with Temple City, California. The second city relationship, established in 1988, was with Tamba, Japan. Jean was very much a part of making all that happen. I have known Jean for many years and I know she will be sorely missed by her indebted community. I extend my condolences to her husband, Bill, and to her entire family.

RETURNED SERVICES LEAGUE STATE PRESIDENT'S DROUGHT RELIEF APPEAL

Mr DARYL MAGUIRE (Wagga Wagga—Parliamentary Secretary) [1.32 p.m.], by leave: I congratulate the New South Wales branch of the RSL, which has stepped in to assist members facing economic hardship due to the crippling drought that is affecting much of regional and rural New South Wales. In particular I thank the State President, Don Rowe, for his passionate support for this cause. I understand that Don has travelled to several regional towns and cities to see firsthand the tough conditions on the ground. The New South Wales branch of the RSL has activated a State President Relief Appeal Fund, which will provide families in need of cash payments with up to \$2,000. Farmers who are members of the RSL can fill out a form at their local branch. Once again I congratulate and thank the RSL on this wonderful initiative.

ELLEN O'ROURKE, ABC HEYWIRE AWARD RECIPIENT

Mr ADAM MARSHALL (Northern Tablelands) [1.33 p.m.], by leave: I pay tribute to Ellen O'Rourke, a Bingara resident and Inverell High School student, who won the ABC Heywire Award for New

England North West for her vision of a world that accepts and embraces multiculturalism. Having experienced racism firsthand, Ellen decided to take a stand and made a social media video exposing the cruel side effects of racial taunts. Her statement received a great deal of community support and provided a forum for discussion for other students and their families dealing with similar prejudices. Ellen recently returned from the 2014 ABC Heywire conference in Canberra where she met and worked with the other 40 Heywire winners. Her conference group has now embarked on a year-long project titled "One Mob", which will partner them, via videoconferencing, with two schools with different cultural mixes. I congratulate Ellen on her award and on her vision. I wish Ellen well in her endeavours to promote the understanding and acceptance of cultural diversity.

ROTARY CLUB OF ORANGE AWARD RECIPIENT ELIZA HARVEY

Mr ANDREW GEE (Orange) [1.34 p.m.], by leave: I draw the attention of the House to year 12 James Sheahan student Eliza Harvey who was recently recognised by the Rotary Club of Orange Daybreak for her community work. Eliza is not one's everyday teenager. In her spare time she donates blood, has volunteered for a number of charities and has spent time assisting schools in Sri Lanka. At just 17 years of age, Eliza funded the three-week trip to Sri Lanka herself, working in three jobs to save the required amount of money. Eliza was presented with a Youth Service Above Self Award by the Rotary Club of Orange Daybreak, which aims to recognise youth in the Orange district who have exhibited a commitment to Rotary's ideal of service to their school and to the wider community. I commend Eliza for her commitment to the Orange community and for her compassion for others. I also commend the Rotary Club of Orange Daybreak and its members. They get up early but they work tirelessly. I congratulate president John Willing, secretary Margaret Thomson, and the great team at the Rotary Club of Orange Daybreak on all their wonderful community work and the support that they give.

Community recognition statements concluded.

[Acting-Speaker (Mr John Barilaro) left the chair at 1.35 p.m. The House resumed at 2.15 p.m.]

AUSTRALASIAN STUDY OF PARLIAMENT GROUP

The SPEAKER: Members are reminded that the New South Wales chapter of the Australasian Study of Parliament Group is hosting a series of seminars on parliamentary privilege. The first seminar will be presented by Dr Gareth Griffith, Manager of Parliamentary Research Services, and will focus on the historical development of parliamentary privilege in the United Kingdom and its reception in New South Wales. Dr Griffith recently released a background paper titled "Parliamentary Privilege: the continuing debate", which is available on the parliamentary website. This seminar will take place tomorrow in the Macquarie Room at 1.00 p.m. All members are invited to attend.

QUESTION TIME

[Question time commenced at 2.21 p.m.]

SYDNEY SECOND AIRPORT SITE

Mr JOHN ROBERTSON: My question is directed to the Premier. In 2011 the Premier said that "there won't be a second airport in Sydney". In 2012 he said, "The most sensible option is to build a fast rail link ... and use Canberra Airport for additional capacity." In 2013 he said, "I never said Canberra should be our second airport." The Premier now says it is all up to the Federal Government. Does the Premier have a position on a Western Sydney airport or is the Government too distracted by corruption and internal preselections?

The SPEAKER: Order! Members will come to order. The member for Kiama will stop shouting. The Premier does not need the assistance of Government members. I call the member for Kiama to order for the first time.

Mr BARRY O'FARRELL: I stand by what I said last Tuesday, which was that no-one will be happier than I am that we finally have a Federal Government in Canberra determined to make a decision about Sydney's second airport. This matter has been the subject of political debate for 40 years, since Philip Ruddock was starting out on his career—he is now starting his second career as a Chief Whip in Canberra. I applaud the Prime Minister for his determination to make a decision about Sydney's second airport and, as I said last week, I applaud the reports that the Federal Government is prepared to work with the State Government to put in place the infrastructure required to make a second airport work.

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

Mr BARRY O'FARRELL: The real issue is: What is the position of the Labor Party? Is it an airport with or without a curfew? Is it a unity ticket between Federal Labor and State Labor?

Mr John Robertson: Point of order: My point of order is under Standing Order 129, relevance. If the Premier does not have a position he should just say so. I have articulated my position. What is his?

The SPEAKER: Order! The Leader of the Opposition should speak to his point of order, not make a statement. There is no point of order. The Leader of the Opposition will resume his seat.

Mr BARRY O'FARRELL: I say again to the Leader of the Opposition: The Academy Awards were two days ago, so stop acting. We know that politics is acting for ugly people, but that is enough. I have offended half my bench, particularly the member for Newcastle who does not fit that bill.

The SPEAKER: Order! The member for Maroubra will come to order. I call the member for Maroubra to order for the first time. The member for Mount Druitt will come to order.

Mr BARRY O'FARRELL: What does not work is the so-called unity ticket allegedly presented by the Leader of the Opposition one month ago saying that Federal Labor and State Labor supported a second Sydney airport. Anthony Albanese is on the record as supporting a second airport without a curfew.

Dr Andrew McDonald: Point of order: My point of order is under Standing Order 129, relevance. The question was about the Premier's position.

The SPEAKER: Order! There is no point of order. The Premier is being relevant to the question asked.

Mr BARRY O'FARRELL: On the one hand, the Leader of the Opposition says there should be a curfew and, on the other hand, the former Deputy Prime Minister says, unbelievably, there must not be a curfew. I have heard the Federal member for Greenway, Ed Husic, criticising his Federal leader for his support—

Mr John Robertson: He is the Federal member for Chifley.

Mr BARRY O'FARRELL: I am glad you remembered that. There is confusion over there. My position all along has been very clear.

The SPEAKER: Order! Opposition members will cease interjecting or they will be placed on three calls to order and then removed from the Chamber.

Mr BARRY O'FARRELL: As constitutional arrangements in this nation make clear, aviation is a Federal responsibility.

The SPEAKER: Order! I call the member for Cessnock to order for the first time.

Mr BARRY O'FARRELL: For the past 40 years a decision to build a second airport was always one for the Federal Government. Finally, we have a Federal Government determined to make that decision. My concern has always been about ensuring that if there were to be a second airport in Sydney that there be the infrastructure to support it. It is a bit rich for those opposite, who left this Government a \$30 billion infrastructure backlog in the city and the country, to now say, "Forget all that. Build that \$30 billion worth of work." However, I must say that the Treasurer is doing a fantastic job in providing the money. There is \$25 billion worth of public/private partnership projects underway at the present time and a forward program of \$60 billion worth of infrastructure across the State. If we have to build infrastructure to support an airport on our own, what does the Leader of the Opposition suggest come out of our capital works program? What does he suggest should not proceed? Or does the Leader of the Opposition suggest we borrow further, lose our triple-A credit rating and add \$3.75 billion to the State's interest bill?

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

Mr BARRY O'FARRELL: As I said last week, no-one will be happier than I am with a decision by the Prime Minister around this issue that not only confirms that there will be an airport but also that the Federal Government is prepared to assist the State Government to deliver the infrastructure needed to make it work.

SERVICE NSW

Mr CHRIS HOLSTEIN: My question is addressed to the Premier. How is Service NSW meeting customer needs?

Mr BARRY O'FARRELL: I thank the member for Gosford for his question. I know the enthusiasm of the member for Gosford in this area because as a good local member he is determined—

Mr John Robertson: He is the only one.

Mr BARRY O'FARRELL: That is true. We have single-member constituency so he is the only member for Gosford. One does not have to be a genius to be the Leader of the Opposition.

The SPEAKER: Order! The Leader of the Opposition will come to order. I call the Leader of the Opposition to order for the first time.

Mr BARRY O'FARRELL: It has been more than a century since we had a multi-member constituency in New South Wales, but the Leader of the Opposition still thinks there should be more than one member per seat in this place. That would probably happen if Labor had its way—it might give Labor a quorum! The member for Gosford, as a former small business operator, understands that people across this city, the regions and the State lead busy lives and are frustrated at having to wait in queue or online to get access to information or to services. It is clear that whilst the private sector has identified that fact and tried to address it, too often the government sector, the public sector, has been slow to acknowledge it.

That is why last July the Government launched Service NSW, which marked the delivery of yet another election commitment by this side of politics. That agency is reshaping the focus of government service delivery onto the needs of citizens across this city and across this State. As part of the initiative Service NSW has opened up 15 one-stop service centres across the State, with three more to follow over the next few months at Liverpool, Parramatta and, for the benefit of the member for Lismore, on the North Coast. I have to say that since the rollout started in July last year more than half a million customers have been served in the one-stop shops across the State. The feedback we have received has been excellent and it has been enormously popular.

The SPEAKER: Order! I call the member for Shellharbour to order for the first time.

Mr BARRY O'FARRELL: At these one-stop shops people can complete about 850 government transactions all in one place, making it easier to get a driver licence, to get an owner-builder certificate, to register a boat or to apply for a birth certificate. Incredibly, the one-stop shops are open from 7.00 a.m. to 7.00 p.m. In other words, people can go to them on their way to or after work or, indeed, they can drop in on a Saturday between 9.00 a.m. and 3.00 p.m. to undertake those transactions. People can do their business with the New South Wales Government at a time that suits them, not at a time that suits government or the public servants who work for us. People can also make appointments at these one-stop shops. If people want to ring up to make a midday appointment on a Saturday at the Parramatta centre, they can do so, front up and be seen at midday. That is of great satisfaction to people who are trying to deal with government.

The SPEAKER: Order! I call the member for Keira to order for the first time.

Mr BARRY O'FARRELL: When people arrive they are greeted by a concierge—someone actually greets them as they come in—who assists them to be served as quickly as possible. I have visited a number of the Service NSW centres and seen firsthand how we have learned lessons from the private sector and imported them into the public sector to provide better services to citizens across the State. I went to Kiama, where we opened the very first centre in the presence of someone who aspires to be the best regional member of Parliament anywhere in New South Wales.

The SPEAKER: Order! The Premier is misleading the House!

Mr BARRY O'FARRELL: It is just not feedback from customers in Service NSW centres that I monitor; it is also feedback from constituents in electorates such as that of the member for Kiama—whose rating is about 9.6 per cent with a bullet going upwards; I congratulate him—that I monitor. There are centres operating in Haymarket, Parramatta, Chatswood, Wynyard, Gosford, Tweed Heads, Dubbo, Orange, Tamworth, Newcastle, Wagga Wagga, Wollongong, Queanbeyan and Port Macquarie.

Mr Barry Collier: What about the shire, Barry?

Mr BARRY O'FARRELL: It is interesting that we now have members opposite—albeit sensible members opposite, great people called Barry—who are now urging these centres be established in their regions and electorates. [*Extension of time granted.*]

What a difference a year makes. Less than a year ago the Opposition spokesman was condemning these centres, saying that they would be a recipe for disaster. Imagine opening government offices at 7.00 a.m. and keeping them open until 7.00 p.m. to make it easier for people; imagine opening government offices between 9.00 a.m. and 3.00 p.m. on a Saturday to allow people to do business with government; imagine that being a disaster. The only disaster is the member for Bankstown. That is writ large in every Sunday paper I have read this year and how people like that get preselected unopposed is beyond me.

Mr Ron Hoenig: Point of order: My point of order is under Standing Order 129, relevance. The performance of the member for Bankstown has nothing to do with Service NSW.

The SPEAKER: Order! There is no point of order. The Premier has the call. I call the member for Cabramatta to order for the first time. I call the member for Cabramatta to order for the second time.

Mr BARRY O'FARRELL: It would be disorderly of me to inquire about this but I cannot help myself—

The SPEAKER: Order! I call the Canterbury to order for the first time.

Mr BARRY O'FARRELL: Are you going to the footy tomorrow night with Eddie Obeid?

The SPEAKER: Order! I call the member for Maroubra to order for the second time. I call the member for Fairfield to order for the first time. I call the member for Heffron to order for the first time. Opposition members will come to order.

Mr BARRY O'FARRELL: I am off to Penrith on Saturday afternoon. I am being the devoted spouse and going to watch the Knights play. I am supporting my wife, who is supporting her football team.

Mr John Robertson: Point of order: My point of order is under Standing Order 129, relevance.

The SPEAKER: Order! The Leader of the Opposition will resume his seat. I place the Leader of the Opposition on three calls to order.

SYDNEY SECOND AIRPORT SITE

Mr MICHAEL DALEY: My question is directed to the Premier. The Premier's own member for Londonderry said on the weekend, "I don't see anything else on the horizon that would create the jobs that another airport would create." Why does the Premier continue to ignore the people of Western Sydney, including his own member for Mulgoa and member for Londonderry, and refuse to even have a position on Badgerys Creek airport?

Mr BARRY O'FARRELL: It is interesting to hear the Labor Party frontbench members talking about jobs or at least it is interesting to hear them talking about jobs other than their own. In the case of the member for Maroubra, the job he really wants is two places to his left on the front bench. We are pleased with our performance when it comes to jobs. Before the last election we committed to try to produce 100,000 jobs across New South Wales over this term. As the Treasurer made clear yesterday, since we came to office on 26 March 2011 more than 90,000 jobs have been created across New South Wales. It came as no surprise to me today, although it seemed to come as some surprise to those who write media stories or who commentate on them, that the bulk of those jobs have been in Western Sydney. For the past three years—and, indeed, as Opposition leader—I have gone to Western Sydney and opened new facilities, particularly in relation to advanced manufacturing.

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

Mr BARRY O'FARRELL: Only last Monday it was revealed that Sydney has surpassed Melbourne as the manufacturing capital of Australia. That is in stark contrast to the report that came out just as Federal Labor was leaving office, which showed that comparative to the rest of the State and country Western Sydney jobs were not growing at a fast enough rate. We have changed that. We have changed it through our Jobs Action Plan and we are determined to continue to change it through the Fresh Start approach that we announced yesterday for businesses that face retrenchments, to get those people back to work.

We are a government that is determined to grow the State's economy and grow the regional economies that exist within the State. When talking about Western Sydney, which is one-tenth of this nation's population, we are absolutely focused. As I think I said on Tuesday—or maybe last week—we are delivering homes across Western Sydney at a faster rate than we have seen in this State since 2009, and that means work, particularly for tradespeople across Western Sydney, and incomes for those families in Western Sydney whose husbands or wives work in the building industry.

Mr Michael Daley: Point of order: My point of order is under Standing Order 129, relevance. The Premier can refer to Badgerys Creek airport any time he likes in his answer.

The SPEAKER: Order! That was not even remotely akin to a point of order. I call the member for Maroubra to order for the third time.

Mr BARRY O'FARRELL: The Minister for Planning is not only releasing land for housing in Western Sydney, he is also releasing land for employment. Whether I go to the south-west or the greater west, when we announce those projects local employment lands and jobs are also opening up. We have expanded Western Sydney lands, lands adjacent to Badgerys Creek. I stand by the remarks I made about Western Sydney airport in this House last Tuesday. The point is that over the past 40 years Labor federally has spent more time in office than the Coalition, yet it is this Coalition Prime Minister who has committed to make a decision this year—in his first year—on Badgerys Creek airport. Over the past 40 years those opposite have spent just a bit more time in government than the State Liberal Party and what did Labor do about a second airport at Badgerys Creek? A big fat duck's egg. Never get between the Leader of the Opposition and a microphone, never expect consistency, never expect the truth and never expect him to be there at the next election.

STATE ECONOMY

Mr JOHN BARILARO: I address my question to the Treasurer, and Minister for Industrial Relations. How is the Government rebuilding the economy to make New South Wales number one again?

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

Mr MIKE BAIRD: I thank the member for his question, for the incredible work he does in his community and for his support for a government that is getting New South Wales moving again. That is what we see from the O'Farrell-Stoner Government.

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

Mr MIKE BAIRD: In the lead up to the election the O'Farrell Coalition made this promise: If it was elected it would rebuild the economy and make New South Wales number one again. On the night when the Premier was elected and again on 4 March he reiterated that promise. I am pleased to announce that the New South Wales economy has today recorded the strongest annual growth in State final demand of all the States for two consecutive quarters—a first for New South Wales. New South Wales is back in front. Since statistics have been compiled that is the first time that result has been recorded in New South Wales. Clearly those opposite did not know how to do that.

Today the final demand is 0.6 per cent for the December quarter and over the past year demand growth in New South Wales has grown by 2.5 per cent. It is a good growth level but it is below trend and it shows that there is still more work to do. New South Wales is facing some headwinds across the national economy but it is the strongest demand growth on a yearly basis across all States for two consecutive quarters and is well above the national average. Members will recall the position for the last 10 years when those opposite were in office—New South Wales was not first, second, third or fourth. It will surprise no-one in the House or in the gallery that those opposite delivered something that was dead last. That is what the former Government produced.

This Government outlined a clear fiscal strategy: First, New South Wales had to live within its means. The Cabinet and the Government as a whole decided that it would not spend money that it did not have, it would bring expense growth down and reduce its inherited Labor debt. At the same time the Government has invested in the drivers of the economy. It is a strategy that this Government has undertaken through investment in infrastructure. Labor left a \$30 billion infrastructure backlog that this Government must address and it is getting on with the job. The Minister for Transport is a clear example of that.

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

Mr MIKE BAIRD: The Minister for Transport is undertaking the largest rail project in the history of the country.

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

Mr MIKE BAIRD: The former Labor Government managed to produce a video about the North West Rail Link, whereas it is being built by this Minister. The WestConnex project is the largest road project in the history of the country.

The SPEAKER: Order! Opposition members will be removed from the Chamber if they continue to interject.

Mr MIKE BAIRD: That is the infrastructure that this Government is delivering. The funding is being delivered by recycling capital on the balance sheet, which is opposed at every point by those opposite. The member for Maroubra does not have the courage to stand up for what he believes in. It has been opposed by every member opposite, but that funding is being directed into infrastructure and growing the economy. This Government has supported job creation through payroll tax incentives: Businesses across New South Wales that establish a new job do not have to pay the payroll tax. It is a \$5,000 rebate in addition to the \$6,000 for restructured industries announced this week. The Government is providing those incentives. During the last 10 years that Labor was in office New South Wales had the lowest jobs growth in the nation whereas New South Wales is now ranked second in jobs growth, which is helping to drive demand.

The Government has increased the supply of new homes. I ask members: How do they think those opposite went in home creation? Does anyone have a general view? I can tell them that the former Labor Government produced the lowest figures in 50 years. The Minister for Planning played a key role in doubling the figures in Sydney Metro region seen from Labor in 2009 in home creation and in 2013 announced that 33,970 houses were approved—the highest number since 1999.

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

Mr MIKE BAIRD: It is the highest number of new homes in 15 years. Those opposite continue to oppose and ignore what the Government has done, that is, investing in the drivers of the economy. The economy of this State would be at risk if Labor was given a chance to sit on this side of the Chamber. The day of reckoning is approaching when Labor members have to explain to the people of New South Wales how they are going to fix the \$4 billion deficit. Labor has no money to spend on infrastructure yet it is promising new infrastructure to the community like a shiny new toy. It is not sustainable nor is it in the interests of the people of New South Wales. This Government continues to take every action necessary to return New South Wales to number one, as evidenced by the statistics announced today. [*Extension of time granted.*]

The demand figures announced today show above-trend growth in private consumption—that is consumers, with lower interest rates helping them. It indicates more confidence amongst consumers. The other side of the equation is public infrastructure. Public demand is increasing and Government investment is growing. What those opposite continue to ignore is that the strategy of the O'Farrell Government from day one has been to look at the balance sheet and to build the infrastructure to drive the economy thereby increasing long-term productivity. That is exactly what the O'Farrell Government is doing and the results are starting to show in the numbers.

The current Federal Treasurer, Joe Hockey, announced that the model pursued in New South Wales is exactly what should be done across the rest of country. That is not a small sample; it is the rest of the country. The Federal Treasurer announced to the G20 finance Ministers that the rest of the world should look at the model undertaken in New South Wales because that is how to drive growth. While we still have further

challenges to face, including those across the broad economy, for the first time New South Wales has had two successive quarters where economic growth is the strongest in the country, which is pleasing to see. There is more to do but the O'Farrell Government will not rest until it sees New South Wales lead the nation, which is its rightful position. On the back of that is significant investment in infrastructure, which will continue to be built for the people of this State.

The SPEAKER: Order! The House will come to order. The Leader of the House will come to order. I call the Leader of the House to order for the first time. The Leader of the Opposition has the call.

WESTERN SYDNEY AIRPORT

Mr JOHN ROBERTSON: My question is directed to the Minister Assisting the Premier on Western Sydney. Given that the member for Londonderry and the member for Mulgoa are calling for a second airport, does the Minister for Fair Trading, and Minister Assisting the Premier on Western Sydney support calls from his fellow Western Sydney members for a Western Sydney airport which will bring new jobs and infrastructure upgrades to the region?

