



New South Wales

Legislative Assembly

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

Tuesday, 17 October 2017

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LEGISLATIVE ASSEMBLY

Tuesday, 17 October 2017

The SPEAKER (The Hon. Shelley Elizabeth Hancock) took the chair at 12:00.

The SPEAKER read the prayer and acknowledgement of country.

[*Notices of motions given.*]

Private Members' Statements

KU-RING-GAI ELECTORATE CULTURAL ACHIEVEMENTS

Mr ALISTER HENSKENS (Ku-ring-gai) (12:11): Earlier this year, I delivered a private member's speech about a number of Ku-ring-gai natives who have achieved great success in the arts, both in Australia and overseas. One of those was Pymble's own Liane Moriarty, whose books about the darker side of suburban life have sold more than six million copies worldwide and whose novel, *Big Little Lies*, is a successful Home Box Office miniseries starring Nicole Kidman and Reese Witherspoon. Since my speech, Liane's star remarkably has risen even further. In September, *Big Little Lies* won eight Emmy awards, including Outstanding Lead Actor for Kidman and Outstanding Limited Series. Those honours have given Liane every reason to believe that there will be a second series—and all this after she was not even expecting the book to be published. But it does not look like ending there. Liane's latest book, *Truly Madly Guilty*, also a *New York Times* number one best-seller, seems to be headed for the small screen too. Kidman and Witherspoon have bought the television rights and they plan to give the book the same exposure.

Emma E. Dunch grew up with her three brothers in Fox Valley Road, Wahroonga in the late 1960s so she is delighted to be returning to Sydney next year as the new Chief Executive Officer of the Sydney Symphony Orchestra, with whom she first worked 21 years ago. The former Warrawee Public School and Hornsby Girls' High School student has spent most of the past 20 years in New York, building her reputation as an outstanding arts administrator with several orchestras and music organisations. She was not the only one from Hornsby Girls' High School to achieve great things in her chosen field: Australia's first MasterChef, Julie Goodwin, was in the same class and Emma is apparently already making plans for the Sydney Symphony Orchestra to collaborate with her old friend Goodwin on some food, wine and music events.

Emma's parents instilled in her at an early age a love of music and attending her first Sydney Symphony Orchestra concerts as a student no doubt had a profound effect on her. However, she is also quick to credit Hornsby Girls' High School for its music program and for fostering her musical interest throughout her time at school and university. Through her new role at the Sydney Symphony Orchestra Emma is eager to share what captured her imagination as a young girl, with a plan to reduce our children's preoccupation with screens and to enable every boy and girl to experience live orchestral performances. Emma fondly recalls excursions with her family to the idyllic Ku-ring-gai Chase National Park and historic Bobbin Head, as well as the lorikeets, rosellas, galahs and cockatoos that lived in the gumtrees in her backyard. She recently told the *North Shore Times* that she is happy to leave New York's snowy winters behind and she looks forward once again to swimming in Sydney's beachside rock baths. The Big Apple's loss is undoubtedly our gain.

Los Angeles resident Tammin Sursok apparently will not be returning home to her beloved upper North Shore anytime soon but the talented actress, singer, writer and director never stops thinking about the shops and cafes in Gordon, Wahroonga and St Ives, where she spent so much time as a girl and where her parents still live. The former Ravenswood School for Girls student said recently, "I go back and I can actually breathe again." Tammin won a Logie Award in 2001 for her role as Dani Sutherland in *Home and Away*, before pursuing a singing career in the United Kingdom and then spending two years on the United States-based *The Young and the Restless*, for which she was nominated for an Emmy Award.

She subsequently was a regular alongside Miley Cyrus on the Disney television series *Hannah Montana*, and then was thrilled to be cast as the wildly popular villainess, Jenna Marshall, on *Pretty Little Liars*, which enjoys worldwide success and is the number one cable scripted television program for females aged between 18 and 34. More recently, Tammin finished filming a feature titled *Whaling*, a dark comedy that she co-wrote with her husband, Sean McEwen, who also directed it. They had previously jointly written the web series *Aussie Girl*, which is loosely based on Tammin's own life. Tammin has graced the covers of more than 150 magazines and continues to generate international press with every step of her career. Looking back on her childhood north of the Sydney Harbour Bridge she realises what a blessing that was. I have the distinct feeling that Tammin, Sean

and daughter Phoenix will be back one day but she will carry the artistic flame for Ku-ring-gai with distinction until then.

In 2013 Jack Mainsbridge was the school captain of The McDonald College School of Performing Arts, and he is doing everything he can to emulate his idol, Hugh Jackman. They both grew up in Turramurra and are equally adept at acting, singing and dancing. Having graduated from the American Musical and Dramatic Academy in 2016, he recently played a 65-year old on Broadway in *Babette's Feast*, a stage adaptation by noted Icelandic director Palina Jonsdottir of the well-known Danish film of the same name. Currently, he is writing, producing and starring in his own critically acclaimed web series, *Still Got It!*, in which he shows his great versatility by playing five different characters in a New York production company. If talent and energy count for anything Jack's future seems assured, as does his ambition to play one of the roles that pushed his inspiration on the road to stardom: Peter Allen in *The Boy From Oz*. Together, Liane, Emma, Tammin and Jack continue to build Ku-ring-gai's reputation as one of the State's most prolific nurseries of artistic talent.

Visitors

VISITORS

The SPEAKER: I recognise in the gallery a former member of the Legislative Council, the Hon. Charlie Lynn. I congratulate him on his recent acknowledgement for the Kokoda Challenge, which he has led and for which he has advocated for a long time. I congratulate him on all his hard work.

Private Members' Statements

TRANSPORT INDUSTRY ENTERPRISE AGREEMENTS

Mr GREG WARREN (Campbelltown) (12:17): I speak about a serious issue affecting a significant number of honest hardworking truck drivers in my electorate of Campbelltown, in the electorate of Macarthur and, no doubt, in every other electorate in this State. I will provide members with some background information. In New South Wales we are fortunate enough to have some of the strongest industrial relations laws for owner drivers. Chapter 6 of the Industrial Relations Act covers the overwhelming majority of owner drivers who are engaged as contractors.

Specifically, chapter 6 empowers the New South Wales Industrial Relations Commission in two important ways. First, it allows the commission to make and improve contract determinations and contract agreements, which essentially are the equivalent of awards and enterprise agreements. Secondly, chapter 6 enables the commission to resolve disputes in the transport industry and affords important protections to many other workers in New South Wales. This Government's submission to the Federal Government's review of the Road Safety Remuneration System says:

The provisions in chapter 6 constitute a well-established and robust regime for the regulation of pay and conditions in the transport industry.

However, as robust and well-established as those provisions may be, a significant number of owner-drivers or contractors are inexplicably exempted from the chapter 6 provisions. Part 4 of section 309 of the Act lists a number of different types of owner-drivers who are not covered by chapter 6 protections under the Act. The most notable exception of those listed is in part 4 (d), which exempts owner-drivers engaged in a contract "for the carriage of bread, milk or cream for sale or delivery for sale". The exact reason behind this exemption is largely unclear.

Some stakeholders in the industry believe it stems from many decades ago, when the direct delivery of bread and milk to people's home was considered an essential service. Whether this is the case or not is beside the point. Even if the delivery of bread, cream and milk is considered to be essential, workers involved in the delivery should still be afforded the same basic measures of protection and industrial rights as people delivering other products to the market, being people's homes and businesses. People employed in other essential services have industrial rights and protections, and owner-drivers in these industries should be no different. As a former truckie, I appreciate more than most that truck driving can be an incredibly dangerous line of work for my fellow truckies, who do it every day. That is why it is important that all truck drivers and contractors have strong, rigorous industrial rights and measures of protection, regardless of whether their truck is filled with bread, bottles of milk or thousands of new iPhones.

It may come as a surprise to members that this issue was first brought to my attention by a former member of the other place, the Hon. Charlie Lynn, who was making representations for some people he knows. Those drivers, who I have chosen not to name, have been experiencing serious and troubling issues at Tip Top that have led to their pay and conditions deteriorating rapidly. It is affecting their lives and it is simply unfair on them and many others. While I will continue to provide them with support, this matter needs to be resolved. This is the job

of the Industrial Relations Commission, but these drivers are unable to access the commission and its dispute resolution powers. They are subsequently left with no support in their fight for a fair go.

This is an incredibly wideranging and complex problem, but the solution is incredibly simple: Section 309 (4) (d) of the Industrial Relations Act should be removed. We can argue all day about the historical origins of the exemption, but doing so would be irrelevant. The argument in favour of removing the exemption boils down to one simple point: Owner-drivers and contractors delivering bread, cream and milk deserve the same rights and conditions as drivers delivering any other kind of product. I have contacted the Minister for Industrial Relations and sought a meeting about this matter but, disappointingly, I am yet to hear back. I note that shadow Minister Adam Searle is in the gallery. I appreciate his counsel, advice and enthusiasm about this. I urge the Government to look into this issue that many owner-drivers in my electorate and across New South Wales must confront every day.

Mr GARETH WARD (Kiama) (12:22): I thank the member for Campbelltown for raising this matter in this place. Of course, this Government is concerned about workers and their rights. I thank him for taking the time to make his private member's statement and will ensure that his comments are passed directly to the Minister.

GUYRA WATER SECURITY

Mr ADAM MARSHALL (Northern Tablelands—Minister for Tourism and Major Events, and Assistant Minister for Skills) (12:22): Over the past week many residents of the Northern Tablelands have slept more soundly than they have for months. The gentle sound of rain tapping on corrugated iron roofs and trickling into downpipes and tanks has acted as a sure-fire lullaby for thousands of property owners, gardeners and irrigators to sleep soundly and feel a little more cheery about the prospect of spring and summer rain. Rural and regional communities understand water all too well. Without regular deliveries from the sky and secure potable supplies, the agricultural prospects in our regional communities are dim. More and more often, our rural and regional communities need to adhere to harsh water restrictions to avoid going dry. While a dry spell in Sydney gets sprinklers out of the shed to water the lawns; in rural electorates like mine it often leaves gardens dead, sporting fields bone dry and stock going thirsty.

In recent years the small community of Guyra in the central region of the Northern Tablelands has perhaps been one of those hardest hit. With the town's annual water consumption regularly exceeding the available water it has on hand, there is a concerning possibility that if we experience another dry spell of 12 months or more they may have to start trucking in drinking water from Armidale to keep the taps running. In 2014, Guyra residents endured a full year of the toughest water restrictions—weathering the blistering heat while conserving every single drop of moisture every day. While this is currently accepted in some communities as the reality of country living, in this day and age we should be able to do much better for people. I last brought Guyra's story to the House in May and, since then, I am very pleased to report, the town has taken a stand.

This week I will bring a petition to the House asserting that water security in Guyra is currently untenable. More than 1,500 locals, in a community of barely 2,500 residents, have put their name to the petition document, each one calling on the New South Wales Government to fund an urgent upgrade to the town's water supply. Guyra locals have been the powerhouse behind the petition's success. Local businessman Dave Mills ensured the petition was visible around the town and he proved to be a vocal advocate for change. I thank Guyra's former mayor Hans Hietbrink for starting the process of investigating better water security for the community many years ago, along with his then deputy, Simon Murray, and for spreading the word ever since.

I am reliably informed that former Guyra Shire Council engineer Ben Harris performed the first investigations into increasing water security, and his commissioned research has proved helpful to the current council, Armidale Regional Council, in developing the business case for a permanent solution. With substantial opportunities to grow the promising horticultural industry, I also thank the Guyra Chamber of Commerce, which has made it a front-and-centre topic of discussion and has talked to locals about the benefits to employment and business if we are able to secure for the township and district of Guyra a permanent water supply that will never run dry. Armidale Regional Council has put together an excellent business case to ensure this happens. Group Leader of Service Delivery Mark Piorkowski and his team have dotted their i's and crossed their t's. Since last I brought this fight to the floor of Parliament minor variations to the business plan have only strengthened the case for funding a permanent solution.

Current projections show that a new pipeline constructed from Malpas Dam, which provides the water supply for the city of Armidale and Guyra's town centre is, without doubt, the best option. Costing around \$13 million, a pipeline could deliver 24 litres per second, for a total of 2.1 megalitres per day. This means Guyra could have access to 741 megalitres per year—a substantial improvement to the current storage capacity of the township of just 277 megalitres. With the prospect of enhanced water security finally within the town's grasp, it is my intention as the local member to continue to apply pressure on the Government to fund that option to ensure

Guyra never runs out of water. The township needs a secure, high-quality supply that will ensure it continues to grow and attract further industrial, agricultural and horticultural developments so that the community can reach its potential in the future.

Mr GARETH WARD (Kiama) (12:27): I thank the member for Northern Tablelands for bringing water security in the township of Guyra to the attention of the House. The people of Guyra have no greater defender of their interests than the member for Northern Tablelands, who is passionate about agriculture and who I know has raised water security in the past. We live on the driest inhabited continent on the planet, yet we still use drinking water to flush our toilets. I know that regional communities understand the importance of water security. People in Sydney and other regions seem to take it for granted, but it is a struggle in many regional areas. The member for Shellharbour and I come from a part of the State that is experiencing a dry spell, but it is nothing compared with what the people of the Northern Tablelands are going through. I know they have a champion in the member for Northern Tablelands and I commend him for using his private member's statement to bring to the attention of the House an issue concerning a vital lifeline for his community. I know he will fight every inch of the way and I will have great pleasure in supporting him in that fight.

SUTHERLAND EMERGENCY SERVICE VOLUNTEERS

Mr MARK SPEAKMAN (Cronulla—Attorney General) (12:28): On the weekend I had the privilege of attending the inaugural Recognition of Emergency Service Volunteers ceremony at Peace Park in Sutherland. The ceremony was a time of reflection, pride and gratitude—reflection on the 11 emergency services workers who lost their lives defending others in the Sutherland shire; pride for the 750 active emergency services workers in the shire; and gratitude from the community for all their work in keeping us safe. Across New South Wales, in times of emergency we can rely on more than 88,000 volunteers from the New South Wales Rural Fire Service [RFS], the State Emergency Service [SES], the Volunteer Rescue Association and Marine Rescue New South Wales.

In my community of the Sutherland shire, we are fortunate to have the presence of the SES, the RFS and Marine Rescue and can rely on those organisations for help in emergency situations. Not every occasion makes news but in the past year volunteers responded to more than 1,000 incidents in the shire. Those volunteers have to give up not only their valuable time responding to calls but also their days and evenings when they train to be as prepared and as helpful as they can when we need them.

Marine Rescue Botany Port Hacking, which is based at Hungry Point, Cronulla, has 118 members who have responded to more than 123 incidents on the water in 2017. Volunteer radio operators ensure safer waters by knowing that boaters are on the water and when they are scheduled to return. The unit has taken part in a number of offshore operations searching for missing people. The New South Wales Rural Fire Service operates 13 rural fire brigades in the Sutherland rural fire district, with a total of 520 active brigade members between them. This year the Sutherland brigades attended more than 220 incidents, ranging from responses to bushfires and structure fires to assisting other emergency service agencies with incidents such as searches. In addition, the Sutherland brigades assisted in a number of out-of-area deployments to major incidents in New South Wales, including the Blue Mountains, Western Sydney, the Shoalhaven and Hawkesbury.

In 2017 the New South Wales SES Sutherland unit has responded to more than 650 incidents, ranging from fallen trees to flood rescues. This year in the Sutherland area, more than 130 active members across the Sutherland shire responded to severe storms and weather and attended rescues across the Sydney metropolitan area. In recent decades emergency services responded to major emergencies in the Sutherland shire that have had catastrophic impacts on our community. Bushfires, hailstorms and other forms of extreme weather threatened residents and buildings, and in those situations volunteers have been needed for rescue or clean-up. For example, in my electorate of Cronulla we witnessed the vicious storms that resulted in extensive property damage in Kurnell in 2015. Emergency services volunteers were vital in assisting residents and in cleaning up after the tornado.

It is too easy for us all to rely on emergency services in disasters and forget the perilous conditions that volunteers face as well as the sacrifices they have made. At the ceremony representatives from the emergency services, family members and the general public took time to recognise the role of volunteers currently serving and paid tribute to those who passed away. At the Sutherland Peace Park, where the ceremony took place, a memorial wall stands as a reminder of the 11 emergency services volunteers and one lifesaver who gave their lives in service of the community. I was joined by members of the RFS, SES, Marine Rescue, the mayor of the Sutherland shire and the Sutherland and Miranda local area commanders, among others, in laying wreaths at this memorial.

I congratulate the Sutherland Shire Council for hosting this successful and moving ceremony that reminded those who attended and the broader community of the importance of our emergency services volunteers.

I pay tribute to the men and women in our emergency services who have made the ultimate sacrifice while volunteering for their community.

SOUTH-WEST SYDNEY POLICING

Mr GUY ZANGARI (Fairfield) (12:32): Those of us who live in south-west Sydney can speak to years not too long past when our region was plagued with crime and our families did not feel safe to even walk down the street. We have overcome some tremendous hardships and we can attribute our salvation to the hard work and dedication of the men and women in blue who tackle crime head-on. Our region witnessed the rise and fall of a number of notorious gangs and our home was once labelled the drug capital of Australia. Stabbings, shootings, assaults, drug dealings and drug use were all regularly witnessed occurrences on the streets of south-western Sydney. Those memories will never leave us.

I retell those times because they are the memories that have been seared into the back of the mind of each and every resident who lived through the era when gangs ruled the streets. Despite crime rates falling over the years, those memories will never fade and local residents will not let go of the angst when it comes to the changes to policing in our area. The Fairfield-Cumberland region has incredible cultural diversity and our needs are as unique as the community itself. As most members would be aware, our region also is a hotspot for newly arrived migrants. We regularly take in large numbers of newly arrived refugees. Thousands of people arrive in our community each and every year, many of whom have arrived with nothing and are in desperate need of assistance not only from government and non-government organisations but also from the community itself.

With every new generation of immigrants a whole new set of needs and challenges arises because a large number of those migrants have been displaced from their families and friends and originate from a war-torn homeland. Lessons were learned in the 1980s and 1990s with the influx of displaced Vietnamese migrants and those lessons hold true today. However, we cannot paint with a single brush as the specific cultural needs of each passing generation of migrants will always be different from those of previous generations. As such, the support and community outreach methodology has had to change and adapt to meet the needs of the community. Our local area commands have developed a range of effective approaches to engage with newly arrived migrants and break down any existing social and cultural barriers.

This has been incredibly important as it is not uncommon for those who have fled their war-torn homelands to be suspicious about and reluctant to assist the authorities and those armed and in uniform. It is an unfortunate reality that, much like in the 1980s and 1990s, today's generation of migrants and refugees comprises a large number of kids without parents, without siblings, without any supervision, with little or no education, and with no money. However infrequent these occurrences, there is a clear and evident disconnect between the affected youth and the community in which they live, leaving those children to fend for themselves. This leaves them vulnerable to the likes of organised crime, as those people are able to offer them an answer through money, friendship, purpose and a new family. This has been identified as commonplace over the years and is something that I know our police local area commands have devoted time and resources to managing and resolving through early intervention and outreach strategies. Our local community does its best to work hand in hand with our local police to give such kids a second chance, to re-engage and to bring them back onto the straight and narrow.

However, there has been much fear and angst over the future of these collaborations and the effectiveness of this outreach once our local area commands amalgamate in the near future. Since the community first heard of the amalgamation for our police local area commands, I have been contacted by numerous concerned parents, business owners and local community representatives. The concerns of one have been echoed by all, and our community is fearful about a return to the dark old days of crime gangs, drugs and our youth being conned into a life of crime. Our community wants peace of mind and reassurance from the Liberal-Nationals Government, which has remained silent on the real impact that police local area command amalgamations will have on communities. Our local police can do only so much with the resources they have been provided. That is why we need an assurance from the Liberal-Nationals Government that no resources and no services will be lost following the amalgamation of the Fairfield, Cabramatta, Holroyd and Rosehill local area commands.

RAPE AND DOMESTIC VIOLENCE SERVICES AUSTRALIA

Mr JAMIE PARKER (Balmain) (12:37): Today I highlight the fact that this State faces the potential risk of losing our statewide sexual assault counselling service if emergency funds are not found. Rape and Domestic Violence Services Australia is an organisation in the electorate of Balmain that has a fantastic record of providing specialist counselling services and support to those who have experienced sexual assault and domestic and family violence since 1971. In 2009 the organisation contributed to the national plan to reduce violence against women and their children. In 2010 it became the clinical service provider of 1800RESPECT, the national sexual assault and domestic and family violence counselling service.

As a result of the success of Medibank in winning the tender for the service, Medibank Health Services, as a subcontracting organisation, considered the way in which the servicing arrangement is undertaken and decided to change the new model of specialist counselling. This issue was taken very seriously by Rape and Domestic Violence Services Australia and in September the organisation made the very difficult decision to withdraw from the service. Only after considerable negotiation with the lead agency, Medibank Health Solutions, did the board decide that accepting the subcontract would be inconsistent with the values, ethics, quality counselling practices and workplace relations that were foundational to the organisation and its culture.

Non-government organisations [NGOs] are prohibited from accruing redundancy payments through their funding contracts. The board of Rape and Domestic Violence Services Australia approached the Federal Minister for Social Services, Christian Porter, whose department funds the 1800RESPECT service, to allocate the funds required to pay redundancy entitlements. To date, the Federal Government has failed to allocate that funding. I know from my conversations with the organisation and from reading media reports that New South Wales could be left without a statewide sexual assault counselling service unless emergency funding is granted to the organisation behind the NSW Rape Crisis Centre.

The executive officer of Rape and Domestic Violence Services Australia, Karen Willis, said that there is a good chance that if this funding is not made available the service will be liquidated. This would result in 43 staff being made redundant at a princely sum of \$330,000. This is a relatively small amount of money for our State and Federal governments, but this small NGO, which does not accrue funds for redundancies, requires this lifeline in order to pay for those redundancies. If it does not receive those funds, this critical service for women across this State will be put at risk. The New South Wales Government should strongly advocate for the allocation of those funds from the Federal Government, which in turn should recognise the service needs to be funded. An allocation of \$330,000 would ensure that the redundancies can proceed and the organisation can continue with its work.

We have heard that Medibank Health Solutions could employ the staff members who are being made redundant, but these staff would be employed by a different employer with different employment arrangements and conditions. They may be offered different jobs and different pay rates, which would make it impossible for the majority of those staff members to accept employment with Medibank Health Solutions. There is a misalignment of values between an NGO, such as Rape and Domestic Violence Services Australia, and a for-profit organisation. The gap is best encapsulated in a recent media statement by Medibank executive Dr Andrew Wilson, who said that a strategic direction of Medibank is to "double the operating profits" from the division that includes 1800RESPECT. It is clear that the profit motive is changing the model for the operation of this service, which would make it impossible for Rape and Domestic Violence Services Australia to continue to provide the service.

Today I call on this Government to increase advocacy to ensure that the Federal Government supports funding the redundancies. I call on members of this House to write to the Federal Minister requesting that this relatively small amount of money be made available, so that this organisation can continue to offer its services. The deadline is 28 October. We need to ensure that the statewide counselling service is maintained. I call on members to support this effort.

MENTAL HEALTH MONTH

Ms FELICITY WILSON (North Shore) (12:42): We have passed the midway point of Mental Health Month. During this last sitting week of October I acknowledge the North Shore residents and professionals who give so much of themselves in service to the community not only during this month but also throughout the year. In this regard it is appropriate for me to mention the staff at Royal North Shore Hospital [RNSH] working in the mental health area as well as the Royal North Shore Child and Youth Mental Health Service. I had the opportunity to meet with them and tour their facilities earlier in the month. I single out the following people for special thanks: Andrea Taylor, Director of Mental Health, Drugs and Alcohol for the North Shore Local Health District; Sue Capel, North Shore Ryde Director of Mental Health; Alison Sutton, RNSH Mental Health Unit Nurse Manager; Dr Sajeeva Jayalath, Acting Clinical Director RNSH Mental Health; and Megan Chiu, Director of Child and Adolescent Mental Health for the North Shore Local Health District.

I had the chance to have a cup of tea with other staff from a range of areas, to hear firsthand what they saw in the community and how it impacted on them. I pay tribute to the care, compassion and commitment they show every day. North Shore residents can be certain that if they or their family members need help, they have access to dedicated professionals who are also wonderful human beings. It is not just in our state-of-the-art facilities that North Shore residents can find such people. One Door Mental Health, which organised a bridge walk on Saturday, offers important programs to our community. I especially acknowledge the North Shore Support Group, whose members also joined the walk, as I did, last weekend. Yesterday I had the opportunity to attend the Market for Your Mind event for youth as part of the Festival of Mosman. I particularly appreciated the Delta therapy dogs that were there—the lovely cavoodle Muffin stole my heart. I congratulate Mosman Council on this initiative.

As I said in my inaugural speech to the House, we need to do more to support our young people, particularly considering 75 per cent of mental health issues occur before the age of 25. That is why yesterday I launched the inaugural North Shore youth mental health forum. This forum brought together students from schools across the North Shore, together with experts from health agencies and other providers. They discussed mental health in the community, and they shared personal stories and hard data. There are many people I must thank for their participation in this initiative, including the Hon. Tanya Davies, the Minister for Mental Health; the facilitators, Burn Bright; and the supporters, including Headspace Chatswood. I also thank all the students and teachers that I welcomed from North Sydney Boys High School, Bradfield Secondary College, Wenona School, Mosman High School, St Aloysius College and Monte Sant Angelo Mercy College. I also thank the Australian Catholic University North Sydney and, in particular, Professor Maria Nicholson for hosting us. It was a fantastic day. I hope it will help students recognise and reach out to those they know who are hurting. It was very inspiring for me to hear their ideas and I hope to see them implemented in the future.

This is a personal issue for me; it moves beyond marking the date in the calendar. As I said in my inaugural speech, I have seen in my family members how mental illness can affect everyone, bringing suffering to those who are immediately affected, and often to their loved ones. I said then, and I repeat now, that I have committed myself to addressing the stigma associated with mental illness. That is the point I want to make today about Mental Health Month. Certainly the point that I have heard throughout the month—from the staff at the Royal North Shore mental health facilities through to the students yesterday—is that the best thing we can do to help our community cope with mental illness, either one's personal mental illness or that of a loved one, is to remove the stigma that it still attracts in the community. We have heard the statistics that describe the prevalence of mental health issues, with one in five Australians affected every year.

I want to share the reports of those with lived experiences—the consumers, carers, professionals and community members from across North Shore that I have spoken to during the month. They tell me that early identification and treatment gets the best outcome for those affected. They tell me that this message has got through to the community in areas such as cancer, but is still in some ways ignored in mental health because of the stigma. They tell me that they are seeing a younger onset, with stress triggers such as the Higher School Certificate—which started yesterday—increasing pressure on young people at risk. They say that despite the statistical prevalence of mental health issues and episodes, people do not want to talk about their experience and seek the help that could prevent worse consequences. The solutions, of course, are manyfold but one of them is empathy, listening and accompaniment, sharing the journey—which is the theme of this year's Mental Health Month. That is what it reminds us to do.

In conclusion, today I reiterate my gratitude for the work of our professionals and volunteers across the State, particularly among the community of North Shore. We have wonderful people who dedicate much of their lives to ensuring other people's wellness and providing support for them. I am in awe at what they put into their work. In what remains of this month, let us make an effort together to check in on the people in our lives, to see how they are doing, and to see how we can support and help them. I am proud to be a part of this Government, which has made a record \$1.9 billion investment in mental health. It is testament to our commitment to ensuring that people in our community with a mental health issue get the support they need to live a fulfilling life.

Mr GARETH WARD (Kiama) (12:47): I thank the member for North Shore for her outstanding contribution to the House today on the issue of mental health. I acknowledge the work she has done in her community in relation to organising a youth mental health forum to raise concerns amongst young people and to identify mental health as an issue of prevalence and one that should receive its rightful focus. The member for North Shore was a champion advocate for issues concerning mental health long before she came to this Chamber. Today her private member's statement in this Chamber has given mental health the prevalence it so rightly deserves.

It is also appropriate that the Minister for Mental Health was in the Chamber to listen to the member's speech. I commend the Minister for her great work with respect to mental health. Indeed, last week we were in Wollongong on a forum that was looking specifically at mental health in the workplace and how employers can play a role in supporting their employees to live a happy and healthy work lifestyle. I acknowledge my other parliamentary colleagues, both State and Federal, who were in attendance at that event, including Sharon Bird, Stephen Jones, Ryan Park and Paul Scully.

HOUSING AFFORDABILITY

Mr JIHAD DIB (Lakemba) (12:48): I have no doubt that we are all familiar with the issues surrounding housing affordability, though today I hope to shine a light on a number of coalescing housing issues that many people in my electorate feel the strains of every day. From the state of social housing to homelessness, to measures that will guarantee affordable housing options in new developments, when we talk about a housing crisis, we must know the depth of what it means and what people are facing day to day. Let us look at rental affordability in my

electorate of Lakemba. As we know, appropriate rental affordability is generally assessed as being less than 30 per cent of a person's income going towards the cost of housing. If it is any higher than 30 per cent a household will be considered to be in rental stress. With this in mind renters in Lakemba are spending 62 per cent of income on rent; in Riverwood, 64 per cent; and in Wiley Park, 58 per cent. Ours is not an affluent community; it is aspirational, but people live within their means.

The median household income in the electorate of Lakemba is below the Australian median. After a low-income earner spends 30 per cent of weekly income on rent, it does not leave much for other daily expenses. For many people in my electorate the dream of owning a home is a distant one and comes second to being able to pay all of the bills and the rent on time. Anglicare Australia's Rental Affordability Snapshot for 2017 showed that less than 1 per cent of private rental properties in the Greater Sydney and Illawarra regions were affordable for people living on government income support—that is, without putting those households under rental stress. No suitable properties were found for households relying on Newstart Allowance, Youth Allowance or the Disability Support Pension.

The snapshot looks at rental affordability across Australia over one weekend every year. This year's snapshot found, in Anglicare's words, that "rental stress is unavoidable for most". It is no wonder that people are turning to social and affordable housing options to find secure accommodation. There are currently 60,000 people on the social housing waiting list, often waiting over 10 years for a property in Sydney. More and more families, single parents and individuals are struggling with the cost of living pressures. We know the risks for the people who are living from pay cheque to pay cheque, and we know how fast circumstances can change, forcing people from secure accommodation to homelessness.

