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# LEGISLATIVE ASSEMBLY

Thursday 20 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.**

### CRIMES (SENTENCING PROCEDURE) AMENDMENT (VICTIM IMPACT STATEMENTS—MANDATORY CONSIDERATION) BILL 2014

**Bill introduced on motion by Mr John Robertson, read a first time and printed.**

### Second Reading

**Mr JOHN ROBERTSON** (Blacktown—Leader of the Opposition) [10.07 a.m.]: I move:

That this bill be now read a second time.

I introduce the Crimes (Sentencing Procedure) Amendment (Victim Impact Statements—Mandatory Consideration) Bill 2014. The change I propose to make to the law today is simple but profound, that is, to put victim impact statements at the heart of our system of sentencing. If this bill is passed, judges will have no choice—they must take into account a victim's impact statement when considering what is an appropriate sentence. Let there be no doubt that it will include homicide cases. The laws in New South Wales languish behind the times and fail to meet community expectations. That disconnect was on display when Thomas Kelly's killer received a shockingly light four-year sentence. People across New South Wales reacted to that sentence with sheer disbelief when they listened to radio, watched television or checked news websites. I remember I was gobsmacked at how little worth the court appeared to place on a human life. If we allow such a decision to be repeated we risk permanent erosion of public faith in our judicial system.

The Kelly family had made a tender, heartbreaking statement to the court about the impact of having their precious 18-year-old son Thomas taken away from them. Ralph Kelly told the court that the grief of losing a son, "... never leaves. It hurls you against a wall and you're destroyed again". Kathy Kelly told the court, "Every day I'm here without my beautiful Thomas life gets more and more sad. Did I not protect him? Did I fail him?" Justice Stephen Campbell acknowledged those statements while sentencing Kieran Loveridge. I quote a relevant extract from his judgement:

I could not help noticing that when the statements were read in court many of the larger number present were moved to tears by the accounts given ...

He said further:

It also needs to be understood that I am constrained by law in the use that I make of the victim impact statements ... I am not entitled to take their attitude as to the proper sentence into account.

Today this Parliament can choose to end that. Together we can overturn the travesty suffered by the Kelly family and countless other families before them. We can address this epic imbalance; where the court is free to look at every reason to trim the sentence of a guilty defendant while ignoring the victim's story—the victim's voice. If we are truly to have a compassionate and honourable justice system in New South Wales and if we are to look back with pride in 10, 20 or 30 years on our days of work in this Chamber, the rights of victims must come first.

The purpose of this bill is to establish a clear and consistent structure for the consideration of victim impact statements. Let us look at the current law. Currently victims have the capacity to make a victim impact statement before the Local Court, District Court, Supreme Court and Industrial Relations Court in relation to indictable offences, including offences that cause injury, involve the threat or use of violence or are prescribed sexual offences. The statement is read out after a person is convicted but before a sentence is handed down. Courts are not required to consider it when determining a sentence, instead there is wide discretion. Judicial practice in this area has not always been consistent. In homicide cases the Act appears to grant a sentencing court the discretion to consider a statement from the family of a deceased homicide victim provided that it is appropriate to do so. In practice, the judiciary has interpreted this restrictively.

The Court of Criminal Appeal has consistently held in binding decisions that it is never appropriate for a court to consider a victim impact statement from a family member in a homicide case. The reason for this is that sentences for homicide offences must already take into account the value of a human life, which in effect recognises the harm caused to the victim. The fear has also been expressed that when homicide victims die without any family members who are available or willing to make a statement, there is the potential for inconsistent sentences to be imposed. This is a very real problem and, as I shall outline later, this bill introduces new measures to deal with that. It is true that under current law, even where a victim impact statement is forbidden from consideration, family members are still entitled to make one. There is no doubt that making a victim impact statement and having the opportunity to express feelings of hurt, anger and loss to an offender's face provides many victims with a measure of catharsis. At the same time many victims feel powerless. Their testimony is deadened by the knowledge that it will have no effect on how the offender will be punished, and for many this is a denial of justice.

Under the O'Farrell Government victims in this State have been given the run-around. Queensland, the Australian Capital Territory and the Northern Territory make it mandatory for courts to consider victim impact statements as part of the sentencing process, and Victoria, South Australia, Western Australia and the Northern Territory allow sentencing courts to consider statements in homicide cases. Many overseas jurisdictions, including Canada and the United Kingdom, also permit their use. It should never be forgotten that remedying this situation was one of the Coalition's flagship promises that it took to the 2011 election. I quote from a press release from the then shadow Attorney General:

The NSW Liberals and Nationals will legislate to specifically provide that courts in New South Wales may consider victim impact statements by family victims in homicide cases when determining an offender's sentence.

Unfortunately, like so many other press releases, this one got locked away in some long-forgotten cupboard. The O'Farrell Government has been in power for three years. It is a disgrace that after the hopes that were raised there has not been a scrap of action. The Premier likes to play cheap law and order politics in this Chamber for the television cameras; the reality is very different. It is the Premier's failure to deliver his election promise to legislate for victim impact statements that has denied so many families a voice. It is the Premier's inaction that has granted lighter sentences for criminals and a safe harbour for the thugs. In its three years in power this Government has shown no regard for victims. The first example was the Government's destruction of the New South Wales victims compensation scheme—slashing the entitlements of victims of horrific crimes such as homicide, child sexual abuse and domestic violence. Victims across this State have been stripped of tens of thousands of dollars and potentially left with nothing. This Liberal-Nationals Government has no credibility whatsoever in protecting victims. It never helps victims: it creates victims. That is why the Labor Opposition has introduced this important bill.

The bill proposes four powerful changes to the sentencing laws of this State. First, it will require a judge to consider a victim impact statement when determining a sentence. Secondly, it explicitly clarifies that the purpose of a victim impact statement is to assist the court in determining a sentence. Thirdly, it will overturn existing laws that prohibit courts from considering victim impact statements from family members in homicide cases. In fact, it makes it mandatory for such statements to be considered as part of the sentencing process. However, the bill will not change the current position whereby a victim can choose not to make a statement. In such instances courts will be required to respect a victim's choice not to partake in the sentencing process and will be prohibited from drawing any adverse inference if no victim impact statement has been made. These clarifications to the law are necessary.

Currently section 28 of the Act is unhelpful as to how and for what purpose a court is to consider a victim impact statement. There is a vacuum, which has been commented upon by learned figures such as former Chief Justice Spigelman and former Acting Justice Basten. This bill ends that uncertainty. In one fell swoop it will provide the judiciary with the guidance it seeks. The fourth vitally important feature of the bill is that it will

empower the New South Wales Victims Commissioner to make a community impact statement on behalf of a deceased victim if no family member is available or willing to make one. Above all, this is a safety valve against inconsistent sentencing.

The Opposition believes that there is no such thing in our society as a friendless victim. We believe that every human being, especially every victim, is entitled to dignity and the fundamental principle of equality before the law. That is why this bill adopts provisions in place in South Australia that allow the Victims Commissioner in that State to make community impact statements on behalf of victims. New South Wales already has a Victims Commissioner, and it is anticipated that this additional responsibility could be met from within existing resources. Importantly, under these changes judges will still have discretion. Judges will still be able to decide how much weight to place on a victim impact statement and they will still need to consider other factors such as an offender's record or a report from Probation and Parole. However, the Opposition believes that those who have suffered from the most heinous of crimes must be given an elevated place in the sentencing process.

Families are at the very cornerstone of our community and homicide offences have a huge impact on families. Allowing them a say will, if nothing else, assist a judge to fulfil his or her duty to consider the impact of a crime upon the community when determining a sentence. This is a considered change to the law; it is a compassionate change and it is long overdue. Too often in New South Wales our legal system has appeared to place criminals first and victims second. Today I am proud to put my name to a bill which, if passed, will guarantee all victims real and meaningful input into the sentencing process and it will not allow their testimony to be discarded ever again.

**Debate adjourned on motion by Mr Troy Grant and set down as an order of the day for a future day.**

**DEPUTY-SPEAKER (Mr Thomas George):** Order! It being before 10.30 a.m., General Business Orders of the Day (for Bills) will be proceeded with.

### **COAL SEAM GAS PROHIBITION (SYDNEY WATER CATCHMENT SPECIAL AREAS) BILL 2013**

#### **Second Reading**

**Debate resumed from 6 March 2014.**

**Mr RON HOENIG** (Heffron) [10.20 a.m.]: My contribution to the debate on the Coal Seam Gas Prohibition (Sydney Water Catchment Special Areas) Bill 2013 was interrupted by virtue of sessional orders during the last sitting week. At that time I was making a point to the House about why I respectfully took issue with the Minister for Resources and Energy and why this bill proposed by the Leader of the Opposition has merit. In the last sitting week I indicated to the House that the pressures that will apply when the liquid gas export facility at Gladstone comes online will be so great that the government of the day, whoever that might be, will assert that the immediate solution is to allow coal seam gas mining in water catchment areas. I pointed out that when that liquid gas export facility comes online there will be huge pressures on the domestic price of gas, which will impact not only on gas users but also on those businesses and interests dependent upon gas. That will then flow through to electricity prices in this State.

I did say when speaking previously, and while the member for Oatley was screaming across the Chamber, that gas prices would quadruple. I will now indicate to the House what I meant by that. The domestic gas price currently is \$3 per gigajoule. The export parity price is currently \$9 per gigajoule. So once gas can be freely and easily exported by the Gladstone facility, and given the huge demand for gas, people within Australia in the eastern gas market—which includes Queensland, New South Wales, Victoria, South Australia, Tasmania and the Australian Capital Territory—will face skyrocketing gas prices unless some urgent policy intervention takes place.

The purpose of this bill is to ensure that those pressures—when they come and the government of the day responds with the normal knee-jerk reaction when people start screaming about energy prices—will not impact on the special areas in the Sydney catchment area. When I was last speaking in this debate I drew the attention of the House to section 22 of the Sydney Water Catchment Management Regulation 2013. That prohibits fishing, swimming, camping or the lighting of fires in any schedule 1 special area. The farce of all of this is that one cannot fish, swim, camp or light a fire in these areas but one can mine coal seam gas.

The Sydney Catchment Authority is responsible for the management of the Sydney catchment. The Nepean and metropolitan special areas are both schedule 1 special areas, while the Warragamba Dam is surrounded by a schedule 1 special area close to the water and a more extensive schedule 2 special area in which is permitted a wider range of activities and access by the public. Those areas are currently covered by coal seam gas exploration licences. With respect to whoever issued those licences, I suggest that that has occurred in error. The Sydney Catchment Authority has raised serious concerns about the opening up of the special areas to coal seam gas mining. Mr Mark Bethwaite, Chairman of the Sydney Catchment Authority board, recently stated:

Given the real and potential risks to the Special Areas and Sydney's water supply, Sydney Catchment Authority's strong position is that coal seam gas activities should be excluded from the Special Areas.

I pointed out to the House when I spoke in this debate during the last sitting week that the Chief Scientist and Engineer of New South Wales cannot tick off on the mining of coal seam gas. Whilst everyone in this Parliament understands the pressure on the supply of gas, it is the protection of Sydney's water supply which has to be absolutely paramount. Vested interests should not be allowed to override the protection of our water supply. This bill is a genuine attempt to protect those special areas and it should be viewed that way by the Minister for Resources and Energy. This is not a political stunt; it is something that needs to be put in place now. The current restrictions, which the Minister asserts are somehow best practice, were a political solution devised in response to pressure the Government was under last year when the restrictions were introduced.

**Mr RYAN PARK** (Keira) [10.25 a.m.]: I acknowledge the presence in the gallery today of representatives from the Stop CSG! Illawarra community group. It gives me great pleasure to support this very important bill, the Coal Seam Gas Prohibition (Sydney Water Catchment Special Areas) Bill 2013, which was introduced by the Leader of the Opposition. Just over three years ago, in October 2010, I was preselected to contest the seat of Keira. In my first week in that role I made it very clear that I had significant concerns about the approach taken by the Labor Government to coal seam gas in the water catchment area, particularly in the escarpment above the Illawarra. I made that clear from day one. I said it publicly and I said it privately. When I came into this place I also made it clear to the Leader of the Opposition and to shadow Cabinet at the time that I remained very concerned about this issue. It would have been easy for John Robertson simply not to engage in this debate. It would have been easy to say, "We got it wrong and we probably do not want to talk about it too much in opposition." That would have been easy. It would have been easy simply to allow the Government to do whatever it felt it needed to do in this space.

There has been no political mileage for people like me or the Hon. John Robertson advancing the issues that we are today in this bill. We come here today not because we really want to be here; we come here because this issue should be sorted. Should it have been sorted when we were in government? Yes. Should it have been sorted by this Government in its first three years in office? Yes. My mum brought me up with a very simple message—that is, two wrongs do not make a right. The New South Wales Labor Government got it wrong in relation to coal seam gas, particularly around water catchment areas. I made it clear that I thought it got it wrong. The Hon. John Robertson made it clear that it got it wrong. We have suffered as a result of that mistake.

I suffered an 18 per cent swing against me in the electorate of Keira. This seat which was previously held by a margin of 22 per cent is now held by a very slender margin. I know more than most that we got this wrong. I was somewhat confused when I came into this place, after seeing time and again commitments made by my local members of Parliament—the member for Heathcote and the member for Kiama—about making sure that coal seam gas exploration would not be allowed in our precious water catchment areas. I felt that they understood our mistake. I also felt that they understood the concerns of the community. I took great confidence when I read, in the first few months of being here, that the current Premier when in opposition had made a very clear commitment—there were no ifs and no buts; it was a guarantee—that coal seam gas would not be mined in our water catchment areas.

The Government has now been in office for three years, yet it has taken the Leader of the Opposition to introduce a bill to guarantee that the Government will honour an election commitment. I have never seen anything so stupid in all my life. It is astonishing that the Government would even think about opposing the bill. The Leader of the Opposition is giving the Government an opportunity to deliver on an election commitment. I have never seen anything like it. Government members are saying no; they are saying that they do not want to honour an election commitment. I say this to each and every member of the Government: From now until the end of March next year, I will make sure that every person in the electorate of Keira and the entire Illawarra knows how Government members voted today. I will make sure that every human being, every voter on the

electoral roll, knows very clearly that the Liberal-Nationals Government talks tough in communities like mine, but when it comes to honouring an election commitment it will not support the Leader of the Opposition and pass a bill that allows the Government to get out of jail with regard to coal seam gas.

This legislation is about making sure that our most precious water supplies are protected. It is not about banning coal seam gas exploration, nor is it an argument about gas prices. Ross Gittins, the economics editor of the *Sydney Morning Herald*, made it very clear that the debate that the Government is promoting is a furphy. It is rubbish. Do not take it from me; take it from Ross Gittins. He is hardly a Labor stalwart. I make this very clear: Today the Government will be voting not to protect the water catchment areas; the Government will be voting against a commitment it made to the people of New South Wales. As I have done with regard to so many other commitments that the Government has not honoured, I will make sure that the Opposition holds the Government to account. Every day from now until the end of March next year, I will make sure that communities across the Illawarra, where I am from, and across New South Wales more broadly, know how Government members voted. I will make sure that they know how the members for Heathcote, Kiama and Wollondilly voted. I am sure those members believe what John Robertson is saying, and I am sure they support it. This is their chance to argue it in the party room, just as John Robertson and I have.

We must all take our medicine on this issue and recalibrate our position to get it right. We got it wrong, and I am very comfortable in saying that. I wish we were not here debating this bill. The reality is that the Opposition has given the Government an unprecedented amount of time—three years—to honour an election commitment that it made to the people of the Illawarra and the rest of New South Wales. After three years, John Robertson has given the Government the opportunity to do this. After three years, John Robertson has made it clear that the Labor Government got it wrong. After three years, John Robertson has made it clear that he is happy to work with this Government to get better legislation to protect the water catchment. The Opposition is not waiting any longer. If we need to introduce legislation to make the Government honour an election commitment, more fool the Government. We will continue to do it. I have never seen a government brought to its knees as a result of the Leader of the Opposition being forced to deliver a bill that makes the Government honour an election commitment. I have never seen anything like that. It is very clear that this Government does not believe in anything. It does not believe in election commitments; it does not believe in protecting water catchment areas from coal seam gas exploration.

Members opposite should believe me when I say that the men and women of the New South Wales Labor Party will, over the next 12 months, make it very clear to every resident in communities like the Illawarra that we know where the Government stands on protecting the water catchment area from coal seam gas exploration. We know how Government members will vote on important legislation such as this. Two wrongs do not make a right. This is an opportunity for the Government to right a wrong.

*[Business interrupted.]*

#### **CRIMES AMENDMENT (INTOXICATION) BILL 2014**

**Message received from the Legislative Council returning the bill with amendments.**

**Consideration of Legislative Council's amendments set down as an order of the day for a later hour.**

#### **COAL SEAM GAS PROHIBITION (SYDNEY WATER CATCHMENT SPECIAL AREAS) BILL 2013**

##### **Second Reading**

*[Business resumed.]*

**Mr ALEX GREENWICH** (Sydney) [10.35 a.m.]: There is strong support for the Coal Seam Gas Prohibition (Sydney Water Catchment Special Areas) Bill 2013. Many of my constituents have asked me to vote in favour of it. The bill bans coal seam gas activity in the Sydney and Illawarra water catchment areas. Mining activities can have devastating, permanent impacts on water systems. Adjacent land is cleared and degraded, removing vital habitat for ecosystems that sustain clean and healthy water. Pollution from dust and chemicals contaminates the water, which makes it unsafe to drink and further harms the ecosystems.

In February last year, the State Government approved expansion of the Dendrobium Mine for longwall mining under 12 upland swamps within the Avon dam system, which supplies 8 per cent to 9 per cent of

Sydney's drinking water. Upland swamps filter contaminants from the water before it reaches the catchment. Subsidence and cracking caused by mining could drain and pollute these swamps. The Sydney Catchment Authority and the Office of Environment and Heritage say remediation of these swamps is unlikely. Swamps are vital to the health of our catchments and should not be put at risk. In fact, the four mines already in operation in the Sydney catchment area drain about three billion litres of water from Sydney's supply each year. Coal seam gas exploration licences also exist across Sydney's five big drinking water catchments. These should not be developed into full mines. Contaminated water stores for coal seam gas mining could burst or overflow and pollute the catchments.

The Sydney Catchment Authority wants coal seam gas mining banned from catchment designated special areas because it could significantly compromise their values. It also wants to ban longwall mining near major lakes and reservoirs. Sydney's water catchment provides drinking water to 4.5 million people in the Sydney-Illawarra region. The Sydney metropolitan strategy predicts that by 2031 Sydney will need to accommodate an extra 1.3 million people. Securing a large supply of safe, clean drinking water will be essential to our quality of life. We should not risk the integrity of Sydney's water catchments for short-term mining profits. Contamination is not something that can be safely fixed. The State Government has moved to ban new coal seam gas activities within two kilometres of residential areas and has initiated an independent review of coal seam gas activities by the New South Wales Chief Scientist and Engineer.

The Government should go further and ban mining and coal seam gas activities in and adjacent to drinking water catchment areas. Our water catchments provide an essential and irreplaceable service, and any risky activity should be banned, not managed. I support the amendments proposed by the member for Balmain, which will extend the ban to include all petroleum and coalmining activities in all drinking catchments that support a population of 50 or more. Longwall mining under creeks and waterways that service the Sydney catchment area is a particular concern, with cracked riverbeds from mining activities causing subsidence that reduces the amount of clean water reaching our catchments. Mining is a heavy-duty industrial activity that has no place in the delicate ecosystems of our water supplies. I support the bill and I support the proposed amendments.

**Mr TROY GRANT** (Dubbo—Parliamentary Secretary) [10.39 a.m.]: I move:

That this debate be now adjourned.

**Question put.**

**The House divided.**

**Ayes, 54**

Mr Anderson	Ms Goward	Mr Provest
Mr Aplin	Mr Grant	Mr Roberts
Mr Baird	Mr Gulaptis	Mrs Sage
Mr Barilaro	Mr Hartcher	Mrs Skinner
Mr Baumann	Mr Hazzard	Mr Smith
Ms Berejikian	Ms Hodgkinson	Mr Speakman
Mr Bromhead	Mr Holstein	Mr Spence
Mr Brookes	Mr Issa	Mr Stokes
Mr Conolly	Mr Kean	Mr Stoner
Mr Constance	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 Evans	Mr O'Farrell	
Mr Flowers	Mr Owen	
Mr Fraser	Mr Page	<i>Tellers,</i>
Mr Gee	Ms Parker	Mr Cornwell
Ms Gibbons	Mr Patterson	Mr Rowell



**Noes, 22**

Mr Barr  
Ms Burney  
Ms Burton  
Mr Collier  
Mr Daley  
Mr Furolo  
Mr Greenwich  
Ms Hay

Mr Hoenig  
Ms Hornery  
Mr Lynch  
Ms Mihailuk  
Mr Park  
Mrs Perry  
Mr Piper  
Mr Rees

Mr Robertson  
Ms Tebbutt  
Ms Watson  
Mr Zangari

*Tellers,*  
Mr Amery  
Mr Lalich

**Pair**

Mr J. D. Williams

Dr McDonald

**Question resolved in the affirmative.**

**Motion for adjournment of debate agreed to.**

**Debate adjourned and set down as an order of the day for a future day.**

**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) [10.50 a.m.]: I move:

That standing and sessional orders be suspended to permit the consideration forthwith of the Legislative Council amendments to the Crimes Amendment (Intoxication) Bill 2014, with precedence of all other business, and for the following speaking time limits to apply:

- (1) Premier or Minister deputed—20 minutes.
- (2) Leader of the Opposition or member deputed—20 minutes.
- (3) Up to six other members—10 minutes each.
- (4) Premier or Minister deputed in reply—20 minutes.

Passage of the Crimes Amendment (Intoxication) Bill 2014 is an extremely high priority for the Government. The bill was returned from the Legislative Council a short time ago and the Government would like to deal with it today in this place as a matter of priority. I have moved the motion in order to achieve that.

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

**Motion agreed to.**

**CRIMES AMENDMENT (INTOXICATION) BILL 2014****Consideration in Detail****Consideration of the Legislative Council amendments.***Schedule of amendments referred to in message of 21 March 2014*

- No. 1 Page 3, schedule 1 [2] (proposed section 8A (1)), lines 8 and 9. Omit ", 35 (1AA), 35 (1A), 35 (2A), 35 (3A)". Insert instead ", 34A".
- No. 2 Page 4, schedule 1 [2] (proposed section 8B (1)), line 25. Omit ", 35 (1AA), 35 (1A), 35 (2A), 35 (3A), 60 (3B) and 60 (3C)". Insert instead "and 34A".

No. 3 Page 4, schedule 1 [2] (proposed section 8B). Insert after line 36:

- (5) This section does not apply to the sentencing of a person for an offence under section 34A if the court finds that a special reason exists and states the special reason. The court may find that a special reason exists if:
  - (a) the person has substantially assisted the investigation or prosecution of that or any other offence (including by a plea of guilty), or
  - (b) the person is between 18 and 21 years of age and, because of psychosocial immaturity, has a substantially diminished ability to control the person's behaviour in comparison with the norm for persons of that age, or
  - (c) there are other substantial and compelling circumstances that justify the finding (having regard to the intention of Parliament that a minimum sentence and non-parole period should ordinarily be imposed and to the cumulative impact of the circumstances of the case that justify a departure from that minimum sentence and non-parole period).
- (6) This section does not apply to the sentencing of a person for an offence if the person is not the principal offender but is liable (as an accessory or otherwise) to the same penalty as the principal offender.

No. 4 Page 5, schedule 1. Insert after line 21:

**[11] Section 34A**

Insert before section 35:

**34A Reckless grievous bodily harm when intoxicated in public and in circumstances of gross violence**

- (1) A person of or above the age of 18 years who, when intoxicated in public and in circumstances of gross violence:
  - (a) causes grievous bodily harm to any person, and
  - (b) is reckless as to causing actual bodily harm to that or any other person, is guilty of an offence.

Maximum penalty: Imprisonment for 16 years.

Minimum penalty: Imprisonment for 5 years.
- (2) In this section, *circumstances of gross violence* means circumstances that involve any one or more of the following:
  - (a) the alleged offender is in the company of another person or persons,
  - (b) the alleged offender causes the grievous bodily harm to the person after incapacitating the person or while the person is otherwise incapacitated,
  - (c) the alleged offender uses an offensive weapon or instrument to cause the grievous bodily harm to the person,
  - (d) the alleged offender causes the grievous bodily harm to the person in a random attack that was not provoked by any conduct of the person,
  - (e) the alleged offender planned in advance to engage in the conduct that caused the grievous bodily harm (being conduct that any reasonable person would have foreseen would be likely to result in actual bodily harm),
  - (f) the alleged offender causes the grievous bodily harm to a police officer while in the execution of the officer's duty (within the meaning of section 60).
- (3) If on the trial of a person charged with an offence under this section the jury is not satisfied that the offence is proven but is satisfied that the person has committed an offence under section 35, the jury may acquit the person of the offence under this section and find the person guilty of an offence under section 35. The person is liable to punishment accordingly.

No. 5 Pages 5 and 6, schedule 1 [11] - [16], line 22 on page 5 to line 34 on page 6. Omit all words on those lines.

No. 6 Page 8, schedule 1 [25], line 40. Omit all words on that line.

No. 7 Page 9, schedule 1 [25], line 9. Omit all words on that line.

No. 8 Page 11, schedule 2 [2], lines 14 and 15. Omit ", 35 (1AA), 35 (1A), 35 (2A), 35 (3A)". Insert instead ", 34A".

No. 9 Page 13, schedule 3.2 [1], lines 10 and 11. Omit all words on those lines.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Premier, and Minister for Western Sydney) [10.51 a.m.]:  
I move:

That the House disagree with the Legislative Council amendments.

This Government does not want to see more young people in hospital fighting for their lives because they have been punched. We do not want more empty talk, nor do we want to deal with circumstances after a punch has been thrown. They are not my words; they are the words of the Leader of the Opposition in December when he urged the Government to take strong action to tackle the appalling culture of drug- and alcohol-fuelled violence not only in this city but also in too many places across the State.

In January this House passed Western Australian-style one-punch laws providing that those who throw a punch that leads to death will be given a minimum mandatory sentence. Those laws were passed with the support of both sides of politics. The other half of the package that was announced in January was designed to impose minimum mandatory sentences for six serious offences to break the culture, to stop so many people being hit, hurt and injured, to take people out of our emergency departments, and, more importantly, to look after those victims and their families and to prevent such offences happening in the future. That package is now being thwarted by the State's upper House, led by the Labor Party. It is led by the same Labor Party that claimed earlier this year that it did not want to play politics with such an important issue.

As I said yesterday, politics is precisely what the Opposition is playing. Labor is siding with the thugs and, once again, The Greens are siding with the drugs. If members of the Labor Party want to make light of drug-fuelled violence, let them do so, but be it on their heads. They can pretend there is no drug-fuelled violence in this city. This Government has introduced a comprehensive package to deal with drug- and alcohol-fuelled violence. It provides penalties for one-punch assaults that cause death, but an important part of the package relates to offences that cause serious injury. It involves changes to the availability of alcohol, not only in the central business district and Kings Cross precincts but also across the State. It also involves an education campaign with Danny Green appearing in advertisements on radio, television and on the backs of taxis.

This is an important issue and one that should enjoy the support of both sides of politics. However, regrettably, when given the opportunity to front up and to listen to the community—the community that the Labor Party said it had heard in December and January—what are members opposite doing? Last night they voted to strip the legislation. Instead of six offences relating to grievous bodily harm and grievous wounding, there will be only one offence—modelled on the Victorian legislation that is yet to put one person behind bars and drafted in such a way that, as I am advised, it will be hard ever to get a prosecution. One offence gives 18- to 21-year-olds a get-out-of-jail-free card and one is drafted in a way that will give judges the opportunity to ignore minimum mandatory sentences. The reality is—as regrettably a family member of a one-punch victim was forced to tell the media this morning—that 18- to 21-year-olds are responsible. They are responsible enough to get their driving licence; they are responsible enough to be allowed to consume alcohol; and they are responsible enough to be able enlist in the defence forces and to serve this country overseas.

However, the Labor Party does not want them to be held responsible when they engage in drug- and alcohol-fuelled violence. That is why I say that those on that side of politics, the Labor Party, the Shooters and Fishers Party and The Greens—an unholy alliance, if that description ever had any application—are on the wrong side of this debate. In December and January, the Leader of the Opposition and the Deputy Leader of the Opposition were blowing long and hard about the need to take tough action. However, when the Government takes that tough action—far more than members opposite would propose—what is their reaction? When the dust settles and they move on to other issues, they will try to hide the fact that they attempted to water down and take the teeth out of this legislation. It is an absolute disgrace and it will not be forgotten.

This legislation will go back to the Upper House intact—with the original provisions in place. This State cannot afford to have the Labor model—supported by the Shooters and Fishers Party and The Greens—which looks tough and which is allegedly tough, but which is not doing the job in Victoria. We cannot afford to have the Labor model, which looks tough and sounds tough but which gives judges an opportunity not to impose minimum mandatory sentences for drug- and alcohol-fuelled violence. The Government is not prepared to put up with Labor legislation which looks and sounds tough, but which gives people—anyone, but particularly 18- to 21-year-olds—a free pass. That is why we will insist that this legislation is not amended.

One of the provisions that the Labor Party wants removed from the legislation deals with reckless wounding, which can be just as damaging and just as traumatic for the victim and their family as any other form

of assault. I will again highlight an example of a victim and an offender at a social event. The offender picked a fight, smashed a beer bottle and pushed it against the throat of the victim, threatening to kill him. The victim tried to respond and the offender then went crazy and punched and kicked the victim. The victim sustained lacerations to the vertex of the scalp; long, deep lacerations to the back of the vertex of the scalp; partial amputation of the rim of the left ear; laceration to the lower left ear; laceration over the left carotid artery; arterial bleeding behind the left ear; and laceration of the back of the right forearm, deep down to the muscle, requiring significant medical attention.

The offender had a significant record of violent offences and a history of alcohol abuse. Members opposite—supported by the Shooters and Fishers Party and The Greens—want to give such people a free pass. That is why I say that the Labor Party, the Shooters and Fishers Party and The Greens are weak on law and order. That is why I say that the Labor Party, the Shooters and Fishers Party and The Greens have not heard the strong message from communities across New South Wales about the need to tackle this culture, the need to have effective laws designed not only to limit the availability of alcohol and to implement an education program to change the culture but also to warn people that if they engage in this sort of violence they will go to jail.

Nothing could be clearer. People who engage in drug- and alcohol-fuelled violence—whether it is one punch that causes death, which carries an eight-year minimum mandatory sentence of imprisonment, or the other six forms of serious violent attacks—will go to jail. Nothing could be clearer. That sends the strongest possible message to those who think it is okay to get intoxicated through drugs or alcohol, pick a fight and throw a punch that inflicts serious damage to another individual that they will face the most serious consequences if this legislation is passed. That is what the New South Wales community expects this Parliament to deliver. Certainly that is what this Government proposed and insists upon today.

This legislation will be returned to the other House to give its members a chance, in the cool light of day after the sun has risen, to reflect on the message they sent overnight to those affected by drugs or alcohol who would do violence to others across this community. Those members can turn off the green light they have given to those thugs and say, "We stand side by side with the Government and the community that wants to see an end to these sorts of vicious attacks." I repeat: Regrettably, the relative of an alleged one-punch victim has had to address the media on this issue. Dealing with the media might be easy for those of us in politics, but for most community members it occurs as a result of suffering great pain, which must be greater when a family member has been subjected to this type of violence.

Mariam Taiba said she shook with anger yesterday when she read that Labor's proposed amendments to the Government's legislation could spare future young offenders who attack but do not kill their victims from being given the maximum penalty because of psychosocial immaturity. The way to rub salt into the wound of a victim of one of these attacks or their family members is to support a Labor, Shooters and Fishers Party and Greens amendment to water down the legislation. As Ms Taiba said, giving 18- to 21-year-olds the opportunity to claim psychosocial immaturity will do just that. Lawyers will have a field day using that defence in court—if, indeed, under Labor's amendments any offence ever gets to court. I repeat that under Victoria's legislation, on which these provisions are modelled, no-one has been prosecuted successfully or gone to jail. Ms Taiba said, "An 18- to 21-year-old is at a legal age to take on the responsibility of driving, purchasing and consuming alcohol, therefore he or she is responsible for the actions they inflict." She said, "We have to change this violent culture and it starts with strict punishment so 18- to 21-year-olds know that assaulting anyone is not on."

Ms Taiba speaks clearly from the heart about the need to adopt the measures the Government is putting in place. She speaks strongly and emotionally against the Labor Party watering down this legislation. Her comments ought to be heeded. It is shameful that we have to remind the Labor Party, the Shooters and Fishers Party and their friends The Greens that it is unacceptable to play politics when the community demands strong action to tackle drug- and alcohol-fuelled violence. I am sure that each of those parties has different motivations. The Greens are never comfortable with any government legislating to restrict people or make them responsible for using and misusing drugs. Of course, the Labor Party is never comfortable with legislation that actually delivers tougher law and order outcomes. Its record in government during the previous 16 years, and earlier, demonstrates that. The Labor Party is happy to posture and pretend but not to ensure that effective legislation is in place.

**Mr Michael Daley:** You should read some BOCSAR reports, Barry.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Maroubra will come to order. Opposition members will have an opportunity to contribute to the debate.

**Mr BARRY O'FARRELL:** I hear the bleating of the member for Maroubra, who said I should talk to BOCSAR.

**Mr Michael Daley:** Yes, go talk to BOCSAR.

**Mr BARRY O'FARRELL:** I will. Over the past four years the average penalty given for manslaughter has been less than four years when the maximum penalty is 20 years. Bob Carr was the specialist: Whenever the media raised an issue, he rushed out with a proposal to increase maximum penalties. Those maximum penalties have never applied; the judiciary is not imposing them. I do not want to restart a debate about the judiciary as it always gets me into trouble, but what do Labor's amendments achieve? Part of the community's concern is that judges are not handing out penalties in line with community expectations. Labor's solution is to introduce legislation that gives judges even greater flexibility when applying penalties.

Those opposite learned nothing in December and January, and they have learned nothing during a decade or more that drug- and alcohol-fuelled violence has become a problem in Sydney and across New South Wales. The Opposition is completely and utterly out of step with community demands. We will insist that the Legislative Council amendments be removed by this Chamber and that this legislation be returned to the upper House for reconsideration. We insist that the upper House take heed of the community's concerns and the Leader of the Opposition's earlier comments about his determination not to play politics and, importantly, his urging strong action, and contrast that with what the Labor Party led The Greens and their friends the Shooters and Fishers Party to do in the upper House last night. Regrettably, this place will not pass legislation today that would have come into effect this weekend to provide minimum mandatory sentences for six classes of the most serious violent offences on the statute books.

Instead, we are being led down a path along which Labor leads The Greens and the Shooters and Fishers Party that will not see successful prosecutions and does not send a strong message. Instead, the message being sent to 18- and 21-year-olds is that they are not responsible even though they can enrol to vote, buy alcohol and be sent overseas to serve in the Defence Force. According to Labor, the Shooters and Fishers Party and The Greens, judges are doing a great job handing out the penalties the community wants to see. None of those assertions are correct and they are completely and utterly out of step with the standards expected by the people across this State. They are also out of step with what this Government promised to deliver for the people of New South Wales. We will continue to stand up for tough and effective action to change the culture of drug- and alcohol-fuelled violence to try to stop incidents occurring initially and to try to ensure that those who commit them face the most serious consequences.

**Mr JOHN ROBERTSON** (Blacktown—Leader of the Opposition) [11.07 a.m.]: It is interesting listening to the Premier talk about tough action, especially considering the lack of action from this Government and this Premier concerning alcohol-fuelled violence. The Government was missing in action for months and months on this very issue. The Premier was missing in action and the Deputy Premier was unable to string two words together regarding what he was going to do about alcohol-fuelled violence. The Deputy Premier, the Neanderthal of the North Coast, could not string two words together while the Premier was on leave and failed to address the problem of alcohol-fuelled violence. He had absolutely nothing to say.

**Mr Nathan Rees:** Because he didn't get the extra pay.

**Mr JOHN ROBERTSON:** As the member for Toongabbie says, it may well be that he had nothing to say because he did not get the extra pay while he was acting Premier. The sad fact is that those opposite were missing in action. They were far too close to their mates in the alcohol industry.

**Mr David Elliott:** Silly man.

**Mr JOHN ROBERTSON:** I acknowledge the vigorous interjection from the member for Baulkham Hills—he, of all people, should talk. The Government has had nothing to say for so long because it is far too close to the alcohol industry. The Government is happy to take its directions and instructions from the head of the Australian Hotels Association, who just happened also to be the fundraising boss for the Liberal Party. There was absolute silence when their mates in the hotel and liquor industry said, "Do not do anything." In November the Labor Party issued a detailed response to deal with alcohol-fuelled violence and the Premier argued that there would be one-size-fits-all legislation which would not work. For many months the Premier ignored the public outcry about alcohol-fuelled violence and said that lockouts as well as the other proposals suggested by Labor do not work. The Premier acted eventually because he was shamed into it.

On the Friday before he made his announcement the Premier said we would not have lockouts because one size does not fit all. Then over the weekend Government members scrawled out a law on the back of a napkin to solve the political problem. This example goes to the heart of this Government's approach. Whether it is alcohol-fuelled violence or any other issue that is debated in this place, the Premier looks for a political fix. He does not look for a solution that will deal with the problem. He does not look for a well-considered solution that will achieve an outcome that will deal with the problem. The Premier looked for a quick political fix to this problem so that he could flick it off the table and move on and do nothing. This Government is very good at doing nothing. It makes promises. It talks itself up as being tough on law and order and gun crime and other issues, but it does absolutely nothing.