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

Mr STUART AYRES: I thank the member for Blacktown for his question because there are not many Labor party representatives remaining in Western Sydney to talk about the region. Let me start by listing some obvious choices: Destroy the economy or rebuild the economy; destroy infrastructure or renovate infrastructure; destroy services or improve services? It really is not a hard choice. Members have heard time and again—

Mr Ryan Park: Point of order: My point of order relates to relevance under Standing Order 129. I understand the tactic is to give staff time to provide him with some notes—

The SPEAKER: Order! The member for Keira will not argue with the Minister. There is no point of order. I call the member for Keira to order for the second time. The point of order was vexatious.

Mr Ryan Park: It is a tactic.

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

Mr STUART AYRES: The issue of an airport belongs with the Federal Government. The role and responsibility of the State is to ensure that any infrastructure investment that might be provided by the Federal Government is in the best interests of the people of New South Wales. As the Treasurer stated, the Opposition racked up, based on its policy position, \$4 billion of additional deficit. If the Opposition wants to front up with the infrastructure to support an airport it will have to make cuts. We can start in the electorate of the Leader of the Opposition: Will the Opposition hack to pieces Blacktown hospital? Will it hack to pieces Mount Druitt hospital or Nepean hospital?

Mr John Robertson: Point of order: My point of order relates to relevance under Standing Order 129. I know the member does not want to answer the question, just like everyone else on that side of the Chamber—

The SPEAKER: Order! The Leader of the Opposition will state his point of order, not make a speech. The Minister is being relevant to the question asked. There is no point of order.

Mr John Sidoti: What doesn't he understand?

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

Mr STUART AYRES: Opposition members cannot escape the fact that if they want to support an airport they must fund the infrastructure from the budget. That is something Opposition members must tell the community: What is their secret plan? Will Opposition members cut funding from hospitals or schools? Those opposite have opposed the recycling of assets.

The SPEAKER: Order! I call the member for Lakemba to order for the first time.

Mr STUART AYRES: We heard the Treasurer refer to the types of assets that must be recycled to ensure that Western Sydney receives the infrastructure it needs, such as WestConnex. WestConnex is a perfect example of recycling assets. Unless Opposition members are prepared to state which assets they are going to recycle—

Dr Andrew McDonald: Point of order: My point of order is relevance under Standing Order 129. The question is whether he supported the calls of his fellow members of Parliament.

The SPEAKER: Order! There is no point of order. The Minister is being relevant to the question asked. I have called other members to order for taking vexatious points of order.

Mr STUART AYRES: All members opposite want is to ensure that jobs do not come to Western Sydney. They do not want any infrastructure investment in Western Sydney or to tell anyone how they will pay for their magic pudding infrastructure arrangements. They want to put the triple-A credit rating at risk. But let us not forget about their past. Members opposite said Sydney was full.

Mr Guy Zangari: Point of order: My point of order is relevance under Standing Order 129. The question is about the comments of the member for Londonderry and the member for Mulgoa about an airport at Badgerys Creek.

The SPEAKER: Order! I understand the question and the Minister is being relevant to it. I direct the member for Fairfield to remove himself from the Chamber until the end of question time.

[Pursuant to sessional order the member for Fairfield left the Chamber at 2.50 p.m.]

Mr STUART AYRES: Members opposite are the people who said that Sydney was full. The residents of Western Sydney paid the price for that. Members opposite made no investment in roads. In the budget the Government has had to increase roads maintenance funding by 83 per cent. That shows how far from adequate it was previously. It is the people of Western Sydney who suffered from that. The plan of members opposite is to dump a whole lot of extra—

Dr Andrew McDonald: Point of order: The Minister is being a lackey to the Premier and should be directed to answer the question.

The SPEAKER: Order! The Minister is being relevant to the question asked. There is no point of order.

Mr STUART AYRES: This is really not that hard. The Federal Government makes the decision about the airport and the State Government will decide whether it wants to support something based on the plan put before it. We have seen before the idea of committing to a piece of infrastructure without a plan. Does anyone remember the Rozelle metro, which cost \$500 million? I could spend \$500 million on roads and investment to create jobs in Western Sydney. That was a missed opportunity.

Have members opposite not learnt anything from the people of Western Sydney? They must stop lecturing to them and listen to them instead. Members opposite might realise that the people of Western Sydney want to support things if members are prepared to provide the information. We have heard this time and again. Members opposite turned the infrastructure investment tap off across Western Sydney. They denied jobs to the people of Western Sydney. They stopped believing in them. They did not think they were aspirational and now they continue to lecture them. Look at how Federation works. We are here to support it if it comes with the infrastructure.

The SPEAKER: Order! Government members will come to order. There is too much audible conversation in the Chamber.

EARLY CHILDHOOD EDUCATION

Mr ANDREW GEE: My question is addressed to the Minister for Education. How is the Government providing greater access to early childhood learning?

Mr ADRIAN PICCOLI: This Government has a proud record over three years of supporting early childhood education and particularly preschool education. For at least a decade during the term of the previous Government the sector made requests to be taken out of the Department of Family and Community Services and rolled into the Department of Education and Communities. That was rightly because community services should be focused on child protection and early childhood should be incorporated into the Department of Education.

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

Mr ADRIAN PICCOLI: After 10 years of the sector asking and being ignored by Labor, that was one of the first actions of this Government. I notice the new Labor frontbench arrangements in which everyone is a winner. Even those on the backbench are on the frontbench.

Mr Mark Coure: Except for Cessnock.

Mr ADRIAN PICCOLI: Except for the member for Cessnock.

The SPEAKER: Order! I call the member to Oatley to order for the first time.

Mr ADRIAN PICCOLI: Even Labor has standards, although they are very low. In the new frontbench arrangements Labor has again split it, with education going to the member for Keira—

Ms Sonia Hornery: Point of order: Surely you cannot think that that was relevant. My point of order is relevance under Standing Order 129.

The SPEAKER: Order! I cannot hear what the Minister is saying because there is too much noise in the Chamber. I note the point of order.

Mr ADRIAN PICCOLI: These are structural and governance changes to early childhood education that allow us to use the resources and knowledge within the Department of Education and Communities and in the early childhood sector to ensure we have the best possible early childhood sector. Last year I announced \$5.7 million in funding for capital works to provide 360 additional preschool places in regional New South Wales. The grants range from \$80,000 to \$1.1 million. The Government has more than doubled the number of available early childhood places in the areas that need them most.

Recipients of our capital grants include Bundanoon District Community Preschool in the Goulburn electorate, which has been much in the news lately, which has received \$816,000. Wingham and District Preschool and Old Bar Community Preschool in the Myall Lakes electorate have received almost \$250,000 and \$500,000 respectively. Biralee Preschool in the Murray-Darling electorate has received \$150,000. Gulgong Preschool in the Orange electorate has received almost \$500,000. Bellbird Preschool in the Cessnock electorate has also received a grant. See how we look after the Cessnock electorate, which I might say will be targeted by The Nationals at the next election. Thanks to the work of members opposite they have made Cessnock a marginal seat.

The SPEAKER: Order! The Minister will return to the leave of the question.

Mr ADRIAN PICCOLI: Oberon Children's Care Centre in the Bathurst electorate and Wollongbar Community Preschool in the Ballina electorate have also received funds. The Dubbo electorate, which we know has been experiencing shortages, is a huge winner. It will be receiving more than \$1.5 million. Dubbo West Preschool will receive almost \$250,000 to increase its number of places and Dubbo and District Community Preschool will receive \$825,000 to increase its capacity by an additional 86 places. Dubbo is a big winner because we are putting our resources into the areas that are in greatest need.

We are establishing new services in Woy Woy South in the Gosford electorate, in Orange and in Alstonville in the Ballina electorate. The member for Ballina and I met with representatives from Alstonville who had been forced to move out of their existing premises and had issues with the capital cost of keeping their service going. We even encountered them on a recent visit to the Lismore electorate where they expressed their concerns to me directly by way of protest, which fortunately people in this great country can do. We have delivered for the Alstonville community because we know the importance of early childhood education.

Having had one child in early childhood services in recent years and another who is still there I can say that I value the work of the committed people in the sector. Anyone who has visited a preschool or long day care centre can see the true worth of those workers and would value their commitment to the future of the young people in their care. I pay my highest respects to those who work in the early childhood sector. We are here to support them.

DEPARTMENT OF FAMILY AND COMMUNITY SERVICES CASEWORKER VACANCIES

Ms LINDA BURNEY: My question is directed to the Minister for Family and Community Services.

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

Ms LINDA BURNEY: On 3 March at the royal commission a senior official in the Minister's department publicly admitted that caseworkers are overloaded, bogged down in paperwork and that they struggle to see children at risk. When will the Minister fill the 244 vacant child protection caseworker positions permanently as she promised to do a year ago?

Ms PRU GOWARD: It is groundhog day. That question indicates once again how little the former Minister remembers about casework and about the problems with casework in her then department. In office members opposite did not take much notice of casework either; they were much more interested in union dollars. Reports of children at risk could rise and fall in different areas around the State but the number of caseworkers in those areas did not follow suit. Imagine that. If more children were being reported at risk in Tamworth, for example, they would not move more caseworkers into the area. This Government is doing that.

The SPEAKER: Order! I call the member for Shellharbour to order for the third time

Ms PRU GOWARD: We are giving the district directors the authority and tools they need to respond to changes in demand. Opposition members' howls of protest on behalf of their union friends show how little they have learnt about the importance of achieving good outcomes. I am sorry if members opposite are embarrassed by being reminded of their links to the union movement, but it must be done. I was very concerned yesterday to realise that the member for Canterbury does not like being called a failed former Minister. She took offence—

Ms Linda Burney: Point of order: I have never been rude to or sarcastic about Minister Goward.

The SPEAKER: Order! What is the point of order? A point of order is not an opportunity to debate. There is no point of order.

Mrs Barbara Perry: Point of order: Madam Speaker, yesterday you made a clear ruling on Standing Order 73 that members should be referred to by their proper titles. That is a clear flouting—

The SPEAKER: Order! The Minister has complied with that ruling. She said that the member for Canterbury took offence to a comment. There is no point of order.

Ms PRU GOWARD: I wondered why the member for Canterbury was so offended by the description of her as a failed former Minister, but she got upset and was thrown out of the Chamber. Why did she get upset? Is it because she believes she was a successful Minister, or does she just not want—

Dr Andrew McDonald: Point of order: That is clearly an imputation and a personal reflection under Standing Order 73.

The SPEAKER: Order! The member for Macquarie Fields is taking a broad view of Standing Order 73.

Dr Andrew McDonald: How could what she said not be an imputation or a personal reflection?

The SPEAKER: Order! The Minister is being relevant to the question asked.

Dr Andrew McDonald: Are you saying that Standing Order 73 is not relevant to a personal reflection or an imputation? I want a ruling on that point.

The SPEAKER: Order! I have ruled that there is no point of order. Is the member arguing with me?

Dr Andrew McDonald: No, just clarifying the ruling.

The SPEAKER: Order! I have ruled on the matter. There is no point of order.

Ms PRU GOWARD: I would never want to label the member for Canterbury as something she is not. Therefore, I spent some time looking at the record to establish whether she was a failure or a success.

Ms Carmel Tebbutt: Point of order: Standing Order 73 relates to imputations and personal reflections, and they are out of order.

The SPEAKER: Order! Since my last ruling the Minister has not said anything that is a personal reflection.

Ms Carmel Tebbutt: Yes she has.

The SPEAKER: Order! The Minister has not made any personal reflection. There is no point of order.

Ms PRU GOWARD: I will deal with caseworker vacancies because that was the subject of the question. The latest figures indicate that there are 234 vacancies—that is too many—but the Ombudsman also reported on the number of vacancies under the former Minister. What it 200 or was it 300? No, it was 497. Would members call that a success or a failure?

Government members: A failure!

Ms PRU GOWARD: What about the figure for children being visited by a caseworker? Under this Government, more than 18,000 children are receiving a face-to-face visit—

Mr John Robertson: Point of order: My point of order relates to Standing Order 129, relevance. The question was specifically about whether the Minister will meet the commitment she made more than 12 months ago. She has gone nowhere near answering it and she uses all the excuses to justify her claims.

The SPEAKER: Order! The Minister is being relevant to the question, which was about caseworker numbers. There is no point of order.

Ms PRU GOWARD: Another test of success or failure is the number of children seen. Under this Government, 18,000 children at risk of significant harm have had a face-to-face assessment compared with fewer than 13,000 under the previous Government. Was the former Minister a success or a failure? It is very difficult to argue that she was a success given the facts.

ALCOHOL- AND DRUG-RELATED VIOLENCE

Mr MARK COURE: My question is directed to the Premier. How important is it for the Parliament to send the strongest possible message to the perpetrators of drug- and alcohol-fuelled violence?

Mr BARRY O'FARRELL: I thank the member for Oatley for his question and his support. Most members support the Government's efforts to crack down on unacceptable serious violent attacks in our community by people under the influence of either alcohol or drugs. We have been working on this issue during the three years that we have been in office. The Coalition came to office promising to change the culture and it has got on with the job. We have introduced the three-strikes regime, which was opposed by the hotel industry but which allows for the cancellation of the licences of venues that continue to flout the law. Since the scheme began there have been 83 strikes recorded against 79 venues, including three second strikes and one third strike, which saw the licence for that venue cancelled.

More than 500 additional police are on the beat since the Coalition came to office. They have been given more powers such as move-on orders and we have reintroduced the penalty of disorderly and intoxicated. In addition, we are conducting a trial of sobering-up centres in the city and some regions. In September 2012, we introduced further measures in respect of Kings Cross. Those measures included a ban on shots and the use of glass after midnight, the introduction of responsible service of alcohol marshals and the increased use of closed-circuit television cameras. We have also expanded the use of drug-detection dogs and improved public transport. Since early this year, free buses have been running every 10 minutes from Kings Cross to the central business district on Friday and Saturday nights to help people get home. Of course, the 1.30 a.m. lockouts, 3.00 a.m. last drinks provisions and precinct-wide banning orders have been implemented in Kings Cross and the central business district.

Part of the package announced on 21 January was the introduction of one-punch assault laws, including a mandatory minimum sentence of eight years and a maximum of 25 years imprisonment if the offender was intoxicated by drugs or alcohol. The comprehensive package I announced in January was designed to address this issue and the culture. It covered licensing, sentencing and education. It was warmly welcomed by the families of the too many victims of drug- and alcohol-fuelled violence. The package also included mandatory minimum sentences for serious drug- and alcohol-fuelled offences, including reckless grievous bodily harm and reckless wounding. However, today we learnt that the Labor Party, led by the spineless Leader of the Opposition, will oppose part of the package. Once again, the Leader of the Opposition prefers playing politics to safeguarding the public interest.

Mr Ron Hoenig: Point of order: Standing Order 130 provides that in answering a member shall not debate the matter to which the question relates. The Premier was asked for specific information; he was not asked to engage in debate on the Opposition's position on this legislation.

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

Mr BARRY O'FARRELL: The Leader of the Opposition had a simple choice: Stand with the community, which is appalled by drug- and alcohol-fuelled violent assaults in our city and our State, or side with the drunken and drug-addicted thugs perpetrating those crimes. Sadly, he has sided with the thugs. Why would that surprise us? For too long he sat with the crooks in Cabinet, and when one sits with fleas one gets them.

Mr Ron Hoenig: Point of order: The expressions and words used by the Premier are disorderly and offensive.

The SPEAKER: Order! Interjections by Opposition members are also disorderly and offensive. There is no point of order.

Mr BARRY O'FARRELL: Let us forget my words and consider the Leader of the Opposition's words. I commend to members, if they have not already heard it, this morning's interview with Ray Hadley on 2GB, which can be heard as a podcast at *2gb.com*. The Leader of the Opposition had a tough time explaining his position or, more accurately, the several positions he has taken in trying to defend his actions. While stating about a dozen times during the interview that he did not want to play politics with drug- and alcohol-fuelled violence, that is exactly what he did throughout the interview. He got himself tied up in knots. First he said that he supported minimum mandatory sentencing for offences like coward punches, but in the next breath he said: "Our party"—that is, the Labor Party—"has a policy when it comes to mandatory sentencing that we do not support mandatory sentencing." How can one both support and oppose minimum mandatory sentences?

Mr Nathan Rees: Your Attorney General does.

Mr BARRY O'FARRELL: That is not true. The Attorney General warned in November that if the courts did not get their house in order, this would be the consequence. [*Extension of time granted.*]

The only message that could come from that interview is that the Leader of the Opposition thinks that the courts are doing a terrific job handing out soft sentences to those who have been involved in drug- and alcohol-fuelled violent attacks across this State. Perhaps the most astonishing admission came in the following exchange. Ray Hadley was talking about what the Government has done and said:

I tell you what, it might stop them punching each other.

He was saying that the Government's legislation may stop people punching other people. What did the Leader of the Opposition say in reply? He said:

Well it might.

Not satisfied with being a member of a government that did nothing about this problem in office, he is prepared to oppose this Government even though he accepts that its legislation might stop the violence. It is extraordinary political cowardice. The Leader of the Opposition admits that mandatory sentencing might stop drunken or drugged idiots from seriously assaulting people, but he will not support legislation designed to achieve that either in this place or the other place. I do not know how he sustains that position, but it makes it clear that

Labor has no credibility when it comes to this matter. The public wanted a strong message sent. The public wanted a culture change, not only across the entertainment precinct but also across the State. The package outlined in January seeks to do that, whether through the licensing changes, which started this week—

The SPEAKER: Order! This is not an argument or a debate.

Mr BARRY O'FARRELL: —or through the sentencing and policing changes that have been implemented or, indeed, through the public education campaign that continues to roll out. It is time that those opposite decided who they will support. We on this side support the public, who want to see an end to the senseless violent attacks that have left too many people seriously injured and far too many people not just in emergency departments but in the morgue.

SYDNEY HARBOUR MARINE PARK

Mr ALEX GREENWICH: My question is directed to the Minister for Primary Industries. Given that Sydney Harbour is under pressure from a number of threats, including marine debris and variable water quality, will the Minister secure this internationally recognised icon, which boasts more marine fish species than New Zealand, the Mediterranean or the United Kingdom, by creating a new marine park for Sydney Harbour that includes sanctuary zones to protect its marine environment for future generations?

Ms KATRINA HODGKINSON: I thank the member for Sydney for his most considered question on such an important issue. It gives me the opportunity to talk about the wonderful marine reforms that have been undertaken by both the Minister for the Environment and me since coming into government three short years ago. We have implemented a commitment we made in opposition in the lead-up to the last election to undertake an independent scientific audit of marine parks.

Mr Barry O'Farrell: Imagine that: doing it based on science.

Ms KATRINA HODGKINSON: Imagine doing it based on science, as the Premier quite correctly says. The audit was undertaken by the University of Queensland's Professor Bob Beeton—

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

Ms KATRINA HODGKINSON: —who put together a very comprehensive list of recommendations and a comprehensive report on the way we should approach the marine estate in New South Wales using a true triple-bottom-line approach, looking at not only the environmental aspects—which are extremely important—but also the economic and social impacts of the decisions that are made about a marine estate. That is unlike the actions of those opposite. When in government members opposite drew lines on maps and used them when organising preferences for the election. One of the worst offenders was the member for Marrickville. The second worst offender was the former member for Balmain, Verity Firth, who is making a comeback—God help us all.

Unlike the Labor Government, this Government's new approach is based on establishing a foundation for robust scientific and evidence-based management of the marine estate. The approach this Government has taken is a true triple-bottom-line approach, which takes environmental, economic and social issues into consideration. Our considered and comprehensive management process has created two new bodies: the Marine Estate Management Authority and the Marine Estate Expert Knowledge Panel. One is the core body that will make decisions about the new marine estate; the other is effectively a brains trust that will be used to advise the core body.

At the beginning of this year, the Marine Estate Management Authority released its schedule of works outlining the priority areas for the next 12 to 18 months and how this Government will implement the recommendations of the independent audit. This includes the audit's recommendation to explore mechanisms for enhancing the conservation of biodiversity in gap areas, including, most notably, the Hawkesbury Shelf marine bioregion, of which Sydney Harbour is a part. This work is to commence in late 2014 following the development and application of the framework for assessing threats and risks to the marine estate.

For the information of those interested—and a number of people will be interested in this work, such as the members for Pittwater, Manly, Vaucluse, Cronulla, Coogee and, of course, the member for Sydney—10 of the State's 12 aquatic protection areas that are designed to protect the aquatic environment are located in

metropolitan Sydney between Barrenjoey and Port Hacking. The O'Farrell-Stoner Government is committed to maintaining the existing system of aquatic protection areas together with other marine and coastal programs that conserve marine biodiversity. It also supports the sustainable use of our valuable marine environment.

The Marine Estate Management Authority recognised Sydney Harbour as an iconic and special place. This Government's approach to the management of Sydney Harbour is designed to protect the interests of all users, from the parent and child who want to go out on a tinnie for a good old fishing expedition through to the commercial interests of a vibrant working harbour. In recognition of the obvious social, economic and ecological importance of the harbour, I announce that the Marine Estate Management Authority has established a strategic initiatives network for Sydney Harbour. The purpose of this network is to promote information sharing and collaboration through to support of coordinated management. Opportunities to involve and engage the community will be a priority.

The Sydney Harbour Strategic Initiatives Network includes key parties, agencies and stakeholders currently undertaking strategic projects throughout Sydney Harbour. The new network's members include departments and agencies such as the Department of Primary Industries, the Office of Environment and Heritage, Transport for NSW, the Department of Planning and Infrastructure, the Australian Museum, the Sydney Institute of Marine Science, Greater Sydney Local Land Services, Sydney Water and the Sydney Coastal Councils Group. I thank the member for Sydney for his question and I look forward to keeping the House up to date on this exciting collaboration and work on Sydney's magnificent harbour.

RAIL SERVICES

Mr BRYAN DOYLE: My question is directed to the Minister for Transport. How is the Government improving rail services for customers?

Ms GLADYS BEREJIKLIAN: I thank the member for Campbelltown for his question and commend to his constituents the hard work that he has done in promoting public transport throughout his community. I was very pleased to catch the train to Campbelltown earlier this week to visit the member for Campbelltown and to announce that this Government is listening to our customers. As a consequence, the Government is making more than 1,000 extra spaces available for commuter parking at railway stations. This is part of the new Customer First program—which is yet another example of how the Government is challenging the way things were done in the past. It is challenging all the archaic practices of the former Government.