As I have said before in this Chamber, members on both sides of the House can tell stories from their electorates of people who, through compounding circumstances, have fallen through the cracks. Refuges and shelters are struggling to meet the demands of those trying to access their services. More and more I see women and single mothers struggling to make ends meet. Often combined layers of disadvantage mean it is harder to get by. Whether they have escaped domestic violence, are struggling to find employment or are new migrants trying to give their kids a good start in life, women around the country are facing battles on multiple fronts. Some may not be homeless yet but are relying on the goodwill of family, friends and charities to help make ends meet and keep a roof over their heads. Precarious living situations, such as couch surfing, are still not considered to be homeless living. Making sure people in these situations can access stable accommodation is the first step to improving the quality of life for many.

It has been proven before that, once a person has secure housing, finding a job becomes easier, and the repercussions of this benefit the rest of society. It all starts with a roof over their heads. I am proud to be a member of a party that will mandate a 25 per cent affordable housing target for all residential development on government-owned land. I am proud to be a member of a party that will mandate 15 per cent of new floor space on privately developed land be set aside for affordable housing. Having measures in place for realistic, achievable affordable housing targets is how governments can start to address the housing crisis effectively. The Berejiklian Government has its sights set on my electorate and neighbouring electorates for a radical rezoning and redevelopment experiment. In the Sydenham to Bankstown urban renewal corridor draft strategies, we have yet to see any measures that will guarantee affordable housing targets in my electorate.

I have said before that newly built apartments will be more expensive than older ones. Those who want to access the housing market, such as first home buyers in my electorate, will potentially find those new properties unaffordable and the housing market more inaccessible. I share the concerns of my constituents in Riverwood when the Government talks about increasing density in the Riverwood housing estate. Having the right kind of housing for the needs of the community is often a forgotten priority. Two-bedroom high-rise units will not meet the demands of young families, particularly culturally and linguistically diverse families, who need affordable housing options that allow for their children's growth. The properties I have spoken about today are only the tip of the iceberg of the housing affordability crisis. We have to start providing solutions instead of putting this problem in the too-hard basket. I would like to see this Government talking about measures for affordable housing targets as often as it talks about the benefits of rezoning of inner and south-western Sydney. Then we might start to address this housing affordability crisis.

PORT MACQUARIE SOLAR ENERGY

Mrs LESLIE WILLIAMS (Port Macquarie) (12:53): I speak about an organisation and a community working together for the future of the environment. Local group Energy Forever and members of the Port Macquarie-Hastings community have combined to create a 100 per cent community-funded and owned solar panel system in Port Macquarie. The plan is for systems to be installed across multiple host sites in the region with each system matched to the host site's electricity requirements, ensuring that most of the solar electricity generated is used on-site.

On 11 October the first system was installed and officially opened at St Agnes Early Education Centre, with additional host sites to come. This first project was achieved through the support of donors and panel sponsors. I was pleased to back this fantastic initiative by purchasing one of the solar panels for this initial installation. At a modestly reduced rate to their regular electricity provider, the host site pays Energy Forever for the electricity that is generated by the solar power system. This is done under a power purchase agreement. The money paid by the host site for the solar power goes directly to an ongoing grants fund, which provides annual grants to eligible projects in the region.

To date, the 72 panels installed at St. Agnes Early Education Centre have produced well in excess of 6,000 kilowatts of power. Local organisations can apply for grants for projects that meet criteria to improve social, economic and environmental sustainability. Eligible projects for a grant would include: energy efficient lighting for sports and social clubs, locally grown food initiatives, training low income householders in energy efficiency, a community bike repair and furniture recycling workshop, a men's shed, improved recycling collection facilities and education, and solar power for a local charity organisation.

The exact rate of return on each solar power system will vary. The host site's payments to Energy Forever for the solar electricity will continue for 15 years. However, the host site's electricity use will pay for itself within five years. The result is that initial donations invested in the solar power systems are effectively tripled, providing three times the benefits for sustainable projects. The host sites will switch from conventional electricity to clean renewable power and save money at the same time. A portion of the funds is set aside for administrative costs such as insurance, solar power system maintenance and web hosting.

To ensure accountability the grants program is administered by Energy Forever and is modelled on other government grants programs. Over the next 15 years the system located at St Agnes Early Education Centre will generate approximately \$80,000 in funding to support sustainability within the Port Macquarie-Hastings community. Energy Forever chairperson Steve Lockhart and his team have been working towards this community-funded project for a long time. Committee coordinator Shannon Larkin suggests that within 12 months they will be calling for community groups to apply for funding.

When I was the Parliamentary Secretary for Renewable Energy, the then Minister for the Environment, Rob Stokes, announced that \$700,000 was available for the community to set up its own clean energy initiatives. I encouraged members of the community to apply to this program. I was happy to announce approval of a grant of \$49,500 to the Port Macquarie-Hastings Sustainability Network for the Energy Forever project to own and run clean energy projects in the Port Macquarie electorate. Congratulations to the team at Energy Forever and all its supportive community members on the creation of a truly innovative and sustainable community energy project.

TAFE NSW

Ms TRISH DOYLE (Blue Mountains) (12:57): I stand again today in support of TAFE, its students, its future and my TAFE teacher colleagues. A speech given at a recent Teachers Federation conference deserves to be on the public record in *Hansard*. As defenders of TAFE we have but one job ahead of us and that is to save TAFE. It is beyond comprehension that anyone who has watched the gutting of TAFE over the past 5½ years could defend the policies and decisions of both State and Federal governments—that is, unless they are the Assistant Minister for Skills. Recently the Minister was reported as stating, "TAFE is doing better than ever under a Liberal-Nationals budget." Yes, I know, you just cannot make this stuff up.

Let us entertain the Minister's delusion for a moment. If the Minister believes doing "better than ever" means sacking over 6,000 teachers and support staff; closing, selling and leasing TAFE colleges and replacing them with shopfronts; cutting courses and slashing face-to-face delivery hours; jacking up course fees by thousands of dollars; and cutting tens of millions from the TAFE budget then he is correct and TAFE is doing "better than ever". The Minister and the Government have achieved "deliverology"—yes, that is the new term. There has been talk about rough times ahead for TAFE and TAFE has suffered over the years.

However, nothing can compare and nothing comes close to the level of government bastardry directed at TAFE by the Federal and State governments. For example, yesterday the Government announced that the Outreach Program had been scrapped despite the fact that there will be 4,000 enrolments this year. Group 4 in One TAFE NSW was announced yesterday across the State, but there was no mention of Outreach in the documentation despite a significant positive response in the feedback process. I believe there will be a head teacher at the TAFE NSW campuses at Nepean and Liverpool. Head teachers deliver 10 hours of face-to-face education, as opposed to special program coordinators who have been part of the Outreach Program for 40 years and who deliver six hours of teaching. As a result, three hardworking Outreach teachers who consistently overachieve are being replaced by one teacher. Those teachers received letters yesterday advising them that their positions were not "matched".

Apparently the Western Sydney region will have 19 new administration positions for TAFE services coordinators, who are described as concierges and who will replace Outreach officers. They are based at colleges and will attend community meetings. As has been pointed out, the services model may work well in a transactional environment, but it will not work well in an educational environment. If members want to know what an education market looks like and how well it is doing, they should look no further than the litany of cuts to TAFE and the conga line of private providers taking much and delivering little. Education does not belong in a marketplace. If people want a market, they should head down to Paddy's.

While the present situation is gloomy for TAFE, that does not mean the community has thrown in the towel. Indeed, we know that we can turn this around. However, it will take a significant and well-resourced campaign to win. We must put the Stop TAFE Cuts campaign on steroids. This fight can be won, and it will be won at the grassroots level, electorate by electorate, town by country town, and TAFE by TAFE. I am loath to give the Assistant Minister for Skills further airtime, but he recently said that we should be talking up TAFE. Yes, we should, but we are tired of talk; we want action. Stop the cuts, restore TAFE funding and rebuild TAFE to its former glory. I pay respect today to the students who are battling on and those teachers whose morale is low but who keep up the fight. I acknowledge the TAFE Teachers Association, and I stand with it and its members in solidarity.

EUROBODALLA OFFSHORE ARTIFICIAL REEF

Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (13:02): I draw the attention of the House to an important issue that is affecting local fishers on the far South Coast and the campaign they are waging to secure an artificial reef off Eurobodalla. This Government has started to implement a number of successful programs across the board as a result of the NSW Recreational Fishing Trust's initiatives that are designed to support recreational fishing given the economically and socially important role the industry plays in coastal areas of New South Wales. Very pleasingly, and as a result of the campaign waged by anglers in Merimbula—which is in my electorate of Bega—we have secured an artificial reef.

That success triggered similar campaign action in Eurobodalla. I acknowledge and pay tribute to Adam Martin, the president of the Tomakin Fishing Club, who does an incredible job in not only advocating for this proposal but also organising one of the biggest annual fishing competitions in the region. Adam collected hundreds of signatures, which I was happy to present to the Minister for Primary Industries in the other place, the Hon. Niall Blair. As a result of that action, I am pleased to advise the House that consideration is now being given to the erection of an artificial reef off Eurobodalla.

The proposal is worthy of support if we consider the importance of recreational fishing tourism to the region, particularly during the cooler months when species such as kingfish and others are running. It is a great time of year for small businesses to be supported by visitors. It does not matter whether it is the local bait and tackle shop, service stations, camping grounds or motels, that activity is an important driver of economic uplift in the community. Of course, because of the actions of the Labor Government a number of years ago, the industry took a significant hit when many tremendous fishing grounds were incorporated in sanctuary zones as part of the marine park process. An artificial reef can be laid on a sandy bottom. We have seen evidence that artificial reefs attract up to 50 different species of fish and allow divers, anglers and spearfishers to enjoy their sports. An artificial reef will create greater interest in the tourism sector beyond fishing and will help drive tourism in the off-peak season.

I am keen to see the artificial reef established between Moruya and Batemans Bay, and I am hopeful that the NSW Recreational Fishing Trust will give due consideration to it. If not, I will talk to the Minister for Primary Industries about ways to fund the project. I recognise Liz Innes, the Mayor of Eurobodalla, who has been heavily involved behind the scenes advocating for the artificial reef and is keen to see it come to fruition. The reef has broad community support. Tomakin Fishing Club and other fishing clubs in Eurobodalla are keen for an artificial reef to be established. Adam Martin has taken on a leadership role in advocating for an artificial reef. Hopefully we will hear soon what is happening with this project.

This is another example of the Government supporting tourism, particularly in coastal areas. We are investing approximately \$9 million on the far South Coast to improve regional airports. The \$50 million-plus Port of Eden project is underway, where we are extending the commercial wharf to allow cruise ships to dock and installing a wave attenuator to assist the boating industry. A number of proposals are being investigated in Batemans Bay that will support our tourism industry and enhance recreational pursuits in the community. It is a tremendous time for infrastructure rollout and investment in tourism, and an artificial reef for Eurobodalla will top it off nicely.

HAWKESBURY-NEPEAN VALLEY FLOOD RISK MANAGEMENT

Mr KEVIN CONOLLY (Riverstone) (13:07): The Hawkesbury-Nepean Valley Flood Management Taskforce is an independently chaired inter-agency group that has investigated feasible infrastructure and non-infrastructure options to reduce overall flood risk in the valley. This was based on previous work completed by the 2013 Hawkesbury-Nepean Valley Flood Management Review in response to the State Infrastructure Strategy 2012-2032. The current flood strategy, which is the result of the task force investigation, was adopted by the New South Wales Government in June 2016. After extensive investigation, the Hawkesbury-Nepean Valley Flood Management Taskforce found:

... raising the Warragamba dam wall by around 14 metres is the infrastructure option with the highest benefit. This would reduce flood risk by creating airspace in the dam to temporarily hold back and slowly release floodwaters coming from the Warragamba River catchment.

I note that "highest benefit" related to a net calculation. The raising of the dam wall to 20 metres, which also was considered, would have held back floodwaters even more but at a lower cost-benefit ratio. Members may have recently received from the Colong Foundation for Wilderness a brochure that talks about the purported effects of raising the wall of Warragamba Dam and peddles distorted information which, if heeded, would put at risk the safety of hundreds of thousands of people. Among other things, the Colong Foundation for Wilderness brochure claims:

A higher spillway will hold all small and medium floods behind the wall for several weeks. The submerged vegetation will die, leaving a scarred landscape of silt and dead trees to be infested by weeds after the waters subside. This is simply misinformation based on speculation and designed to frighten the community. As no specific dam design has even been considered as part of the strategy, it is not possible for the foundation to have based its claims on any current design. If its claims are based on past proposals for Warragamba Dam, it must acknowledge that what was proposed then—and is proposed now—was not a simple increase in the height of the wall and the floodgates but, rather, the addition of a section of wall above the floodgates.

This design would not hold back all the water of small or medium floods, but would allow much of it to pass through the floodgates, holding back only the excess above a certain level of discharge through the gates. Just as the capacity of a drain in a bathtub determines how quickly the water can empty out, the capacity of the floodgates below that raised section of wall would determine the rate of discharge from the dam. Any additional storage behind the dam during small or medium floods would be temporary and minor in scale as most of the water would pass through the floodgates as normal. In some smaller floods the raised section of wall might have no impact whatsoever.

The Colong Foundation has chosen to focus on small and medium floods rather than major floods because it does not want to be seen as arguing that people's homes and businesses should be destroyed or that lives should be put at risk, yet that is exactly what its campaign promotes. A brochure published by that foundation misleadingly asserts that a future government could easily use the raised dam wall to hold water permanently and increase Sydney's water storage. As I have explained, the design of the dam would not allow this. Subsequent conversion of the design to a permanent water storage dam wall would be an entirely new engineering project with new political decisions, assessment and approval processes, and the expenditure of considerable sums of public money. There is nothing easy about any of that.

The point of the proposed wall raising is not to increase long-term water storage but to minimise the downstream effects of flooding, including loss of life and damage to property, infrastructure and the downstream environment. The project is based on the premise of reducing risk to life and property. It does not involve lowering the planning level for building houses in the Hawkesbury-Nepean region. There is no intention or suggestion to change that level, because doing so would negate any gains provided by this project. Simply put, the planning level will not change. The aim is to have fewer Western Sydney residents exposed to flood risk, not more. Resilient Valley, Resilient Communities—Hawkesbury-Nepean Flood Risk Management Strategy is an important step towards providing protection for hundreds of thousands of people across Western Sydney. I commend the Government for developing the strategy and urge it to implement the strategy as quickly as possible.

GENDER EQUALITY

Ms YASMIN CATLEY (Swansea) (13:12): Last week the Organisation for Economic Cooperation and Development [OECD] released a report entitled "The Pursuit of Gender Equality: An Uphill Battle". This latest gender equality report not only paints a stark picture of where we are going wrong but also draws a road map on how we can improve. We have no time to waste. We must do more to tackle gender inequality for women of all ages. Inequality begins in childhood through gendered expectations for girls around education, interests and responsibilities. The cumulative effect of this bias is to severely limit the prospects for a comfortable standard of living for women in later life.

Superannuation is intended to give Australians a decent and dignified life in retirement. This is certainly not the case for women. The gender pay gap in superannuation is the result of a lifetime of discrimination against

women in the workplace and at home. A report released in July this year identified a multitude of reasons so many women retire into poverty, including an inadequate aged pension, overrepresentation in lower paid occupations, the gender pay gap, no superannuation at low-pay levels, effective marginal tax rates, carer responsibilities, unpaid domestic work, the complex and frequently changing superannuation system, age discrimination, unaffordable housing, longer lifespans, poor financial literacy, cost and availability of child care, relationship breakdowns and casualised work. Researchers have described the collective impact of those factors as a wicked problem.

Report after report, littered with alarming statistics, shows how our failure to support women workers is affecting their lives. For working women the gap between men's and women's retirement savings is about 61.5 per cent. More than 70 per cent of women have estimated balances under \$150,000, compared to 38 per cent of men. One quarter of women have balances less than \$50,000. Approximately two-thirds of the part-time workforce is made up of women. Nearly half of all women employed work part time. In the most recent census, we discovered that one in four men report doing zero hours of domestic labour, with women doing the overwhelming majority of domestic labour. These statistics are pretty grim. But it gets worse for women as they near retirement age. Women are more likely to re-enter the workforce after retirement. Women are twice as likely as men to sell their house and move to low-cost accommodation. After retirement, women are at a greater risk of experiencing poverty, and women over 55 are the fastest-growing demographic among the homeless.

Australia is not alone in experiencing gender inequality; it is something that is experienced globally. However, last week the Organisation for Economic Cooperation and Development [OECD] report pitched Australia as a mid-range performer in addressing this problem. We must do more. Every day that we continue to allow discrimination and inequality to fester is a day that we are wasting the talents of women everywhere, particularly in our workplaces. The OECD notes that decreasing the gender gap in labour force participation would add an additional 1 per cent to the projected baseline of gross domestic product growth across the OECD, and if it were halved, this would add almost 2.5 per cent. Clearly, inaction poses an opportunity cost we can ill afford.

Much more needs to be done, and there are so many opportunities for New South Wales to do its bit to tackle gender inequality. We know the seed of inequality is planted at a young age. Research suggests that we must do more in the form of science, technology, engineering and mathematics [STEM]. I have spoken about the fantastic work that organisations such as Robogals do in primary schools in my electorate to encourage young women to consider a career in STEM fields. These grassroots organisations do incredible and invaluable work. But as legislators we can and should do more for women. We can and should carve out a space for women and girls to be included, for their voices to be heard and for their stories to be told. The work of feminism is nowhere near finished.

Ms TANYA DAVIES (Mulgoa—Minister for Mental Health, Minister for Women, and Minister for Ageing) (13:17): I thank the member for Swansea for bringing this matter to the attention of the House. As Minister for Women I inform the House that the Government is leading a whole-of-NSW Women's Strategy to tackle specifically gender inequality and gender imbalance. When we consider all the facts and statistics we would all agree that it is still a major issue. This Government is working very hard on developing a whole-of-government strategy to tackle gender inequality and imbalance in our communities. This Government is also funding an Investing in Women Funding Program that specifically targets women and encourages them to get into non-traditional trades, and also into the science, technology, engineering and mathematics fields for their careers. I encourage young women to become financially literate for their own purpose, destination and financial security later in life.

LIVERPOOL HOSPITAL MOLECULAR SCIENCE CYCLOTRON FACILITY

Ms MELANIE GIBBONS (Holsworthy) (13:18): I am delighted to speak about the Molecular Science Cyclotron Facility that I had the pleasure of officially opening at Liverpool Hospital on Thursday 21 September, on behalf of the Minister for Health who is in the Chamber. I was honoured to be accompanied by many special guests on the day including: Mr John Gordon, board member of South Western Sydney Local Health District; Ms Amanda Larkin, Chief Executive, South Western Sydney Local Health District; Professor Les Bokey, Director of Surgery, Liverpool Hospital; Dr Peter Lin, Director, Medical Imaging; and Elizabeth Doonan, a cyclotron patient and an amazing lady. Unfortunately, Adjunct Professor Robynne Cooke, General Manager of Liverpool Hospital, was not able to attend but I know she had a great deal to do with this project.

I am excited to have a world-class cancer diagnostic and research facility in my electorate at Liverpool. The facility has the ability to save the lives of many people living in south-western Sydney—indeed, it already has. Planning for this facility began in 2006, and the one-of-a-kind facility was certainly worth the wait. The facility possesses the latest cyclotron technology and radiopharmaceutical production laboratories. The facility has the ability to meet the growing clinical demands developing at Liverpool Hospital, and adds to the expansion of health services in south-west Sydney and New South Wales. It will undeniably be a highly important asset for

Liverpool Hospital and the South Western Sydney Local Health District. It is only the second such machine in the State, and it is pretty exciting to have it in my electorate.

Through nuclear medicine and positron emission tomography [PET] scans—which use small amounts of safe radioactive tracers, or isotopes, to detect medical problems—doctors will be able to diagnose diseases and cancers much earlier. I think it is pretty cool that that research is provided through the Australian Nuclear Science and Technology Organisation, which is also in my electorate. It is nice to see organisations working together. The new technology's images can provide information about pathological processes of the body before any obvious signs of the disease. Another outstanding benefit of the machine is that it will allow doctors to determine appropriate treatment therapies and to monitor cancer growth throughout the duration of the treatment. This will help to track effectiveness of the therapy in order to avoid harmful and unnecessary overtreatment of patients. The new technology will transform the way that doctors and scientists study and treat various cancers.

The facility will make a huge difference to people living with lymphoma, lung cancer, pancreatic cancer, breast cancer and prostate cancer. It has already touched the lives of many people, even though it has been in operation for only a short time. One of those helped by the facility was, as I mentioned, Elizabeth Doonan, who joined us at the official launch. It was incredibly special to have her present at the opening. She has a truly inspiring story. Ms Doonan was one of the first beneficiaries of the molecular tracer produced by the Molecular Science Cyclotron Facility. It provided a direct and more accurate diagnosis to guide treatment of her lymphoma. Ms Doonan had stage 4 lymphoma and is now living cancer free, which is incredible. Ms Doonan is soon to be married and she has a fabulous life ahead of her with her incredible fiancé. I send her all my best wishes for the future.

Another key factor of the facility is the amount of innovative research that is able to take place there. For example, scientists will now have the ability to conduct research into developing new tracers that will be used to diagnose difficult diseases and identify small changes in the body that could be indicators of disease. I am delighted to say that the facility places Liverpool Hospital at the forefront of innovative diagnostic and therapeutic services. It will change the way we study not only cancers but also other diseases such as Alzheimer's disease, dementia, cardiac disease and other various neurological and mental health conditions, even including brain injury. The facility will give patients in Western Sydney access to incredible technology that offers more accurate diagnosis. It will allow patients in my electorate to undergo treatments closer to home, which is obviously extremely beneficial and rewarding.

The facility contributes to the ongoing development of research facilities that will endeavour to foster an integrated healthcare system in south-west Sydney. The official launch of the facility is testament to South Western Sydney Local Health District's commitment to growing research and innovation in the area. Once again, I thank the Minister for Health, and Minister for Medical Research, the Hon. Brad Hazzard, and the New South Wales Government for its support in making this facility available in my electorate.

Ms TANYA DAVIES (Mulgoa—Minister for Mental Health, Minister for Women, and Minister for Ageing) (13:23): I thank the member for Holsworthy for bringing this important private member's statement to the attention of the House. I also acknowledge her strong and active work for her local community. She highlights what is occurring within her community and continues to raise issues that require the attention of the Government. I acknowledge that she is a most dedicated, hardworking member for Holsworthy. As Minister for Mental Health, I was pleased to be in the Chamber when she brought this matter to the attention of the House. The Minister for Health, and Minister for Medical Research is also in the House and heard her statement. I communicate to the community in south-western Sydney that the New South Wales Liberal-Nationals Government is fully committed to providing the health and education infrastructure that all communities in this State need. I am proud to have witnessed this private member's statement today.

NORTHERN BEACHES HOSPITAL

Mr BRAD HAZZARD (Wakehurst—Minister for Health, and Minister for Medical Research) (13:24): I acknowledge the amazing work that is going on in the electorate of Wakehurst—and, more importantly, for the whole of the northern beaches—in constructing our new Northern Beaches Hospital. I acknowledge the work of the builders, CPB Contractors, and BVN Architecture who have been pivotal in getting such a great outcome. They have been working with Healthscope, which will be the public healthcare provider at the hospital. In the past, we have had wonderful staff at Manly and Mona Vale hospitals but have had pretty poor facilities. That went on for the entire 16 years of the Labor Government. When the Liberal-Nationals Government was elected in 2011, it was with great delight that we on this side were able to get on with the job, as we are in many other electorates across the State. It is a fantastic outcome for the northern beaches. I have an electorate officer, Noelene Barrell, who has worked with me and served the people of Wakehurst for 25 years.

Mrs Melinda Pavey: She deserves a medal.

Mr BRAD HAZZARD: She does deserve a medal.

Mr Jihad Dib: And long service leave.

Mr BRAD HAZZARD: She would probably agree with that. There is also Lisa Nagle, who has been with me for about seven years, and Toby Williams, who has been with me for a lot less time. In a text message that I received last Friday my electorate officer Noelene Barrell said, "We did the hospital visit yesterday. Absolutely amazing! We were so impressed. Certainly worth the 26-year wait. I never thought we would see it. Makes the job worthwhile." That is exactly how I and the community feel about this hospital. The community has seen it going up, and it looks amazing. The new hospital will employ approximately 1,300 staff, which is 400 more than are currently employed at Manly and Mona Vale. It is a level five hospital and features 488 beds, which brings the total number of beds across the northern beaches to 554.

The hospital will have a 50-space emergency department and a helipad. I have been on the helipad and the views are incredible. There are 360-degree views around the northern beaches. On the southern side there are views from North Curl Curl to North Head, South Head, the city, Chatswood and the Blue Mountains—it is fantastic. The hospital will have 14 operating theatres. At the moment, we have five operating theatres between Manly and Mona Vale, so it is a massive increase. There will be six surgical suites, intensive and critical care units, an inpatient mental health unit, a 1,400-space car park, and two cardiac catheter laboratories—that is amazing.

Many in the community would not realise that in certain cardiac arrest circumstances treatment is not, and never has been, possible at Manly or Mona Vale. It is fine to be chemically treated at those two hospitals, but other patients have to go to Royal North Shore Hospital. Patients who have a cardiac arrest and who need to be treated with a catheter will now have a much shorter trip to the Northern Beaches Hospital. The hospital will have four procedure rooms. There will be new maternity facilities, with 10 birthing suites, compared with the current five at Manly and Mona Vale. There will be three large birthing pools, in which some women like to go through the birthing process. When I took over as Minister for Health, there were going to be two pools. I was delighted to listen to the message from the doulas and midwives of the beaches, and took steps to make sure that we had three. So we will have an extra birthing pool in our new hospital.

We have 40 maternity beds, compared with the 31 beds currently available at Manly and Mona Vale—it is incredible. The construction of the hospital commenced in July 2015, and the building has shot up. It now looks almost complete; we already have so much built. As of my birthday on 30 August this year, the Northern Beaches Hospital project was three months ahead of schedule—it was about the best birthday present I could have received. Obviously, some Government projects—regardless of who is in government—do not get there quite as quickly, but this one is way ahead of schedule. How good is that?

We expect it will take patients from Manly Hospital on 30 October next year and from Mona Vale Hospital on 31 October. I thank Deborah Latta from Healthscope who has been on the ground doing a lot of the coordinating. She has made sure we have a hospital that is designed, built and operated for the northern beaches. The hospital will provide public patient services under a 20-year contract with the New South Wales Government. Public patients will be treated free of charge but, as in all public hospitals, if people want to be treated as a private patient they can be. I thank everybody who is delivering this amazing hospital for the community of the northern beaches.

NORTH COAST BLUEBERRY FARMING

Mrs MELINDA PAVEY (Oxley—Minister for Roads, Maritime and Freight) (13:29): As if we needed one, a new movement, a new cause, a new crusade is being pitched on the mid North Coast, and of all the industries the proponents have in their sights they are now homing in on blueberry growers. In the eyes of a few, the people who grow these most tasty, popular and benign little morsels need to be regulated and subjected to development consent. Three councils are toying with the right and ability of our farmers to farm: Coffs Harbour, Bellingen and Nambucca. Bellingen council has already passed a motion seeking to regulate blueberry growers. Nambucca council did likewise last week, although at its next meeting it will vote on a rescission motion foreshadowed by Mayor Rhonda Hoban, and on that I congratulate her.

I raise this matter because some important precedents are being sought to be established that are not necessarily in the best interests of the region and the State and which effectively seek to modify agreed local environmental plans [LEPs]. The heart of the matter is that councils have been lobbied to introduce rules that require development consent to grow blueberries on land that has been zoned agricultural and rural-residential in LEPs, unless the farm complies with a range of criteria including minimum distance setbacks from other dwellings, boundaries and watercourses, and uses black protective netting, not white.

That is despite the fact that the industry and government agencies are developing a code of practice to self-manage procedures and protocols between neighbours, without the need for prescriptive and expensive regulations; the general term of "horticulture" is being used in council motions, which will mean that all types of plant industries will be restricted when the intent is just focused on blueberries; and the New South Wales Department of Primary Industries and the Australian Blueberry Growers Association have written to councils detailing a range of concerns and issues.

If ever these proposals were to progress through the planning system and see the light of day, development applications would require things like comprehensive site plans prepared by consultants; building plans prepared by a builder; a statement of environmental effects prepared by a consultant; a flora and fauna assessment prepared by a consultant; an assessment of impacts on Aboriginal heritage and objects and a cultural heritage assessment; and a water use approval from WaterNSW. The costs would become massive and simply prohibitive. Sadly, it would be a dim, dark blanket on productivity, on ingenuity and on our magnificent farming sector, which is the best in the world. Seventy to 80 per cent of what we grow is exported and we are proud of our farmers and what they do. Farmers have to meet a whole range of laws and requirements and they should not now have to consider putting in a development application to do what they do incredibly well.

Blueberry farming is a growth industry and has brought much-needed new investment and employment to the mid North Coast region. It has been a boon for the mid North Coast, and those who have invested and are working hard in this sector have had an incredible impact on our region's prosperity and on jobs. Everyone knows that this region has a competitive advantage in agriculture; we have the natural resources and climate to consistently produce products that are in demand in both domestic and export markets, and the successful blueberry industry is an excellent example. I am proud that I have in my electorate the most expensive agricultural land in the whole of Australia. That is because it has the most beautiful soil, the most incredible rainfall and an incredible climate.

Governments at all levels do not always need to resort to regulations and prescriptions and require formal consent. In fact, regulations should be a last resort. Codes of practice and community charters can easily deliver good, balanced outcomes without stifling, costly, red-tape prescriptions that may also have unintended consequences. Further, an established and proven legal and planning framework is already in place for managing rural lands, which negates any case for impromptu and makeshift changes to zoning rules. I urge councils to work with the blueberry and horticultural industry and with the New South Wales Department of Primary Industries to develop a clear, simple, effective and efficient proposal that reflects the interests of the broader community.