Let us consider the Premier and his approach to this problem. All members have a responsibility to be honest. Despite that, the Premier comes into this place and misrepresents the impact of the amendments that were moved by Labor in the upper House and the fact that they are well-considered amendments. The amendments were moved by his comrade—a term that has been used frequently in the past few weeks—the Victorian Liberal Premier. They were supported by Labor and passed in a bipartisan manner. In Victoria the parties worked cooperatively because they realised that one cannot play politics with an issue such as alcohol-fuelled violence.

The Sentencing Council developed and presented a proposal. The Sentencing Council went through a detailed consultation process that involved police because they are on the front line dealing with this problem on a regular basis. It asked the police what the laws should look like. It talked to the victims who are living with the results of alcohol-fuelled violence. It talked to the specialist academics about the law on alcohol-fuelled violence to ensure that if it is used it works and delivers the results that people expect and want. But this morning we hear that the Premier wants to play politics. He wants to play the political game and says that anyone who is 18 to 21 years old will not receive a mandatory sentence. That statement is an outright lie—I am calling it what it is. If the Premier had taken the time to seek advice and ask what the effect of the amendment would be, he would know that is a lie. This law is not about taking a blanket approach and exempting 18- to 21-year-olds. This is a specific provision that will ensure people who have a mental incapacity do not become victims of mandatory sentencing.

To suggest that the amendment waters down the laws is absolute rubbish. The amendment talks about five-year mandatory minimums and maximum sentences of 16 years but it does so in a practical way. It was well considered and well developed by people who have an interest in this issue. But the Government wants to push through a political fix that was scribbled out on the back of a napkin over the weekend so the Premier can return to his office to play Solitaire on his iPad or to post comments on Twitter. This amendment should not be rejected outright by those opposite because they know only too well that people are concerned about this problem. It is very sad that the victims have been drawn into this debate. They feel they have to say something because the Premier has misrepresented the effects of the amendments to these laws.

This Government wrote its laws on the fly but the Opposition said it would not block them. The Opposition has put forward common-sense, reasonable amendments that were passed by the Victorian Government in a bipartisan manner. We flagged our proposed amendments well in advance of the parliamentary debate. We provided the Government with plenty of time to consider its position and at no stage did those opposite or Government members in the other place flag any concerns with us. In fact, it is worth noting—because most people may be unaware of this—that the message from the Government was that it would support our amendments. Government members in the other place were considering supporting the amendments, but the Premier has decided to play petty politics with the laws concerning alcohol-fuelled violence and the victims who are affected by them; it is political point-scoring.

People have woken up to the fact that the Premier is a clever politician. Sadly, his interest in playing politics overrides his interest in a policy that will achieve the right outcomes for the people of New South Wales, particularly the victims of alcohol-fuelled violence. He is not interested in dealing with this problem effectively. If Government members were serious about their concerns regarding our amendments, they would have presented the Opposition with a proposal outlining what they would accept. But we did not see one. We saw, and continue to see, political grandstanding because the Government is led by a man who loves nothing more than to play politics on important issues that are absolutely vital to our community. People want to know that they will be safe when they go out in Kings Cross and the central business district on Friday and Saturday nights, that there will a police presence—as there should be—and that they will return home safely.

The fact is that the Government's bill creates a blanket offence for those who commit a crime. The Government does not want anyone to know about that because it will devastate its political attack. Government

members have put a blanket exemption in place in their legislation. It also contains an exemption for any offender of any age who has a cognitive impairment. How dare the Premier talk about lawyers and judges having a field day when his own legislation—which he seeks to portray as something it is not—creates the loophole that he criticises us for introducing. Those opposite are led by a liar and they continue to lie.

**Mr David Elliott:** Point of order: I refer to Standing Order 73. The Leader of the Opposition cannot call the Premier a liar.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! It is a longstanding tradition of the Parliament—

**Mr JOHN ROBERTSON:** I withdraw the comment. I should have said that the Premier does value the truth. He values the truth so much that he keeps it hidden from the public of New South Wales. The Premier is simply seeking to mislead the community on this matter. There is no more disgusting and despicable act than to play politics with those people who want better from all of us. For the Premier to come into this Chamber and make out that the amendments moved by the Opposition will create a lawyers' picnic but not mention that there is a blanket exemption for cognitive impairment, is the ultimate in hiding the truth from the people of New South Wales. The Premier is seeking to make political gain by quoting the comments of victims. I well understand why Ms Taiba would be angry and anxious, but she would be just as angry if she knew that the Government had a blanket exemption in its legislation. The Premier is happy to play the game of not telling people the truth.

Labor's amendments merely clarify that this provision can include young adults who are developmentally delayed. It is worth spending a moment to reflect on that because there are people over the age of 18 years in our community who can buy alcohol and do a range of other things but who are developmentally delayed. They should not become victims or suffer the effects of these laws. Life is not black and white as the Premier would have people believe, and as some would like it to be. We have a responsibility to ensure that those who are developmentally delayed are not the victims of legislation passed in this place for some political fix. As parliamentarians, we need to do much better. That is what Labor is seeking to do. Labor does not want to see people with brain injury or other serious neurological or psychological problems spending time in jail because of the dud laws that the mob opposite has sought to pass in order to solve a political problem.

This is not, as the Premier has described it, an automatic get-of-jail-free card—although that suits his political spin. Defendants will be required to supply evidence such as a report from a properly qualified medical expert before a court can even consider applying the discretionary exception. It is not an automatic process. It is not a matter of saying, "Mr X is immature." It is not about maturity; it is about neurological disorders, impairment and developmental delay. It is often said in this place that these are the sorts of people that society should be doing a better job of looking after. If that is true, why do those opposite think it is okay that those people should suffer a five-year mandatory sentence when they are not in a position to take full responsibility for their actions? Clearly they do. Why? The answer is because those opposite are more interested in playing politics than in dealing with the problem. If they were serious about this issue they would be looking after the victims and making sure there are no more. But the Government always creates more problems than it solves.

Labor has always committed to working with the Government on this issue. We said we would not block these laws, but today the Government of New South Wales is making the decision to block them. At no stage has the Labor Party prevented these laws from passing through Parliament. We have sought to amend the laws to deliver a better outcome and to make sure that there are no unintended consequences for those who ought to be protected by government. All along we have said that we want tough action, and we do not resile from that. The Opposition wants to ensure that victims get justice. Earlier today I introduced the Crimes (Sentencing Procedure) Amendment (Victim Impact Statements—Mandatory Consideration) Bill 2014. I will be interested to see what those opposite do if they are serious about looking after victims—that bill will really test their mettle. The laws that the Opposition wants to see passed in this place protect victims. Those opposite made sure that mandatory sentences will be applied by the courts but they also made sure that a small pocket of the community will be affected because they want to play politics.

I want to see a government that is interested in fixing this problem. So far all I have seen is a Premier playing politics with alcohol-fuelled violence. The Premier said, "No, no, no. We do not need lockouts; we do not need to change our approach to alcohol-fuelled violence." The media started a campaign and Labor released a detailed and comprehensive policy to deal with alcohol-fuelled violence. The media continued to campaign, the heat got too much and then the Premier acted. The next part of the knee-jerk reaction was a media release in

January about a range of laws to which mandatory sentences would apply. But when the bills came before Parliament some had miraculously disappeared; they are no longer proposed. Why? It is because the legislation was cobbled together on the back of a napkin. It is because it was rushed through Parliament to solve the Premier's political problem. One needs no more confirmation of that than the press release, which does not reflect anywhere near what the Government said it was going to put before Parliament.

That press release does not reflect what went through caucus or the Cabinet. There are a number of reasons for that, but the most significant is that the legislation was cobbled together in a rush to solve a political problem. If this Premier were serious about dealing with this problem he would not block laws that will deliver for victims of alcohol-fuelled violence in this State. Those opposite can throw around all the colourful and flowery terms they like, but the fact remains that Labor did not block the laws going through this Parliament. Today only one side of this Parliament is blocking these laws: the Government. Labor sought to put laws in place to fix the problem, to look after the victims and to ensure that there are no unintended consequences. Those opposite stand condemned.

**Mr GREG SMITH** (Epping—Attorney General, and Minister for Justice) [11.27 a.m.]: The Labor Opposition has spread the myth that it is adopting a Victorian provision but nothing could be further from the truth. Labor has taken part of a Victorian provision and gutted it—that was done yesterday in this Parliament. Let me make it perfectly clear: The O'Farrell Government is trying to deal with a crisis in our community. A crisis that is seeing young people belted. Tom Kelly, Daniel Christie and Mr Rodrigues of Brazil were killed, and Michael McEwan and many others have been maimed and grievously injured. The Government is endeavouring to fix this problem with a package of reforms. Labor has come up with some airy-fairy idea and said that it will fix the problem. It claims that it is not going against its promise and that it supports mandatory sentencing. Labor has a Clayton's mandatory sentencing policy.

The Opposition contends that it is relying on Victorian legislation. However, there is a massive difference between Labor's amendments and the Victorian legislation. In the Victorian legislation special reasons for not going ahead with the mandatory sentencing imposed by section 15B of the Victorian Crimes Act are defined as "including for the purposes of section 10 a court may make a finding that a special reason exists if an offender has assisted, or undertaken to assist after sentencing, law enforcement authorities in the investigative prosecution of the offence". It then goes into a number of issues to do with psychosocial immaturity and other things dealing with mental illness. But Labor, very sneakily, slipped in amongst the special circumstances in new section 8B (5), this statement:

- (5) This section does not apply to the sentencing of a person for an offence under section 34A if the court finds that a special reason exists and states the special reason. The court may find that a special reason exists if:
  - (a) the person has substantially assisted the investigation or prosecution of that or any other offence (including by a plea of guilty) ...

That is not in the Victorian provision, and it makes an enormous difference. If Labor members were really fair dinkum about imposing mandatory sentencing on these gross offenders—these people who smash people up and kill them or inflict grievous bodily harm—they would make sure that they followed the Victorian Act as much as they could. To say that the Opposition amendments follow the Victorian model and to accuse the Government of fighting against the Victorian model when the Opposition has inserted that phrase "including by a plea of guilty" is outrageous.

Let us test this substantial assistance requirement for a special reason. How many people who have smashed somebody in the face, kicked them, hit them with a brick or something and really caused grievous bodily harm are going to satisfy the requirement that they have substantially assisted the authorities? They are the offender. If they all get the opportunity to plead guilty then none of the mandatory sentencing applies to them. They will all plead guilty and they will be dealt with under the less serious offences. So by sleight of hand, Labor is trying to con this Parliament and the community. That is a disgrace, and Labor ought to apologise to the community for that. Labor members have basically gutted the legislation. They have put forward something that destroys the previous bill. This is not what they said they were going to do.

**Mr PAUL LYNCH** (Liverpool) [11.31 a.m.]: The Legislative Council amendments should be agreed to. They need to be agreed to in order to rectify the manifest defects of the hastily cobbled together, moth-eaten bill proposed by this Government. It is true that Labor has called for strong action on this, as the Premier suggested; but we did not call for stupid, illogical and ill-thought-out action. That is what this Government has served up to us. The Premier talked about playing politics. He would know all about that because that is



precisely what he has been doing—in fact, that is the only thing he has been doing in the debate on this issue. If he was serious about dealing with the issue rather than playing politics he might have suggested some middle course of action or some compromise between his bill and our amendments. He is not doing that, because he is far more interested in trying to play politics. He is interested in a conflict between the parliamentary Houses; he is not interested in solving the issue or achieving a policy outcome.

We can see his lack of bona fides in the quite extraordinary example he gave in his speech today and in question time yesterday. He referred to a particular example and said it would not be covered by our legislation. Let us go back to his example. The example he gave today would not be covered by his legislation either, because he did not say that the offender in his example was intoxicated. Let us assume that that was just a slip of the tongue and that he meant to say that the offender in his example was intoxicated. The offender, as I understand the example he gave, used a broken beer bottle to cause significant injury to somebody. Those injuries clearly would be grievous bodily harm. The amendments moved in the Legislative Council established an offence of reckless grievous bodily harm when intoxicated in public and in circumstances of gross violence. That involves causing grievous bodily harm to any person, and that was clearly the example that the Premier gave. In addition to that, the second part that would have to be satisfied for the circumstances of that incident to fall within the Legislative Council amendments is that it was gross violence. The amendment from the Legislative Council at new section 34A (2) (c) says:

- (c) the alleged offender uses an offensive weapon or instrument to cause the grievous bodily harm to the person ...

That covers precisely the example that the Premier gave, which means that the Premier misled the House. Either he is knowingly coming into this House and telling untruths or he has not read the amendments that he is so upset about. That, in my view, is a disgrace. He stood in this House and said that this terrible, awful case would not be covered by the amendments moved by Legislative Council when in fact it would. Frankly, there is no excuse for a Premier to be either so disingenuous or so incompetent as to get that so wrong. When he comes back to the House and apologises for having misled it, he might have to consider whether his argument had any substance at all.

While we are talking about what is covered by these sections and what is not, it is worth going back to the points made about wounding. Wounding is mentioned in the Government's bill but not in the Legislative Council amendments. The reason for that is very simple—because a split lip can be an example of wounding. Under the Government's bill if a person goes out, has too much to drink and, having never been in trouble in his or her life makes the first mistake, takes a swing at a mate and gives him a split lip, that person will go to jail for three years. That is what is in this Government's bill. It may be that the Premier thinks that is what the community wants.

**Mr Geoff Provest:** Have you ever spoken to the community?

**Mr PAUL LYNCH:** I do a lot more of that than the member for Tweed has ever done. If members are talking to people who think someone should be sent to jail for three years for giving someone a split lip, the community to which they are talking consists of one or two people with considerable cognitive impairment. There is no dispute that a split lip constitutes wounding. When I spoke previously in debate on this legislation I mentioned a Court of Criminal Appeal decision in the case of *R v Shepherd* [2003] NSWCCA351, which in turn quotes *R v Newman* [1948] ALR109. It is not just that I think the Government's bill is entirely inconsistent with community standards; what is worse, and what really shows the lie for the member for Tweed and his remarkable intellectual incapacity, is that when the Premier first announced what was going to be covered by mandatory sentencing a whole series of offences were listed. But when we got the bill we saw there were fewer but much more serious offences. The Premier said he was trying to take the less serious offences, such as a split lip, out of the mandatory sentencing scheme.

So the problem with the argument of the member for Tweed is that the Premier said he was not going to have things like this in the bill. Even if the member for Tweed is right about what the community thinks, and I do not think he is, it is not what the Premier said he wanted to do. The Premier simply got the details of the bill wrong, and that reflects the hasty, inept way in which the Government bill was prepared. The real problem is that this has simply been a knee-jerk reaction to try to deal with the Premier's media problems. That is why this is such an inept legislative response. That is why new section 25A has had to be amended twice within four weeks and that is why there has been no attempt to provide us with any estimate of how many people will be covered by the Government's bill. Government members have not done the work. They have not thought through any of that. They are not making decisions on the basis of proper policy; they are making decisions on the basis of knee-jerk media responses.

There has also been a certain amount of rhetoric about "psychosocial immaturity". It is worth making the point that that phrase is contained in the Victorian legislation proposed by the Victorian Liberal Government. It was recommended to it by the Victorian Sentencing Advisory Council. If anyone on the Government benches had bothered to do any research on this—and they will not even research their own bill let alone research our amendments—they would have discovered that the Sentencing Advisory Council has said that that is proposed to apply to a small number of individuals. The suggestion that it automatically gives everyone aged 18 to 21 a get-out-of-jail card is simply wrong. It is entirely dishonest. At most, if someone falls within that exception, all that it means is that the mandatory minimum five years does not apply. But a whole range of other penalties, including a sentence of up to five years, may well apply to that person. The way that has been presented by the Government is entirely dishonest.

Talking about being entirely dishonest, I note the contribution of the Attorney General. He put forward some preposterous arguments about the Victorian model and the Legislative Council's amendments. I suggest to people who are interested in this that they simply read both versions of the legislation. They will see exactly how closely the Legislative Council amendments have followed the Victorian version. The reality of the Government's position on this is that it has jumped around all over the place. It has had three versions of new section 25A within four weeks. It has changed dramatically the categories of matters to be mandatory and those that are not. There has been no quantification, no figures and no estimate of how many more people will go to jail—a reflection of the ad hoc way in which it behaves.

It is interesting to see who is opposed to the Government's position. The list includes the Shooters and Fishers Party, The Greens, the Labor Party, the Law Society, the Victorian Liberal Party—almost everybody in this country except the people in the joint party room. Most rational, logical people, when they face opposition from a broad range of people, might think, "Maybe we are wrong." That assumes, of course, that there is some sort of rational logic on the other side of the Chamber. There is not. It is all about short-term political gain. The other people who oppose the mandatory sentencing that the Government is talking about are such left-wing civil libertarians as John Howard. It is extraordinary to think that John Howard and I are on the unity ticket, but that is effectively what this Government has achieved. Government Ministers such as Minister Skinner, Minister Hazzard, Minister Parker, and backbenchers such as Mr Speakman, all think that this is a load of nonsense. They have all argued against the Government's position.

The reality is that the Legislative Council amendments are entirely sensible and rational. The Legislative Council position is based upon a properly thought-out process that has been developed in other places. The ranting and raving that we have heard about people not being prosecuted in Victoria is not quite right. The Premier was in fact saying that they have not yet been put in jail. That is not surprising, given how recently the Victorian system came into effect and the length of time that it takes to bring cases to court in Victoria. That is a reality that the Premier does not want to have to acknowledge. Mandatory sentencing is a flawed and failed policy. To suggest that it will have a deterrent effect, as the Premier keeps asserting, is absolute nonsense.

**Mr David Elliott:** Then why did Bob Carr bring it in?

**Mr PAUL LYNCH:** I note the interjection from the bonehead. Apart from being a bonehead and having absolutely no regard for the standing orders, he is also, as usual, entirely wrong. It is extraordinary. The member for Baulkham Hills seems to think that he can get away with that. It is absolute nonsense. The truth is that mandatory sentencing has been tried and it has failed. Under section 233C of the Migration Act there were mandatory sentencing prosecutions in this State as recently as 18 months ago. Those prosecutions had to be discontinued because of jury nullifications. Juries were not prepared to convict in cases where they thought the mandatory sentence was inappropriate. That is one of the many dangers that the Government runs the risk of creating through this bill.

**Mr GEOFF PROVEST** (Tweed—Parliamentary Secretary) [11.41 a.m.]: These amendments are not supported. The Premier put the Government's position very clearly. It is all about ending the culture of violence. The legislation was watered down by the Labor Party, the Shooters and Fishers Party and The Greens through some unholy alliance in the other place—for what gain I am not sure. Those opposite should consult the wider community on this matter, not just their factional allies. When we talk to people in the real world we find that they want mandatory sentencing. They want to see alcohol-induced violence made a jailable offence. Talk to the mums and dads. We have seen what happened to Tom Kelly and Daniel Christie. A large number of us have spoken to their parents, friends and relatives. We have seen their anguish.

There is a strong belief in the wider community that these crimes are going unpunished. The sense in the wider community is that the judicial system is not looking after the victims. Certain elements of the legal fraternity, for what gain I am not sure, promote the rights of the offender. It amazes me that it is always about the offender. We have heard that from those on the other side time and again. What about the victim? Does anyone in this whole damn debate care about the victim? I know that this side of the House does. I know that the Premier does. Talk to a mother who has lost a child through senseless violence on the street. Explain to her that the offender has rights and we should look after them. It means nothing. In my electorate we have lost two young people in the past three years through alcohol-related violence. They were the victims of cowardly attacks outside licensed premises and they died virtually on the pavement. One of those cases is before the court as I speak. I have talked to their friends and families and seen their sheer anguish. They look at me, as a politician, and say, "Why does the law not protect us? Why has the law failed us?"

The legislation that we passed in this House was significantly watered down in the other House. Now it looks after the thugs on the street, the offenders. No one cares about the victims. It is heartbreaking to talk to families about this. A mother loves her children more than anything else on this Earth. How can we say to families that we have no idea why the Opposition is doing this; we have no idea what its agenda is? Families ask me why the Labor Party, the Shooters and Fishers Party and The Greens do not care about their children. These are people who have had to go to a funeral and bury their child. The answer is obviously that the Opposition does not care. I applaud the Premier and all the speakers on this side of the House for trying to look after the victims. It is about time we took a positive step. This policy was not drafted on the back of a postage stamp. That is more the style of the Federal Labor Party. This legislation has been thought through and discussed.

I came into this House some seven years ago with the firm belief that my prime role was to put forward the views of my community. My role is not to engage in some convoluted version of the truth; it is to present the views of my community in this place. I have news for the Labor Party, The Greens, and the Shooters and Fishers Party: My community wants the original legislation. They want to take thugs off the street. They want them to go to jail for these cowardly punches. A lot of the debate gets mired in legal jargon, but I want to be able to go back to those mothers and tell them that I made a stand for them in Parliament and that I am on their side. Hopefully, no other mother in my electorate will have to bury a child due to cowardly acts of alcohol-induced violence. These amendments are trying to water down the legislation. They are all about the rights of the offenders. Who cares about the victims? I have news for the Labor Party, The Greens and the Shooters and Fishers Party: This side of Parliament does. The Liberal-Nationals Coalition really cares. We have been out in the community, listening. There are a number of young children in the gallery today. One day they will be going out on the town. I am a parent, and I used to worry when my children went out late at night to venues to enjoy the company of their friends. The last thing I wanted was for them to be assaulted by some drunken thug throwing a cowardly punch at an innocent victim.

As a parent, I want to see that thug behind bars. My community wants that thug behind bars. They do not want him to be slapped on the wrist and let off. I am a great believer in the separation of powers, but I have had to spend a lot of time recently explaining the judicial system to members of my community. When they read in the media that an offender has been let off with a minimum sentence, my constituents turn to me and say, "What about the victim?" This legislation is all about trying to get justice for the innocent people. This legislation will enable the young people in the gallery to walk down Martin Place without the fear of being attacked by a cowardly punch from behind. Those on the other side of the House are more concerned about the offender. In my view, when people act illegally towards another person on the street they lose their rights. When I was a little feller, if I played up my father would threaten to ring the police and send me to jail. That had an extreme effect on me. I did not play up any more. It is all about having a deterrent.

When a thug goes out and has too much to drink, he says, "I can play up. They will just let me off. I will plead something or other. My lawyer is very good." Enough is enough. That is why the Government has introduced this legislation, but the bill went to the other place and was watered down. Deals were done behind closed doors. The Labor Party is renowned for that. If we just go down to the Independent Commission Against Corruption, we will see a steady stream of former Labor members giving evidence about deals done behind closed doors. Who would benefit? Not the general community but former members of the Labor Party. Labor Opposition members should hang their heads in shame, start listening to their local communities and start looking after victims.

As I said earlier, Labor members should look into the eyes of the victim's mother and father, go to the place where the victim went to school, and go to the tributes and funerals, et cetera. I have done that, and it is the most gut-wrenching experience. Today we have a chance to put a fine message out to the wider community

to say, "Fine, go out and enjoy yourself. Have a good time. But do not annoy somebody else. And please do not go and hit someone while in a drunken stupor or rage over something minute done by someone you might not even know. Do not do that." But be warned, enough is enough. This will be known as the day when this Parliament stood up and said to the thugs and the anti people on the streets as well as the mums and dads, "The Government side of the House will look after your kids and we are going to look after you." If any of those thugs do the wrong thing, guess what? They go to jail. I have no sympathy for that. If they do the wrong thing, they go to jail and they do the time.

I am sure I speak on behalf of all members of the Government when I say that our responsibility is to keep the kids in the public gallery and their mums and dads safe. It is our responsibility to keep grandmothers, aunties, uncles, best friends and schools safe, but we are continually frustrated by deals done behind closed doors—deals with the Shooters and Fishers Party and deals with The Greens. The young people in the public gallery probably do not even know who the members of Parliament are because they are members of the upper House. People probably do not even know the names of those members, but Labor members know because they do the shady and shonky deals. As I said earlier, in the Independent Commission Against Corruption currently, a steady stream of former Labor members are appearing before the inquiry. It is like a revolving door.

The Government's legislation is all about keeping the wider community in New South Wales safe—pure and simple. The Government side of the House is trying its best to do that, but the Opposition and the upper House are trying to pull away the rights of the ordinary person. The Government stands for the victim, not the offender. I do not support the amendments.

**Mr RON HOENIG** (Heffron) [11.51 a.m.]: Playing to the fears and prejudices of the community in relation to such a difficult issue is contemptible. The member for Tweed gave the most extraordinary contribution I have heard from him. These are amendments to legislation that will affect the criminal justice system. Amending the legislation will affect the entire community. It is a change in the law. The member for Tweed spoke while having no idea about the legislation and no idea about the law. He was simply bleating and playing to the fears and prejudices of the community. I have found contemptible in the short time I have been a member of this House that I hear not just backbenchers but members of the Executive Government contributing to debate with speeches that have no substance. It is not just a matter of those members having a different philosophical position from the Opposition; they do not even know what they are talking about.

When we are dealing with matters of some seriousness and Government members engage in attacks on the judicial arm of government and say that people who should be going to jail are not, they must have some knowledge about the issues instead of just listening to or reading local or tabloid media. For the benefit of members of the House who think they have some knowledge of failures of the sentencing regime, I point out that the Chief Justice attended the sentencing symposium in Parliament House today. Did the member for Tweed attend?

**Mr Geoff Provest:** Yes.

**Mr RON HOENIG:** Did he learn something?

**Mr Geoff Provest:** I was there.

**Mr RON HOENIG:** If the member for Tweed had listened, he would have heard the Chief Justice talk about, "What are the purposes of sentencing under the Crimes (Sentencing and Procedure) Act 1999?" Does the member for Tweed have any idea? He obviously does not have any idea, judging from his contribution to this debate so he should let me tell him. Section 3A of that Act provides, "To ensure the offender is adequately punished for the offence, to prevent crime by deterring offenders and other persons from committing similar offences, to protect the community from the offender, to denounce the conduct of the offender, to recognise the harm done to victims of crime in the community." That is five of the subsections of section 3A of the Crimes (Sentencing Procedure) Act 1999. Government members should not state in this House that the law does not provide for those factors to be taken into account when the law certainly does, thereby demonstrating their ignorance.

**Mr Geoff Provest:** He also said there were difficulties with it. Were you listening?

**Mr RON HOENIG:** The member for Tweed should either participate in the debate or scream like a banshee outside. I also find it contemptible that the other place is attacked as a House of review. The Legislative

Council's function is to oversight legislation and to ensure that it works. Its function is also to restrict the excesses of the Legislative Assembly or the government of the day. It should not have to discharge the responsibility of the other place to try to improve legislation to enable the legislation to work. One would have thought that the Executive Government and Cabinet would have done that. One would have thought that the Attorney General, whose views are well known because he has published opinion pieces, would have provided some advice to the Executive Government and to the Cabinet before the Premier came into this House and gave an example that was simply erroneous as a question of law while the chief law officer of the State also was in the House.

The Premier gave an example during question time yesterday and today that was just plain wrong. What emanated from the Premier's mouth was grievous bodily harm. There is no point saying it was only reckless wounding. If he had asked the Attorney General, he would have told the Premier that. How is it that when the Premier alleges he will introduce laws to protect the community, he has no idea what emanates from his mouth despite the State's chief law officer, who not only is the former Director of Public Prosecutions but also knows better, being in the House at the same time? The reality of the situation is that the legislation is wrong. As the Leader of the Opposition said, it has been cobbled together on the back of an envelope and it does not work. It was obviously a shambles when the Government first recalled Parliament. In the briefings that caused the Attorney General to amend the bill, the Government did not even have enough copies of the bill. I saw the failings of the legislation over the shoulder of Mr David Shoebridge.

The reality is that the response to the Legislative Council amendments by the member for Tweed is a political response. If it was a genuine response he would have consulted the Sentencing Council and all the stakeholders to ensure that what he was saying was right. Every time this House intrudes to amend legislation, it has unintended consequences, which is why a House of review exists. Providing punishment of mandatory sentencing for reckless wounding begs the question: Does the member for Tweed know what a wounding is? It is a cut skin. If a person receives a paper cut on his or her finger in circumstances in which a person acted recklessly while intoxicated, the paper cut carries a mandatory sentence. If the Government is engaging in an exercise of fiddling with the criminal justice system, it is a complex system and the Government has to get it right.

I know members of Cabinet have views about proceeding with the course advocated by the Government and their views are similar to the views published by the Attorney General last November. I know the views of members on the Government side of the House because they have made their views known in this House, such as the speech made by the member for Cronulla. There are others who have similar views. I will not disclose who they are. The views of members of this House are almost overwhelming in relation to legislation of this nature. Issues that are the subject of these amendments are far too important for members to play politics with them. Last year the Leader of the Opposition and the member for Toongabbie spent their time walking up and down the streets of Kings Cross and speaking to police officers and emergency workers in an attempt to find for themselves ways of addressing the problems associated with alcohol-fuelled violence.

Alcohol-fuelled violence has been a continuing problem. The problem gets worse. It escalates from year to year. The Labor Party proposed a rational response in November last year to address alcohol-fuelled violence. The Leader of the Opposition referred to that today and he dealt with some of the issues relating to the observations they made and what experts had told them about what had been occurring. That was an appropriate response from the Opposition. There was no response at all from the Government until earlier this year when the Premier simply announced upon returning from leave a whole range of reforms, including mandatory sentencing. On the first day of the recall of Parliament he just could not get it right, but I saw it in 30 seconds. This State has the resources of the Legislation, Policy and Criminal Law Review Division of the Department of Attorney General and Justice, but I saw it within 30 seconds and I disagreed.

**Mr Ryan Park:** This is the way it is done.

**Mr RON HOENIG:** Exactly. So when the Leader of the Opposition says it is done on the back of an envelope, he is not making it up—it is done on the back of an envelope and the Government's approach is an embarrassment. One of the things I find most contemptible—and I am sure members on this side of the House and members of the Executive would agree—is the way in which the judiciary in this State is diminished and blamed. That is contemptible because it is the duty of the first law officer of the State to defend the reputation of the judiciary. It is important for the community to have confidence in judges and in the criminal justice system.

It is not easy to be the leader of the Government and it is not easy to be the Attorney General because every government is attacked—particularly in the popular press—for the decisions made by the judiciary. However, those decisions can be reviewed and addressed. I heard the Attorney General speak again about the

Loveridge case and the tragedy of Thomas Kelly's death. The sentence imposed on Loveridge by Mr Justice Campbell was subject to an appeal to the Court of Criminal Appeal, and the decision is pending. If the Government or the Attorney General disagrees with a decision of the courts, there is a right of appeal. Last year the Attorney General appealed against a judgment in a case involving a sexual assault upon a child and the offender was resentenced by the Court of Criminal Appeal yesterday. There are ways in which the perceived manifest inadequacy of sentences can be addressed.

**Mr David Elliott:** It is in every case though.

**Mr RON HOENIG:** It is not in every case. That is the same contemptible expression. Even though I am a member of the Bar, it is not my function to stand in this House to defend the reputation of the judiciary. For hundreds of years that has been the function of the Attorney General, and it is contemptible to see an Attorney General who will not discharge his job as the first law officer of the State. Despite our concerns about the Government's intentions, the Labor Party utilised the experience of the Victorian Government Sentencing Advisory Council to get the legislation right and to find a workable solution so that injustice would be prevented. As the Leader of the Opposition said, these are serious and difficult issues that should not be reduced to political attacks across the Chamber.

**Mr DAVID ELLIOTT** (Baulkham Hills) [12.01 p.m.]: I am delighted that the Labor Party has introduced these amendments because this is the funeral notice that will be attached to every how-to-vote card that they distribute next March. This is more proof positive that Labor is soft on crime; this is more proof positive that Labor has no desire to look after the victims of crime; this is more proof positive that Labor is on the side of the liquor industry and the offenders. It is laughable when the Leader of the Opposition accuses members on this side of the Chamber of being in the pocket of the liquor industry. I know how much the Labor Party is in the pocket of the liquor industry, because I signed the cheques. When I was working for the Australian Hotels Association, part of my job was to wander down to Sussex Street and to talk about the legislation we wanted enacted and which ministerial appointments we wanted made.

Members opposite wrote the book about being owned by the liquor industry. The Leader of the Opposition should not tell us about people in the Liberal Party who are associated with the liquor industry, because he has Jason Bartlett. Do members remember him? The member for Toongabbie certainly does. He was the press secretary to Ian Macdonald—a name not mentioned much in this Chamber now because he is before the Independent Commission Against Corruption. His press secretary is now at Sussex Street calling the shots for the Labor Party and for the liquor industry. The Labor Party also has John Whelan—the son of Paul Whelan—at Sussex Street calling the shots for the Labor Party in the liquor industry. As far as I am concerned, members of the Labor Party have forfeited their right to lecture the Government about what is right or wrong with the judicial system in New South Wales.

The member for Liverpool stands there sanctimoniously telling us about what we should be doing to protect the reputation of the judiciary in this State. I remember vividly in the 1990s when his reputation here was seriously damaged because he was branch-stacking with Housing Commission tenants to get himself preselected by the Labor Party. The member for Heffron—who has probably not practised law beyond conveyancing in Leumeah—is telling us how we should be drafting legislation to protect the victims of crime. It is laughable. I will update the Chamber on a court case of which the member for Heffron may not be aware. I read today of a case involving a 23-year-old victim who required \$24,000 worth of surgery and other medical treatment as a result of an assault on the Sunshine Coast. That is not an insignificant offence.

**Dr Geoff Lee:** It is not a paper cut.

**Mr DAVID ELLIOTT:** As the member for Parramatta said, it is not a paper cut. It is not insignificant damage to one's body. On hearing the matter, the magistrate sentenced the offender to 240 hours of community service. That was despite the fact that the victim required \$24,000 worth of medical treatment. The magistrate justified that sentence by saying that the assault did not involve malicious, gratuitous violence. That is why the Government must stand up for the people of New South Wales and show the judiciary and the magistrates that they have got it wrong. If this Chamber does not have the power, the mandate, the will of the community behind it, who does? If this Chamber cannot tell the magistrates and the judiciary that we expect something better from them in their deliberations, who can?

The member for Heffron, the shadow Attorney General and the Leader of the Opposition tell us that we do not have the right to tell the judiciary what to do. We do have the right to tell the judiciary what to do. If we

do not, who will? How can the members for Heffron and Toongabbie walk down the main street of their electorates and not tell the parents of the victims of crime that we are looking out for them? Members opposite cannot tell me that they have not had the same representations that I have had from concerned parents. I know people in the electorate of the member for Toongabbie who tell their kids not to go into the city. They say to their children, "We will give you a taxi voucher to get to a local club or pub, as long as you promise us that you will not go into the city." Why? They do that because they know there are thugs in the city who will do a great deal of damage under the influence of drugs and alcohol and risk the lives of their children. They are prepared to give them a taxi voucher so that they can party locally.

The member for Toongabbie and his colleagues, the member for Liverpool and the Leader of the Opposition, have said, "Oh, they are only 18, we cannot expose them to this sort of justice when they are only 18." At 18 years of age one can vote, become a justice of the peace, drink alcohol or smoke cigarettes and serve one's country. Our society would not allow 18-year-old kids to do those things, to make those decisions and to be exposed to that sort of danger unless we were convinced that they could make decisions in an appropriate, meaningful and objective way. If we can trust our 18-year-olds with guns so that they can protect this country, if we can trust them to drink alcohol responsibly and to drive cars, why can we not trust them to take responsibility for their own actions?

That is all we asked this Parliament to do with this legislation. We asked the upper House members to support legislation that tells 18-year-old kids they are responsible for their actions. The member for Liverpool says this legislation is beyond the understanding of non-lawyers. The judiciary is full of lawyers. He is himself allegedly a lawyer, as are other members on that side, including the member for Heffron. They understand and know that this legislation is written for lawyers to allow them to use their powers in court to influence judges to let their clients go free. That is the whole idea of the judicial system and why we give those who plead guilty a lawyer to protect them. It is also why we do not allow people to appear in court unless they have consulted a lawyer.

This legislation is about restricting those tricks. People have no confidence in the New South Wales judicial system because when members opposite were in government they allowed criminals to escape punishment. As a result, those criminals reoffend and our children are at risk. The member for Tweed highlighted his childhood. My childhood was not much different, although I hasten to add that there is about 30 or 40 years difference. No parent in this State does not worry when their children go out. When my first son was born someone said to me, "You worry when you bring them home from the hospital and you don't stop worrying until they are married and are at home with their own kids."

**Mr Ron Hoenig:** You still worry about them then.

**Mr DAVID ELLIOTT:** As the member for Heffron said, we still worry. That is right. This legislation removes that worry. This legislation demonstrates to parents sitting at home worrying about the safety and security of their children who are out having a good time that they are in as safe an environment as we can possibly provide. Members opposite want to deny the people of New South Wales that security and sense of safety. As far as I am concerned, this Chamber should not only pass this legislation in its entirety and reject the silly amendments made by the upper House but also condemn the Labor Party for letting criminals get away with thuggery. We should remind the Labor Party that these amendments to the Government's legislation are more than a rejection; they are its death warrant.