This is not a program that will take years to implement; it will happen in a relatively short time. Those car parking spaces are not new spaces, they are already there. This Government looked a little harder than the former Government looked when it had control of the railway network. Under the former Government's watch, 1,000 car spaces had been locked up and excluded from public use. I am very pleased to say that over the next 12 to 18 months those spaces will be freed up for our customers to use. Many of these areas had very high fences constructed around them, thus excluding the public from even entering them.

While members opposite busied themselves building these fortresses and excluding the public, this Government is ripping down those fortresses and opening up areas for our customers. This is in addition to the rollout of the Opal card, the new air-conditioned Waratah carriages, the 1,000 extra weekly services—all areas where Labor failed but in which we are delivering. The Labor Government was busy slashing services and failing to build projects when it should have been focusing on the things that matter to our customers. Were Labor Party members on the side of the customer or were they on the side of their union mates earlier this week when we made this announcement? Of course, they stuck to the script and assisted the union scare campaign. The public know that this Government is on their side. We are about improving the customer experience and making transport more acceptable to the wider public. I stress that some staff, for operational and safety reasons or because they start a shift at a particular time, will be accommodated. They will still be given a car space. But these 1,000 spaces are in excess of those needs.

I am pleased to say that initially 370 spaces at seven of the busiest stations will be made available to the public. Campbelltown will receive 99 extra spaces. I am sure the Leader of the Opposition will be interested to know that Blacktown will get 84 spaces as a result of this action. Penrith will get 77 spaces; Liverpool will get 56 spaces; Hornsby will get 21 spaces; Gosford will get 26 spaces; and Woy Woy will get eight spaces. This is a start, but a very good start. I must make a confession: I cannot take credit for this policy initiative. I thank the member for Cronulla, because at his suggestion he took me to visit a station in his electorate and showed me the boom gates, the fence and the spaces that were excluded from use by his constituents. Since that time we have released some spaces at Cronulla and brought down the boom gates. Of course, after that example, we took a look at stations across the entire network. That happens because members on this side of the House come up

with ideas and we listen to them and do what is in the best interests of the customer. This initiative is in addition to the extra parking spaces that are already being built. I know the member for Kiama is very happy because the Kiama car park is completed. [*Extension of time granted.*]

Under the Transport Access Program this Government continues to deliver for the good people of this State. I thank the members of this place who care about their customers. Labor slashed services, locked up car parks and ran a truly embarrassing transport system. This Government puts customers first and has released those 1,000 car spaces for use by the travelling public.

Question time concluded at 3.23 p.m.

The SPEAKER: Order! I remind members, many of whom have been placed on calls to order—some on three calls—that those calls stand for the rest of the day.

PUBLIC ACCOUNTS COMMITTEE

Reference: Auditor-General Performance Audits September 2012 to March 2013

Mr JONATHAN O'DEA: Pursuant to Standing Order 299 (1), I inform the House that the Public Accounts Committee has resolved to conduct an inquiry into the follow-up of the Auditor-General's performance audits for the period September 2012 to March 2013, relating to monitoring local government, the impact of the raised school leaving age, managing drug exhibits and other high-profile goods, and managing gifts and benefits. Further details are available on the committee home page.

PETITIONS

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

Mount Druitt Hospital Cardiac Unit

Petition opposing the closure of the Mount Druitt Hospital cardiac unit and calling on the Government to reverse its decision and to retain the unit, received from **Mr Richard Amery**.

Public School Fees

Petition requesting the abolition of public school fees for children of 457 visa holders, received from **Mr Adam Marshall**.

Independent Investigation of Police Actions

Petition requesting the establishment of an independent complaints body with investigatory powers over police stations, received from **Mr Alex Greenwich**.

Oxford Street Traffic Arrangements

Petition requesting the removal of the clearway and introduction of a 40 kilometre per hour speed limit in Oxford Street, received from **Mr Alex Greenwich**.

Sutherland Shire to Kogarah Railway Station

Petition requesting the restoration of direct rail services from the Sutherland Shire to Kogarah railway station, received from **Mr Barry Collier**.

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**.

Companion Animals on Public Transport

Petition requesting that companion animals be allowed to travel on all public transport, received from **Mr Alex Greenwich**.

Pet Shops

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

Same-sex Marriage

Petition supporting same-sex marriage, received from **Mr Alex Greenwich**.

Inner-city Social Housing

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

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 Speaker announced that the following petition signed by more than 10,000 persons was lodged for presentation:

Prince of Wales Hospital Jobs and Services

Petition opposing cuts to jobs and services at Prince of Wales Hospital, received from **Mr Michael Daley**.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Alcohol- and Drug-related Violence

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [3.27 p.m.]: I urge the House to permit me to move the following motion:

That this House supports all the Government's proposed measures to address alcohol- and drug-fuelled violence in New South Wales.

The SPEAKER: Order! Members who wish to have private conversations should conduct them outside the Chamber. The member with the call will be heard in silence.

Mr RAY WILLIAMS: It is a very important motion, and I should be heard in silence. This motion will afford me the opportunity to emphasise the tough measures that this Government has taken to address alcohol-related violence. It will also afford me the opportunity to point out to the people of New South Wales that the Leader of the Opposition and his colleagues are opposing further tough measures designed to protect the safety of members of our community on the streets. Leadership is about making the tough decisions; leadership is about standing up for what is right on behalf of the community. It is not about standing up on behalf of the rights of the custodians of Circular Quay, the Obeid family. It is about making decisions to protect our community. We were horrified by the vicious attack that took the life of Thomas Kelly, but we were absolutely mortified by the completely inappropriate sentence that was handed down to the perpetrator of that crime.

This Government took immediate and tough action to implement mandatory minimum sentences for any person intoxicated or under the influence of drugs who takes the life of an innocent person by providing for an eight-year minimum sentence and a 25 year maximum sentence. That sends a very clear message to the community that this Government will no longer tolerate alcohol-related violence on our streets. I know it is early days, but I think the success of those very tough and immediate measures was evident on Saturday night. I thought to myself when I purchased the newspapers on Sunday morning that the last thing I wanted to see splashed all over the front pages was a report about alcohol-related violence. What I saw was extremely pleasing. The *Sydney Morning Herald* stated:

Hospitals and police reported a reduction in serious assaults over the weekend after the introduction of the 1.30 a.m. lockout and 3.00 a.m. last drinks laws for licensed venues.

I also acknowledge a report from St Vincent's Hospital— [Time expired.]

Medicare Co-payments

Dr ANDREW McDONALD (Macquarie Fields) [3.30 p.m.]: This matter should be accorded priority because there is no greater threat to the public health system in New South Wales than a \$6 co-payment on visits to general practitioners that is being proposed by the Abbot Government. The topic of the motion for which the member for Hawkesbury seeks priority is already before the House in a take-note debate of legislation. The Minister for Health, who is studiously ignoring me, must tell the people of New South Wales what she thinks about this proposal, which is potentially disastrous for the health system in New South Wales. I am sure that the Minister is privately tearing her hair out about the introduction of a \$6 co-payment.

Today is the day for the Minister to take centre stage; I welcome her views on this issue. She can state her position and that of the O'Farrell Government about this co-payment and the significant risk it poses to hospital care. I have no doubt that if the co-payment is introduced it will have a significant impact on the public hospital system in New South Wales. This co-payment not only will put the principle of Medicare's universal health care at risk, it also shows dreadful financial sense. The co-payment will save only \$1 in every 1,000 Australian public health expenditures—a minimal cost saving. It is all about the ideology of the Federal Liberal Government, not about good public health care.

Even worse, to save that \$1 the Federal Government will cripple the health system of New South Wales because of the impact it will have on hospitals. South Australian government modelling found that if just 4 per cent of people choose to visit an emergency department it will cost South Australia \$80 million and significantly increase waiting times. The Minister for Health knows that and that is why she continues to studiously ignore me. I would love to know what she really thinks. The Minister has never been one to suffer in silence. It is time for her to make public her views.

About 9 per cent to 10 per cent of hospital bed days and 7 per cent of hospital admissions are preventable through better pre-hospital care, which results in a saving of between \$1 billion to \$2 billion every year to New South Wales. That dwarfs the \$180 million Federal saving from a \$6 co-payment. Hospitals will not be able to charge the co-payment because they are cash-free zones. A co-payment will cripple our health system and put staff at risk. It is time for the Minister to tell us what she really thinks.

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

The House divided.

Ayes, 64

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

Noes, 24

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

Question resolved in the affirmative.

ALCOHOL- AND DRUG-RELATED VIOLENCE**Motion Accorded Priority**

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [3.41 p.m.]: I move:

That this House supports all the Government's proposed measures to address alcohol- and drug-fuelled violence in New South Wales.

The O'Farrell Government has outlined a comprehensive plan to make our streets safer. Many of those measures are already in place, including the new one-punch legislation whereby the offence of assault causing death now carries a maximum penalty of 25 years and a mandatory minimum penalty of eight years. These measures were introduced to address the horrific incidents of violence that were occurring on the streets of Sydney around venues where a small number of drunken and irresponsible people under the influence of alcohol or drugs, or a combination of both, were swinging wild punches at innocent victims. In the case of Thomas Kelly and Daniel Christie their actions resulted in the taking of their young lives.

Their actions took these two young men, whom I have described as mere boys, away from their families and friends. The perpetrators of these gruesome crimes may end up serving a jail sentence but they will continue to lead their lives. Nothing will replace the loss of these two young men for their suffering families. Following the successful implementation of the one-punch legislation, the O'Farrell Government introduced a further bill that creates additional aggravated personal violence offences, with higher maximum penalties and, for the most serious of those offences, mandatory minimum sentences. Those offences apply where the offender commits a serious assault whilst intoxicated in public.

As I and other Government members have stated, drunken irresponsible actions on the streets of New South Wales which creates a dangerous situation for the public will not be tolerated. We are determined to send the strongest possible message to those who engage in drug- and alcohol-fuelled violence: If you get drunk or take drugs and seriously assault someone in public you will go to jail—full stop, end of story. The Opposition, after initially voting for minimum sentences for the one-punch legislation, has now thrown in the towel. It does not want to support these further measures which will control alcohol-related violence. It prefers to support dangerous thugs who continue to inflict harm upon those in society who are innocently enjoying an evening out.

Under the new laws, a person will be taken to be intoxicated if their speech, balance, coordination or behaviour appears to be noticeably affected as a result of the consumption of alcohol or the taking of narcotic drugs. The bill creates various aggravated violence offences if an assault is committed when an adult offender is intoxicated in public by alcohol or a narcotic drug. It increases by two years the maximum penalty for the aggravated offence and requires the court to impose minimum sentences of imprisonment and minimum non-parole periods for aggravated versions of the offences. They are: reckless grievous bodily harm in company and reckless wounding in company, which will incur a minimum sentence of four years; reckless wounding, which will incur a minimum sentence of three years; and assault of a police officer, further emphasising our genuine intent to support police officers on the streets of Sydney.

Three years ago, in one of its first pieces of legislation, the Government introduced the imposition of a minimum sentence of life imprisonment for anyone who took the life of a current serving New South Wales police officer. These measures send the strongest message to those who recklessly inflict pain on or take the life of a current serving police officer that they will end up in jail for life. It will come as no surprise that I have been a staunch supporter of minimum sentencing, and I have done so in the face of comments from the Opposition. Even though the Opposition supported a mandatory sentence of eight years for intoxicated people who take a life, it still opposes mandatory minimum sentences. If the judiciary does not meet community expectations in its sentencing, then we, as elected members of Parliament and legislators, must accept our responsibilities and legislate for the imposition of minimum sentences. Even though it is early days for these new laws, the Mardi Gras last Saturday night, one of the biggest events in Sydney, indicated a decrease in the incidence of alcohol-related violence. That is a great result, but this Government will not rest on its laurels. It will continue to impose measures that improve community safety, even in the face of opposition from those on the other side. [*Time expired.*]

Dr ANDREW McDONALD (Macquarie Fields) [3.46 p.m.]: On 3 January 2014 at a press conference outside St Vincent's Hospital I was quoted as saying that until the O'Farrell Government took decisive action on alcohol-fuelled violence I would hold a similar press conference every year. I held that press conference following the assault on Daniel Christie, which resulted in his death. Eighteen months after the murder of Thomas Kelly, there was the death of Lucio Rodrigues and life-threatening injuries to Fady Taiba, Simon Cramp, Matthew Blackmore and Michael McEwen. The secret to ending alcohol-fuelled violence is prevention. Once a punch is thrown it is too late. The life of the person who has been hit is changed forever, and the life of the assailant is ruined forever. Prevention is the only way to deal with alcohol-fuelled violence.

The member for Hawkesbury spoke eloquently about the need to reduce alcohol-fuelled violence. The bill on mandatory sentencing is before the upper House. The Government, or any reputable legal organisation, has not provided any evidence that mandatory minimum sentencing is a deterrent against violence. The reason is there is no evidence in any publication worldwide that minimum sentencing has a deterrent effect on alcohol-fuelled violence. The bill will be debated in this place with amendments from the upper House.

Those amendments are based on amendments introduced by the Labor Party in Victoria and have bipartisan support. They are sensible amendments that give the judiciary some discretion. The problem with mandatory minimum sentences, apart from the fact they are not a deterrent, is that there may be unforeseen consequences. The problem with unforeseen consequences is precisely that—they are unforeseen. We should be aware of the impact of legislation that becomes law and changes lives. It is better to discuss before taking action. We needed a whole-of-government response. The policy that was introduced by the Labor Party six weeks before the assault on Daniel Christie should have been legislated earlier. The O'Farrell Government recalled Parliament at the suggestion of the Labor Party. I was shown on television asking for Parliament to be recalled.

Further measures in the Labor Party policy should be implemented by the Government. For example, lockouts were necessary. Without lockouts—which were ruled out by the Premier two days before the Government agreed to them—there will be no reduction in alcohol-fuelled violence. With lockouts there will be a 30 to 40 per cent, not 100 per cent, reduction in alcohol-fuelled violence. That shows the need for a whole-of-government response. The initial response to lockouts and the reduction in alcohol-fuelled violence last Saturday night have been encouraging. These encouraging signs have been seen before the introduction of mandatory minimum sentences.

Further measures that should be instituted include treating every Friday and Saturday night as a major event and the appointment of an independent liquor and gaming regulator that is committed to minimising alcohol-fuelled violence. Risk-based licencing, which was suggested by the Opposition and adopted by the Government, has occurred, but undercover operations and an examination of the cost of alcohol to the community has not. The Government allows advertising on the side of buses stating, "Arrive Boldly. Smirnoff Double Black", which is an invitation to young people to pre-fuel on alcohol. This Government says one thing but does the opposite. There is no evidence that sobering-up centres have been effective. They are expensive, under-used and potentially dangerous. The jury is still out on how much they will cost to run but they are highly expensive. More needs to be done about alcohol-fuelled violence or we will lose more people this summer as a result of alcohol-fuelled violence than in traffic accidents.

[*Business interrupted.*]

BUSINESS OF THE HOUSE**Suspension of Standing and Sessional Orders: Order of Business**

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.52 p.m.]: I move:

That standing and sessional orders be suspended to provide:

- (1) For the following routine of business for the remainder of this sitting after the conclusion of the motion accorded priority:
 - (a) Government business;
 - (b) private members' statements;
 - (c) matter of public importance; and
 - (d) the House to adjourn without motion moved at the conclusion of the matter of public importance.
- (2) That from 6.00 p.m. until the rising of the House, no divisions be conducted or quorums be called.

For the information of members, at the conclusion of the motion accorded priority the House will debate the Crimes Amendment (Intoxication) Bill 2014, although it will not be completed this afternoon. Thereafter, the House will deal with the take-note debate on the cognate bills and conclude Government business at 6.00 p.m. The House will then deal with private members' statements and the matter of public importance.

Question—That the motion be agreed to—put and resolved in the affirmative.

Motion agreed to.

ALCOHOL- AND DRUG-RELATED VIOLENCE**Motion Accorded Priority**

[*Business resumed.*]

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [3.54 p.m.]: I support the motion moved by the member for Hawkesbury that this House supports the Government's proposed measures to address alcohol- and drug-fuelled violence in New South Wales. The recalling of Parliament earlier this year resulted in the introduction of mandatory sentencing for one-punch assaults and serious alcohol- and drug-fuelled violence offences; a definition of "public intoxication"; and the exclusion of voluntary intoxication as a mitigating factor in sentencing for alcohol- and drug-fuelled violence.

I was a licensee for just over 20 years and I have worked in some of the busiest liquor establishments in Sydney and on the Far North Coast. I have been on patrol with police in Kings Cross and Bankstown and all over Sydney. Having seen alcohol-fuelled violence up close, I can say that these laws were necessary. Following the introduction of these laws, a number of senior and rank-and-file police contacted me to express their support for the legislation. It is shameful that the Labor Party, who supported the legislation, is now proposing to amend it and water it down significantly. Labor should talk to the people on the front line. Have Opposition members been out at three or four o'clock in the morning and seen the damage caused by alcohol- and drug-fuelled violence?

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is too much audible conversation in the Chamber. I cannot hear the member for Tweed.

Mr GEOFF PROVEST: For four years I sat on that side of the Chamber while the Labor Government totally ignored the issue of alcohol-fuelled violence. Their revolving door of police Ministers acted as though it did not exist. This Government has the support of the Police Association of NSW and its president, Scott Weber. The Police Association believes this legislation is one of the best things to happen because it returns power to the police. Members of Parliament are elected by their local community, and Labor Party members should not turn their backs on the wider community. The wider community wants tougher penalties and mandatory sentences because they are sick and tired of offenders getting off with a slap on the wrist.

I have heard the same comments from people in the Tweed, Martin Place, Blacktown and Campbelltown. The Labor Party has to put aside its cheap political tricks and consider the good people of New South Wales. The long-term effect on the community is what matters, not who gets the first news grab or statement in the media. Every member is elected to do the right thing and act on behalf of the good people of New South Wales. As the member for Hawkesbury eloquently stated, this Government represents the people while those opposite indulge in cheap political tricks. I strongly support the motion.

Mr CLAYTON BARR (Cessnock) [3.57 p.m.]: I will make a brief contribution to the debate on this motion, as the member for Lake Macquarie also wishes to make a contribution. My contribution will be similar to the speech I made earlier today in the take-note debate in which I commented on the Government's proposed measures to combat drug- and alcohol-fuelled violence. One of the Government's proposed measures is to remove the drug and alcohol education officer from the Department of Education. That is not a good move. Another measure is to cut \$3 billion of funding from the health system, which means that some front-line resources will no longer be made available. That will not contribute to a solution for drug- and alcohol-fuelled violence.

I spoke earlier of the 900 transit officers that have been replaced by 309 police officers, which has allowed violence to once again become rife on the transport system. That is not an effective measure to address drug- and alcohol-fuelled violence. The member for Tweed stated he had extensive experience in the liquor industry. In regional New South Wales the place where people buy their milk may be the same place they buy a large bottle of beer. The 10.00 p.m. ban on the sale of takeaway alcohol will affect shiftworkers, such as nurses or chefs, but it will not address drug- and alcohol-fuelled violence or pre-fuelling. The drug- and alcohol-fuelled violence measures that have been introduced will have no effect on domestic violence, which is a far bigger issue. A person dies on a weekly basis as a result of domestic violence. A number of the measures introduced by the Government are totally contrary to ending drug and alcohol-fuelled violence in New South Wales.

Mr GREG PIPER (Lake Macquarie) [3.59 p.m.], by leave: I am compelled to speak against the motion moved by the member for Hawkesbury. I voted against the original legislation that introduced mandatory minimum sentences and I remain convinced that it is a slippery slope and the wrong way for us to go. I congratulate the Premier and the Government on the other measures they have introduced. I laud the Government for the 1.30 a.m. lockouts, the last drinks at 3.00 a.m., the restriction on the supply of alcohol from bottle shops from 10.00 p.m. and the education measures. But mandatory minimum sentencing is a step too far.

On many of these matters I speak on behalf of crossbench members who I know have similar concerns. They also have other concerns about the changes to alcohol sale rules because of their impact on the night-time economy and other issues. I do not share those concerns. I support those measures entirely but I do not support mandatory minimum sentences. In the original crossbench briefing on this legislation I put forward some scenarios. I now have some further scenarios from the New South Wales Bar Association concerning what could happen under this legislation.

For example, a 19-year-old man joins a public demonstration at university. He has had a drink; they all have. During the demonstration he punches a police officer who suffers a split lip. Next, a 50-year-old mother of a young man who is arrested for causing a public disturbance intervenes by swinging her handbag at a police officer. The police officer steps back to avoid being hit with the handbag and gashes his arm on a fence railing. Another scenario involves a 20-year-old girl who is having a fight with a female friend who is intoxicated. Police try to intercede and break up the fight. The girl continues to try to hit her friend but misses and causes the police officer to fall over with the consequence that he suffers a broken leg. All those people would go to jail for five years.

Courts rule on provocation and mitigating circumstances. I put a scenario of the most extreme provocation to those people. In it a young man is drinking. He has way too many because he has had a bad day; his girlfriend has been raped and murdered. In that most terrible situation somebody walks in and makes a derogatory comment about his girlfriend and the man lashes out. The person trips over his or her own feet after being pushed and falls and suffers a cut or a bruise. That man would be subject to these mandatory minimum sentencing laws. That is ridiculous. This is the type of legislation that one might have expected in South Africa 20 or 30 years ago. Even conservative politicians in the United States are backing away from mandatory sentencing. It is not something that New South Wales should be proud of. That is why I am stepping back from it. I will not support mandatory sentencing, but I do support the other measures and I congratulate Government members on them.

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [4.02 p.m.], in reply: I thank the member for Tweed, the Parliamentary Secretary for Police and Emergency Services, the member for Macquarie Fields, the member for Lake Macquarie, and the member for Cessnock for their contributions to this debate. Mandatory minimum sentences have sent a clear message to the community. It is no good implementing a message that someone who is dosed up on drugs or alcohol is meant to heed. The message that has been sent to the community is very clear. It warns people that if they undertake to drink to excess, take drugs or ingest a mixture of both, inflict harm or violence and subsequently cause death to an unsuspecting innocent victim in our city they are going to jail for a long time.