TEMPORARY SPEAKER (Mr Greg Aplin): I shall now leave the chair. The House will resume at 2.15 p.m.

Visitors

VISITORS

The SPEAKER: I extend a warm welcome to Grant Schultz from Ulladulla in the electorate of South Coast, a beautiful part of the world, guest of the member for South Coast and the Speaker. I welcome student leaders, their parents and teachers who are participating in the Ryde Electorate School Leaders Forum from Truscott Street Public School, Northcross Christian School and Epping Boys High School, guests of the Minister for Finance, Services and Property. I welcome the Very Reverend Father Shenouda Mansour, guest of the member for Canterbury. I welcome Councillor Stephen Bali and member-elect, guest of the member for Mount Druitt.

I welcome to the Chamber also Steph Cooke and Austin Evans, successful candidates for the seats of Cootamundra and Murray respectively. We will welcome them formally in a couple of weeks; their rooms are ready. I draw the attention of members to the presence in the gallery of the Hon. Simon Pentanu, Speaker of the House of Representatives of the Autonomous Region of Bougainville, Bougainville being one of our twinned Parliaments. It is lovely to see Simon in the gallery. I welcome to the gallery Ms Jean Sahu, procedure officer of the National Parliament of the Solomon Islands, who is working with the table office this week as part of the twinning arrangements between the National Parliament of the Solomon Islands and the New South Wales Parliament. It was lovely to see her earlier in the day.

Announcements

POLLIES RIDE

The SPEAKER: Tomorrow is the Brotherhood Christian Motorcycle Club and Motorcycle Council of NSW annual NSW Pollies ride on behalf of the Minister for Health, who is an advocate for the ride. This is the first ride without founder Greg Hirst, who passed away earlier this year, but Grant Howard from Brotherhood Christian Motorcycle Club will continue Greg's good work for road safety. All members are invited to join the

breakfast in the Domain and any bikers who would like to join in are most welcome. Others are welcome to have a look or have a photo taken for their newsletter of them sitting on a Harley to promote Motorcycle Awareness Month. As in previous years health Minister Brad Hazzard will be riding with the bikers and encouraging all members to get involved one way or another to promote Motorcycle Awareness Month. It kicks off at 8.00 a.m. in the Domain tomorrow.

Commemorations

CENTENARY OF FIRST WORLD WAR

The SPEAKER (14:22): In October 1917, the Australian Flying Corps became involved in the fighting on the Western Front for the first time when the Second Squadron engaged with a German patrol near St Quentin in northern France with the loss of one aircraft. The corps had been established in 1912 as a branch of the Australian Army and had been involved in operations in the Middle East from late May 1915, taking on reconnaissance and light bombing raids. On the Western Front, however, the corps became much more involved in frontline action. The corps participated in air combat and bombing raids, and provided close air support for infantry operations during the final phases of the Passchendaele campaign. Australian pilots undertook dangerous low-level attacks that were highly praised by the commander of the Royal Flying Corps, but which also resulted in heavy losses.

The technology of aerial warfare was new and most of the corps' pilots had no previous experience. Training was almost as hazardous as combat; over a third of all the corps' wartime fatalities occurred in Britain during training. Two and a half thousand men served in the Australian Flying Corps during the war. One hundred and seventy-eight were killed. Their pioneering efforts laid the foundations for the Royal Australian Air Force, of which my father was a member in the Second World War. Let us not forget.

Announcements

COMMONWEALTH PARLIAMENTARY ASSOCIATION AUSTRALIA AND PACIFIC JOINT REGIONAL CONFERENCE

The SPEAKER: Earlier this year the Parliament of New South Wales hosted a very successful Presiding Officers and Clerks Conference. Next week the Parliament of New South Wales will host a further important conference: the Commonwealth Parliamentary Association [CPA] Australia and Pacific Joint Regional Conference. This is an annual conference that is alternately hosted by either an Australian or Pacific CPA branch. According to the established rotation this year that role falls to the New South Wales branch. More than 50 members of Parliament and officers from parliaments throughout Australia and the Pacific, together with observers from as far afield as Pakistan, Guernsey and Jersey, will participate in this year's conference. Please make our guests welcome next week. The conference theme is engagement, and the conference will provide a forum for both professional development and the discussion of matters of mutual interest, such as engaging with remote and isolated communities and engaging with young people.

I thank those members of both Houses who have agreed to participate on panels for the conference: the member for Fairfield, the member for Holsworthy, the member for Ku-ring-gai, the member for Newtown, and the member for Parramatta. They will host conference participants in their electorates as part of the segment on engaging with constituents. Later today, the conference program will be circulated to all members, if it has not been already. Members of the Parliament of New South Wales are most welcome to attend and participate, free of charge, in any session here at Parliament House. However, if you intend to participate in a session you should contact the conference secretariat. As with the Presiding Officers and Clerks Conference, the CPA Regional Conference is only possible as a consequence of the contributions of and collaboration between staff in all three parliamentary departments and I thank them all for their efforts. Again, I reiterate my thanks to those members who volunteered their time next week.

Members

REPRESENTATION OF MINISTERS ABSENT DURING QUESTIONS

Mr ANTHONY ROBERTS: On behalf of Ms Gladys Berejiklian: I inform the House that today the Attorney General will be answering questions in the absence of the Minister for Police and Minister for Emergency Services.

Governor

ADMINISTRATION OF THE GOVERNMENT

The SPEAKER: I report the following message from His Excellency the Lieutenant-Governor:

T F BATHURST

Government House

Lieutenant-Governor

Sydney, 5 October 2017

The Honourable Thomas Frederick Bathurst AC, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Governor of New South Wales, His Excellency General The Honourable David Hurley AC DSC (Ret'd), being absent from the State, he has assumed the administration of the Government of the State.

*Bills***ROAD TRANSPORT AMENDMENT (DRIVER LICENCE DISQUALIFICATION) BILL 2017****ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (SYDNEY DRINKING WATER CATCHMENT) BILL 2017****LOCAL LAND SERVICES AMENDMENT BILL 2017****PARRAMATTA PARK TRUST AMENDMENT (WESTERN SYDNEY STADIUM) BILL 2017****Assent**

The SPEAKER: I report receipt of messages from the Lieutenant-Governor notifying His Excellency's assent to the abovementioned bills.

*Notices***PRESENTATION**

[During the giving of notices of motion]

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

[Later, during the giving of notices of motions]

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

*Question Time***M4 TOLL**

Mr LUKE FOLEY (Auburn) (14:31): My question is directed to the Premier. Given the unprecedented 80 per cent vote for Labor in Blacktown, will the Premier listen to the people of Western Sydney and remove the unfair M4 toll, which is nothing more than a tax on Western Sydney motorists?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:31): I welcome the new member for Blacktown to Parliament and congratulate those opposite for winning a one-horse race. The member-elect for Blacktown well knows that it is the Liberals and Nationals that are building the Blacktown hospital. The Liberals and Nationals are building the road infrastructure that the Blacktown community needs.

The SPEAKER: Order! I call the member for Londonderry to order for the first time. I call the member for Keira to order for the first time. I call the member for Keira to order for the second time. Members will come to order. I will not allow this behaviour to continue for 10 questions.

Ms GLADYS BEREJIKLIAN: When it comes to Western Sydney this Government will continue to invest because it believes in the people of Western Sydney. We are the party for the workers. We are the party for infrastructure. I note the Leader of the Opposition asked me specifically about a by-election, but what he failed to highlight to his colleagues—although I am sure they know—is that regrettably in Cootamundra the Labor primary vote went down.

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

Ms GLADYS BEREJIKLIAN: On average a government of the day will experience a swing against it at a by-election of 19 to 20 per cent. We saw Labor supporters on the polling booths at Cootamundra with their voting material, yet Labor's primary vote went down in Cootamundra. In Murray in previous by-elections there have been swings of 15 to 20 per cent to the Labor Party but on this occasion they had a primary swing of 4 per cent. It is hardly anything to write home about.

No matter what the postcode or where people live in New South Wales, the Liberal-Nationals will govern for all of New South Wales. This Government will not succumb to nasty political deals on preferences. There are members opposite who are uncomfortable with this conversation. I will not disclose the person's identity, but a Labor Party campaigner approached me last Saturday and said, "I hope the Shooters do not get up."

The SPEAKER: Order! I call the member for Fairfield to order for the first time. Members will cease interjecting. Any member previously on one or two calls to order is now on three calls to order.

Ms GLADYS BEREJIKLIAN: On behalf of the Government I thank the communities of Cootamundra and Murray for investing their support in this Government. It will not let those communities down and will continue to work hard. I say to the communities of Western Sydney and Greater Western Sydney: the Government will build and provide services for those electorates whether or not the members are government members. Where those opposite failed, this Government will deliver the Blacktown hospital, the M4 and the M5.

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

SOUTHERN SYDNEY INFRASTRUCTURE

Mr LEE EVANS (Heathcote) (14:36): I address a question to the Premier. Will the Premier explain to the House how the Government is getting on with the job of building infrastructure in southern Sydney, and related matters?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:36): I thank the member for Heathcote for his question. I say to him and all of my colleagues how pleased this Government is to provide vital infrastructure. This is the party of the worker and the Liberal-Nationals Government is the only government to deliver the infrastructure communities need. For years and years members heard from those opposite, but they failed to deliver. Over the next four years this Government will make a record investment of \$73 billion into the State. The Government has proudly delivered that through hard work. This Government inherited a basket case of an economy, no jobs creation and a \$30 billion infrastructure backlog, but it is delivering for today and future generations. Due to the good work of the roads Minister the Government is now turbocharging construction of the F6. Members have been vocal advocates for construction of the F6 in their communities of southern Sydney and the shire.

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

Ms GLADYS BEREJIKLIAN: The members for Rockdale and Kogarah are happy because their electorates will benefit. This Government is delivering what those opposite failed to do. It is appropriate to thank all of our relevant members of Parliament for their strong advocacy. In alphabetical order I thank the member for Cronulla, the member for Heathcote, the member for Holsworthy, the member for Miranda and the member for Oatley for their support. Deep down the member for Rockdale is thanking us on behalf of his community. He has a smile on his face and with good reason.

Today we announced details about stage one of the F6, which will be a four-kilometre tunnel from the new M5 junction at Arncliffe to President Avenue at Kogarah. We know how much this means to the local community. The tunnel will reduce traffic congestion along the Princes Highway through Arncliffe, Banksia and Rockdale. Most importantly, stage one of the F6 will mean that commuters travelling through the electorates of all the members I have mentioned will bypass 23 sets of traffic lights. The F6 is only one major infrastructure project we are building to change Greater Sydney. I am thrilled that we have been able to do that. This is in stark contrast to those opposite. In all the time I have been in this place I have not seen them deliver an infrastructure project. Since we have been in office I have not heard them articulate their support for a single infrastructure project.

Unfortunately, it is not only the Leader of the Opposition and his frontbenchers who do not know what is going on with infrastructure in their communities. I cannot see the member for Shellharbour; she might be away today. In September she asked me a question about whether land had been acquired down south to build a \$2.9 million care and community centre to cater for ageing people with an intellectual disability. It is an important project. She asked, "If so, what will be the street address of this facility? What services will be offered? Will this facility be publicly run? When is the construction of this facility expected to commence and conclude?" I was asked those questions on 12 September this year. The facility was opened on 9 February 2016. Not only do they not have any plans for infrastructure in this State; when a project is built and opened under their noses they still do not know about it. *[Extension of time]*

I refer the member for Shellharbour and her colleagues to the IRT Group newsletter about the Hon. John Ajaka officially opening Kemira on 9 February 2016. Gareth Ward was in attendance. I congratulate Gareth on appearing in the newsletter.

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

Ms GLADYS BEREJIKLIAN: It is one thing to not have any policy on infrastructure or to not support a single project that we deliver, but for members opposite to not know what is happening in their own communities is inexcusable and shows they are incompetent. I am pleased with the progress we are making on infrastructure. We are talking about large infrastructure projects above \$10 million. We have 498 projects on the go in rural and regional communities, Greater Western Sydney, southern Sydney and across the State. That does not include

minor projects below \$10 million. This Government cares deeply about delivering for future generations and about making sure that every community receives the infrastructure it needs. For too long we had to put up with the incompetence of those opposite. We will continue to build and deliver, and we will ensure that every community receives the infrastructure and services it needs. That is what good Liberals and Nationals do.

STATE BY-ELECTIONS

Mr MICHAEL DALEY (Maroubra) (14:43): My question is directed to the Deputy Premier, and Leader of The Nationals. Instead of blaming the massive by-election swings on the Federal Government and the constant bitter fighting within the Liberal Party and its leadership, why does the Deputy Premier not take responsibility for his Government and his party's failings?

Mr JOHN BARILARO (Monaro—Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business) (14:44): I cannot believe that question. In politics that is normally called a dixer. It has given me an opportunity to speak about the weekend's by-election results. Steph Cooke and Austin Evans are in the gallery. Those fantastic candidates will be fantastic members for two important electorates in regional New South Wales. I take on board the message from the by-elections at the weekend. I accept there are outstanding issues, but some of them are legacy issues that we inherited from members opposite, such as the red gums.

[Interruption]

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

Mr JOHN BARILARO: I will get to dirty deals. Austin Evans showed up Labor and the dirty deal that Nathan Rees did for preferences with The Greens to turn a red gum forest into a national park. Members opposite did not just destroy an industry; they destroyed a community.

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

Mr JOHN BARILARO: They destroyed people's lives and livelihoods off the back of a dirty deal in 2010.

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

Mr JOHN BARILARO: The Opposition should have learnt from that.

The SPEAKER: Order! I call the member for Port Stephens to order for the first time. Members will cease interjecting.

Mr JOHN BARILARO: At the weekend's by-election the Labor Party did another dirty deal with the shooters, fishers and failures. That is their right name—the shooters, fishers and failures. They ran third in Cootamundra. Even Labor, which went backwards in its vote, beat the Cootamundra candidate for that party. It was a rejection of three policies.

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

Mr JOHN BARILARO: It was a rejection of the Shooters party. We do not want to see semiautomatic guns back on the streets. We do not want to see 10-year-olds with guns. It was a rejection of the Labor Party's dirty deals and the preference deal of the Leader of the Opposition. I know many members opposite feel uncomfortable with it. Many Labor volunteers on the booths did not understand the preference deal that Luke Foley had made. When the public pulled their support away from the Labor Party, shock jock Ray Hadley, who backed in Phil Donato in Orange, said on Thursday last week that because of the Shooters party's extreme policy that would put guns in the hands of 10-year-olds he had to withdraw his support. We dodged a bullet with Helen Dalton, who showed her colours when she was talking to me and others. I am glad we do not have Helen Dalton in The Nationals. Why? Because we have Austin Evans.

There will be no greater champion for the people of Murray than Austin Evans. He is a water expert and water engineer who will work with the Government to deliver the right water balance in the Murray-Darling Basin Plan. Austin Evans will deliver resources to people in the red gum industry so that they can have a livelihood. More importantly, it will bring life back to their community. When Steph Cooke put the focus on Mr Stadtmiller in the Cootamundra electorate, it was clear that the voters were not buying what he was offering.

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

Mr JOHN BARILARO: They saw a candidate who had extreme views. In some cases they were more extreme than the views of the Leader of the Shooters, Fishers and Farmers Party. He said he would shoot elephants and eat them. He wants semiautomatic guns back on the streets. The Shooters party wants to repeal the Howard

guns law and give guns to 10-year-olds. The public saw through that and the preference deals of those opposite. I will have more to say about this later, but the key to winning both seats was this: Labor voters rejected the preference deal of the Leader of the Opposition with the Shooters party. We can look at the exhaustion rates of those preferences. The Labor voters of New South Wales must hold Luke Foley to account.

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

STATE BY-ELECTIONS

Mr DARYL MAGUIRE (Wagga Wagga) (14:49): My question is addressed to the Deputy Premier. How is the Liberal-Nationals Government delivering for the Riverina and southern New South Wales?

Mr JOHN BARILARO (Monaro—Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business) (14:49): I did not expect another question so quickly and I am caught by surprise. I thank the member for Wagga Wagga for his work in the Riverina supporting our candidates in the southern part of the State, Austin Evans and Steph Cooke. Neville Wran introduced preferential voting in this State and thought it would divide the Coalition, but it has strengthened it. There is no stronger Liberal-Nationals Coalition in this country than the one which the Premier and I lead.

The best thing we can do for the people of southern New South Wales and the Riverina is to make sure that Austin Evans and Steph Cooke have a voice not only in Parliament but also in government and have access to the Premier, the Deputy Premier and, most importantly, the Treasurer. I say to both of those candidates, who are now members-elect, that when they look at the results from their hometowns on the weekend they will see they have backed them in. In Coleambally, Austin Evans won 344 first preference votes out of 453. In Temora, significant numbers got behind Steph Cooke, who received in excess of 1,100 first preference votes from her hometown. The votes in Helen Dalton's hometown of Leeton were against her. I think the shooters, fishers and failures forgot to do the research on their candidate.

In this year's budget the Government announced a range of policies and opportunities for regional New South Wales, but to be able to deliver we need to be at the government table. We need to have the chequebook and a direct line to the Treasurer of this State. Austin and Steph will have that. I accept that some outstanding issues need to be resolved in their electorates. There is always a protest vote against the government of the day, especially when it has been in office for a long time. Members opposite can try to spin it their way and say that a swing against the Government is a positive step for them, but they forget that when they were in government the member for Ryde was elected with a swing of about 25.7 per cent in a by-election. The member for Penrith was elected in a by-election and so was the member for Port Macquarie, with a swing of 25 per cent against those opposite.

The SPEAKER: Order! I call the member for Cessnock to order for the third time. This is his last warning.

Mr JOHN BARILARO: We sometimes see historical swings against governments of the day. Sometimes the issues are more macro than the things that are relevant to those communities.

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

Mr JOHN BARILARO: I accept that there are some outstanding issues that need to be addressed in those electorates, and we will work on them every day. On Sunday at the Cowra Show it was great to see Steph Cooke being a great local member straightaway. I saw Austin Evans in the street talking to his community and thanking them for their support. He is not sitting on his hands. He is making sure that we deliver on what we promised—that is, the Griffith Hospital and the Griffith bypass and delivering to communities across his electorate. Our track record over seven years is delivering for the people of regional New South Wales.

We should not hide the dirty preference deal of those opposite. We should keep talking about it. We should look at the exhaustion rate, especially in the electorate of Murray, where close to 60 per cent of Labor voters rejected the Leader of the Opposition's preference deal with the Shooters, Fishers and Farmers Party. That is a poor reflection on the Leader of the Opposition and, most importantly, the spineless members of the Labor Party who will not stand up against him on this deal.

The SPEAKER: Order! The member for Maitland and the member for Rockdale will come to order.

Mr JOHN BARILARO: When the focus was put back on the Shooters party's extreme views on guns, the electorate saw through the spin. They were concerned about their protest vote. We were going to attract a protest vote, but when we put the focus back on the Shooters party's policy it was clear that they were rejected.
[Extension of time]

It was terrifying that again the Shooters and Labor ran a "put The Nats last" campaign, which gave me an opportunity to meet Jim Saleam in June. Members opposite were happier for their preferences to go to a Nazi sympathiser and convicted criminal rather than a member of The Nationals. That shows once again that they will sell their souls for politics. They put politics ahead of public safety and ahead of what is best for our communities. Members opposite should reflect on their deal with the Shooters party. The good news is the Shooters were rejected outright. Their extremist views were seen—and that is the end of the Shooters. Their challenge will be Pauline Hanson, and if I were the member for Orange I would be worried. We have our sights on him. We are going to fight for Orange. We are going to bring Orange back to The Nationals' tent.

Ms Jenny Aitchison: Point of order: It is under Standing Order 73. Is the Deputy Premier going to accept their votes in the other place? Is he going to take the Shooters' votes?

The SPEAKER: Order! There is no point of order. I remind the member for Maitland that she is on three calls to order.

Mr JOHN BARILARO: They are sensitive about it because they do not agree with the Leader of the Opposition and, my goodness, we are getting to November—the killing season. Will the Leader of the Opposition survive Christmas? That is the question and that was the conversation many Labor members were having in the streets of Cootamundra and Murray. Today members opposite have the opportunity to reject the leadership of the Labor Party.

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

LOCAL GOVERNMENT AMALGAMATIONS

Mr GREG WARREN (Campbelltown) (14:56): My question is directed to the Deputy Premier. Given that the swing against the Government in Gundagai exceeded 43 per cent, will he give the people of Gundagai, Cootamundra, Bombala, Cooma, Snowy River, Tumbarumba and Tumut plebiscites to reverse the forced council mergers that he inflicted on them?

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

Mr JOHN BARILARO (Monaro—Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business) (14:57): My question is: Did the Leader of the Opposition turn up at Gundagai last weekend? I did. I was at the booth at Gundagai.

The SPEAKER: Order! The member for Bankstown is on her last warning. I call the member for Blue Mountains to order for the first time. Members will come to order.

Mr JOHN BARILARO: Those opposite did not dare turn up at those communities where tough conversations are needed. I sat at a booth for a little while and spoke to John Knight, whom I had met earlier this year in relation to council amalgamations. At that time John Knight asked the Government to do something about the administrator, and it responded. He also asked for the Government to do something about the general manager, and it responded. As I have said in the past, the worst thing we can do for regional communities is to bring greater uncertainty. To demerge councils now, after the elections—

Mr Greg Warren: Point of order—

The SPEAKER: The Deputy Premier remains relevant to the question, although he may not be answering it specifically. Does the member have another point of order?

Mr Greg Warren: I do. My point of order is taken under Standing Order 73. We do not want to hear about the Deputy Premier's pretend mates in the bush.

The SPEAKER: Order! The member for Campbelltown will resume his seat. His point of order has nothing to do with the standing orders.

Mr JOHN BARILARO: Order! The member for Campbelltown does not even care. He asked me a question about local government and Gundagai and I am answering it. Those communities have now gone to a local government election and democracy has been restored. They are up and running and we are putting tens of millions of dollars into those communities to make sure that we deliver on what we promised—that is, positive outcomes for the merged councils. Unlike members opposite, we do not want to create more uncertainty for those communities or council staff. We have said that there will be no more mergers and we will continue to work with local government. I will tell the House a little story about last weekend's by-election at Gundagai. Volunteers from both the Shooters, Fishers and Farmers Party and the Labor Party, including a Labor member of Parliament, acted aggressively towards a young female volunteer who was handing out "Vote 1 only" cards. In fact, the young female volunteer was so distressed that an electoral officer made her rest in a car for about 30 minutes.

The SPEAKER: Order! The member for Swansea and the member for Maitland will come to order. This is not funny.

Mr JOHN BARILARO: I will name that Labor member of Parliament, but not today. We will be putting in an official complaint. The young woman was distressed because of that bullying, predominately by Shooters, Fishers and Farmers Party volunteers but also by Labor Party volunteers, including a Labor member of Parliament. But what is more distressing—and really shows that Labor will sell its soul—is that the Labor member of Parliament—

The SPEAKER: Order! I direct the member for Kogarah to remove himself from the Chamber for a period of three hours.

[Pursuant to sessional order the member for Kogarah left the Chamber at 15:01.]

Mr JOHN BARILARO: When the young woman, who had given up her time to be part of the great democracy that we should be protecting in this nation, returned to the polling booth to continue on as a volunteer she was approached by that Labor member of Parliament, who apologised and said, "I had to do it because everyone was watching."

Mr Greg Warren: Point of order: My point of order relates to Standing Order 129, relevance. The question specifically related to a plebiscite for those communities.

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

Mr JOHN BARILARO: I have answered the question in relation to local government. We are investing in local government. Elections have been held and we are delivering for those communities, including the people of Gundagai with the recent announcement of a \$10 million grant for water infrastructure. This Government is focused on delivering for regional New South Wales; those opposite keep playing politics.

SPRING RACING CARNIVAL

Mr BRUCE NOTLEY-SMITH (Coogee) (15:02): My question is addressed to the Minister for Racing. How is the Government supporting the racing industry and its associated economic and jobs benefits?

The SPEAKER: Order! Members will cease making little horsey noises.

Mr PAUL TOOLE (Bathurst—Minister for Lands and Forestry, and Minister for Racing) (15:02): I thank the member for his question and his interest in thoroughbred racing in this State, especially at Royal Randwick Racecourse.

The SPEAKER: Order! Government members will come to order. I remind members that some of them are on three calls to order.

Mr PAUL TOOLE: What a day last Saturday was. We saw the election of the new members for the electorates of Cootamundra and Murray, who are in the gallery today. I welcome them and I look forward to seeing them soon making contributions in this House on behalf of their communities. Saturday was also a great day with the running of the Everest 2017. Indeed, the headline in today's *Daily Telegraph* got it right: "Sydney's set to be queen of the turf". The first Everest was one of the most successful race meetings ever held at Royal Randwick Racecourse—at \$10 million, it is the richest race on turf in the world. Racing NSW and the Australian Turf Club did a fantastic job, and Redzel came home to claim the spectacular Everest trophy, but the real winner was the New South Wales economy.

It is estimated that this great race delivered a \$100 million boost to the State's economy. The amazing success of the Everest is a tribute to Peter V'landys and his team at Racing NSW, and the Australian Turf Club. No doubt, next year an even bigger and better event will be staged. Pleasingly, the Government has asked Destination NSW to work with airlines and tour operators to attract even more interstate and overseas visitors next year. We will also run a campaign in Melbourne to remind them that Sydney is now the capital of the most exciting spring racing carnival in the Southern Hemisphere.

With more than 33,000 spectators, the crowd at Royal Randwick Racecourse was the biggest this century. Betting on the race well exceeded expectations. The eyes of the world were on Sydney, and what a fantastic advertisement it was for New South Wales. The Government has been proud to support racing in this State through its tax parity reforms. It is a great thing that thoroughbred racing enjoys bipartisan support. I acknowledge the comments of support for the Everest by the Leader of the Opposition and the member for Maroubra. Thoroughbred racing is a great unifier. It may be known as the sport of kings but on Saturday there were people from all walks of life—families, young people, seniors, the rich and the not-so-rich all coming together to relax, socialise and have a good time. The build-up was great. There was a real sense of excitement and promotion was everywhere

in the lead-up to the race. The barrier draw was spectacular with the Opera House and Harbour Bridge as the backdrop—this will now be used as part of next year's campaign. There was a real carnival atmosphere all around. Racing NSW was even giving out little packets of cookies made in Byron Bay. No doubt the member for Ballina would have been pleased that her electorate was being supported.

The SPEAKER: Order! The member for Newtown will cease interjecting.

Mr PAUL TOOLE: People who turned up to Royal Randwick on Saturday could also enter for a chance to win \$100,000. What a great way to drum up interest and get people through the turnstiles. But not everyone was happy. I received some correspondence from Mr Justin Field in the other place. He was not happy because the free packets of cookies made in Byron Bay may not have been vegan friendly. Indeed, Mr Field is not happy about much at all. What was he doing at 4.00 p.m. last Saturday when the race was being run? He was probably listening to dolphin music. The Melbourne Cup is approaching. Whilst Sydney is clearly the superior racing city, it is great that so many people take time out to watch the race—for example, hoping their horse will come home in an office sweep. [*Extension of time*]

It is fantastic to see so many pubs and clubs putting on special Melbourne Cup day events. It is great also for the hospitality industry, which the Government is pleased to support. I am looking forward to attending a number of cup day events. What are The Greens planning for Melbourne Cup day? Are they going to run a sweep? Probably not. Are they going to have a beer while the race is on? Probably not.

The SPEAKER: Order! The member for Canterbury is on three calls to order.

Mr PAUL TOOLE: Dr Mehreen Faruqi in the other House is going to stage an event at Parliament House. It is not clear from The Greens' Facebook page exactly what they will be doing. We know they are not fans of racing. In fact, they oppose the Melbourne Cup. It says on their Facebook page, "Nup to the Cup!" They even oppose racing here. Parliament House probably is not big enough for those Greens who oppose racing, the basket weavers, who will be here on the day. I have a message for those finger waggors who look down upon everyone else in this State: they are nothing more than ex-city slickers who want to dictate to the rest of us. The racing industry provides so much employment and enjoyment and it is an economic boost for this State. The New South Wales Government is proud to support the thoroughbred racing industry. May the 2018 Everest be bigger and better than the first Everest race.

Visitors

VISITORS

The SPEAKER: I welcome to the Parliament a former Minister for the Environment, the Hon. Pam Allan. She was a fantastic Minister and now is working for communities, especially in my area.

Question Time

STATE BY-ELECTIONS

Ms KATE WASHINGTON (Port Stephens) (15:10): My question is to the Premier. Having presided over the massive swings against the Government in the electorates of Manly, North Shore, Gosford, Murray and Cootamundra, does the Premier really think an advertising campaign promoting the "real Gladys" is the answer?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (15:10): We are coming after Port Stephens in the next election. That community deserves real representation.

The SPEAKER: Order! The member for Port Stephens has asked the question and she will listen to the answer. I call the member for Swansea to order for the first time. The member for Swansea's behaviour is unparliamentary. I direct the Deputy Serjeant-at-Arms to remove the member for Swansea from the Chamber under Standing Order 249. The member may return to the Chamber tomorrow.

[*The member for Swansea left the Chamber at 15:11 accompanied by the Deputy Serjeant-at-Arms.*]

Ms GLADYS BEREJIKLIAN: I am not sure what part of my comments caused offence to the member for Swansea. All I said was that we are going to win back Port Stephens and that the community deserves the representation and efforts of the Liberal-Nationals Government.

The SPEAKER: Order! I warn the member for Maitland and the member for Port Stephens for the final time. The Premier has the call.

Ms GLADYS BEREJIKLIAN: The member for Port Stephens should not have asked that question because her representatives on local council did not do well at the last election. In fact, I am pleased to say that many good community workers whom we know on this side of the House did extremely well in those elections.

The SPEAKER: Order! I warn the member for Cessnock for the final time.

Ms GLADYS BEREJIKLIAN: I stress that when I was elected to this place I won by 144 votes. The lesson I learnt was to be humble and to work hard, and that is exactly what I will continue to do.

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

Ms GLADYS BEREJIKLIAN: When my colleagues and I visit Port Stephens, the things that local residents talk to us about are not what the member for Port Stephens asks about in this place.