**Mr NATHAN REES** (Toongabbie) [12.11 p.m.]: I speak for the Opposition in supporting these amendments and shall do so in as dispassionate and sober a manner as I can. That will be in contrast to some of the more hysterical fulminations of the past hour that resulted in those in the public gallery leaving with their ears bleeding. I shall give members opposite a history lesson. First, when the Labor Party lost government, figures for nine of the 17 major crime categories were falling and the remainder were stable. Second, over the last two terms of government we increased the strength of the Police Force by some 1,500 police officers. That is in contrast to this Government, which has committed to increasing the strength by only 300 new police in its first term. I will respond, for the first time, to a series of provocative remarks made over the past 12 months. Measures introduced in 2008 were aimed at reducing alcohol-related violence. In those days the extant issue we sought to diminish was glassings, which involve some idiot smashing a glass and shoving it in someone's face.

As Premier, in October 2008 I introduced a range of measures: mandatory 2.00 a.m. lockouts; cessation of alcohol service 30 minutes before closing time; use of plastic or polycarbonate glasses for beer service after midnight; elimination of shots and purchase limits after midnight; and 10-minute alcohol sale time-outs every

hour after midnight. We indicated also that we would not approve any more 24-hour licences in New South Wales. That was almost five years ago. We were not dragged kicking and screaming to do it; I did it off my own bat because I knew this issue was looming. In contrast to the assertions of the member for Baulkham Hills, I did not consult the Australian Hotels Association. Guess what? That association went nuts. I do not care because, according to the New South Wales Bureau of Crime Statistics and Research, our action resulted in a significant reduction in alcohol-fuelled violence and assaults. We introduced a "three strikes and you are out" policy for the worst-offending venues. The Bureau of Crime Statistics and Research report stated:

On October 30 2008, the NSW Premier announced the imposition of licence restrictions on 48 of the licensed premises previously identified as sites where violence frequently occurred. The restrictions included mandatory 2am lock outs, cessation of alcohol service 30 minutes before closing time, drink purchase limits after midnight and ten minute alcohol sale 'time outs' ...

The ... report details the results of an evaluation of the effect of these restrictions. The report finds that the incidence of assault on the 48 licensed premises upon which restrictions were imposed has declined ... the decline was not restricted to these premises. A general decline in the number of assaults on licensed premises occurred across the top 100 licensed premises listed on the BOCSAR website. The precise cause of the decline is unclear but likely influences include the adverse publicity and increased enforcement activity—

That is obviously in addition to the measures we introduced almost five years ago. I do not need a lecture on this issue from members opposite. I moved on this issue five years ago. I was not dragged kicking and screaming to do it by the *Daily Telegraph* or by high-profile tragedies that have focused public attention on this issue. I was distressed by some of the remarks made this morning. The fact is that the earlier one moves on an issue, the more options there are available, but those options become fewer as time passes. When public or press demand for action on an issue reaches a crescendo, many options simply will not cut the mustard. That is the situation in which we find ourselves now. Regrettably, being in politics and being in government is not black and white. If court cases were as black and white as the member for Baulkham Hills and the member for Tweed assert, life would be much simpler. The fact of the matter is that courts and juries often are asked to make appropriate decisions for sentencing and convictions in grey areas. The catchcry of some Government members is that people have been banging on their doors saying that mandatory sentences have to be introduced and we need to represent the views of our community. If only life were so simple.

**Mr Christopher Gulaptis:** Don't make it complicated.

**Mr NATHAN REES:** Life is complicated. Life gets complicated.

**Mr Christopher Gulaptis:** It shouldn't be.

**Mr NATHAN REES:** The member is living in fantasy land if he thinks life is not complicated and that cases before a court can be sorted into black ledgers and white ledgers. He is living in fantasy land. I invite him to read the judgements of some of the more complex court cases. If the member thinks those cases are black and white, his life is much simpler than the life of most members in this Chamber.

**Mr Christopher Gulaptis:** It's much simpler to the victims. They've got a life sentence.

**Mr NATHAN REES:** The principle of the separation of powers, which the member for Clarence seems to know as much about as Joh Bjelke-Petersen knew, has been a well-established doctrine in the Westminster system for hundreds of years and exists for sound reasons. The introduction of mandatory sentencing impedes the separation of powers. I put this question to each Government member in this Chamber and to their absent colleagues: If your son or daughter were brought before a court on one of these charges, would you want the sentence to be determined by us, not having heard any of the testimony, the context or factors around the assault, or by a judge giving consideration to all the factors involved? I think the clear answer is that members would want a fair go for their child.

The principle of the separation of powers exists for sound reasons. Judges hear all of the evidence, they know the context of the evidence and they determine the relevant factors. Research conducted on these matters shows that juries are more likely to acquit if the offence attracts a mandatory sentence. Members opposite conveniently ignored that research when they cobbled this legislation together. The job of politicians, particularly those in government, is not simply to reflect the will of the populace. If that were so, there would be no question that some people would want to mount cases for the reintroduction of capital punishment. A stick would never have been taken to tariff barriers, and issues such as foreign investment in New South Wales and Australia would be straightforward. They are not; they are complex. There are grey areas and there are competing priorities in the determination of public policy.



I have no doubt that introducing mandatory sentencing is a popular concept. I also have no doubt that when the amendments were passed in the upper House last night the chief government tacticians thought, "You beauty. We can now have a public debate about whether we have mandatory sentencing and we know exactly what the public thinks." Our job is to present the facts of the matter to the public and the contextual issues that are germane to public policy with which we must wrestle. Our job is not to pretend that these issues are black and white; they are not. Children of past and present members of this Chamber have been before the courts. Those members know that we in Australia are lucky to have institutions such as an independent judiciary and that it is extremely valuable to have a fair hearing before a judge and jury. This is the architecture of democracy about which other countries go to war, and we have it in Australia. Parliaments should not interfere with the decisions of courts and impose mandatory sentences for offences that we know involve many complexities and grey areas. The amendments are clear. This is poor law and it will not achieve its desired effect. There is potential for people who are affected by mandatory sentences to suffer unintended consequences.

**Mr MATT KEAN** (Hornsby) [12.21 p.m.], with concurrence: I thought I had seen it all. Every day I turned on the television during the summer I saw the Leader of the Opposition demanding tougher sentences. Every day I turned on the radio I heard the Leader of the Opposition saying that the Government was too soft on violent criminals. In every newspaper I read over the summer the Leader of the Opposition was reported as demanding tougher sentences. As recently as a month ago, I heard him say on Ray Hadley's radio show that he supported mandatory sentences. True to form, when the rubber hits the road, Labor members are all spin and no substance. The Leader of the Opposition has more positions on mandatory sentencing than there are positions in the Kama Sutra.

It is clear that the Government has reflected community expectations in responding to the appalling criminal act committed over the summer break when a young man in the prime of his life was knocked down in a violent, gratuitous assault. The community wants the courts to send the toughest possible message to thugs that if they commit a violent crime such as assault they will be dealt with appropriately. The response of Labor members to that community outcry was that they did not care. Today Opposition members are seeking to water down the toughest legislation that has ever been passed in this State. They claim to want to get tough on criminals and thugs, but when they have the opportunity to do so they squib out of it. The Leader of the Opposition has taken his cue straight out of the Bob Carr playbook—talking tough, playing soft. Members opposite want action but do nothing. It is a disgrace. Let there be no doubt in the minds of those who are listening to this speech or reading *Hansard*, and who are looking to see the differences between the Government and the Opposition, that the Government will stand shoulder to shoulder with the law-abiding citizens of this State. It will stand up for the victims of crime and it will stand by the families who have buried their loved ones as a result of these violent criminal acts.

The Labor Party's default position is to support the thugs and the criminals. Members opposite sat with criminals in Cabinet and now they are supporting criminals on our streets. It is disgraceful. The contrast could not be more stark. Labor is determined to run a protection racket for criminals and thugs in this State. It is not good enough that it does it alone, but, true to form, it has jumped into bed with The Greens. While Labor is for the thugs, The Greens are for the drugs. We have witnessed a sweetheart deal. It is not enough for them to trash the economy by imposing taxes, they have again got into bed together to undermine the toughest possible measures dealing with violent criminals in this State.

Let us be clear about the impact of the Opposition's proposed amendments. Members opposite say that 18- to 21-year-olds who violently assault an individual should be exempt from the mandatory minimum sentence provisions of the Crimes Amendment (Intoxication) Bill 2014. Will they suggest that 18- to 21-year-olds should be exempt from voting, driving a car, or serving in our defence forces? They are not saying that, but they are trying to create a special exemption for people such as Kieran Loveridge, who was 19 years old when he assaulted Thomas Kelly. It is not acceptable. No-one believes that age should be a mitigating factor when someone commits a violent crime or causes grievous bodily harm that has devastating results. I have seen the impact of these assaults. I was with the Christie family when they experienced the horrible ordeal that no member of any community should have to experience. I saw their anguish.

We need to send a message that violent crime is unacceptable and un-Australian. The distinction between the Government and the Opposition could not be more stark. While the Government stands shoulder to shoulder with the law-abiding citizens of this State, the Labor Party is in bed with The Greens and wants to run a protection racket for the thugs and criminals in this State. The Labor Party protected criminals when it was in office and it is continuing to do so now that it is in opposition. I stand with the Premier and the Government in

supporting the toughest measures possible to crack down on violent criminals in this State. I urge all members of the Legislative Council who support the law-abiding citizens of this State to stand up and be counted for those in most need. I commend the bill to the House.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Premier, and Minister for Western Sydney) [12.30 p.m.], in reply: I thank all members on this side of the House for their contributions to the debate. However, I can only condemn further members opposite, ranging from the fantasist member for Toongabbie and the member for Heffron to the Leader of the Opposition—the great pretender. The member for Toongabbie would have us believe that when he was Premier all was well with the world and not a single alcohol- or drug-related problem existed in New South Wales. But that is in stark contrast to what was occurring at the time. The member for Heffron, who is allegedly a lawyer, claimed that the six most violent assault offences covered by our legislation would somehow or other cover paper cuts. If that is the type of legal practitioner he was, it is no wonder he entered politics. Only two months ago the Leader of the Opposition said, "No politics—no ifs, no buts—let's pass this legislation and send a strong message to the people of this State." But over the past two months he has found any way—even hiding behind the coat-tails of the member for Liverpool—to try to invent an excuse to oppose this legislation.

I will not detain members for long because it is regrettably clear that the House will divide along party lines. It is clear that the Labor Party and its friends are prepared to ignore the cries for tough action by communities across this State. Those communities want tough action not only around the control of alcohol, such as we have introduced in the Sydney CBD Entertainment Precinct and through the earlier closing of bottle shops across New South Wales, but also around an education campaign about the harm that throwing a punch can inflict—for example, the Danny Green "One punch can kill" advertising campaign. They want a very clear message to be sent through the imposition of tougher penalties for those who, for whatever reason, think it is okay to go out at night, get intoxicated from drugs and/or alcohol, pick a fight, throw a punch and do gross harm to others—harm that might cause death, which is covered by legislation passed in March, or harm that causes serious injury or wounding, which is the subject of this legislation.

That is the utterly unacceptable culture that this Government is trying to address but it is the culture that those opposite are happy to see continue. The Opposition amendments—amendments unbelievably supported by the unholyest of alliances in the upper House in the form of the Shooters and Fishers Party and The Greens—seek to reduce the six most serious assault offences to one offence. The amendments seek to remove from the scope of the legislation, for instance, serious or grievous wounding of an individual, including a police officer who is simply on the street as part of the thin blue line dealing with these problems on a nightly basis. The police have no better friends than those on this side of politics. Once again, those on the other side of politics have been shown up when it comes to supporting police in this State. The Opposition would not vote for the introduction of minimum mandatory sentences for those who kill police and now it wants to remove those who grievously wound police from the scope of the legislation introduced by my Government.

I say again: The legislation those opposite put forward will make it harder to secure convictions. That is the experience of the Victorian legislation upon which the Opposition's provisions are modelled, and it is also the advice we have received. Unbelievably, those amendments will give judges the capacity not to impose minimum mandatory sentences. If one thing has been clear over the past 2½ months it is that the community has had enough of judges who do not hand out sentences in line with community expectations. Our legislation would have addressed that, and if it is passed by the upper House our legislation will address it. If those opposite again succeed in watering down our legislation then judges will have even more discretion to circumvent the will of this Parliament, and to ignore and thumb their noses at community expectations.

The amendments of Labor, the Shooters and Fishers Party and The Greens provide a ticket of leave, a get-out-of-jail-free card, to people aged 18 to 21 because of psychosocial issues. If ever there was a lawyers' picnic it is that clause. If ever there was a clause designed to defeat the intent of legislation it is that clause. If ever there was an example of something that will ensure the legislation never has an effect—which may be the situation in Victoria—it is that clause. For all those reasons the Government is insisting that the original provisions of the bill remain. The Government is insisting that those in the upper House, led by the Labor Party and supported by the Shooters and Fishers Party and The Greens, listen to the outraged expressed by the community earlier this year and follow through not only on the one-punch laws causing death but also by supporting laws that will seek to ensure there are serious consequences for those drug- and alcohol-fuelled people who perpetrate the most violent assaults listed on our statute books.

This legislation is critical in trying to tackle the drug- and alcohol-fuelled violence culture that has grown up in parts of this State. This legislation meets the needs of the community, along with our changes to the

provision of alcohol and our attempt to change this culture through advertising. The fact that Labor, the Shooters and Fishers Party and The Greens are happy to get into bed together in a unholy alliance to defeat these proposals shows how out of touch the State's upper House is. At the end of a sitting week members return to their electorates; they cannot hide or escape the views of their communities. Yet it is clear that at least a majority of the State's upper House members have been deaf to the views of communities across New South Wales when it comes to the need to put in place a tough regime of penalties to send the strongest possible message to would-be offenders. This legislation ought to be supported. It is well thought through and seeks to tackle the issues that communities across the State are concerned about. It will hang around the necks of Labor, the Shooters and Fishers Party and The Greens up to and after the next election should they refuse to hear the views, needs and demands of the community to have this legislation in place.

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

**The House divided.**

**Ayes, 57**

Mr Anderson	Mr George	Mr Piccoli
Mr Aplin	Ms Goward	Mr Provest
Mr Baird	Mr Grant	Mr Roberts
Mr Barilaro	Mr Gulaptis	Mr Rohan
Mr Baumann	Mr Hartcher	Mrs Sage
Ms Berejikian	Mr Hazzard	Mr Sidoti
Mr Bromhead	Ms Hodgkinson	Mrs Skinner
Mr Brookes	Mr Holstein	Mr Souris
Mr Casuscelli	Mr Humphries	Mr Speakman
Mr Conolly	Mr Issa	Mr Spence
Mr Constance	Dr Lee	Mr Stokes
Mr Cornwell	Mr Maguire	Mr Stoner
Mr Coure	Mr Notley-Smith	Mr Toole
Mrs Davies	Mr O'Dea	Mr Ward
Mr Doyle	Mr O'Farrell	Mr Webber
Mr Elliott	Mr Owen	
Mr Evans	Mr Page	
Mr Flowers	Ms Parker	<i>Tellers,</i>
Mr Fraser	Mr Patterson	Mr Rowell
Mr Gee	Mr Perrottet	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

**Pair**

Mr R. C. Williams

Dr McDonald

**Question resolved in the affirmative.**

**Motion agreed to.**

**Legislative Council amendments disagreed with.**

**Message sent to the Legislative Council advising it of the resolution.**

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! It being after 11.30 a.m., the House will now consider General Business Notices of Motions (General Notices).

**OFFICE OF THE SHERIFF OF NEW SOUTH WALES STAFFING**

**Ms SONIA HORNER** (Wallsend) [12.47 p.m.]: I move:

That this House:

- (1) Notes that the shortage of sheriff's officers is causing delays to criminal trials at Newcastle Court House.
- (2) Notes that a District Court judge has complained on many occasions about this shortage, which he refers to as a chronic problem.
- (3) Notes that the number of sheriff's officers in Newcastle has almost halved over the past 10 years, reductions which are reflected in sheriff offices throughout the Hunter Region.
- (4) Calls on the Attorney General to urgently address this issue in the interests of safety for court users and workers, and to facilitate the smooth and timely consideration of court cases.

This motion comes down to nothing less than the functioning of our judicial system. If the smooth operation of our courts is placed in jeopardy over a long period, the ramifications for our democracy may well be catastrophic. Without the speedy conduct of trials, without the timely dispensation of justice and without fair and open access to the courts, our justice system—which underpins many of our values—might well fall apart. We cannot deny the importance of barristers, solicitors and judges to this process, but the unsung heroes of the system—the men and women who oil the machinery of justice and make sure it can function—are the officers of the court, who do not wear wigs and robes. I speak of the sheriff's officers and court officers.

Last year, veteran District Court Justice Peter Maiden apologised in open court when it became clear that there would not be enough officers in Newcastle District Court to staff a room where a witness was due to give evidence. His Honour referred to this as a chronic problem—one he had complained about often and one that had gone without redress. Eventually an officer was found, the witness was sworn in and the court's proceedings continued. However, this represents an unacceptable delay: If the lack of court staff is indeed a chronic problem, as Justice Maiden has said, then the time and the cost will begin to add up. I remind members of the vital services that these officers perform every day. The duties afforded to sheriff's officers include working within the jury system to establish juries, swearing in witnesses and handling exhibits. In many ways, this is the lifeblood of our legal system. One of the few rights expressly afforded Australian citizens by the Commonwealth Constitution is the right to trial by jury. Without sheriff's officers, the provision of that right would be impossible under our current system.

Further, sheriff's officers provide security for the Supreme Court, District Court and some Local Court complexes. These are places where potentially dangerous individuals can be found with frequency. Security is crucial, especially to ensure the safety and security of juries, witnesses, legal professionals and the accused. Clearly, without these personnel, the gears of the court system would grind to a halt. Sheriff's officers are also responsible for serving and executing court orders enforcing writs and fines issued by courts and agencies. It is therefore clear how delays caused by the absence of sheriff's officers clog our judicial system, preventing cases from moving through at a respectable pace and jeopardising one of the key elements of our 1,000-year-old legal system. What surprises me most of all is that this is a problem with a simple solution: The sheriff's office needs simply to hire enough officers to cover the District Court.

Justice Maiden said that the problem was a result of officers resigning and not being replaced by the sheriff's office. A spokesman for the sheriff's office insisted that staffing numbers had not been cut. The spokesman said that staffing levels were "adequate". Both that spokesman and one speaking on behalf of the Attorney General said that that week's problems were apparently due to officers being sick. This highlights the problem that there are not enough staff to cover officers who are legitimately on sick leave. There is evidence to support His Honour's assertion that this was not a one-off event and that staff shortages are becoming more frequent. In 2010 the *Newcastle Herald* reported that the Public Service Association was lobbying for 22 sheriff's officers in Newcastle. There were only 15 at the time and, despite advertising for more officers, the positions were never filled. To help alleviate the staffing issues, an officer was transferred from another courthouse and an Indigenous officer was assigned to Newcastle, but Justice Maiden was still in a position to call the staffing problems "chronic".

I draw the attention of the House to a similar issue that afflicted Newcastle District Court in 2010. The Minister for Police and Emergency Services, then in Opposition, asked the former Attorney General about a

specific incident where Judge Ralph Coolahan was forced to tell a jury he could not ensure their safety during a sexual assault trial, apparently due to staff shortages. There has been a change of government since then yet, despite this Government's continued insistence that it is better than the former Labor Government in every way, the problem not only persists but is worsening. I have it on good authority that a number of staff have recently been, or are in the process of being, laid off. I have it on further authority that as many as 10 new officers may be assigned to Newcastle in the near future. I understand that this is not enough to cover the shortfall, which has been described as appalling.

I call upon the Attorney General to take this matter seriously. I urge the O'Farrell Government to take steps to alleviate the staffing issues at Newcastle District Court, and at all Hunter courts, to ensure that court complexes are protected, that the business of justice is conducted in a swift and timely manner, and that staff and witnesses are assured of their safety, and to see that our judicial system continues to function smoothly.

**Mr CRAIG BAUMANN** (Port Stephens—Parliamentary Secretary) [12.54 p.m.]: I thank the member for Wallsend for moving this motion about the shortage of sheriff's officers because it gives me the opportunity to remind the people of New South Wales about the utter incompetence of the previous Government—a Government that the member for Wallsend was happy to be part of. The member for Wallsend complains about delays and shortages and calls on the Government to address those issues in the interests of safety. Where was the member for Wallsend and her cynical concerns for the people of the Hunter when she was in government? I seem to remember that she was the Parliamentary Secretary Assisting the Minister for Roads in 2009 when the Tourle Street Bridge opened. To recap, for those members who do not know about the Tourle Street Bridge—

**Ms Sonia Hornery**: Point of order: My point of order goes to relevance. The Tourle Street Bridge has no relevance to this debate about the sheriff's office.

**ACTING-SPEAKER (Ms Melanie Gibbons)**: Order! I will see how the member for Port Stephens develops his speech.

**Mr CRAIG BAUMANN**: I remind the people of New South Wales what an effective Parliamentary Secretary the member for Wallsend was in government. The Tourle Street bridge was the two-lane bridge that was replaced by a two-lane bridge.

**Mr Barry Collier**: Point of order: The building of a two-lane bridge has very little to do with the sheriff's office. I ask the member for Port Stephens to return to the leave of the motion.

**ACTING-SPEAKER (Ms Melanie Gibbons)**: Order! I have ruled on that point of order.

**Mr CRAIG BAUMANN**: The situation regarding the bridge will be remedied, thanks to Minister Gay and the Federal Liberal Government. When we formed government, we wanted to see what we could do for the Police Force, so we initiated the Parsons review. Guess who did not bother putting in a submission? It was the member for Wallsend. But she is now calling for a police station to be built in Wallsend.

**Ms Sonia Hornery**: Point of order: That is not relevant to the debate.

**ACTING-SPEAKER (Ms Melanie Gibbons)**: Order! The member for Port Stephens is talking about staffing. His comments are relevant to the debate.

**Mr CRAIG BAUMANN**: The member for Wallsend did not bother to put in a submission to the Parsons review and now she is calling for a police station to be built in Wallsend. The Newcastle sheriff's office provides security for the Newcastle Court House. It is suitably staffed to provide adequate security and court support. Staffing requirements have been assessed, based on risk levels, and compared with similar court structures across the State. The member for Wallsend alleges that the shortage of sheriff's officers is causing delays to criminal trials at Newcastle Court House and that the number of sheriff's officers at the courthouse has halved since 2002. While there has been a decrease in the number of officers located at the courthouse, staffing needs have changed since that date.

For example, there has been a decrease in the amount of enforcement work required of sheriff's officers. Staffing needs at the Newcastle Court House are periodically reviewed by the sheriff's office, and a statewide review commenced this financial year. The motion mentions security. There are security procedures in place to ensure the security and safety of all judicial officers and court users. Effective controls such as full-time

perimeter security, closed-circuit television [CCTV] coverage, access control, duress alarms and roving officers are in operation throughout the day. All officers are tactically trained, with the ability to engage offenders if necessary or defuse any potential threat. The member for Wallsend talked about delays—and she knows a few things about delays—but there have been no significant delays to criminal trials due to staffing requirements.

I am aware of three recent incidents that caused a slight delay to criminal trials. Two of them were due to the need for sheriff's officers to attend to witnesses in remote witness rooms. The other was due to a court officer being required to deal with jurors' inquiries following an evacuation the previous day. In these instances staff were in attendance in the court within a matter of minutes. While these incidents are regrettable, they were caused by operational or communication issues, not staffing shortages. This motion is ridiculous and deserves to be treated with contempt.

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

## **JOINT STANDING COMMITTEE ON ROAD SAFETY**

### **Report: Report on Non-registered Motor Vehicles**

#### **Question—That the House take note of the report—proposed.**

**Mr GREG APLIN** (Albury) [1.00 p.m.]: This report completes the third inquiry by the Joint Standing Committee on Road Safety [Staysafe] in the Fifty-fifth Parliament and follows the review of driver and road user distraction that was conducted last year. I am pleased to note that since the tabling of the committee's previous report, driver distraction has become a major priority for the Centre for Road Safety, and this is also reflected in the latest National Road Safety Strategy. Staysafe welcomes those developments. In the committee's latest inquiry, it is concerned about the proliferation of alternative modes of transport on our roads and the cumulative safety impacts of such vehicles on riders and drivers, pedestrians and other vulnerable road users.

The increasing use of mobility scooters, electric bicycles, quad bikes and other non-registered vehicles is accompanied by a current lack of regulatory controls and appropriate road infrastructure. This is of concern as rapid take-up of such devices accelerates into the future. Staysafe finds there is no compelling case for placing the costs of compulsory registration and insurance of mobility scooters on the elderly or disabled. The impact of an ageing population and increasing transportation costs presents opportunities as well as challenges. For older citizens and people with mobility problems, motorised devices provide opportunities to maintain access to services and to participate in community activities. The use of electric bicycles and recreational vehicles also reflects an increased emphasis on physical engagement, fitness and increased leisure time.

The combined use of those vehicles adds to the already congested road space and road-related areas, particularly in urban and metropolitan settings, and raises a set of issues that need to be addressed that include vehicle standards, skills and competency training, insurance considerations and road infrastructure. The report canvasses the need for improved data collection to gauge the extent of use of those vehicles and their impact on the road network. The current coding system does not adequately discriminate between vehicle classes to enable data to be provided about their use or involvement in vehicle crashes. As an illustration of the shortcoming, I cite the example of mobility scooter riders, who are currently classified as pedestrians.

As part of its inquiry, the committee examined the design and operation of various types of vehicles and the need for improvements to design, safety features, speed and weight limits. The role of manufacturers and distributors in ensuring compliance with safety standards and safety regulations has a bearing on roadworthiness and contributes to the risk profile of those vehicles. To better regulate and enforce compliance of guidelines, the committee recommends that compliance plates or road safety certificates be fitted to mobility scooters and that electric bicycles be fitted with a label to identify the power output of those vehicles. In relation to quad bikes, the committee strongly recommends the compulsory use of helmets and protective clothing, and suggests the implementation of a star rating system that is similar to the Australasian New Car Assessment Program [ANCAP] rating for motor cars.

Currently Austroads is conducting a review to standardise Australian Design Rule classifications for non-registered motorised vehicles. The committee urges the review to refine the current standards that apply to mobility scooters to reflect their usage and appropriateness. The committee also recommends that mobility scooters not be sold without appropriate training in their safe use and assessment of the user's abilities. The responsibility

for assessment and training must fall on retailers under a scheme in which they can become accredited. Staysafe also argues for greater local government involvement in data collection and road safety education for mobility scooter users. Along with increasing responsibilities of manufacturers and retailers to ensure compliance with safety standards and rider competencies, there is a distinct role for local councils in road safety education.

Some councils already have embarked on road safety campaigns. Only last Friday it was reported that the Albury City Council road safety officer had organised a public workshop for the growing number of elderly residents who use mobility scooters. The council is issuing fluorescent safety vests and orange flags to help scooters and their riders to be more visible. The workshop is exactly the type of activity being recommended by Staysafe. Another significant issue involving local councils that was identified in the inquiry is the lack of provision of adequate road infrastructure in many areas, particularly for mobility scooters. During the committee's visit to Port Macquarie, the absence of a footpath connecting retirement facilities to shops and local services was observed. The report recommends that State and local government planning mechanisms take account of the characteristics and requirements of non-registered motorised vehicles in planning guidelines, infrastructure design and road construction projects.

Education and public awareness are other vital components of safety. The committee recommends that Transport for NSW undertake a campaign to raise awareness of the potential injury risks associated with non-registered vehicles and the need for appropriate insurance to cover any liability. As part of the inquiry, the committee received 75 submissions, conducted two days of public hearings in Sydney as well as inspections and a public hearing at Port Macquarie, to gather evidence from a range of government and non-government agencies, researchers, road safety practitioners and individuals. I thank all those who shared their knowledge and experiences with the committee and who contributed to the evidence contained in the report. The tabling of this report makes a significant contribution to the policy debate in this important area of road safety. The committee trusts that the Government will respond positively to the report's recommendations.

**Question—That the House take note of the report—put and resolved in the affirmative.**

**Report noted.**

## **LEGISLATION REVIEW COMMITTEE**

### **Report: Legislation Review Digest No. 52/55**

**Question—That the House take note of the report—proposed.**

**Mr STEPHEN BROMHEAD** (Myall Lakes) [1.05 p.m.]: I appreciate the opportunity to update the House on the comments made by the Legislation Review Committee in its most recent digest, which was tabled on 18 March 2014. This is the fifty-second report prepared by the Legislation Review Committee of the Fifty-fifth Parliament. Five bills were introduced in the sitting week commencing 4 March 2014, of which three attracted comment by the committee. I now turn to each of those bills. The Courts and Other Legislation Amendment Bill makes 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 New South Wales courts as well as the operation of various agencies within the Department of Attorney General and Justice.

The committee noted that schedule 5.2 to the bill amends section 15 of the Court Suppression and Non-publication Orders Act so that information that is the subject of a suppression order by a court can be disclosed to the Bureau of Crime Statistics and Research for the purpose of compiling statistical data about crime and criminal justice. The committee considered whether permitting the disclosure of information that is subject to a suppression order may impact on an individual's right to privacy. However, the committee noted that any disclosure to the Bureau of Crime Statistics and Research is limited to the purpose of compiling statistical information and must not result in information that is the subject of the order being published. The committee also noted the public interest in maintaining statistics relating to the criminal justice system.

The committee also turned its attention to the Crimes Amendment (Female Genital Mutilation) Bill 2014. The objects of this legislation are twofold: first, to increase the maximum penalty of imprisonment for the offence of performing an act of female genital mutilation, or aiding, abetting, counselling, or procuring a person to perform such an act from seven years to 21 years; and, secondly, the bill creates a separate offence, also with a maximum penalty of 21 years imprisonment, if a person takes, or arranges for the taking of, another person from the State with the intention of having female genital mutilation performed on the other person. While the

committee always will comment when there is a substantial penalty increase for criminal offences, the committee noted that the penalty increase provided for in this bill follows an extensive review process and is designed to bring New South Wales into line with other jurisdictions.

Lastly, the committee considered the Crimes Amendment (Provocation) Bill. In particular, schedule 1 to the bill restricts the circumstances under which an accused person can successfully argue the partial defence of provocation to a murder charge, which would result in the accused person being found guilty of the lesser offence of manslaughter. At the moment, the partial defence is available if the accused loses self-control because of the conduct of the deceased, which includes grossly insulting words or gestures, and that conduct could have caused an ordinary person in the position of the accused to have lost self-control to the extent of intending to kill or inflict grievous bodily harm on the deceased. Under the bill, the deceased's conduct must be a serious indictable offence, which is an offence that is punishable by imprisonment for life or for five years or more, before the defence of provocation can be made available.

The bill also reflects the contemporary community standard that people faced with conduct that is merely offensive or insulting should not contemplate homicide or the infliction of serious injury in response. The digest is a tool available for all members to flag issues of concern that may require further inquiry. In identifying these matters, the committee hopes to arm members with the resources and knowledge to contribute to a thorough debate of bills before the Parliament. I commend the staff for the preparation of the draft digest.

**Ms TANIA MIHAILUK** (Bankstown) [1.09 p.m.]: On behalf of the Opposition, I speak in debate on Legislation Review Digest No. 52/55 and acknowledge my fellow committee members: the chair and member for Myall Lakes; the members representing the electorates of Parramatta, Rockdale and Swansea; and our colleagues from the Legislative Council, Mr David Shoebridge, the Hon. Shaoquett Moselmane and the Hon. Dr Peter Phelps. I echo the Chair's sentiments and commend committee staff members who have, as always, worked diligently over the past month to prepare the draft digest. The Legislation Review Committee considered five bills this week: the Central Coast Water Catchments Protection Bill 2014, the Courts and Other Legislation Amendment Bill 2014, the Crimes Amendment (Female Genital Mutilation) Bill 2014, the Crimes Amendment (Provocation) Bill 2014, which the chair commented on in his speech, and the Payroll Tax Rebate Scheme (Jobs Action Plan) Amendment (Fresh Start Support) Bill 2014.

I wish to comment on the Crimes Amendment (Female Genital Mutilation) Bill 2014, which will increase the maximum penalty for the offence of performing an act of female genital mutilation, including aiding, abetting, counselling or procuring a person to perform such an act, from seven years to 21 years imprisonment. The bill will also create a separate offence with a maximum penalty of 21 years imprisonment if a person takes or arranges for the taking of another person from the State with the intention of having female genital mutilation performed on the other person. The introduction of this bill follows a review by the Commonwealth to ensure a consistent legislative framework for the criminalisation of female genital mutilation. The review found that the law in New South Wales differed significantly from other jurisdictions in two areas, namely, that the maximum penalty in New South Wales was significantly less than in other jurisdictions, and that New South Wales was the only jurisdiction that did not have a removal offence. Under section 45A consent of the person concerned will not be a defence to female genital mutilation. The committee made the following comment in relation to the bill:

The Committee will always comment when there is a substantial penalty increase for criminal offences. The penalty increase in this bill follows an extensive review process and is designed to bring New South Wales into line with other jurisdictions. Given these circumstances, the Committee makes no further comment.

I feel sure that members on both sides of the House would agree with the need to support that bill. I take the opportunity to thank the staff and my fellow committee members and commend the digest to the House.

**Question—That the House take note of the report—put and resolved in the affirmative.**

**Report noted.**

## **STATE AND REGIONAL DEVELOPMENT COMMITTEE**

### **Report: Inter-regional Public Transport**

**Question—That the House take note of the report—proposed.**

**Mr ANDREW GEE** (Orange) [1.13 p.m.]: As chair of the State and Regional Development Committee I speak today on the report of the committee's inquiry into inter-regional public transport. Public



transport is a topic close to the hearts of people in regional communities. We live in a big State in which isolation from metropolitan areas and other regional communities is a real issue. Throughout this inquiry the committee heard that inter-regional public transport services make a significant contribution to the standard of living in regional New South Wales. These services are greatly valued by regional residents and, without them, the residents' quality of life is restricted, the potential for economic and social growth in regional areas is constrained and geographic and social isolation for vulnerable groups is increased. The aim of this inquiry has been to examine ways in which inter-regional public transport can be improved so that it is comparable, to the greatest extent possible, to services that are enjoyed by residents living in the State's larger metropolitan centres.

To this end it is vital that inter-regional public transport be regarded and administered as an essential service, and the committee considers that NSW TrainLink should be actively supported in its valuable role in the provision of services for the people of regional New South Wales. The committee has made a series of recommendations intended to enhance the standard of inter-regional public transport for regional communities and increase patronage on NSW TrainLink trains and coaches. Included in the committee's recommendations are measures to make vehicles, railway stations and bus interchanges and service information more accessible to vulnerable groups; improvements to the frequency and reliability of NSW TrainLink services; enhancements to the timetabling of NSW TrainLink services; and measures to make inter-regional public transport more integrated and connected. Further, the committee has made recommendations to make NSW TrainLink ticketing more accessible and integrated; enhance NSW TrainLink's contribution to tourism in the State; and ensure that future NSW TrainLink trains and coaches have the capacity to travel at faster speeds and provide increased passenger comfort.

The committee notes the NSW Long Term Transport Masterplan devised by Transport for NSW in December 2012 and commends the Minister and her department for the work that has been done to identify the State's transport challenges over the next 20 years. It is the hope of the committee that the recommendations in this report will complement the Transport Master Plan and provide a constructive and meaningful addition to the efforts to improve inter-regional public transport in New South Wales. Over the course of the inquiry the committee considered 151 submissions, conducted two public hearings and made three visits of inspection. In the course of these activities, the committee heard a wide range of stakeholder views which were invaluable to informing the committee's deliberations and the report's final recommendations.

On behalf of the committee I thank each participant for taking the time to contribute to the inquiry. I particularly thank my committee colleagues for their input, support and hard work throughout the inquiry—the member for Northern Tablelands, who is in the House today, the member for Lake Macquarie, the member for Lakemba and, of course, the inimitable member for Wagga Wagga. I also thank former committee members for their contribution. Lastly, I thank the committee staff for their work in supporting the inquiry and in the preparation of the committee's report. I commend the report to the House.

**Mr ADAM MARSHALL** (Northern Tablelands) [1.17 p.m.]: I make a contribution to the take-note debate on the report of the State and Regional Development Committee. As the chair of the committee said, New South Wales is a big State and public transport is a vital service for rural areas. It provides a reliable and affordable link from rural areas to our capital city or to larger metropolitan areas. The committee also discovered in evidence it heard that public transport—particularly NSW TrainLink services—provides a vital service and vital cog, particularly for senior citizens in regional communities, to make intra-regional trips. People are using those services to travel from their home town to Sydney for business or for medical appointments and there also is an increasing trend for those services to be used for travel from one regional location to another within a relatively short distance.

In my area alone the figures speak for themselves. The number of commuters using the NSW TrainLink service is steadily growing. The largest demographic to make use of that service consists of senior citizens, pension holders and concession holders. The vast majority catch the train at Armidale but get off at places other than Sydney. They hop off the train at various stops down to Tamworth or the Hunter Valley to attend to business, see family or, more notably, attend important medical appointments. This service provides an opportunity for them to leave early in the morning and return at night after fulfilling their business needs. Time and again the inquiry heard that story. For that reason, the committee made its important recommendations on improving timetables, recognising patronage change, ensuring continued reliability and affordability, and providing passenger comfort through installing power points, potential wi-fi services or simply accessibility boards with staff to assist those in wheelchairs or elderly residents to embark on or alight from those services.