I know it is early days and we should not be sitting back complacently thinking that the sentiment has got through because one of the largest events ever held in the City of Sydney, the Mardi Gras, did not have the high rate of alcohol-related violence that we have seen in previous weeks. But the fact that there was not a high rate of violence at the event reflects the fact that these measures are sending a clear message to the community. Do we now rest on our laurels and say no more? Certainly not. As I have said before, the current culture has been created over many decades. Through our television screens we have normalised a culture of excessive drinking and that needs to change. From a legislative point of view we must change the culture immediately, appropriately and swiftly by sending a message to the community that drinking to excess and entering our city to inflict violence upon unsuspecting victims will not be tolerated. We have done that. We have also introduced a raft of other measures.

The inflicting of harm upon an innocent victim occasioning significant injury needs to be reflected in minimum sentences. These sentences will not be imposed on people who inflict scratches or split lips as the weak-kneed Leader of the Opposition stated today on radio. The Leader of the Opposition can check his spine at the front door of Parliament if he wants to, but members in this place have to stand up for what is right. Members must have the courage of their convictions to make decisions on behalf of the community. By rejecting these further measures to increase safety the Leader of the Opposition and Labor members are abrogating their responsibility to ensure the safety of the people of New South Wales. That is a travesty.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I remind the Leader of the Opposition that he is on three calls to order.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 63

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

Noes, 24

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

Question resolved in the affirmative.

Motion agreed to.

BAIL (CONSEQUENTIAL AMENDMENTS) BILL 2013

Message received from the Legislative Council returning the bill without amendment.

CRIMES AMENDMENT (INTOXICATION) BILL 2014

Second Reading

Debate resumed from 26 February 2014.

Mr JOHN ROBERTSON (Blacktown—Leader of the Opposition) [4.14 p.m.]: Alcohol-fuelled violence is a scourge on our society. It has ended too many nights, destroyed too many lives and shattered too many families. For too long it has gone unabated on our streets, in our venues and behind closed doors. Alcohol, when consumed in moderation, is almost harmless but alcohol, when consumed to excess, can unleash a human being's worst self—the abuser, the bully, the brawler and even the killer. Changing our society's culture around alcohol involves every person in New South Wales, but I passionately believe it begins with the Parliament. The Premier is trying to rush through his legislation like he has to catch a plane, but our job as parliamentarians is not just to blindly rubberstamp a mishmash of laws hastily cobbled together and slapped onto this problem like a bandaid. Today I urge the Premier to aim higher. Do not just play cheap law and order politics for the television cameras, but pass the best possible laws, grounded in reason, informed by the evidence. Labor will seek to amend this bill to improve it in the upper House. We want this Parliament to get it right.

In November last year I announced Drink Smart, Home Safe, Labor's comprehensive policy to tackle alcohol-fuelled violence. I committed Labor to the immediate introduction of six measures: first, treating every Friday and Saturday night in our city like a major event, with enhanced high-visibility policing and the introduction of late-night trains from Kings Cross to Town Hall and Central with potential extension across the network; secondly, introducing an 18-month trial of Newcastle-style alcohol restrictions in Kings Cross and the Sydney central business district; thirdly, risk-based licensing, providing hotels and bottle shops with a financial incentive to operate safe premises; fourthly, establishing a new independent liquor regulator; fifthly, the establishment of undercover sting operations to catch outlets selling alcohol to minors; and, sixthly, the mandatory collection and reporting of alcohol sales data so policymakers can build a picture of the true extent of alcohol-related harm in New South Wales.

Confronted with the horrific tragedies over the past 18 months Labor members have driven the case for alcohol law reform. We listened to doctors and paramedics and we listened to police. We produced a policy that was researched and evidence-based. It is a policy designed to tackle alcohol-related violence at the source to stop the assaults from happening in the first place and to focus on measures before that first terrifying punch gets thrown. Over the course of this summer, we pushed and pushed the Government until it could no longer get away with inaction. This year Labor welcomed the emergency recall of Parliament to tackle alcohol-fuelled violence. It was a move the Opposition had urged on the Government as far back as 3 January. On the day of the emergency session, I offered the Opposition's support for the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill, which established a new offence of one-punch assault causing death and which is similar to laws passed in 2008 in Western Australia. The Opposition also supported the Government's Liquor Amendment Bill 2014 that defined an expanded Sydney CBD Entertainment Precinct and introduced new alcohol-trading restrictions.

There was a reason that Labor gave its support with serious reservations. The Government's package gave every impression of being cobbled together on the run. It left too many gaping holes. The Government proposed nothing new to address the critical shortage of late-night trains, particularly from Kings Cross to Town Hall and Central in the early hours of the morning. The Government proposed no extra high-visibility policing on our streets. The Government also failed lock, stock and barrel to consult on its trading restrictions—the imposition of 1.30 a.m. lockouts and 3.00 a.m. last drinks. After months of inaction, the Premier popped out of his box and sprang these changes on late-night traders, late-night venues and our artists, musicians and young people. Too many of them were taken by surprise. This is not the way Labor would have gone about implementing such a policy. Labor recognises the overriding community demand for action on alcohol-fuelled violence. On this most difficult and sensitive of issues, Opposition members will not oppose for the sake of it. We are willing to work with the Government to look for solutions—and it is that constructive approach that guides us today. All the same, as the Parliament considers the Government's latest legislation, the pitfalls of its slipshod approach to alcohol law reform are all too evident.

The purpose of the changes brought before the House today are to create various aggravated intoxication offences with increased maximum penalties, to impose minimum mandatory sentences and to amend the recently created offence of assault causing death. While retaining the exception of significant cognitive impairment, the bill introduces mandatory minimum sentencing as follows: five years for reckless grievous bodily harm when intoxicated and in company; four years for reckless grievous bodily harm when intoxicated in public; three years for reckless wounding when intoxicated in public; five years for wounding or causing grievous bodily harm to police when intoxicated in public; and five years for wounding or causing grievous bodily harm to police during public disorder and when intoxicated in public.

Secondly, the bill increases by two years the maximum penalty for the following offences under the Crimes Act if committed by an adult when intoxicated in public: reckless grievous bodily harm or wounding; assault occasioning actual bodily harm; assault and actions against police officers; and affray. A standard non-parole period of five years is to apply for causing grievous bodily harm to a police officer during public disorder. On the issue of intoxication, the Government proposes to amend the law so that a blood or urine sample can be demanded within 12 hours of the alleged incident rather than the current four hours, which was put in place previously by those opposite. Refusal to provide a sample remains a separate, additional offence. The bill makes it clear that intoxication can be established by a person's speech, balance, coordination or behaviour. The bill also provides for a review of the amendments by the Attorney General and the Minister for Police, who are to report to the Premier rather than to the Parliament. I consider that to be completely inappropriate. Laws are developed in the Parliament and any review of those laws should be brought back to this place, not simply delivered to the table of the Premier.

After the deepest consideration, Labor does not believe the Government has produced the optimum package today. This bill has been produced in extreme haste and with none of the consultation that would normally accompany such wideranging sentencing changes. It is a piece of legislation that has been widely criticised and that has limped into this Chamber barely held together with bandages and sticky tape. How do we know this? The instant giveaway is that half the Government's bill comprises fixes to its previous bill. A month ago the Government was severely embarrassed by its failure to specify a minimum non-parole period for its one-punch laws. This would have seen one-punch offenders leaving gaol early—a gaping loophole that became apparent to the Opposition within seconds of seeing the bill.

The entire offence of assault causing death in section 5A of the Crimes Act has now been redrafted, including the requirement for the offence to have been committed in a public place. The Government also has been forced to redraft the offence of affray. This Parliament is being asked to trust a bunch of people who wrote their laws on the back of an envelope the first time and have been forced to return to Parliament for yet another go. The second giveaway is that what the Premier has served up today is a far cry from what he promised at his press conference two months ago. A raft of unworkable mandatory minimum offences has disappeared without a trace. There is no mention anymore of assault occasioning actual bodily harm. There is no mention anymore of assault causing actual bodily harm in company. There is no mention of a new sentencing regime for sexual assault. It turns out that these were just thought bubbles from the Premier that floated away into the atmosphere as January turned into February and February turned into March. They provided a giddy rush at the time and nice fodder for a press release, but they have since been exposed as completely impractical and there is no sign of them today.

The Opposition believes that the Government's latest batch of aggravated intoxicated offences—for which mandatory minimum sentences will apply—are also poorly conceived and poorly drafted. The

Government claims that its bill targets only serious offenders with mandatory terms. That is simply not the case. The term "wounding", for example, can include a split lip. By including "reckless wounding" the Government's bill will capture cases where a small, one-off scuffle between mates at a bar unintentionally results in one of them getting a minor cut. Young men in that situation could be locked up for three years or more. In addition, the impact of a hastily cobbled together system of mandatory minimum sentences is likely to be significant on Crown Prosecutors, magistrates, the District Court and correctional facilities. There is no evidence that the Government has modelled or thought through the impact of these changes in any way. Labor believes that a new sentencing structure for alcohol-fuelled violence must be fail-safe, proportionate and based on reason and evidence. Our duty today is not just to pass any laws; our duty today is to pass the best possible laws. That is why Labor proposes to introduce amendments modelled on mandatory sentencing laws targeting "gross violence", which were introduced by the Victorian Liberal Government in 2012.

I make it abundantly clear to those opposite, because it seems as though they are incapable of understanding, that if these amendments are not successful Labor will ultimately not oppose the Government's bill. The Government is proposing a complicated scheme of aggravated offences. Labor would get rid of it. Instead, we propose to introduce a single and straightforward "gross violence" offence for people who inflict serious injury on others while intoxicated and in a public place. "Serious injury" would be defined as one that endangers life or is substantial and protracted. The charge of gross violence would apply where the offender has engaged in conduct either intended to cause, likely to cause or which is reckless as to causing injury. It also would apply to conduct done in company with two other persons, conduct pursuant to a joint criminal enterprise, conduct using a weapon or firearm, or where the victim was incapacitated. This would include situations where a victim has continued to be kicked or beaten after being knocked down. Labor proposes a five-year mandatory minimum sentence for this offence, with a maximum of 16 years, if the offence was committed while the offender was intoxicated and in a public place. Labor also proposes an equivalent to section 10A of the Victorian Sentencing Act, which would prevent a mandatory sentence from being applied where there are substantial and compelling circumstances.

For months the Premier curled up into a ball and did nothing about alcohol-fuelled violence. Now his Government has completely overshot the runway with these proposals. The Government's package of reforms was cobbled together on the run, and it has taken barely a month to unravel. By contrast, Victoria's legislation was developed by the State's Sentencing Council—an expert body made up of police, prosecutors, victims of crime representatives and specialist academics. The law has been in place for more than a year in Victoria, and from all reports it works well. My message today to the Premier is simple: Do not assume this legislation is perfect. Labor is offering a better approach. Together we can filter out those rare or unforeseen cases which were not intended to result in incarceration. The Opposition's proposal will bring sense to the Government's mess and leave a workable system modelled on proven Australian practice. I believe it represents the best option available to this Parliament. It is the best way to honour the victims of alcohol-fuelled violence and their families and it is the best way to create safer communities and a stronger justice system in New South Wales for generations to come.

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [4.29 p.m.]: I support the Crimes Amendment (Intoxication) Bill 2014. It is interesting that the Leader of the Opposition said the Labor Party would introduce amendments that supported mandatory sentencing when he refused to confirm that on the Ray Hadley show this morning. In fact, the Leader of the Opposition said it is Labor policy not to support such legislation. However, changes do occur, and that policy change has occurred between about 9.30 a.m. and 2.30 p.m. today. That is a matter to be addressed in the speech in reply, so I will return to commenting on the bill. To say that the Victorian Sentencing Advisory Council did all this work on intoxication or alcohol-related violence is false. The Victorian Sentencing Advisory Council report, as well as the legislation that followed it, does not mention intoxication; it dealt with offences of general application and people who use guns and knives, or who jump on people's heads, and matters of that sort. I am sure the member for Liverpool will explain how that includes intoxication.

This bill delivers the second tranche of the Government's commitment to tackle alcohol- and drug-fuelled street violence following public debate and community concern about the deaths and injuries, mainly to young men, caused by random and unprovoked attacks on Sydney streets in recent months. Community concern about alcohol- and drug-fuelled violence has been rising steadily after a series of sickening attacks on the streets of Sydney over the past 18 months or so, although the problem has been around for years, and was certainly around in the days when Labor was in government for 16 years. Of course, the trains serving Kings Cross were scrapped by the Labor Party years ago. I ask the members opposite to provide a copy of their proposed amendments. If the Opposition is genuinely trying to be constructive, it should provide a copy of the amendments so that we can look at them and consider our response.

As a father I have been affected by what has been happening on our streets in the middle of the night and in the early hours of the morning most weekends. Who has not? I have thought about my children, and tried to imagine the devastation and agony I would feel if they had been caught up in some of the street violence we have seen. I consider myself fortunate—thank God—that so far my family has been spared such tragedies and my heart goes out to anyone affected by these types of crimes. No family can have been unaffected by the stories on our television screens, in our newspapers and on talkback radio, as one victim after another—or their families—told their stories, some dating back decades. Some young men—and it is mainly men—had been left with debilitating injuries as a result of drunken violence. They have been left with disabilities, brain injuries, headaches, and in need of care for the rest of their lives. Of course, some died. It is because of their stories and their tragedies that we are here today and debating this legislation.

Public awareness of the problem, and the extent of it, started with the random, single-punch attack in Kings Cross that led to the cruel and senseless death of Sydney teenager Thomas Kelly in July 2012. In September 2013 a bouncer, Fady Taiba, was seriously injured when assaulted by a patron. In early November, Lucio Rodrigues died after an attack near the intersection of George and Goulburn streets in the central business district, just up the road from Scruffy Murphys. A few days later, Kieran Loveridge was sentenced to at least four and a half years in prison for Thomas Kelly's manslaughter. We all remember the shock and community outrage at the sentence, which is now subject to appeal. I am on the record, in an opinion piece in the *Sydney Morning Herald*, saying that no-one should be surprised if Parliament introduced mandatory sentencing if people continued to consider the sentences imposed by the courts as out of step with community expectations.

The carnage continued, and in mid-December Michael McEwen was badly injured after being assaulted in Bondi. Then, on New Year's Eve, Daniel Christie became the latest victim, fatally hit in Kings Cross, in the same street where Thomas Kelly was struck—in fact, very close to the spot where Thomas Kelly was struck. Daniel Christie died on 11 January. It is a quiet street and it has many trees that block camera vision, so no record of the assault was available. That assault emphasised to the people of this State the senselessness of the people who are full of drugs and/or alcohol when they start belting other people. My statement that no-one should be surprised included the judges and the courts. Justice McClellan said in a decision in a 2011 Court of Criminal Appeal case that he could not work out why the range of sentences was so low. No-one has taken any notice of his statement, except this Government, which shares the public's concern about this level of senseless alcohol- and drug-fuelled violence. In January the Premier introduced the first tranche of reforms—comprising the liquor licensing amendments, one-punch law and increased fines and penalties—which were passed by the Parliament on 30 January with the support of the Opposition. The legislation for the one-punch causing death offence came into operation a day or so later. So we meant what we were saying: We wanted that law to apply immediately.

I now turn to the bill before us today, which will enact the second tranche of reforms. The Crimes Amendment (Intoxication) Bill 2014 delivers on the Government's commitment to increase penalties and introduce mandatory sentences for serious intoxication-fuelled assaults in public. The bill does this by creating aggravated versions of certain offences in the Crimes Act where they are committed in public in circumstances of intoxication. The Victorian legislation does not cover circumstances of intoxication; it is not directed at that problem. The offences that will be aggravated are the reckless grievous bodily harm and wounding offences in section 35, the assault occasioning actual bodily harm offences in section 59, the assault of police offences in section 60, and affray in section 93C.

As the Premier stated in his speech last Wednesday, introducing a mandatory minimum sentence for sexual intercourse in section 61I of the Crimes Act will be further considered in light of the findings of the parliamentary committee on sentencing of child sexual assault offenders. New section 88 stipulates that where a minimum period of imprisonment is specified in the new offence provisions a court is required to impose a sentence that is not less than the specified minimum. If a total sentence and non-parole period are set, the non-parole period must be not less than the minimum period specified. Mandatory minimum penalties of five years imprisonment apply to the aggravated offences of recklessly causing grievous bodily harm in company, recklessly causing grievous bodily harm or wounding a police officer during public disorder, and recklessly causing grievous bodily harm or wounding a police officer while in the execution of duty. It is clear that the Director of Public Prosecutions will have discretion to decide, if there are minor cases where somebody has cut a lip, that that is not a wound. In fact, it is not a wound anyway. So in the case of minor offences, it will be for the Director of Public Prosecutions to decide whether he will indict offenders for particular offences carrying a mandatory minimum sentence. [*Extension of time agreed to.*]

Mandatory minimum penalties of four years imprisonment apply to the aggravated offences of recklessly causing grievous bodily harm and reckless wounding in company. A mandatory minimum non-parole

period of three years applies to the aggravated offence of reckless wounding. As I have noted, a prescribed minimum penalty means that any non-parole period imposed for the offence must not be less than the minimum specified. This legislation is aimed at tackling serious public violence committed by offenders intoxicated by excessive amounts of drugs and alcohol. New section 8A contains the evidentiary provisions that apply to establishing the aggravated offences. In particular, new subsection 8A(2) contains the definition of "intoxicated". In January, the Government introduced an assault causing death offence with an aggravated version if it is committed when the offender is intoxicated—the so-called one-punch, or coward-punch, law.

I note that a Victorian man whose son was belted and seriously harmed has called for coward-punch laws to be applied in that State, so this Government's reform has applied pressure on other States. Those reforms are contained in sections 25A and 25B of the Crimes Act, which adopt the definition of intoxication in part 11A of the Act for the purposes of the aggravated offence. Part 11A provides that "intoxication" means intoxication because of the influence of alcohol, a drug or other intoxicating substance. New section 8A(2) will introduce an amended definition of "intoxication" for the purposes of the aggravated offences created by the bill as well as the aggravated one-punch offence. The definition will be changed to make it clearer for police and the courts.

Under these reforms, a person will be intoxicated if their speech, balance, coordination or behaviour is noticeably affected as a result of the consumption or taking of alcohol or a narcotic drug. A person also will be intoxicated if they have a prescribed concentration of alcohol in their breath or blood of 0.15 grams or more. As is the case with the current aggravated assault causing death offence, the prosecution will be able to rely on a variety of evidence to establish intoxication. New section 8A(4) replicates the defence provided in the Government's earlier one-punch reforms by providing that it is a defence to the aggravated offences if the person's intoxication was not self-induced. Various other amendments are made including to new section 8A(5). The bill also introduces the requirement that the offences be committed in public.

Originally an element of the one-punch offence that has now been put into the sentencing provision was that an offender cannot be given a mandatory sentence if there is cognitive impairment, and this bill makes that clear. There are further amendments to the one-punch law and to the powers of the Law Enforcement (Powers and Responsibility) Act and various other matters. I make it clear that, while I predicted that judges and others would have to take note of public sentiment, that does not ignore the fact that judges and magistrates in this State perform their job very well in the main. It is only in a minority of cases that the public screams out that something is wrong and that they need tougher judges and sentences.

Having been the Deputy Director of Public Prosecutions for five years and having seen hundreds of cases go through the system, I know that most judges and magistrates hand down reasonable sentences. However, for some reason the courts have developed a tendency of handing down very low sentences for this type of manslaughter. Providing mandatory sentences is designed to improve sentencing for one-punch deaths and the other offences. I compliment judges and magistrates on their work. However, I plead with them that where there is no mandatory minimum sentence they still consider the theme of Parliament's legislation for other aggravated offences involving bashings and alcohol-induced violence and that they raise the bar themselves. They have done that previously in relation to dangerous driving causing death after a guideline judgement. Guideline judgements have never been mandatory for courts, but they are taken into account. They were taken into account when standard non-parole periods were introduced, and although judges have not stuck to them they have at least increased sentences. I now plead with the Opposition to cooperate with the Government rather than play politics. It is indulging in cheap politics. We followed them in the past, but they are now thumbing their noses at everybody.

Mr PAUL LYNCH (Liverpool) [4.44 p.m.]: As indicated, the Opposition will not oppose the Crimes Amendment (Intoxication) Bill 2014, but it will move amendments in the Legislative Council in an attempt to improve it. The amendments relate to the mandatory sentencing aspects of the bill. They are broadly based on the Liberal Party-proposed but bipartisan Victorian model, and target gross intoxicated violence in public places. They do not include some of the minor injuries that are included in this bill, such as a split lip. They also include a version of section 10A of the Victorian Sentencing Act concerning special reasons on substantial and compelling grounds and thus the retention of judicial discretion.

The Victorian provisions were a considered and thoughtful response informed by a report of the Sentencing Council on this issue and demonstrate that a serious approach was taken to the topic. The Victorian approach is the opposite of the ad hoc, make-it-up-as-you-go-along approach taken by this Government. The bill before the House claims to do a number of things. A number of aggravated intoxication offences are created based on sections 35, 59, 60 and 93C of the Crimes Act. The new aggravated offences increase the current

maximum penalties for each offence by two years, are restricted to adults, and apply if the offender was intoxicated in public by alcohol or a narcotic drug. There are also a number of provisions dealing with mandatory sentences.

As well, the bill quite extraordinarily amends section 25A of the Crimes Act; that is, the provision legislated as recently as 30 January this year in the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014. The bill also gives the police the power to require a breath test or analysis and blood or urine sample from those arrested for an aggravated intoxication offence within 12 hours, rather than four, after the alleged offence. The Law Enforcement (Powers and Responsibilities) Act is amended by adding new subsection 2A to section 138H, purporting to make it an offence for a person to consume alcohol or drugs within 12 hours after assaulting a person in order to alter the presence of concentration of alcohol or drugs in a person's system and thereby avoid prosecution for an aggravated intoxication offence.