The SPEAKER: Order! The member for Port Stephens has had her final warning. The member will cease interjecting.

Ms GLADYS BEREJIKLIAN: They talk to us about issues impacting their community, such as bus services and other issues impacting regional communities. Far be it from me to provide the member for Port Stephens with advice, but if I were her I would keep my head down. We are coming after her. We are going to bring that seat back into fold of the Liberal-Nationals. We are the party for the workers and the locals, and we are the party for regional and rural New South Wales.

HIGHER SCHOOL CERTIFICATE

Mr THOMAS GEORGE (Lismore) (15:14): My question is addressed to the Minister for Education. How is the Government supporting students undertaking the Higher School Certificate examination?

The SPEAKER: Order! The Minister for Education has the call. Surely Opposition members will not interject during this answer on an important topic.

Mr ROB STOKES (Pittwater—Minister for Education) (15:14): I thank the member for Lismore for his question. This is the second question I have been asked by the member in as many weeks. This question is of real importance at the moment because yesterday, across the State, more than 60,000 New South Wales students sat their first exam.

The SPEAKER: Order! Member for Fairfield, do not be an idiot. The member does not have to emulate the behaviour of those around him. The member for Fairfield will come to order and will cease making silly interjections.

Mr David Elliott: Cameron Diaz.

Mr Guy Zangari: Lose some weight, you grub.

The SPEAKER: Order! I did not hear the comment. Whoever made the imputation will refrain from making such comments.

Mr Guy Zangari: I will explain it later.

The SPEAKER: Order! If I invite the member to explain it to me he can make an appointment. The Minister for Corrections will come to order. Members will cease interjecting, particularly during such an important answer. The member for Lakemba will come to order. The Minister has the call.

Mr ROB STOKES: I checked my body mass index the other day and I have to be careful as well. That is an encouragement to all members that we should look after our health. Yesterday was the first day of the Higher School Certificate [HSC]. More than 60,000 sat the first exam, which has traditionally been the English exam. Over the next 3½ weeks until 7 November more than 77,000 students will sit for portions or the whole of the HSC. Approximately 77,000 students will hope to receive a HSC this year. For the interest of the House, the youngest person sitting for a HSC subject is 11 years old. The 11-year-old is one of six students aged 14 years and under who are studying HSC subjects. There is one 12-year-old, one 13-year-old, and three 14-year-olds. On the other end of the spectrum, the oldest student is a 50-year-old man. This is such an encouraging story.

The SPEAKER: Order! Members who are not interested in the answer can leave the Chamber.

Mr ROB STOKES: This story is a cracker. The oldest student is a 50-year-old man who is studying the full 10 units of the HSC at Bankstown Senior College. He is a humanitarian refugee from Iraq.

The SPEAKER: Order! Members will cease interjecting. Members should not be so sensitive; I was referring to the member for Rockdale.

Mr ROB STOKES: He came to Australia in 2012. He has been supported and made to feel welcome by the inspiring learning environment that he is a part of. At 50, he is the oldest student undertaking the full 10 units of the HSC. Previously he was a doctor in Iraq, and he wants to study medicine again. He is an amazing inspiration and demonstrates that education is a lifelong journey. It does not matter how young or old we are, we

should continue to learn. The moment we stop learning is the moment we stop growing and the moment we stop growing is the moment we start to disappear. I am sure that all members will join with me in wishing all students the very best. As I have noted that members across the Chamber, to their credit, have been doing in their local publications, I wish all students in our local communities the very best and remind them that the HSC is just one of many pathways to success. It is important that students focus on their mental health and on getting regular sleep and doing regular exercise.

We also recognise that the HSC is very much a family journey, that there are many parents supporting young people doing the HSC and many siblings supporting their brothers and sisters. It is a real family experience. I understand that some members of this House have children sitting for the HSC this year: the Minister for Roads, Maritime and Freight; the member for Epping; the member for Drummoyne; the member for Blue Mountains; the member for Charlestown—and the list goes on. In this House we also have a number of inspiring former teachers who have—sadly, in many ways—chosen a career in politics. It is great to see on both sides of the House so many great teachers who are choosing to serve their community again in this place. *[Extension of time]*

A little known fact about the Minister for Health is that in a former life he was a science teacher.

The SPEAKER: Order! The member for Maroubra will resume his seat.

Mr ROB STOKES: It occurs to me now that many of the doctors working in our hospitals would have been first exposed to anatomy by the member for Wakehurst. I think that is something we can all be encouraged by.

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

Mr ROB STOKES: I have some Higher School Certificates of members of this place. I see the member for Cessnock smiling. His certificate for 1988 was not bad; 1989, not so good, 1990, not so good at all. The member for Liverpool did extremely well in 2 unit Russian; he will make a wonderful Minister for re-education one day. Just to be clear, when he said he wanted to set up a Labor camp, he was not talking about a campfire and going fishing. All jokes aside, we wish all the young people across the State who are sitting for their HSC the very best of luck.

STATE BY-ELECTIONS

Ms PRUE CAR (Londonderry) (15:22): My question is directed to the Premier. Given the Premier's visit to the Finley pie shop resulted in a 25 per cent swing against the Government in that town, will the Premier please visit pie shops in Penrith, Riverstone, Seven Hills, Heathcote, Holsworthy and, of course, Mulgoa?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (15:22): I love being encouraged to visit every community.

The SPEAKER: Order! The member for Maroubra will resume his seat.

Ms GLADYS BEREJIKLIAN: I want to say a few things to the member for Londonderry. First, does she know where Finley is and has she been there?

The SPEAKER: Order! Members will come to order. The Minister has the call.

Ms GLADYS BEREJIKLIAN: My second question to the member for Londonderry is: Has she checked whether the Leader of the Opposition has been to Finley? It is a privilege and with a sense of pride that I visit each and every community across this State, whether it is Finley or Londonderry. Those opposite did not like it but a few weeks ago a few very hardworking Liberal members set up some street stalls in Londonderry, and the feedback from the constituents there was very interesting.

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

Ms GLADYS BEREJIKLIAN: I will visit Londonderry however many times it takes. We will bring them back to the fold as well; we will win that one back too. I say to those opposite that question time is a chance for them to raise issues that matter to their community. It is very sad to note that after 16 years of bad government and now after six years in opposition those opposite do not understand what the community wants to hear from them. The community wants to know about infrastructure and services, and they want to know what makes those opposite tick, what those opposite stand for. I say in all seriousness to the sensible members of the Opposition: Do not let your leader take you down a path of supporting dangerous public policy. Do not let your leader tell you it is okay for 10-year-olds to have guns.

The SPEAKER: Order! The member for Maitland will refrain from calling out.

Ms GLADYS BEREJIKLIAN: I say to those opposite: Do not let your leader tell you it is okay to water down this nation's strong gun laws. We do not support the Americanisation of gun laws, and those opposite need to tell the Leader of the Opposition that they do not support them either. I know that deep down many Opposition members are worried about where the Leader of the Opposition is taking them. I ask the member for Blue Mountains, the member for Granville and the member for Summer Hill what their communities think about the Shooters' policy? The feedback we have received is telling. Not only is it important to lead by example but also it is important to say what one stands for. What those opposite stand for is political opportunism. What we stand for is principle and we will hold our heads up high in what we believe in.

Not only will we tell the community what we stand for day in and day out but also we will deliver for them. We are the party of the workers. We are the party for infrastructure and services, and we are the party that protects public safety. I thank the member for Londonderry for giving me this unique opportunity to question those opposite and tell them that if they are worried about public safety and giving 10-year-olds guns, they need to make that known to the Leader of the Opposition.

The SPEAKER: Order! The member for Maitland is on her final warning, as are several other Opposition members.

Ms GLADYS BEREJIKLIAN: The by-elections have inspired me to visit each and every community 10 times over.

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

Ms GLADYS BEREJIKLIAN: We will be everywhere, because the Libs and Nats are committed to the community in every corner of New South Wales. Those opposite should stand up for what they believe in. At the moment they stand for nothing except bad public policy.

PUBLIC TRANSPORT SERVICES

Ms MELANIE GIBBONS (Holsworthy) (15:28): My question is addressed to the Minister for Transport and Infrastructure. Will the Minister update the House on improvements to train timetables and how the Government is delivering for New South Wales households?

The SPEAKER: Order! The member for Blue Mountains will cease interjecting.

Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (15:28): It is great to be able to say in the House that since we have come to Government the Liberals and The Nationals have delivered the biggest public transport uplift in the State's history, with commuters across the State benefiting from an additional 27,000 weekly public transport services.

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

Mr ANDREW CONSTANCE: No matter where you live, this Government is making sure you have quick, reliable and safe transport. The overhaul of the timetable, which will kick off on 26 November, will give customers more frequent services than ever before. Importantly, we will improve connections between trains, buses and ferries which will make travelling around Sydney the easiest it has ever been. Overall, train customers are going to get an additional 1,500 weekly train services, bus customers are going to get an additional 7,000 services, and ferry customers are going to get an extra 140 weekly services.

It also means that 70 per cent of our entire train network will now have a train service at least every 15 minutes and as regularly as every three minutes in some places. That means more trains for Londonderry, Mount Druitt, Blacktown, Prospect, Campbelltown, Macquarie Fields, Liverpool, Cabramatta, Fairfield, Penrith, and Mulgoa, and the list goes on. The member for Blue Mountains should not worry; she is not going to suffer 40-year-old trains for much longer because the Government is going to upgrade that service to the twenty-first century.

The SPEAKER: Order! The member for Blue Mountains will cease interjecting.

Mr ANDREW CONSTANCE: There will also be more buses for the northern beaches, the eastern suburbs, the inner west, the lower North Shore, the northern suburbs and the Macarthur and The Hills districts. I am particularly excited for the member for Manly, the Minister for Health and the Minister for Education because next month they will be able to jump on the B-Line; they love it. This Government is committed to strong financial management which not only has enabled us to deliver a \$73 billion infrastructure program but also has allowed us to put \$1.5 billion into delivering more trains and more services to improve the daily commute.

While the Premier and I were busily committing to this once-in-a-generation uplift in public transport services, what was the Leader of the Opposition up to? On Sunday, the Leader of the Opposition was promising

to shut down the Sydney Harbour Bridge to run horses—Captain Francis de Groot, racing across the bridge on his pony. He has worked out how to get around the drink-driving laws; he is no longer drink-driving, he is drink riding. He must have had a skinful when he came up with this idea.

Ms Jodi McKay: Point of order—

Mr David Elliott: Don't get stuck—

Ms Jodi McKay: The Minister for Counter Terrorism is out of line today. He is a bully and a buffoon.

The SPEAKER: Order! If the member for Strathfield continues, I will not hear her point of order.

Ms Jodi McKay: The Minister is being offensive to everyone.

The SPEAKER: Order! What is the member's point of order?

Ms Jodi McKay: My point of order is under Standing Order 129. The question was quite specific. It did not have "and related matters" attached to it. It was specifically about train timetables.

The SPEAKER: Order! The Minister has been relevant to the question from the beginning of his answer. There is no point of order.

Mr ANDREW CONSTANCE: When the member for Strathfield takes a point of order, she knows she will be on the Parliament House camera and she shows confected anger. It is just ridiculous. I do have some news for the House.

The SPEAKER: Order! The member for Maroubra will resume his seat.

Mr ANDREW CONSTANCE: I am pleased to report to the House that we finally have a Labor Party member who is excited about public transport and it is somebody unexpected—it is Crackers.

Ms Jodi McKay: Point of order—

The SPEAKER: Order! The Minister will refer to members by their correct title.

Mr ANDREW CONSTANCE: Yesterday I was in Newcastle opening the fantastic new \$200 million Newcastle interchange. It looks awesome. It is the new gateway to Newcastle. I stood next to the mayor but it seems that Crackers was jealous.

The SPEAKER: Order! The member for Newcastle will cease interjecting or he will be removed from the Chamber.

Mr ANDREW CONSTANCE: Instead of congratulating the Government, Crackers got on Facebook.
[Extension of time]

The SPEAKER: Order! If the member for Newcastle continues to interject I will extend the Minister's time.

Mr ANDREW CONSTANCE: I opened the interchange and it was great to have the mayor present. It is a fantastic transport interchange for Newcastle.

The SPEAKER: Order! The Minister has an extension of time of three minutes.

Mr Clayton Barr: Point of order: My point of order relates to the Minister referring to members by their correct title. Madam Speaker, you have already made a ruling.

The SPEAKER: Order! I directed the Minister to refer to members by their correct title.

Mr Clayton Barr: The Minister again has used the incorrect title and he continues to do so.

The SPEAKER: Order! The Minister may continue.

Mr ANDREW CONSTANCE: I apologise to Crackers for saying that.

Mr Clayton Barr: Point of order—

The SPEAKER: Order! The member for Cessnock will resume his seat. The Minister will refer to members by their correct title.

Mr ANDREW CONSTANCE: I apologise for calling him "Crackers". The member for Newcastle wrote on Facebook, "You might want to ask the Government where my invitation was". I have a message for him: If he cans a project for three years, why would I invite him? I will invite him to the opening of light rail if he starts to say some nice things about the project. I did not want to have to stand there with him and Nuatali all day.

I missed him yesterday in Newcastle. I apologise to Crackers but if he says something nice about light rail, I will invite him to the opening.

The SPEAKER: Order! I again ask the Minister to refer to members by their correct title. The Minister has concluded his answer.

Committees

LEGISLATION REVIEW COMMITTEE

Report: Legislation Review Digest No. 45/56

Mr MICHAEL JOHNSEN: As Chair, I table the report of the Legislation Review Committee entitled "Legislation Review Digest No. 45/56", dated 17 October 2017. I move:

That the report be printed.

Motion agreed to.

Mr MICHAEL JOHNSEN: I also table the minutes of the committee meeting regarding Legislation Review Digest No. 44/56, dated 10 October 2017.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

Mr ANTHONY ROBERTS: I move:

That standing and sessional orders be suspended at this sitting to permit the House to sit past 10.00 p.m.

Motion agreed to.

Petitions

PETITIONS RECEIVED

The DEPUTY CLERK: I announce that the following petitions signed by fewer than 500 persons have been lodged for presentation:

Pet Shops

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

Fernhill Estate Cemetery, Mulgoa

Petition opposing the development of a cemetery at Fernhill Estate, Mulgoa, received from **Ms Tanya Davies**.

The DEPUTY CLERK: I announce that the following petitions signed by more than 500 persons have been lodged for presentation:

Slaughterhouse Monitoring

Petition requesting mandatory closed-circuit television for all New South Wales slaughterhouses, received from **Mr Alex Greenwich**.

Sussex Inlet Community Church

Petition requesting an investigation into the sale of the Sussex Inlet Community Church and calling for protection of community land used by churches, received from **Mrs Shelley Hancock**.

Alstonville Police Station

Petition requesting full-time police officers be appointed to Alstonville police station, received from **Ms Tamara Smith**.

RESPONSES TO PETITIONS

The DEPUTY CLERK: I announce that the following Minister has lodged a response to a petition signed by more than 500 persons:

The Hon. Pru Goward—Out-of-home Care Allowance—lodged 13 September 2017 (Mr Tim Crakanthorp).

*Motions Accorded Priority***LABOR PARTY BY-ELECTION PREFERENCES****Consideration**

Mr KEVIN HUMPHRIES (Barwon) (15:38): This motion should be accorded priority in order to remind the Labor Party of two very important milestones. The first is that in 2011 the Labor Party suffered the greatest defeat of any Labor Party this State has ever known. The Labor Party was reduced to 19 seats in this House. Historically, the Labor Party was thumped for three reasons. The first was that Labor Party members were dishonest with the communities they purported to represent; secondly, they were deceitful in being more about personal gain than supporting the people of New South Wales; and, thirdly, they were hypocritical. The people of New South Wales who traditionally supported the Labor Party did not walk away from the parliamentary party; the parliamentary Labor Party walked away from them. That was acknowledged by its leaders at the time. Some Labor members who evacuated from this place have ended up in incarceration because of their mismanagement and misbehaviour.

The second reason this priority motion should be supported is it is the first time in more than a decade in this place and in New South Wales that a Centre Left party has walked away from its traditional base and supported an extreme Right policy, with public safety ramifications. In the lead-up to the 2011 election the public of New South Wales were reminded of Labor's deceit, dishonesty and hypocrisy. The Labor Party walked away from the people whom it was supposed to represent because it was inconsistent, dishonest and deceitful. Now Labor is doing it again. They are Labor's two great milestones. The Leader of the Opposition should hang his head in shame. Not once did Labor members congratulate or support the member for Orange, who has left the House because he is embarrassed. He knows that he has been used and abused. He has been spat out by the Labor Party. The member for Orange is nothing but collateral damage.

The Labor Party did not get the win. It used the member for Orange; Labor members got their grubby little hands all dirty and have left the member to carry the can. The problem for the member for Orange is that he has hitched his wagon to the deceitful, dishonest and hypocritical New South Wales Labor Party. The member for Orange is in trouble; he has nailed his colours to the mast but he might as well be flying the Labor Party flag. We need to debate this issue, and we need to debate it today. [*Time expired.*]

STATE BY-ELECTIONS**Consideration**

Mr MICHAEL DALEY (Maroubra) (15:41): My motion needs to be accorded priority and debated this afternoon because the very few Government members who are sensible want the Labor Party to bring to the attention of the Government—and particularly the Premier and the Deputy Premier, who will not listen—the things that are making the Coalition Government unravel. But before I get to that, I welcome the newly elected member for Blacktown to the Chamber. It is great to see him here. A Government member sought to insult him a moment ago by calling him "Mr 70 per cent". But he is not Mr 70 per cent; by the time the two-party preferred vote is counted, he will be Mr 80 per cent. Of course, Labor has always known Blacktown is a Labor seat, and we are grateful for that. However, a winning margin of 80 per cent means that some Liberal Party voters in the seat of Blacktown voted for Stephen Bali on Saturday.

Government members should be worried about that because those Liberal Party voters who voted Labor on Saturday have delivered a message right between the eyes of this Government on behalf of all the people of Western Sydney. They are sick of the Government's privatisations; they are sick of the Government's sell-offs; they are sick of the Government taking consumers to court to raise electricity prices; and they are sick of the Government's dodgy tolling regime, the dismantling of TAFE, the cheating, the gerrymandering, and the forced council mergers. Judging from the results in Blacktown on Saturday, the member for Penrith, the member for Holsworthy, the member for Seven Hills and the member for Mulgoa should be worried. If Government members hitch their wagon to Gladys Berejiklian and hold a couple of street stalls in areas that are held by the Labor Party, it is all over for them. On Saturday Liberal Party voters voted for the Labor Party.

In Cootamundra and in Murray, National Party voters deserted The Nationals in droves. In Cootamundra, The Nationals had a primary vote swing against them of almost 20 per cent—their margin has been cut in half. In the seat of Murray—which was The Nationals' second safest seat, held with a margin of 22.5 per cent—they suffered a 20 per cent swing against them. If those results are replicated at the next election, The Nationals can say goodbye Lismore, goodbye Upper Hunter, goodbye Monaro, goodbye Tweed, and goodbye Myall Lakes, Clarence and Bathurst. It does not matter whether it is the city or the country, the message is the same: This Government is overrated and arrogant; it is a corporate outfit masquerading as a government. They can send the

Premier out for a remake, a retake, a rejig or a restyle; she is still the same old corporate Gladys the banker, and the people of New South Wales have had a gutful of her. [*Time expired.*]

The DEPUTY SPEAKER (Mr Thomas George): The question is that the motion of the member for Barwon be accorded priority.

The House divided.

Ayes47
Noes32
Majority..... 15

AYES

Anderson, Mr K
Barilaro, Mr J
Conolly, Mr K
Crouch, Mr A
Elliott, Mr D
Gibbons, Ms M
Gulaptis, Mr C
Humphries, Mr K
Lee, Dr G
Notley-Smith, Mr B
Pavey, Mrs M
Provest, Mr G
Sidoti, Mr J
Taylor, Mr M
Upton, Ms G
Williams, Mrs L

Aplin, Mr G
Bromhead, Mr S (teller)
Constance, Mr A
Davies, Ms T
Evans, Mr L
Goward, Ms P
Hazzard, Mr B
Johnsen, Mr M
Maguire, Mr D
O'Dea, Mr J
Perrottet, Mr D
Roberts, Mr A
Speakman, Mr M
Toole, Mr P
Ward, Mr G
Wilson, Ms F

Ayres, Mr S
Brookes, Mr G
Coure, Mr M
Dominello, Mr V
Fraser, Mr A
Griffin, Mr J
Henskens, Mr A
Kean, Mr M
Marshall, Mr A
Patterson, Mr C (teller)
Petinos, Ms E
Rowell, Mr J
Stokes, Mr R
Tudehope, Mr D
Williams, Mr R

NOES

Atalla, Mr E (teller)
Chanthivong, Mr A
Daley, Mr M
Doyle, Ms T
Harris, Mr D
Hornery, Ms S
Leong, Ms J
Mehan, Mr D
Parker, Mr J
Smith, Ms T F
Washington, Ms K

Barr, Mr C
Cotsis, Ms S
Dib, Mr J
Finn, Ms J
Harrison, Ms J
Kamper, Mr S
Lynch, Mr P
Mihailuk, Ms T
Piper, Mr G
Tesch, Ms L
Zangari, Mr G

Car, Ms P
Crakanthorp, Mr T
Donato, Mr P
Greenwich, Mr A
Hoenig, Mr R
Lalich, Mr N (teller)
McKay, Ms J
Park, Mr R
Scully, Mr P
Warren, Mr G

PAIRS

Berejiklian, Ms G
Grant, Mr T
Hancock, Mrs S

Foley, Mr L
Haylen, Ms J
McDermott, Dr H

Motion agreed to.

LABOR PARTY BY-ELECTION PREFERENCES

Priority

Mr KEVIN HUMPHRIES (Barwon) (15:52): Before I commence the debate I acknowledge the presence in the Chamber of the new member for Blacktown and his entry into the policy-free zone that is the Opposition. I hope that he will have an impact on policy and seek to represent his electorate in the traditional Labor manner. I welcome the member for Cootamundra, Steph Cooke, and the member for Murray, Austin Evans.

I acknowledge the good work and leadership shown by the Premier and Deputy Premier in the lead-up to and during the recent by-elections. I move:

That this House:

- (1) Condemns the Leader of the Opposition for his hypocritical preference deal to put political opportunity above public safety.
- (2) Calls on responsible members of the Parliamentary Labor Party to take a principled stand and publicly denounce their leader's dirty preference deal.

In 2011 the Labor Party walked away from the people of New South Wales. The Labor Party does not understand country politics and the fact that people in the bush have long memories. Every time a Labor member goes into The Nationals' electorates I welcome it. It reminds the electorate of what the Labor Party failed to do for decades. It reminds the electorate of the good work that the Liberals and The Nationals can do in Coalition and that, historically and factually, all regional and rural communities have done far better under a Coalition Government in New South Wales.

I welcome The Nationals members for Cootamundra and for Murray and highlight the fact that they are in government and have the ear of the Premier, the Deputy Premier and every Minister. They have the ability to impact policy direction. The Coalition has taken this State from the worst-performing State in this country to number one. These new members have the ability to influence resource allocation in regional and rural New South Wales. In government the Liberal-Nationals have overseen the redevelopment of 74 health facilities while Labor achieved just four. The Government is investing billions of dollars in infrastructure.

The DEPUTY SPEAKER: Order! I remind the member for Maitland that she is on three calls to order and has been warned several times.

Mr KEVIN HUMPHRIES: Those opposite are frustrated. Billions of dollars has been allocated to country roads, water schemes, and social and physical infrastructure for regional and rural communities. The motion asks those responsible members opposite to acknowledge that a Centre Left party has moved to an extreme Right position. I say to members opposite: If they want to go down the slippery slope that led to a thumping in 2011, they are going about it the right way. I believe every electorate is a marginal electorate. Every member can work within their party regime for a better outcome for the people of New South Wales, and that work is highly valued.

It is a disgrace that members opposite have articulated support for relaxing gun laws in New South Wales. Those members who disagree do not have the guts to stand up to the Labor Party. I ask those opposite—including the member for Maitland—a question that the public will ask in the lead-up to the next election: Do they support the extreme Right view of relaxing gun laws to allow 10-year-olds to obtain and use guns legally? Do they support the relaxation in this State of gun laws that were implemented by a Federal Coalition Government? Do they support the hunting of animals that are threatened or endangered? That is what Labor has said it will do.

Labor has walked away from the member for Orange because the Shooters, Fishers and Farmers Party did not get a result in the by-elections and the Labor primary vote went down. We are back to the days of deceit, dishonesty and hypocrisy. I say to female members opposite: In the Murray electorate The Nationals primary female vote went up 55 per cent and in Cootamundra it was 62 per cent. The women in this State— [*Time expired.*]

Mr CLAYTON BARR (Cessnock) (15:57): It gives me pleasure to speak in opposition to this motion. Readers of *Hansard* should interpret this as chapter three of my explanation of exactly where National Party politics presently stands. I have referred previously to The Nationals as "Libs in tan pants" and some people have taken offence at that. A new description has been suggested, which is to refer to the National Party as, "The dog on the flyblown sheep known as the Liberal Party". While some people might suggest that is not appropriate, I refer to the illogical argument put to us by the member for Barwon, and the extreme positions of the Liberals and The Nationals and his thoughts on those matters.

As to electricity privatisation, in the marriage that is called the Coalition there are two different views and I cannot understand which is accurate or relevant. The view of the Liberals is that privatisation is good for customers and the view of the National Party is that there cannot be privatisation in regional New South Wales. Which view is correct? If privatisation is good for customers, surely they would want it in regional New South Wales. Alternatively, they are saying that privatisation is not good for customers and that is why they will not allow it in regional New South Wales. Only one of those statements can be true.

I also take umbrage at the scare campaign that was leveraged throughout the final weeks leading up to the recent by-elections. Las Vegas was an international tragedy. Fifty-nine people were killed and more than 500 were injured. In fact, I challenge The Nationals to table their receipts and order forms. The Nationals did not have a campaign platform in those by-elections until after the Las Vegas shootings. They then decided to conduct

an enormous scare campaign. If we want to talk about dirty, grubby politics, let us talk about the scaremongering by members in this place who went into the community and leveraged off an international tragedy to create fear. That is what Government members did. I repeat: I am willing to offer an apology if The Nationals can present receipts and order forms in this Chamber that predate the terrible events in Las Vegas. I know they cannot. That is what that party stands for. They should not worry about being in government for 6½ years and campaigning on a positive policy front because after 6½ years the people of New South Wales think they stink, like the dags they are.

It is shameful that The Nationals had nothing positive to say in the electorates. Over the past couple of months I have been campaigning in those electorates and I have heard words such as "arrogance" and "hypocrisy". I have heard that this Government has failed to deliver on the promises it made during 16 years in opposition and that Labor has always done more for its communities. I handed voting slips to people who said they had been members of The Nationals and that they had voted for The Nationals their whole life. As they took a voting form from me, they looked in the eye of The Nationals volunteer who was trying to hand out their form and said, "Never again." People are concerned about the loss of 5,000 public sector jobs in regional New South Wales. That is an annual income to regional New South Wales of \$500 million. The Government has ripped that out—it is gone.

The Government can deliver a little bridge here or an extra something over there, but \$500 million a year every year over eight years in office is \$4 billion in wages that would have been spent at coffee shops, pie shops, bowling clubs, and sporting events, but it has been ripped out because the Government wanted to build the North West Rail Link in Sydney. The Nationals stand for Sydney, not regional New South Wales. If we want to talk about condemning anything, I condemn The Nationals for fearmongering and for the scare campaign they conducted following the terrible tragedy in Las Vegas.

Mr GREG APLIN (Albury) (16:02): I support the motion of the member for Barwon and reject with contempt the insults that were hurled by the member for Cessnock, who proved that when someone does not have an argument, they sink to the lowest depths and insult people. The Liberal-Nationals cannot stand by and allow Labor to play politics with the regions, which has happened far too often in the past few weeks. The people of New South Wales deserve much better. The preference deal we are discussing today was nothing more than a shameless political stunt designed to mislead the people and win votes for the Labor Party, which ultimately would only satisfy unlucky Luke Foley's inner west environmentalist union base. Thankfully, the people of regional New South Wales had their say on the weekend, and The Nationals proudly hold the seats of Murray and of Cootamundra.

This weekend's success means that the people of regional New South Wales have literally dodged a bullet. A Labor and Shooters, Fishers and Farmers Party win would have been a frightening result for this State. The Leader of the Opposition described the views of the Shooters as revealing a disturbing extremism, which aired on the ABC News on 19 April 2013. Yet he continued to forge a preference deal with them. We cannot stand by and watch the hypocrisy of their approach without calling it out, not when the safety and the welfare of the people of New South Wales is at risk. I am sure that many members opposite feel uncomfortable about it too. I asked the member for Granville, the member for Londonderry and the member for Maitland to stand up and say no to the preference deals that the Leader of the Opposition has orchestrated. What about the member for Summer Hill?

Ms Jodi McKay: Why don't you say no to One Nation?

Ms Kate Washington: Do you want to say, "No One Nation"?

Ms Jenny Aitchison: What about One Nation?

Ms Jodi McKay: You won't say anything about One Nation, will you?

Ms Sophie Cotsis: You say no.

Mr GREG APLIN : Listen to their weak protestations; they protest in this Chamber but not outside this place. Do the member for Port Stephens and the member for Canterbury really feel comfortable about having more Shooters in this House? If the Leader of the Opposition had his way there would be Shooters everywhere. The Shooters party wants to repeal gun laws and is calling for guns to be allowed in the hands of 10-year-olds. All the while this Government is getting on with the job of investing now. We have a proud record of delivering for regional New South Wales, which is unlike anything that Labor could ever hope to aspire to.

The Liberal-Nationals have achieved the unthinkable over the past six years they have been in office. We have a budget surplus forecast of \$4.5 billion. We have embarked on the largest infrastructure investment in the State's history. We have built new roads, rail, hospitals and schools, and invested \$6 billion to turbocharge regional New South Wales. We have delivered hospitals, schools, roads and services across this State. Every cent spent on

building every road and upgrading every school or hospital is supporting and protecting our local towns, communities, farms, businesses and families. Those opposite will go down in history as being the first Centre Left party in the history of this State to support a right-wing, pro-gun party— [Time expired.]