I am a proud regional member of Parliament and it is important for government to act on those features. I thank the committee chair, the member for Orange, who does a magnificent job guiding us and leading us

through deliberations on some difficult matters at times. I thank also the other committee members—the member for Wagga Wagga, the member for Lakemba and the member for Lake Macquarie. Certainly, it is an enjoyable group and it was good to be a member of the committee and produce my first report since my election to this place. I hope and trust the report will bring great benefits not only for those in my electorate who use those transport services but also for those across country New South Wales.

**Question—That the House take note of the report—put and resolved in the affirmative.**

**Report noted.**

*[Acting-Speaker (Ms Melanie Gibbons) left the chair at 1.21 p.m. The House resumed at 2.15 p.m.]*

## **BUSINESS OF THE HOUSE**

### **Suspension of Standing and Sessional Orders: Community Recognition Statements**

**Mr BRAD HAZZARD** (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [2.18 p.m.]: I move:

That standing and sessional orders be suspended at this sitting to permit the taking of community recognition statements for a period of up to 20 minutes following the conclusion of private members' statements, and prior to the adjournment of the House.

Members are aware that community recognition statements have been popular as they allow members to acknowledge people in their communities who are contributing in a variety of ways. We are finding ways to increase the time allocated to community recognition statements. At the conclusion of normal business this afternoon I propose that a further period of up to 20 minutes will be allowed for community recognition statements.

**Mr Nathan Rees:** Not at the expense of the Travel Agents Repeal Bill?

**Mr BRAD HAZZARD:** For the interest of the member for Toongabbie, it will be at the conclusion of all other business. This matter will be discussed in consultation with all members. Depending on how it goes this afternoon it will possibly happen again next week and may become a permanent fixture.

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

**Motion agreed to.**

## **QUESTION TIME**

*[Question time commenced at 2.20 p.m.]*

## **AUSTRALIAN WATER HOLDINGS**

**Mr JOHN ROBERTSON:** My question is directed to the Premier. Will he confirm that on 20 July 2010—only one day after Australian Water Holdings donated \$10,000 to the Liberal Party—his former Chief of Staff, Peter McConnell, and Mr Arthur Sinodinos discussed the drafting and content of a letter of support for Australian Water Holdings, which he then sent as Leader of the Opposition?

**Mr BARRY O'FARRELL:** This State is blessed to have an Independent Commission Against Corruption to investigate any and all allegations about any wrongdoing across the public sector. Frankly, I prefer the Independent Commission Against Corruption to the Australian Labor Party to be investigating corruption. I prefer the commissioner and counsel assisting the Independent Commission Against Corruption to Clouseau and Clever Green over there. The fact is that I can confirm that, on Monday, counsel assisting the Independent Commission Against Corruption, which is looking at all of these matters, made a statement that could not have been clearer.

**Mr John Robertson:** Point of order: I refer to Standing Order 129, relevance. I am not alleging anything; I am merely asking for a confirmation of dates and letters.

**The SPEAKER:** Order! I understand the question and the Premier is being relevant to it.

**Mr BARRY O'FARRELL:** My response is the same—that is, the Independent Commission Against Corruption has been and is examining all of these matters. On Monday, in his opening statement, counsel assisting the Independent Commission Against Corruption said:

We have looked carefully at the activities of Mr O'Farrell and Mr Pearce and we have found no evidence to implicate either in any corruption.

### **OPAL CARD ELECTRONIC TICKETING SYSTEM**

**Mr BRYAN DOYLE:** I address my question to the Premier. How is the Government making it easier to use public transport?

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

**Mr BARRY O'FARRELL:** I thank the member for his question. From the opal of the south-west to the Opal card, two great jewels of New South Wales. Both are as colourful as each other and both as likely to dazzle you in the sun, Madam Speaker. Who said this? I quote:

Sydney must be an international city with all the infrastructure and we would like to be a world leader in this new integrated ticketing mass transit technology ... One smart card ticket that can be used on all transport modes on any day, with decent interchange, is obviously the best solution for Sydney's commuters—

and I will give members a hint—

and the best way to get to Olympic Games events.

It was not the Minister for Transport, Gladys Berejiklian, or the Minister for Transport who immediately preceded her, the failed Leader of the Opposition. It was the failed Minister for Transport, Brian Langton—someone not unfamiliar with the initials ICAC—and he said it back on 18 November 1997. Labor promised to introduce an integrated ticketing card in time for the Sydney Olympic Games. Was the electronic ticketing in place for the Sydney Olympic Games?

**Government members:** No.

**Mr BARRY O'FARRELL:** Did that happen in time for the Sydney 2000 Olympic Games?

**Government members:** No.

**Mr BARRY O'FARRELL:** Was it in place at any time a decade later?

**Government members:** No.

**Mr BARRY O'FARRELL:** Did it happen at all during the 16 long years that Labor was in office?

**Government members:** No.

**Mr BARRY O'FARRELL:** Along with the Rozelle metro and the member for Toongabbie's black cat, the T-card was a non-existent vehicle under those opposite. But we now have an Olympic gold medal performance by the Minister for Transport, Gladys Berejiklian. In less than three years, having inherited just one thing in relation to electronic ticketing from those opposite—namely, a court case that literally threatened the Government with compensation worth tens of millions of dollars—the Minister for Transport has introduced the Opal card across ferries in Sydney. To date the Minister for Transport has introduced the Opal card at 120 railway stations across the metropolitan network. From next Friday all 190 stations across the Sydney rail network will have access to the Opal card. People can tap on and tap off to their heart's content. But there is more.

From 4 April, the following weekend, those who use the rail service on the Illawarra line—including the member for Wollongong and, importantly, the other jewel on the South Coast, the member for Kiama, let alone the Speaker of the House—will have access to the Opal card. But it gets better than that. On that same day—4 April—the jewel of the South Highlands, the member for Goulburn, will have access because it will go all the way to Goulburn on the Southern Highlands line. It will deliver extraordinary benefits across the system.

The fact that 70 additional train stations will come online on 28 March and another 52 on 4 April demonstrates what I have described as an Olympic gold medal performance by the Minister for Transport. She has focused on the needs of customers and ensured that the whole of her bureaucracy—from Transport for NSW, through Sydney Trains—focuses on delivering the infrastructure that commuters need in 2014. This card can be used not just on our rail system—which was the announcement made today—but across other forms of transport. As the Minister said at her press conference earlier today, the rollout of the Opal card on buses will start this year. She said that ferries were relatively easy because there are not as many, and trains were a bigger job. However, there are 5,000 buses across the public transport fleet—both public and private. The Minister is getting on with the job because she understands the importance to commuters of what back in 1997 was described as so-called modern technology to assist commuters. [*Extension of time granted.*]

The Opal card provides cheaper fares for customers. It gives people free travel right across the public transport network after eight journeys in a week. Commuters need only to go to and from work Monday to Thursday and whatever travel they do on Friday, Saturday and Sunday is free. A daily fare cap of \$15 applies and there is a \$2.50 cap on Sundays for all customers, including those who use Thirroul station.

**Mr Ryan Park:** Funday Sunday.

**Mr BARRY O'FARRELL:** I welcome the interjection of the member for Keira because he could not deliver this when he worked for a transport Minister in the former Government. I am wondering whether it is too late to ask him to refund his salary for the work he did for that former Minister for Transport. He clearly was not working in the interests of commuters. I am certain he was working in the interests of getting preselection for the seat of the former Minister for Transport. But more focus on commuters, less focus on politics and he too could have been replicating the gold medal performance of the Minister for Transport in delivering the Opal card.

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

**Mr BARRY O'FARRELL:** This is good news for commuters. It is about giving commuters options when it comes to public transport. More importantly, it is about giving people who currently do not use public transport an even greater incentive to do so by making it easy to connect their Opal card to their credit card. As I have said, after eight journeys in a week the ninth, tenth, eleventh and twelfth journeys will be free of charge.

#### AUSTRALIAN WATER HOLDINGS

**Mr MICHAEL DALEY:** My question without notice is directed to the Premier. Will the Premier confirm that on 12 August 2010—only one day after Australian Water Holdings donated over \$1,900 to the Liberal Party—he had a meeting with his now planning Minister, as well as Nick Di Girolamo and Arthur Sinodinos, where Australian Water Holdings sought a further letter of support for a lucrative contract with Sydney Water?

**Mr BARRY O'FARRELL:** I again make the point that these are matters before the Independent Commission Against Corruption. I again make the point that counsel assisting the commission stated on Monday at the start of the inquiry that they had carefully—

**Ms Linda Burney:** That's not the question.

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

**Mr BARRY O'FARRELL:** I know it does not suit the member for Canterbury's motif, if you like, but at times the facts are important. At times the member opposite should not let rhetoric, fantasy and pretence get in the way of the facts. The fact is that on Monday counsel assisting the commission could not have been clearer.

**Mr Richard Amery:** Did he answer this question?

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

**Mr BARRY O'FARRELL:** He made a statement in which all of these matters have been canvassed. He said, "We have looked carefully at the activities of Mr O'Farrell and Mr Pearce and we have found no evidence to implicate either in corruption."

**Mr Michael Daley:** Point of order: I refer to Standing Order 129, relevance. The Premier has to do more than just deliver this lame stock standard answer.

**The SPEAKER:** Order! The Premier has only to be relevant to the question he was asked, and he has been. The member will resume his seat. There is no point of order. The Premier has the call.

**Mr BARRY O'FARRELL:** I have finished my answer.

#### **RAILWAY STATIONS ACCESSIBILITY AND PARKING**

**Mrs ROZA SAGE:** My question is directed to the very competent Minister for Transport. How is the Government improving accessibility and customer parking at train stations?

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

**Ms GLADYS BEREJIKLIAN:** I thank the outstanding member for the Blue Mountains for her question.

**The SPEAKER:** Order! I call the member for Canterbury to order for the first time. Opposition members will come to order or they will be removed from the Chamber.

**Ms GLADYS BEREJIKLIAN:** I recognise the contribution of the member for the Blue Mountains to improving public transport for the Blue Mountains, especially given there are 16 railway stations in the Blue Mountains.

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

**Ms GLADYS BEREJIKLIAN:** It is well known that for far too long one of the biggest concerns of our customers has been parking at train stations; and another has been the ability to access railway stations.

**Mr Richard Amery:** That is why Neville Wran brought them in.

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

**Ms GLADYS BEREJIKLIAN:** Instead of just talking about transport projects, as those opposite did when in government, we are delivering outcomes. Last Friday I had the pleasure of visiting Glenbrook station—along with the member for Blue Mountains, and the Minister for Fair Trading, the member for Penrith—to open a brand new commuter car park. It provides 56 extra spaces for commuters. Previously this car park was a vacant block of land, and residents had to put up with commuters parking right outside their homes in residential streets. I am pleased that we got on with the job and delivered this great new car park. And there will be plenty more developments to come. Not only did we build a car park; we also upgraded associated infrastructure there. We improved pedestrian access to make sure people can use not only the car park but also the railway station.

The Glenbrook commuter car park, which we opened last Friday, is but one of many things we have done to improve accessibility since coming to government. When we came to government we found transport was in a mess. I found not one team looking after easy access upgrades in the transport agencies but rather six of them. A lot of them had very good ideas but unfortunately they were not delivering what is necessary for our commuters. When we came to government only 124 out of 307 railway stations were accessible for people with wheelchairs or prams. Just over a third of our stations were accessible. When we came to government we put together a \$770 million Transport Access Program. It is now delivering modern, accessible railway stations, commuter car parks and interchanges. I note that many of the members opposite write to me about upgrades in their electorates. That is because those opposite failed to deliver during their 16 years in government but we are now getting on with the job.

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

**Ms GLADYS BEREJIKLIAN:** Across the board we have 120 projects underway or completed to deliver upgrades, commuter car parks and interchanges.

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

**Ms GLADYS BEREJIKLIAN:** I know that a lot of those opposite are aware of this because many of these projects are occurring in their electorates. Since we have come to government at least 20 more railway stations have been made accessible where they were not before. I want to list these 20 stations which have been upgraded. They are—

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

**Ms GLADYS BEREJIKLIAN:** Those 20 stations are: Albion Park, Austinmer, Cardiff, Casula, Gerringong, Glenfield, Greta, Hamilton, Jannali, Leumeah, Martin Place, Minto, Newtown—

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

**Ms GLADYS BEREJIKLIAN:** Speaking about the station at Newtown, I note that the shadow Minister in the other place is running for Labor preselection in that electorate.

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

**Ms GLADYS BEREJIKLIAN:** But my money is on one of the other candidates running for Labor preselection in that seat. He said on the weekend—

**Ms Carmel Tebbutt:** Point of order: My point of order is under Standing Order 129, relevance. I do not recall this question being about preselection for the Labor Party in Newtown.

**The SPEAKER:** Order! The Minister has been relevant and I am sure that she will return to the leave of the question. I note the point of order.

**Ms GLADYS BEREJIKLIAN:** I am making a point in relation to the upgrade we did of the station at Newtown. One of the candidates for Labor preselection in that electorate said, "No-one in the community in New South Wales believes that we have a credible transport policy." That is why my money is on him. But we digress. [*Extension of time granted.*]

There is so much good news to announce that I will need extra time to complete my answer. In addition to the stations I have mentioned, we have also done upgrades at Picton, Scone, Sefton, Singleton, Sydenham, Warwick Farm and Windsor. There are a number of accessibility upgrades on the way. I am pleased that these upgrades will happen at Redfern, Bankstown, Flemington, Sutherland and Jannali. These are all worthy recipients. In relation to Redfern station I thank the sensible member for Heffron for welcoming that upgrade. He said he was exceptionally pleased with that result as it is long overdue. He could not rely on his own side but he can rely on this Government to make sure we get the job done. We will get it done.

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

**Ms GLADYS BEREJIKLIAN:** We have also announced upgrades at Riverstone, Mittagong, Marrickville, Oatley, Ingleburn, Bundanoon, Waterfall and Wentworthville. I know the member for Blue Mountains is excited about the upgrade at Wentworth Falls as well. We have announced many other upgrades, which I will not go through now. But I do want to stress that, in addition to the accessibility upgrades, since we came to government we have provided more than 2,000 extra car spaces across the network and another 2,300 are on the way, including the return of more than 1,000 car spaces that were previously staff only. I am pleased that we have completed car parks at Kiama and Moss Vale. Work is underway in places such as Oak Flats, Granville, Padstow, Canning Vale and many other stations. I am looking forward to the completion of many other easy access upgrades and car parks. I am pleased that our customers are able to benefit from these improvements.

#### AUSTRALIAN WATER HOLDINGS

**Mr JOHN ROBERTSON:** My question without notice is directed to the Premier. Will the Premier confirm that on 28 September 2010—just one day after Australian Water Holdings donated \$2,000 to the

election campaign at a private dinner—he wrote a letter of support in his official capacity as the Leader of the Opposition to help the company secure a lucrative contract with Sydney Water at the request of Nick Di Girolamo and Arthur Sinodinos?

**Mr BARRY O'FARRELL:** My response to that question is the same as it was to the last two questions: I will take the word of the counsel assisting the Independent Commission Against Corruption, who has looked at these matters, before I listen to the wild speculation of members opposite.

**Ms Linda Burney:** Just one single answer.

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

**Mr BARRY O'FARRELL:** I appreciate being asked three questions by the Leader of the Opposition in three question times in a row. He has shown his bipartisan support for the Major League Baseball being played at the Sydney Cricket Ground on Saturday, because each of the questions has been a hit out of the park. Batter up! I was trying to work out why members of the Opposition are persisting with this line of questioning. We know they are not good with question time strategy. We have seen that over three years.

**Mr Adrian Piccoli:** Strategy?

**Mr BARRY O'FARRELL:** Yes, indeed. What the Opposition cannot work out is that on 26 March 2011 the way in which government operates changed. No longer was it about political interest and self-interest; it became about public interest and what is best for the State.

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

**Mr John Robertson:** Point of order: My point of order relates to relevance. I know the Premier does not want to answer any of these questions, but a document tabled at the Independent Commission Against Corruption hearing shows that the Premier wrote a letter on his letterhead the day before a donation was made.

**The SPEAKER:** Order! The Premier is being relevant to the question asked. There is no point of order. The Leader of the Opposition will resume his seat. I call the Leader of the Opposition to order for the first time.

**Mr BARRY O'FARRELL:** Shock, horror! The Leader of the Opposition has a letter that has been released by the Independent Commission Against Corruption. On Monday, at the opening of the commission's inquiry, counsel assisting said that the commission had carefully examined the activities of Mr O'Farrell and Mr Pearce and found no evidence of corrupt activity. The point is that the Opposition cannot understand a government operating in the public interest, rather than for personal or political interest. There is no better example of the changes we have introduced than—

**Mr Michael Daley:** Point of order: If the Premier has nothing to hide, why does he not answer the question? I raise my point of order under Standing Order 129.

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

**Mr BARRY O'FARRELL:** The Government made two great changes in May 2011. One related to an Independent Commission Against Corruption report that was received in 2010. I am pretty certain that we were elected in 2011 and that we were not in office in 2010. That report recommended to the Keneally Government that it ban lobbyists' success fees. Did that happen before the election? No. Who banned lobbyists' success fees as one of its first acts in government? This Government did. The Independent Commission Against Corruption also suggested that former Ministers have an 18-month cooling-off period before being allowed to lobby in areas for which they were previously responsible. Was that introduced by the Keneally Government on its way out of office? No. Was it introduced by this Government? Yes it was, because we are determined to ensure that decisions are made in the public interest and are appropriate. We will continue to do so for as long as we are in office.

## INTEGRATED HEALTH CARE STRATEGY

**Mr TONY ISSA:** My question is addressed to the Minister for Health and Minister for Medical Research. What is the Government doing to improve patient care in New South Wales?

**Mrs JILLIAN SKINNER:** I thank the member for Granville for his concern for health care in his electorate. I also thank him for the many times that he has visited Westmead Hospital with me, where there are exciting things afoot. This morning I had the great pleasure to release the Government's integrated health care strategy. This is a turning point in the way health care is delivered in this State. It is an issue that the world is grappling with, and we have been congratulated on the start that we have made in this State. Many patients occupying acute care beds would be better treated in their homes or in the community. It makes no sense for elderly patients to remain in hospital when they have a condition that could be better treated by a general practitioner or allied health professional at home. A team of people, such as a podiatrist, a dietician, the community pharmacist, diagnosticians, or people from a non-government organisation could contribute to that person's care.

The key to this strategy is to have seamless health care and to engage in partnerships with people across the sector, from primary health care through to hospital care. It is crazy that we should put people in a costly acute care bed when that will not do them any good. I was thrilled to see about 60 people at the forum today, who all attended at short notice to support the strategy. There were representatives from the College of General Practitioners, the College of Physicians and non-government organisations such as HammondCare. People came from Bathurst, from Dubbo and from the Central Coast because they recognise that this is the way of the future. I am thrilled that we launched the strategy today. I have been working on it for a very long time. I identified this as an important direction in March 2009 in a document entitled "Making it Work" when I was shadow Minister for Health.

*[Interruption]*

**The SPEAKER:** Order! I call the Leader of the Opposition to order for the second time.

**Mrs JILLIAN SKINNER:** If members of the Opposition would stop being stupid and listen, they would understand. In the document "Making it Work" I announced that, on achieving government, I would create local health districts and re-engage local people to give them a say in health care.

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

**Mrs JILLIAN SKINNER:** On becoming Minister, that is exactly what I did. The Government legislated to give local health districts and, through them, doctors and nurses and others working in the system, the opportunity to participate. We have seen huge benefits from improved performance in our hospitals. We have seen better emergency departments and better elective surgery arrangements than ever before. The next step is to engage those people to work in partnership with the community sector. The NSW Ministry of Health will contribute \$120 million in funding to local health districts to work with partners in health care. Those partners include general practitioners, non-government organisations, organisations such as Tresillian, and universities.

Everyone is saying that this is the way ahead. Reports have shown that if we keep going as we are, not only will we not do the right thing by patients but also we will not be able to afford to provide care. The health budget is growing year on year. This year, 28 per cent of the budget is keeping our health care safe, but will it do so in 20 years time, especially with an ageing population? People do not want to be stuck in an acute care bed; they want to get better health care across the system. This strategy is about a new direction, engaging with people from Commonwealth agencies to non-government organisations. I am astonished that members opposite are laughing about this.

**The SPEAKER:** Order! Opposition members who are not interested in this subject will leave the Chamber.

**Mrs JILLIAN SKINNER:** This strategy is the way ahead. I am thrilled that there is such wonderful community support for it. I look forward to rolling out the strategy further.

## AUSTRALIAN WATER HOLDINGS

**Mr PAUL LYNCH:** My question is directed to the Premier. Will the Premier confirm that the Liberal Party received a personal donation of more than \$1,800 from Mr Nick Di Girolamo on 30 September 2010, just two days after the Premier, in his capacity as Leader of the Opposition, wrote a letter of support to help Australian Water Holdings secure a lucrative contract with Sydney Water?



**Mr BARRY O'FARRELL:** I cannot confirm the receipt of donations to the Liberal Party. Unlike donations to the Labor Party, donations to the Liberal Party are made at arm's length from members of Parliament.

### WESTERN SYDNEY PARKLANDS

**Mr ANDREW ROHAN:** My question is addressed to the Minister for the Environment and Minister for Heritage. How is the Government improving parklands in Western Sydney?

**Ms ROBYN PARKER:** I thank the member for Smithfield for his question and his enthusiastic support of what the Government is doing in Western Sydney, particularly in the Western Sydney Parklands. The member for Smithfield has visited the parklands on a number of occasions, as have other members such as the member for Penrith and Minister for Fair Trading, and Minister Assisting the Premier on Western Sydney, the member for Granville and the member for Parramatta. They have been out to the parklands and have been enthusiastically supporting what the Government has been doing there. The member for Smithfield and the member for Fairfield were present for the announcement of the TreeTop Adventure Park and also have been enthusiastically supporting what our Government has been doing for Western Sydney Parklands.

**The SPEAKER:** Order! The member for Fairfield will come to order. This is not an opportunity for him to have a conversation with the Minister.

**Ms ROBYN PARKER:** The Western Sydney Parklands constitute the largest urban park in Australia and provide a green lung that stretches across western and south-western Sydney. Since 2011 the parklands have invested \$17.3 million in new recreational facilities, such as new picnic grounds and playgrounds at Lizard Log in Fairfield and Nurragingy in Blacktown, better car parking and vehicle access at Plough and Harrow, and new walking and cycling tracks throughout the parklands. As this investment in recreation and leisure facilities delivers results, Western Sydney families no longer will have to commute to visit quality green space areas, which means they will have more time to spend with family and friends and less time spent on the road. In addition, new activities such as the TreeTop Adventure Park and new cafés have been provided to encourage visitors to enjoy the outdoors.

In conjunction with the new investment in facilities and restoration, replanting has taken place across the parklands. Visitor numbers have doubled from approximately 790,000 in 2011 to an estimated 1.4 million people this year. As the parklands develop, the Government is integrating job creation with recreation across the entire precinct. Western Sydney Parklands alone is on track to create 8,800 jobs by 2030, injecting \$2.2 billion into the local economy. The jobs will be created in business hubs and in recreational businesses, such as Wet'n'Wild, which now operate in the parklands. Over the long term, 40 per cent of the parklands will be restored as native bushland. Currently more than 1,000 hectares of bushland are being rehabilitated. Funding for this restoration comes from allocating 2 per cent of the parklands for business hubs, with a further 1 per cent set aside for tourism developments, such as Wet'n'Wild.

Another great example of the Government's investment in restoring local environments is at Parramatta Park. When this Government came to office, Parramatta Park had been neglected as the poor cousin of Centennial Park and Moore Park. There was chronic underinvestment in infrastructure. As the member for Parramatta knows, the Government has worked very hard on Parramatta Park. We have made sure that we have invested in refurbishment. Last year I announced a \$3.2 million refurbishment program of some of our most valuable heritage assets in the park. I am proud to say that the refurbishment is almost complete. We also have restored the George Street Gatehouse, and the Macquarie Street Gatehouse has been leased for tearooms. The public can now enjoy the restored heritage attractiveness of these buildings and the cottage gardens.

**Dr Geoff Lee:** Great adaptive re-use.

**Ms ROBYN PARKER:** As the member for Parramatta says, it is an example of great adaptive reuse, and there is more to come. Major planning and design are well advanced for new playgrounds, picnic facilities, walking and cycling tracks and signage across Parramatta Park. The plans include upgrading the event facilities at the Crescent to allow the park to host many more concerts and events without damaging its heritage fabric. Other events associated with Parramatta Park involve unpacking its heritage, which is not only New South Wales's heritage but also Australia's heritage. This Saturday Parramatta Park will host the Sydney Symphony Orchestra, which will perform a concert under the stars. Parramatta Park has an important role as a cultural destination for the people of Western Sydney, and the event will bring world-class music to the people free of

charge. This year I will be announcing a new direction for that event. We will be engaging with Western Sydney schools, teachers and pupils so that they become partners with the orchestra in this annual musical event in the park. I hope to see many members of the House at the symphony in Parramatta this weekend, enjoying the high-quality local environment that the Government is creating in Western Sydney.

### CIVIL AND ADMINISTRATIVE TRIBUNAL HEARINGS

**Mr ALEX GREENWICH:** Madam Speaker—

**The SPEAKER:** Order! The member for Sydney will be heard in silence.

**Mr ALEX GREENWICH:** My question is directed to the Attorney General. Will he give strata owners' and owners' corporations the right to legal representation without the need for them to seek leave in Civil and Administrative Tribunal hearings to ensure that owners will be able to protect their home investment effectively? Given that strata cases are often complex, the expected rewrite of strata laws will need legal interpretation, and approximately half of Sydney homes will be strataed by 2020.

**Mr David Elliott:** What is the question? It is too long.

**The SPEAKER:** Order! I rule on whether a question is in order.

**Mr GREG SMITH:** I thank the member for Sydney for his surprise question and for his interest in these matters. The Civil and Administrative Tribunal of New South Wales is known as NCAT. There is also a QCAT, a VCAT, and a SACAT, but New South Wales is the top cat, and our close friends refer to us as TC. The Civil and Administrative Tribunal of New South Wales commenced operations on 1 January this year. It is just over 12 months since the Government announced the establishment of the tribunal—something that the previous Labor Government could not achieve in 16 years—and it now exercises the functions of more than 20 former tribunals, including the Administrative Decisions Tribunal, the Consumer, Trader and Tenancy Tribunal and the Guardianship Tribunal.

**The SPEAKER:** Order! Opposition members are no longer funny.

**Mr Nathan Rees:** We'll decide that.

**The SPEAKER:** Order! I will decide that. When the member for Toongabbie is no longer funny, he will be ejected from the House. The member for Toongabbie will come to order. I saw naughty boys like him many times during my teaching career.

**Mr GREG SMITH:** Many New South Wales citizens will rely on the Civil and Administrative Tribunal to provide them with fast and accessible justice. The tribunal's consumer and commercial division alone will hear up to 70,000 matters each year. The Government has designed the tribunal to ensure that the services it provides to the community are as informal and as efficient as possible. The Civil and Administrative Tribunal is not a court; it does not conduct proceedings in the traditional adversarial manner. The tribunal is a multidisciplinary, informal and inquisitorial forum that will resolve a wide variety of disputes and other matters.

The consumer and commercial division alone has a broad jurisdiction. It will hear disputes about home building, strata, tenancy, social housing and motor vehicles, to name a just few. Most disputes that come before the tribunal's consumer and commercial division do not involve complex legal questions. They involve everyday disputes between people over matters such as unpaid rent, unauthorised repairs, excessive noise or the quality of goods and services. To resolve those disputes, it will not always be necessary for people to be represented by a lawyer. In many situations, lay advocates or agents also have the expertise to help parties achieve a fair and just outcome. Agents often have a great deal of experience in resolving disputes and offer their services at a cheaper rate. For example, it is common for real estate agents to appear on behalf of landlords. Similarly, park managers regularly appear on behalf of residential park owners. It is also common for strata managing agents to appear on behalf of owners' corporations.

While not all managing agents may wish to appear before the tribunal, many do so. Agents are well placed to assist the tribunal and often have specialist knowledge of particular subject areas. For example, strata managing agents are trained in the requirements of the Strata Schemes Management Act. Many have a great deal of experience in helping strata schemes to resolve internal disputes. An example is a void in a block of home units

that is common property where people erected storerooms and even bedrooms. They strike trouble when they try to sell. Permitting parties to be represented by agents or by lay advocates will help to ensure that people do not incur unnecessary legal costs in order to resolve straightforward disputes. Parties may also be able to represent themselves in simple matters, and many do. I know of a man who had a dispute with a plumber. I thought he had won the dispute, except the plumber did not pay up—he had other problems. [*Extension of time granted.*]

The Government understands that some consumer and commercial disputes can involve complex legal issues, including disputes under the Home Building Act 1989, the Community Land Management Act 1989 and the Strata Schemes Management Act 1996. That is why the NSW Civil and Administrative Tribunal legislation provides the tribunal with the ability to grant a person leave to be represented by a lawyer, where appropriate. The member for Heffron would probably do well in that jurisdiction. The NSW Civil and Administrative Tribunal has issued formal guidance to its members on when to grant leave for a person to be represented by a lawyer. This includes where a matter is likely to involve complex issues of fact or law where a party would be at a disadvantage if he or she was not represented and where the other party is represented. Applications for leave may be made orally or in writing at any stage of the proceedings and no fee is charged.

The Government will continue to monitor how these provisions are operating and will make adjustments as required. The Government believes that all matters that come before the NSW Civil and Administrative Tribunal should be resolved in a manner that is proportionate to the complexity of the matter in dispute. There is an obligation on the tribunal and all parties to promote the just, quick and cheap resolution of a matter. The suggestion of the member that full legal representation should be provided is not consistent with that policy, allowing parties to be represented by an advocate or agent or to present their own case in straightforward matters. The tribunal is an effective way to ensure that disputes are resolved quickly. [*Time expired.*]

[*Business interrupted.*]

#### **DISTINGUISHED VISITORS**

**The SPEAKER:** I welcome to the gallery Ms Judy Hopwood, the former member for Hornsby.

#### **QUESTION TIME**

[*Business resumed.*]

#### **WESTERN SYDNEY JOBS**

**Mr GLENN BROOKES:** My question is addressed to the Minister for Finance and Services. How is the Government supporting jobs and helping businesses to grow in Western Sydney?

**Mr ANDREW CONSTANCE:** The Government is committed to supporting growth of businesses in Western Sydney and to supporting their employees in achieving their life aspirations. The approach taken by businesses in Western Sydney means that it is one of the most vibrant and innovative regions in the country. The Government is working through its Jobs Action Plan and its investment in infrastructure to drive down the cost of doing business in Western Sydney. There is no greater example of that than the O'Farrell Government's Workers Compensation Scheme reforms. Over the past 12 month premium cycle, businesses in Western Sydney have enjoyed a reduction in premium rates of the order of 12.5 per cent. That is testament to the Government's work. What does that mean? It means that businesses have been able to reinvest in their enterprises, to make improvements in safety for their employees and to generate more jobs. It is pleasing that regions across Western Sydney have seen premium rate reductions. In Liverpool reductions stand at 12.8 per cent; in Penrith at 12.8 per cent; in Parramatta at 12.5 per cent; and in Canterbury at about 13.8 per cent.

These are enormous improvements. We have seen not only a reduction in premiums for businesses but also New South Wales has one of the best injured worker return-to-work rates in Australia. Prior to the reform, the figure was 85 per cent, but post-reform it is 88 per cent. It is also pleasing to see that in its early stages the scheme shows signs of being on a sustainable footing. When the Government inherited the scheme, the deficit was \$4.1 billion. I can now confirm that the surplus is \$309 million. That will allow the Government to invest in safety in high-risk industries and to support businesses in Western Sydney. We can assist small businesses to grow and to ensure that injured workers can return to work more quickly. The Government has also provided a 70 per cent increase in income support for seriously injured workers, particularly those in Western Sydney.

The Leader of the Opposition has made clear that his first act if he became Premier would be to undo these reforms. For businesses in Western Sydney that would mean a 40 per cent increase in workers compensation insurance premiums. What would that mean for New South Wales? It would mean that 12,600 employees would miss out on the employment opportunities that have been generated by these reforms. I note that the member for Maroubra is arcing up. When the member for Maroubra was Minister for Finance the Workers Compensation Scheme deficit grew at \$9 million per day. He had two legacies: first, Michael Williamson being appointed to the board of the State Water Corporation; and, secondly, growing the deficit of the Workers Compensation Scheme by \$9 million dollars a day. [*Extension of time granted.*]

It is funny that Labor's appointee as chair of the Workers Compensation Scheme, Greg McCarthy, said that the Minister ignored him, that he left the finances in a parlous state and—

**Mr Paul Lynch:** Point of order: My point of order relates to Standing Order 73. I have let the Minister go on for a little while, but he is clearly now mounting an attack on another member and he can do that only by way of substantive motion.

**The SPEAKER:** Order! I uphold the point of order. The Minister will not launch attacks on other members. He will return to the leave of the question.

**Mr ANDREW CONSTANCE:** The Government has effectively turned a \$4.1 billion deficit—delivered to us by the member for Maroubra—into a scheme that will not only invest in safety measures in workplaces across Western Sydney but also, according to the NSW Business Chamber, deliver 12,600 jobs across the State. That is what this Government stands for. It is obvious that members opposite—led by the Leader of the Opposition and his incompetent shadow Treasurer—would trash Western Sydney businesses with their maladministered Workers Compensation Scheme and their lack of policies designed to support businesses. God help the businesses of Western Sydney if John Robertson and Michael Daley ever get back into government.

**Question time concluded at 3.09 p.m.**

## PETITIONS

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

### **Oxford Street Traffic Arrangements**

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

### **Pet Shops**

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

### **Pig-dog Hunting Ban**

Petition requesting the banning of pig-dog hunting in New South Wales, received from **Mr Alex Greenwich**.

### **Same-sex Marriage**

Petition supporting same-sex marriage, 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**.

**COMMUNITY SERVICES (COMPLAINTS, REVIEWS AND MONITORING) AMENDMENT  
BILL 2014**

**Bill introduced on motion by Ms Pru Goward, read a first time and printed.**

**Second Reading**

**Ms PRU GOWARD** (Goulburn—Minister for Family and Community Services, and Minister for Women) [3.12 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Community Services (Complaints, Reviews and Monitoring) Amendment Bill 2014, which amends the Community Services (Complaints, Reviews and Monitoring) Act 1993 to strengthen the provisions relating to functions of the NSW Ombudsman and the Child Death Review Team, update references and clarify provisions. The Community Services (Complaints, Reviews and Monitoring) Act 1993 provides for the protection of some of New South Wales's most vulnerable citizens. It creates the framework through which children, young people and adults accessing community services and persons advocating on their behalf have the opportunity to raise concerns about the care they receive, and it allows for these concerns to be investigated and resolved. Importantly, it facilitates the Official Community Visitors scheme in an effort to make sure that those without a voice can be afforded those same opportunities through the advocacy of Official Community Visitors.

The Act provides for more than a simple complaints framework. It seeks to foster an atmosphere in which complaints and the independent monitoring of community services are seen as ways of enhancing service provision, and provide for the resolution of complaints by people receiving services, their families and representatives. The Act encourages resolution of complaints locally, at the point closest to the provision of the service, and the use of alternative dispute resolution. It also provides for independent monitoring of community services and programs, both generally and in particular cases. Children and young people, and people with disability are among the most vulnerable members of our community. The Act provides protections for these groups as users of community services provided by both government and non-government agencies.

The amendments to the Community Services (Complaints, Reviews and Monitoring) Act 1993 proposed in the bill arise from the statutory review of the Act conducted by the former Committee on the Office of the Ombudsman and the Police Integrity Commission, and from amendments proposed by the NSW Ombudsman. The aims of the statutory review were to determine whether the policy objectives of the Act remain valid and the terms of the Act remain appropriate for securing those objectives. The statutory review invited submissions from a wide range of stakeholders, including all 750 community services funded by the then Department of Ageing, Disability and Home Care, and more than 1,400 services funded by the then Department of Community Services, as well as over 120 peak bodies in the community services sector. Among those whose views the committee heard were representatives of Aboriginal and Torres Strait Islander people, people with disability, children and young people, and people from culturally and linguistically diverse backgrounds.

On the whole, the committee was satisfied that the policy objectives of the Act remain valid but found that there were a number of ways in which the achievement of those objectives could be enhanced. The review made a number of recommendations, both legislative and non-legislative, designed to improve the operation of the Act. The report from the statutory review was released during the term of the former Government in 2008. This Government has considered the report afresh and supports the majority of the recommendations. The bill will enhance the public reporting function of the community services jurisdiction of the office of the Ombudsman by permitting a report to be issued, at the Ombudsman's discretion, during and/or at the conclusion of a review or inquiry. This will greatly increase the ability of the Ombudsman to report publicly on his broader inquiries into systemic issues without having to do so through the Parliament.

The Ombudsman's observations and recommendations for service improvement can only assist the community services sector in its continuous efforts to provide better services to its clients. Importantly, the bill will make clear that those whom the Act seeks to protect and give voice to may be represented by a person of their choosing in the complaints resolution process. For example, a person could ask a friend, family member or other person whom they trust to raise their complaint with the NSW Ombudsman. Some complainants, particularly children and young people, Aboriginal people, people from culturally and linguistically diverse backgrounds, and people with disability may be reluctant to pursue their complaint. Their right to choose a person who can most appropriately support them in the process is a key feature of the community services complaints regime.