New section 8A makes it clear that intoxication can be established by observation of a person's speech, balance, coordination or behaviour. If an offender records alcohol or narcotics in their blood within six hours after the alleged offence they are presumed to have had at least that amount in their system at the time of the offence. Presumptions are also made if there is a reading of 0.15 grams. An offender is also presumed to be intoxicated if they refuse or fail to provide a blood sample for analysis. A new standard non-parole period of five years is proposed in new section 60 (3A). Mandatory sentences will be dealt with as solely indictable. A review of these changes and proposed section 25A is to be carried out by the Attorney General and the Minister for Police and Emergency Services, who will report to the Premier, not to the Parliament.

Some of those issues were not discussed in the Premier's second reading speech, which I found scandalously short on detail for a bill of this nature. It is worth tracing the extraordinary course this bill has taken to get to this point. After a Canute-like refusal to engage with the issue, the Premier announced various measures on 21 January this year. Included in that announcement was mandatory minimum sentencing for a range of offences. By the time Parliament resumed on 30 January this wish list, this thought bubble, had contracted to mandatory sentencing for just one assault by intoxicated hitting resulting in death; that is, new section 25A. So ill thought out was this plan, so inept and uncertain was the Government's position that it had to amend its own bill on 30 January to implement mandatory sentencing. Not only was the Government making it up as it went along, it had not even read its own bill. The situation is no better now.

This bill yet again amends section 25A—the offence introduced on 30 January was amended on that day by the Government itself. It is now being proposed that it be amended again. During my time in this place I have never seen such amateurishness and lack of intellectual rigour with regard to such an important piece of criminal legislation. Section 25A was introduced by the Government and amended twice by it within four weeks. That amateurish approach is exacerbated by this bill. The Premier's 21 January list of offences to be subject to mandatory sentencing is now somewhat moth-eaten—some offences are off the list and others have been added. This is no doubt that to some extent that is a result of internal opposition within the Government to mandatory sentencing and the sidelining of the Attorney General and his department.

More fundamentally, however, it represents the disorganisation and ad hoc performance of a government making it up as it goes along. The Government's performance has been so hopeless that we can expect yet more amendments. The only surprise will be if there are none. Several issues with the drafting of the bill reflect that ad hoc process, this lurching from one position to another. There is a complete lack of system or logic to the Government's position. For example, the way public place is dealt with in the bill is problematic. It is not defined. The definition in section 8A of the Crimes Act relates to the phrase "intoxicated in public". As I said, there are serious doubts about what that definition means. One eminent silk with whom I have discussed this legislation adds the phrase "whatever that means" after most of the elements of the definition.

The Government justified the approach by saying it was a broad approach. The difficulty of course is that what they really mean by "broad" is vague or uncertain, which is a fundamentally bad principle upon which to base criminal law. Another difficulty with the legislation involves the provisions relating to evidence of intoxication and to the definition of intoxication. The provisions proposed in new section 8A (2) as to the person's speech, balance, coordination or behaviour confirm a return to the bad old days of driving under the influence, a system we got rid of because it was so uncertain and inconsistent. This bill has the Government rushing back to the past, which is exactly what it does when it tries to make policy on the run.

The other portions of the definition involved presumptions that throw an onus onto the accused and seem to be arbitrary. There is no particular rigour in any of the figures chosen, either of intoxication limits or

times chosen. The arbitrary nature of the figures reinforces the ad hoc nature of the Government's approach. Of course, one of the obvious problems with proving intoxication is the issue of the alleged offender consuming further alcohol or drugs subsequent to the alleged incident, making it impossible to prove that the person was intoxicated at the time of the offence. That was a criticism widely made of the section 25A provision when it was introduced several weeks ago. Making it up on the run again the Government has responded by creating yet another criminal offence—section 138H (2A) of the Law Enforcement (Powers and Responsibilities) Act—which I referred to earlier. This strikes me as wholly ineffective as a criminal law response in dealing with the problem. That is not an unusual characteristic of a knee-jerk and ad hoc response.

The elements necessary to establish that offence beyond reasonable doubt make it unlikely to be often successfully prosecuted, and that is apart from people who are intoxicated actually knowing of the existence of the offence in the first place or turning their mind to it. The Government has attempted to justify its latest iteration of its position by saying the offences subject to mandatory sentencing are the worst crimes and that only "the most serious acts of street violence" would be targeted by mandatory sentencing laws. That was a claim made by the Government in the *Daily Telegraph* on 25 February 2014. It was reiterated by the Premier in this place in his second reading speech on 26 February 2014 and I think he referred to it again this morning on radio. That is wrong and entirely untrue. These laws include wounding. In a briefing note the New South Wales Bar Association states:

To constitute a "wounding", it is sufficient that there is an injury by which the interior layer of the skin is broken. No instrument or weapon need be used, so that a split lip inflicted by a punch is a "wounding".

The note cites a Court of Criminal Appeal judgement as authority for this proposition, *R v Sheppard* [2003] NSWCCA351. That Court of Appeal judgement in turn quotes *R v Newman* [1948] ALR109. I note the Attorney's response earlier was to confirm that although what I said was true, one should not worry because it will be sorted out by the discretion of the Director of Public Prosecutions. That is a disgraceful basis for an Attorney to put any proposition to this House for instituting a criminal offence. If those mandatory sentencing laws apply to a split lip, then it is entirely false to say that the laws apply to only the most serious cases. It is a lie.

One of the journalists writing in the *Daily Telegraph* on this matter on 25 January 2014 referred to unintended consequences and undue severity in sentences. He remembered being at a party as a 19-year-old when a couple of his mates got into a fight and one belted the other in the lip. If that bloke's lip had been split, under the Government's provision he would go to jail for three years. Removing assault occasioning bodily harm from the Government's list of mandatory sentences was clearly an attempt to exclude some of the comparatively less serious assaults but because of the ad hoc nature of the Government's response, the Government has not got it right and some have still been included.

On 30 January 2014, I spoke of the problems associated with mandatory sentencing and made the point that it was a flawed and failed policy. There is no evidence that it works as a deterrent, especially in relation to crimes of violence. Indeed, there is a plethora of credible evidence to the contrary. Inevitably there will be unjust results flowing from unintended consequences and that in turn will result in jury nullification and in juries refusing to convict, precisely what happened in New South Wales with prosecutions under section 233C of the Migration Act, which resulted in the Commonwealth Attorney-General issuing directions about only prosecuting in exceptional circumstances.

Additionally, while judges lose their discretion, the discretion does not disappear from the system. The criminal justice system in this sense is hydraulic. The discretion is moved from judges to police and prosecutors. Key decisions in the sentencing process are removed from an open courtroom to the chambers of prosecutors and offices of police. Mandatory sentencing also fails to recognise those who help authorities or enter early pleas of guilty, the latter as much an assistance to victims and witnesses as to the broader system. Both these are sensible public policy objectives dismissed by mandatory sentencing. [*Extension of time agreed to.*]

The other substantial problem with the Government's legislation is the cost that will be occasioned to the criminal justice system and the prison system. This is not to argue that under no circumstances should extra costs be incurred for these systems. It is to say, first, that such costs should be acknowledged and assessed. There was no reference at all to this very important issue in the Premier's second reading speech. It was entirely innocent of any such calculation or reference to cost. Second, it is to argue that a decision should be made whether the extra expenditure is going to make a difference, whether it will work. If it will not work in reducing the level of assault, then there must be a question mark as to the sense of pursuing the policy.

Mandatory sentencing will increase the number of people going to jail and it will do it in two ways. The first and most obvious is that people who might not have been sentenced to jail now will be. As well, the mandatory minimum will be regarded as the sentence for the least serious type of offence, which will have the undoubted effect of increasing all sentences for that offence. Numerically, that might be an even greater impact than the first class. Figures I have obtained from the Parliamentary Library and which are ultimately sourced from the Bureau of Crime Statistics and Research give a sense of the scale of the issue. From October 2009 to September 2013 there were 52 convictions in the Local Court for offences under section 35 (1) of the Crimes Act, 447 for offences under section 35 (2), 47 under section 35 (3) and 700 under section 35 (4). Imprisonment rates were respectively 52 per cent, 35 per cent, 51 per cent and 37 per cent.

From January 2008 to June 2013 there were 83 convictions in the higher courts for section 35 (1), 230 under section 35 (2), 76 under section 35 (3) and 224 under section 35 (4). Imprisonment rates were 78 per cent for the first three and 64 per cent for the fourth. For offences against police from July 2006 to June 2013 there were 12 convictions under section 60 (3A) and three under section 60 (3H) and 75 per cent of the former and all of the latter resulted in imprisonment—in any event a total of 15 convictions over seven years. It is important to get proper figures into this debate. As the Chief Justice of the Supreme Court noted in his address at the opening of the law term the Government got it wrong when quoting figures for the average sentence for manslaughter because it relied upon statistics that merged manslaughter and driving causing death. The figures I have cited do not discriminate as to whether they are in a public place or even in a public place as defined in this bill and they do not discriminate between cases where the offender was intoxicated and cases where the offender was not intoxicated. However, some things do emerge.

It emerges that a significant number of people are already receiving custodial sentences; they will be getting longer sentences and those not getting custodial sentences will start to receive them—a very rough calculation suggests about 420 people per annum, without it being divided up as to whether they were in a public place or affected by alcohol. If the Government believes these figures are wrong it should say so. It should produce its own figures, that is, unless it was in such a mad rush and behaved in such an ad hoc way it has not actually provided the figures and that is why they are not in the Premier's second reading speech. The cost of imprisonment is not cheap; it is approximately \$75,000 per annum for each prisoner. Therefore, every extra person put in jail means one fewer teacher or nurse. It is fine if the Government wants to take that course but it should acknowledge that cost and acknowledge the policy it is implementing will have an impact.

There will clearly be an increase in the number of defended hearings because of mandatory sentencing. That means more time required in a system already under considerable stress. Many of the matters are currently dealt with summarily in the Local Court. Under this measure they will be dealt with in the District Court, which is a more expensive jurisdiction to run. There are currently only 70 Crown prosecutors instead of 90; the Government has run those numbers down. Legal Aid has had a cut to funding and is struggling. At every level there will be a squeeze on the system. Our amendments in the upper House seek to rectify the ad hoc, disorganised way in which the Government has approached the problem. The Government has made it up along the way, with no rigour or logic in the system and it has had to constantly amend its own legislation.

In conclusion, I note the tragic results of the road to Damascus conversion that the Attorney General has had to suffer. The truth is that the speech I have given today is the one that he should have given. In performing his duty properly as Attorney General, expressing the things he has believed in for 30 years and spoken about time and again, he should have given the speech I have delivered. He is a tragic victim of this Government's ineptitude and the ad hoc nature of its policy development. He should have been better than this. He has ended his career as Attorney as a failure because he has turned his back on everything he has said and done for three decades.

Mr JOHN SIDOTI (Drummoyne) [4.59 p.m.]: I support the Crimes Amendment (Intoxication) Bill 2014. On a July Sunday morning in 2012 Sydney woke to the news that an innocent teenager had been randomly punched and was in an induced coma. Two days later his parents decided to switch off his life support. He was not asking for trouble, all he was doing was having a night out with friends in Kings Cross. Thomas Kelly was just 18 years old. He had just begun a career in accounting and came from a loving and secure background. His life was ahead of him and now it is over, all because of a random and senseless act of violence. Thomas's death sparked fierce debate in Sydney about alcohol-related violence, particularly in the Kings Cross precinct. Debate reached a crescendo when the perpetrator of the offence, Kieran Loveridge, was charged with murder over the unprovoked attack and the charge was later reduced to manslaughter. Naturally, the manslaughter charge attracted a lesser sentence when he was found guilty of the offence.

Last year Kieran Loveridge was sentenced in the New South Wales Supreme Court to a minimum four-year jail term for the crime. He will be eligible for release in 2017. Debate raged and Twitterverse exploded with the community seriously wondering if such a light sentence could possibly act as a deterrent to another intoxicated thug committing similar offences. Thomas Kelly's bereaved parents were inconsolable following the sentence and called on the Government to introduce new laws that would force people to be accountable for their actions. The court was told that prior to this incident Loveridge was heavily intoxicated, having shared a case of Smirnoff mixed drinks. He was in a volatile and violent mood. It was not just Thomas Kelly who bore the brunt of his rage. According to documents released in court, Loveridge went on a crime spree that night which lasted an hour. Thomas Kelly was one of four people attacked by Loveridge that night. Luckily for the other three, their injuries were not fatal.

The level of outrage at his sentence was justified and, as predicted, the street violence continued with a near fatal attack last December and another fatal assault on New Year's Eve 2013. Michael McEwan was brutally bashed and stomped on at Bondi Beach. He remained unconscious for two weeks and remembers nothing of the brutal bashing that almost took his life. Around the same time that Michael was regaining consciousness another bashing took place, this time on Daniel Christie. Daniel would not be as fortunate as Michael. He was attacked by Shaun McNeil near the same spot where Thomas Kelly had been king hit. The attack left the 18-year-old with a fractured skull and fighting for his life.

McNeil allegedly punched Daniel once in the face with a closed fist. Daniel fell backward and hit his head on the pavement, causing him to lose consciousness. He remained in a coma for 11 days before his parents decided to turn off his life support. Since 2000 king-hit punches have claimed 91 Australian lives, including those of Thomas and Daniel. Of those, 28 have been in New South Wales. On New Year's Eve Shaun McNeil is alleged to have attacked Daniel and four others, including Daniel's brother Peter and three underaged boys, within just 90 seconds, according to closed circuit television. McNeil was charged with murder at a court appearance in January and denied bail. The case has been adjourned until March.

These tragic stories have served to highlight the need for massive reforms to not only Sydney's drinking culture but also to the sentencing of people found guilty of committing these unfounded yet deadly attacks. In a special sitting of Parliament in January the Government introduced laws aimed to make streets safer. Pub and club lockouts at 1.30 a.m. came into effect at the end of last month. That is only one part of the raft of measures introduced to cease senseless violence on our streets. The Crimes Amendment (Intoxication) Bill 2014 looks at the serious issue of penalties applying to those people found guilty of assault causing death while under the influence of alcohol and drugs. This bill provides that such offences will carry a maximum penalty of 25 years and a mandatory minimum penalty of eight years.

The Government's decision to introduce mandatory sentences has not been taken lightly. I, like other members, have received submissions from bodies such as the New South Wales Bar Association expressing opposition to mandatory sentencing. Let me stress at this time that the Government did not adopt mandatory sentencing lightly. It has been adopted because of the level of community concern that has resulted from the increasing number of drug- and alcohol-fuelled attacks on innocent people on our streets. The idea of mandatory sentencing is aimed directly at those responsible. It sends the message that people who take drugs or get drunk in public and fatally attack someone will go to jail. They will not be charged with manslaughter and receive a slap on the wrist, they will go to jail—end of story. All offenders found guilty of such offences will receive a prison sentence and the least serious offender will receive the minimum sentence.

Under the new laws a person will be deemed to be intoxicated if that person's speech, balance or behaviour is noticeably diminished. It applies to the over-consumption of either alcohol or drugs, or both. Importantly, the evidence of intoxication can include the testimony of witnesses, including police, evidence of prior consumption of alcohol or drugs, and further evidence captured on closed circuit television cameras. That is all in line with the current provisions of the Crime Act. The provisions of the bill deem that a person is intoxicated if they are found to have 0.15 grams level of alcohol concentration in their body. This is the same level as that deemed for high-range drink driving.

In order to prove they were not intoxicated at the time of the attack, the accused will need to prove the concentration of alcohol in their blood was less than that prescribed level. The bill also has provisions whereby they must prove that no alcohol was consumed after the offence took place. Sometimes people believe that by drinking after the offence took place it will automatically alter the alcohol threshold and allow them to escape conviction for the crime: Not any more. Police will have the power to arrest a person suspected of committing an aggravated offence and will be able to conduct drug and alcohol testing within 12 hours of the offence. This

12-hour time frame will allow the police the opportunity to test an offender who may have initially fled the scene. Test results will be admissible in subsequent court proceedings, along with other evidence from witnesses and closed-circuit television.

It is clearly set down in the legislation that these laws apply only to people intoxicated in public. It clearly defines what is meant by a public place. It states that a public place is, "any premises or land that is open to the public". Licensed premises, restricted premises such as brothels and premises or land used by criminal gangs, are expressly covered by the definition, according to the bill. The bill applies these definitions of public intoxication to the offence of one-punch assaults, which was introduced by the Government in January this year. It makes it clear that it not only covers situations where a person hits another person with their fist but will apply where force is used to cause the victim's body to hit the ground, or other object, rendering them unconscious. The Government has acted in direct response to community concerns over street violence and the perception that sentences for violent offences resulting in death are far too light. This legislation spells out clearly and loudly that a person who is intoxicated and later decides to throw a punch at a stranger and causes their death will be sent to jail—no matter what. I commend the bill to the House.

Mr RON HOENIG (Heffron) [5.09 p.m.]: The Leader of the Opposition has indicated the Opposition's position on the Government's bill. I support the Opposition's position and the decision it has taken, which I am bound to do. Nothing I say either directly or by implication should indicate that I take any other position. Earlier the Attorney General contributed to the debate in this House. As he was concluding, he paid a compliment to the judges of this State and indicated to them that the bulk of them were doing a fine job. It is a little late for the Attorney General to say that. I regret the loss of the tradition of the Westminster system where Attorneys General of the day at State and Commonwealth level were the spokesmen and defenders of the judicial arm of government. It seems to have fallen into disrepute and the level of invective directed under parliamentary privilege by the Leader of the Government in this House in respect to the conduct of the judiciary has been appalling.

Following those comments to the judiciary, the Attorney General then made reference to the fact that judges should increase their penalties in respect of other criminal offences. It was an extraordinary and improper thing for the Attorney General to do. I am not being political but the Attorney General of this State is not an ordinary Minister or politician. He is the chief law officer of this State, the chief adviser to the Government and the most senior member of the bar of New South Wales. He has a right of appearance before the courts in this State, including the Court of Criminal Appeal. He can personally take over any prosecution in this State. Consequently, he can become a party. If he believes that any penalty is manifestly inadequate or that the appellate courts are imposing penalties that are too low, he has a personal right of appearance to be heard on behalf of the Government. He can seek guideline judgments from the court and make sure that the Government's position is put to the court, the judicial arm of government, to decide.

It is not for the Attorney General of this State, who has that right of appearance, to come into this House and try to send a message to the judiciary to increase their penalties in other cases. To this senior member of the bar, a person I have known for a long time and have the utmost respect for, I suggest, without overstating or overreaching, that his comments in this House were improper. He should come back into this House and withdraw those comments. He cannot tell the judiciary to increase their penalties. The law provides him with a way to do it. In respect to this legislation and its unintended consequences, the best way that I can make members understand it is to give an example of a case in which I appeared as Crown prosecutor not all that long ago. I prosecuted a person who was on a dance floor at Northies Cronulla Hotel and who would be regarded as being intoxicated. Someone bumped him and his response was to throw that person, who happened to be an off-duty police officer, on the ground in a commando-style throw. He then bit the police officer in the cheek so deeply that he pierced through his cheek. It was the most horrendous act. He was charged with recklessly causing grievous bodily harm. During the trial the Crown accepted a plea of reckless wounding.

As horrendous as the assault was, the perpetrator was a member of the Australian Armed Forces. He was a commando who had served in Iraq and Afghanistan. When various details about his war service came to light his post-traumatic stress syndrome was revealed before the court. He had seen things that no human being should see. He had witnessed the worst aspects of war and participated in the kinds of conduct that we do not want to know our soldiers participate in. He risked his life and was lucky enough to survive when others around him did not but his service to this country impacted upon him so profoundly that it caused his disability, which was specifically linked to his conduct on that night. That event was a tragedy for all involved, including this hero who risked his life for our freedom. He was dealt with properly by the court by receiving a suspended sentence, which was the appropriate sentence to impose under the circumstances. Consultation with the victim

and other procedures were undertaken before the sentence was handed down. The circumstances of the case were a sheer tragedy. If this law had been enacted, that war hero would have been sentenced to a mandatory three years in prison for reckless wounding.

The Bar Association has submitted to all members particular examples of the unintended consequences of mandatory sentencing. The Attorney General said a moment ago that the Director of Public Prosecutions would have discretion to not indict someone. Is there an expectation by this Parliament that the Director of Public Prosecutions will not indict a person who has committed a criminal offence if the consequences are too serious? Members might laugh about this, but if I am intoxicated in the parliamentary bar and attack the member for Sydney with a piece of paper and cut his finger I am guilty of an offence that carries a mandatory sentence of three years. When legislation is cobbled together in a hurry this is what happens. I want members to consider some views of people I respect. Greg Smith said in the *Sydney Morning Herald* on 11 November 2013:

I oppose mandatory sentencing because it is an expensive and ineffective crime-fighting tool.

... Mandatory sentences—where Parliament tells judges what term of imprisonment they must impose ...

... They have been introduced in several jurisdictions, often producing unintended consequences, leading to their repeal or modification.

... Finally, one of the fundamental principles of justice is that punishment should fit the crime. Mandatory sentencing is discriminatory and does not consider the circumstances of an offence; it therefore frequently imposes sentences on minor offenders which are out of step with their crimes.

The Attorney General made a qualification that if courts impose sentences that are out of step with public expectation some action will be taken. However, he made those comments on 11 November 2013. The Government panicked in early January 2014. No analysis had been undertaken. The Loveridge appeal was pending. This was a straight-out political response to appease a media campaign which was of the Government's own making. I will now quote the member for Cronulla, another senior counsel, whom I have quoted recently and whom I respect. He said in this House:

However, that intervention should not take the form of fixed minimum sentences or elected judges, which are a recipe for partiality, favouritism and, ultimately, corruption. There is no evidence that mandatory sentencing reduces the incidence of crimes. In fact, it reduces the incentive to plead guilty and leads to arbitrary and capricious results.

[*Extension of time agreed to.*]

On 12 February 2014 Chief Justice Allsop of the Federal Court said:

There have been a number of recent examples of the loss of civility in social debate in New South Wales, in particular, in dealing with the judiciary and criminal punishment.