Mr PAUL SCULLY (Wollongong) (16:06): Once again, The Nationals are trying to convince people that words speak louder than actions. They tried to do it on the weekend but no-one in regional New South Wales was fooled. They have tried to do it today by coming up with this pathetic motion instead of doing the one thing we have been calling on them for weeks and months to do, and that is to rule out a preference deal with One Nation at the 2019 election. Despite the Premier being asked a direct question on 16 February, she continues to refuse to rule it out. It is a bit rich to have Nationals member after Nationals member—they will not be members if the result of the weekend is repeated in 2019, which it will be—condemning us in the Chamber for a preference deal when they will not rule out the preference deal they desperately want.

We know they desperately want it because their Federal colleagues took it to the last election. Vote one Liberal-Nationals, vote two Christian Democratic Party, vote three Shooters, Fishers and Farmers Party. They were happy to do it then but they are not happy to do it now. This reflects the fact that the current Deputy Premier, the Leader of The Nationals, still believes the Orange by-election result "was a blessing in disguise". The Deputy Premier said:

If we didn't have a by-election and it was a general election, The Nationals today could be seven or eight seats down. The same situation applies: They will lose seats all over the place. The member for Northern Tablelands will be like Tom Hanks in *Castaway*—he will be here by himself in the future. We saw a 15 per cent swing against The Nationals in Murray and a 20 per cent swing against The Nationals in Cootamundra. In a two-party preferred vote in Blacktown the Labor Party ended up with a swing of 80 per cent—80 per cent! I am one of six members who were elected to this place in a by-election and another three are coming. I look forward to them joining us. Each person who has been elected at a by-election knows that since 1998 in New South Wales the typical anti-government swing in by-elections is 10.5 per cent. In Gosford it was a 13 per cent swing, in Manly and North Sydney it was a 20 per cent swing. In Wollongong, Canterbury and Blacktown the Liberal Party did not even have a candidate so there was no swing against it. [Time expired.]

Mr KEVIN HUMPHRIES (Barwon) (16:10): In reply: I thank members who have contributed to this debate. The member for Cessnock reminded the House that Labor, at five minutes to midnight, tried to sell off all the electricity generators, poles and wires and it was only a thumping election defeat in 2011 that brought common sense back to the debate. They would have sold their grandmother. I thank the member for Albury for reminding us of the extreme views held by the Leader of the Labor Party, to which I will refer in a moment. I remind the member for Wollongong that we won far more seats against Labor in by-elections than he can ever dream about. Earlier I referred to a policy-free zone among a number of the candidates who stood on the weekend. The Opposition is now supporting a relaxation of gun laws.

Ms Sophie Cotsis: That's not true.

Mr KEVIN HUMPHRIES: It is linked to public safety. And they want to be in charge of the education system in New South Wales. The Shooters candidate for Murray had no idea and could not even comment on the Labor Party let alone the Shooters party education policy in New South Wales, and members opposite want them to represent rural New South Wales in this House. In his preselection speech in the city of Orange the member for Orange was asked about native vegetation laws and biosecurity. He said, "I'll take it on notice". These people pretend to want to represent constituents in rural New South Wales but they have no idea about policy. They hitch their wagon to the policy-free zone opposite. It is a sad day when the Labor Party has walked away from those people it purports to represent and moved to the far right.

Last week in this Chamber I referred to the Leader of the Opposition as the great white hunter. He is now the Leader of the Centre Left party in this State that supports the hunting of threatened species—and eating them, if we take that to be true. I spend more time keeping some of those people out of my electorate than promoting them. We support responsible gun laws in this State, and it is about time members opposite did as well. If I have a chance I will give the Leader of the Opposition a great white hunter's hat because it is going to stick. We have to remind the people of New South Wales of the Opposition's hypocrisy.

The DEPUTY SPEAKER: Order! I direct the member for Maitland to remove herself from the Chamber for a period of one hour.

[Pursuant to sessional order the member for Maitland left the Chamber at 16:13.]

Mr KEVIN HUMPHRIES: The Leader of the Opposition referred to the Shooters and the preference swap deal with The Greens and said that we are now being controlled by book burners and elephant shooters in this State. Hypocrisy, thy name is Labor. [Time expired.]

The DEPUTY SPEAKER: The question is that the motion as moved by the member for Barwon be agreed to.

The House divided.

Ayes47
 Noes32
 Majority.....15

AYES

Anderson, Mr K
 Barilaro, Mr J
 Brookes, Mr G
 Coure, Mr M
 Elliott, Mr D
 Gibbons, Ms M
 Gulaptis, Mr C
 Humphries, Mr K
 Lee, Dr G
 Notley-Smith, Mr B
 Pavey, Mrs M
 Provest, Mr G
 Sidoti, Mr J
 Taylor, Mr M
 Upton, Ms G
 Williams, Mrs L

Aplin, Mr G
 Berejiklian, Ms G
 Conolly, Mr K
 Crouch, Mr A
 Evans, Mr L
 Goward, Ms P
 Hazzard, Mr B
 Johnsen, Mr M
 Maguire, Mr D
 O'Dea, Mr J
 Perrottet, Mr D
 Roberts, Mr A
 Speakman, Mr M
 Toole, Mr P
 Ward, Mr G
 Wilson, Ms F

Ayres, Mr S
 Bromhead, Mr S (teller)
 Constance, Mr A
 Davies, Ms T
 Fraser, Mr A
 Griffin, Mr J
 Henskens, Mr A
 Kean, Mr M
 Marshall, Mr A
 Patterson, Mr C (teller)
 Petinos, Ms E
 Rowell, Mr J
 Stokes, Mr R
 Tudehope, Mr D
 Williams, Mr R

NOES

Aitchison, Ms J
 Car, Ms P
 Crakanthorp, Mr T
 Donato, Mr P
 Harris, Mr D
 Hornery, Ms S
 Leong, Ms J
 Mehan, Mr D
 Parker, Mr J
 Smith, Ms T F
 Washington, Ms K

Atalla, Mr E (teller)
 Chanthivong, Mr A
 Daley, Mr M
 Doyle, Ms T
 Harrison, Ms J
 Kamper, Mr S
 Lynch, Mr P
 Mihailuk, Ms T
 Piper, Mr G
 Tesch, Ms L
 Zangari, Mr G

Barr, Mr C
 Cotsis, Ms S
 Dib, Mr J
 Finn, Ms J
 Hoenig, Mr R
 Lalich, Mr N (teller)
 McKay, Ms J
 Park, Mr R
 Scully, Mr P
 Warren, Mr G

PAIRS

Dominello, Mr V
 Grant, Mr T
 Hancock, Mrs S

Foley, Mr L
 Haylen, Ms J
 McDermott, Dr H

Motion agreed to.

Bills

FAIR TRADING AMENDMENT (TICKET SCALPING AND GIFT CARDS) BILL 2017

First Reading

Bill received from the Legislative Council, introduced and read a first time.

The DEPUTY SPEAKER: I order that the second reading of the bill stand as an order of the day for a later hour.

ELECTORAL BILL 2017

First Reading

Bill introduced on motion by Mr Anthony Roberts, read a first time and printed.

Second Reading

Mr ANTHONY ROBERTS (Lane Cove—Minister for Planning, Minister for Housing, and Special Minister of State) (16:21): I move:

That this bill be now read a second time.

The Electoral Bill 2017 is the product of an extensive review of the Parliamentary Electorates and Elections Act 1912, which governs the conduct of State parliamentary elections in New South Wales. In its 2013 report on the State's electoral legislation, the Joint Standing Committee on Electoral Matters—hereafter, "the committee"—concluded that:

... whilst the essential principles of our representative democracy remain valid, the legislative framework through which they are given effect, requires modernisation.

This bill honours the Government's longstanding commitment to undertake that significant task in respect of the Parliamentary Electorates and Elections Act. The bill updates that Act, which was passed more than 100 years ago, to reflect contemporary electoral practices. It will simplify, modernise and improve the conduct of elections in New South Wales. The revision of the current Act has involved a meticulous rewrite and implements many recommendations made by the committee following its inquiries into the State's electoral legislation and the administration of the 2011 and 2015 State elections.

The bill also contains a number of reforms requested by the Electoral Commissioner of New South Wales, which align with the overarching goal of this update—to refresh and modernise the legislation. This bill benefits from the input of the many organisations and individuals who made submissions on an exposure draft that was released for public consultation in August. Each one of those submissions has been considered closely in preparing the bill for Parliament. I turn now to the specific provisions of the bill. As I have mentioned, the bill is an update of the Parliamentary Electorates and Elections Act but it is not a radical overhaul of the electoral system in this State. In substance, there is much that this bill carries over from the current Act. In outlining the bill, I will seek to highlight those aspects that introduce key reforms.

Part 1 contains preliminary machinery provisions. It includes a definitions section, which updates terminology used throughout the bill to take account of modern electoral practice and technological advances. In line with the intent of this rewrite that the legislation be clarified and simplified, and consistent with a recommendation of the committee, it also includes a general objects provision to assist with judicial interpretation. Part 2 is concerned with the administration of elections in New South Wales and contains provisions relating to the NSW Electoral Commission, the New South Wales Electoral Commissioner and the staff of the Electoral Commission. As with the current Act, the bill makes it clear that the Electoral Commission has the function of instituting proceedings for electoral offences under the proposed Act and other electoral legislation. It also provides that the Electoral Commission may make applications to the Supreme Court for injunctions, declarations or other orders within the jurisdiction of the court for the purpose of ensuring compliance with these same Acts.

A robust electoral system is one of the cornerstones of our democracy. This bill will give the Electoral Commission a clear mandate to enforce the provisions of the proposed Act and related legislation, and to maintain the integrity of the electoral process in New South Wales. Part 3 sets out the scheme for the redistribution of electoral districts in New South Wales in accordance with the Constitution Act 1902. Similarly to the current Act, it provides for a three-person redistribution panel comprising a current or former judge appointed by the Governor as the chairperson of the redistribution panel, the Electoral Commissioner and the Surveyor-General. Part 4 provides for a person's entitlement to enrol and vote. The bill does not depart in substance from the current Act in terms of the franchise in New South Wales. However, in keeping with the general, modernising tenor of this bill, it does clarify that the Electoral Commissioner is required to keep and maintain an accurate electoral information register rather than a roll for each district. This reflects the shift from paper-based rolls for each district to a centralised electronic register of New South Wales electors, which is used to generate the printed rolls for each district at an election.

The bill also provides for a system whereby enrolment is a legal status conferred on a person by the Electoral Commissioner, rather than the process of the person's name being entered on a roll for a district by the Electoral Commissioner. Part 5 establishes enrolment procedures in New South Wales and is also concerned with electoral information, including its collection and distribution. As with the current Act, the bill requires persons who are entitled to vote to enrol and keep their enrolment updated. It also maintains the practice of SmartRoll enrolment, which allows the Electoral Commissioner to enrol persons automatically on the Electoral Commissioner's own initiative. The bill will repeal outdated procedures governing objections to enrolment in the current Act. It simplifies this process, imposing a duty upon the Electoral Commissioner to investigate complaints about enrolment errors, and providing complainants with the right to seek a review by the NSW Civil and Administrative Tribunal, rather than the local court, of enrolment decisions made by the Electoral Commissioner.

The processes and procedures for the registration of political parties are provided for in part 6. This part substantially replicates the relevant provisions in the current Act, with some enhancements. Consistent with recommendation 12 of the committee's 2013 report on its review of the State's electoral laws, the bill will ensure that a party is required, at the time of applying for registration, to provide sufficient information about its internal governance rules to enable the Electoral Commission to carry out its statutory functions. The NSW Electoral Commission considers that access to accurate and detailed information of this kind is critical to its ability to perform its functions. For example, it may be necessary for the Electoral Commission to confirm that an office bearer in a party was validly appointed or discharged in accordance with the party's internal governance rules. The bill would facilitate this.

The most significant reforms in the bill are contained in part 7, which provides for the conduct of parliamentary elections. One reform in this part stems from a committee recommendation that the Government review the current role of a returning officer in New South Wales State elections to "determine whether there is a more effective and efficient way to carry out the functions associated with this position." Consistent with that recommendation, the bill designates the Electoral Commissioner as the "returning officer" responsible for the conduct and administration of all parliamentary elections and provides for the appointment of election officials to assist the Electoral Commissioner. The bill implements two additional committee recommendations, made following both the 2011 and the 2015 State elections, by fixing the date for the issue of the writs for normal quadrennial elections, so that the writs must be issued on the Monday following the expiry of the Legislative Assembly. There is no fixed date in the current Act, as the writs are only required to be issued within four clear days after the Assembly has been allowed to expire by effluxion of time. This change ensures that the Electoral Commissioner can publicise the dates for the close of the authorised rolls and the close of nominations in advance of the formal election period.

The bill would also allow for the opening of nominations before the issue of the writs for normal quadrennial elections, which will in turn allow for a longer period between the close of nominations, the subsequent ballot draw, and the opening of the pre-poll period. Part 7 also makes a number of improvements relating to the nomination of candidates for elections. For example, the bill increases the number of required nominators for independent Legislative Assembly and Legislative Council candidates from 15 to 50, which is intended to ensure that candidates have a reasonable level of community support before being eligible to nominate for election. The bill would also ensure that the number of candidates in a Legislative Council group must not exceed the number of members required to be elected.

These two reforms both derive from recommendations made by the committee in its report on the 2015 State election, and would help to reduce the size, cost and complexity of the ballot papers. Following a recommendation in the committee's 2013 report, the bill will also strengthen the existing requirement that a child-related conduct declaration accompany the nomination paper of a candidate by enhancing the declaration process and ensuring greater consistency with the Child Protection (Working with Children) Act 2012. In particular, the bill would ensure that candidates have to declare: whether or not they hold a Working With Children Check clearance and whether or not any apprehended violence order has ever been made against them for the purposes of protecting a child from sexual assault.

In addition, candidates who do not hold a Working With Children Check clearance must declare whether: they have made a current application for a Working With Children Check clearance, they have been refused a clearance, and they have ever been convicted of any of the offences or been the subject of any of the proceedings listed in schedules 1 and 2 to the Child Protection (Working with Children) Act. These child protection declarations are to be made public by the Electoral Commissioner and, after the election, the Children's Guardian is to audit the child protection declarations of candidates elected to Parliament for accuracy. These provisions will require that a candidate's past history of child-related conduct is disclosed to the voting public before they cast their vote.

The bill would also clarify and improve the provisions that provide for alternative means of casting a vote. The Government has reviewed the categories of voters that are eligible to vote by way of technology assisted voting, including the iVote system, to ensure that the policy grounds for providing access to technology assisted voting are clear and consistent, and that it is available to those who face barriers to voting in person. To this end, the bill enables technology assisted voting to be used by additional classes of persons, including silent electors and registered early voters. It also enables technology assisted voting to be used at by-elections by electors who will not, throughout the hours of voting on the election day, be within the electoral district concerned. In addition, the bill will streamline the multiple criteria for early voting and postal voting so that they are clear and concise.

The bill also provides new powers for the Electoral Commissioner, with the approval of the Secretary of the Department of Premier and Cabinet, to requisition the use of rooms and halls in certain premises as voting centres in specified circumstances—for example, to enable wheelchair accessibility. Put simply, these reforms

strengthen the electoral system by making it easier for people to vote. As for how these votes are counted, the bill adopts a centralised model for the counting of postal votes and declaration votes. This is intended to achieve greater efficiencies and cost savings, higher-quality scrutiny, and expedite the counting and declaration of the result. A key reform in part 7 responds to a 2013 committee recommendation that the Government undertake a comprehensive review of the penalties that currently apply for breaches of the Parliamentary Electorates and Elections Act to ensure that they deter non-compliance and are consistent with the penalties in the Election Funding, Expenditure and Disclosures Act 1981.

The bill: maintains or increases the penalties for offences under the current Act, repeals redundant offences, and consolidates a large number of existing offences into fewer, more general offences. It also provides that penalty notices can be issued for offences prescribed by the regulations. In updating the penalties that currently apply, there has been concern to ensure that the level of the penalty is commensurate with the prohibited conduct. In particular, the increases reflect the importance of protecting the secrecy of the vote, the integrity of the vote and the privacy of New South Wales citizens participating in the electoral process. The public consultation on the draft bill helped to determine the penalties that should apply for offences against the proposed Act. The bill before the House maintains the significant penalties that apply to some of the more serious offences, including the offence of electoral bribery.

Part 8 sets out the provisions that govern the Court of Disputed Returns. This part substantially replicates the existing provisions in the current Act. Part 9 deals with enforcement of the proposed Act. Notably, it includes a provision that would clarify the process for prosecuting parties that are unincorporated by providing that proceedings for an electoral offence alleged to be committed by a party that is unincorporated may be brought against the party in its own name and not in the name of any of its members. This is consistent with the United Kingdom approach and with the recent recommendations of the committee following its review of the Schott report on political donations. That provision also provides that any penalty imposed on an unincorporated party is payable out of the property of the party, which is consistent with section 113 of the Election Funding, Expenditure and Disclosures Act.

Part 10 contains miscellaneous machinery provisions, including a regulation-making power and a requirement that an approval by the Electoral Commission or Electoral Commissioner under the proposed Act must be published on the commission's website. Finally, the schedules to the proposed Act deal with a range of matters and include provisions relating to the Electoral Commission, the Electoral Commissioner and the redistribution panel. Schedule 6 provides that a person who has been convicted of multiple voting, or is suspected on reasonable grounds to have engaged in multiple voting, may be designated by the Electoral Commissioner as a "special elector" and may only cast a declaration vote. This is consistent with recommendation No. 2 of the committee's 2015 election report.

This bill will refresh the legislative framework for elections in New South Wales, modernising and streamlining the existing legislation for the benefit of all participants in the electoral process. The content of this bill was developed in close consultation with the Electoral Commissioner and members of staff of the NSW Electoral Commission. I thank them for their active participation in this process and for their dedication to improving the State's electoral laws. I am also grateful to everyone who made submissions on the exposure draft of this bill that was released for public consultation. Each submission has helped to enhance it. I commend the bill to the House.

Debate adjourned.

STATE REVENUE LEGISLATION AMENDMENT (SURCHARGE) BILL 2017

First Reading

Bill introduced on motion by Mr Victor Dominello, read a first time and printed.

Second Reading

Mr VICTOR DOMINELLO (Ryde—Minister for Finance, Services and Property) (16:39):

I move:

That this bill be now read a second time.

As part of the Government's Housing Affordability Strategy announced in the 2017-18 New South Wales budget, amendments were introduced to allow for Australian corporations with foreign ownership to claim a refund of the surcharges on the sale of new homes to the public. Given that increased supply is an integral component of the strategy, and given the potential contribution to supply of Australian-based, foreign-owned developers, the amendments were designed to avoid the application of surcharges to these developers placing them at a competitive disadvantage relative to Australian-owned developers.

Subsequent discussions with building industry bodies suggested that additional flexibility would be beneficial, without encouraging land banking or weakening incentives for timely development. In particular, two key issues were raised. First, an exemption would be appropriate for reputable builders and developers and help reduce the significant up-front costs involved in property development. Secondly, corporations that "service" land—that is, they install infrastructure such as electricity, water supply and drainage systems and roads and then sell the land to home buyers who engage separately with a builder for the construction of a home—should also receive concessionary tax treatment because they are major contributors to the supply of new homes. In principle, we accept those arguments.

In relation to surcharge purchaser duty, the bill therefore amends section 104ZJA of the Duties Act in two key respects. First, it permits the Chief Commissioner of State Revenue to provide an exemption to an Australian corporation in lieu of a refund if satisfied that the corporation would be likely to satisfy requirements for obtaining a refund of the full amount of surcharge. The chief commissioner will develop guidelines setting out in more detail the criteria that applicants will need to meet, along with the documentation required to support an application, for the chief commissioner to be satisfied that an exemption should be granted.

In addition, it is important to note that an exemption may be given subject to conditions, and such conditions may be varied by the chief commissioner by notice to the applicant; an exemption remains in force until it is revoked by the chief commissioner by notice to the applicant; and revocation of an exemption can be backdated to when surcharge liability would have arisen but for the exemption, with the result that the applicant will be liable to pay the surcharge purchaser duty. The Government believes that these provisions strike an appropriate balance between ensuring Australian-based, foreign-owned developers are not placed at a competitive disadvantage, and ensuring, through robust accountability measures, that the Government's policy objectives are met, in particular, the timely undertaking of development.

The second change is to extend eligibility for concessionary tax treatment to a corporation that subdivides land for the purpose of new home construction and then sells the land after the issue of a subdivision certificate. This addresses the second concern raised by industry, that the eligibility requirements for a concession did not capture the full range of property developers that play a significant role in helping people buy a home. I draw attention to one other refinement. The current conditions for a refund of surcharge purchaser duty require the corporation to make an application to the chief commissioner no later than five years after the property has been acquired by the corporation. The five-year period was designed to provide a disincentive to the housing industry to excessively delay the construction and sale of new homes and discourage speculation and land banking.

However, industry expressed the view that in light of the need to meet planning and other requirements, the construction of new homes may not take place for some years after the acquisition of the property, making completion of new home construction within five years of the original purchase of the property sometimes unrealistic. This is particularly the case for larger staged developments. The legislation therefore extends this five-year period to 10 years. We believe this extension accommodates industry's need for sufficient time for staged developments and to obtain planning consents and other approvals before land is developed, whilst still safeguarding against behaviour that does not support new housing supply being delivered and the Housing Affordability Strategy.

These surcharge purchaser duty reforms have been applied to land tax surcharge, and schedules 2 and 3 of the bill detail the corresponding land tax surcharge reforms. Separately, the bill amends section 259C (2) of the Duties Act to remove the requirement for a small business declaration to be made in writing in order for a small business contract of insurance to be exempt from duty. Instead, the amendment gives the chief commissioner the discretion to determine the appropriate form in which a declaration should be made. This reflects the insurance industry's increasing use of verification technologies that do not involve written declarations. The amendment also provides flexibility for any future changes in such technologies. As with other tax liabilities, the Chief Commissioner of State Revenue will rely on provisions in the Taxation Administration Act 1996 requiring taxpayers to keep records and to ensure access to those records and so on so as to address any potential non-compliance. The Act imposes penalties for breaches of these provisions. I commend the bill to the House.

Debate adjourned.

CRIMES (SENTENCING PROCEDURE) AMENDMENT (SENTENCING OPTIONS) BILL 2017

JUSTICE LEGISLATION AMENDMENT (COMMITTALS AND GUILTY PLEAS) BILL 2017

CRIMES (HIGH RISK OFFENDERS) AMENDMENT BILL 2017

Second Reading

Debate resumed from 11 October 2017.

Mr PAUL LYNCH (Liverpool) (16:46): I lead for the Opposition in debate on the three cognate bills, the Crimes (Sentencing Procedure) Amendment (Sentencing Options) Bill 2017, the Justice Legislation Amendment (Committals and Guilty Pleas) Bill 2017 and the Crimes (High Risk Offenders) Amendment Bill 2017. The Opposition does not oppose the bills. In leading for the Opposition in debate on the Road Transport Amendment (Driver Licence Disqualification) Bill 2017, I commented that it was no longer the 1990s. I also said I was not in the business of attacking the Government from the right on that bill. It is appropriate to reiterate those comments and that position in relation to these cognate bills.

The provisions in these bills were announced in May and five months later we have the legislation. That delay is problematic in relation to one provision of one of the bills, to which I will turn briefly later. All three bills are based upon reports, two being reports of the NSW Law Reform Commission and one being a statutory review performed by the Department of Justice. I am delighted to see reliance being placed once again upon the work of the Law Reform Commission. For several years, under previous Attorneys General, there was no chair and there were no commissioners and no references to the commission. The Law Reform Commission is too important an institution and makes too positive a contribution to governance in this State for that to be its fate. This cognate legislation is testament to that.

The Crimes (Sentencing Procedure) Amendment (Sentencing Options) Bill largely stems from recommendations made in NSW Law Reform Commission Report No. 139, entitled "Sentencing", which is dated July 2013, more than four years ago. The reference to prepare the report was received by the commission in September 2011. The object of the bill is expressed to be to improve the availability and nature of community-based sentencing options that are among the options for courts when sentencing offenders. The bill's overview states that it abolishes suspended sentences, good behaviour bonds, community service orders and home detention orders. It also enhances intensive correction orders [ICOs], including permitting home detention conditions to be imposed, and it creates community correction orders and conditional release orders to replace community service orders and good behaviour bonds. This is achieved primarily by amending the Crimes (Sentencing Procedure) Act and the Crimes (Administration of Sentences) Act.

One of the critical issues facing the justice system is the imposition of short prison sentences and the provision of alternatives. The bill's object, to improve the availability and nature of community-based sentencing, is a significant contribution to that problem. The scale of this issue is impressive. In the 12 months to June 2016, 43.4 per cent of those sentenced to prison in New South Wales received a sentence of less than six months. Short sentences are often criticised. For example, it is almost impossible to run rehabilitation programs that can operate for short sentences. Their impact is often argued to be criminogenic. Certainly, compared with community-based sentences, there is a greater likelihood of recidivism with short sentences.

In May this year, the Bureau of Crime Statistics and Research [BOCSAR] released a report showing that offenders placed on intensive correction orders have lower rates of reoffending than offenders given a sentence of periodic detention. Last week the Bureau of Crime Statistics and Research released the Crime and Justice Bulletin No. 207, entitled "Intensive correction orders versus short prison sentences: A comparison of re-offending". The report concluded:

Offenders who received an ICO had significantly lower rates of reoffending than offenders who received a short prison sentence.

The pursuit of community-based sentencing is cheaper to the State than full-time imprisonment; the taxpayer pays less. Moreover, the offender is less likely to reoffend and there are further benefits to the State further down the budgetary line. It is obviously better for offenders because they are less likely to be in further trouble. More importantly than any of these factors, of course, is that the community as a whole benefits—less crime and fewer victims. It is one of those rare occasions where the economically rational lines up with the morally desirable. Intensive correction orders [ICOs] were introduced in 2010 when periodic detention was abolished. They were seen as an alternative to full-time imprisonment.

They were particularly an initiative of then Attorney John Hatzistergos. I remember being at a Cabinet expenditure review committee meeting where then Attorney Hatzistergos and then Minister for Corrections, Phil Costa—the good Costa—argued for the importance of ICOs as an alternative to short sentences. The stated intention of this legislation sees a continuation of those initiatives and intentions. However, there are caveats. The first is that for community-based sentences to be effective there must be adequate resourcing of programs and supervision. That is hardly a novel insight and I have heard the Attorney talk about that himself but it is particularly an issue in regional and rural areas.

One of the reasons given to replace periodic detention with ICOs was that periodic detention was not available in rural and regional areas. If the resources are not there for diversion schemes to work, the courts are unlikely to use them, for entirely obvious reasons. One earlier attempt to divert offenders from short sentences was effective in urban areas of the State where appropriate services were available but not in rural and regional

New South Wales, which meant that the perverse outcome was that the percentage of Aboriginal prisoners increased and was higher than it would otherwise have been. I note the Attorney's comments in his second reading speech concerning resources. Obviously that is going to be an area of ongoing interest to members on both sides of the House.

The second caveat relates to the sentences to which an ICO applies. A single offence cannot be the subject of an ICO if the imprisonment imposed exceeds two years, and multiple offences cannot be the subject of an ICO if the imprisonment imposed exceeds three years. That latter part is welcomed but the two-year limit for a single offence still remains. One concern expressed to me about this is that ICOs will largely be restricted to the Local Court and will be precluded from use in the District Court. If the enhanced ICOs contemplated by this legislation are successful, it would seem sensible to explore their implementation more widely. On this point I quote part of a letter from the Law Society dated 13 October 2017 that I have recently received. The letter states:

We support the increase from two to three years imprisonment for an ICO for two or more offences. However, we are disappointed that the opportunity has not been taken to increase ICOs to three years for a single offence, which would be an effective way to reduce prison numbers.

The legislation also abolishes suspended sentences. That sentencing option has always been the subject of debate and I am not critical of its abolition. It always struck me as a slightly odd option. It was said to be a quite severe punishment, with a period of imprisonment hanging over the offender's head, yet it seemed in practical terms no more onerous than a bond. The legislation will broaden ICOs and will increase diversion. Similarly, community correction orders will have greater flexibility and the aim is for pre-sentence assessment report processes to be streamlined. There are exclusions for offenders facing particular charges. There is a higher bar for an ICO to be issued for a domestic violence offence, including that it will adequately protect the victim. There are more sophisticated and I think more sensible provisions to deal with lower level breaches of ICOs.

The second bill is the Justice Legislation Amendment (Committals and Guilty Pleas) Bill 2017. The provisions in this bill largely flow from another report of the New South Wales Law Reform Commission, this one being report No. 141 entitled "Encouraging appropriate early guilty pleas", dated December 2014. The reference to conduct the inquiry was received by the commission on 1 March 2013. I publicly welcomed the report's recommendations over two years ago. I am glad that the Government has finally caught up.

The commission described the District Court criminal trial system as being in or approaching a state of crisis, with unacceptable court delays. Some of that undoubtedly stemmed from lack of adequate resourcing by the Government, but there are structural steps that could be taken to improve the system and reduce the propensity for crisis. That is what the commission recommended and these recommendations have found their way into the bill. In effect, the bill deals with defended indictable criminal cases, that is, it is not dealing with matters disposed of summarily before a magistrate or those matters where an offender has already pleaded guilty.

Presently for such indictable defended matters, a magistrate conducts an inquiry to determine if a defendant should be committed for trial to a higher court, usually the District Court. The matters will then be listed for trial in the District Court, usually by jury. The problem is that a quite significant number of these cases are listed for a defended hearing but at the very last minute a plea of guilty is entered. As I understand the figures, 23 per cent of guilty pleas are not entered until the day of trial. If the plea had been entered earlier, then considerable public expense would have been avoided. Moreover, court time would have been saved, victims would have been spared more anguish, police would have devoted less time to preparation of the case and more time to other productive pursuits, and less time would have been spent by publicly funded legal aid services. There would have been a benefit for the accused as well; knowing their fate earlier makes it easier to see what the future holds for them and what can be done with the rest of their lives.