A number of the bill's provisions are minor amendments clarifying terminology and updating references to Ministers and departments. This bill also contains amendments to the Act sought by the NSW Ombudsman regarding his functions for reviews of deaths of particular categories of vulnerable persons, including children and persons with a disability in care, plus amendments to the provisions regarding the Child Death Review Team. Any measures that will help us understand how and why these deaths occur and lead to the prevention of such deaths should be supported. In 2011 the Child Death Review Team provisions were inserted into the Act. The team does important work in registering all child deaths in New South Wales, analyses data to identify patterns and trends, undertakes research, makes recommendations and identifies areas for further research to help prevent or reduce the likelihood of child deaths.

The Ombudsman also monitors reviewable deaths, which are the deaths of some of our most vulnerable children and adults—children in care or at risk of death due to abuse and neglect, or children in correctional centres or lockups, adults and children with disability in residential care. In 2011 the Ombudsman took over the role of convenor of the Child Death Review Team. Since then, the Ombudsman has identified a number of amendments to provide consistency between the functions of the Child Death Review Team and those functions relating to reviewable deaths. The amendments will improve the Ombudsman's ability to provide for effective strategies for the promotion of research aimed at preventing and reducing deaths.

I am pleased to support amendments that improve the operation of the Child Death Review Team to help it achieve its objective of preventing and reducing the number of child deaths in New South Wales. The Child Death Review Team is comprised of people with the experience and skills to identify issues and thus make a difference in reducing child deaths in New South Wales. The other members of the team are the Commissioner for Children and Young People, the Community and Disability Services Commissioner and representatives from the Department of Family and Community Services, the Ministry of Health, the NSW Police Force, the Department of Education and Communities, and the Office of the NSW State Coroner within the Department of Attorney General and Justice.

This bill makes it clear that persons under a duty to provide records to the Child Death Review Team are also required to provide any document that assists to explain those records. It is crucial for the team to have all the information it needs to undertake its work. Amendments to the reviewable death provisions allow the NSW Ombudsman to undertake research or other projects in partnership with other persons or bodies to formulate strategies to reduce or remove risk factors associated with preventable, reviewable deaths. Importantly, this bill imposes a duty on private healthcare professionals to provide the Ombudsman with access to records relating to reviewable deaths. Another amendment enables the Ombudsman to provide information on reviewable deaths that is subject to privacy restrictions to persons who are conducting research to prevent or reduce the likelihood of reviewable deaths. This amendment will improve the ability of the Ombudsman to analyse reviewable deaths and make recommendations for strategies to prevent such deaths.

Without a doubt one of the key responsibilities of any government is to protect its most vulnerable citizens. The Community Services (Complaints, Reviews and Monitoring) Act 1993 offers more than another level of protection. It gives people with disability and children and young people in care a voice to determine whether the quality of services they receive is the best possible level of service the Government and sector can deliver. The amendments proposed in this bill will strengthen the operation and objectives of the Act. I commend the bill to the House.

**Debate adjourned on motion by Mr Ryan Park and set down as an order of the day for a future day.**

## **FAIR TRADING AMENDMENT (TICKET RESELLING) BILL 2013**

### **Second Reading**

**Debate resumed from 19 March 2014.**

**Mr RYAN PARK** (Keira) [3.22 p.m.]: I make a brief contribution to debate on the Fair Trading Amendment (Ticket Reselling) Bill 2013 and raise some ongoing issues within our respective communities concerning the sale of tickets and ticket reselling. First, the object of this bill is to amend the Fair Trading Act 1997 with respect to tickets to sporting or entertainment venues held in New South Wales, but only tickets that are subject to resale restrictions, being terms or conditions that limit or prohibit the resale of any such ticket to provide for the ticket to be cancelled or rendered invalid following resale.

The bill will require a person conducting the business or undertaking of a public forum, such as a website, newspaper or magazine, to ensure that: first, any advertisement in the forum for the sale of such a ticket complies with certain requirements, such as including a photograph, specifying the ticket number, row number and seat number and setting out the circumstances in which the resale of the ticket may result in the ticket being cancelled; secondly, if the person is notified in writing by any person about an advertisement that does not comply with those requirements, the advertisement is, insofar as is reasonably practicable, removed or corrected; and, thirdly, makes void any resale restriction that provides for a ticket to be cancelled or rendered invalid if it is resold unless the ticket contains a prescribed warning.

This legislation is important for a number of reasons. All members know of people in their respective communities who have been conned by individuals of poor integrity to fork out large amounts of money. As a result of this bad behaviour people have lost their money. I am talking not only of hundreds of dollars but also of thousands of dollars. Approximately 12 months ago I raised concerns about a certain boy band that was to visit New South Wales. My concern was that tickets for its concert were being advertised 18 months in advance of its arrival on our shores. People had to part with their money well in advance of the event. This is where ticket scalping becomes a real problem. Due to the popularity of some performances, only a limited number of tickets are sold and people are prepared to get hold of them in any way possible. It is a great concern that people sell unauthorised or fraudulent tickets and take money from others long before the event.

Parliament should not have to introduce legislation for every possible circumstance, but the practice of reselling tickets should come under scrutiny. The advent of online ticketing has given rise to problematic behaviour. When I was a child, I would go to the gate at a venue or ticket outlet, such as Ticketek, and buy an authorised ticket. The way to purchase tickets was from the box office at the venue. Those days are long gone. We need to ensure that as many loopholes as possible are closed so that unauthorised tickets cannot be sold. I thank the shadow Minister for Fair Trading, the member for Bankstown, for her input on this issue. She is holding discussions with Government members to introduce amendments to strengthen this legislation.

The bill should be welcomed. We should work together to support the passage of this legislation so that when people purchase tickets to concerts or sporting events they can rest assured they will receive what they have paid for. I hope that this place continues to focus on legislation that will help people in the community, particularly those who hand over large amounts of money for what they believe to be authentic tickets. All members would have knowledge, and perhaps personal experience, of the unsavoury activities of ticket scalpers. The internet has made the sale of fraudulent tickets far easier than it was years ago and no member wishes to see his or her constituents suffer at the hands of ticket scalpers.

**Mr RAY WILLIAMS** (Hawkesbury—Parliamentary Secretary) [3.29 p.m.]: I have much pleasure in supporting the Fair Trading Amendment (Ticket Reselling) Bill 2013. In introducing the bill the Minister stated:

When tickets, having sold out on official sites within minutes of going on sale, are immediately listed on online auction sites for several times the original price, consumer confidence in the ticket market is eroded. Spruikers selling tickets outside venues just prior to an event are almost a thing of the past, as the internet is now the main arena where scalping takes place.

The bill introduces much-needed and overdue protections to consumers. New South Wales is attracting increasing numbers of high-profile events and international acts. The O'Farrell Government makes no apologies for attracting those acts because there is no greater way to stimulate the economy of this State than by bringing international acts to our shores. I make particular mention of the current Major League Baseball opening series, for which the Sydney Cricket Ground has been transformed into a baseball diamond. Upcoming events in New South Wales include the 2015 Cricket World Cup, the Netball World Cup—the member for Toongabbie and the member for Fairfield are great netball fans and I am sure they will be heading to that—and the AFC Asian Cup. I congratulate the Wanderers on their excellent performance last night in winning—

**Mr Richard Amery**: I knew if I stayed here long enough I would agree with something you said.

**Mr RAY WILLIAMS**: It has taken a long time for the member for Mount Druitt to agree with me on anything but we finally concur across the Chamber. Other upcoming events include the State of Origin and National Rugby League Grand Final—and one can only hope that Parramatta Eels feature in it—and the Western Sydney Wanderers and Sydney FC Derby, not to mention the musical *Annie*, for which we will all be rushing to get tickets, and the suite of entertainment events that will take place after the development of the new Sydney Convention Centre. The New South Wales Government is addressing proactively the issue of ticket scalping to protect consumers at these high-demand events and ensure that event owners continue to see New South Wales as a desirable host destination.

The following examples of ticket scalping at recent high-profile events have been provided by different sporting codes and were set out in the submission of the Coalition of Major and Professional Spectator Sports to the Senate Economic References Committee inquiry into ticket scalping in Australia—namely, three tickets for the Australian Football League [AFL] grand final with a face value of \$260 each and a total value of \$780, were offered for \$3,500; a ticket for the first day of the Ashes test in Sydney, on 3 January 2014, was offered for sale at \$350 while tickets were on sale at *www.ticketek.com* for \$130; a ticket for the Australian Open tennis men's final was offered for sale for \$1,388, which is more than three times the public sale price; platinum tickets for the 2013 British and Irish Lions test matches against the Wallabies in Brisbane, Melbourne and Sydney had a face value of \$295 yet were being scalped on secondary markets for up to \$999; and bronze category tickets to the British and Irish Lions test matches with a face value of \$99 were offered for sale at prices of more than \$700.

As well as ripping off and at times defrauding consumers, ticket scalping can lead to consumers losing confidence in the ticket market. The Government has chosen to implement these reforms to protect consumers. Currently, consumers purchasing tickets from scalpers do not have enough information to judge the quality and authenticity of the tickets they are purchasing. In addition, most consumers do not know that many tickets can be cancelled if resold in breach of the ticket conditions. Standard ticket conditions for Ticketek tickets provide that tickets may not, without prior written consent of Ticketek and the seller, be resold or offered for resale at a premium. Tickets may be cancelled without a refund if resold in breach of this condition. Standard ticket conditions for Ticketmaster tickets provide that resale or attempted resale of tickets is prohibited unless authorised by Ticketmaster or the event owner. Tickets may be cancelled without refund if this condition is breached. The reforms in this bill are about protecting consumers by introducing transparency about these ticket conditions and the ticket details in the secondary ticket market—

**Ms Linda Burney:** You did not write this, Ray.

**Mr RAY WILLIAMS:** Mr Acting-Speaker, I have been put off my speech.

**ACTING-SPEAKER (Mr John Barilaro):** Order! The member for Hawkesbury will be heard in silence or I may grant him an extension of time and ask him to start his speech again.

**Mr RAY WILLIAMS:** I will go right back to the beginning of my speech.

**ACTING-SPEAKER (Mr John Barilaro):** Order! I hope that is a lesson to the member for Canterbury not to interject.

**Mr Guy Zangari:** Six minutes of Ray Williams is long enough.

**Mr RAY WILLIAMS:** The member for Fairfield well knows that there is never a speech long enough for Ray Williams. There will never be enough time.

**ACTING-SPEAKER (Mr John Barilaro):** Order! The member for Hawkesbury will continue his speech.

**Mr RAY WILLIAMS:** In addition, they will assist event owners to identify tickets being resold in breach of ticket terms and conditions. Event owners may choose to cancel these tickets if they consider it appropriate. In anticipation of an increasing number of sellout events in New South Wales, the Government is acting to pre-emptively address the scourge of ticket scalping.

**Mr Richard Amery:** Scourge!

**Mr RAY WILLIAMS:** I am sure Mr Acting-Speaker will agree that is tough action. Both Queensland and Victoria have legislation to address ticket scalping, although the approach adopted in each of those States is different from the approach in this bill. South Australia has also passed legislation that prohibits the reselling of tickets at a mark-up of more than 10 per cent for declared events. The Government is responding to the concerns of both consumers and event owners about the impact of ticket scalping, and is acting to protect consumers after extensive consultation with affected stakeholders. The reforms in this bill are a light touch and are about introducing transparency to help the secondary ticket market function fairly.

The former Minister for Fair Trading and the Minister for Sport and Recreation consulted with representatives from sporting codes, including the National Rugby League, Australian Rugby Union, Football



Federation of Australia, Cricket Australia, Australian Football League, Tennis Australia, Netball Australia and the Sydney Cricket and Sports Ground Trust. All sporting codes are supportive of the reforms. The reforms in the bill are about protecting ordinary consumers who buy tickets and event owners who are trying to keep their events accessible to ordinary fans. The reforms do not prevent ticket resale. Whether a ticket can be resold is a matter for the ticket conditions set by the event owner. This is how it should be, as the event owner is accountable to their fans on the issue of ticket conditions.

By increasing transparency and providing consumers with information to make an informed decision about ticket purchases, these laws will assist the operation of the secondary ticket market. Currently, when consumers buy tickets from scalpers they risk purchasing counterfeit tickets. The reforms in the bill apply only to advertisements or communications that are accessible to the public at large. They do not apply to private communications used by consumers to offer their tickets to limited personal networks, such as a post on a private Facebook page. The proposals will not prevent people reselling tickets. As I said earlier, whether people can resell tickets is governed by the ticket's conditions of sale. Most major ticketing companies have standard ticket conditions that prohibit the unauthorised resale of tickets and provide for cancellation of tickets resold in breach of these conditions. It is up to the event owner, not the Government, to decide what conditions to attach to a ticket as event owners are accountable to their fans.

Tickets cannot always be compared to other consumer goods because tickets are evidence of a contract between the event owner and the consumer. The rights under a contract generally cannot be assigned to a third party without the consent of the other party to the contract, and there may be situations, such as those under 18 years not being allowed at an event, when the event owner has an interest in preventing rights being randomly assigned to others. Fair Trading receives some complaints about ticket scalping and ticket fraud. In general, consumers see tickets as part of life and do not complain unless there has been fraud or deception involved. However, surveys have shown that consumers feel that ticket scalping is unfair and they are dissatisfied with the current situation. The Government is aware of these consumer concerns and, in light of New South Wales becoming a host for increasing numbers of high-profile events, is acting to protect consumers and address ticket scalping. [*Extension of time agreed to.*]

The Government has chosen not to adopt the Queensland model of prohibiting the sale of tickets for more than 10 per cent above the original face value. The Queensland legislation is a significant intervention in the market. The New South Wales Government does not consider that government should be telling consumers the price at which they can sell or buy a ticket. Rather, the New South Wales Government's scheme will leave the imposition of ticket conditions to event owners, who are accountable to their fans. These reforms will provide information to consumers to ensure they can make informed choices about buying tickets in the secondary ticket market.

Hosts and publishers will be required to take reasonable steps to ensure that advertisements or communications comply with the legislation. Further, if an event owner or promoter becomes aware of advertisements or communications that do not comply with the new requirements they may request the host or publisher to remove them. It is anticipated that NSW Fair Trading will consult with relevant hosts and publishers of ticket advertisements and, if necessary, issue guidelines regarding what may constitute "reasonable steps" in this context. If hosts or publishers fail to take reasonable steps, or fail to take down noncompliant advertisements within a reasonable time frame, NSW Fair Trading will be able to take enforcement action against them.

The proposed obligation to take reasonable steps to ensure that advertisements comply with the new requirements will not require hosts or publishers to constantly monitor advertisements but will require use of mechanisms similar to the existing mechanisms used to screen advertisements. Publishers of print advertisements and classifieds generally have established processes for screening advertisements to check for any breach of law or the publisher's policies before they are accepted. Online hosts, through which sellers list their own advertisements, also have well-developed processes for reviewing and detecting listings which are illegal or breach the host's policies in some way.

For example, listings for the following items are not permitted: items which are illegal or encourage illegal activity; items which are racially or ethnically inappropriate, including items that promote hatred, violence, racial or religious intolerance; and things which promote sexual services, giveaways, random drawings, raffles or prizes. The obligation placed on hosts and publishers to take reasonable steps to ensure that advertisements comply with the requirements, and to remove any noncompliant advertisements, will help ensure the effectiveness of the proposal but will not be an excessively onerous burden on these parties to secure

compliance. I am sure we can all agree that these reforms will be successful in protecting the consumers of New South Wales and will give them confidence when they are purchasing tickets, whether they be first- or second-hand tickets. I commend the bill to the House.

**Ms LINDA BURNEY** (Canterbury) [3.41 p.m.]: I speak in debate on the Fair Trading Amendment (Ticket Reselling) Bill 2013 and do so from a number of different points of view. First, of course, I am a former Minister for Fair Trading and I know how important it is to put in place consumer protections. Essentially that is what this bill is about. In this area of ticket reselling there are a number of models, as other speakers have said, across Australia. I know that the two models that have been looked at very carefully in the work around this bill are those from Queensland and Victoria. I understand that, whilst we have not adopted one or the other of those models, aspects of those models have been considered carefully in putting forward this fair trading bill.

Secondly, ticket scalping and reselling make for very good media. It regularly pops up at the same times every year—that is, before big events such as the finals for the National Rugby League. I remember discussions around this when the Rugby Union World Cup and the Rugby League World Cup were held in Australia, as well as during the Olympics—which is going back a long time now. So it is important that parliaments look at the issues around ticket reselling and attempt collaboratively to come up with the best model possible—a model that will not be so prescriptive that it takes away any capacity for protections for people who may buy a ticket and, for very good reasons, are not able to use it. It can be a very difficult balancing act at times. I know there has been an enormous amount of effort from the Government and the Opposition in reaching agreement on the balance to strike in relation to these protections.

It is important also to point out that, despite the media frenzy about scalping and ticket reselling, the reality is that this is not a massive problem in New South Wales. I cannot speak of other States but of the 44,000 or 45,000 complaints that come into NSW Fair Trading every year very few relate to ticket onselling or ticket scalping. According to the statistics from 2012, of the 128 complaints received by NSW Fair Trading, as at 26 July 2013 none specifically related to scalping. Seventy per cent of the 128 complaints received related to either cancelled or postponed events or online purchasing difficulties. It is important to keep that in mind when we are discussing this bill.

I do not propose to go through specific elements of the bill as I know that other speakers, including the Minister and shadow Minister, have already done that. The really important things to consider are the protection of consumers, particularly when there is an unusable ticket, and the capacity for big events to make sure that the consumers who have expended money on tickets are recompensed if that event is cancelled. I note the very sad announcement just this week of the cancellation of the Rolling Stones national tour of Australia following the death of the partner of Mick Jagger. A cancellation such as that highlights the importance of this sort of legislation. I am sure there will be a good outcome in relation to this piece of legislation. Many groups are involved here—not just consumers but also promoters of concerts and various sporting codes such as football, which has already been mentioned by the member for Hawkesbury. They have had a great deal of input into consultations about this legislation. I know that a number of briefings have taken place and I am confident that the outcome will be one that strikes the necessary balance in this area.

**Mr CHRIS PATTERSON** (Camden) [3.47 p.m.]: I support the Fair Trading Amendment (Ticket Reselling) Bill 2013. At some stage we have all rushed to buy tickets to a major sporting event or concert so that we do not miss out, only to see tickets for sale on the internet at inflated prices after an announcement by the promoters that the event is sold out. This bill is being introduced to protect sporting and music fans, who have saved their hard-earned money to be able to go to an event, by ensuring that they do not become victims of unscrupulous profiteers whose only motivation is greed. It gets very frustrating when major events are announced as being sold out and then suddenly on the internet tickets with highly inflated prices are made available. Fans should be given a fair go at buying tickets, while being protected from rip-offs and fraud. This frustration is felt also by the major sporting codes and music promoters. There are some obvious failures in the way in which the market currently operates. With the recent extremely unfortunate circumstances that have led to the cancellation of the Rolling Stones tour this issue is highlighted. An article appeared on the ABC News website last night which states:

Consumer group Choice says under Australian consumer law, ticketholders have an "automatic right to a refund" if an event is cancelled; however, this does not extend to those who did not buy tickets from ticket agencies.

Consumers must be able to show proof of purchase of tickets in order to be eligible for a refund.

*Choice* spokesman Tom Godfrey said:

If you bought your tickets through a third party, such as through eBay or a ticket scalper, this may be difficult to get.

Clearly, this was a highly anticipated tour where demand significantly outstripped supply. The article stated:

Tickets to the band's seventh tour of Australia ranged from \$199 to \$580 each and sold out within minutes of going on sale last year.

However, some tickets were offered for sale at a considerably higher price by ticket scalpers online and elsewhere.

In December premium tickets to the sold-out Adelaide show were being offered online for more than \$3,000—about six times their initial cost.

The article went on to say:

Live Performance Australia (LPA) represents concert promoters, venues and primary ticketing companies.

Its director of policy and programs, Suzanne Daley, says consumers are "throwing away their rights" when they buy tickets through scalpers.

"We always warn people against buying from second-hand ticket providers for these reasons," she told ABC News Online.

"The shows are postponed at this stage and only the principal purchasers are entitled to replacement tickets or a refund.

"It's up to the person the ticket was bought from whether it is passed on. There are no guarantees in this case."

This bill achieves two major outcomes. First, the bill increases consumer protection by reducing the risk of fraud and increasing the information that consumers are provided with when they purchase tickets in the secondary market. Specifically, the requirement to include a photograph and to publish the details of bay, row and seat number, where applicable, will deliver on this. Secondly, the bill aims to ensure that consumers are aware of ticket conditions and the possibility of ticket cancellation by requiring that all advertisements for the resale of tickets contain specific notice of any ticket condition that allows the ticket to be cancelled for being resold in breach of its terms and conditions. Any ticket that is subject to such a condition must carry a prescribed warning about the condition. In effect, this allows the content owner to place a condition of sale on the ticket, prohibiting the ticket from being resold for a certain level of profit—for example, 20 per cent above face value—and allowing the ticket to be cancelled if it is resold in breach of this condition.

People who bought their tickets to the Rolling Stones concert from scalpers were not protected when the tour was postponed. Scalpers, who never had any intention of going to the concert, have made a massive profit and done a runner. This is exactly the kind of behaviour that has to stop. This kind of activity leads to a loss of confidence in the secondary market and sometimes in the sporting code or performer. That is why the conditions of sale should be set by the content owner. Consumers who buy tickets should do so in full knowledge that the terms and conditions of the ticket can be enforced by the content owner. As terms and conditions are enforced by content owners, I expect that these reforms will provide an incentive for promoters to provide resale marketplaces that already include protections for consumers.

This legislation is critical to ensuring that New South Wales continues to attract major events and protect them from the scourge of scalping. I will provide an example. In June the Wallabies take on France at Allianz Stadium. The Australian Rugby Union [ARU] has stated that tickets will go on sale to the public in May. I note that viagogo was one of the organisations that the shadow Minister thanked for participating in consultations on this bill. I looked at viagogo's website and found that it is already selling tickets to this match at what would seem to be excessive prices. No wonder it has argued against this legislation. It seems that viagogo wants to enshrine its position in the marketplace, to scalp tickets at super-normal profits.

In the second reading speech on the bill, the then Minister for Fair Trading spoke about the number of upcoming events that New South Wales is staging. Some major events that are at risk of scalping include the 2015 Cricket World Cup, the Netball World Cup, the Asian Football Confederation [AFC] Asian Cup, the National Rugby League Grand Final and State of Origin, and fantastic shows such as *Annie*. It is important that the State's ability to attract major events and international acts is protected from ticket scalpers. These reforms will assist in making New South Wales the venue of choice for major acts and events. The reforms will protect New South Wales consumers and help to make New South Wales number one again for major events. There is every reason to support the measures in the bill. An important feature of these reforms is that they leave the decision about whether to enforce ticket conditions in the hands of event organisers, rather than the Government. Event organisers know their fans and can judge the best way to ensure access to tickets, protect genuine fans and prevent scalping.

The New South Wales Government has got the balance right. The reforms are light-touch and will not involve the imposition of costly red tape. They not only protect consumers but also empower event owners, who are accountable to their fans. The chair of the Coalition of Major Professional and Participation Sports, and the managing directors of Frontier Touring Company and Ticketek Australia have all publicly stated their support for these reforms. I acknowledge the great work of the Minister for Fair Trading, and Minister Assisting the Premier on Western Sydney. He is a great friend to the people of Camden. He regularly promotes Camden and supports Western Sydney, and I thank him for his efforts. The Minister would want me to acknowledge the wonderful work of his staff who do an outstanding job. I pay tribute to assistant policy adviser Michael Haynes; outstanding media adviser Sophie Onikul, who has made the Minister look good on more than one occasion; his very hardworking executive assistant, Jo-Anne Ryan; Chris Hall, his outstanding chief of staff; and policy adviser Sahil Prasad. Newly appointed parliamentary liaison officer Laura Scott also does an outstanding job. All the backbenchers support me in saying that. I also mention departmental liaison officers Melinda Critchley, Matthew Beattie and Gabbie Mangos. I commend the bill to the House.

**Mr GUY ZANGARI** (Fairfield) [3.57 p.m.]: I was confused listening to the speech of the member for Camden as I thought he was making a community recognition statement. It is 30 minutes too early for that. I make a contribution to debate on the Fair Trading Amendment (Ticket Reselling) Bill 2013 which has as its aim to amend the Fair Trading Act 1987 to implement measures to enhance consumer protections and prevent ticket price inflation at sporting or entertainment events held in New South Wales. Through the proposed amendments, this bill will require advertisements to contain resale restrictions, including information on the ticket's terms and conditions, and a photograph of the ticket. The advertisement must also specify the ticket row and seat number. Should any advertisements for tickets not comply with the proposed amendments, the advertisements must be removed.

The New South Wales Labor Opposition stands firmly behind enhanced consumer protection for the people of this State. Given the popularity of major sporting events and concerts, it is no wonder there are unscrupulous individuals looking to make a quick buck by price gouging and playing on the strong emotions of fans who wish to attend the events. In the Zangari household there are four young ladies who enjoy a concert or two. They are fans of Justin Timberlake, Katy Perry and One Direction. The One Direction infection has certainly affected the Zangari household. My young daughters need to be protected when they purchase tickets for concerts. Some tickets sell out within 60 seconds of going on sale. Young female and male concertgoers need protection to ensure that soon after the release of tickets they are not paying inflated prices for them. For the One Direction concert, the tickets were offered for sale in April 2012 for a concert that would be held in September 2013. It is essential to ensure that protective provisions are enacted so that concertgoers and avid sports fans are protected from unscrupulous people.

The proposed amendments aim to eliminate ticket scalping altogether. Consumers need to be protected from ticket scalpers whose prime objective is to overly inflate the price of tickets, which already are in high demand. It is not uncommon for hardworking families to miss out altogether on highly sought-after tickets to events or concerts primarily because of the excessive number of tickets procured for the purpose of resale at inflated prices. That certainly is not fair at all. It is a shame that at times hardworking families are required to pay 200 per cent to 500 per cent more than the standard retail price, just so that they do not miss out. It is also a shame that many families are being completely locked out of attending a venue because the only tickets available are out of their price range, due to the overly inflated resale price.

Proposed amendments may result in tickets being completely cancelled or rendered invalid, should they fail to comply with the new regulations. For an advertisement to comply with the new regulations, the advertisement must contain a photograph and specify the ticket number, the seat number and the row as well as evidence that the ticket is valid and a statement of the purchaser's reasons for reselling the ticket. This inclusion seems to be a little dangerous, given that an advertisement deemed not to comply with the new regulations will be cancelled. What would happen when consumers unknowingly break the regulation by omitting part of the ticket to be safer and so that their ticket could not be replicated by fraudsters? With the introduction of various computer programs, we know that fraudulent activity occurs on the internet. They may find that that ticket has been rendered null and void, and the persons to whom they eventually resell it are left with an invalid ticket. We have heard of examples throughout the State's electorates where that has occurred. That hardly seems like justifiable consumer protection to me.

If a ticket scalper chooses to resell online the tickets he or she procured, it would not take very much effort or skill to alter an image to display false or misleading information. A competent fraudster could easily replicate the ticket information he or she has obtained from another advertised ticket and that could result in

another patron's legitimate ticket being cancelled without warning, thereby enabling fraudulent dealings to continue without impediment. It would appear that the inclusion of proposed new section 60A may do little to protect legitimate consumers. Consumers would benefit greatly if it is mandatory to allow them to resell their tickets to the ticket seller from whom the ticket was originally procured to obtain a refund, should unforeseen circumstances prevent consumers from attending. As I stated earlier, my daughters, who bought their tickets to the One Direction concert in April 2012 for a performance in September 2013, deserved to be protected if unforeseen circumstances had prevented them from attending the concert. We hear of cases in which people buy tickets for an event at an early stage only to find months later that circumstances prevent them from attending. A provision that provides protection in the circumstances I have outlined would make a lot more sense.

As an attempt to further protect consumers and to eliminate the existence of ticket scalping and price gouging through tougher legislation, the bill has merit. However, it does have some anomalies that I believe may be remedied by amendment. The New South Wales Labor Opposition always will stand up for the people of this State. We certainly will give our all to fight for stronger protections against fraudulent and unscrupulous behaviours. I noticed scalping at a derby between the Sydney FC and the Western Sydney Wanderers. Over the past few years, our derby has been the hottest ticket in town and it has been very difficult to obtain tickets. Yet when we approached the Allianz Stadium or the Pirtek Stadium at Parramatta, we saw fraudsters who were trying to make a quick buck by taking advantage of the hardworking mums, dads and children who want to watch a great game of football. I reiterate that the New South Wales Labor Opposition always will stand up for the people of this State. I certainly commend the bill to the House.

**ACTING-SPEAKER (Mr John Barilaro):** Tickets are still available for *Johnny Cash: The Concert*.

**Mr DAVID ELLIOTT** (Baulkham Hills) [4.04 p.m.]: I support the Fair Trading Amendment (Ticket Reselling) Bill 2013 and regulations. It is an indictment on the former Labor Government that it has taken a State election and until 2014 for a Minister to introduce this legislation. I commend both the previous Minister for Fair Trading, the Hon. Anthony Roberts, who has always stood up for right and fair-minded people, and the incumbent Minister for Fair Trading, the Hon. Stuart Ayres. I admit that I consider both Ministers to be personal friends. Both Ministers know that my family members enjoy the occasional stage show and concert. Like the member for Fairfield who preceded me in this debate, over the past 10 years my family has bought everything from Wiggles and Hi-5 tickets to Bruno Mars tickets which were bought by my wife. I have always preferred Sinatra.

**Mr Nathan Rees:** He couldn't make it.

**Mr DAVID ELLIOTT:** I am horrified at the feedback I am receiving from the member for Toongabbie about my taste in music. It is interesting as well as pertinent that the Minister for Fair Trading introduced this legislation because many of my constituents contacted me about the tragic postponement of the Rolling Stones tour this month. Many members would know that the tour was announced in December and sold out within hours. Not long after that, tickets were sold for more than six times their face value. When we consider that some concert tickets can be sold for approximately \$400 per person and that families of five people will spend more than \$1,000 on tickets, we realise how much money unscrupulous people can make if they decide to buy tickets and resell them illegally. Conversely, for similar purchases—such as an airfare to the Gold Coast, which can cost as little as \$69—people would not go to a scalper for tickets, but rather would go to a travel agent or purchase the ticket online from the Qantas or Virgin website. The transaction would probably involve the use of a credit card that would have in-built insurance or people may have elected to purchase travel insurance. It is ironic that we are debating legislation for concert tickets that cost approximately \$300 when no such legislation is necessary in relation to the purchase of airline tickets or tickets for other forms of travel.

It is important to consider some of the case studies highlighted by the Minister as motivation for the introduction of this legislation. The former Minister for Fair Trading drew to my attention that the only people who had commented on the legislation, lobbied him in relation to it or asked him to amend, delay or terminate the legislation are organisations that were making a buck out of reselling tickets. I find it repugnant that people want to take their cut on the sale of a ticket for a show or an experience that they have had absolutely nothing to do with. People are trying to resell National Rugby League [NRL] tickets, concert tickets and tickets to family shows for three or four times the market price or the face value of the ticket when they have had nothing to do with the production costs or exposure to the risks associated with holding a concert or a sporting event.

In South Australia the Minister told me of one example cited on the ABC, where the Rolling Stones sold more than 50,000 tickets for a show at the Adelaide Oval within three hours of them going on sale. The

ABC also reported that premium tickets for that concert were being sold online for \$3,000 on the very day that they went on sale. That is a considerable mark-up. When one considers that the person selling those tickets took no risk, displayed no entrepreneurial skill, and made no financial or managerial investment in the concert, it is repugnant. This bill introduces transaction laws that already apply to other types of commercial activity. I note that Keith Richards—the great guitarist from the Rolling Stones—told the media last year that if he sees a scalper, he will scalp him. That is probably the approach this Parliament should take. It is unfortunate that it has taken us until 2014 to address the issue of scalping. It is sad to think that we have to debate amendments to the bill because it should be given a rails run through this place.

As Mr Acting-Speaker Barilaro will be aware, as I know he is a fan of contemporary music, the Rolling Stones were scheduled to perform in Sydney next week. Despite recent reports that the concert has been postponed, tickets are still being sold on eBay at prices that exceed their face value. I understand that eBay has lobbied the Government and the shadow Minister said that she has also spoken to eBay. I understand that eBay has an important part to play with regard to this legislation and in the implementation of these protections because it will be marketing and selling these illegally acquired tickets and will be at risk of losing a significant amount of money. Yesterday an article about the postponed Rolling Stones tour appeared on the ABC News website, which said:

Consumer group CHOICE says under Australian consumer law, ticketholders have an "automatic right to a refund" if an event is cancelled; however, this does not extend to those who did not buy tickets from ticket agencies. "Consumers must be able to show proof of purchase of tickets in order to be eligible for a refund," Choice spokesman Tom Godfrey said. "If you bought your tickets through a third party, such as through eBay or a ticket scalper, this may be difficult to get."

That is an important part of commercial law in this State and something of which we should be mindful as we take part in this debate and prepare to vote on this legislation. From conversations I have had with the former Minister for Fair Trading and the incumbent Minister for Fair Trading, I know that they have a dim view of people such as payday lenders or unscrupulous pawnbrokers because they offer no protection to consumers. The Liberal-Nationals support small business; the Coalition is the free enterprise party. I am probably one of the economic dry members of the party—together with the Minister for Fair Trading—but I do not believe that we are doing the right thing by a laissez faire economy if we do not protect consumers. It is all about ensuring that consumers are protected, and it may be that those we protect are members of our own family or our own community.

I commend the current Minister for Fair Trading and the former Minister for Fair Trading for introducing this legislation. In deciding to do something about ticket scalpers and commenting about payday lenders and unscrupulous pawnbrokers, they have done the Liberal Party proud. I am delighted that this legislation has been introduced by a Coalition Government, because once again it proves to the community that only a Coalition Government will protect people from unscrupulous business operators. I commend the Fair Trading Amendment (Ticket Reselling) Bill 2013 to the House.

**Mr NICK LALICH** (Cabramatta) [4.14 p.m.]: The object of the Fair Trading Amendment (Ticket Reselling) Bill 2013 is to amend the Fair Trading Act 1987 with respect to tickets to sporting or entertainment events held in New South Wales, but only tickets that are subject to resale restrictions, being terms or conditions that limit or prohibit the resale of any such tickets or provide for the tickets to be cancelled or rendered invalid following resale. The objects of the bill are as follows:

- (a) requires a person conducting the business or undertaking of a public forum (such as a website, newspaper or magazine) to ensure:
  - (i) that any advertisement in the forum for the sale of such a ticket complies with certain requirements such as including a photograph of the ticket, specifying the ticket number, row number and seat number and setting out the circumstances in which resale of the ticket may result in the ticket being cancelled or rendered invalid, and
  - (ii) that, if the person is notified in writing by any person about an advertisement in the forum that does not comply with those requirements, the advertisement is, insofar as is reasonably practicable, removed or corrected, and
- (b) makes void any resale restriction that provides for a ticket to be cancelled or rendered invalid if it is resold unless the ticket contains a prescribed warning.

I fully support measures that will protect consumers from ruthless and greedy ticket scalpers. However, consumer protection measures should be balanced by the needs of event operators and consumers wanting to resell tickets because they are unable to attend an event or no longer need an extra ticket.

New South Wales boasts world-class entertainment and sporting venues that stage some wonderful productions, concerts, shows and sporting events. Contrary to the belief of some in this Chamber that I have not attended any concerts or shows since the death of Elvis Presley, Buddy Holly or Roy Orbison, I saw the Paul Anka show a couple of weeks ago. The face value of the ticket was \$165, and I thought that was extremely expensive. However, he was doing only two shows—one in Sydney and one in Queensland—and I wanted to see him so I paid that exorbitant price. I still remember when it cost \$20 to go to the Sydney Stadium to see some of the great shows back in the sixties. In those days, \$20 or \$30 for a ticket was not cheap.

Tickets to major events and sporting matches are often sold out and that is when greedy ticket scalpers make their money. I agree in principle with the aims of the bill, but I am sceptical that it will achieve its goals without placing another burden on event organisers and inadvertently snaring unwitting consumers who need to resell their tickets. In 2010 the Commonwealth Consumer Affairs Advisory Council reported that most ticket reselling is done by genuine consumers who want to sell tickets that they no longer need or for events they can no longer attend. I am concerned that it is these consumers who will be snared by this bill, not greedy ticket scalpers. I am concerned that these consumers, unaware of the new regulations, will mistakenly advertise images of tickets with the barcode showing or forget that the picture must clearly show the ticket number, row number and seat number. Professional ticket scalpers could easily get around these provisions—all they need to know is how to use Photoshop.

Another area of concern is that the bill does not stipulate ways in which consumers will be notified that a ticket has been cancelled because it does not meet these new provisions. This could lead to many consumers who have bought resold tickets being turned away from an event because no-one told them that their tickets had been cancelled. Nor does the bill provide any motivation for event organisers to offer consumers refunds, exchanges or transfer rights for tickets that are not needed. I believe this bill may also add an extra layer of red tape for event organisers because it provides that:

... if persons operating a forum are notified in writing of an unauthorised advertisement by any person they must either remove the advertisement from their forum when it is reasonably practical to do so or edit the advertisement to ensure it complies.

Allowing any person to make complaints to the event organiser could lead to an increase in the number of frivolous and needless complaints that would have to be handled by the organiser. While I support protecting consumers from greedy ticket scalpers, I am concerned that this bill will catch unwary consumers and burden event organisers.