Let me begin by a comment, being a personal opinion, based on my own experience sitting on the New South Wales Court of Criminal Appeal over 4 ½ years from June 2008 to the end of 2012. New South Wales is not a light sentencing state. To say that there is some widespread or endemic failure of judges to reflect proper punishment according to community values is, in my view, and with the utmost respect to those presently saying to the contrary, to talk nonsense.

...

On the radio the journalist apparently called the judge [in his decision in the Loveridge case] a "moral pornographer" or words to that effect. What the article lacked was any real discussion of the reasons for the judgement. There was an assumption of error and movement from that assumption to personal criticism of the judge.

This is not the only example of personal attacks on judges, and not only in New South Wales. Judges are now sometimes described personally (often by their names alone, whether surnames or first names, with thus either deliberate or accidental rudeness), the result of their decision criticised and their personal characteristics linked to the critical result.

His Honour further said that the lack of civility played:

... its part in the political response to the evil of alcohol-fuelled violence. That there is a problem of alcohol-related violence in our society, there is little doubt. Yet one might have thought the solutions to it may lie in steps other than the directing of personal attacks on judges attempting to fulfil the heavy responsibilities of sentencing for serious crime.

The Bar Association sent material to all members of Parliament saying it was strongly opposed to the proposed mandatory minimum sentences. It stated:

They will produce unjust sentences, substantially increase the prison population, create anomalous distinctions between intoxicated and sober offenders and reduce the number of guilty pleas (resulting in extra costs and delay in the criminal justice system).

At the same time they will not lead to a reduction in alcohol-fuelled violence, since no intoxicated offender contemplating violence is likely to take into account this change in the law.

Also, human rights organisations have suggested that this bill may be contrary to the International Covenant on Civil and Political Rights. Previously, the judiciary was not treated with the contempt with which it has been treated recently. I have said repeatedly in this House that the doctrine of separation of powers not only requires State power to be exercised by the judiciary separately and independently but also the community to maintain its respect for the administration of justice. It is the responsibility of both the legislative arm of government and the executive arm of government to treat the judicial arm of government with the respect to which it is entitled. There must be community confidence in court outcomes. There is always a right for the Government, through the Crown, to appeal against court decisions.

I say again to members opposite that they are trying to defend a straight-out political reaction by the government of the day. They are on the record, in November last year, as being opposed to this very thing. They should not think it is somehow otherwise. It is not easy to be the political leader of the State or to be the political leader of a community, but there are times when the leader is required to exercise statesmanship and not cower from media attacks. The public look for leadership and somebody to respect. They want a leader who runs a consistent, honest, proper agenda and does not blame the judicial arm of government for policy failures.

Mr DAVID ELLIOTT (Baulkham Hills) [5.24 p.m.]: My contribution on the Crimes Amendment (Intoxication) Bill 2014 has to be amended so that I can respond to the previous speaker's highly hypocritical statements. The member for Heffron said that the Government is responding to a media campaign. The Labor Party in government wrote the book on responding to media campaigns. The then Opposition used to call a former Premier "flip-flop Bob" because he would stand up and make a statement but when the *Daily Telegraph* or talkback radio commented he would look at the polling and change his mind.

I remind the member for Heffron of a few media campaigns that the Opposition while in government responded to. Does the member for Heffron remember the knife laws? We had knife laws in this State, but following two or three knifings Bob Carr made amendments to the legislation which even members of his own party were concerned about. He responded to a *Daily Telegraph* campaign. Does the member remember Keno?

[*Interruption*]

ACTING-SPEAKER (Mr Lee Evans): Order! The member for Heffron will come to order.

Mr DAVID ELLIOTT: In about 2004, in accordance with an agreement the Government had with Tabcorp, the then Labor Government decided to introduce Keno into hotels. There was a media outcry about it and some media were horrified that the then Government, which was addicted to taxation on gambling, would expand Keno. What did Bob do? He canned the corporate agreement the then Labor Government was a party to because there was a media campaign that needed to be addressed. Do those opposite remember Windsor Road? I am very grateful that the Labor Party responded to this one.

Mr Robert Furolo: Come on!

Mr DAVID ELLIOTT: The member might complain, but the member for Hawkesbury can take credit for this. As a resident of the north-west I am very grateful that the Labor Party has such a thin skin that it had to respond to media campaigns. Before that it had no intention of upgrading Windsor Road. Luckily for people living in the north-west, the *Daily Telegraph* and talkback radio had a different opinion, and the Labor Party responded to the media campaign.

Does the Opposition remember train guards? A couple of assaults occurred on trains and the *Daily Telegraph* and talkback radio said it was not safe to travel on trains. In response, the Labor Party introduced a wonderful system of train guards, which cost an absolute fortune but did not address the problem. The problem was a cultural one, but the Labor Party did not tackle that and responded to a media campaign. What about sentencing? We can count the times the Labor Party responded to a media campaign whilst in government. They have forfeited the right to stand up in this House and tell us that the Premier is responding to a media campaign, when for 16 years those opposite wrote the book about it. In the words of a former Labor Prime Minister, you guys were "a shiver looking for a spine" because you would only govern on polling. Sussex Street would do some polling on a Sunday night and tell the then Cabinet that the community was concerned about something and the then Premier would announce grand plans to amend legislation determined by responses to the polling.

Mr Clayton Barr: Talk about the bill.

ACTING-SPEAKER (Mr Lee Evans): Order! Opposition members will come to order. I remind Opposition members that many of them are on calls to order.

Mr DAVID ELLIOTT: I see Labor members leaving the Chamber because the truth hurts and they are in pain. Of all the hypocritical speeches made in this Chamber, here we have members of the Labor Opposition accuse us of making legislation in response to community concerns. There is a genuine concern in the community, and if we are guilty of anything we are guilty of listening to our constituents. Do not tell me that members opposite have not been receiving the same sort of correspondence that I have received. If members want to say that, they should put it in *Hansard*. I want to read in *Hansard* Opposition members saying that the community is not asking for this legislation. I want Opposition members to stand up and say that nobody in their electorates is asking them for this sort of tough response to alcohol-related crime because if they put that in *Hansard* I will be quite happy to join the Liberal candidates who are nominated against Labor in doorknocking in the electorates and showing the constituents that *Hansard* record. I will be happy to tell the people in the electorates of those opposite that Labor Party members are opposed to this tough legislation.

To put the cherry on top, the shadow Minister for Justice, the member for Heffron, said that the legislation is in breach of an international treaty which is absolutely laughable. I say to the people who have the competence of guys like Kevin Rudd—I know he might be a hero to the member for Heffron but the people of Australia have made their judgement on Kevin Rudd—to members opposite who say they are not going to sign this legislation because it is in breach of an international treaty: Let us go through the international treaties and work out how much legislation Labor introduced that was in breach of international treaties. It would be a very long debate. I am surprised that those opposite have not used this debate as an opportunity to completely cane people like Scott Morrison. That is the sort of thing the Labor Party likes to do. Those opposite say they are committed to these international treaties, but their policies have been more repugnant to international treaties than ours have ever been. Those opposite have forfeited the right to stand up and take the moral high ground. This is not a response to a media campaign, this is not a response to talkback radio and this is not a response to any legislation that Labor has introduced. We are listening to the constituents in our electorates.

Instead of criticising the Premier for listening to the people of New South Wales, the member for Heffron should thank the Premier for introducing tough legislation that Labor did not have the guts to introduce. Why does the member for Heffron not ring up Thomas Kelly's father and say to him, "Listen mate, I understand that your son was killed by a rogue drunk but we are not going to support the type of legislation that will put Kieran Loveridge into jail because it is in breach of an international treaty"? No wonder those opposite have got no seats in Western Sydney; they have absolutely no understanding of the mentality of the good people of New South Wales. Those opposite would not understand that the people of Sydney are fearful of the types of drunks who are causing trouble across Sydney at the moment. This is the type of legislation that the people of New South Wales are crying out for.

I spent summer in my electorate office listening to the concerns and fears of families who are too scared to allow their 18-year-old children to go out into the city. Is that the type of community that the member for Heffron wants? Does the member for Heffron want the type of community where families say to their kids, "Please do not go out tonight. I am too scared of the sort of danger you might face and the Government does not care about it because it is not going to introduce any legislation or any regulations that will make our community safe"? That is not the type of community in which I want to live. [*Extension of time agreed to.*]

I am speechless—and I have heard some hypocrisy in the 25 years that I have been involved in politics. I have heard Labor leaders tell us that we had a recession that we had to have. I have heard one Labor leader say that we are going to get a Sydney metro and then the next Labor leader apologise for the half a billion dollars wasted on the discarded project. I have heard a Labor leader say that no child will live in poverty. I have also heard Labor leaders make truthful statements.

Mr Ryan Park: When?

Mr DAVID ELLIOTT: I saw Paul Keating's letter to the Leader of the Opposition. If ever a Labor leader spoke the truth it was in that letter. That letter should be compulsory reading for everyone who supports the current Opposition, because the current Opposition is in dire straits. If the Opposition's stocks are so low that it has to have the member for Blacktown as its leader, and if its stocks are so low that it will not stand up for decent, fair-minded Australian families that are fearful of their children going out at night because they might be assaulted, the Opposition is condemned to opposition for ever.

I am disgusted that the courts have repeatedly used drunkenness or the influence of illicit drugs as mitigating circumstances when sentencing offenders. Therein lies the fundamental difference between me and the member for Heffron. The member for Heffron is telling everyone that it does not matter how bad a judge's decision is and it does not matter how bad and out of touch a magistrate might be, we have to give them the right to make a decision based on individual circumstances. That is not the type of legal system I want to live under. Yes we believe in the separation of powers, but there is something much more powerful at stake than the separation of powers—democracy. We live in a society where everybody has a right to have a say.

As I read this legislation and I hear the tripe and hypocrisy coming from the Opposition, I will be comfortable in going to my electorate next March and telling my constituents that I voted for this legislation but that the Opposition did not want it because it wanted to protect its left-wing mates on the bench. Members opposite can laugh but when I go to the electorates of Keira and Cessnock and tell them how their local Labor members voted against legislation that would put people in jail for beating up and killing kids and that would stop offenders using alcohol as a mitigating circumstance, fair-minded and decent people will reject their local members.

ACTING-SPEAKER (Mr Lee Evans): Order! I remind the member for Cessnock that he is on two calls to order.

Mr DAVID ELLIOTT: I would not want the type of people who vote for a member of Parliament who opposes this legislation voting for me. I am pretty confident that there is no-one in my electorate who would criticise me for supporting this legislation. If members opposite want to be on the record opposing the legislation they can go right ahead. But I know that the people of Cessnock are good, decent people—they have got terrible taste in their local members but they are good, honest people—and they, like the people of Baulkham Hills and the people represented by members around this Chamber, see that this legislation is essential and the only way that we will reduce the scourge of alcohol killing our kids. I worked in the hospitality industry—I left seven years ago—and I had never heard the term "pre-fuelling" in the 10 years I worked in the industry. This legislation is essential because it will not only provide confidence in the community that the Government is listening to it but also tell the bench that we are not going to put up with it. I commend the bill to the House.

ACTING-SPEAKER (Mr Lee Evans): Order! I call the member for Sydney. He will be heard in silence. Those members who continue to interject will be removed from the Chamber.

Mr ALEX GREENWICH (Sydney) [5.39 p.m.]: I strongly object to mandatory sentencing and I oppose this bill. The Crimes Amendment (Intoxication) Bill 2014 introduces mandatory minimum sentences for a range of violent offences if committed under the influence of drugs or alcohol in a public place. Under the bill, if the offender was intoxicated and the crime occurred in public, regardless of the circumstances, the following minimum prison sentences will apply: five years for reckless grievous bodily harm in company and wounding or causing grievous bodily harm to police officers; four years for reckless grievous bodily harm and reckless wounding in company; and three years for reckless wounding. This bill is a part of the Government's submission to a get-tough-on-crime media campaign, and will do nothing to prevent the types of assaults that instigated such widespread community concern and occurred within my electorate.

While the bill does not include those offences in the Government's initial announcement, which could have seen jail terms for assaults resulting in bruises and scratches, I remain alarmed that these provisions will cause injustice and inappropriate and excessive sentences while increasing prison populations. The Government says mandatory sentences are needed to send a message that if someone gets drunk and/or takes drugs and seriously assaults someone in public, that person will go to jail. But sending a message is futile. All evidence shows that offenders do not consider the consequences of their actions when they are intoxicated. When people are so drunk that their violent inhibitions are gone, they act impulsively and are not thinking about a sentence a court will deliver if they are convicted.

I would like to challenge something said by the member for Hawkesbury in his earlier contribution to the legislation on mandatory sentencing. He claimed that the reduction in violence and assaults during last weekend's Mardi Gras was as a result of people understanding the sentences. To say such is to belittle the work of the local area police and to belittle the work of the Premier and the Minister for Police, the local community, the community organisations and everybody who worked tirelessly over the past 12 months on a better approach towards policing during the Mardi Gras festival. Last year, the instances of violence that occurred were as a

result of the police, as the magistrate said in a high-profile case. This year, we had had a year-long focus on policing by consent, rather than policing by force, and that was successful. This year, police were given adequate resources to deal with the large crowds.

Every weekend my electorate has an event-size crowd. This weekend we got the police that we needed for that event. On previous weekends that has not occurred. What we learn from Mardi Gras events is that when the community works together with the police, when there is policing by consent rather than a policing by force approach, we get the positive results that we saw last weekend. I joined the police and local community groups walking late at night on Fridays in the lead-up to these changes, to make sure the community was informed, to make sure they knew their responsibilities and to ensure that people were educated. And what we saw was a good result on the weekend. Justice requires that the punishment fit the crime. This can be done only if courts have broad sentencing discretion that allows them to base a sentence on all relevant circumstances surrounding an offence, the offender and the victim. When parliaments set minimum sentences, prison terms become inflated. Depriving people of their freedom is a serious thing that this Parliament should not treat lightly. It should be done only through a fair and independent trial based on the merits of the case.

An unjust and excessive sentence can ruin a person's life. We are members of Parliament, not judges. We cannot predict every scenario that is relevant to a case, so it is wrong for us to play judge. There are certainly circumstances where I believe the community would accept a sentence lower than the proposed minimum sentences. The NSW Bar Association's latest briefing note provides some examples of potential situations in which the community would consider the minimum sentences set by this bill as excessive and unnecessary, particularly where an offender has no criminal history. The bar explains how "wounding" can include a split lip and how although grievous bodily harm involves serious injuries, these injuries do not have to be permanent or life-threatening, and offenders need only have been aware of the possibility of actual bodily harm, meaning being aware that their action could have caused bruises and scratches.

If the bill passes, offenders are unlikely to plead guilty because if they are convicted they will go to jail regardless of the circumstances or their cooperation in trial proceedings. This will place a heavy burden on the court system. Trials will be longer, which will take up court time and create delays for other cases. Longer trials that need to determine guilt will cause additional stress to victims and their families. That would not occur with a guilty plea. The burden on Legal Aid, which will likely represent many cases, will be further increased. I am particularly concerned about the impact of this legislation on Aboriginal communities. Aboriginal people are already overrepresented in prisons, accounting for 2 per cent of the general population and 23 per cent of inmates. Australian Lawyers for Human Rights points out that incarceration of Aboriginal people goes beyond the offending behaviour and is associated with broader problems of discrimination, poverty and disadvantage.

Alarming is the potential for misuse of these laws identified by the NSW Council for Civil Liberties. The subjective test for intoxication includes affected speech, balance, coordination or behaviour which will make it easy for police to include intoxication in a charge. This could be done wrongly or even deliberately, and essentially allows police to determine the sentence for a crime. I understand that for all offences included in the bill there are alternative offences that a person could be charged with, giving police and prosecutors discretion to set a sentence before a matter has been presented to a court. This is wrong. Locking up people is not the answer. Prisons provide little opportunity for rehabilitation and introduce troubled young people to criminals. Instead, we need to address the underlying cause of alcohol-fuelled violence based on research. We need to invest in prevention strategies that target alcohol abuse, violence and disadvantage.

I understand that in my electorate the State Government is set to cut \$6 million from inner-city homeless and youth services. These services help get young people out of unsafe and abusive environments and break the cycle of intergenerational disadvantage. While prevention programs do not get news headlines, they can make a real difference in the long term. Many of the homeless and youth service workers I spoke with say money spent on locking up vulnerable people for longer would be better spent on programs that have an early intervention model to substance abuse and antisocial behaviour.

Judicial independence is necessary to the rule of law and the separation of powers, and is a fundamental requirement for a fair trial. As a member State to relevant United Nations instruments, New South Wales must apply basic principles on the independence of the judiciary, including respect for and observance of that independence and allowing the judiciary to decide matters impartially and without inappropriate restrictions or influence. This bill represents a major change to our criminal law system and inappropriately fetters judicial discretion and will lead to injustice at a time when mandatory sentencing is being repealed elsewhere. Supporting this bill may make some members feel better, but I can assure members that when one talks to

non-government organisations and service providers, they will tell one that this legislation will have very little impact on addressing issues of alcohol-fuelled violence and antisocial behaviour. This bill is wrong, it is unnecessary, and I will be voting against it.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [5.47 p.m.]: I make a contribution to debate on the Crimes Amendment (Intoxication) Bill 2014 which implements the Government's commitment to introduce mandatory minimum sentences for serious acts of violence while intoxicated in the public. The bill amends the Crimes Act 1900 to create new aggravated personal violence offences, the most serious of which carry mandatory minimum sentences. For reckless grievous bodily harm in company, the mandatory minimum sentence for an aggravated offence will be five years imprisonment; for reckless wounding in company, the mandatory minimum sentence will be four years imprisonment; for the offence of assaulting a police officer involving reckless grievous bodily harm or wounding, not during public disorder, the mandatory minimum sentence is five years imprisonment; and for assaulting a police officer, involving reckless grievous bodily harm during public disorder, the mandatory minimum sentence is also five years imprisonment.

I think it prudent to comment on some of the remarks made by members who have spoken in the debate. I, for one, am a great supporter of the separation of powers legislation. I think as a whole, our judicial system does an excellent job under pretty difficult circumstances. But with separation of powers comes responsibility. Ultimately, the judicial system should reflect the view of the wider community. Quite evidently, that is not happening, particularly where aggravated assaults are alcohol related. That is a crying shame. I have worked in the industry. Unfortunately, on several occasions, I spent early mornings in Bankstown hospital after assaults on me as a club manager. So I know the arguments from both ends. But I have been particularly riled by some things said by some members who preceded me in this debate. We heard so much about the perpetrators of assaults, but do not the victims have any rights? The member for Sydney spoke about overloading of the legal system and the increase in prison populations, but he made not one reference to the poor victims.

The member for Heffron spoke of a war hero—and I applaud any war hero—but a hero does not assault or bite someone on a dance floor. He did not mention the poor victim. Is there no say for victims? Is it all about the rights of prisoners? I do not think so. The Premier should be applauded for introducing this bill. All the previous speakers rattled on about the rights of the judicial system and the rights of offenders to punch somebody in the nose. The member for Lake Macquarie said he did not think punching a policeman in the nose and splitting open his face was a serious issue. I am sorry but I have a particular hatred of that. It is appalling that members of Parliament, one after the other, supported the offenders. They said it is not really bad to punch a policeman in the nose. I have news for them: it is bad. Most of the members in my community think it is absolutely appalling if that takes place. The 16,000 hardworking men and women of the NSW Police Force would be appalled by such tactics and the political games that are being played by Opposition members.

I know from certain sources that the Australian Labor Party has been polling over the past few weeks but it has flip-flopped in relation to this legislation. Members of the Opposition originally supported this bill but now they are not supporting it and they have foreshadowed that they will move amendments in the upper House. I also know that they are slipping in the polls and that they have to do something different. The wider community expects the Government to act. The wider community supports what the Premier and the rest of the Government are doing. This is not about the rights of offenders; it is about the rights of victims. I commend the bill to the House.

Mr RYAN PARK (Keira) [5.51 p.m.]: I will not deliver a speech like the one delivered earlier by my good friend the member for Baulkham Hills. As the staff union representative I know that staff members in the Chamber are not happy about the contribution that he made. He has gone off the reservation and slipped information to *Daily Telegraph* representatives in the gallery but we are on top of it. In his contribution to debate on the Crimes Amendment (Intoxication) Bill 2014 the member for Tweed said that the Australian Labor Party had flip-flopped. When in government I remember that my former boss used to say he did not want to introduce legislation that had to be amended too many times. He always felt uncomfortable when he had to do that. It was not pleasant, particularly for government staffers because normally they were on the receiving end of his wrath.

The Government has amended this legislation on several occasions so it is hypocritical for Government members to say that Labor is flip-flopping. The member for Baulkham Hills talked about hypocrisy but it is laughable for the member for Tweed to say that Labor is flip-flopping on legislation introduced no more than a month ago that already has been amended by the Government. Labor made its position clear early in the Christmas break when the Leader of the Opposition developed the Drink Smart, Home Safe policy aimed at tackling alcohol-related harm. I wish to refer to several simple, practical and useful policies that could easily get off the ground. Labor's policy is as follows: to commit to an 18-month Newcastle-style trial; to treat every

Friday and Saturday night like a major event; to establish a new independent liquor regulator; to introduce risk-based licensing fees; to introduce controlled purchase operations; to target licensees selling alcohol to minors; and to mandate the collection and reporting of alcohol sales.

In relation to this legislation Labor has foreshadowed that it will introduce amendments that are more evidence-based that have been worked through in conservative jurisdictions such as Victoria. We ask the Government to support these amendments in a spirit of bipartisanship. All members of Parliament do not want this violence to continue. We have a responsibility on behalf of our communities to make sure that the legislation addresses the most important aspects of what we are trying to deal with—violent offenders in our community who cause others serious harm on Friday and Saturday nights. We want to focus on legislation that does not have any loopholes or cracks that offenders can slip through. We want to target those individuals. That is why the Opposition foreshadowed it will move amendments that appear to all intents and purposes to be working well in conservative jurisdictions south of New South Wales that also are experiencing alcohol-related violence. The Leader of the Opposition has offered whatever assistance and bipartisan support he can to try to sort out this issue.