Late pleas are not simply the result of a recalcitrant accused. In many cases they result from the structure of the present system. Police when charging a defendant will, not surprisingly, level the charges at the highest level. Sometimes these charges are not sustained by the evidence and lesser charges are eventually pursued by a Crown prosecutor. Defendant lawyers call that overcharging. The charges on which a defendant is tried are ultimately decided by the Crown prosecutor. As these may well be lesser charges than those originally preferred, it is often completely irrational to expect someone to plead guilty before a senior prosecutor has considered the case. Pleading guilty before that happens makes no sense.

The problem with this structure is that the Crown's consideration of the charges only happens now quite late in the piece—after the case has been listed for hearing and often just before the trial commences. Late pleas of guilty in that sense are a structural result of the system. The Law Reform Commission proposal was to move consideration of the final charges to the front of the process, not at the end. That recommendation to front-end that process is contained in this legislation. The committal process before a magistrate is now completely changed. The role of the magistrate in determining whether to commit a defendant for trial is now abolished. In the context

of legal history and tradition, that is quite a radical proposal, and I know it has caused some concerns for some stakeholders, including the Law Society of New South Wales.

Despite what is sometimes said about my politics by those on the other side, and indeed sometimes by people on my own side, I am something of a traditionalist about law and legal structures. So when I first saw this recommendation in the commission's report several years ago, it did give me considerable pause for thought. However, I have come to be reconciled with the proposal for two reasons. The first is that according to the commission's figures magistrates refuse to commit in only 1 per cent of cases, so the actual impact of the abolition of this function will be very small. I must say, that is rather consistent with anecdotal evidence and indeed with my experience.

By way of example, many years ago when in practice last century, I think it was in Camden Local Court, I appeared in committal proceedings for someone charged under section 29 of the Crimes Act with shooting with intent to commit murder. On my view of the case, the facts and circumstances were such that he could not possibly be committed for that offence, although certainly he should have been committed for lesser offences. That was not the magistrate's view of it and the magistrate proceeded to commit him. At morning tea the magistrate told me not to worry about it; he was sure the Crown would not find an indictment on that offence. So finding a magistrate who will not commit is pretty rare.

The second reason is that, as the commission argues, one should not cherry-pick the recommendations. They should all stand or fall together. That argument also makes sense to me. The magistrate's role now under this legislation is to oversee a procedure where the prosecution is required to disclose a brief of evidence to the defendant. A certification is provided of the charges to be proceeded with by the Crown. There will be a formal process of conferencing and at least at the commencement that must be done in person or by audiovisual link. This allows early guilty pleas to be considered, the Crown case having been presented and a Crown prosecutor having considered what charges will be pursued.

As part of this process, discounts on sentencing for the utilitarian value of pleas are made clear. The maximum discount of 25 per cent for a plea of guilty is only available while the matter is still before a magistrate. I note that the changes do not apply to indictable offences by children. I note also and welcome the Attorney's comment that additional funding is being provided to the Director of Public Prosecutions and Legal Aid to ensure continuity of legal representation. I do not think this change can in practice work without that funding. In the long run, of course, there will be significant cost savings from early pleas. There is also a hope that this case management model will also narrow the issues of dispute, which will also achieve efficiencies and savings in trials, as well as having other benefits for witnesses and victims. I note also that none of these changes will affect the Drug Court. Granted the established success of the Drug Court, that is entirely sensible.

I note also a six-month statutory time limit on filing the charge certificate, with limited exceptions. Section 68 provides that if the prosecutor fails to file and serve the charge certificate by the six-month limit or by some other period set by the magistrate, then the magistrate may discharge the defendant. There is still a restricted capacity to call a prosecution witness before the magistrate. The bill also provides a power to magistrates to expedite a case to a higher court for a fitness inquiry. The magistrate can commit the defendant for sentence or trial after a case conference certificate and a charge certificate are filed. The maximum utilitarian discount is 25 per cent while the matter is still in the Local Court. Discounts subsequent to this are substantially lower. For example, if the plea of guilty is made later but 14 days before the first day of the trial, as defined, the discount is 10 per cent. There are also specified exceptions to the discount scheme where the court determines to impose a life sentence or where the level of culpability is particularly extreme. I refer the House to comments of the Law Society in the letter I referred to earlier dated 13 October:

The Law Society is supportive of criminal case conferencing where it is properly funded and senior prosecutors are involved at an early stage, with the delegation to accept pleas to lesser charges and negotiate in relation to "agreed facts". However, in our view, the effectiveness of case conferencing is dependent upon the retention of a committal framework, full disclosure of the prosecution case, and on Crown prosecutors or other senior lawyers being involved in the process at an early stage.

We are concerned that the Bill, particularly in relation to prosecution disclosure and the abolition of committals, has the potential to create significant delays in the system, increase the number of trials in the District Court and ultimately reduce the number of appropriate early guilty pleas. There is no safeguard in the Bill to require that what the police and prosecution provide an accused person in an initial brief of evidence is sufficient or of a high quality.

I would appreciate the Attorney General's comments in response to the Law Society's comments. I have made my own view clear about deleting the power of magistrates to commit, but it would seem appropriate for there to be a response to the Law Society's concerns. Members would understand my entire support for the concept that is put up by the Law Reform Commission and contained in the second bill. The question is whether it will work and whether the lawyers involved will in fact be able to make it work. Some people with far more expertise in running criminal trials than I am, such as the member for Heffron, are sceptical about whether it is going to work in practice. I certainly hope it is. It is a desirable path to go down. The member for Heffron may say more about that.

My role is perhaps to forewarn people of the comments and indicate it is something that I will be watching as the system unfolds, as I am sure everyone else who is genuinely interested in getting a better justice system will also be doing. The third of these cognate bills is the Crimes (High Risk Offenders) Amendment bill. The genesis of this bill is to be found in the statutory review of the Crimes (High Risk Offenders) Act. The review was carried out by the Department of Justice and is dated 9 May 2017. The first call for submissions as part of the review occurred in January 2016. The scheme established by the principal Act commenced under a Labor government in 2006 when it was applied to high-risk sex offenders. Amendments by the current Government in 2013, and not opposed by the Labor Party, saw the scheme extended to high-risk violent offenders.

Continuing supervision or detention of people whose sentences have been completed is a quite radical departure from the standard principles that are normally upheld in jurisdictions such as ours. The High Court has upheld their validity but the scheme has always been expressed to be intended to apply to very few individuals. Page 13 of the statutory review report records that as at 16 January 2017 there were on foot 14 extended supervision orders [ESOs] and two continuing detention orders [CDOs] for high-risk violent offenders and 58 ESOs and two CDOs for high-risk sex offenders. Page 7 of the report notes that at September 2016 there have been 107 offenders subject to an ESO or CDO since the institution of the scheme over a decade ago.

This legislation introduces a number of amendments to the principal Act. It removes the distinction between the two categories of high-risk offender or high-risk sex offender and high-risk violent offender. It makes clear that the scheme applies to an offender who has been imprisoned for an offence under Commonwealth law or the law of another State or Territory being served concurrently or consecutively with an offence against New South Wales law. It also makes certain under the Act Commonwealth offences of serious sex offenders and offences of a sexual nature. There is an obligation for the Legal Aid Commission to be notified in writing if an application is to be made for an emergency detention order. A broader range of victims of serious offences and offences of a sexual nature are able to provide a victim impact statement.

Victim impact statements can be made directly to the Supreme Court, not only in writing. There is also an attempt to allow registered victims to be advised when an offender is the subject of an application for an order. Applications for orders may be made up to nine months, rather than six months, before the end of the offender's period of custody or supervision. Another change introduced by this bill is to change the test for making an EDO or CDO to provide that where an offender cannot be safely managed in the community or by an ESO they are instead subjected to a CDO. There will also be a provision that emphasises that the test is the offender's risk to the community. The need for these changes is set out in the report of the statutory review. At page 27 the problems are helpfully set out and refer to the view of the Department of Justice:

The Department identified a number of issues with the current process for making an order:

- Offenders who pose an unacceptable risk which cannot be managed on an ESO are being granted an ESO by the court under the current test.
- Offenders cycle between ESOs and being in custody (having breached that ESO) with no change to underlying behaviour.
- CSNSW is required to provide detailed information on how an "unmanageable" offender might be supervised in the community, even when the CSNSW does not have confidence that the proposed supervision measures will be effective to keep the community safe.

At page 28, the report also says:

The current test has resulted in offenders being given ESOs even where the risk they pose of committing a serious sex or violence offence cannot be managed in the community. Currently, the court is required to make a finding of unacceptable risk and then determine whether supervision will be adequate. As these two considerations are not "anchored together" in such a way that an ESO could only be viewed as providing "adequate supervision" where it eliminated or substantially reduced the risk of serious offending, the requirement for the court to consider whether the supervision will do anything to address and minimise offender risk or bring it within acceptable levels is limited. This leads to the situation where an offender posing an unacceptable risk of future serious offending will be released to supervision, because the court is satisfied that the supervision will be adequate. Adequacy is justified on its own terms.

A little later the report says:

This issue with the current test has led to offenders being placed on ESOs only to repeatedly breach their orders because they present too high a risk to be managed in the community. In most cases of breaches of an ESO, offenders will receive short sentences of imprisonment which precludes them from having any form of treatment while incarcerated. This leads to a cycle in which any gains made in the reintegration of the offender are undermined—for example accommodation or employment can be lost due to a return to custody. This also means that efforts to reduce the intensity of supervision are impacted. In short, this can result in longer periods of supervision and reimprisonment.

The end result of the current position, according to the review report, is ESO offenders go back to prison when they breach their ESO and, in the report's wording, "cycle in and out of prison". There is no change in their underlying behaviour. This is adverse not just for the community but also for the offenders. It is clear from the

report that there was some stakeholder disquiet about the proposals, but certainly the department held the view that these changes needed to be made and it had that view for some time. That being the case, I am astonished at the length of time it has taken for this particular proposal to be implemented.

If the Government accepts the accuracy of the report's analysis—and we have to believe it does because it is legislating to deal with it—then clearly there have been people at liberty who should not have been and who have been breaching ESOs and/or committing offences. Why on earth has it taken this long to get to this point about this particular part of this package? I understand that this is a complex package; that is the nature of an omnibus package. I am not particularly critical of the length of time it has taken for the legislation to get to this stage except for this one particular point, because it seems to me there was a real and immediate threat to the community that should have been dealt with earlier. Having said that, I indicate that generally I am supportive of the vast bulk of what is contained in the bill and indicate that the Opposition will not oppose the bills.

Ms FELICITY WILSON (North Shore) (17:07): On behalf of the Government, I speak in favour of the Crimes (Sentencing Procedure) Amendment (Sentencing Option) Bill 2017 and the reforms to community sentencing. I congratulate the Attorney General and his office, including Mary Klein, on their work in putting together this legislation, this omnibus package, and bringing it to the Parliament for debate. Many years of work have gone into putting together this legislation, including by former Attorneys General, to whom I pay tribute for their work.

The main purpose of these sentencing reforms is to streamline and improve existing community sentence options in order to make supervised orders available to more offenders. These reforms will maximise the benefits of improved case management and programs delivered in the community. The reforms are based on outcomes of Australian and international research which shows that targeted interventions and community supervision are more effective at reducing reoffending than are no supervision and full-time incarceration. I am speaking about this legislation today in particular because of its effect in the area of domestic violence. I have made it a personal interest of mine to explore the challenges in our community around domestic violence. In my community of the North Shore, I recently met with the local police commander and the domestic violence liaison officer. I also have attended Manly Local Court to observe domestic violence proceedings in order to understand how our justice system works in addressing domestic violence and trying to prevent reoffending.

The reforms proposed today are tough and smart. They will ensure that offenders are held accountable and they provide protections for victims and the community. They will provide greater opportunities for offenders on short sentences to receive supervision and programs, which evidence shows to be the most effective way to reduce reoffending. Less reoffending means fewer victims and a safer community. The reforms ensure that offenders who receive prison sentences for serious offences will serve their sentences in prison. Offenders sentenced to imprisonment for offences such as murder, manslaughter, child sex offences, sexual assault, terrorism, and offences involving the discharge of a firearm will not be eligible for intensive correction orders [ICOs], and will go to prison. There is a presumption against the granting of orders for domestic violence offenders. Domestic violence offenders will have to comply with supervision and address their offending behaviour or they will go to prison. I will have more to say about this later.

Community safety will be the paramount consideration for courts when deciding whether an offender sentenced to up to two years imprisonment should receive an ICO. If the court is not satisfied it is in the interests of community safety for an offender to receive an ICO, the offender will go to prison. Courts will be unable to impose ICOs for domestic violence offences unless satisfied that the ICO will adequately protect the victim's safety. Those offenders who should go to prison will go to prison. Intensive correction orders will be subject to a range of optional conditions that will enable courts to hold the offenders accountable for their behaviour. Electronic monitoring, curfews, home detention, community service work, place restrictions, association restrictions and supervision can toughen up the sentence and make offenders accountable for what they have done.

If the State Parole Authority sees the need, it can vary conditions of an ICO to ensure that the offender continues to be safely managed in the community for the duration of the ICO. The State Parole Authority and Community Corrections will administer the ICOs, and deal with breaches and revocations. A new sanctions regime will provide clear authority for breaches to be dealt with swiftly. Serious breaches may result in revocation of an ICO, which will result in the offender being sent straight back to prison to serve the underlying prison sentence. Offenders subject to the new intensive correction orders will have to submit to supervision, including complying with directions to do programs. There will be no more slap-on-the-wrist, unsupervised suspended sentences.

These reforms ensure that offenders who serve prison terms in the community will be required to address their offending behaviour. These reforms are not only tough, but also smart. They are smart because they are built on an internationally recognised body of evidence and research that supports the supervision model and the approach used by Community Corrections to address offending behaviour. This evidence is known as the "what

works" approach, which focuses on addressing offenders' risk, needs and responsivity. These reforms will mean even more offenders will be subject to supervision that will change behaviour, and programs based on the risk, needs and responsivity model. The underpinning research suggests that the improved availability of supervision on the new orders will reduce reoffending.

It has been shown that applying all three of the risk, need and responsivity principles can reduce recidivism significantly. Across the reoffending and sentencing reforms the Government is recruiting 200 new staff, including Community Corrections officers and their supervisors, and has established a support structure to help improve service delivery. This is backed up with training materials, such as the new Practice Guide to Intervention model, and policies that are all underpinned by the risks, needs and responsivity model. This Government is about delivering quality services that will make a difference, and ensuring frontline staff have the support they need.

In response to the claim that nothing works to reduce reoffending, the evidence shows that this model works. The reforms enable supervision and programs based on cutting-edge theory to be delivered to more offenders. A study published last week by the Bureau of Crime Statistics and Research [BOCSAR] shows how effective targeting offenders with supervision and programs can be in reducing reoffending in New South Wales. The ICO is an order that provides intensive supervision to offenders serving up to two years imprisonment in the community. BOCSAR's report showed that offenders are 11 per cent to 31 per cent less likely to reoffend than offenders who receive short prison terms. Even larger reductions in reoffending were observed for those serving six months or less. The fact that these reforms evolve the ICO to be more adaptive suggest that this already optimistic figure could improve.

BOCSAR Executive Director Don Weatherburn stated that the statistics "showed that ICOs are a cost-effective alternative to prison for offenders who would otherwise be sent to prison for short periods of time". The reforms aim to improve decision-making and promote smarter management of offenders on parole. The reforms will have a significant impact on supporting victims of domestic violence. The changes are designed to decrease the risk of offenders reoffending. There is a large amount of evidence showing that the system reintegrates offenders into the community, with supervision aimed at addressing antisocial attitudes and behaviour, which works to reduce reoffending. This makes the community safer.

In 2015 about 1,000 medium- to high- risk offenders sentenced for domestic violence offences received an unsupervised sentence, or one that was too short to allow for any intervention. Australian and international research has shown that the best way to reduce reoffending is to increase supervision and target offenders' risks and needs with programs that are consistent with the risks, needs and responsivity principles. The reforms will introduce a presumption that an offender who is sentenced for a domestic violence offence will receive either a supervised community-based sentence or a full-time prison sentence. The aim of the presumption is twofold: First, it will get more domestic violence offenders into sentences where they receive supervision and programs that reduce the likelihood of them reoffending; and, secondly, prison, not fines, will be the alternative where a supervised sentence is unlikely to have an effect on their behaviour or provide adequate protection to the victim.

As domestic violence occurs in the home, this is important. We do not want offenders to return home and reoffend. The domestic violence presumption reflects the seriousness and harm that domestic violence has for victims' health and wellbeing, and the need for domestic violence offenders to take real steps to address their offending behaviour. Recent BOCSAR statistics show a rise in domestic violence in my community. Police tell me that an increase in the level of reporting means that they can better understand and address domestic violence in the community. At the same time, we must address the justice system's approach to domestic violence.

This will be achieved by making supervision mandatory for all offenders who serve their prison sentences in the community by way of ICO, while the presumption will ensure that more lower-level offenders receive supervised sentences. Courts will have, through the use of conditions such as home detention, curfews, electronic monitoring, community service work, and non-association and place restriction requirements, a greater ability to make offenders accountable for their behaviour and provide a measure of protection to victims of domestic violence. The reforms introduced by the Attorney General are both smart and tough. Offenders sentenced to imprisonment for serious offences will go to prison. Sentencing courts will have the flexibility and options to establish tough, safe and effective community orders that will deliver supervision and programs proven to reduce reoffending whilst holding offenders accountable. For these reasons, I commend the bills to the House.

Mr RON HOENIG (Heffron) (17:16): I make a contribution to debate on the Crimes (Sentencing Procedure) Amendment (Sentencing Options) Bill 2017 and cognate bills. I endorse the remarks of the member for Liverpool. Nothing I say should be seen to be inconsistent with the views he has expressed on behalf of the Opposition. I say at the outset that I welcome the Law Reform Commission's work over a number of years and I thank all those who have contributed to the drafting of the bills. I do not have time to refer to each of the bills.

Mr Damien Tudehope: You are not getting an extension.

Mr RON HOENIG: Then I will move that every speaker be not further heard. My views are designed to be constructive. I will relate my experiences and explain why I believe the genuine attempts to fix the system are not likely to be successful. I adopt the wording of the Law Society of New South Wales in a letter to the shadow Attorney General dated 13 October 2017 concerning the Crimes (High Risk Offenders) Amendment Bill 2017, in which the president says:

Detaining a person beyond the maximum sentence imposed by the sentencing court offends the fundamental principle of proportionality. Extended supervision orders and continuing detention orders are extraordinary measures outside of the judicial sentencing framework. The use of those measures should be limited to those offenders who present only the most serious risk to society. Other than the last sentence, I endorse the principle contained in that statement. The validity of the legislation was upheld by the High Court, led by Justice Gleeson, in *Fardon v Attorney-General for the State of Queensland* [2004] 210 ALR 50. I look forward to the day when the High Court reverses the decision in Fardon and sentencing can be restored to applying the fundamental principle of proportionality. At this particular point many of us have lost that argument, and we wait for the High Court to reverse the decision in Fardon. I have appeared in a case before Justice Latham—the name of which escapes me—in which there was fundamental unfairness and the High Court will ultimately intervene and restore the principle of proportionality. In his second reading speech on the Crimes (Sentencing Procedure) Amendment (Sentencing Options) Bill 2017, other than the political rhetoric he inserted that referred to the bill as being "new, tough and smart", the Attorney General said:

We know from Australian and international research that community supervision, combined with programs that target the causes of crime reduce offending. We know that community supervision is better at reducing reoffending than leaving an offender in the community with no supervision, support or programs. We also know that community supervision is better at reducing reoffending than a short prison sentence.

I adopt those significant views expressed by the Attorney General in this House. This is a momentous and significant statement from a State Attorney General, which is backed up by legislation. It is probably the first time in four decades that an Attorney General has had the courage to say that about law reform in this House, even though every Attorney General before him has probably believed it. I commend him for doing so.

Intensive correction orders [ICOs] or other community-based sentencing has been restricted to two years imprisonment for a particular offence or three years imprisonment if there is more than one offence. I suggested privately to the Attorney General a few weeks ago that it should be three years imprisonment for one offence rather than two years. My suggestion came from District Court judges who reminded me that if it is limited to two years imprisonment then we are effectively taking that discretion away from them. I imagine the Government is experiencing some political trepidation if it is increased to three years. I know the shadow Attorney General is of the view that three years is the right number. Other members of the judiciary hold the same view. Some consideration should be given to it when this bill goes to the other place. Otherwise, as the District Court judges have said, it takes away that sentencing option for them.

Inserting exceptions in the bill for the offences of murder, manslaughter, sexual assault, or child sexual assault is superfluous. It has probably been slipped in for political reasons so the Government can be seen to be tough. If the aim is to fix a sentencing regime that has some merit, I suggest the Government not insert political considerations in the bill. The judiciary can be trusted not to give an ICO to someone charged with murder because it carries a prison sentence. These days an offender cannot receive less than 12 years imprisonment, like Gordon Wood, which is the shortest sentence that an offender has received in 30 years. Serious offenders will never be considered for an ICO. Inserting that exception in the bill is making it obvious to lawyers and the judiciary that the bill has a political flavour, and I suggest that it be reconsidered.

I give another warning. When Western Australia sought to reduce short prison sentences, judges were in the habit of sentencing beyond that figure because they had come to the view that someone should go to jail irrespective of the alternative sentencing options. Therefore, the short sentences became higher to overcome those figures. It will require careful monitoring to ensure that the courts comply with the intention of the legislation. It is fine to pass legislation that provides for ICOs and other community-based sentence options and supervision, but it requires a huge amount of resources for probation and parole for that to occur. Probation officers must be adequately qualified to deal with offenders. Until the mid 1980s, probation and parole officers were well resourced and had considerable expertise. Those who practise in the criminal justice system representing serious offenders know that over the years those resources have been reduced to the extent that probation officers are now overworked.

Without being disrespectful, it has been some years since I have received a pre-sentence report from a probation officer who is not overworked and cynical. While Corrective Services is amply qualified to provide the level of supervision and counselling that this bill envisages, enormous resources will have to be applied, particularly in rural parts of the State. Many of the alternative sentencing methods were not available to the courts in remote parts of the State, particularly for Koori offenders, and that resulted in them receiving short sentences. There is a resources and government structural problem that should not deter the Government, but it will have to go back more than 30 years to look at the resources that it once had. I will deal now with the abolition of

committals, early pleas of guilty and other proposed changes, which are meant in the best possible light to reduce sentence delays and encourage early pleas. As the shadow Attorney General said, it is not likely to work and I will tell the House why. [*Extension of time*]

Twenty years ago the State had a trial system called the Sentence Indication Scheme, which resulted in the elimination of the backlog of trials in the District Court after a short time. It was a court-based plea bargaining system whereby sentence indication was given by the judge. It fell into disrepute because of a variety of judgements given by Justice Howie in the Court of Criminal Appeal. I invite the Attorney General to look at that system. It probably occurred prior to him reading with me in a criminal trial many years ago. It was a publicly effective system of reducing trials.

The reality is that any attempt at any case conferencing to do anything does not work. We can have the strongest case on paper, but that is not the strength of the Crown case. For hundreds of years barristers have not been on top of their trial until it is about to start because it involves absorbing and learning thousands of papers by rote. Nobody at a senior level looks at a matter at an early stage and, if they do, it is not given sufficient attention. The Crown has not conferenced witnesses. Only 1 per cent of people might have been committed for trial, but statistics do not tell the story. The committal system compelled the Crown to have material at the Local Court level prior to the matter being committed for trial.

When I was Acting Crown Prosecutor for a couple of years most briefs that were given to me at short notice—even a couple of days before the trial—were not ready. That may be related to resources or it is structural, but I think it is a barrister matter. Nobody applies themselves until they are on the doorstep of the court, even if they have received advice or have had a conference. We can see in the whites of their eyes that an accused will not even contemplate pleading guilty until they see the jury panel in court about to be selected. The Crown Prosecutor will start making arrangements on the doorstep of the court, just like in civil case when there is concern that a witness has not turned up or is not going to tell the truth.

It is part and parcel of the arrangement and, even with the best will in the world, a senior person will never look at a matter early or a senior Crown concede a lesser offence at an early stage. An accused person who fundamentally denies committing the offence usually will not put up their hand. We water down the utilitarian values of the plea and end up giving discounts for guilty pleas to try to induce pleas—even from people who maintain their innocence. We are not getting pleas in the District Court because it does not give the 25 per cent discount if they plead on the doorstep of the court, even if the Crown downgrades the charge and even if there is agreement about the facts.

I say to the Attorney General that the Law Reform Commission might be right in theory and the Attorney General might be right in respect of the legislation, but as a matter of practice the way in which the criminal trial system operates—and has operated for several centuries—and the Bar operates means we will never be able to achieve that result. The most effective way to clear backlogs in the District Court is usually through the relationship between defence counsel, Crown prosecutors and judges. That has been shown to be the most effective way to achieve a result. On plenty of occasions when I, the Crown Prosecutor and the right judges have been sent to a rural circuit we have been able to clear a list reasonably quickly, without case conferencing, simply by exercising commonsense and using informed means. While I commend the Law Reform Commission and the Attorney General for their reforms, I think I will be proved correct in that a number of them will turn out to be quite naïve in what they seek to achieve.

Mr STEPHEN BROMHEAD (Myall Lakes) (17:32): I refer to the Crime (High Risk Offenders) Amendment Bill 2017, which is cognate with the Crimes (Sentencing Procedure) Amendment (Sentencing Options) Bill 2017 and the Justice Legislation Amendment (Committals and Guilty Pleas) Bill 2017. The bill makes a number of amendments to the Crimes (High Risk Offenders) Act 2006 including: removing the distinction between two categories of high-risk offender; clarifying that the scheme applies to an offender sentenced to imprisonment for a serious offence to be served by way of full-time detention or intensive correction in the community, but not an offender given a suspended sentence or whose sentence is quashed; and changing the test to be applied by the Supreme Court in deciding whether to make a continuing detention order in respect of a high-risk offender. The new test is that the court can make an order if satisfied that the risk of the offender committing another serious offence would be unacceptable unless the order is imposed.

The principal Act establishes a scheme for the making of extended supervision orders and continuing detention orders in relation to high-risk sex offenders and high-risk violent offenders. The categories are based on whether the offender has been sentenced to imprisonment following conviction for a serious sex or violence offence. Generally speaking, extended supervision orders allow for the supervision of an offender in the community, while continuing detention orders allow for the continued imprisonment of an offender. According to the second reading speech of the Attorney General, the member for Cronulla, the bill implements reforms arising from a statutory review of the principal Act that was conducted by the Department of Justice in 2016-17.

The object of the Crimes (Sentencing Procedure) Amendment (Sentencing Options) Bill 2017 is to improve the availability and nature of community-based sentencing options that are among the options for courts when sentencing offenders. In dealing with sentencing options, the bill abolishes suspended sentences, good behaviour bonds, community service orders and home detention orders; enhances intensive correction orders, including permitting home detention conditions to be imposed; and creates community corrections orders and conditional release orders, to replace community service orders and good behaviour bonds.

The bill also contains provisions about sentencing domestic violence offenders, and other matters, including savings and transitional provisions and consequential amendments to other Acts. The reforms established by this bill stem from the Law Reform Commission's comprehensive report into sentencing in 2013. That report identified some issues with community-based sentences, particularly where they were not achieving desired results. As such, the bill replaces the current community-based sentences with a new range of community sentencing options.

I turn now to the Crimes (High Risk Offenders) Amendment Bill 2017. The Crimes (High Risk Offenders) Act 2006 sets out a scheme for the making of extended supervision orders and continuing detention orders in relation to two categories of high-risk sex offenders that I outlined earlier. The categories are based on whether the offender has been sentenced to imprisonment following conviction for a serious sex or violence offence. An extended supervision order imposes obligations on a high-risk offender on release from custody. A continuing detention order requires a high-risk offender who is in custody in a correctional centre to remain in custody at the end of the term of imprisonment or an existing continuing detention order or, if the high-risk offender is the subject of a supervision order, to be taken into custody.

A continuing detention order may currently be imposed on a high-risk sex offender if the Supreme Court is satisfied to a high degree of probability that the offender poses an unacceptable risk of committing another serious sex offence if not detained in custody or, in the case of a sex offender the subject of an extended or interim supervision order, of breaching the order, or if altered circumstances mean that the adequate supervision cannot be provided under it. A continuing detention order may currently be imposed on a high-risk violent offender if the Supreme Court is satisfied to a high degree of probability that the offender poses an unacceptable risk of committing another serious violence offence if not detained in custody or, in the case of a violent offender the subject of an extended or interim supervision order, of breaching the order, or if altered circumstances mean the adequate the supervision cannot be provided under it.

The Department of Justice conducted a statutory review of the Act and the review made 28 recommendations to seek to ensure that frameworks governing eligibility, making an order, management of an offender and administration of the High Risk Offenders Scheme are operating effectively. If passed, the bill will introduce reforms to implement the recommendations and ensure that the community is better protected from the most dangerous sex and violent offenders after they finish their sentence of imprisonment. In particular, the reforms will benefit community safety, assist in reducing reoffending, provide benefits to the justice system and ensure that victims have greater flexibility in having their voices heard. The reforms will reframe the test for the making of an order. The reframed test will focus on whether an offender poses an unacceptable risk, rather than whether offenders can be supervised adequately in the community.

The reforms will also ensure the court can consider imposing orders on generalist offenders—that is, offenders whose previous offending history and future risk profile may be for a mix of both sex and violent offending. The reforms will also require the court to consider community safety as its paramount consideration in determining whether to make an order. This bill will require offenders who might be eligible for the scheme to be warned early on, which may encourage and allow them greater opportunity to engage in rehabilitative programs. This warning system only applies to high-risk violent offenders under the current Act.

Under these amendments, a sentencing court will be required to warn both high-risk violent and high-risk sex offenders, thereby encouraging both groups of offenders to engage in rehabilitative programs, and victims will have greater flexibility in how they provide information to the Supreme Court—in writing or orally—to ensure their voice is heard. In cases where the victim is deceased, statements will be able to be provided by victims' families. In crime there are no excuses. Offenders need to be punished for their actions and we need to come down hard on those who keep offending. Significantly, these reforms provide a greater voice for victims and their families. As I said, victims will have more flexibility. Often, the victims are the unheard party in the proceedings.