**Mr RICHARD AMERY** (Mount Druitt) [4.20 p.m.]: On behalf of the Opposition I address the Fair Trading Amendment (Ticket Reselling) Bill 2013. It would be fair to say that ticket reselling is an age-old problem for people wanting to attend a popular concert or a sporting event who find that the tickets are sold out. They then have the opportunity to buy tickets—

**Mr David Elliott:** Sold to people making hundreds of dollars.

**Mr RICHARD AMERY:** Nobody would pay \$3,000 to hear the member for Baulkham Hills speak. It is interesting to compare what this Government is doing with what the Queensland Government is doing. If an event in Queensland has tickets costing \$300, no-one can resell those tickets for more than \$330 each. No such restriction applies in New South Wales or any other State. It would be interesting if during the Minister's speech in reply he could comment on the success or otherwise of the Queensland 10 per cent profit restriction.

The member for Bankstown, who lead for the Opposition in debate on this bill, expressed some concerns about the genuine consumer affected by the restrictive advertising requirements in this bill. A genuine consumer—as opposed to those in the secondary industry making substantial money from reselling tickets—may be a person who has bought a ticket or tickets for a major sporting event or a concert but then cannot attend the event due to illness or a tragedy—of course, the Rolling Stones tour has been cancelled due to a tragedy. In some cases the event is not cancelled but a battling family has spent quite a bit of money buying tickets only to find they cannot attend the event due to an illness or tragedy. It would be disappointing if the original seller could not give a refund and the buyers could not find someone they know to take the tickets and could not try to sell them on eBay or a similar service. Although this legislation would not lead to the tickets being cancelled, this family could have a problem. I believe it would be an unintended consequence if the provisions in this legislation covering advertising affected someone in that situation.

Other consumers covered by this legislation—and I think they are the targets—are those who buy tickets in bulk and run a business reselling them. They do not intend to attend the event; their purpose in getting

tickets is simply to resell them at an exorbitant profit. How is it that the event organiser or ticket seller can sell a large number of tickets to one buyer? Can I buy 500 tickets to an event through Ticketek or a similar seller? If I can, I should not be able to. Can I buy 100 tickets when clearly I am not going to take all my colleagues for a good day out? Clearly, I am buying tickets to resell them and to make profits far in excess of Queensland's 10 per cent restriction. If ticket sellers and event organisers were really serious about scalping, onselling of tickets at exorbitant profits and the resulting hardship for their clientele, perhaps they should place some restrictions on the number of tickets sold to a single purchaser. As an individual, even one with a business background, I should not be able to buy 100, 200 or 500 tickets.

One of my staff members is married to a Manchester United fan. Manchester United played a fantastic match in Australia against the A-League All Stars. The turnout showed how that sport has come on in Australia since the A-League was established. My staff member tried to buy tickets for the match on the morning ticket sales opened and found virtually all tickets had been sold; by lunchtime all the tickets had been sold. She tried various reselling websites and found tickets available for sale at nothing like the original price. How did these people get an unlimited number of tickets to sell at perhaps a 1,000 per cent profit? I believe this question should be asked of the original ticket sellers and it is one that the Minister for Fair Trading should answer. Many State governments are grappling with this complex issue. Yes, we should be tackling people ripping off event patrons, but let us go back to the source. How does someone get so many tickets? A Government member mentioned that tickets are being sold for an event before their release to the public. Surely questions need to be asked by NSW Fair Trading.

This legislation puts the emphasis on ticket providers and event organisers rather than on NSW Fair Trading. Quite frankly, the department should take a more active role in policing ticket sales. Let us not go after individuals who buy tickets for a family outing and who cannot use them because of personal circumstances. Their tickets are cancelled and they are hit with a penalty when they advertise them for sale. Let us rather go after the people who sell tickets for events before the tickets have been made publicly available. This is not a simple issue, as governments have found. The Opposition supports this bill although it has expressed a number of concerns about it on behalf of small consumers and the like. A couple of years after this legislation is enacted we should revisit it to see whether it has effectively reduced ticket scalping. If we find tickets to something like a Manchester United match are going on sale for \$3,000 after the event is sold out, the legislation will have been an absolute failure. We wish the Government and the Minister good luck in solving a difficult problem. I commend the bill to the House and wish all those involved all the best in managing this extremely difficult problem.

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

## **PRINCE OF WALES HOSPITAL**

### **Discussion on Petition Signed by 10,000 or More Persons**

**Mr MICHAEL DALEY** (Maroubra) [4.30 p.m.]: A few weeks ago the member for Heffron and I were proud to receive a petition from more than 10,000 signatories addressed to the House as follows:

To the Honourable the Speaker and Members of the Legislative Assembly of New South Wales in Parliament assembled. We the undersigned oppose the cuts to jobs and services at Prince of Wales Hospital and call upon the O'Farrell Government to increase funding to the hospital as a matter of urgency.

I thank those who signed the petition: patients, visitors, doctors, nurses, wards people, café workers, cleaners, family members, suppliers—all manner of people who passed through the Prince of Wales Hospital over the past few weeks. A petition with 10,000 signatures is nothing to sneeze at but it is a shame the matter has come to this. Proud and dignified people who hold this hospital together have been forced to come to this place to beg for support and help from a Minister and from the member for Coogee in whose electorate the hospital sits. Those constituents abhor these cuts and have the patients' best interests at heart. These jobs and services cuts are making life hard for everyone who works at the hospital.

In this Government's first budget in 2011 Treasurer Mike Baird announced \$8 billion in cuts, of which \$3.3 billion was borne by the health system. The Government had the razor out immediately and ripped into the great Prince of Wales Hospital. On many occasions in this place, including today, the Minister has said, "There are no cuts. We actually are increasing the health budget. There are no cuts to the health system and there are no cuts to the Prince of Wales Hospital." The Minister is saying the people in the gallery today, who work in the



hospital, and those who signed the petition are perpetuating a lie. The Minister should not say such a horrible thing about those she is charged with looking after. If the Minister says in this place that there have been no cuts to Prince of Wales Hospital—as the member for Coogee will say shortly also, if he is foolish enough—why have 41 beds been closed in one ward?

Plans are afoot to close the stroke unit. Beds have been lost in aged care, neurology, gastro and general surgery, and 158 jobs have been cut across the hospital, many in administration and allied health. The cuts are not to front-line workers; the cuts are to the jobs of those evil people who support the nurses and do all the administration for the physiotherapists and others. The Government wants to gut the back-office staff—the people who hold the place together. The emergency department has only 33 beds and this week alone saw 470 presentations in a 72-hour period. Closed beds—that is, the beds the hospital apparently does not need—have patients lying on them but no extra staff to attend to them. This week one ward had one nurse to eight patients—a dangerous and unacceptable patient to nurse ratio. Today someone suffering from acute back problems said to me that she was told she would get her surgery at the hospital in a year. If the hospital is not suffering cuts, why are these demonstrable statistics so true? Why are patients coming to my office and to the office of the member for Heffron to complain, apart from the fact that the member for Coogee will not look after them?

Why have doctors, particularly visiting medical officers who do so much for the Prince of Wales Hospital, formally condemned the closures and cuts? Last year the Prince of Wales medical research council, headed by Professor Colebatch, passed a motion condemning the closures and cuts. Are the doctors also lying? No-one is lying except the Minister, this Government and the soon-to-be former member for Coogee. The cuts continue and the hospital is being downgraded. Unfortunately, the member for Heffron and I have had to bring this issue again to this place. This is the fourth time in just over 12 months that we have debated cuts to the Prince of Wales Hospital. It is a great hospital with great people working in it, but by the time this Government is finished it will have been completely gutted. If the member for Coogee wants to say today that there are no cuts to the Prince of Wales Hospital, those in the gallery and those who live in his electorate will remember him in 53 weeks.

**Mr BRUCE NOTLEY-SMITH** (Coogee) [4.35 p.m.]: One of the few true comments made by the member for Maroubra in his rant was that the Prince of Wales Hospital is a great hospital. It remains a great hospital and it will become an even greater hospital after the completion of the works initiative of this Government. The Randwick hospitals campus is the largest combined health facility campus in the Southern Hemisphere and one of the largest clinical research and teaching complexes in New South Wales. The Prince of Wales Hospital is an efficient hospital that provides outstanding health care to the community. Like all hospitals, the Prince of Wales Hospital is required to be managed efficiently to deliver better patient outcomes and meet increasing patient demand. The Prince of Wales Hospital is funded to treat more patients this year than last year with a record \$373 million budget, representing an increase of \$15 million from 2012-13.

The South Eastern Sydney Local Health District allocates the budget for the hospital under activity-based funding. Last year the district had a budget of \$1.47 billion, an increase of \$63.4 million over the previous year. However, hospitals must deliver services within their budgets. When the member for Maroubra was a Minister he never managed to bring anything in on budget. As police Minister he blew the budget by \$244 million, as roads Minister he blew the budget by \$315 million and today we heard that when he was managing WorkCover costs blew out by \$9 million a day. The member for Maroubra really should not talk about how to manage a budget. He does not understand. Over the past nine months a number of strategies have been implemented at the Prince of Wales Hospital to improve the financial and overall performance of the hospital.

The hospital's expenditure budget has not been reduced. However, over a number of years its costs have exceeded its budget and the budgets of similar hospitals, which the member for Maroubra knows. The hospital's clinical council and local area health district board have worked together to ensure that the Prince of Wales Hospital can treat more patients and reduce wastage of valuable health dollars. The district works closely with staff and the clinical council, which comprises senior clinicians and management, to identify improvements to ensure that the hospital provides strong quality care to the community with its allocated funding. The hospital's management has been open with staff and unions about needing to be more efficient and improving its productivity, as other hospitals have done. Strategies to align staff to budget have been designed for minimal impact on the hospital's services.

Emergency department waiting times have improved dramatically. The Prince of Wales Hospital continues to improve its emergency department performance. In the October to December 2013 quarter,

63 per cent of emergency department patients were discharged within four hours. That is a significant improvement on the previous quarter, when 59 per cent were discharged within four hours. More patients received elective surgery within clinically recommended times, with 98 per cent of patients receiving elective surgery on time. From October to December 2010—during the time of the former Government—across the hospital system in New South Wales 93 per cent of urgent cases were seen on time; under this Government 99 per cent are seen on time. For semi-urgent cases, under the former Government 91 per cent were seen on time; under this Government it is now 97 per cent. For non-urgent cases, under the former Government 91 per cent were seen on time; under this Government it is now 95 per cent.

Currently, the Prince of Wales Hospital has 1,781 staff. Yes, there have been reductions—there have been efficiencies. But the hospital is performing better, and it continues to perform better and better. In 2013 there were 47,900 presentations to the emergency department and this increased by 6,000 to 53,000 presentations. The Prince of Wales Hospital continues to grow stronger and stronger and will continue to do so into the future.

**Mr RON HOENIG** (Heffron) [4.40 p.m.]: Good, effective local members advocate on behalf of their community. It does not matter who the government of the day is and it does not matter who the health Minister is, if one has one of the world's greatest hospitals servicing one's electorate—as the Prince of Wales Hospital does in the electorates of Coogee, Maroubra and Heffron—one fights for the people and for the quality of health care. One does not walk into Parliament after 10,000 people have signed a petition and be an apologist for the Minister of the day who is cutting services to balance a budget instead of providing quality health care at this great hospital.

The doctors at the Prince of Wales Hospital say that 41 bed closures could put patients at risk by delaying surgeries and causing blockages in the emergency department, which is one of the busiest in the State. The Prince of Wales Hospital has consistently failed to meet Federal targets mandating that patients be moved from an emergency department within four hours. Fifty-two per cent of arrivals at the hospital cannot be accommodated within the appropriate time. I probably should not use this example because the lady concerned passed away today through no fault of the health system, but last year a 91-year-old lady fractured her leg and was taken to the emergency department of the Prince of Wales Hospital, where she stayed for 13 hours. Her family went to the hospital and she was removed to Sydney Hospital because there were no beds at the Prince of Wales Hospital. But 41 beds are going to be closed at that hospital. One can imagine how that family felt—they were beside themselves. I take this opportunity to wish a long life to Archie and Harry Platt on the passing of their mother.

If it wants to put a price on people's health I bring to the attention of the Government that the population in those electorates is expanding rapidly. The Government is putting urban activation precincts into my electorate of Heffron, into the electorate of Coogee and into the electorate of Maroubra to increase the population by tens of thousands. That expansion puts a demand not only on infrastructure but also on the provision of health services. The Government cannot cut bed numbers and it cannot cut 200 staff at the Prince of Wales Hospital without putting patients at risk. I can understand a desperate Health bureaucracy trying to work within a budget that has been cut by Treasury but I cannot understand why the Government is putting people's health at risk, and I cannot tolerate a local member who is an apologist for the Government rather than an advocate for his community.

**ACTING-SPEAKER (Mr Lee Evans):** Order! I warn people in the public gallery that they must not interrupt the debate.

**Mr JOHN FLOWERS** (Rockdale) [4.43 p.m.]: I thank those people who signed the petition. It is always good to see people showing an interest in their local hospitals. Front-line services have not been cut at the Prince of Wales Hospital. The Prince of Wales Hospital is a centre of excellence. Just last year it celebrated a 50-year partnership with the Randwick Hospital's campus and the University of New South Wales. The hospital is part of a pre-eminent medical teaching facility in Australia, providing essential access to patients and clinical experience for University of New South Wales medical students. The Prince of Wales Hospital is an efficient hospital that provides outstanding health care to the community within the budget allocated. The hospital is funded to treat more patients this year than last year.

So far this financial year there has been an increase in emergency department presentations of more than 7 per cent. During the October to December 2013 quarter, 63 per cent of emergency department patients were discharged within four hours. That is a significant improvement on the same quarter the previous year,

when the figure was 61 per cent. Over the past nine months a range of strategies has been implemented at the Prince of Wales Hospital, with the purpose of improving the financial performance of the hospital. These strategies are projected to lead to reduced expenditure without impacting on services. The Prince of Wales Hospital executive has been engaged in comprehensive consultation with the relevant unions over the past few months. As a result of that consultation, a number of proposals were amended or put on hold in order to allow further review.

With the exception of one proposal being deferred until 2014, all the changes flowing from the restructuring plans have now been implemented. Impacts on service delivery have been minimal. Patient access to services and the quality of services provided are being monitored continually, and the Prince of Wales Hospital campus continues to grow. Last year the Minister for Mental Health opened the new \$15.4 million Mental Health Intensive Care Unit. In a first for south-eastern Sydney, the 12-bed unit provides short-term intensive care. [*Time expired.*]

**Mr Michael Daley:** I seek leave to move a motion to extend the time for the debate to permit the Minister for Health to take part in this important discussion.

**Leave not granted.**

**Discussion concluded.**

## COMMUNITY RECOGNITION STATEMENTS

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### BURMESE COMMUNITY BUSHFIRE APPEAL

**Mr NICK LALICH** (Cabramatta) [4.47 p.m.]: It always makes me proud to be an Australian when I see how our multicultural communities support each other during times of crisis. Recently members of the Burmese community in Sydney asked me for help in donating \$10,000 to victims of the Blue Mountains bushfires. It was my great honour to help them get in touch with the Salvation Army, one of the wonderful not-for-profit organisations that help our community when disasters occur. I am sure their donation will go a long way towards helping the Blue Mountains community recover from the devastating bushfires in October. I thank the Burmese community for their generosity and for showing their true community spirit. I especially thank Mr Aung Zaw, who was instrumental in organising the donation.

### ADAM GILCHRIST SCHOLARSHIP RECIPIENT BRYAN WARREN

**Mr STEPHEN BROMHEAD** (Myall Lakes) [4.48 p.m.]: I inform the House that 18-year-old fast bowler Bryan Warren from Forster is the winner of the prestigious Adam Gilchrist Cricket Development Scholarship for 2014. Bryan received notice of the scholarship on his return from a successful tour of New Zealand with the Emus under-21 Colts side. The Adam Gilchrist scholarship began in 2004 and is designed to assist young cricketers who play in country areas and who have the potential to develop as a cricketer and as a person.

Bryan was the winner of the 2013 Myall Lakes Community Awards Sportsman of the Year and he will play in England during the northern summer for the Richmond Cricket Club, having toured the United Kingdom with the NSW Combined High Schools [CHS] schoolboys team. Bryan finished year 12 in 2013 and has deferred his university studies because it is likely he will play for a Sydney team when he returns from England for the 2014-15 season. Bryan has several representative matches to play before he leaves for England, including the under-19s Country Colts titles, where he will represent North Coast.

### STARR PARTNERS TROLLEY DRIVE

**Mr GUY ZANGARI** (Fairfield) [4.49 p.m.]: On Friday 6 December 2013 I once again attended the tenth annual Starr Partners Trolley Drive in Fairfield. Mr Raj Bhandari and Mr Tom Murphy from Starr Partners host an annual trolley drive to support the Fairfield Uniting Church diner, which provides more than 10,000 meals to those in need in our local community each year. I congratulate Raj and Tom on organising another successful trolley drive. I thank all local businesses, charities, community groups, schools and individuals who dig deep and donate to this worthy cause each year. I also thank the Fairfield Local Area Command, the Fairfield State Emergency Service, the Fairfield Fire Brigade and the local St John Ambulance

Service for showing their support for an amazing charitable event. Last but not least, I thank the Fairfield Uniting Church for its ongoing dedication to helping those in need in our local area. It is a true inspiration to us all.

#### **WOMEN IN LOCAL GOVERNMENT AWARD RECIPIENTS ROBYN COOPER AND NORMA TOWEEL**

**Mr JAI ROWELL** (Wollondilly) [4.50 p.m.]: On 5 March two staff members from Wollondilly Shire Council were awarded the prestigious Minister's Award for Women in Local Government. Congratulations to Robyn Cooper, winner of the Non-Senior Staff Member award. Robyn has been a strong mentor for other women in traditionally male roles in Wollondilly Shire Council. Congratulations to Norma Toweel for achieving a "highly commended" in the Women in a Non-Traditional Role award. During her 22 years at Wollondilly Shire Council Norma has consistently provided a reliable, strong work ethic in traditionally male-oriented roles. These women are great assets to Wollondilly Shire Council and to their local community. I attest to their hard work and thank them for their service to the Wollondilly community.

#### **ISLAMIC SERVICE FOR 2014 LAW TERM**

**Mr PAUL LYNCH** (Liverpool) [4.51 p.m.]: On Thursday 20 February a service was held at the Auburn Gallipoli Mosque to mark the opening of the 2014 law term. It was organised by the Muslim Legal Network in conjunction with the Auburn Mosque Committee. The service included a keynote speech by Dr Mohamad Abdalla, Associate Professor at the School of Humanities at Griffith University, on the concept of justice in Islam. Those present included Justice Steven Gageler of the High Court, Chief Justice of the New South Wales Supreme Court His Honour Tom Bathurst, President of the New South Wales Court of Appeal Margaret Beazley, President of the Industrial Relations Commission Michael Walton, and many other judges and justices from various jurisdictions.

The organisers of the function should be congratulated. This is the third annual event of this type held at the mosque. The Red Mass and similar events have been regular commemorations for some time. It is entirely appropriate that the Islamic service for the opening of the 2014 law term is added to those other functions because it is a useful reminder of the multicultural nature of our community and the contribution that the Islamic community makes to the legal system.

#### **COOGEE SENIORS WEEK AWARDS**

**Mr BRUCE NOTLEY-SMITH** (Coogee) [4.52 p.m.]: The 2014 Coogee Seniors Week Local Achievement Awards were held on Monday 17 March. I recognise six seniors for their commendable service to the community. I congratulate Robert Golsby of Randwick, Helen Sawyer of Clovelly and Hugh Ellens of Randwick on winning the Seniors Community Service award. They have given their time and expertise by volunteering in the community. I also recognise and commend Norma Seymour and Marie Smart of Coogee for winning the Intergenerational Understanding award. They work tirelessly with our youth, impart their wisdom and share their experiences. Lastly, I recognise Mr Frank Conceicao of Waverley, who won the Seniors Business and Sport award. Mr Conceicao owns and operates the successful business Albion Cycles, which is a cycling shop that has been operating for more than 30 years. He serves as a role model to all those who own and operate small businesses. On behalf of the Coogee electorate, I thank those seniors for their contribution to our community.

#### **HUNTER BIRDS OBSERVERS CLUB AND TOM CLARKE**

**Ms SONIA HORNERY** (Wallsend) [4.53 p.m.]: Members of the Hornsby electorate appreciate the efforts made last year by Tom Clarke, a dedicated long-term member of the Hunter Birds Observers Club, for observing, identifying, reporting and recording 89 species and 38 bird families. More specifically, 24 species have come to the area since 1993, which indicates an important response to environmental improvements that have been made around Throsby Creek.

#### **AUSTRALIAN CRICKET ASSOCIATION MASTERS TEAM**

**Mr CHRISTOPHER GULAPTIS** (Clarence) [4.53 p.m.]: I offer my congratulations to the Australian Cricketers Association Masters on the wonderful couple of days they spent recently in Casino. My thanks go to all the sponsors of the visit but especially to the Casino RSM Club and Richmond Valley Council. The Australian Cricketers Association Masters team comprised Michael Bevan, Andy Bichel, Greg Blewett, John

Davison, Wayne Holdsworth, Jimmy Maher, Greg Matthews, Matthew Mott, Tim Nielsen, Ashley Noffke, Monty Panesar and Wayne Phillips. On Saturday night the team entertained an auditorium full of cricket enthusiasts with amusing anecdotes of their representative days before assisting with auctioning memorabilia. On Sunday they played a T20 game against a Casino District Cricket Association side consisting of Alex McKee, Jacob Wood, Issac Goodwin, Issac Murphy, Sam Carlton, Nick Ensby, Brendan Dwyer, Tom Carlton, Jordan Williams, Jacob Graham, Mitchell Grimston, Elliott Nance and reserve player Nick Armstrong. It was a lively game, with the young locals giving the masters a run for their money, which created much excitement for more than 700 spectators.

### **VIETNAMESE LUNAR NEW YEAR FESTIVAL**

**Ms TANIA MIHAILUK** (Bankstown) [4.54 p.m.]: On 8 February I was honoured to join the Vietnamese community of Australia to celebrate the Tet Vietnamese New Year Festival for the Year of the Horse. I acknowledge Dr Thang Ha, the newly appointed President of the Vietnamese Community in Australia, New South Wales Chapter, former President Mr Thanh Nguyen, the entire executive and volunteers for their efforts in coordinating a successful occasion. The three-day festival attracted more than 60,000 people from across New South Wales.

### **MAJOR LEAGUE BASEBALLER MATTHEW SULTANA**

**Mrs TANYA DAVIES** (Mulgoa) [4.54 p.m.]: On the eve of the Opening Series 2014 Major League Baseball game between the Los Angeles Dodgers and the Arizona Diamondbacks, I am proud to tell the House about 13-year-old Matthew Sultana. Matthew discovered a love and talent for baseball and in his second season was selected for the Greater Western representative side. Although he just missed out on selection for the New South Wales under 14s team, he was chosen to represent the Northern Territory in the 2014 Baseball National Youth Championships in South Australia. He did very well, despite a heatwave hitting South Australia one day into the national competition. The temperature on some days reached 45 degrees and although Matthew suffered heat stroke he insisted on playing first base so he could still be in the game. He accomplished the score of most outs for the tournament and his team. He stepped up to the plate and hit a few to the outfield. When Matthew pitched, no-one got home. Perhaps he will be the next Ryan Rowland-Smith for Australia in Major League Baseball. Matthew is an incredibly focused and disciplined young man, who has already started preparing for this year's baseball season. With his determination and the support of his family, I am sure we will hear more about Matthew Sultana's achievements in the future.

### **LINK OR SINK GROUP**

**Mr CLAYTON BARR** (Cessnock) [4.55 p.m.]: I pay tribute to the Link or Sink Group, which has been the driving force behind the Hunter Expressway. The \$1.7 billion project is due to open this weekend. The Hunter Expressway concept has been floating around for more than 20 years. A non-political group known as the Link or Sink Group was formed and members spent many hours in small meeting rooms making things happen, but they had a sinking feeling time after time. They travelled repeatedly to Sydney and Canberra to bang on the doors of politicians on all sides to ensure that the Hunter Expressway stayed on the drawing board. It would be remiss of me not to acknowledge the people who were part of the Link or Sink Group that was instrumental in pushing for funding to get the Hunter Expressway up and running. The group's membership has changed over time so I apologise in advance if I miss anyone. The main drivers included Fred Brown, Nadine Hickey, Frances Wilson, Toby Thomas, Glen Adams, John Grant, Allan Daley, John Mooy, Alan Gray, Brian Witherspoon, Peter Spinks, Rod de Silva, Bruce Wilson, Janette Jackson and Owen Partridge.

### **LONDONDERRY WOMAN OF THE YEAR RECIPIENT LYNDA DRIES**

**Mr BART BASSETT** (Londonderry) [4.56 p.m.]: Recently I was thrilled when Lynda Dries was announced as Londonderry Woman of the Year by the Minister for Family Services, and Minister Women, the Hon. Pru Goward, as part of the 2014 NSW Women of the Year Awards. Women such as Lynda are fantastic role models. I hope that sharing their stories helps to create greater respect for women in our community and inspires others to make a difference. I was pleased to nominate Lynda because she is extremely compassionate and kind, especially towards the underprivileged. She runs The Living Room for two days a week in Richmond. It is a food support bank and a safe space in which disadvantaged and disenfranchised locals can rest, grab a cup of coffee and get a good meal. Lynda also works to provide them with basic necessities and creates tailored care packs. With the help of some locals, she also knits scarves and blankets. Lynda is always supporting troubled people in the community and is a great listener for those in need.

### **ROOTY HILL PUBLIC SCHOOL**

**Mr RICHARD AMERY** (Mount Druitt) [4.57 p.m.]: I acknowledge Rooty Hill Public School and its students' achievements in 2013, which was showcased in December last year at their Presentation Day and year 6 graduation. Principal Jackie Malecki presided over events, along with Deputy Principal Sue Law. Rooty Hill Public School has been providing top-quality education to the district since 1957. I acknowledge Jennifer Moon-Tume for more than 20 years service, Sue Law for 30 years service and Principal Jackie Malecki, who has completed more than 40 years service to public education. I congratulate the school and its students on a successful year.

### **NSW WOMEN OF THE YEAR AWARD NOMINEE MO'ONIA GERRARD**

#### **WOLPER JEWISH HOSPITAL**

**Ms GABRIELLE UPTON** (Vaucluse—Minister for Sport and Recreation) [4.58 p.m.]: I note Mo'onia Gerrard's nomination as a finalist in the NSW Women of the Year Award, commend her on her dedication, tenacity and commitment both on and off the court over many years in inspiring women to get involved in sport, and commend her on her efforts as an elite netballer and on her work with the Mo'onia's Netball Cup. I also commend the longstanding commitment of Wolper Jewish Hospital to quality specialist medical care and rehabilitation hospital services for not only the Jewish community but also the general community. I commend the outgoing chief executive officer, Harry Aizenberg, for his outstanding commitment to Wolper and warmly welcome incoming chief executive officer John Tucker. I commend the Wolper on the recent launch of its Health Foundation.

#### **ULTIMO COMMUNITY CENTRE**

**Mr JAMIE PARKER** (Balmain) [4.59 p.m.]: I inform the House of the outstanding work of all of those at the Ultimo Community Centre who offer such important services to the local community. In particular I bring to the attention of the Parliament the work of the Ultimo Community Centre Chinese Seniors Group, which is a fantastic team of people: eight tutors and committee members with over 14 volunteers running six programs in the Ultimo Community Centre since 2002. I particularly wanted to acknowledge the work of Margaret Ng as the chairperson of the Ultimo Community Centre Chinese Seniors Group. Margaret is always ably supported by David Wong and I am proud of the contribution they make. Their work promotes artistic and cultural pursuits and adds greatly to the life of many people, as well as bringing the local community together. I commend to the House their wonderful work in the community.

#### **TRIBUTE TO MS LYNETTE BEATTIE**

**Mr MATT KEAN** (Hornsby) [5.00 p.m.]: I thank Lynette Beattie of Berowra for her efforts in raising awareness for ovarian cancer during Ovarian Cancer Awareness Month. Lynette has been courageously battling ovarian cancer since 2008, when she was diagnosed. Her symptoms were extremely rare and left doctors baffled. Following surgery and chemotherapy over five years, Lynette found comfort in a support group and is now helping to raise funds and awareness for others who may face the same struggles as she has. Lynette helped sell ribbons for Teal Ribbon Day on 24 February. I wish Lynette all the best and thank her for her support for ovarian cancer research. She is an inspiration to many in her community, and I thank her for her efforts.

#### **ORANGE CITY BOWLING CLUB**

**Mr ANDREW GEE** (Orange) [5.01 p.m.]: I draw the attention of members to Orange City Bowling Club, which has recently gone green with the installation of 360 panels to the roof of the club. The panels, which were initiated by Treasurer Pat Egan, will produce enough power to run 22 homes every day or enough to power 5,000 light bulbs. Congratulations must go also to Chairman Garry Marriage, Vice-Chairmen Ian Spencer and David Ellis, Directors David Beadle, Jean Kennedy and Peter Ruming, Secretary Manager Michael Gray, Assistant Secretary Manager Neil Southcombe, President of Women's Bowling Club Jan Oakley and President of Men's Bowling Club Stan Wilcox, team members Rhonda Jones, Mark Byrne, James Sharp, Tony Caughlan and Sara Swain. Congratulations to Orange City Bowling Club on this wonderful initiative.

#### **DAVIDSON ELECTORATE SENIORS WEEK AWARDS**

**Mr JONATHAN O'DEA** (Davidson) [5.01 p.m.]: This being Seniors Week, I recognise two outstanding seniors from the Davidson electorate for their commitment to improving the quality of life for older

citizens. It is appropriate that the community recognise those who willingly dedicate their time and energy in the service of others. Bob Knox of St Ives is the director of the Respect for Seniors Program, developed by the St Ives Uniting Church with support from Uniting Care Ageing. The grass roots program aims to improve the delivery of aged care services in the best possible environment. Its vision is to create a safe, caring community where all can age with dignity and respect. Rosemary Hickey is a much valued volunteer worker at Wesley Gardens Aged Care at Belrose. Since 1997 she has organised volunteers to run an annual garage sale, assisted with running the coffee shop and organised Easter, Mother's Day and Christmas events. She is the editor of the facility's newsletter, looks after a large feature fish tank and takes residents without relatives shopping for clothes. Over the years she has also helped to raise in excess of \$150,000 to make residents' lives more comfortable and enjoyable. Rosemary has a reputation for making everyone feel special and is well loved by residents and staff at Wesley Gardens. The full impact of their work may never be known, but it is truly valuable.

### **WORLD WATER DAY**

**Mr ROB STOKES** (Pittwater—Parliamentary Secretary) [5.02 p.m.]: As the representative of a community almost entirely surrounded by water, I recognise World Water Day, which is to be celebrated this Saturday. In particular I note the efforts of Pittwater resident Judy Charnaud for her many years working to secure safe drinking water supplies for remote communities in Timor Leste. Together with local schools, Judy is raising money to provide bio-sand filtration units and to restore existing wells for a village in the Oecusse sub-district. Water is vital for health, sanitation, agriculture and energy generation, and I commend and recognise local volunteers like Judy who are working to secure better outcomes for communities in developing nations in our hemisphere.

### **Community recognition statements concluded.**

**ACTING-SPEAKER (Mr Lee Evans):** Order! I remind members that after private members' statements there will be another 20 minutes of community recognition statements.

### **PRIVATE MEMBERS' STATEMENTS**

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#### **BANKSTOWN LIBRARY AND KNOWLEDGE CENTRE**

**Ms TANIA MIHAILUK** (Bankstown) [5.03 p.m.]: Tonight I speak about the Bankstown Library and Knowledge Centre, which is due to open on 6 April. The Bankstown City Library Information Service is one of the largest library services in New South Wales. Bankstown was one of the first metropolitan councils to establish a free public library with the opening of a children's library in 1946. The current library was established in 1983 on a site opposite the courthouse. Like many other students in the Bankstown electorate, I spent countless hours in our library researching assignments and studying for exams before and after school and on weekends.

Libraries are one of the most important community assets in New South Wales. I referenced in my inaugural speech that all governments have a duty to provide communities with great cultural, social and educational opportunities and institutions such as free public libraries. As institutions, libraries are places of community record. Libraries are centres of learning and act as repositories of information. Libraries enable us to learn about our history, society and culture. Libraries are much more than mere books on a shelf; they provide the local community with the ability to empower themselves through knowledge and education.

In early 2009, as the mayor of Bankstown, I was the chair of the Bankstown City Council Library Committee. The council and the library committee together decided to relocate the library to a modern facility. The old town hall building, in the heart of the Bankstown central business district, was an underused facility that would cost the council upwards of \$700,000 each year for maintenance alone. The site of the old Bankstown central library did not allow room for the expansion of library catalogues or inventory to meet the needs of the growing Bankstown community. On one occasion as I was thinking about taking my daughter the next day to the local library for a reading group the thought occurred to me, "Why not create a new library and knowledge centre on the old town hall library site?" As mayor, I was proud to announce in a mayoral minute at that time that the town hall would be converted into the new Bankstown Library and Knowledge Centre. I was delighted that Bankstown Council and council staff unanimously endorsed the concept of redeveloping the town hall into a library. Following extensive community consultation, construction on the new Library and Knowledge Centre commenced in the middle of 2011.

In mid-2012, unfortunately construction on the new library ceased due to the contractor going into receivership. I thank and acknowledge the current Bankstown city councillors and staff members who had the drive and foresight to continue the project by ensuring that the re-tendering process occurred as swiftly as possible. I also acknowledge the library staff for their incredible patience throughout that process. When it opens in April, the new Bankstown Library and Knowledge Centre will be one of the most modern library facilities in Australia. The library facilities have been significantly expanded and will now encompass three entire floors of the building. There will be extensive computer resources, including free internet access and free wi-fi.

The facility will also include the 300-seat Bryan Brown Theatre, an exhibition space, meeting rooms and a café. It will be a central place where public meetings and lectures can be held, and where workshops and seminars for the young and people of all ages can take place to enhance the knowledge of the local Bankstown community. The new library has also been constructed as a green community facility, featuring the latest environmental design components, including a unique air quality system that will utilise the natural air filtering properties of plants within the building and its surrounds. A further win for the local Bankstown community is that the site of the old Bankstown library will be developed into a community hub where local residents can access a range of services in a central and convenient location.

During my time as mayor, I strongly advocated for the old library site to be retained as a community asset. It is vital that community organisations that provide crucial support services have access to prime space in the Bankstown central business district. Several non-government organisations and the Bankstown Business Advisory Service have already committed to relocating their operations to the old library site. As I said in June 2011 when speaking in this House about the library, Bankstown is a city of progress and this multimillion-dollar development will be an important and significant feature, placing our city on the map by providing first-class community infrastructure. The new Central Library and Knowledge Centre is also part of our city's broader plans to develop the Bankstown central business district into a major regional centre.

#### **MAITLAND HOSPITAL DEVELOPMENT**

**Ms ROBYN PARKER** (Maitland—Minister for the Environment, and Minister for Heritage) [5.08 p.m.]: At a forum last week Maitland and Hunter communities had the first chance to hear about the work that is being undertaken towards a new public hospital in the Maitland electorate, to be built in Metford. It was a fantastic forum. It is pleasing to think how far we have come in a short space of time. This was an opportunity for community members to learn more about the development, to be involved in the planning process, to have their input regarding what they want, and to see this new hospital evolve. The Hunter New England Local Health District and Health Infrastructure made presentations and took questions from the public on a range of topics. It really was an exciting part of this journey, and the first of many public meetings. I thank both organisations for their tireless work in progressing this project, and in particular project director Erik Maranik. The teams put together a really informative and interactive evening. Community members not only were given the chance to have their say but also were able to hear about the consultative process that had taken place in the hospital planning to that point in time. Indeed, the engagement of the community at the early stage of the planning process is a key element in the development of this new hospital.

This is the biggest and most exciting health project in the Hunter since the opening of John Hunter Hospital in 1991. Many who attended were surprised at the scale and scope of the new hospital. The new Maitland Hospital will ultimately be of a size between the Mater and John Hunter hospitals. This project will deliver lots of jobs both during construction and when delivered. The master planning phase for the new Maitland Hospital is scheduled for completion later this year, following further community consultation. Before being elected in 2011, we identified the need for a new hospital, we made a commitment to the community and now we are developing a master plan to guide its creation. We committed \$20 million towards planning for improved health services, including site selection. This election commitment has been delivered in less than three years. I note that no other government had previously expressed or identified the need for a new hospital.

The Government has started the journey. Part of that has involved a clinical services plan to look at how all health facilities across the Hunter are currently being used, how they will be used in the lead-up to building the hospital and how they will be used once the hospital is built. Last year Minister for Health Jillian Skinner and I announced the preferred site for a new hospital in the Maitland region. The 40-hectare Crown land site at Metford is on the eastern side of Metford Road and forms part of the old brickworks site. There was discussion at the forum as to why this site was chosen. The preferred site is ideal for a new hospital. It will meet the future needs of the growing Maitland community and will take a lot of pressure off the John Hunter



Hospital. People from Port Stephens will be able to travel there easily and it ticks a lot of boxes. For example, it is more than six times larger than the current hospital site, is not subject to flooding and is close to existing infrastructure, the New England Highway and other major link roads, public transport and an existing train station.