Members of the Opposition should not be accused of flip-flopping when the Government introduced legislation a little over a month ago and within a matter of days amendments had to be drafted because of the rush to get the legislation through the Parliament. The bill was not thought through and its implications had not been dealt with. Someone from the Premier's office woke up after Christmas, panicked, rang the Attorney General and said, "We need a fix." I am not stupid; I know how these things work. Government backbench members should realise that this is what happens when Ministers have not deliberated or done the necessary groundwork. Members of the Opposition will not be accused of flip-flipping as we have had a policy on the ground from day one. The shadow Minister for Health, and not the Government, asked for this Parliament to be recalled. We cut short our holiday break to come back to the Parliament to develop legislation that would work. Within a matter of days we had we legislation that was flawed and that had to be changed.

I will not have my colleagues and the Leader of the Opposition berated and called hypocrites when this Government, with all its departmental resources and expert advisers, introduced legislation that required amending within a matter of days. The Opposition quickly identified and highlighted the problems with the legislation. If Government members want to talk about hypocrites they should take a good look at themselves in the mirror. All members of Parliament want to try to reduce alcohol-related violence. We all have loved ones or young family members who frequent entertainment precincts late at night. We do not want to see anyone attacked by violent thugs. But we must ensure that we enact legislation to target those thugs. We do not want to introduce legislation that contains loopholes or that provides offenders with a way out. We need to support the victims, which is why Labor had a policy on the ground before Government members had even opened their Christmas presents.

The Leader of the Opposition and the member for Toongabbie were speaking with members of the community, publicans and other interested parties while Government members were still opening their Christmas presents. The Opposition is happy to work cooperatively and has made its position very clear on this issue. I hope the New South Wales Government takes a leaf out of our book but we will not sit back and allow Government members to accuse us of being hypocrites.

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

CRIMES (ADMINISTRATION OF SENTENCES) AMENDMENT BILL 2014

REAL PROPERTY AMENDMENT (ELECTRONIC CONVEYANCING) BILL 2014

Messages received from the Legislative Council returning the bills without amendment.

ACTING-SPEAKER (Mr Lee Evans): Order! Government business having concluded, we will now proceed with private members' statements.

PRIVATE MEMBERS' STATEMENTS

WESTERN SYDNEY AIRPORT

Mr DAVID ELLIOTT (Baulkham Hills) [6.01 p.m.]: I had planned to dedicate my private member's statement to some volunteers and worthy events in my electorate over the past couple of months but after

question time today, and particularly in light of the attitude of the Leader of the Opposition, it is more appropriate that I speak about Sydney's second airport. First, I remind the House of what the Premier said yesterday:

I also welcome reports that the Federal Government is considering doing something equally important if it is to proceed with a Federal airport—that is, put money into infrastructure to support that airport.

Those were his comments, and I put aside the waffle and tripe we heard today from Opposition members. With that comment in mind, I speak at the request of a growing number of business leaders and constituents in the Baulkham Hills electorate who have been encouraged by the recent discussions about identity, growth and, indeed, a potential airport for Western Sydney. For too long many who have hailed from this important region have felt that our home has been treated as convenient suburban sprawl. That was certainly the attitude of former Premier Bob Carr to the Hills. In 1985 he promised a north-west rail line but my constituents have had to wait for Premier O'Farrell to construct the rail line.

Western Sydney is more than that. It has its own identity, needs, aspirations and economy. With a gross domestic product larger than that of Singapore, Western Sydney deserves the infrastructure investments that are sorely lacking after years of Labor neglect. Of particular interest to contemporary decision-makers at all levels of government is the fact that the Western Sydney region is no longer made up of the politically bland Labor loyalists who were apparent during the Hawke-Wran era. The Hawke Government gave Western Sydney the M7 Motorway and the O'Farrell Government is delivering to the region the South West Rail Link, the North West Rail Link and WestConnex. However, more could be done. It is time for Western Sydney to spread its wings.

An airport is a natural fit for Western Sydney because it has the space, skilled labour and political will so rarely found in one place. Past governments have used Western Sydney simply as a source of tradesmen and cheap land for the building of warehouses and light industry, yet it is home to some of this nation's most historic sites. I instance the site of the first convict rebellion at Vinegar Hill, now Rouse Hill, Old Government House, the first convict farm at Old Toongabbie, Australia's oldest house at Rosehill, once owned by John and Elizabeth Macarthur, and the Macquarie Arms hotel, Australia's oldest pub, which has operated since 1815 at Windsor.

Many of our greatest athletes hail from Western Sydney, although if I were to name them members may be here until Christmas. I find it appalling that only 1 per cent of the Arts budget is spent in Western Sydney. This shows the contempt that successive governments, held captive by inner-city progressives, have had for Western Sydney. Why can Western Sydney not get the five-star hotels and other opportunities offered to other international gateways? The majority of constituents with whom I met over the course of the Federal election campaign were in favour of an airport for Western Sydney and this is reflected in support from the Western Sydney Regional Organisation of Councils.

Why is it that similar-sized cities around the world, and even Melbourne, are serviced by two commercial airports but Western Sydney cannot capitalise on the potential for growth? Even Newcastle and the Gold Coast each have an international airport yet Western Sydney, with a population of double the combined population of Newcastle and the Gold Coast misses out. Thanks to the foresight of John Howard and Premier Barry O'Farrell, Western Sydney is now the infrastructure capital of Australia and we have never been better prepared for an international freight and commercial aviation hub. An airport cannot be known as the greatest infrastructure program Western Sydney never had, and I am pleased to see that the Federal Government is making significant steps towards the construction of a second airport in Western Sydney. I repeat that the Premier has said that it needs to put money into supporting the infrastructure for that airport.

But, of course, we run yet again into the Leader of the Opposition, who wants to make a political issue out of this. The man who was missing in action as a member of the WorkCover board is again missing in this important debate about Western Sydney. It is common knowledge that he is too scared to be part of the debate and is using it as political leverage. Members opposite promised the world when it came to infrastructure for this State but in 16 long and difficult years delivered three-fifths of nothing. Now in opposition they cannot even bring themselves to be part of the vision. Rather than shoring up his own job, the Leader of the Opposition and his cohorts should be out campaigning and asking the Federal Government to provide us with the necessary infrastructure to ensure that we obtain this airport. Although I acknowledge that aviation policy falls within the Federal jurisdiction and the Premier has reminded the Commonwealth that it has the responsibility to develop and finance this particular project, I call on the Commonwealth to make the necessary arrangements to guarantee Western Sydney's future. It is important for my region to be given every opportunity to grow its economy, workforce and significance. [*Time expired.*]

BUILDING MULTICULTURAL COMMUNITIES PROGRAM

Ms TANIA MIHAILUK (Bankstown) [6.06 p.m.]: This evening I speak about drastic cuts to the Building Multicultural Communities Program made by the Federal Liberal Government that directly affect Bankstown residents. About 130 projects have been cancelled across New South Wales, despite the fact that the groups involved received a letter from the Labor Federal Government in mid-2013 stating that funding would go ahead. Worthy groups in the wider Bankstown area have been disadvantaged to the tune of about half a million dollars. A \$150,000 grant to build amenities at Jensen Park, a crucial hub for the sporting community in the area, has been cut. More than \$152,000 in funding to the Bankstown Multicultural Youth Service for basics such as desks, chairs and a computer has been cut. Another \$250,000 in funding for the Metropolitan Migrant Resource Centre and United Muslim Women's Association, which both service the region, has been cut. I have named just a few organisations affected. How are these groups, which span the breadth of the social spectrum, supposed to find that amount of money on their own?

The O'Farrell Government must now guarantee that these valuable community amenities are not left short of vital funds because of the Federal Liberal Government's decision to renege on the previous Labor Government's commitment. In doing away with funding for the Building Multicultural Communities Program, the Abbott Liberal Government has refused to honour contracts for projects signed off before the last Federal election. The Bankstown community is one of the most multiculturally diverse regions in the State and requires these organisations to remain functioning as a matter of course. They are essential to the welfare and security of the area; they are not a negotiable asset to be bargained away as a cost-cutting exercise. The New South Wales Government must now stand up and cover the shortfall of its Federal counterparts and support these important programs, which amongst other things promote a sense of social inclusion, especially in a community as diverse and multicultural as Bankstown.

The Federal Liberal Party's decisions will cut to the very core of the Bankstown electorate in areas that are valuable to the day-to-day functioning of its residents. New infrastructure, equipment and capital works for the area are now under a cloud and the scope of these organisations' reach will be dramatically reduced. The former Federal Labor Government had the foresight to provide one-off funding to these organisations—they are not-for-profit organisations—and local government authorities to provide services and key support to community groups for projects that enhance multicultural community spaces through infrastructure, equipment and capital works. This program was designed to empower communities to embrace the benefits of multiculturalism and to maintain cohesive and socially inclusive neighbourhoods. As stated by the former Federal Labor Government, the funding was intended to provide an opportunity for Australians from all backgrounds to come together for activities, programs and events while promoting a sense of belonging for Australians of every race, culture and religion.

Where the Federal Liberal Government has fallen down on a promise to the people of New South Wales, I hope that the O'Farrell Government will step in and make the commitment that its Federal counterpart failed to keep. I implore the O'Farrell Government to cover this funding deficit. Those groups already operate on a shoestring budget and often are raising their own funds to cover any shortfalls. It should be a matter of course that any commitment made for the betterment of the people of Australia, whether it involves a multicultural community or otherwise, is cast in stone. It is up to the O'Farrell Government to make up for the shortcomings of its Federal counterpart. If this is not seen as a priority for the New South Wales Government, then Premier O'Farrell does not have the best interests of the multicultural community in mind.

CLARENCE ELECTORATE COMMERCIAL FISHERS

Mr CHRISTOPHER GULAPTIS (Clarence) [6.10 p.m.]: I support the commercial fishers in the electorate of Clarence. They have done it extremely tough over the past few years with successive floods depleting catches and severely reducing their incomes. They are also facing an uncertain future as a result of the imminent restructuring of the industry. They have good reason to be suspicious of governments with members the likes of former fisheries Ministers Eddie Obeid and Ian Macdonald directing their future. I assure the fishers in my electorate that I will stand up for them and their industry as the restructure progresses and ensure that their livelihoods are at the forefront of any discussions I have with the Minister and the department.

The Clarence fishery is one of the largest and most important fisheries in New South Wales. It is a diverse fishery with a large number of estuary fisherman as well as a large ocean fleet. The catch is varied and includes the famous Yamba king prawn as well as river schoolies and other shellfish in addition to a wide range of fish and eels. The seafood is fresh and of a very high quality. The Clarence River Fisherman's Co-operative

provides more than 25 per cent of the fresh seafood sold at the Sydney Fish Market. In addition to being the pivotal market for the local industry, it also provides more than 65 full-time and part-time jobs for local people. Equally important as the jobs provided by the industry is the fact that they produce fresh high-quality seafood.

I can attest to the quality of the seafood because just last weekend I enjoyed fresh local whiting fillets, lightly crumbed and deep fried, and they were delicious. I also had freshly caught number two schoolies, which are abundant at the moment and very cheap at \$12 for two kilograms. Unfortunately, this is symptomatic of the industry: There either is very little catch and incomes are down or there is oversupply, prices are low and incomes are down. However, let us not forget that without such an industry we will be confined to eating imported fish, such as basa and Nile perch fillets, which taste like soggy cardboard except with less nutritional value than cardboard. Instead of enjoying the world-renowned Yamba kingies with a beer, we will be stuck with imported vannamei prawns that taste like—well, I cannot say what they taste like.

ACTING-SPEAKER (Ms Melanie Gibbons): No, you cannot.

Mr CHRISTOPHER GULAPTIS: Members know what I mean. No amount of garlic or chilli can mask the taste. The fishing industry is under constant threat from exclusion zones and from cheap imported seafood. Let us not forget that 85 per cent of our seafood is imported. Our fishing industry is threatened by overregulation as a result of poor government decisions made in the past. Understandably, the commercial fishers are concerned about the current restructuring. Just prior to last Christmas, I met with approximately 40 estuary fishermen in my electorate. The typical story I am told is that they are generally a small business, a sole trader, and that their average income in a reasonable year is approximately \$60,000. However, they have not earned as much as that over the past few years because of successive years of flooding. Their licence fees are approximately \$6,000, which is 10 per cent of their gross income, and that does not include their operating costs, such as fuel, boat and vehicle registration, and so on.

They informed me about the many rumours circulating within the industry that they will be required to purchase additional shares at a cost of approximately \$50,000, which will not result in their catching more fish and will not increase their income to the amount they currently earn. Nor do they believe their businesses will be worth any more than they are worth now. Another rumour I was informed of is that the number of days on which they can fish will be significantly reduced. Such a move also will reduce their incomes and will make fishing unsustainable for many of the fishermen in my electorate.

I have raised these concerns with the Minister and the department, and will continue to do so. It is important that the fishing industry is fully briefed on the proposed restructuring rather than the process being subverted by rumours. I understand that the industry is disparate, that fisheries differ across the State and that there is essentially no peak body to represent them. I assure those involved in the industry that I will continue to work on their behalf to make the industry sustainable, but not at the expense of the hardworking fishermen in my electorate.

FEDERAL GOVERNMENT EDUCATION FUNDING

Mr RYAN PARK (Keira) [6.15 p.m.]: Recent data released by the Parliamentary Library's research service—which I commend and encourage all members to engage with—shows some very interesting figures for the electorate of Keira. The most interesting fact is that my electorate now employs more people than any other electorate bar one—it is No. 2 on the table—in the education sector. From memory the other electorate is inner-city, although I stand to be corrected. That is a startling revelation that I will discuss in the context of the reforms that are about to be debated in the Federal Parliament and the impact that the Gonski reforms will have on the electorate of Keira.

With so many people being employed in the education sector it means that an equivalent number of people take a significant interest in reforms that hopefully will be funded in the upcoming May budget. Every member of this House breathed a sigh of relief in the lead-up to the 2013 Federal election when the current Federal Minister stated very clearly that irrespective of the political party for whom people voted—Liberal or Labor—they would receive the same deal in relation to Gonski funding. As an educator and as someone who has completed both an undergraduate degree and a postgraduate degree in education, that was a very big relief to me because I felt that schools in my electorate would receive the funding they desperately need.

This is a once-in-a-lifetime opportunity. Experts have been engaged and a consultation process has been worked through. In the lead-up to the 2013 Federal election, the joint position adopted by the current

Federal Government was that no matter which way people voted, the Gonski report would be implemented equitably. We are now months away from the introduction of the most important Federal budget in the past decade. This year's Federal budget will indicate whether the fifth year in the Gonski six-year funding cycle will be fully funded. Why is that important to my electorate? Like so many electorates, the electorate of Keira has a diverse range of schools, students and family backgrounds as well as a very strong link to education. I have never seen any other issue played out as strongly as this issue within the community. It is receiving passionate support across all political levels, regardless of the education sector in which people have their children, regardless of their voting patterns and regardless of where they live. They all believe that this is an opportunity for a once-in-a-lifetime reform and a once-in-a-lifetime change in education.

We are now just a couple of months away from the budget and details about the fifth year of implementation of the Gonski report, which is one of the most important years. The fifth and sixth years of the implementation of the report will absorb approximately 70 per cent of the funding. In May we will see whether the Federal Government is truly committed to keeping the promise that it made in the lead-up to the last election. I am urging this Government not to wait until May. I am urging the Minister for Education to ensure that his rhetoric and strong support of Gonski—for which I have written to him and said well done—needs to manifest itself in telephone calls, meetings, action, trips down to Canberra, or whatever it takes to make sure the Federal Coalition Government understands clearly that New South Wales expects Gonski to be fully funded in the upcoming May budget.

PORT MACQUARIE ELECTORATE COMMUNITY BUILDING PARTNERSHIP GRANTS

Mrs LESLIE WILLIAMS (Port Macquarie) [6.20 p.m.]: I am pleased this evening to talk about a number of community groups in my electorate, all of which have been beneficiaries of the New South Wales Government's Community Building Partnership grants. The New South Wales Community Building Partnership program aims to provide improved community infrastructure and encourage the enhancement of local community-based activities that create more vibrant and inclusive communities. The Government provided \$300,000 for the Port Macquarie electorate each year and I was pleased that there were more than two dozen applications for funding assistance from various community organisations from Harrington to Port Macquarie.

The Camden Haven Surf Life Saving Club successfully applied for a Community Building Partnership grant and received \$28,495 for an all-terrain vehicle. Finally, the trusted tractor will be replaced by a modern, easy-to-drive and adaptable vehicle which, not surprisingly, goes a little faster than its predecessor and is, therefore, much more effective and efficient in transporting equipment to the beach and importantly will save vital minutes if required for a rescue. I was delighted to hand over the keys to club captain, Glen O'Brien, a few weeks ago to the applause of members and many very excited nippers who were ready for their Sunday lifesaving activities. I declined to have a drive of the new vehicle and instead went as a passenger on a ride down the beach.

The Camden Haven Surf Life Saving Club is going through a revitalisation thanks to some new faces on the executive committee who have effectively partnered with senior and experienced club members, resulting in a marked increase in membership, particularly nippers. I look forward to attending their annual presentation night in May and having the opportunity to congratulate all club members, as well as award winners, on a very successful year. The Camden Haven Chamber of Commerce was also a successful applicant, receiving \$14,500 to improve toilet facilities at the iKew Centre, which is a fantastic facility that has been resurrected by the chamber thanks to its determination and unity combined with the support of dozens of volunteers. I congratulate the chamber on the success of this venture and look forward to supporting it as it continues to make improvements to a facility that has proven to be a very popular stopover for tourists travelling up and down the Pacific Highway.

I also take this opportunity to congratulate the chamber on its most recent initiative, an initiative of the Economic and Social Strategy Committee. As the local media said, "The community is buzzing about the plans to bring focus to the Camden Haven." The plan, which will be discussed in detail at a community meeting tonight, sets about highlighting community assets and the natural beauty of the Camden Haven with a beach-to-beach walkway and cycleway, and a community assets program. The chamber invited all community members and business owners to participate in an open meeting at the Laurieton United Services Club this evening with a view to determining the future direction of the Camden Haven. I am disappointed I am unable to join chamber president, Gary Carpenter, and his team tonight, but I look forward to a detailed report from my staff member Terry Sara who will attend on my behalf.

I am a proud member of Rotary and I am even prouder of the current major project of the Rotary Club of Port Macquarie Sunrise. The club has had two consecutive years of success when it comes to Community Building Partnership grants for its Tacking Point Lighthouse Project. In 2012 it received almost \$30,000 from this funding stream and last year triumphed again with a further \$28,400 to continue with another stage of the project. Last week I called in to the work site to inspect the progress of this excellent initiative, which will culminate in the construction of a timber viewing platform, walkway, stairs, interpretive signage and improved parking. Built in 1887 it is one of the oldest working lighthouses in Australia and the Tacking Point headland is one of the most visited sites in the Port Macquarie region.

Next Wednesday I will accompany Treasurer Mike Baird to the project site at the lighthouse so that he can see firsthand the enormous benefits of the Community Building Partnership program. It is a program that has demonstrated benefits that extend past the applicants. The beneficiaries include the wider community, volunteers, local businesses and the local economy as well as visitors to our iconic area. Another successful applicant was the Harrington Men's Shed, which received \$25,000 for a concrete slab in 2012, and \$25,000 in 2013 to purchase and install a kit shed. I am looking forward to attending the first concrete pour next month.

The Port Macquarie Rowing Club received \$19,819 to purchase a rowing boat trailer. Finally, I was recently on Lord Howe Island which is celebrating its success in Community Building Partnership funding for an expansion of the kitchen. The next round of Community Building Partnership grants will open in June and I am already contacting local groups to urge them to apply for funding to improve facilities whether they be in the area of sports, culture, education or the arts.

Mr DARYL MAGUIRE (Wagga Wagga—Parliamentary Secretary) [6.25 p.m.]: I congratulate the member for Port Macquarie on the report she has just delivered to this House. It is wonderful to see a community that is prospering from Community Building Partnership grants. I am delighted to hear of the involvement of the local member across every aspect of her community. Quite clearly there are strong partnerships between the member for Port Macquarie and the organisations she mentioned. The Community Building Partnership is delivering benefits across the State and we are delighted to hear members reporting to the House on the success in their electorates. We wish the successful groups well.

CANNES RESERVE RESTORATION

Mr ROB STOKES (Pittwater—Parliamentary Secretary) [6.26 p.m.]: Pittwater is a turquoise place, a blending of a green and silver-grey tree canopy sheltering homes for people and a vast diversity of native animals, and of yellow sand fading to blue-green seas on either side of the scalloped ancient spine of sandstone that stretches from the lagoon at Narrabeen to the light station at Barrenjoey. It is a dazzling place celebrated by artists such as Max Dupain and Arthur Murch, and authors such as Susan Duncan and Malcolm Knox. It is an alluring place that has attracted visitors from across the world and is protected by a proudly parochial population incredibly defensive of the natural environment that remains the heart and soul of the string of settlements that nestle into the coastal valleys and floodplains between the bays of the Pittwater and the beaches of the ocean.

Pittwater is characterised by one of the unique features of Australian cities, the natural areas that remain right in the middle of suburban development due to inaccessible topography, benevolent landowners, forward thinking administrators or simply by surveyor's error. If managed wisely, these natural places, some literally pockets of land, provide important sanctuaries for native wildlife, precious reminders of landscape past, and playgrounds for local families and visitors; a locus of community. If supported by local residents the benefits of such parkland can be vastly extended by maintaining and restoring natural bushland on surrounding private lands to connect reserves through unbroken canopies of spotted gum.

Yet, left untended these pocket parks can become rancid weed-infested hellholes, welcoming to none except feral predators and posing a real safety risk to local residents, becoming a no-man's land of emptiness in a city starved of space. If pocket parks are unsupported by surrounding residents, escaped weeds and unrestrained pets can ravage what nature is left. While the Pittwater peninsula has become closely settled over the past 50 years, there remain many pockets of natural bushland, some larger and in generally good health, others small and weed infested. Together local bushcare groups and Pittwater Council work hard to restore and maintain the local bushland reserves.