The member for Heffron raised sentence indication hearings. From my experience, many barristers and judges consider those hearings to be a waste of time—for example, in a sentence indication hearing a judge will tell an accused that if they are found guilty at a hearing then they could be sentenced to a certain period of detention, but if they pleaded guilty before that judge the sentence would be less. Often the indications were so great that the accused would say, "I will take the chance and plead not guilty." But, when the accused was

ultimately found guilty, the sentence imposed was less than, or very close to, the discounted sentence indication penalty. Getting the service of the brief in its best form and commencing the negotiations at the start of the proceedings with a guaranteed 25 per cent discount is preferable to sentence indication hearings. I commend the bill and cognate bills to the House.

Ms KATE WASHINGTON (Port Stephens) (17:42): I make a contribution to debate on the Crimes (Sentencing Procedure) Amendment (Sentencing Options) Bill 2017 and cognate bills, the Justice Legislation Amendment (Committals and Guilty Pleas) Bill 2017 and Crimes (High Risk Offenders) Amendment Bill 2017. These bills aim to achieve changes to reduce the pressure on the criminal justice system, by better aligning sentences with preventative programs and creating more effective sentencing conditions. This will ensure that offenders are held accountable for their actions and that the criminal justice system is better placed to respond to and to reduce crime so that our communities are safer. The bills also propose changes for our criminal justice system to move away from sentencing options that are not effective. All of these changes are in response to recommendations handed to the Government—many of them, some time ago—by criminal justice experts with the aim of reducing crime and recidivism.

Overall, these are sensible legislative changes and, as the shadow Attorney General has said, the Opposition will not be opposing them. The goals of reducing the number of people incarcerated for short periods of time for crimes that present no risk to the community, and reducing the congestion in our courts, make sense morally and economically. However, the spirit of these changes is betrayed by the actions of this Government, particularly in my electorate of Port Stephens. It is not enough to make legislative changes without investing in the services on the ground. They are services that drive the crime reduction outcomes we all want and support people from turning to crime in the first place. They are services that allow people to alter their path of crime following a conviction, in an effort to reduce recidivism, and allow families to break cycles of disadvantage and children to achieve their potential.

The current high incarceration rates in New South Wales are diabolical, particularly the increasing number of women in prison. For more than six years this Government has refused to focus on preventative strategies. It has failed to invest the resources needed to address the root of the problem. I note the contributions of the shadow Attorney General and the member for Heffron and endorse their examinations of these bills, particularly those related to the practical implementation of the proposed mechanisms. I will not address the aspects of the cognate bills. Instead, I will focus my contribution on the effects on women who are being incarcerated at alarming rates in this State. The Sydney Community Foundation, in partnership with the Zonta Club of Sydney, the Miranda Project, Women's Justice Network and SHINE for Kids, published a position statement titled, "Keeping Women out of Prison". Last week a number of my colleagues and I were fortunate to attend the launch of that position statement here at Parliament House. I thank the Sydney Community Foundation for its dedication and commitment to the women and families who find themselves in this situation.

Since 2011, according to the statistics in the position statement, in New South Wales there has been a 43 per cent increase in the number of women in custody—by anyone's standards that is a shocking increase. What makes it even more shocking is the understanding that violence, abusive relationships and addictions are often linked to women being in custody. The majority come from disadvantaged backgrounds, many with a history of abuse and violence, and half of all women incarcerated have children—those children pay a high cost. The position statement makes it clear that children of incarcerated men often remain in the care of family, but children of incarcerated women often find themselves in out-of-home care. This brings a multitude of other factors to consider, and members are aware of the risks and consequences of children finding themselves in out-of-home care.

It is well known that children of incarcerated parents are at a much higher risk of having learning difficulties at school, suffering from poverty and running afoul of the criminal justice system themselves. This creates and perpetuates intergenerational disadvantage, apart from the very severe impact it has on these children's sense of self. The bullying and social exclusion they experience, and the shame they feel, makes them the innocent victims of their parents' offending. Sadly, more than one-third of all women who are imprisoned will find themselves in prison again within two years of being released.

Once the cycle begins, these children's lives are likely to be damaged—often irreparably. This problem will not go away by simply making the criminal justice system more lenient; that will only undermine community confidence. We need improved sentencing options, as provided in this bill, and the application of a greater understanding of the cost to our communities of custodial sentences being imposed on women who pose no risk to the community. Proper investment in diversionary and preventative programs, rehabilitation services and post-release support would result in the criminal acts of these women being dealt with differently.

Greater focus should also be given to the well-known factors that point to a higher risk of incarceration. Nearly half of all women in prison have not completed year 10, compared to less than 10 per cent of the broader

population. Greater investment in school-based programs for those at risk, and greater investments in schools in general, would have a dramatic impact on incarceration rates of women in this State. Thirty-seven per cent of the female prison population in New South Wales are Aboriginal or Torres Strait Islander, compared to around 3 per cent of the broader population. Targeted investment in programs for Aboriginal and Torres Strait Islander women at risk would lead to less offending and less harm within those communities, and fewer children would lose their parents and end up in the care of others.

We are left with a very sorry situation when we compound the social outcomes of Indigenous incarceration with the effects of imprisonment on offenders' children—a situation that ruins lives across generations and makes no moral or economic sense. Most people would find it patently absurd that it costs taxpayers \$87,000 per year to imprison someone in this State when the median income for Australian households is less than \$75,000 per year. One can only imagine the thousands of other worthwhile preventative measures on which that money could be spent.

In Raymond Terrace, a beautiful town in Port Stephens, there are families who do it tough every day. Unemployment is too high, generational disadvantage is commonplace, and our police are kept busy. In this town, the two high schools have a maintenance backlog of \$3 million. This Government shut down community psychology services, there is no access to local drug and alcohol rehabilitation, and the service providing support to women escaping domestic violence cannot meet the need. Children who have been exposed to family violence and who have been identified as likely to benefit from early intervention support go on a lengthy waiting list and will be fortunate to receive any intervention before they become of school age. Not-for-profit organisations are doing their best in my community to support families in need, but, as always, their resources are limited and government funding is nowhere to be seen.

Limited access to services that might help families to live with dignity and that might prevent family violence, homelessness, and addiction-related crimes and violence creates towns in which people struggle to stay out of prison, children struggle to stay with their kin and where people struggle to maintain respect. Some of the obvious symptoms of this struggle are the rising number of children in out-of-home care and the rising membership of support networks for grandparents and parents. Across the Hunter, 11 groups are trying to support families who find themselves caring for their grandchildren or kin, and they do so with very little government support. For residents in the Hunter, it seems this Government's only approach to crime is doubling the size of Cessnock Correctional Centre. As everyone here knows, the Government cannot simply build its way out of crime. If the Government was serious about reducing crime and the harm crime causes in communities, it would be investing in resources and services.

It would be prioritising investment in education, instead of leaving our public schools to literally fall apart. It would be funding women's support services to prevent vulnerable women becoming desperate, instead of defunding those services, as it has done. It would be investing in services that support the role of the Department of Family and Community Services in keeping families together, instead of contributing to the chaos of long public housing waiting lists and stretched departmental resources. The bottom line is that the sensible legislative reforms included within these bills cannot do all of the heavy lifting if this Government continues to refuse to invest in crime prevention services and community support. My community is crying out for these services, as are many other regional and rural communities. I thank the Attorney General for accepting the advice, acting on expert recommendations, and putting forward the reforms contained in these bills. I now call on him and his Government to get serious about funding preventative services to help reduce crime in a meaningful way within my community and across this great State.

Mr DAMIEN TUDEHOPE (Epping) (17:51): I speak in debate on the Crimes (Sentencing Procedure) Amendment (Sentencing Options) Bill 2017, the Justice Legislation Amendment (Committals and Guilty Pleas) Bill 2017 and the Crimes (High Risk Offenders) Amendment Bill 2017. The Crimes (Sentencing Procedure) Amendment (Sentencing Options) Bill 2017 creates radical sentencing options to be implemented in courts across the State. The bill emanates from the Law Reform Commission report which was handed to the Attorney General in 2013. It was the subject of community consultation in May of this year and has resulted in this bill. The purpose of the bill is to streamline and improve the structure of existing community sentence options. This bill recognises that the best way to reduce reoffending is to have supervision in the community. One of the serious amendments in the bill that exemplifies its purpose is the removal of suspended sentences and good behaviour bonds.

Suspended sentences were a form of sentencing that released people back into the community without any further supervision. In the circumstances, it almost ensured reoffending. Under this bill, that sentence is no longer available, because the community expects that someone who was the subject of a suspended sentence would only be released back into the community when the community's safety is ensured by supervision of the offender. The situation is similar with good behaviour bonds. Another aspect of it is the attention it pays to short-term sentences. A previous Attorney General was fond of saying that short sentences, either by way of

juvenile corrections or adult corrections, often led people into what was called the University of Crime, where persons who were incarcerated for a short period learned how to be better criminals. The prospect of them reoffending was heightened by them being imprisoned for that short time.

This bill requires that we relook at those short sentences to see if any alternatives are available. We have given magistrates the option to impose community correction orders in place of short-term sentences. There are a number of community sentence orders that have been adopted by this bill. The first is the intensive correction order, which has three components. There is a set of standard conditions that require the offender not to commit any offence and to submit to supervision. That is the trigger point of engaging the order. The second component is the imposing of additional conditions, of which at least one must be imposed. The additional conditions may include home detention, electronic monitoring, a curfew with no specific limit on hours, community service work not exceeding 750 hours in total, rehabilitation or treatment, abstaining from alcohol or drugs, non-association with particular persons, or place restriction.

Finally, there may be a further condition imposed by the magistrate depending on the circumstances. The second order that is able to be imposed by a magistrate or the sentencing court as an alternative to imposing imprisonment is a community corrections order. The standard set of conditions of this order will require the offender not to commit any offence and require the offender to appear before the court if called upon to do so. Additional conditions that could be imposed on the community corrections order include a curfew not exceeding 12 hours in 24 hours, community service work not exceeding 500 hours in total, rehabilitation or treatment, abstaining from alcohol or drugs, non-association with particular persons, place restriction, or supervision. Additional conditions cannot relate to home detention, electronic monitoring, or a curfew. Further conditions may be imposed if not inconsistent with the standard conditions.

Finally, there are conditional release orders. A conditional release order may be made by the court when the offence is relatively trivial and the court has considered the offender's antecedents and any other matters. Those orders include standard conditions that require the offender not to commit any offence, as one would expect, and require the offender to appear before the court if called upon to do so. Additional conditions can relate to rehabilitation or treatment, abstaining from alcohol or drugs, non-association with particular persons, place restriction, or supervision. Any other conditions cannot relate to home detention, electronic monitoring, curfews or community work. I suggest that all those provisions relate to a determination by the Government to ensure that a regime is in place for offenders to be looked after in the community as opposed to being in jail, thereby reducing the prospect of reoffending, because the prospect of reoffending should concern us all.

I turn to the requirement to properly resource community correction orders, which the member for Heffron and the member for Liverpool raised. There are two aspects to community correction orders. First, adequate assessment reports, as they are called for the purposes of this Act—they were previously called pre-sentence reports—should be provided to properly advise the magistrate of the supervision that might be available for a particular offender, taking into account particular aspects of the offender's behaviour and their background, et cetera. Only one assessment report is necessary for the purposes of making these orders. The impost on government is to ensure that sufficient resources are available for Community Corrections officers or Juvenile Justice officers to be able to prepare those reports.

The second aspect to community correction orders is to have sufficient persons available to supervise people in the community. I have been present at a number of Corrective Services graduations in recent times; it is a privilege to attend and I generally enjoy the experience. The Government's commitment is not only to ensure we have many corrections officers—which we do because of the size of our prison population—but also that many, many more Community Corrections officers graduate, because we have a focus on delivering this reform and those officers will be spread far and wide to ensure that the Government's commitment to reducing offending is properly managed. The Attorney General has indicated that he will monitor community correction orders very carefully, and I welcome that because it is reform that is predicated on ensuring community safety and reducing reoffending. *[Extension of time]*

The Attorney General is cognisant of ensuring that community safety is not impacted by the delivery of these orders and has undertaken to carefully monitor the way they are implemented. I turn now to the legislation relating to committals and early guilty pleas. The member for Heffron was concerned about the efficacy of the new regime. I detect an aura of cynicism in relation to his assessment of the Act by virtue of the fact that he has had a long history of negotiating pleas and the like for clients. This bill codifies a sentencing regime and an opportunity for persons charged with offences to get discounts for early pleas.

Currently in this State, a person in our prison system can wait 714 days on remand before they face a trial. That is outrageous and we need to do something about that figure. I am told that as much as 30 per cent of our prison population is currently on remand, awaiting trial. We need to do something to give persons an earlier trial. The Government has said it will properly resource prosecutions with senior prosecutors at an early stage so

that a brief can be served at the earliest possible opportunity and an accused person can make an assessment of whether or not they will enter an early plea. A 25 per cent discount on sentence is available if a plea is made at the Local Court stage. Some lawyers would suggest that the brief might be inadequate and that discretion ought be left with judges as to whether they retrigger that 25 per cent discount by virtue of the potential late service of material.

Of course, those charged with offences will say to their lawyer, "What are my chances?" and the lawyer will say, "The brief doesn't look so hot. You might do okay". But suddenly some additional evidence may show up and the case against the accused person looks a lot stronger. At the time at the Local Court when the brief is served, the lawyer is under an obligation to advise his or her client that this is their one and only opportunity to get a 25 per cent discount. And guess what? There is only one person who knows whether the person is guilty of that crime, and they are being told that they will now get a 25 per cent discount. If the accused person elects not to proceed with a plea at that stage, that is it—they forgo the 25 per cent discount option. The legislation then provides for further opportunities to plead in circumstances where the matter is set down for trial and in circumstances after the trial has commenced—10 per cent and 5 per cent respectively.

Again, discounts have a utilitarian basis because police have to spend a lot of time attending court, and victims also must attend court. In circumstances where accused persons elect not to avail themselves of those discounts, in many respects the lawyers should not complain; they need to change their culture because their clients are the ones who should make the decision whether to plead guilty or not. I say to the member for Heffron that his message to his colleagues should be that they need to change the culture of their profession. I commend the bills to the House.

Ms JENNY AITCHISON (Maitland) (18:07): I speak in debate on the cognate bills, the Crimes (Sentencing Procedure) Amendment (Sentencing Options) Bill 2017, the Justice Legislation Amendment Bill (Committals and Guilty Pleas) Bill 2017, and the Crimes (High Risk Offenders) Amendment Bill 2017. Community expectations of the justice system have evolved over time. No longer is it enough to have a system that locks criminals in jail to punish them and keep the community safe. In modern times we have a greater expectation of our justice system; we seek and, indeed, expect some form of rehabilitation for criminals and a subsequent drop in recidivism of those who have been punished within the criminal justice system. There are some who even seek justice for victims within the system, but, from what I have seen, that is not often achieved.

This legislation has a strong relevance to my shadow portfolio of the Prevention of Domestic Violence and Sexual Assault. As I said, it is not enough to merely lock up a perpetrator after a protracted court case—in which the victim's name and reputation is dragged through the mud because of the failure of the perpetrator to admit their crimes—and then have a blind expectation that perpetrators will change their behaviour if we just cross our fingers and hope for the best once they are released from jail. That is an unsophisticated, expensive and ineffective approach to delivering justice.

We know that some victims do not report violence because they fear that, by bringing all the power of the justice system down on their perpetrator, there is still little chance of achieving a conviction and that, even if a conviction is achieved, there will be no change in the perpetrator's behaviour and they will continue to be subject to violence and abuse. Victims and indeed the wider community deserve a fair legal system. The four main elements of the bills aim to achieve this by providing incentives for appropriate early guilty pleas; better sentencing options that recognise the importance of early intervention and access to programs in reducing recidivism; the need for effective and clear supervision for parolees; and specific strategies to deal with high-risk offenders. The former Labor Government acknowledged this evolution of attitudes with the introduction of intensive correction orders, known as ICOs, which are enhanced by these bills.

The justice system does not work effectively for victims. Time and again in our electorate offices we see victims of domestic violence and sexual assault who live in fear of their perpetrators. We see lengthy delays in the court system impacting on people's lives as they are caught up in the New South Wales criminal justice system, sometimes concurrently with the family law system and sometimes with conflicting outcomes and orders between the two systems. It is an old cliché, but justice delayed is justice denied. Waiting for accused to plead guilty at the last minute causes ongoing trauma for victims and delays in the system. With the introduction of video evidence in domestic violence cases, some accused are pleading guilty earlier and there are improvements in this area of the law. Perpetrators need to be given every opportunity to take responsibility for their behaviour and actions.

Clearly, there is a need for a more timely response from the justice system. This can only be achieved by allocating more funding for judges and magistrates to hear cases and reduce court waiting times. Further, we must ensure that defendants who admit their crimes are given the incentive to enter an early guilty plea. Unlike the member for Epping, I do not think this is just about discounted sentences. We must provide real opportunities for perpetrators to change their behaviour. People who live in rural, regional and remote areas have less access to

rehabilitation and drug and alcohol programs than those in metropolitan areas before they reach the stage of interacting with the criminal justice system.

The member for Port Stephens clearly articulated the predeterminants of criminal behaviour, such as family breakdown and lack of access to suitable programs and education. They are all precursors to people losing hope, suffering mental illness, and becoming alcohol dependent or drug addicts, all of which can land them in jail. Many incarcerated people suffer from mental illness or addiction and in some cases intellectual disability. Some of them have been victims of domestic and family violence or other forms of trauma. This cycle should be addressed before a matter comes before the court.

Better sentencing options should be available which recognise that access to early intervention programs is the best way to reduce recidivism so that people entering the criminal justice system as perpetrators of crime are given a chance. We hear too many stories of young people becoming recidivists. They commit many crimes and sometimes pay with their lives because the criminal justice system has failed them. Short prison sentences generally provide no option for rehabilitation or so-called early intervention programs as these prisoners are not eligible for programs. Indeed, it was ironic that the Government last year introduced early intervention programs for prisoners with prison terms of six months. That is like shutting the door after the horse has bolted. By the time a person is in the criminal justice system facing a jail sentence, they are no longer in early intervention territory. That person should have been given a community service order and offered an appropriate drug or alcohol program or mental health support or whatever intervention is required before entering the criminal justice system.

Victims deserve more, but so do perpetrators. Many perpetrators of violence were once themselves victims of or witnesses to violence. More must be done at an earlier time to work for change. We can never excuse the perpetrators but we must ensure they are given the best opportunity to stop their offending. This bill ensures that for every sentence a perpetrator must not reoffend, must undergo supervision and must undertake at least one other appropriate condition, which includes curfews, home detentions, treatments, programs or injunctions regarding places or persons.

If the Government can do all this for those convicted of crime, why can treatments and programs not be more widely accessed by members of the community before they perpetrate a crime and interact with the criminal justice system? Why can we not target these people and offer them the support before they become a problem? We must do everything we can to support perpetrators to change their behaviour. I have spoken to many people who operate perpetrator behaviour change programs in the State and the certainty around funding for long-term, evidence-based programs is a concern. Perpetrator behaviour change programs of six to 12 weeks duration are not effective; they need to be for six months or 12 months. One cannot unlearn a lifetime of trauma and violence in a few weeks. Perpetrators must be given support throughout the program. The victims and their families, particularly in relation to domestic violence, need support as well.

We must also consider the operation of the parole system. Greater supervision is needed to ensure that prisoners follow the directions they are given to transition into programs. My concern mirrors the concern raised by the member for Heffron and the member for Liverpool that the funding is actually spent. We must not only have intensive correction orders but also have accessible programs. As with any justice system that seeks to achieve real rehabilitation, we must ensure that prisoners are able to transition effectively back into the community, and that involves a level of supervision and support from parole officers. Community Corrections officers must be empowered to act on the spot in relation to breaches and provide immediate sanctions where appropriate. [*Extension of time*]

For example, in the case of domestic violence involving a breach of a parole condition, such as going to an ex-partner's home, parole officers should act before there is another incident of domestic violence, not after the fact. A number of high-profile cases of high-risk sex offenders and domestic violence offenders have come to light in the media recently where an impending parole application by a prisoner has not been communicated to their victims, for various reasons. Some matters can be complicated, such as those involving a child victim of sexual assault. We must ensure that such matters are covered in the bill. I will be interested to hear the Attorney's comments in reply. Some cases have involved considerable community outrage, and the community has had no faith that particular prisoners will comply with parole orders.

Community safety should be paramount in court determinations. Enabling victims to give their victim impact statements orally rather than in a written statement is a good outcome. The courts should have a more comprehensive list of issues to consider when making an order, including whether offenders are likely to comply with their orders and available options, either in the community or in custody, in order to reduce the risk of reoffending.

I again call on the Government to work with our community in a more comprehensive way. It is important that this legislation takes an approach to justice that includes rehabilitation and reducing recidivism. Again I say

that we must look at early intervention. We must look at building communities where people have opportunity and real supports around them when they are in need rather than people having to wait until they have committed a crime before they can address the issues that have led them to that lifestyle. I am not excusing perpetrators but, as we understand, living in a violent home or living a life of disadvantage, having little or no access to education, having a mental illness and/or an addiction are all determinants that lead to crime. We need to do more in regional and rural and remote communities, in Aboriginal communities and for women.

As the member for Port Stephens referred earlier, I also attended last week the Empowering Women, Changing Lives Breakfast, where we heard the stories of families in this State who are torn apart by custodial sentences. We heard of children who grow up with a life sentence as a result of the short sentence imposed on their parents, particularly their mothers, sometimes for a crime they should never have been in a position to commit. If they had had more support from our community, perhaps they would never have acted in that way. I urge the Government to continue to work towards a fairer allocation of resources in our community to support those in need, which will go to ensuring that these community members do not face custodial sentences.

Mr JAMES GRIFFIN (Manly) (18:21): I speak in support of the Justice Legislation Amendment (Committals and Guilty Pleas) Bill 2017. Ultimately, this bill is about reducing delay in the criminal justice process, improving case management of serious criminal cases, and improving victims' experience in the criminal justice process. It is that aspect I speak to, specifically the early guilty plea reform. The early guilty plea reform will help reduce undue stress for victims and minimise delays. This early appropriate guilty plea reform builds on recommendations of the NSW Law Reform Commission report entitled, "Encouraging Appropriate Early Guilty Pleas", which identified a number of areas where victims presently experience dissatisfaction with the justice system. This includes victims feeling they are not adequately consulted during charge negotiations and feeling they receive information late in the process—that is, only when a senior prosecutor is appointed many months after the initial charges have been laid.

Charges against an accused may change after the committal hearing, compounding the stress and frustration experienced by victims. The median time taken in the District Court to finalise a matter that goes to trial is now 374 days. Delays increase stress for victims, create uncertainty about when a matter will be completed and leave victims feeling as though their lives have been put on hold. Victims often disagree with significant discounts being given for plea changes just prior to trial. The early appropriate guilty plea is a systemic change to the way indictable criminal cases are managed and aims to address some of the issues that cause additional stress to victims. This includes getting the charge right early.

A senior prosecutor from the Office of the Director of Public Prosecutions [ODPP] will review and certify the charges shortly after they are laid. Where possible, the senior prosecutor who reviews and certifies the charge will be the prosecutor who runs the trial. This will reduce the risk of the charge changing late in proceedings. A senior prosecutor from the ODPP will be appointed at the outset and will be the point of contact for victims from the beginning of proceedings. Funding has been provided to the ODPP to support this change under the reform. Additional funding has been provided to expand the Witness Assistance Service. The Witness Assistance Service provides information, referral and support for victims of violent crimes and vulnerable witnesses in matters that are prosecuted by the ODPP. Witness Assistance Service officers will continue to provide support and assistance to victims under the early appropriate guilty plea reform through proactive early contact and their position as part of the prosecution team.

The prosecution and defence will be required to discuss the case while the matter is still in the Local Court at a mandatory criminal case conference. At this conference, lawyers for the defence and prosecution will review the evidence, discuss the charges and, where appropriate, facilitate the accused entering a guilty plea. Case conferencing will bring forward charge negotiation to the early stages of a matter and allow more time for consultation with victims prior to finalisation of the charges. A guilty plea earlier in the process minimises the need for victims to prepare for trials that do not go ahead. Early charge review by the prosecutor and mandatory case conferences while the matter is still in the Local Court will reduce the number of late guilty pleas to reduced charges. Sentence discounts will be tightly controlled and fixed in most cases.

Fixed discounts will apply depending on the timing of the guilty plea. First, a 25 per cent discount will apply if the guilty plea is entered while the case is in the Local Court before the case is committed to the higher courts. Secondly, a 10 per cent discount will apply where the guilty plea is entered after the case has been committed to a higher court but at least 14 days before the first day of the trial, or the accused gives notice to the prosecutor of their intention to plead guilty at least 14 days before the first day of the trial and enters the plea at the first available opportunity. Thirdly, a 5 per cent discount will apply if the guilty plea is entered in any other circumstances.

Before and after the announcement of the criminal justice package, the Government has consulted with victims and legal advocacy groups. The Government will continue to consult with victims and advocacy groups

to ensure that the reforms are successfully implemented. In summary, the early appropriate guilty plea reform will ensure victims will not suffer undue stress from prolonged criminal proceedings only to have the offender plead guilty on the day of trial. Victims will have a senior prosecutor as a key contact from the start to the end of the process to assist them with understanding their cases. Offenders who plead guilty on the day of trial will not receive an inappropriately large sentence discount. Finally, the backlog of District Court cases will be reduced, leading to swifter justice for the community. I congratulate the Attorney General and his team, in particular Bran Black and Tom Loomes, and I commend the bill to the House.

Mr MARK SPEAKMAN (Cronulla—Attorney General) (18:27): In reply: I thank the members representing the electorates of Liverpool, North Shore, Heffron, Myall Lakes, Port Stephens, Epping, Maitland and Manly for their contributions, particularly those who are practising lawyers for their insight and those who are particularly passionate, such as the member for Maitland. Dealing first with the Crimes (Sentencing Procedure) Amendment (Sentencing Options) Bill 2017, the member for Liverpool raised concerns regarding the bill, the first of which was access to community-based orders in regional and rural New South Wales.

I agree that offenders in regional, rural and remote communities often have been excluded from intensive correction orders [ICOs] and community service orders [CSOs] due to the lack of available work options. In some parts of regional and rural New South Wales, it is difficult to source enough unpaid community work for offenders to do. That means that when the court assesses the potential community sentencing options available, it often has to rule out work as a viable condition, which means that orders that have a mandatory work component are not available. Under the new legislation, the revamped ICO and the new community correction order [CCO] will enable courts to impose alternative conditions as opposed to a mandatory work requirement. This change should help offenders in having a more flexible, suitable sentence while residing in the community under supervision.

These legislative changes are backed by significant injections of funding and resources. In late 2016 the Government, as part of its reducing reoffending strategy, announced a \$237 million package. Since early 2017, this package is funding significant operational improvements within Corrective Services, including the rollout of the Practice Guide to Intervention [PGI], an enhanced supervision model, and improvements to the case management of offenders. Through the PGI, Community Corrections officers work with offenders on a one-to-one basis to address attitudes and behaviour underpinning the offender's criminal behaviour. As part of these improvements to offender management, Corrective Services NSW [CSNSW] is engaging external program facilitators to run additional community-based programs to increase participation. This package of reforms is separately funded by a \$200 million package of criminal justice reforms. From this, CSNSW is recruiting more than 200 more staff, including community corrections officers to supervise offenders.

The Government shares the concerns of the members for Liverpool and Port Stephens about Aboriginal incarceration rates and how community-based sentences may affect this. That is why the Government has invested significant resources into the enhancement of supervision and program delivery in rural and regional New South Wales. In addition, the structural changes made to the ICO in the bill will improve accessibility to the ICO in rural and regional New South Wales. By making the current mandatory work component of the ICO an optional condition for courts to impose, offenders who would be unsuitable to perform the work requirement under the current ICO may now be placed on alternative conditions to hold them accountable and tackle their offending behaviour.

The member for Liverpool and the member for Heffron also raised concerns regarding why ICOs will be capable of being imposed only for a single offence for up to two years instead of three years. The Government considers that an offence that is serious enough to warrant a prison sentence of more than two years should be served in full-time custody. The three-year limit for multiple ICOs and for an ICO imposed on an aggregate prison sentence for multiple offences gives the courts flexibility to deal with a range of less serious offences by way of ICO, while ensuring that the length of the sentence reflects the overall seriousness of the offending.

The member for Heffron suggested that the Government should monitor the impact of the reforms to ensure that the courts comply with the intention of the legislation and do not increase sentences to make sure an offender goes to prison. I can assure the member for Heffron that an ICO is an option, not a necessity, for offenders sentenced to two years or less. The courts retain discretion to impose a full-time prison term of up to two years instead of an ICO, if appropriate. The Department of Justice will also be monitoring the impact of the reforms on the criminal justice system as they are rolled out. The member for Heffron also suggested that some of the exemptions for the ICO were superfluous. Some offenders found guilty of exempted offences do receive sentences of two years or less. Many of these exemptions are the result of stakeholder consultation and they are in line with community expectations.

The member for Port Stephens raised concerns about the impact of these reforms on women. The changes to sentencing will be a major support for women when compared with the existing sentencing regime. The community service work requirement for the existing ICO prevents offenders with mental health and cognitive

impairments, drug and alcohol issues, or who would otherwise be unfit or unsuitable for work, from accessing the ICO. Female offenders with these issues are often adversely affected by this requirement and are currently unable to access the ICO. Women often have carer responsibilities that clash with the work requirement. This is another way in which the current ICO's structural flaws raise an artificial barrier that prevents women from benefiting from the intensive supervision and programs that are available under an ICO.

The current mandatory work condition of the ICO will become optional for courts to impose. If the offender is unable to work or is otherwise unsuitable, the court can impose a different condition and the offender can still access the ICO. The member for Maitland spoke passionately about protecting victims of domestic violence. The Government has consistently demonstrated its commitment to reducing violence. In 2015 the Government made reducing domestic violence offenders reoffending one of its highest priorities, establishing it as a Premier's priority. It has repeatedly demonstrated its commitment to holding domestic violence offenders to account and protecting victims and at-risk persons, including by investing more than \$350 million over four years in the 2017-18 budget.