The difference between the O'Farrell Government and former Labor governments is that the O'Farrell Government plans for the future infrastructure needs of this State. I am pleased that we are on track with the Metford site as the future home for our new hospital. It is a large site that offers plenty of room for future growth as well as space for other health services. At the forum community members had the chance to say exactly what they wanted. However, I have been very disappointed with a small group in the community that continues to talk down this project for various reasons. I welcome the comments of the Minister for Health during a visit to the Hunter last week when noises were being made in relation to this hospital. Minister Skinner said:

I am very disappointed if there are any organisations or others involved in that scaremongering because they know it's not true—it is about providing public patient care, funded by the State Government in this brand new hospital.

She also said:

We treat private patients in all of our hospitals now, in John Hunter, in Maitland and in the Mater. They don't get any priority over the public patients and they never will.

This is an exciting time for Maitland. I thank the community for its interest in and support for this project so far and I look forward to continuing community input in the future for the planning of this fantastic hospital facility.

### COFFS HARBOUR SHOWGROUND

**Mr ANDREW FRASER** (Coffs Harbour—The Assistant-Speaker) [5.13 p.m.]: For the third week in a row I raise the issue of the Coffs Harbour Showground. In doing so I thank Margo Caba, secretary of the Coffs Harbour Show Society; Christopher Pearson, past president of the Coffs Harbour Show Society; Steve Edmonds, chief executive officer of the Crown Holiday Park Trust; Jim Bolger, general manager of North Coast Holiday Parks; and Steve Rowe, the current showground administrator, for the meeting I had with them last Friday morning. We had that meeting to try to work out what we are going to do with this infernal fence that the administrator authorised North Coast Holiday Parks to put around the amenity block and a certain area of the showground that the Showmens Guild uses each year for rides. Mr Acting-Speaker Ward would appreciate that one of the reasons people go to country shows is to enjoy those rides that are normally seen at the Royal Easter Show.

At that meeting we had long discussions about the future of the showground, how the caravan park had been set up to provide income for the showground and that the showground was unworkable as a country showground if the fence stayed. Thankfully, we have reached agreement that rather than North Coast Holiday Parks erecting another amenity block and putting in more three-phase power, it will remove the fence prior to the Coffs Harbour centenary show in May. This will allow access to the three-phase power and amenity block used by members of the show jumping fraternity when they stay overnight at the showground and leave their horses in the stables. This is a very good short-term result but it is still not the result we wanted in relation to the amenity block that was knocked down. It is my hope that ongoing discussions will see North Coast Holiday Parks replace that amenity block in the future.

*[Interruption]*

It is nice to know that members from inner Sydney electorates recognise I have some understanding of country shows and what is normally dropped around the cattle yards. It normally shows up in the private members' statements of the member for Drummoyne. We reached agreement also about what may happen in the future. We have offered as a community for North Coast Holiday Parks to probably take over the old cattle show ring judging area and reconstruct a cattle showing area with stalls at the far end of the showground. But I would like to see us get a continuing share of the income raised from the caravan park.

We were told at that meeting of the absolutely convoluted process with the money received from caravan parks, which are now run by Holiday Park NSW, being put into the Public Reserves Management Fund and how applications can be made to that fund. In reality the only way to go is to have a fixed amount, which would allow the new trustee to be appointed to continue to maintain and upgrade the showground. We need

somewhere in the vicinity of \$160,000 to \$200,000 per annum to maintain the showground as it is. We also want to improve it. We understand that we can apply for funds from the Public Reserves Management Fund but at the end of the day we must have an ongoing income.

Today I am again putting the case for the people of Coffs Harbour, in particular the Coffs Harbour Show Society, to keep the Coffs Harbour Showground as a showground recreation reserve and upgrade it. It is hoped to get an entrance to the showground off Marcia Street. We would like to be given more land. We would like also to work cooperatively with North Coast Holiday Parks, which I believe we can. Last week's meeting was the first step in the right direction. I again thank all who attended the meeting for coming up with the solution that has now been proposed.

#### **MACARTHUR DISTRICT POLICE OFFICER OF THE YEAR AWARDS**

**Mr BRYAN DOYLE** (Campbelltown) [5.18 p.m.]: It is with great pleasure that I share with the House the Macarthur District Police Officer of the Year Awards held last night at the Wests Leagues Club at Leumeah—right in the heart of Campbelltown, the opal of the south-west and the very best part of the Macarthur.

**Mr Jai Rowell:** Point of order—

**Mr BRYAN DOYLE:** The Macarthur clubs gather together to present the Rotary clubs of Macarthur police awards. Those clubs include Camden, Campbelltown, Ingleburn, Macarthur Sunrise, Narellan and Wollondilly North.

**Mr Jai Rowell:** Hear, hear! The best part of the Macarthur.

**ACTING-SPEAKER (Mr Gareth Ward):** Order! The Government Whip will resume his seat.

**Mr BRYAN DOYLE:** The best thing about Wollondilly is that Campbelltown can be seen from there. The purpose of the awards night is to enable a grateful community to recognise and congratulate members of the NSW Police Force on a job well done. More than 280 people attended the awards presentation, including Garry Browne, Rotary District Governor, District 9675; a host of worthy Rotarians; my good friend the member for Tweed, Mr Geoff Provest, who is 100 per cent for the Tweed and Parliamentary Secretary for Police and Emergency Services; and the member for Camden, Mr Chris Patterson. I note that my good friend the member for Wollondilly could not attend as he had to look after business in the House. Also in attendance were Commissioner Andrew Scipione and senior police, retired Commissioner Ken Moroney, representatives from Campbelltown, Camden and Wollondilly councils and our very own emcee Captain Pat McGowan.

The overall winner of the Macarthur Police Officer of the Year Award was leading Senior Constable Eleanor Jenkins from the Campbelltown Local Area Command, an effective and proactive police officer and a great trainer of young police who managed to combine shiftwork and family responsibilities whilst doing front-line general duties policing. She was surprised and humbled to receive the award. She kindly recalled to me an incident many years ago when as a young constable I provided her with some helpful advice. I know that many young police will continue to benefit from her guidance and advice. Another major award winner in the highway patrol section was Senior Constable Robert Ryan, who organised a number of trail bike operations—a matter of great concern to members of my community. The Detective of the Year Award for the Macarthur region went to Detective Senior Constable Brent Piggott from Macquarie Fields Local Area Command. The overall Macarthur winner in the Crime Management section was Senior Constable Mark Scambray from Camden for his work with youth.

The Probationary Constable of the Year for Macarthur award went to Probationary Constable Douglas Brennan. I note another good young fellow, Scott Green, an old John Therry Catholic High School boy, received an honourable mention as the Campbelltown Probationary Constable of the Year. Amongst the unsworn officers Patricia Morrison from Campbelltown took out the Macarthur award. I had the pleasure of working with Patricia for many years at Campbelltown and she is an effective, efficient and wonderful lady. Detective Keiran Dias, the winner of the 2013 award, told those assembled that he was a former tradie who joined the NSW Police Force to make a difference. He said he did not realise how much the awards meant until he saw the reaction of his workmates, his wife, his children and especially his mum who went up and down the street and collected every newspaper so that she could harvest the photographs and stories about her son.

He soon found out that Rotary's code "Service above self" applied well to policing. He expressed heartfelt thanks to all those Rotarians who, on behalf of the community, stopped, thought about and recognised the work of our police. Commissioner Scipione summed it up quite well when he said, "We are here to serve the community; we are here to make a difference." He said that police shared the same values as Rotarians—duty, self-sacrifice, service and community. I congratulate all the winners and the nominees and thank the Rotarians for hosting these awards. I commend the Macarthur District Police Officer of the Year awards to the House.

### **LIVERPOOL TO PARRAMATTA BUS SERVICES**

**Mr PAUL LYNCH** (Liverpool) [5.23 p.m.]: Once again I draw the attention of the House to ongoing concerns about the privatised bus service on the Liverpool to Parramatta transitway known as the T80 service. In May 2012 the Government announced that the service would be privatised and that the private operator would run the service from 13 October 2013. From that date my office and I received what became an avalanche of complaints. I addressed the House on 23 October last year and pointed out the wholly unsatisfactory performance of the operator. Buses were not running according to timetable, they were late, the trip was taking longer and buses were just not turning up. These were not mere teething problems but a complete debacle. Drivers did not know routes and children were being picked up and dropped off at the wrong spots, Mr David Johnson, a constituent of mine, complained. The Minister's response was:

While most services ran to timetable, regrettably there were some initial issues during the contract handover period. However, service performance has improved markedly since 13 October 2013. Transport for NSW is continuing to work closely with Transit Systems to address any further issues and minimise any inconvenience to customers. Transit Systems will address any late running as a matter of priority and Transport for NSW will continue to closely monitor services.

Regrettably, that has not been the experience of many commuters and constituents of mine. Last month I received an email from a commuter who stated:

I would like to place a formal complaint against the T80 bus service operating from Parramatta-Liverpool and vice versa. This service used to be operated by Western Sydney Buses. The service was operating perfectly, running on time connecting with trains at both Parramatta and Liverpool, and also connecting with other buses at T-way stations.

Ever since the take-over with Transit Systems the service has gone absolutely horrible.

One of the problems that was highlighted was as follows:

The drivers' attitude towards passengers, they are now just simply rude, they threaten passengers and run after passengers, parking the bus on the middle of the road. I witnessed this at Parramatta on the T80 service that arrived at Parramatta at 12:34 p.m. on Saturday 1/2/2014.

Another problem was that all buses operated by Western Sydney Buses had green validation ticket machines but not all the Transit Systems T80 buses had those machines, which slowed down the service considerably. Even when buses previously operated by Western Sydney Buses were on the route drivers would not use the validation machines and preferred to check manually, thus not utilising time-saving devices. A commuter said:

All this waste of time didn't happen with Sydney Buses when they operated the service.

The commuter also pointed out that the service was advertised as having a prepay option, which of course is not utilised because the validation machines are not used. The commuter said:

Transit Systems drivers seem to think that manually checking the ticket is better. Does this company not trust Western Sydney?

A further problem noted is the lack of transit officers or police officers on T80 buses and likewise the absence of security on night services.

And this is despite the comments the Premier made in question time yesterday. The commuter also complained that the fact that they are private also means that the buses cannot be tracked. They do not have the radio government buses did, and they do not have the technology to support third party apps, such as TripView, TripGo and Triptastic. This is not "next gen transport." My constituent believes that because of this technology the service offered by the private operator has gone backwards. Another issue highlighted is as follows:

Now it comes to accessibility, a key factor in transport reform for TfNSW. The company Transit Systems was chosen due to the "low floor wheelchair Fleet" for accessibility. However the on board audio announcements for the hearing impaired and also the audio announcements at the T-way stations have been switched off. How is this better for accessibility and "transport for all"?

Noticeboards have been changed and are much harder to read. Not all bus drivers open the back doors and their failure to do so slows down the trips. The failure to use the back doors and to use validation machines means that the buses are running late. When the old service occasionally ran late commuters could find out what was happening by ringing 131500. If a commuter does that now he or she is told that no information is available concerning private buses—that is, the T80 service. There are instances of drivers throwing away valid tickets because they think the magnetic strips do not work. That was purported to have happened on 1 February 2014 at approximately 9.00 a.m. The driver concerned was not displaying his driver authority card. A commuter states:

The passengers are still the same however the service has really become a dangerous service now. Because of the operating procedures of Transit Systems, it is making customers angry and frustrated and after witnessing a driver running after a commuter, and drivers snatching tickets, harassing and assaulting passengers even though they have valid tickets, I really think that the contract should go back to Western Sydney Buses if Transit Systems can't change the operating procedures and the bus drivers to the same operating procedures as Sydney Buses. I feel unsafe and harassed by this bus company.

Zynal Dean, another commuter and constituent of mine, told my office that on four or five occasions he waited for an hour or so for a bus at Moore Street, Liverpool, and at Banks Road, Miller. Moreover, he observed that the standard of drivers was slipping after the privatisation—a factor confirmed by Nathan Hagarty, another of my constituents, who as recently as last week told me of three T80 bus crashes of which he is aware. He travels regularly between Parramatta and my electorate. One location near Parramatta is particularly notorious. Drivers generally are not safe and often accelerate or brake in a manner that is dangerous to passengers. Privatisation of this service has been a catastrophe and has substantially reduced the quality of this important service for residents in my electorate. The Government stands condemned in its contempt for Liverpool.

### ORANGE RELAY FOR LIFE

**Mr ANDREW GEE** (Orange) [5.28 p.m.]: I draw the attention of the House to the fact that on Saturday 8 March this year Orange held its annual Relay for Life. This year there were 1,125 participants in the relay, with 90 teams entered. The goal of the relay was to raise \$170,000, and the funds are still rolling in. At the moment we are up to \$122,448 and climbing. The relay is a wonderful community event that unites Orange and its surrounding districts like no other event that I know. I think that is an indication of how deeply cancer affects the Orange community, and indeed all communities around New South Wales.

I need to make special mention this evening of the wonderful work of the Orange Relay for Life organising committee. The chair this year was Terry Betts. He has made a remarkable contribution to our community, and indeed Australia in his work with the Australian Defence Force. He was the chair, but he had a great team. The team included Nicole Downey, Anna Farrell and Kerry Harris. Kerry was in the survivor and carers team and also team captain for the heads team. Sandy Ostini, Bryce Ostini, and Debbie Thornberry were in charge of sponsorship. Wes Vane and Kim Howard undertook the catering. Bec Dodds was the secretary and was involved in overseeing entertainment. Kellie Taylor also did a great job on the entertainment. Fiona Rossiter worked very hard throughout the relay working on the youth side of things. I also saw her contribution working on security as the hour grew late. Graham Osbourne helped with teams and logistics. Other people on the committee who worked very hard included Nicole Pearce; Bernie Novotny; Phillip Richard; Graham Harris, who is the husband of Kerry and also an ex-serviceman; Harry Betts; Debbie Bulloch; and Shaye Moss.

I also make special mention of the Cancer Council New South Wales staff in Orange—Justin Cantelo, the community engagement officer; Fiona Marwick; Bree Kelly; Camilla Barlow; and Tarah Syphers. I also make particular mention of the young people of Orange in this year's relay. It seems reasonably fashionable to give Generation Y and beyond a bit of a hard time. They sometimes get a very bad rap in the media for changing jobs too frequently, for not caring about their local communities or for having short attention spans. But I have to say that at the Orange Relay for Life it was really the young people who carried the day. As the hour grew late and the older relay participants like me started to fade, the young people of Orange picked up the baton and kept the relay powering on through the night.

There were teams from the local high schools, including Canobolas High School, Orange High School and Kinross Wolaroi School. There were also university students in great numbers. I have nothing but admiration for all those young people and the enthusiasm they showed for the relay all through the night. It certainly made me and many others very proud to be part of a community where there was such strong support from the young people of Orange. The Relay for Life is one of the most important events on the Orange calendar. It not only raises much-needed funds for the Cancer Council New South Wales but also is a great show of support for the people dealing with cancer and their carers. Beyond that, it is a wonderful community event that unites the people Orange like no other. I thank everybody involved in the Relay for Life this year and look forward to many successful relays in the future.

**Mr MARK SPEAKMAN** (Cronulla—Parliamentary Secretary) [5.33 p.m.]: I thank the member for Orange for bringing to the attention of the House the wonderful work done at the Orange Relay for Life. The Orange Relay for Life is one of a number of major community events around New South Wales each year. I know that in the Sutherland shire the Relay for Life held in May is a huge community event. About 40,000 people participate in the Relay for Life every year. It is a wonderful fundraising venture for the Cancer Council New South Wales, an amazing community-focused organisation that does great work on prevention strategies against cancer, provides emotional support and supports research. I commend the member for Orange for bringing to our attention the great work being done by Relay for Life in Orange.

### NOVA EMPLOYMENT

**Mr JOHN FLOWERS** (Rockdale) [5.34 p.m.]: On Tuesday 21 January 2014 in my electorate of Rockdale the Novotel Sydney Brighton Beach launched the Focus on Ability campaign to help create jobs in the St George area. I would like to thank the Novotel Sydney Brighton Beach for supporting Nova Employment clients. Nova Employment and the *St George and Sutherland Shire Leader* newspaper formed a strategic alliance that led to the creation of the Focus on Ability campaign, an initiative to create 100 jobs in 90 days from the start of 2014. It is true to say that, for whatever reason, some people find it exceedingly difficult to gain employment.

Employment has many benefits. Being employed creates self-confidence, self-esteem and an inner sense of wellbeing. In a relatively wealthy economy such as ours, we should always spare a thought for those members of our community who suffer a physical or mental disability and for whom gaining work can be a daunting and sometimes impossible task. Nova Employment is a supported employment program that offers specialist jobseeking assistance and post-placement support. Placements are made within the general community, at award wage rates. Nova works exclusively with people who have a disability or significant barrier to work, including people who are deaf or hearing impaired. According to Mr Martin Wren, Chief Executive Officer of Nova Employment:

When you have a disability and you want to work the thing that prevents you working is not a lack of ability ...

It can be appreciated that each individual has different skills. Nova Employment espouses the view that "working with Nova is not an act of charity; it is a sound business decision made by hundreds of employers every year". Nova Employment represents responsible and qualified persons who hold responsible positions because of their ability, loyalty and dedication. Everyone is of equal value. Mariana Maleva, in her role as manager of the Rockdale branch of Nova Employment, and her staff seek and successfully locate jobs for those community members with disabilities, who display different qualities and who are from many different cultural backgrounds.

My electorate of Rockdale is a culturally diverse region and is home to a number of prospective employees who face other challenges besides personal disability—challenges such as assimilation and understanding a different cultural, social and work environment from that with which they have been familiar. Diversity can be an asset not a challenge. Every person has unique skills that they bring to specific tasks. Nova Employment provides hope, and seeks employers who have an open mind and who are prepared to give people a chance. The applicants they employ look forward to giving the best of their ability to those businesses willing to give them that opportunity. Nova Employment has established itself as the most recognised local disability employment services provider and plays an outstanding role in my electorate of Rockdale by supporting people seeking employment. Nova recognises their abilities and provides them with support and equal opportunities. I congratulate Nova Employment on its work.

**Mr MARK SPEAKMAN** (Cronulla—Parliamentary Secretary) [5.38 p.m.]: I commend the member for Rockdale for bringing to the attention of the House the great work done by Nova Employment. At the moment I have Jake from Nova Employment doing work experience in my office on a regular basis. I would urge all members to make available work experience opportunities in their offices so that we can put into action the high principles that we preach in this place on the topic of disability.

### PENRITH WOMEN'S HEALTH CENTRE

**Mr STUART AYRES** (Penrith—Minister for Fair Trading, and Minister Assisting the Premier on Western Sydney) [5.39 p.m.]: I inform the House about the Penrith Women's Health Centre, which is a non-government, not-for-profit organisation funded predominately through NSW Health. The centre has provided health services for the women of the Penrith region for the past 25 years. Penrith Women's Health Centre provides health services that foster good health and wellbeing. It seeks to actively address social injustice

and support the rights and choices of women. The centre provides a holistic health service to assist women in making informed choices about all aspects of their physical, mental and social wellbeing, and is committed to actively promoting better health outcomes for Aboriginal and Torres Strait Islander women and their families.

Penrith Women's Health Centre offers medical assistance through doctors and nurses on a range of women's health issues, including pap smears, breast checks, pregnancy, fertility, menopause, eating disorders, depression and anxiety, weight issues and nutrition, heart health and diabetes prevention. Doctors and nurses work on specific women's health matters, but women still have to see their own general practitioner for urgent health issues. A range of alternative methods are also offered, including remedial massage for relaxation, meditation, yoga, and stress management. These services can be accessed either weekly or fortnightly depending on the service.

Counsellors facilitate both one-on-one and group sessions. General counselling services are offered for issues such as sexual abuse and child sexual abuse, grief, domestic violence, drug and alcohol dependency, depression and anxiety. After the first one-hour session, counsellors can direct their clients to the most appropriate service for further specialised assistance. Counsellors are able to offer support in exploring issues and challenges that impact on women's lives, and they provide a safe, supportive and respectful environment. Penrith Women's Health Centre also provides services that build women's self-confidence, self-esteem and assertiveness.

The centre provides a cultural and linguistic diversity development program to assist women from migrant and refugee backgrounds. This program assists women by providing an individual specialised counselling service, supporting women experiencing domestic violence, facilitating women to advocate on their behalf, developing programs to meet the health and social needs of migrant and refugee women within the Penrith local government area and English language teaching. The health centre is well known for providing support in respect of domestic violence and the Penrith Women's Health Centre offers specialist services for women in the Penrith region. These programs include Staying Home Leaving Violence, where women, both with or without children, can be assisted to escape a violent relationship, or those who have experienced domestic violence can remain and be assisted to stay safely in the home.

The Bridges Project provides support, information and referral for women experiencing domestic and family violence through the Yellow Card process. I acknowledge the contribution of the Minister for Family and Community Services, and Minister for Women who helped fund the project over recent years. Other programs assist women to recognise and manage social abuse, including women stopped from seeing their family and friends or those isolated socially or geographically; financial abuse, such as withholding or taking money from a person in order to gain financial control over them; and stalking and harassment, such as following someone's movements and activities physically or by cyber stalking via social media and checking phone messages.

These programs have been developed and managed in conjunction with State and community organisations. The health centre undertakes work in the advocacy and legal area. A legal clinic is provided to assist with advocacy issues. Western Sydney Women's Domestic Violence Court Advocacy Service provides assistance to women and children seeking help and information about how to get protection from courts in relation to domestic violence. The legal clinic manages a range of issues such as familiarising women with the court process, layout and personnel; how to look at the full facts of the complaint and related matters so that the conditions appropriate to the woman's particular circumstances are sought; and how to make referrals on all necessary social needs including income security, housing, counselling and support.

Domestic violence can occur across all nationalities. Women from ethnic groups who may not yet be permanent residents are of particular concern. Often these women are scared to complain about domestic violence from an abusive partner because they do not know whether they will be able to remain in Australia. These important programs help people by directing them to the appropriate and available assistance. The people involved in those programs do an extraordinary job in supporting women across the Penrith region and I feel privileged to be able to speak about them in the House today. They should be commended for the exceptional work they do.

## **KOREAN INDEPENDENCE NINETY-FIFTH ANNIVERSARY**

### **SECOND WORLD WAR CRIMES**

**Mr CHARLES CASUSCELLI** (Strathfield) [5.44 p.m.]: On 1 March 2014 I attended a very moving function at Strathfield Town Square hosted by members of the United Austral Chinese-Korean Alliance and the

Korean Society of Sydney. The function was held for two reasons. First, it was held to mark the ninety-fifth anniversary of the Korean independence movement that arose out of Japan's unjustified occupation of Korea between 1910 and 1945. Secondly, this function provided a forum to remember Japan's brutality towards Chinese and Korean people during the Second World War and particularly its shameful treatment of women and girls from these countries, euphemistically referred to by the Japanese as "comfort women".

Although the treatment of Chinese, Koreans and indeed Australians during the Second World War is well known to us, the extent of the suffering endured by women and girls—wives, mothers and sisters—especially from China and Korea was not something that I knew about in great detail previously. The abuse and lifelong suffering it caused to the few who survived is disgraceful. These events are still within living memory and there are many of us, both in this Chamber and outside it, who have parents and friends who lived through these terrible times. I have people in my electorate who witnessed these events and some closer to home who lived with the very real fear that the Japanese would invade Sydney after Japan bombed Darwin and Japanese submarines were discovered on our doorstep in Sydney Harbour.

Against these facts and the suffering that so many have endured at the hands of the Japanese military, it is little wonder that many of my constituents are outraged and disturbed at the recent visit by Japan's Prime Minister Abe to the Yasukuni shrine in Tokyo. The reasons for this outrage are simple. The Prime Minister's visit is seen to be a deliberate move by Japan's current government to diminish and sanitise the worst aspects of its war history and, rather conveniently, ignores the fact that there are 14 convicted war criminals buried at the shrine. Chinese and Korean people also find such actions particularly galling in light of the fact that Japan, unlike many other countries, has never made a formal apology to the Chinese and Koreans for the actions and damage it inflicted across Asia.

I acknowledge that in 1993 Chief Cabinet Secretary Kōno made a statement extending apologies and remorse at the actions of the Japanese military authorities concerning comfort women, but this statement appears to be at odds with Prime Minister Abe's recent actions in visiting the Yasukuni shrine. I do not believe that the Japanese as a people, who contribute to the stability and security of our region, deliberately wish to cause more offence and suffering to their Chinese and Korean neighbours. However, I am saddened that their government does not display more sensitivity and compassion on this issue. I believe all great nations suffer from moments in their history that they would much rather forget—moments of injustice and persecution, of war and violence—but great nations do not conceal or diminish these moments; rather, they acknowledge them and look to the future, secure in the knowledge that the mistakes of the past will not be allowed to be repeated.

Remembering the truth, acknowledging past mistakes and learning from them are crucial if we are to protect those most vulnerable in our societies and prevent such atrocities from occurring in the future. Accordingly, I am proud to support members of both the United Austral Chinese-Korean Alliance and the Korean Society of Sydney in their initiatives to ensure their history is not lost and the work of the Korean Women's International Network's Australian Chapter—including their petitions to political leaders in Australia and across the world to remember Japan's actions—to collect 100 million signatures in support of this important work. I support their goal to commemorate the women and girls who suffered so greatly by erecting a statue in their honour at a place to be determined in New South Wales. These people have my wholehearted support. I commend the work of the Korean Society of Sydney, and the Chinese associations and institutions that took part in that forum on that first day in March.

### MARRICKVILLE ELECTORATE EVENTS

**Ms CARMEL TEBBUTT** (Marrickville) [5.48 p.m.]: Today I speak about two events in my electorate. On 26 January 2014 I attended the Australia Day ceremony in Enmore Park, which included the citizenship ceremony presided over by Mayor Jo Haylen and the announcement of the 2014 Marrickville Citizen of the Year and Senior Citizen of the Year. The Australia Day celebrations in Enmore Park are an opportunity for the community to come together to showcase the true generosity of spirit that Marrickville has to offer for both existing and new citizens. This event is extremely popular, attracting up to 20,000 people, and features a great line up of local artists, children's rides and international food stalls. The citizenship awards recognise the remarkable achievements of Marrickville residents who dedicate their time and energy to improving the lives of others.

These awards have a strong history, marked by a diverse range of active community volunteers and fundraisers. All past citizenship recipients have gone out of their way to contribute their time to charitable community activities such as Meals on Wheels, to work with victims of domestic violence, or to volunteer at

Marrickville Library. Past recipients have also founded the Marrickville Soccer Club, community newsletters and the Holiday Club. Their actions have been vital in fostering community involvement and building networks. A Young Citizen of the Year award has also been given in past years. I have spoken in the House about a previous recipient, Tina Zhou, a remarkable young woman. Tina undertook the research for this speech, for which I thank her. This year there were two recipients of the Marrickville Citizen of the Year award. I congratulate the 2014 Marrickville Citizen of the Year, Patrick McInerney, and Senior Citizen of the Year Van Liem Huynh.

Patrick McInerney, a resident of Tempe, is a dedicated driver of community activities. He is the founder of the 2020 Tempe Facebook page, creating a forum where Tempe residents can relay their concerns, share their community development ideas and organise community events. Patrick's role in organising and moderating the Facebook page allows him to engage his community on issues concerning suburb beautification, parking planning, protest actions and care of community members. He also uses the page to facilitate a response to community requests for assistance and has on many occasions returned lost pets to their homes. Patrick organises the annual Love Where You Live photo competition and the Tempe Big BBQ to raise money for prostate cancer research and is the founder of the Tempe Brewing Club. Patrick promotes community appreciation and involvement and is undoubtedly a wonderful asset to the Marrickville community.

Senior Citizen of the Year Van Liem Huynh is a former Vietnamese refugee and practitioner of Chinese medicine who epitomises the dedication and enthusiasm of Marrickville volunteers. Having been a committed community volunteer for the past 80 years, he has made a substantial difference to Marrickville. Van regularly assists at community events and on Clean Up Australia Day. As a tai chi instructor, he spends his time teaching voluntarily every morning at Marrickville's Wicks Park, at Marrickville Health Centre and at Marrickville Police Citizens Youth Club. He also teaches the Marrickville Vietnamese Home and Community Care Group and the Marrickville Vietnamese Seniors Association. He leads the weekly Cooks River Walking Group, which is hosted by the Heart Foundation. I congratulate and thank both Patrick and Van for their outstanding service to the Marrickville community. Marrickville has been very fortunate to benefit from the service of these two remarkable community members.

Marrickville is also very fortunate to have an active and hardworking State Emergency Service. I attended the New South Wales State Emergency Service Members Awards presentation on 23 February. This very festive event, held at Canterbury Hurlestone Park RSL Club, was attended by councillors; the member for Strathfield, Charles Casuscelli; New South Wales State Emergency Service acting commissioner Mr Jim Smith; and Sydney southern regional controller Peter Wallace. I congratulate local controller Michael Carney on a very well-run event and for his hard work with the Marrickville State Emergency Service throughout the year. I also acknowledge the hard work of deputy controller Penny Rogers, who did a fantastic job as master of ceremonies.

I acknowledge and congratulate the award recipients: Stephen Porter received the National Medal and Long Service Award for 35 years of volunteer services; Penny Rogers received the 2013 Controllers Award; Bridget Canham won the 2013 Sean O'Malley Award; Debbie Burns received the 2013 Trainers Choice Award; Hash Chand was awarded the 2013 Mayoral Scholarship; Anne Cossins received the 2013 Rookie of the Year Award; Megan Hicks received the 2013 Absent Companion Award; and Michael O'Neill won the 2013 Members Choice Award. I pay tribute to all State Emergency Service volunteers, particularly those in Marrickville, who work so hard and give up their own time to keep the community safe.

#### **LANSDOWNE CLUB ST PATRICK'S DAY CELEBRATIONS**

**Mr JOHN SIDOTI** (Drummoyne) [5.53 p.m.]: Last Friday I was happy to represent the Premier at the annual St Patrick's Day celebrations hosted by the Lansdowne Club at the Sydney Exhibition Centre in Glebe. St Patrick is a revered figure, not only in Ireland but also in Australia, and 17 March is recognised as his day and the day on which he died. Unusually, it is a day celebrated around the world. It is as if the world has adopted this day as a day of laughter and song, and bringing people closer together. It is a day when the world goes green. The annual lunch that I attended is the largest St Patrick's Day celebration in the world. That is hardly surprising, given the number of Irish sons and daughters who have chosen to call Australia home. This was reflected in the fact that 1,400 people were at the lunch. Irish Australians represent 30 per cent of the population. On a per capita basis, Australia has the largest population outside Ireland of people who are Irish born or have Irish ancestry.

Clubs such as the Lansdowne are to be congratulated on fostering strong links between the two countries to promote business and finance. Since the club's establishment in 1986 membership has grown to



more than 2,000. The club has been successful in acting as a forum for members to network with the business community. Today many of its members hold significant positions in some of the largest corporations in Australia, covering hundreds of industries. Bilateral trade relations between Australia and Ireland are worth about \$2.6 billion a year, with 80 per cent of that coming from New South Wales. The Lansdowne Club is working closely with the Industrial Development Agency of Ireland, which encourages economic investment in Ireland.

The bonds of kinship between Australia and Ireland are strong. They are steeped in history and a shared love of humour, sport and friendship. The Lansdowne Club St Patrick's Day celebration was a fitting tribute to the closeness of our two countries. It was a fitting continuation of the celebration that first took place in Australia in 1810 under Governor Lachlan Macquarie. My congratulations go to the chairman of the Lansdowne Club, Peter Brennan, and his team for putting together such a wonderful event. Perhaps I will change my name to O'Sidoti so that I will be invited again next year. It was a fantastic event. I finish with an Irish joke. How do you confuse an Irishman? Give him two shovels and tell him to take his pick!

### **WOLLONDILLY ELECTORATE WORLD'S GREATEST SHAVE FUNDRAISING**

**Mr JAI ROWELL** (Wollondilly) [5.57 p.m.]: I acknowledge the Wollondilly community's fantastic participation in the Leukaemia Foundation's World's Greatest Shave last weekend at Derks Pet and Rural Supplies in Thirlmere. The World's Greatest Shave is yet another event that highlights the thriving community spirit in the Wollondilly electorate. As many as half of all Australians will be affected by cancer in their lifetime. Events such as the World's Greatest Shave are increasingly necessary not only to raise funds and support research but also to raise awareness of one of the State's biggest causes of death.

Following last year's outstanding effort, when the team was ranked sixteenth-highest fundraiser in Australia, the Wollondilly Rainbow Team, organised by the ever-hardworking Joan Derks and her family—Bill, Alana and Sheree—set about raising \$60,000 for the 2014 World's Greatest Shave. So far the Wollondilly team has raised more than \$45,700. That figure is still climbing, putting the team well on its way to reaching its fundraising goal. That is a great return on Joan's three long months of planning.

Joan Derks is truly a local treasure. Time and again Joan has given up months of her life to ensure that events such as the World's Greatest Shave come together seamlessly. As testament to Joan's efforts, she was named 2014 Wollondilly Citizen of the Year for her commitment to and support for the local community. As well as supporting the Leukaemia Foundation, Joan has supported the New South Wales Cancer Council and created the Wollondilly community food drive. Every time there is a flood or fire, Joan uses her business, her friends and, most importantly, her time to ensure that goods reach those who are most in need.

I recognise those members of the Wollondilly Rainbow Team who shaved their heads in support of the World's Greatest Shave. Jason Legg from JJ's Smash Repair was ranked in the top 20 individual fundraisers for New South Wales. Lofty Richardson has had a beard for 60-odd years and he shaved it off at this year's event. He was Wollondilly's 2013 Citizen of the Year. I pay tribute to Lynette Davies, Vicki Sanders, Sharon Booth, Stephen Roberts, Jake Merrick, Valerie Dexter, Bill Smith, Kevin Garrick, Ian Crogier, Adam Yates and Dr Stuart Quarmby from Wollondilly Anglican College. I also acknowledge all those who volunteered to colour their hair, including my good mate and Deputy Mayor of Wollondilly Shire Council, Lou Amato.

I had an event to go to later that day so I chose not to colour my hair this year. In previous years I have had the Premier paint my hair blue. This year I had the pleasure of spending the afternoon with the great kids from Gymnastic Kids in Wollondilly. They had a trampoline and they invited me to do gymnastics with them, and I did flips. I did not land the jumps as well as the kids, but if members were to visit my Facebook page they would see some of the day's fun activities. The day's festivities included Zumba demonstrations, trampolining, face painting, jumping castles, a silent auction, raffles and a car and bike show. It all added to the great atmosphere of an already fun day.

For their significant support I thank the numerous sponsors who either donated time, money or expertise. His House Church, Gymnastic Kids, Picton Rotary, Captain Pat from C91.3 FM, Dance-Fit Studios and many more all contributed their time to support this worthy cause. It is an amazing heartwarming feeling to see so many members of the Wollondilly family coming together to support the 2014 World's Greatest Shave. Whether they turned out to donate to the cause, to back up a mate who was shaving their head or to stand in solidarity with survivors or those whose lives and loved ones have been affected by cancer, I am proud to represent such selfless and dedicated constituents. Another community member who donated his time was Tim

Bennett-Smith from Thirlmere who owns an army tank that has served in various theatres of war across the world. He took kids on tank rides and if people made a donation to this worthy cause I would drive the tank for them. Wollondilly is filled with great community-minded people and I look forward to the 2015 World's Greatest Shave.

### FAIR GO FOR THE COAST CAMPAIGN

**Mr CHRIS HOLSTEIN** (Gosford) [6.02 p.m.]: The Fair Go for the Coast campaign was launched by the editor of the Central Coast *Express Advocate*, Geoff Hawthorne. In essence, it calls for more Federal and State funding for vitally needed infrastructure. The Central Coast is one of the largest and fastest growing regions in Australia and for many years it was deprived of funding by State and Federal governments. It is only recently that major infrastructure projects have commenced on the Central Coast and others have been committed to. It is forecast that the population will grow by 30 per cent by 2031. More than 30,000 residents commute from the Central Coast to work daily, so more needs to be done. I commend Mr Hawthorne for initiating this campaign. It serves as a timely reminder that there is much more to do on the Central Coast.

The Central Coast is the fourth largest region in New South Wales, the ninth largest in Australia and the largest region without a full-scale university. I acknowledge the efforts of the Newcastle-Ourimbah campus and its work with Gosford City Council on the expansion of the Kibbleplex project within the Gosford central business district. The region has one of the largest commuter populations in the country with a 1½ hour train ride to Central railway station, but, despite that, it does not have full regional status. The Central Coast has unemployment above the national average and struggles for development opportunities. It is time to stand up for the Central Coast and to demand a fair go. That is the message.

Thankfully, after decades of neglect, the Central Coast is starting to get some runs on the board, but we must keep up the momentum. I acknowledge recent successes at both State and Federal level such as the Gosford waterfront being declared a State significant site, the new Gosford primary school, costing \$23 million, that will be opened at the end of the month, the Federal Government commitment that Gosford will have a Federal Government agency, and the Gosford and Wyong new local environmental plans have been announced. The State and Federal governments have provided: \$7 million for the refurbishment of Kibbleplex; \$200 million for the West Gosford intersection upgrade—which is proceeding at pace; \$45 million for the Woy Woy Road upgrade, which has commenced; \$5 million for ongoing works at Wisemans Ferry; the Woy Woy Rehabilitation Unit has been reconstructed and reopened at a cost of more than \$10 million; the Federal Government has made a commitment to the Woy Woy oval; the Opal card, which has been a major success for the Central Coast, has been implemented; the new cancer centre at the Gosford Hospital has been opened; and \$1.8 million has been provided to fund the design and planning for the Central Coast hospital expansion.