However, one reserve in desperate need of restoration is Cannes Reserve in Avalon. At the urging of neighbouring residents, at their wits end from the noise and smell of excrement from the colony of grey-headed flying foxes living in the reserve, I visited this tiny corner of Avalon and was dismayed by the degradation of

what should be a sylvan place. Vast privet trees tower over an assortment of decaying banana and exotic palms, with bits of wandering jew visible in the gloomy undergrowth, all under a shroud of morning glory, balloon vine and black-eyed Susan. The stench of bat urine, decay and putrefaction was suffocating and the noise of screeching flying foxes was, quite simply, deafening. It was incredible to think that 14 families have to put up with this mess every day and night.

While it takes a lot of imagination, it would not be too expensive or too difficult to fix Cannes Reserve. It is a task surely not beyond the wit of man. While the flying foxes have clearly killed a number of precious native trees, part of the littoral rainforest and Pittwater spotted gum forest, listed as endangered ecological communities under the Threatened Species Conservation Act, the reserve does contain a significant stand of cabbage tree palms and eucalypts that could form the heart of restored and rejuvenated parkland. There are a few things that the council, as the land manager, needs to do and I am pleased that it is committed to this end, such as, remove weeds, in particular the large stands of privet; protect and improve the viability of the littoral rainforest and the spotted gum forest which, as I have mentioned, are endangered ecological communities; and improve the pedestrian access between Terry Street and Cannes Drive, which has disappeared under a tangled mess of undergrowth. The pedestrian access provides an important link for local residents. Residents also need to work to define their own boundaries and to clear noxious weeds on their properties.

I appreciate that some of these actions might disturb the flying foxes that are part of the reserve and that contribute to its character. The flying foxes are an important part of the ecosystem due to their role in pollination and seed dispersal. However, we should remember that other endangered flora and fauna also need to live in the area, together with the local residents. The local council obtained expert advice from Tim Pearson from Macquarie University and John Martin from the Royal Botanic Gardens. They looked at various options in relation to moving the flying foxes; however that would be a hugely expensive experiment that may not work. The noise, stench and mess could surely be mitigated by strategic and sustained bush regeneration to make Cannes Reserve a great piece of a puzzle of parks that make Pittwater such a wonderful place to live and to visit. It would be crazy and deeply ironic if unnecessary green tape, designed to protect one species should get in the way of protecting and enhancing the environmental integrity of the whole place.

BANJO PATERSON FESTIVAL

Mr ANDREW GEE (Orange) [6.31 p.m.]: On 17 February 1864 an Australian icon was born at Clifton Grove in Orange. I am speaking, of course, of Banjo Paterson. Between 7 and 17 February this year, Orange celebrated the 150th birthday of the great Australian poet by holding the Banjo Paterson Festival. Banjo Paterson was born on a property called Narrambra at Clifton Grove, north of Orange. During his childhood he lived for a time at Buckinbah Station, a property near Yeoval. The homestead Narrambra is not far from the homestead of another favourite son of Orange, the great Russell Turner.

The Banjo Paterson Festival consisted of a number of significant events, including the night markets, held at Robertson Park in Orange and attended by 2,500 people. Other events were Poetry in the Park and art exhibitions. A permanent "Banjo" display at Yeoval was organised by Alf and Sharon Cantrell—"Banjo Paterson ... more than a poet". It was a wonderful exhibition that was officially opened by Tim Fischer, the former Deputy Prime Minister of Australia. It was a wonderful time for Orange. Other highlights included the opening of Emmaville Cottage on 16 February, a small cottage from the original Narrambra homestead. The cottage is believed to have come from San Francisco and is one of the first structures built in Orange. The Rotary Club of Orange moved it to the Orange Botanic Gardens and restored it. A \$15,000 grant from the State Government's Community Building Partnership was made towards its restoration. Descendants of Banjo attended the opening of the cottage, including Anthony Barton who spoke about Banjo's grandmother Emily—the greatest influence in Banjo's life. Anthony spoke at the dinner on the night following the opening of the cottage.

The Banjo Breakfast, organised by the Orange and District Historical Society, was held on 17 February. The leading lights of the historical society include Phil Stevenson, the president, ably supported by a strong team. He was present at the opening of Emmaville Cottage. Each year since 1990 the members of the Orange and District Historical Society have braved the cold and windy weather to hold a breakfast at the birth site of Banjo Paterson. The official birthday dinner was attended by the New South Wales Governor and national treasure, Her Excellency Professor the Honourable Marie Bashir. Jack Thompson was also present, delighting the assembled crowd with his reading of three poems. He also conducted a poetry reading at the Orange Civic Theatre, which was sold out. People came from Queensland, Victoria, Sydney and from all over Australia to join in the celebrations of Banjo's birth.

I congratulate the Banjo Paterson Festival Committee, which included representatives of the Rotary Club of Orange, Taste Orange, the Orange and District Historical Society, Orange City Council, Cabonne Shire Council, Millamolong Polo Club, ABC Radio and the Yeoval Historical Society. The Banjo Committee members included Len Banks, Alf Cantrell, Brooke Daniels, David Williams, Elizabeth Griffin, Glenn Mickle, Jane Arnott, Lynette Hawkes, Mel Ashton, Mick Doyle, Reg Kidd, Sharon Wilcox and Charlotte Gundry. I pay particular tribute to Rhonda Sear and her hardworking team at Taste Orange, which included Jane Arnott and Karina Gowen. Rhonda and her team toiled tirelessly behind the scenes to make the festival a reality. Next year promises to be bigger and better. The area has a rich Banjo Paterson history. Stuart Town, just north of Orange, was once known as Ironbark's the home of the man from Ironbark. It is appropriate that I should conclude with a verse from *Clancy of the Overflow*:

*And the bush hath friends to meet him, and their kindly voices greet him
In the murmur of the breezes and the river on its bars,
And he sees the vision splendid of the sunlit plains extended,
And at night the wond'rous glory of the everlasting stars.*

Happy birthday, Banjo Paterson—150 years. Next year will be even bigger and better.

NOBBYS HEAD LIGHTHOUSE

Mr TIM OWEN (Newcastle) [6.36 p.m.]: There are few more iconic sights in Newcastle—or in New South Wales for that matter—than Nobbys Head Lighthouse. Established in 1854—just 10 years prior to Banjo Paterson's birth—the present lighthouse was only the third lighthouse built in New South Wales after the Macquarie Light, built in 1818 and the Hornby light, built in 1858. Nobbys Head Lighthouse is an historic link to Newcastle's colonial past and a telling reminder of the vital role Newcastle harbour has played in our State's past and will continue to play in its future. The image of Nobby's Head Lighthouse is synonymous with the Hunter region. I am grateful that the Government has committed to forming a partnership with the not-for-profit community to beautify Nobbys headland.

Last week I welcomed Attorney General, and Minister for Justice Mr Greg Smith to Newcastle where he announced an alliance with the not-for-profit community improvement organisation Newcastle NOW. Under the partnership, offenders on community service orders and intensive correction orders within the Hunter Community Corrections division will work at the headland under strict supervision to restore the three lighthouse cottages. Their work will include cleaning, repairs and refurbishing kitchens, bathrooms and flooring. Mr Smith said offenders deemed suitable for community service orders may be sentenced to perform up to 500 hours of unpaid work in the community, providing services to local communities.

The orders are administered by staff from the Hunter Community Corrections office who allocate work with voluntary community organisations, including services to the sick, and elderly, as well as in environmental projects such as Nobbys. Offenders are screened and fully supervised. The Attorney General said this type of program may be used to enhance other sites across Newcastle, but it was appropriate that Nobbys was the first location, given the special place it holds in the hearts of all Novocastrians. While Nobbys is presently open to the public on only Sundays, Newcastle NOW Chairman, Edward Duc, said that following the restoration it will open immediately on Saturdays as well and possibly seven days a week in the future. Mr Duc said the first building to be refurbished would be the former lighthouse keeper's cottage, where it is hoped the kitchen facilities may be used at some stage for a cafe that would boast some of the most spectacular ocean views in the world. All money made from the cafe would go back to the community by having the site open to the public as often as possible.

The project will enable Newcastle to begin capitalising on the endless tourism opportunities that a landmark like Nobbys lighthouse offers, including the possibility of one day offering overnight accommodation in the three cottages. The O'Farrell Government has recognised the long-term value of Nobbys Lighthouse to the people of Newcastle by not including it in the Newcastle Port lease. Newcastle NOW has acknowledged the support provided by the Newcastle Port Corporation and other government agencies in keeping the lighthouse in community hands. So far, half of the old signal master's cottage has been restored and an historical photographic display has been unveiled. I am told the display has been popular and more and more people are making the trip to the top of the hill each Sunday. At the recent announcement of the work program I enjoyed meeting with and talking to three of the offenders who will be working at the site under Corrective Services supervision. All three had a great affection for the site and were looking forward to completing their sentences while taking part in such a worthwhile cause. One of the most satisfying aspects of this process has been witnessing the groundswell of community support for protecting and enhancing a local Newcastle icon.

More than a dozen Hunter businesses and organisations have donated their services and supplies to the project and amazing volunteers have been opening the site every Sunday for the past few months. Some of the businesses that have made donations include: Catalyst Project Consulting; Webber Architects; Denary Quantity Surveying; DeWitt Consulting; Northrop Consulting Engineers; EJE Architecture; JBA Planning; Bernard Hockings Master Builder; Dulux; Kennards; Mullane Plumbing and Electrical; and the Master Builders Association of NSW. I thank each and every person and business that has contributed to this revitalisation. We could not have done it without them. The refurbishment of the cottages is due for completion in July. I plan to be among the first people up the hill to see how great it looks.

Private members' statements concluded.

CLEAN UP AUSTRALIA DAY

Matter of Public Importance

Mr RON HOENIG (Heffron) [6.41 p.m.]: Clean Up Australia Day takes place on the first Sunday of March. This year Clean Up Australia Day was held last Sunday on 2 March. Clean Up Australia Day recognises the beauty of Australia's natural and built environment and the responsibility of each and every Australian in maintaining the vitality of our pristine natural environment. It also recognises our duty to maintain the cleanliness and health of our cities and towns across Australia not only for today but also well into the future. Last Sunday approximately 572,000 volunteers comprising children, teenagers and the young at heart took up the iconic white Clean Up Australia Day rubbish bag, put on a pair of gloves and picked up the rubbish littering local parks, bushland, riverbanks and the sides of local streets. Across Australia there were 7,140 clean-up sites. So far, an estimated 15,700 tonnes of rubbish has been removed. I say "so far" because the job of ensuring the health and vitality of our natural and built environment is ongoing.

Clean Up Australia Day is a great example of how one idea with the potential to benefit the whole community can grow into the largest community-based environmental event in Australia and, indeed, one of the largest around the world. In 1987 round-the-world yachtsman Ian Kiernan participated in the BOC Challenge Solo Round-the-World Yacht Race. He was shocked and disgusted by the amount of pollution and rubbish he encountered during his voyage whilst on board his yacht, the *Spirit of Sydney*. Spurred into action, in 1989 Ian Kiernan, with the help of his friend, Kim McKay, organised a local community event called Clean Up Sydney Harbour Day. Clean Up Sydney Harbour Day was met with enormous public support. More than 40,000 Sydneysiders participated. In 1990, the next year, Ian Kiernan and Kim McKay took their platform to the next level and co-founded the Clean Up Australia organisation.

The first Clean Up Australia Day involved 300,000 volunteers. Each year from then Clean Up Australia Day has gone from strength to strength. In the past 20 years Australians have devoted an estimated 24 million hours to cleaning up the environment and have collected more than 200,000 tonnes of rubbish along the way. In 1993, after receiving recognition from the United Nation's Environment Program, this simple idea of one Sydneysider became a global movement. An estimated 30 million people from 80 countries took part in the first Clean Up the World Day. Clean Up the World Day takes place on the third weekend of September. In 2013, which was its twenty-first year, an estimated 35 million people from 130 countries participated.

The message from Clean Up Australia Day and its global variant is simple: We all have a part to play in maintaining the health and vitality of our physical environment whether it is natural or man-made. Secondly, that responsibility is ongoing for the other 364 days of the year. Over the years Clean Up Australia has brought out other initiatives that encourage individuals to make everyday choices that are environmentally friendly. This includes the "Say NO to Plastic Bags" campaign, which is an initiative that asks shoppers and retailers to reduce the number of plastic bags handed out at checkouts. Also the "Clean Up Mobile Phones" campaign, conducted in partnership with the Aussie Recycling Program, provides facilities for Australians to safely dispose of old mobile phones. From its inception in 1989 until 26 years later, Clean Up Australia has certainly embedded itself in the consciousness of Australians. Along the way it has become a global phenomenon. Clean Up Australia Day shows how a simple idea can spread throughout a community and amongst communities around the world for the benefit of all.

Mr BRUCE NOTLEY-SMITH (Coogee) [6.46 p.m.]: Everybody can participate in Clean Up Australia Day, including individuals, communities groups, businesses and schools. Each year Clean Up

Australia Day is held on the first Sunday in March. This year it was held on Sunday 2 March. Business Clean Up Day is held on the Thursday prior to Clean Up Australia Day. Businesses that participate in the day are doing their part to promote a clean, healthy and sustainable environment. It is also a fantastic opportunity for businesses to be seen as community leaders and to engage their staff, customers and local community members. Previous Business Clean Up Days have proven to be excellent team-building events and they are great for staff morale. Since 1992 school communities across Australia have demonstrated their support for caring for the environment by participating in Schools Clean Up Day, which is held on the Friday prior to Clean Up Australia Day. I have attended a few of those days at local schools in the Coogee electorate.

The mission of Clean Up Australia is to work with communities to inspire, clean up, fix up and conserve the environment. It is a simple concept that has become a national and international success story. It is simple to participate. All people have to do is select a location they think is in need of cleaning up and register it as a Clean Up Australia site. The next step is to promote the site to friends, family and colleagues. Clean Up Australia provides the clean-up kit, which includes the gloves, bags and safety checklist. Last weekend Rebecca Cartright, secretary to the Party Whip, went out with her gloves and bag and assisted the member for Vaucluse at a Clean Up Australia Day site. She collected a huge bagful of rubbish, and good on her for doing it. Another option people can take to participate in Clean Up Australia Day is to volunteer at a registered site. All sites can be found on the website in the lead-up to the day.

Since the national event started in 1990 Australians have donated more than 24 million hours towards caring for the environment through Clean Up Australia Day. An estimated 288,650 tonnes of rubbish from 145,750 sites across the country has been removed from the environment. This year hundreds of thousands of Australians once again made Clean Up Australia Day an outstanding success. So far this year it is estimated that 572,000 volunteers have removed 15,700 tonnes of rubbish at 7,140 sites across the country. Volunteers cleaned up their local parks, waterways, beaches, sporting fields, bushlands and roadways, taking care of the local environment that is important to them, their families and to all of us. In New South Wales there were 2,994 registered sites attracting an estimated 232,000 volunteers that removed more than 6,000 tonnes of rubbish. Clean Up Australia Day is a great community event that brings together family, friends, neighbours, teammates and colleagues for a great cause. There is no other event like it in the Southern Hemisphere. The people of New South Wales and Australia can be proud of their achievements.

The support for this event continues to grow across the country as communities become more aware of the importance of protecting their local environment. Clean Up Australia Day is made possible every year with the support of all sectors of the community—councils, corporate organisations, local business and, most of all, volunteers who work tirelessly to make the event a success. As demonstrated again this year, volunteers continue to find a staggering number of cigarette butts—shame!—and recyclables such as glass, plastics and paper rubbishing our parks, beaches, waterways and roadsides. Around 80 per cent of the rubbish collected each year is recyclable. Clean Up Australia Day encourages all Australians not to litter and to pick up carelessly discarded rubbish. It encourages individuals, communities and businesses to take responsibility for their local environment every day of the year. The Clean Up Australia Day Rubbish Report is generated from site clean-up reports and can be found online listing a range of items collected. Clean Up Australia Day is a commendable and terrific Aussie initiative.

Ms ANNA WATSON (Shellharbour) [6.51 p.m.]: It is a pleasure to speak about Clean Up Australia Day. In 1989 an average Australian bloke had a very simple idea to make a difference in his own backyard—in Sydney Harbour, the jewel of our city. That simple idea now has become one of the biggest events on the nation's environmental calendar. It is hard to believe that the Clean Up Australia Day campaign began as the inspiration of one man, Australian builder and solo yachtsman Ian Kiernan. Being an avid sailor, Ian had always dreamed about sailing around the world. I was just discussing this with the member for Heffron and the member for Lake Macquarie. In 1987 his dream came true when he competed in the BOC Challenge solo round-the-world yacht race. He sailed the oceans of the world in his yacht *Spirit of Sydney* and was shocked and disgusted by the pollution and rubbish he continually encountered, specifically in the Caribbean.

Having waited years to see these legendary waters Ian's excited anticipation turned to anger and disappointment when he saw the rubbish, filth and pollution. This motivated him to act, which he did. Returning to Sydney Ian organised Clean Up Sydney Harbour, a community event, with the support of a committee of

friends, including his Clean Up co-founder Kim McKay. What happened thereafter is well documented and the reason we are discussing this matter of public importance tonight. Year after year Clean Up Australia Day has benefitted from enormous community input and participation. My electorate of Shellharbour talks about recycling, composting, worm farms and green cleaning, which go hand in hand. I call on the O'Farrell Government to introduce a container refund scheme for people to embrace recycling. This type of solution to pollution and litter will keep containers from spoiling our environment and provide real benefit to the community. This type of scheme works well in South Australia. I would love to see it happen also in New South Wales.

Mr ADAM MARSHALL (Northern Tablelands) [6.54 p.m.], by leave: I thank the House for giving me the opportunity to speak on this matter of public importance. I acknowledge the member for Bathurst, and Parliamentary Secretary, who is a great supporter of Clean Up Australia Day. It was interesting to hear the member for Shellharbour talk about Ian Kiernan, who, of course, is the founder of Clean Up Australia Day, which began in 1990. Ian is a very proud old boy of The Armidale School [TAS] in the Northern Tablelands electorate. No doubt, that school instilled in him the fundamental values of community service and the need for people to take responsibility for their own actions—fundamental aspects of Clean Up Australia Day. The idea is that this event need not exist if people take responsibility for their waste and actions to ensure they do not needlessly dump rubbish but instead dispose of it properly.

I am pleased to say that resulting from Ian's actions from as far back as 1990 community attitudes have changed towards littering and dumping of rubbish. Now it is very uncool and also illegal to dump rubbish but, sadly, it still occurs. I pay tribute to the significant efforts of the Glen Innes community over the weekend contributing to Clean Up Australia Day. Not only did Glen Innes Public School students and principal Sue Belford clean up their own playground and a number of other community areas, but also the Glen Innes community came together gathering at Anzac Park on Sunday afternoon to take part. They started at the pavilion at King Edward Oval and moved down to the local netball courts opposite Wilson Park. A second group led by Ky Ferris took on the popular hangout near McDonalds, which, unfortunately, along with other fast-food establishments, is the generator of much rubbish in many of our communities.

Mr Greg Piper: It is a big sponsor of Clean Up Australia Day.

Mr ADAM MARSHALL: It is, and should be. Many of our fast-food businesses are generators of much of that rubbish. They should support these community activities. I acknowledge Terry McKean, Abi Sparks, Mercurius Goldstein, Jamaica Sparks, Keleni and Blaise Grant, Geoff Black, Rob McKean, Carol Sparks, Rick and Heather Shand and Tony Grant who did a magnificent job in Glen Innes on Clean Up Australia Day to help keep that community clean. I thank the member for Heffron for bringing this matter to the Parliament. It is appropriate that we acknowledge such a worthwhile event and thank those in our community who contribute towards keeping our communities clean. I encourage people throughout New South Wales to take responsibility for their actions and keep their own communities clean.

Mr GREG PIPER (Lake Macquarie) [6.57 p.m.], by leave: I am pleased that the member for Heffron brought this matter to the Parliament. Listening to the remarks of other members, including the member for Northern Tablelands, many of us probably can relate somewhat to Ian Kiernan. He is about as Aussie as one can get after Banjo Patterson and R. M. Williams and the way that his laconic style has been embraced by the Australian population. He will go down in history as a legend and archetypal Aussie. I am proud to be able to call Ian Kiernan my mate. I have known Ian for quite some time and his link to my area goes back some years. I should like to tell the House the story of how Ian Kiernan mobilised people, grabbed their imagination and brought them together to do things in Lake Macquarie. As mentioned earlier by the member for Shellharbour, Ian Kiernan famously sailed across the oceans and saw, as do many sailors, the accumulation of rubbish, plastics and other material.

In the late 1980s a little bit of politicking was happening when he came to Lake Macquarie. The mayor at the time, Ivan Welsh, instigated a Clean Up Lake Macquarie day. Ian was sailing on the lake at the time and took note of this event, thinking it could go further. I am sure that Ian would agree because I have discussed this with him. He took the idea with him and made it into Clean Up Sydney Harbour from which we got Clean Up Australia and then Clean Up the World. Sometime in the 1990s I had the opportunity to work in Bali with some non-government organisations who sponsored Clean Up the World in that region. It is absolutely fabulous that this has affected so many people's lives and got them thinking about the environment. I pay tribute to Ian Kiernan.

I will not bring container deposit legislation into the debate, but it was touched on by the member for Shellharbour. Ian Kiernan is a great supporter of this legislation, but there are other things we can do. It is hard to imagine how our communities, our roadsides, our parklands and our waterways would look if Ian had not inspired so many people in Australia—not just individuals but organisations—to get out and do something. I was proud to participate last weekend. I joined a group from the Salvation Bay at Bonnells Bay. I thank Tim Gittins of the Salvation Army, who organised the event, and all the people who joined in around Lake Macquarie, New South Wales and Australia.

ACTING-SPEAKER (Ms Melanie Gibbons): Order! In the absence of the member for Heffron to speak in reply, the matter of public importance is now concluded.

Matter of public importance concluded.

**The House adjourned, pursuant to standing and sessional orders, at 7.00 p.m. until
Thursday 6 March 2014 at 10.00 a.m.**