This is the start of major upgrades for health infrastructure on the Central Coast. The most recent announcement is that both the Federal and State governments will provide \$405 million towards the \$3 billion NorthConnex. It is a clear indication that the Government is getting on with the job. I commend Geoff Hawthorne for initiating this campaign. As Mr Hawthorne stated, "It is not a criticism but a call to rally the community in campaigning to boost the infrastructure and to get greater progress on the Central Coast." I commend my colleagues at State and Federal level for supporting the campaign. I recognise the support of Gosford City Council Mayor Laurie McKinna and Wyong City Council Mayor Doug Eaton for the campaign—there is now one united voice across the Central Coast. I will continue to fight for my electorate as I should do, and I will always be working to give the Central Coast a fair go.

### CLEAN UP AUSTRALIA DAY

**Ms GABRIELLE UPTON** (Vaucluse—Minister for Sport and Recreation) [6.05 p.m.]: On Sunday 2 March I was proud to host a site for Clean Up Australia Day. This was my third year of cleaning up the iconic Bondi Beach Pavilion at Bondi Beach and the surrounding parklands. The weather was not on our side this year with storm clouds looking ominous on the horizon. Luckily our clean-up was complete by the time the storm took hold over Bondi Beach. Clean Up Sydney Harbour was co-founded in 1989 by solo yachtsman Ian Kiernan, AO, and Australian environmentalist, author and consultant Kim McKay, AO. Ian Kiernan had sailed the oceans of the world in his yacht *Spirit of Sydney* and was shocked to see the pollution and rubbish he encountered during his solo race, especially in Sydney Harbour.

In the beginning 40,000 Sydneysiders joined in the clean-up of the harbour, and then the following year Clean Up Australia Day was founded with 300,000 volunteering on the day. These efforts inspired thousands of

Australians to take part in the clean-up of their local beaches, parks, bushland, communities and streets. Clean Up Australia, a non-profit organisation, also aims to foster relationships between the community, business and Government in order to address issues of waste, water and climate change. Clean Up Australia Day has grown to become Australia's largest community-based environmental event, held on the first Sunday of March every year.

In 1993 Clean Up the World was launched after gaining the support of the United Nations Environment Program. Clean Up the World is a global initiative to encourage communities to clean up, fix up and conserve their environment. Since its inception Clean Up Australia has expanded its projects. Business Clean Up Day provides businesses with an opportunity to get involved by reducing waste and improving the environment. Schools Clean Up Day allows students to participate as part of a formal school activity and to learn about how they can make a difference to their local community.

For the third year I was tasked with cleaning up Bondi Beach Pavilion. I was joined by students from local Moriah College, the University of Technology, Sydney, Australian Catholic University, Waverley Councillor Joy Clayton and local residents. Year 12 environmental leaders at Moriah College, Jonah Shabtay and Shani Tal, organised a group of approximately 16 students and accompanied by Mrs Jan Hart, Moriah College Head of High School, joined in the clean-up. It was wonderful to see our local students share a keen interest in the day and to see Bondi Beach Pavilion cleaned up through their energetic efforts. Sixty international students from the University of Technology, Sydney Community Connections also joined me for Clean Up Australia Day 2014. This is the third year that University of Technology, Sydney international students have attended and I was pleased to have a chance to talk to them about the Bondi community and to hear about their experience of studying and living in Sydney. It was an opportunity for them to participate in a local community event and when the clean-up was finished the students had the opportunity to join me for lunch at Bondi Beach.

It was wonderful to have students join me from the Australian Catholic University at Strathfield, in particular Graciella Concepcion. Over the past 20 years more than 200,000 tonnes of rubbish has been collected through Clean Up Australia Day with a growing number of volunteers each year. Last year there were more than 550,000 volunteers and a massive 16,000 tonnes of rubbish was collected. This year there were more than 6,400 sites registered. During our efforts at Bondi Beach Pavilion we collected more than 300 cigarette butts, cans, plastic bottles, bottle tops, discarded sugar sachets, plastic cutlery and containers, timber, foam and even the inside metal casing of a car tyre. In total we collected 14 bags of rubbish from Bondi Beach Pavilion and the surrounding area. I extend my warm thanks and appreciation to Waverley Councillor Joy Clayton, who has joined me for past three years for Clean Up Australia Day. Councillor Clayton organises for the collection of the rubbish we gather each year and her efforts to support the community are invaluable and ever cheerful. I commend my private member's statement to the House.

**ACTING-SPEAKER (Mr Gareth Ward):** Order! I thank the Minister for her private member's statement on a very important event, Clean Up Australia Day.

## **LAKE ILLAWARRA**

### **MACEDONIAN WELFARE ASSOCIATION THIRTIETH ANNIVERSARY DINNER**

**Ms ANNA WATSON** (Shellharbour) [6.09 p.m.]: In the brief time that is available for my speech, I will draw to the attention of the House two issues. I have raised the issue of the stalemate that exists over the future management of Lake Illawarra. The New South Wales Government established a review into the Lake Illawarra Authority. When the report was released in June last year, despite the finding that the Lake Illawarra Authority had done excellent work in restoring water quality and ensuring public access to the Lake Illawarra foreshore, the New South Wales Government chose to abolish the authority and said that instead it would establish an estuary management committee. We are still waiting for the committee to be established. At the next meeting of the Wollongong City Council early next week, the council will consider a report on the financial implications of closure of the Lake Illawarra Authority. The report is very alarming for Wollongong local government area ratepayers. The report concludes:

... that Council's current operational budget allocation to Lake Illawarra does not fully fund the financial requirements should asset transfers take place.

The report also states:

... the significant loss of State Government funding committed to Lake Illawarra as a result of the LIA closure and that funding under existing State Government programs applicable to Lake Illawarra would require a 50% contribution from Council and would compete against other state-wide priorities.

The report also notes that over the past 25 years the Lake Illawarra Authority has delivered approximately \$60 million in lake improvements and the provision of infrastructure, and a further \$12 million on legal, financial, procurement and staff costs. Just this week the Lord Mayor of Wollongong, Councillor Gordon Bradbery, made a sensible point about cost shifting by State and Federal governments. This transition of the management of Lake Illawarra from a State Government independent statutory authority to two local councils is the biggest cost-shifting swindle seen in the Illawarra for decades.

Usually we warn that people should not throw out the baby with the bathwater. The New South Wales Government is trying to trick the Wollongong City Council into keeping both the baby and the bathwater. This is a very bad deal for the people of Wollongong and it is a very bad deal for local government area ratepayers. I urge all Wollongong councillors to think clearly about the implications of the report they consider on Tuesday night. I urge them to walk away from any further discussions with the New South Wales Government about transitional arrangements relating to Lake Illawarra. Only when the New South Wales Government becomes serious about the management of Lake Illawarra should the council re-engage with it. The Government needs to put secure ongoing funding and governance arrangements on the table that do not expose Wollongong and Shellharbour local government area ratepayers to decades of ongoing expenses and contributions for the management of Lake Illawarra. The Government does not need to reinvent the wheel. The Lake Illawarra Authority was and remains a successful model. It should be re-established, not abolished.

I take this opportunity to acknowledge in the House that the Macedonian community recently celebrated the thirtieth anniversary of the Macedonian Welfare Association in New South Wales. A number of my parliamentary colleagues, including the member for Wollongong, Federal members Stephen Jones and Sharon Bird, the lord mayor of Wollongong, the mayor of Shellharbour City and Councillor Ann Martin, attended the celebration dinner. We can never underestimate the value of a strong community network to provide support, connections, information and help when needed. The Macedonian Welfare Association provides those services skilfully and professionally. I specifically acknowledge the ongoing contributions to the Macedonian community of Mr Mendo Trajcevski and the other staff members of the Illawarra Macedonian Welfare Association. I really enjoyed the evening. It was a great opportunity to celebrate an important milestone for the Macedonian community in the Illawarra region.

### ANIMAL WELFARE

**Mr ALEX GREENWICH** (Sydney) [6.13 p.m.]: My constituents want the law to protect farm animals from physical and psychological pain and suffering. Since the mid-twentieth century, factory farming has been the dominant method used to rear animals for meat, eggs and dairy products. Animals are kept in cramped conditions in cages or barns and are unable to act on their natural instincts by roosting, foraging for food, socialising or rearing their young, and they never go outside to breathe fresh air or see sunlight. Voiceless estimates that 500 million animals a year are raised in those awful conditions.

Pigs are said to have the intelligence of a three year old, yet they are subject to immense suffering. In Australia more than 95 per cent of pork products come from pigs farmed in intense factory farms. Pigs are kept confined in crowded conditions that cause stress, behavioural problems and aggression. Males have their teeth and tails cut and are castrated without pain relief. Pregnant sows are confined to sow stalls, which are metal cages that are only slightly bigger than their bodies and in which they can barely move, let alone turn around. They are moved to a farrowing crate to give birth on a concrete floor where they are unable to properly nurture their young. Currently there are no restrictions on the use of sow stalls and farrowing crates. While the pork industry has promised to phase out sow stalls from 2017, the law will allow their use for six weeks before birth and then six weeks in a farrowing crate after birth, twice a year.

Eighty per cent of the eggs in Australia come from battery farms where hens are kept in cages that are so small they cannot stretch their wings or act on their natural instincts by scratching the ground, perching, dust bathing and nesting. Artificial light is used to increase egg production, which, together with the lack of exercise, causes brittle bones. In 2008 the previous Government increased the minimum cage size by an area the size of a beer coaster and forced factory farms to invest in new cages that are still cruel. The European Union banned battery hen farming in 2012 after a 13 year phase-out. It already had been banned in Germany, Austria, the Netherlands, Sweden and Switzerland. Tens of thousands of broiler or meat chickens are crammed into windowless barns where selective breeding for quick growth causes bone deformities and dehydration or starvation because many of the chickens cannot support their weight to get to food and water sources.

A recent Animal Liberation report exposed that ducks are subject to similarly horrid conditions, including being raised in crowded sheds, living on built-up faecal matter and being forced to breed for rapid

growth leading to painful muscular-skeletal conditions. It is worse for ducks than for chickens because ducks are aquatic birds and are not provided with the surface water they need to clean themselves, to regulate their temperature and to take pressure off their naturally weak leg and thigh joints. Surface water deprivation leads to dislocated joints, broken bones, breast blisters, crusty eye and filth building up on feathers, among other serious problems. Due to minimal veterinary input, disease outbreaks can occur. There has been an incident of the painful anatispestifer disease. While the market for duck meat is growing in Australia, there are no specific codes for duck farming. Cruelty is determined by a model code of practice for land fowl that has a mere one-page appendix on ducks relating to stock densities, handling and beak trimming. I find it distressing that we subject live sentient beings to such extensive and intense misery in the name of profit.

The use of antibiotics to prevent the spread of infectious disease has been linked to the growing existence of antibiotic resistant superbugs. It does not have to be that way. Pigs and chickens can be raised on free-range farms where they can act out their natural instincts, breathe fresh air and have access to sunlight. This year the Australian Capital Territory introduced a ban on battery cages, sow stalls and de-beaking. We constantly hear that factory farming provides consumers with a cheap alternative, but most people would be appalled if they knew the truth.

Voiceless states that 83 per cent of Australians support laws to ensure food animals have access to the outdoors, companions, natural materials and enough space to carry out instinctive behaviours. But lax labelling laws permit deceptive claims to be made about how animals are reared, and there is no legislated definition for common terms such as "open range", "grown nature's way", "range eggs" and "free to roam". Even the term "free range" was pushed by the Australian Egg Corporation to include eggs produced by 20,000 birds a hectare and used by Coles at 10,000 birds a hectare. "Bred free range" is used to describe pork that has been taken from pigs that have been raised in factory farm conditions, though without the use of sow stalls. The result is consumer confusion and distrust. Factory farming is cruel and unnecessary. I call for laws to ban the practice and to support the humane methods of animal farming.

#### **TRIBUTE TO PROFESSOR JANICE REID, OAM**

**Mr BART BASSETT** (Londonderry) [6.18 p.m.]: I am pleased to inform the House that today, 20 March, the University of Western Sydney is celebrating 25 years of providing quality educational opportunities for the people of Western Sydney. From humble beginnings, the University of Western Sydney has grown from 8,500 full-time students in 1989 to 43,000 currently. The first chapter in the history of the University of Western Sydney has closed with the recent retirement of the long-serving vice-chancellor, Professor Janice Reid, OAM. Having two campuses for the University of Western Sydney—the Hawkesbury campus at Richmond and the Penrith campus at Werrington—either in my electorate or adjacent to it, I was delighted to be among those invited to attend a farewell dinner for Professor Reid on Saturday 7 December. During her tenure, Professor Reid worked to unite the fragmented state of individual autonomous campuses. Professor Reid is highly regarded and has had a distinguished career. She has written numerous academic papers and has an impeccable list of awards and achievements for her enormous contribution to education, health, research and to the fabric of Western Sydney as a result of her active involvement in the community.

In January 1998 Professor Reid was made a Member of the Order of Australia for services to cross-cultural public health research and the development of health services for socioeconomically disadvantaged groups in the community. I thank Professor Reid for her care and dedication to the young people of Western Sydney. The University of Western Sydney has come to represent opportunity, a second chance and equality—values upon which this country was founded. Education underpins them all, providing young people with life-changing opportunities. My constituents in Western Sydney who attend the University of Western Sydney are often the first members of their family to attend university. The University of Western Sydney Pathways program and free online sharing program give young people from a disadvantaged background a real chance to get a university education. In 2011 the first student graduated from the new University of Western Sydney Medical School and I was pleased to meet some new doctors at the Nepean Hospital who graduated last year. I remember Professor Reid telling me about one of the medical students at the University of Western Sydney. The young man was one of six children and the only place where he could study in peace at home was on the roof. Imagine the world a good university education will open up for him and the contribution he will be able to make to society.

The University of Western Sydney is a major open university spread over six campuses in greater Western Sydney—a region of great opportunity, diversity, challenge and growth. The University of Western Sydney—in the same way as Western Sydney in general—is enterprising, forward looking and committed to

access and equity in higher education. Students can realistically expect to find jobs in their chosen fields upon graduation because the university focuses on practical, contemporary learning. The University of Western Sydney is well placed as a link in the career path of young people interested in the aviation industry should a second Sydney airport be built at Badgerys Creek. The university already offers a Bachelor of Aviation degree. It is closely linked to greater Western Sydney—one of the nation's economic powerhouses, where 10 per cent of all Australians live. The university has a teaching and resource structure designed to meet the challenges of the new economy.

Although the university began operations on 1 January 1999, under the terms of the University of Western Sydney Act 1988, the Hawkesbury campus has been an integral part of the nation since 1891. It was known as the Hawkesbury Agricultural College back then. I am proud to have the Hawkesbury campus—the second oldest campus in Australia after Sydney University—in my electorate at Richmond. Established in March 1891 by the New South Wales Government, Hawkesbury Agricultural College was the first agricultural college in New South Wales. The Government allocated 3,551 acres of land near Richmond for the use of the college on the very rich and fertile floodplains. From the time that the first 26 students applied their classroom learning on the working farm, the college was a trendsetter and embraced progress. A unique educational method at the time, the Hawkesbury Agricultural College originally aimed to provide young men with the fundamentals of science, farming skills and business principles in order to better equip them for a productive life on the land in Australian conditions. But more than 120 years later, the University of Western Sydney Hawkesbury campus continues to do that and much more. A large percentage of its students now are young women.

During the years the college underwent several physical and curriculum overhauls and in 1914 it was the only establishment controlled by the Department of Agriculture providing complete scientific and practical training in all branches of agriculture. The college was also a meteorological station for the Government Observatory. Since those early days the scope of courses offered and the number of students has grown enormously. The campus has evolved to offer a dizzying array of courses, from forensic science, a whole gamut of health degrees, teaching, zoology, farming, environmental science and aviation. I commend those who worked so hard to establish the University of Western Sydney in the early years and laid the solid foundations for the growth and development of a world-class educational institution. They include the foundation Chancellor, Sir Ian Turbott, who served from 1989 until he retired in 2013 and the present Chancellor, Professor Peter Shergold. I wish Janice Reid well in her retirement and welcome the new University of Western Sydney Vice-Chancellor and President, Professor Barney Glover, to the role. I look forward to watching the university continue to progress under his leadership.

**Private members' statements concluded.**

## **COMMUNITY RECOGNITION STATEMENTS**

### **FAIRFIELD HIGH SCHOOL PRESENTATION DAY**

**Mr GUY ZANGARI** (Fairfield) [6.23 p.m.]: On Tuesday 10 December 2013 I attended the Fairfield High School Presentation Day Ceremony. I congratulate every student from years 7 through to 12 who received an award on the day for their outstanding achievements. With more than 50 awards presented it would be hard to acknowledge each recipient. However, I acknowledge the following students who received the school dux award for their respective grades: Mandy Vuong, Mimi Nguyen, Sanaz Nazari, Sobbi Deveena, Kumar Venkata, Sai Kollimarla and Leanne Trinh. It was wonderful to see the students of Fairfield High School being commended for their exemplary efforts in their studies. I thank the school and the principal, Mr Robert Mulas, for their kind invitation to join them for the day.

### **TAREE LIONS CLUB 50-YEAR SERVICE MEDAL RECIPIENT SIDNEY DAVEY**

**Mr STEPHEN BROMHEAD** (Myall Lakes) [6.24 p.m.]: I inform the House that 92-year-old Sidney Davey was honoured by the Taree Lions Club and presented with a 50-year service medal, which was awarded by the Australian Lions Foundation, for his outstanding achievements for the Lions Club. During his membership, Sid has been president for three terms, secretary and treasurer on many occasions and has held positions on the club's board. At the district level, Sid was responsible for administering many portfolios as a cabinet member culminating in his election as district governor in 1987. In 1988 Sid became a Melvin Jones Fellow, the highest international honour offered to a Lion.

### **SALVATORE MACRI 100TH BIRTHDAY**

**Mr NICK LALICH** (Cabramatta) [6.24 p.m.]: I recently had the honour of being invited to a special birthday party at Scalabrini Village, Chipping Norton, to celebrate the 100th birthday of Mr Salvatore Macri—an amazing achievement for a man who has seen so much of human history. Mr Macri fought for three years in World War II, joining the war after just three days of marital bliss. He came to Australia in 1962 with his wife and two children. Five more children were born in his new country, Australia. In 1966 Mr Macri moved his family to my electorate of Cabramatta where he remained until recently. Mr Macri has lived, and continues to live, an amazing life. His 100th birthday party was attended by many family members, including his seven children, his grandchildren and great-grandchildren. On behalf of the Cabramatta community, I congratulate Mr Macri on his 100th birthday and wish him many more years with his loving family.

### **HILL FAMILY FUNDRAISING**

**Mr CHRIS HOLSTEIN** (Gosford) [6.25 p.m.]: I acknowledge the efforts of all involved in organising and those who attended the fundraiser for the Hill family on Saturday 15. This August, Tania, Luke and Paul Hill will become the first three siblings to swim the English Channel. I note that more people have climbed Everest than have swum the English Channel. They are well on their way to raising \$500,000 for the Cancer Council. We wish them the best of luck with their fundraising endeavours and success in their pending swim of the English Channel.

### **THIRLMERE FESTIVAL OF STEAM**

**Mr JAI ROWELL** (Wollondilly) [6.26 p.m.]: On Sunday 2 March 2014 Wollondilly celebrated the history of steam transport with the annual Thirlmere Festival of Steam at Trainworks in Wollondilly. It was great to see such a big turnout from the Wollondilly community, with thousands of locals coming to enjoy the day. The event included 150 stalls, parades, helicopter joy flights and, of course, train rides. I thank the sponsors: the Rotary Club of Picton, which did most of the organising; Wollondilly Shire Council; the NSW Rail Transport Museum; Wollondilly Anglican College; Wollondilly Underground; Remondis; Bradcorp; Macarthur Credit Union; Camden Hire; Tahmoor Town Centre; Picton Lodge, the Picton Bowling Club; the Chalker Family; the Welcome Inn Hotel; and the Common Ground Cafe. I congratulate the three school winners, Thirlmere Public School, Wollondilly Anglican College and Picton High School, who all put on spectacular shows in the street plays.

### **LITTLE WINGS CHARITY ORGANISATION**

**Mrs TANYA DAVIES** (Mulgoa) [6.26 p.m.]: Once again I am proud to inform the House of the growth and continued success of local charity Little Wings. Founded by Kevin Robinson from my electorate, Little Wings provides free flight and transportation services to seriously ill children from rural and regional New South Wales who require treatment at Westmead Children's Hospital. In January this year Little Wings provided its first flight assistance to our local Nepean Hospital. When 12-year-old Kieran McGonigle from Brisbane became seriously ill and required surgery the family's return flight tickets became void. When he was well enough, Kieran, together with his Nana and sisters Rhianna and Akiesha were picked up in the Little Wings transporter donated by Hyundai Australia and taken to the airport for their flight home. I congratulate Hyundai, Little Wings and the Nepean Hospital on this wonderful collaboration. I am proud that Kevin Robinson and Little Wings have emerged from my electorate of Mulgoa. I know that Little Wings will continue to spread its wings and assist more and more families and children in New South Wales.

### **ROTARY CLUB OF CRONULLA SENIORS WEEK LOCAL ACHIEVEMENT AWARD RECIPIENTS**

**Mr MARK SPEAKMAN** (Cronulla—Parliamentary Secretary) [6.27 p.m.]: Last week I joined the Premier and the Minister for Ageing to present Seniors Week Local Achievement Awards to members of the Rotary Club of Cronulla, among others. There were four award recipients from the club. Ray Glasson has been an active member and has been involved in the organisation of many functions sponsored by Rotary Club of Cronulla; Hal Niemeyer has previously been president, treasurer and board member of the club and has organised the Cronulla Rotary Australia Day Barbecue for the past 10 years. Ray Robinson has been a board member and community service director of the Rotary Club of Cronulla for more than 10 years. He has also recently secured a three-year Rotary research grant for the Motor Neurone Research Foundation. Fred Williams has had 60 years of membership of the club and has held various positions. Fred is still an active Rotarian. I commend the Rotary Club of Cronulla for its active community work.

### HAWKESBURY RURAL FIRE DISTRICT

**Mr BART BASSETT** (Londonderry) [6.28 p.m.]: I was pleased to attend the national and long-service medal presentation ceremony for Hawkesbury Rural Fire District members on Thursday 13 March along with the member for Hawkesbury, Ray Williams, Hawkesbury Mayor, Kim Ford, Hawkesbury Councillor Jill Reardon as well as Chief Superintendent Bruce McDonald and Superintendent Karen Hodges. I am proud to report that Hawkesbury Rural Fire Service has 58 long service medal recipients. Unfortunately, I cannot possibly name them all today. However, I will single out Kevin Jones, Allan Cox, Richard McNeill and Gregory Bailey, who received long service medals for 40 years of service, and Dick Petrikas was given a fifth clasp for 60 years of service. Dick is an icon from Tennyson—Tennyson in the Hawkesbury, not Grant County, Wisconsin. Dick was a refugee from Lithuania, who as a teenager had to flee from the Nazis with nothing. He survived the horrors of World War II and came to Australia to settle in the Hawkesbury. Starting from nothing, he and his lovely wife, Julia, have built a very successful business selling, repairing and building agricultural machinery and equipment.

### RURAL ADVERSITY MENTAL HEALTH PROGRAM

**Mr DARYL MAGUIRE** (Wagga Wagga—Parliamentary Secretary) [6.29 p.m.]: I congratulate the Rural Adversity Mental Health Program on its promotion of general practitioners as a first point of contact for people who are feeling down or experiencing prolonged stress. The black dog of depression can be treated and programs such as the Rural Adversity Mental Health Program are vital in addressing mental illness in regional communities and overcoming social stigma. Too many country people unnecessarily suffer from mental illness in silence. I remind everyone that being physically active, engaged with the community and spending time with the friends and family can help improve mental wellbeing. Being aware of the symptoms and signs of somebody struggling with depression or anxiety is important to community members being able to provide assistance. For further information on mental health I urge those interested to visit [www.beyondblue.org.au](http://www.beyondblue.org.au) and I thank Beyond Blue for all its fantastic support and this important program it has established.

### CULLUNGHUTTI ABORIGINAL CHILD AND FAMILY CENTRE

**Mr GARETH WARD** (Kiama) [6.30 p.m.]: On Monday 20 January 2014 I was pleased to join the member for South Coast, the Hon. Shelley Hancock, at the official opening of the Cullunghutti Aboriginal Child and Family Centre in East Nowra, which was funded through both State and Federal government grants under the Indigenous Early Childhood Development National Partnership Agreement. I acknowledge Cindy Holmes, who is the manager of the Child and Family Centre, and Tracey Porter, who is the director of the Early Learning Centre. I acknowledge Aunty Nell Mooney, who performed the welcome to country, Aunty Grace Crossley, Tina Seymour and Uncle Willy Bloxsome, Jan Langtry, the chief executive officer of Illawarra Area Child Care, Lynda Fletcher, who is the director of Sector Planning and Development, Melissa Wicks, who is the Early Childhood Services manager, Frank Frances, chief executive officer of Relationships Australia NSW, Jim Golden-Brown, who is the senior manager of the Aboriginal Workforce and Program Development and Richard Luxford, who performed a dance. I also acknowledge the attendance of local paediatrician Dr Mark De Souza.

### FOOTBALL FEDERATION OF AUSTRALIA CUP

**Mr JOHN FLOWERS** (Rockdale) [6.31 p.m.]: Grassroots clubs and premier league clubs such as Rockdale City Suns Football Club will get a chance to play, and even host, A-League clubs in the inaugural Football Federation of Australia Cup competition. The launch at Rockdale Ilinden Sports Centre on 24 February was attended by Football Federation of Australia chief executive David Gallop, Rockdale City Suns star Paul Reid and ex-Socceroo and retired Sydney Football Club star Brett Emerton. Currently playing for Rockdale City Suns in the NSW Premier League first division pre-season cup, former Socceroo Paul Reid knows the thrill of a small battling club, such as Rockdale City Suns, getting a chance in the Football Federation of Australia Cup and welcomes the introduction of our own inaugural Football Federation of Australia Cup competition. In the words of David Gallop:

... the FFA cup has taken on almost mythical status among football fans who have longed for a national knock-out competition to fill a void in the football calendar.

It really is a story for giant-killers ... A chance for the non-professional clubs—just like Rockdale—to take on and beat the top A-League clubs.

I wish Rockdale City Suns all the best in their future endeavours.



### TRIBUTE TO LEANNE YOUNG

**Mr GARRY EDWARDS** (Swansea) [6.32 p.m.]: I acknowledge the late Miss Leanne Young, who passed away on 25 October last year, 2013. At the time of her passing, Leanne was the principal of Blacksmiths Public School. The school and indeed the wider community have lost a committed and passionate educator who was able to do what she loved until the very end, ensuring that every child attending Blacksmiths Public School was able to access sporting opportunities and cultural and environmental programs to complement effective teaching and learning throughout the school.

Since arriving at Blacksmiths Public School in 2009, Leanne brought expertise in the creative and performing arts, having successfully run a dance school in her previous career. Leanne had a passion for the environment and led the school to recognition, both locally and nationally, in environmental education. Under Leanne's leadership, the school formed an effective educational partnership with all local public schools and the partner high school, Swansea High School, under the Galgabba Community of Schools, and helped to establish collaborative programs including support for gifted and talented students through the Night of the Notables project. Leanne is sadly missed. It is an honour for me, as the member for Swansea, to acknowledge Leanne's achievements in this august forum on behalf of our community and in particular the Blacksmiths Public School Community.

### ORANGE ELECTORATE WOMAN OF THE YEAR JAN SAVAGE

**Mr ANDREW GEE** (Orange) [6.33 p.m.]: I pay tribute to Mrs Jan Savage, who was recently recognised as the 2014 Orange electorate Woman of the Year. Jan, who is the Fundraising Chair for Cancer Care Western, has worked tirelessly over the past seven years to raise funds for the Cancer Care Western lodge, which acts as a home away from home for people undergoing cancer treatment. From the Lodge's Crusin' Along Car Rally, which the Mayor of Orange is instrumental in organising, to donation buckets at butcheries and hardware stores, Jan has travelled across western New South Wales raising funds for this vital service. In the nine months that followed the announcement that a second linear accelerator would be coming to Orange, Jan raised one million of the \$1.4 million required to extend the lodge. Jan has certainly left her mark on western New South Wales, giving people cancer treatment options they never had before.

### QUIET ACHIEVERS PRESENTATION NIGHT

**Mr ANDREW ROHAN** (Smithfield) [6.34 p.m.]: On 19 March 2014, I was pleased to attend the fourteenth annual Quiet Achievers Night of Recognition organised by the Maltese Welfare (NSW) Inc. on behalf of the Hon. Victor Dominello, Minister for Citizenship and Communities. The presentation was held at St Dominic's Hostel in Blacktown where 12 seniors were honoured for their contribution to the Maltese and wider community as part of the annual celebrations of Seniors Week in New South Wales. I acknowledge Lawrence Dimech, OAM, and his board for organising this function and congratulate the recipients including Joseph and Connie Apap, Lilian Attard, Gerry Carabez, Tony Fenech, Dorothy Gatt, Sam Gatt, Emmanuel Grech, Joseph and Elsie Magro, Giovanna Matkovic, Victoria Mizzi, Father Carmelo Sciberras and Joseph Zahra.

### FAIRFIELD UNITING CHURCH DINER

**Mr GUY ZANGARI** (Fairfield) [6.35 p.m.]: I commend the volunteers at the Fairfield Uniting Church Diner for their outstanding efforts in our local community. In December 2013 the Fairfield Uniting Church Diner hosted a Christmas banquet for underprivileged families in the local area. The Fairfield Uniting Church has been dedicated to providing assistance and care to individuals and families in our local area who are in need. The Fairfield Uniting Church always goes above and beyond the call of duty in our local area, and I cannot thank them enough for the remarkable work they carry out on a week-to-week basis. I thank all the sponsors and donors for their contributions to the Fairfield Uniting Church Diner. I give special thanks to all the volunteers who always do their best to help those in need.

### TRIBUTE TO RAY ROBINSON

**Mr STEPHEN BROMHEAD** (Myall Lakes) [6.36 p.m.]: I inform the House that Ray Robinson from Coomba Park was honoured with the State Emergency Services Commissioner's Commendation for Brave Conduct, which he received from the New South Wales Governor, Her Excellency Professor Marie Bashir, AM. This award is the fourth highest Australian bravery decoration. In early 2013 Ray also received the State

Emergency Services Commissioner's Commendation for Courage medal. These awards recognise Ray's extraordinary actions in saving the lives of two police officers who were in a vehicle and trapped in floodwaters near Boggabri. Ray entered a flooded creek while carrying a cable. He took three attempts to reach the stranded vehicle due to the strong flow of water and then needed to dive into the vehicle to attach the cable.

### **SHAOLIN KUNG FU MEDITATION TEMPLE**

**Mr NICK LALICH** (Cabramatta) [6.37 p.m.]: With more and more Australians being categorised as obese, providing children with access to fun and healthy activities is more important than ever. On 16 December at the Lansvale Public School Presentation Day I got to see first-hand the great work that the Shaolin Kung Fu Meditation Temple is doing with local children. The young Shaolin Kung Fu students put on a great display of discipline and athleticism. Since the presentation day the temple has commenced weekly Kung Fu classes at the Lansvale Public School for children aged three to six. I congratulate Shaolin Kung Fu Meditation Temple on its contribution to getting kids active in the Cabramatta area. I especially thank Shaolin monk Master Van Lan.

### **GOSFORD INTERNATIONAL WOMEN'S DAY EVENTS**

**Mr CHRIS HOLSTEIN** (Gosford) [6.37 p.m.]: I acknowledge the Gosford City Council's Status of Women's committee for its celebration of International Women's Day. With the theme of women driving change, activities included the women's day march in the main street of Gosford on Saturday 8 March and Friday night's movie *Wadjda* at the beautiful Avoca Beach cinema. The film's direction and production are firsts for a Saudi woman. These events, along with many other activities conducted are a credit to the coordinating committee.

### **PENRITH CITY NATIONAL SERVICEMEN'S ASSOCIATION OF AUSTRALIA SUB-BRANCH**

**Mrs TANYA DAVIES** (Mulgoa) [6.38 p.m.]: On Sunday 2 February, I was joined by many dignitaries to commemorate the eighth anniversary memorial of the Penrith City National Servicemen's Association of Australia Sub-branch. President Harry Morfoot led a gathering of more than 150 through a beautiful order of proceedings and wreath-laying ceremony. One dedicated member of the National Servicemen's Association of Australia, Mr Tomas Kelly, sadly passed away on 15 January 2014. Mr Kelly, along with Mr Morfoot, was integral in establishing the National Servicemen's Association of Australia memorial at Victoria Park, St Marys. Mr Kelly's absence from the National Servicemen's Association of Australia annual event was felt by all. A special tribute was read out in honour of Tommy by Ron Brown, OAM, New South Wales State President of the National Servicemen's Association of Australia. Members are active in the local community raising funds for various charities. To date they have raised more than \$125,000 towards the Cancer Council, St John Ambulance, the Salvation Army, the Burns Unit and Asbestos Diseases Research Institute at Concord Hospital and RSL DefenceCare. They also sponsor Army, Navy and Air Force cadets.

### **TAHMOOR PUBLIC SCHOOL PARLIAMENT**

**Mr JAI ROWELL** (Wollondilly) [6.39 p.m.]: On 12 March I had the pleasure of being at the Tahmoor Public School for induction of their school parliament and frontbench members. I acknowledge the Prime Ministers of the school, Blair Smart and Tahlia Wilson; the Deputy Prime Ministers, Patrick Kelly and Georgia Tapp; Speakers Imogen Hatcher and Ethan Oddy; Environment Ministers Mikayla Goode and Mikhayla Muno; Sports Ministers Jake Aird and Kate Moroz; Technology Ministers, Lachlan Webster and Holly Phillips; Health and Safety Ministers, Emily Wilton and Khloe Tucker; and Student Welfare and Communications Ministers, Brianna Kelly and Piper Brooker. The Governor General is the principal, Mr David Schofield. What fine, young talent we have in our local community. I look forward to seeing them in the real Parliament.

### **NSW COMMUNITY SERVICE AWARD RECIPIENT MARY JACOBS**

**Mr MARK SPEAKMAN** (Cronulla) [6.40 p.m.]: Recently I joined the Premier in the Cronulla electorate office to present Mrs Mary Jacobs from Yowie Bay with the New South Wales Government Community Service Award. The Minister for Ageing, and Minister for Disability Services was present also. Mrs Jacobs has been a volunteer at the Sutherland Early Support Service for 10 years, providing vital support to vulnerable mothers and newborn infants. I have recognised previously the outstanding work of this organisation. Mrs Jacobs serves on the organisation's committee, supporting and advocating for funding. A lecturer in Aboriginal studies, Mrs Jacobs is also a member of the Sutherland Shire Citizens for Native Title Reconciliation. Along with Aboriginal historian archaeologist and anthropologist Les Bursill, in 2007

Mrs Jacobs co-authored the book, *Dharawal—the story of Dharawal-speaking people of Southern Sydney*. Mrs Jacobs also serves on the Hungry Point Reserve Trust Board to manage the former Cronulla Fisheries site. I commend her diverse contribution to the community over many years.

#### **WINDSOR ROTARY CLUB**

**Mr BART BASSETT** (Londonderry) [6.41 p.m.]: The spirit of benevolence in my electorate is humbling and I would like to share the latest activity of the Rotary Club of Windsor. On Thursday 13 March I was honoured to attend a fundraising event at Hawkesbury Race Club at Clarendon to help raise funds for the Windsor Rotary Youth Foundation Trust. During the past 20 years the trust has raised more than \$250,000 to give to 10 applicants aged under 18 years grants of \$1,000 to help them pursue their chosen career. Since its inception, the trust has given approximately \$130,000 in grants. Over the years the trust has assisted young people to travel to places such as China, and to compete in State and national championships and even the 2000 Olympic Games. The trust has helped kindergarten, primary, high school and university students as well as disadvantaged students to buy computers, and others to develop in public speaking, drama and sport.

#### **KIAMA CAR SPECTACULAR**

**Mr GARETH WARD** (Kiama) [6.42 p.m.]: On Saturday 2 November 2013 I was pleased to attend the inaugural Kiama Car Spectacular held at Kiama Showground. In July 2012 the past president of Gerringong Sunrise Rotary, Roger Drury, asked all Gerringong Rotarians to consider new fundraising initiatives. Bob Waite developed the concept for a car swap meet. A feasibility committee was formed and travelled to Goulburn, Moruya, Toowoomba and parts of Sydney. It was soon determined that Gerringong was lacking the necessary facilities to go it alone, so Kiama Rotary Club was approached for assistance and kindly accepted. It was determined that profits would be shared on a fifty-fifty basis. I am very pleased to announce that the car swap meet was a huge success and raised \$9,560. I had the great privilege of presenting the "pollies pick" trophy.

At the debrief both local Rotary clubs decided to hold a second Kiama Car Spectacular, which is scheduled for Sunday 2 November 2014. I acknowledge the President of Gerringong Sunrise Rotary, Robyn Dalley, Secretary Pauline Thwaites, and Bob Waite, who created the interest for this event. I acknowledge also the President of Kiama Rotary, Bill Humphreys, and Secretary Marilyn Jarrett for the hard work they did to make this inaugural event a terrific success.

**Community recognition statements concluded.**

**The House adjourned, pursuant to standing and sessional orders, at 6.43 p.m. until  
Tuesday 25 March 2014 at 12 noon.**

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