The member for Liverpool raised concerns about District Court resourcing. The early appropriate guilty plea [EAGP] reform is one part of a package of reforms undertaken to address the District Court backlog. The Government has already acted to ensure that there are additional District Court judges, sufficient courtrooms and the latest technology available to support the District Court system. In addition to the \$59 million announced in 2015 and 2016 to fund five additional District Court judges, on 7 June 2017 I announced funding for two new state-of-the-art courtrooms to help deliver justice faster and reduce the District Court backlog.

The 2017-18 budget delivered \$8.5 million for two new trial courts at the Downing Centre and for a new State Parole Authority hearing room at the Sydney West Trial Courts in Parramatta, which will make an existing courtroom available for trial use. The Government is also investing \$19.3 million over three years to upgrade technology at dozens of local, district and supreme courthouses across the State. Audiovisual link [AVL] upgrades have been completed at 10 District Courts at the Downing Centre. The member for Liverpool referred to a letter from the Law Society of New South Wales expressing concerns about the disclosure of the brief of evidence. I also received that letter from the Chief Executive Officer of the Law Society, Mr Michael Tidball, on 5 October 2017. The letter stated:

We are concerned that the draft Bill, particularly in relation to prosecution disclosure and the abolition of committals, has the potential to create significant delays in the system, increase the number of trials in the District Court and ultimately reduce the number of appropriate early guilty pleas. There is no safeguard in the draft Bill to require that what the police and prosecution provide an accused person in an initial brief of evidence is sufficient or of a high quality.

The legislation does not require any of the brief to be in admissible form.

I thank the Law Society for bringing these concerns to my attention. I have taken its concerns into account in my consideration of the bill. The Law Reform Commission considered that committal hearings would be unnecessary and inefficient under the EAGP reforms, and recommended their abolition. Under the EAGP reforms, the assessment of whether the evidence supports the charge will instead be made by senior prosecutors in the New South Wales Office of the Director of Public Prosecutions [DPP] or the Commonwealth DPP. There are a number of ways in which this reform provides for a robust disclosure process in the Local Court. Currently, the Criminal Procedure Act does not provide any guidance about the content of the brief of evidence for committal proceedings. The bill introduces an entire new division about disclosure and the brief of evidence to rectify this.

The bill includes a legislative definition of the brief of evidence. Proposed section 62 (1) will provide that the material in the brief of evidence must contain, first, copies of all material obtained by the prosecution that forms the basis of the prosecution's case; secondly, copies of any other material obtained by the prosecution that is reasonably capable of being relevant to the case of the accused person; and thirdly, copies of any other material obtained by the prosecution that would affect the strength of the prosecution case. The Law Reform Commission recommended that the brief served on the accused person in committal proceedings include only material that forms the basis of the prosecution's case. This legislative definition was expanded in response to concerns raised by stakeholders to ensure the appropriate disclosure of material.

Proposed section 62 (2) will provide that the material contained in the brief of evidence is not required to be provided in admissible form, meaning it is not required to comply with the requirements for written statements contained in part 3A of chapter 6 of the bill, or any other technical requirement so that it would be admissible in court as evidence. The advantage of removing these technical requirements for the way that evidence is provided is that it means the brief of evidence can be served earlier on the accused person. Even if it contains material that is not in a form that would make it admissible at trial, the content of that evidence is clear to accused persons and their legal representatives much earlier than is currently the case.

The Law Reform Commission found that the formal requirements for the presentation of material in the brief of evidence requirements were contributing to some of the delay in criminal cases. Under the EAGP reform, a protocol between the NSW Police Force and Office of the Director of Public Prosecutions [ODPP] will provide guidance about when material in the brief of evidence should be provided in admissible form. A protocol provides sufficient flexibility and policy guidance that can be applied on a case-by-case basis, rather than inflexible legislative prescription. The protocol will also reflect an agreed position between these agencies. That said, a regulation-making power has been included in the provisions about the brief of evidence, should further prescription be required. If regulations are proposed to be made, consultation will occur with all key justice agencies, including defence stakeholders, the NSW Police Force and the ODPP.

Proposed section 63 creates a statutory obligation on the prosecutor to continuously disclose material to the accused person. Senior prosecutors in the ODPP will review the brief of evidence once it has been provided by police. Where they have concerns, they will be able to make requisitions to the police for the provision of further material or for material to be provided in admissible form, in accordance with the protocol. In this way, senior prosecutors will act as a gatekeeper for the quality of the brief of evidence.

Proposed section 66 (2) provides that the senior prosecutor is to be satisfied that the evidence available is capable of establishing each element of the offences that are to be certified. This legislative requirement is in addition to the more detailed requirements contained in the ODPP guidelines on decisions about charges. It reflects key aspects of the committal test that is being abolished under the reforms, and clearly identifies the level of responsibility imposed on the senior prosecutors under the reforms.

Proposed section 70 sets out that one of the objectives of case conferencing is to facilitate the provision of additional material or other information that may be reasonably necessary to enable the accused person to determine whether to plead guilty to one or more offences. It is expected that case conferencing will provide a forum for the senior prosecutor and legal representative of the accused person to discuss the material contained in the brief of evidence. Should evidentiary issues be key to the resolution of the case conference, parties can apply to the Local Court for an adjournment to continue their discussions. The Government is investing in the case management systems of the courts and other justice agencies to track the key performance indicators of the reform. The Government will continually review the effectiveness of all elements of the reform and respond to any substantiated evidence that any aspects are not working as intended.

The member for Heffron expressed reservations about the effectiveness of these reforms in changing the current practices of lawyers. The Government is investing \$93 million over three years and most of this money will be applied toward the ODPP and Legal Aid New South Wales to front-load resources early in the process. Senior prosecutors and defence lawyers will be engaged earlier. This will ensure cultural change within our justice system. The member for Heffron also raised concerns that a sentence indication scheme is not included in the reforms. The Law Reform Commission specifically excluded recommendations about reintroducing a sentence indication scheme. Stakeholder support for such a scheme was mixed. The Law Reform Commission considered that sentence indications would do little to encourage early guilty pleas under the proposed blueprint, as they could potentially be used as part of a strategy to delay the entry of a guilty plea. This would undermine the object of the reform.

I now turn to high-risk offenders. These reforms will reframe the test the court applies in determining whether an offender is to be subject to a continuing detention order. The reframed test will focus the court's attention on whether or not an offender poses an unacceptable risk rather than whether the offender can be adequately supervised in the community on an extended supervision order [ESO]. These reforms will keep serious high-risk sex and violent offenders under supervision or in custody if they pose an unacceptable risk to the community when their sentence has ended. As I understood him, the member for Liverpool suggested that changes to prevent breaches of an ESO were overdue. I note that this Government made amendments to the high-risk offenders scheme in 2014 to enable emergency detention orders. Emergency detention orders are available for responding quickly where altered circumstances mean that an offender cannot be adequately supervised in the community—such as if a breach suggests an escalation in an offender's risk.

The Crimes (High Risk Offenders) Amendment Act 2014 introduced reforms to enable the Supreme Court to make an emergency detention order on an ex parte basis where a supervised high-risk offender cannot be adequately supervised in the community because of altered circumstances and consequently poses an imminent risk of committing a serious offence. Emergency detention orders are retained under these reforms, with a reframed test focusing on whether there is an imminent and unacceptable risk, rather than whether an offender can be provided adequate supervision in the community. Emergency detention orders are an additional and necessary tool to help manage offenders being supervised in the community on an extended supervision order. These orders cover situations where a supervised offender's circumstances change suddenly. The 2014 reforms also increased the penalty for a breach of an extended supervision order from a maximum of two years

imprisonment to five years imprisonment. Emergency detention orders enable an offender to be kept safely in custody while the problem created by the change of circumstances is sorted out.

The member for Port Stephens raised concerns regarding the number of women subject to incarceration. The focus of the high-risk offender legislation is community safety. However, earlier identification and warning of offenders will provide greater opportunity for all offenders, including women offenders, to engage in rehabilitative programs while in custody. This will be taken into account when making an assessment whether the offender poses a risk to the community at the end of their sentence. Corrective Services NSW will identify high-risk offenders both six months after sentencing and three years before the earliest release date to earmark high-risk offenders for targeted rehabilitation programs earlier. The aim is to ensure that by the end of an offender's original sentence of imprisonment, fewer offenders will be at risk of committing a serious offence and therefore an extended supervision order or continuing detention order will not be necessary.

The member for Heffron has suggested that the high-risk offenders framework undermines the principles of proportionality and he or the member for Liverpool referred to correspondence from the Law Society of New South Wales. There are some important points to note. First, the scheme is limited to only the most serious high-risk sex and violent offenders, and the validity of the legislation has been upheld before the court. Secondly, the focus of this legislation is not on punishing offenders, where issues of proportionality would be relevant, but on protecting the community. Under the reforms, community safety will be the paramount consideration in determining whether to make an order for an offender's extended supervision or their continued detention in a correctional centre. The Government makes no apology for implementing amendments to strengthen the High Risk Offenders Scheme. Under these reforms the community will be better protected from the most dangerous sex and violent offenders.

The Law Society of New South Wales also raised concerns about difficulties in predicting whether someone will offend in future. We make no apology for putting community safety first. The Government's position is that, even if we cannot, with 100 per cent accuracy, make these sorts of predictions, a less than 100 per cent perfect scheme is better than no scheme at all where community safety is paramount. I note that as Attorney General I have been involved in making a number of these applications. From time to time, I have come across offenders who have refused to engage in any sort of rehabilitation. So in a number of cases ESOs or CDOs will be the consequence of choices that an offender has made. The scheme that this amendment bill will introduce will give offenders an earlier notice of the need to engage in these sorts of schemes to avoid the need, ultimately, for a CDO or an ESO.

This package of reforms will deliver smarter, swifter and more certain justice for the people of New South Wales. Each of the bills reflects a balance between all stakeholder interests. This is a delicate balancing act, but the protection of the community remains the key rationale underpinning the reforms. The sentencing reforms will, first, strengthen the Intensive Correction Order, which will be available as a community-based sentence where a prison sentence of up to two years is imposed. Secondly, the reforms will introduce the community correction order to replace section 9 good behaviour bonds and community service orders for offending that does not warrant a term of imprisonment. Thirdly, the reforms will introduce the conditional release order to replace section 10 bonds for lower level offending.

The early appropriate guilty plea reforms will, first, resolve criminal cases faster, leading to swifter justice for the community and reducing stress for victims; secondly, reduce wasted costs for the courts, the NSW Police Force, Legal Aid and the ODPP in preparing for trials that do not go ahead; and, thirdly, ensure guilty pleas are entered by defendants only where appropriate. The High Risk Offenders Scheme will be improved by, first, ensuring community safety is the paramount consideration of the court; secondly, enabling more offenders to be eligible for the scheme, as the court will be required to consider an offender's criminal history and future risk of serious sex and violent offences, instead of just one or the other; and thirdly, strengthening the test for deciding whether to impose a continuing detention order so an offender's risk to the community is considered, instead of whether he or she can be supervised adequately. Together, the reforms strengthen the State's criminal justice system, ensuring it remains effective and is responsive to what the evidence shows works in delivering tougher and smarter justice for safer communities.

I thank my parliamentary colleagues who have contributed to this debate, all stakeholders who have aided the development of these bills, and the hardworking team at the Department of Justice, whose diligence and commitment has enabled me to bring these bills forward. In this regard, I thank Brendan Thomas, formerly of the Department of Justice but now the Chief Executive Officer of Legal Aid, for his role in the early development of these reforms. I thank my own staff, whom I nominated earlier. I commend the bill to the House.

TEMPORARY SPEAKER (Mr Lee Evans): The question is that this bill be now read a second time.

Motion agreed to.

Third Reading

Mr MARK SPEAKMAN: I move:

That this bill be now read a third time.

Motion agreed to.

PAROLE LEGISLATION AMENDMENT BILL 2017

Second Reading

Debate resumed from 11 October 2011.

Mr GUY ZANGARI (Fairfield) (18:47): On behalf of the New South Wales Labor Opposition I speak in debate on the Parole Legislation Amendment Bill 2017. The purpose of this bill is to amend the Crimes (Administration of Sentences) Act 1999 and the Children (Detention Centres) Act 1987 to implement a number of recommendations set out by the Law Reform Commission report No. 142, which I will refer to in my contribution to this debate as "the report".

The report sets out a number of recommendations that stemmed from consultation and feedback received by various stakeholders, industry representatives and respective experts in the field to resolve a number of existing issues within the system. First of all, the inception of this legislation will see court-based parole replaced with statutory parole, with the aim of reducing delays when introducing parole conditions for offenders. The report indicated that stakeholders had expressed concerns about instances where court-based parole conditions were often delayed and were not submitted by the courts before the offender was eligible for parole. Statutory parole will eliminate such delays through the automatic provision of parole orders for offenders who are subject to terms of imprisonment of three years or less when a non-parole period has been imposed on the sentence. Statistically, more than 80 per cent of adult offenders released on parole have been subject to court-based parole orders, highlighting the deficiencies in the existing system and the need to implement changes to make the system more efficient.

Despite these changes, the courts will continue to be involved in parole decisions when it comes to sentences of three years or less. The courts will still make the decision whether to impose a fixed term, set a non-parole period and the length of that period and to determine if and when an offender can be released on parole. Changing from court-based parole to statutory parole would simply remove the administrative requirement for courts to make parole orders. All offenders with a head sentence of more than three years would not receive a court-based parole order as the release of these offenders to parole is at the discretion of the State Parole Authority [SPA].

As per recommendation 4.1 of the report the public interest test will be replaced with more specific conditions to provide the State Parole Authority with a more comprehensive guideline to follow when weighing up conditions and circumstances relating to parole. This recommendation would include weighing up the risk to community safety on releasing the offender on parole; whether parole supervision is likely to aid in reducing the possibility of the offender reoffending; the risk to community safety if the offender is released at the end of the sentence without a period of parole supervision; the risk to community safety if the offender is released at a later date with a shorter period of parole supervision; and the extent to which parole conditions can mitigate any risk to community safety during the parole period.

The bill will also see the implementation of mandatory supervision orders imposed on all parole orders. It is worth noting that presently New South Wales is the only Australian jurisdiction where supervision is not an automatic component of parole for all offenders, despite the fact an overwhelming majority end up with supervision as a condition of parole. The report contained detailed findings which indicated that the supervision of medium- and high-risk offenders according to the best practice risk-needs responsivity principles significantly reduced reoffending rates by approximately 20 per cent. The period after release from custody has been identified as a crucial period for offenders who need to reacquire the fundamental life skills which were unnecessary in custody. It has been noted that the purpose of releasing offenders on parole is to reduce risk to community safety by managing and supervising an offender's re-entry into the community and providing the necessary support to make this transition successful.

The legislation before us today has taken the recommended approach by establishing a step-down reintegration scheme which will allow eligible inmates to transition from custody into home detention while receiving a higher degree of supervision and parole conditions. This arrangement would only become available to eligible offenders within the final six months before their parole order would take effect. The eligibility for this at-home reintegration would remain subject to approval from the commissioner and would mostly be determined by the offender's circumstances and available facilities upon being released from incarceration or detention. While

subject to a reintegration order, the parolee will undergo more intensive supervision than when under a standard supervision order. Express authority is conferred to impose a condition of home detention, a requirement to submit to the use of an electronic monitoring device and other ancillary related conditions.

The State Parole Authority and Community Corrections will be granted the power to impose additional conditions and sanctions as necessary should an offender have breached his or her parole order. Following a breach, an offender's parole can be revoked. The Attorney General, the Minister for Corrections, the Commissioner for Corrective Services or a Community Corrections officer may request for such a revocation to occur. Should a reintegration home detention parole order be revoked, an offender will have no entitlement to seek a review hearing before the SPA. I also emphasise that reintegration home detention orders cannot be made for serious offenders including domestic violence offenders, child sexual offenders, serious sex or violence offenders, or a terrorism offender.

Amendments have been made to the Victims Register to provide both registered victims and offenders with an improved understanding of and engagement with the parole decision-making process. Within the existing system, victims of non-serious offences have no statutory right to this information, which over the years has caused a degree of duress for affected individuals throughout New South Wales. Victims will also be granted the right to make submissions to the SPA as part of their decision-making process about parole for the offender.

Should a governor of a correctional facility or juvenile detention centre wish to exercise the prerogative of mercy, he or she may make a parole order regarding an offender, whether or not the offender is eligible for release on parole. This parole order would remain subject to any direction made by the governor as if the orders had been made by the State Parole Authority. Under the amendments before us today, health service providers will now be required to provide information about an offender's attendance and/or participation in a program, activity or appointment required under parole conditions if requested by a Community Corrections officer.

In New South Wales, we have a separate juvenile parole system, with the existing legislative frameworks governing the juvenile system being identical to that of the adult system. This has been identified as overly technical and inflexible. The report set out, as supported by a majority of stakeholders, a recommendation for separate legislative frameworks to be established to govern the juvenile parole system. This has been established with this bill through separate parole provisions under the Children (Detention Centres) Act 1987. The Children's Court may subsequently impose any necessary changes to a juvenile offender's parole orders. Under changes within this legislation, the Children's Court will now have the power to re-enact a juvenile's parole order if the grounds for the revocation were made on the basis of false, misleading or irrelevant information. This is a sensible approach to rectifying such a situation. In the event an offender fails to comply with a parole order, Community Corrections officers have been granted more flexibility in how they manage non-compliance. They may record non-compliance with no further action; give an informal warning; give or arrange for a formal warning; give a reasonable direction about the non-compliant behaviour; or impose a curfew. If the failure to comply is more serious, the commissioner or a Community Corrections officer may refer the matter to the State Parole Authority for further action.

I point out that throughout the process of drawing up the legislation and the countless discussions leading up to its inception, the overall goal of changes within this bill has been to reduce red tape, make parole orders and conditions more efficient and ensure the safety of the community is of paramount importance. I underline the importance of rehabilitating offenders and ensuring their reintegration into society is as successful as it can possibly be. The Government has a track record of blindly throwing money at problems in the hope that the issue will resolve itself. This includes, but is not limited to, overcrowding in our State prisons, rampant contraband, inmates escaping on a regular basis and assaults inside jails occurring left, right and centre. A recent example includes the \$237 million the Government threw at a number of reoffending programs in corrections.

Despite this vast injection of funds, it has been confirmed by the Minister that in 2016-17, 65 per cent of the 4,970 inmates had not received any access to the therapeutic programs prior to their earliest release date. Therapeutic programs include sex offender programs, the Violent Offender Therapeutic Program, Intensive Drug and Alcohol Treatment Program, the Ngara Nura Program, EQUIPS programs, remand domestic violence intervention and remand addictions support groups. This means that in 2016-17, 75 per cent of the inmates eligible to receive therapeutic programs were automatically released from incarceration despite not receiving access to such programs. But once more I digress. This bill implements a number of make-sense changes to parole in New South Wales and has followed the guidance of the Law Reform Commission's report to reduce a whole load of red tape and to streamline parole for offenders with a head sentence of three years or less where a non-parole period has been imposed on the sentence. As such, the New South Wales Labor Opposition does not oppose this bill.

Ms MELANIE GIBBONS (Holsworthy) (18:59): I support the Parole Legislation Amendment Bill 2017. This bill aims to assist in improving community safety and to reduce the risk of reoffending through reforms

to the criminal justice system. Currently within the parole system we are helping to reduce reoffending through the supervision of 5,600 parolees at a time, coupled with proven interventions targeting the causes of criminal behaviour conducted by Corrective Services. Although this is the case, the aim of this bill is to further strengthen parole to improve community safety and to assist in maximising the opportunities to return offenders to ordinary community life after they are released from custody.

Recommendations from the Law Reform Commission 2015 report on parole have been utilised to build these reforms. These reforms are part of the wider modifications found within the New South Wales Government's package of criminal justice reforms, which are helping to legislate the most significant criminal justice reform program that this State has seen in many years. It is important to note that the reforms in this bill help to complement the package of changes to community-based sentences that have been introduced by the Attorney General, which will help to increase the amount of offenders under supervision in the community.

This bill makes changes to multiple pieces of legislation but primarily provides amendments to the Crimes (Administration of Sentences) Act 1999 and the Children (Detention Centres) Act 1987. One of the first changes is to provide for the creation of reintegration home detention orders for the release of suitable adult offenders under home detention conditions. These orders would be for a period of not more than six months before their parole orders take effect and for procedures for the revocation of those orders.

Amendments within the bill are also aimed at providing greater oversight and to allow for a greater sense of community safety. This bill will require that risks to the safety of the community be examined by the NSW State Parole Authority and the Children's Court before making changes to parole conditions. Additionally, the bill will seek to provide a condition in parole orders to impose supervision and to provide for exemptions from or suspension of supervision in certain circumstances. It will also grant powers to the Attorney General, the Minister for Corrections, the Commissioner of Corrective Services or a Community Corrections officer to request a revocation of parole. It will require the Parole Authority and the Children's Court to consider risks to the safety of the community before revoking a parole order before the release of the offender. It is important to note that, in the interest of community safety, the Parole Authority will not be able to make a parole order unless it is satisfied that the safety of the community is maintained.

The bill will also see a parole order automatically imposed where offenders are subject to terms of imprisonment of three years or less, where a non-parole period is imposed on the sentence. Additionally, the bill will assist in providing information around parole or reintegration home detention orders to registered victims of an adult offender. This is to allow an opportunity for victims of the offender to make submissions in relation to the parole or home detention decision. Health service providers will also be required to provide information about whether an adult offender on parole has attended a program or other activity to assist in rehabilitation, as required under the parole order.

To provide another oversight and level of safety for the community, the Parole Authority will be granted the power to impose sanctions, up to and including revocation, for the breaking of a reintegration home detention order by an adult offender. Powers will also be granted to Community Corrections officers to impose sanctions for the breach of a parole order in less serious cases. They will also be granted the ability to set out sanctions that may be imposed by the Parole Authority or Children's Court in more serious cases, including the option of revocation. Amendments within the bill will provide powers to the Parole Authority and the Children's Court to revoke a parole order if they are satisfied that the offender poses a serious and immediate risk to the community that cannot be sufficiently mitigated. Additionally, in the case of an adult offender, if there is a breach of an associated reintegration home detention order the Parole Authority will be able to revoke this as well. It is important to note that this bill will assist to provide for separate legislation for the parole system for juvenile offenders and adult offenders. The Children's Court will continue to determine matters relating to the parole of juvenile offenders and to provide for parole proceedings before the court.

As the Chair of the Committee for Children and Young People—and someone who is interested in youth policy—I will now focus on schedule 2 to the bill, which proposes amendments to the Children (Detention Centres) Act 1987. Currently New South Wales has a separate juvenile parole system, where the Children's Court performs the State Parole Authority's role as parole decision-maker and Juvenile Justice NSW supervises parolees. However, the juvenile parole system is currently governed by the same Crimes (Administration of Sentences) Act 1999 provisions as the adult system. This is not fit for purpose and creates procedural difficulties. Under the proposal, the parole legislative framework will be improved by introducing separate age-appropriate provisions to govern the juvenile parole system. This will make the legislation governing the juvenile parole system more transparent and enable some aspects of the system to be made more appropriate for juveniles.

This bill introduces a community safety test to replace the current public interest test for release on parole. The test is the same as the test for adult parole, but the Children's Court will also be required to consider the rehabilitation and reintegration of young offenders. Of course, this may be highly relevant to the safety of the

community. This is a recommendation of the Law Reform Commission which noted that this is an important consideration for the Children's Court in parole decision-making. The new provisions will align with the general community's interest in ensuring children in the criminal justice system are managed within age-appropriate frameworks.

The new juvenile legislative framework introduces a new principle into the juvenile parole provisions, namely, that the purpose of parole for juveniles is to promote community safety, recognising that the rehabilitation and reintegration of children into the community may be a highly relevant consideration in promoting community safety. Most statutes that apply to juveniles in the criminal justice system contain objects or principles that guide decision-making or frame the operation of the Act. Rehabilitation is a particular focus of policy and law in the context of young people and, therefore, has been included alongside the concept of community safety. I thank the Minister for Corrective Services, his staff and his department for bringing this bill to the House. I know they have worked incredibly hard to do so. Community safety is at the heart of these reforms, and this reform package will continue this Government's trend of reducing crime across New South Wales. I commend this bill to the House.

Mr RON HOENIG (Heffron) (19:07): I make a contribution to debate on the Parole Legislation Amendment Bill 2017. I endorse the remarks of the member for Fairfield, and my contribution should be seen as consistent with the remarks and views he expressed on behalf of the Opposition. This bill, and the Crimes (Sentencing Procedure) Amendment (Sentencing Options) Bill and the cognate bills that preceded it, are probably the most significant reforms to the justice system in this State for 30 years. Despite the political rhetoric, this legislation has put an end to the Parliament's "redneck reforms" that have been taking place since 1988. The Parliament, the Attorney General and the Minister for Corrections have sensibly adopted the work of not just the Law Reform Commission but also a variety of stakeholders, all of whom have had genuine input into these reforms which are designed to create a better justice system and a better penal system. Ultimately that will provide a benefit to the community. Section 3A of the Crimes (Sentencing Procedure) Act 1999 provides seven criteria for the purposes for which a court may impose a sentence on an offender. They are:

- (a) to ensure that the offender is adequately punished for the offence,
- (b) to prevent crime by deterring the offender and other persons from committing similar offences,
- (c) to protect the community from the offender,
- (d) to promote the rehabilitation of the offender,
- (e) to make the offender accountable for his or her actions,
- (f) to denounce the conduct of the offender,
- (g) to recognise the harm done to the victim of the crime and the community. I thought that the words of the Minister in concluding his second reading speech deserved to be highlighted in my contribution. The Minister said:

Evidence shows that a parole system that reintegrates offenders back into the community with supervision aimed at addressing offending behaviour works to reduce reoffending. This makes the community safer. Reducing offending means fewer victims.

Those words should be highlighted and immortalised because they, together with some of the words in the Attorney General's second reading speech, put an end to the law and order debate that put aside every conceivable, legitimate principle of our democracy for other purposes. It has taken some courage to introduce provisions such as these that make community safety paramount but also benefit the community by reintegrating offenders.

Within the Executive Government and the Corrective Services system we have extremely talented individuals who understand the nature of offenders and what is required to maintain them in custody and to rehabilitate them. Recently I spent a day touring the Long Bay Correctional Centre facilities, with the concurrence of the Minister for Corrections and with the agreement of prison governor Pat Aboud. To someone like me who has spent a lifetime working in the criminal justice system, Pat Aboud and his deputy were extremely impressive. Because of their knowledge from working with incarcerated offenders they knew what offenders needed to do to rehabilitate. Whilst my visits to prisons over a long period have usually been only to the legal visitors room to confer with clients, I have read thousands of psychologist reports, psychiatric reports and pre-sentence reports. Suffice to say that most of the people in custody have committed a considerable number of offences and they usually come from a background where they have never been given a chance in their lives.

There are ways to address offending behaviour and to reduce recidivism. That requires the sort of action proposed by this legislation. The warning I give to the Government is the same warning I gave to the Attorney General—that is, that considerable resources are required to ensure effective supervision of those people and to reintegrate them into society where they can live law-abiding lives. It is difficult for people to understand that offenders have had other important considerations in their lives that may relate to drug addiction, having been previously assaulted or sexually assaulted, and whether or not their judgement as to what is right or wrong has been impacted by their upbringing—a number of things might have impacted on them to cause them to act in the

way that they did. The rehabilitation of offenders requires considerable resources and skilled personnel. It requires compassion and understanding. Offenders who are given those opportunities might squander them and fail but that does not mean we should stop trying.

Locking them up and throwing away the key is not the solution. Up until the late 1980s Corrective Services NSW used to perform this role, having amply qualified probation and parole officers. Those resources have been diminished over 30 years and have to be reinstated. Qualified and educated personnel will obtain the results for which the Government is hoping. I give another warning: According to those who run these programs, if they are to be effective an admission of guilt is required from offenders. For a number of reasons offenders do not necessarily admit their guilt and the law does not require them to do so. One reason might be that they are not guilty. Our justice system is not perfect. As a result of a sentence deal an offender might plead guilty. I have had many clients plead guilty when clearly they are not guilty of an offence. People plead guilty for a variety of reasons. It is not fair to delay parole for someone in those circumstances.

People's support mechanisms are their families. They do not want to admit to themselves, let alone their families, that they have conducted themselves in a particular way. A classic example is those serving sentences for manslaughter—for shaken baby syndrome. They will deny, even to themselves, that they have shaken a baby, either because they cannot live with themselves if they are guilty or because their only support mechanism is their family. A mother will not admit to her family that she has killed her own child. That is not something she will do. Serving more time is less important to her than maintaining her family's support. Any program that determines a prisoner's release date based on the admission of such an offence will not be successful. [*Extension of time*]

If we adopt legislation that is designed to have that effect we should not assume that prisoners will admit their offences in order to be rehabilitated. Every case is different. The shaken baby case may be an obvious example of an offender not admitting to his or her behaviour. Another example is sexual assault cases involving children. Those programs are dependent upon admissions. That is in a different category to those who will not admit other conduct such as those who have murdered someone not disclosing the location of his or her remains. I can understand why the Government has included that provision in the legislation. If the Government commits these resources to parole authorities—that is the key—this legislation will be successful. This is a change of attitude by governments and by parliaments. I welcome these changes. It is to the community's benefit for prisoners to be rehabilitated after serving their debt to society. This will ensure that do not reoffend and that they become worthwhile members of society.

Many people for whom I appeared were sentenced to lengthy periods of imprisonment—and their conduct was such that they deserved lengthy periods of imprisonment. On most occasions the offending behaviour that led to the commission of those serious offences should have been identified in the community prior to the offences being committed. The Government is allocating resources at the back end, and it should be commended for doing so. It must now address the need for resources at the front end to identify those persons at an earlier age. Identifying those who are likely to commit offences is cheaper and safer for the community. The ability to rehabilitate those who are drug addicted will reduce the number of offences committed and halt the progression to more serious offences that impact upon the community. I welcome this legislation, but I warn the Government that it must allocate resources—including those who are qualified to do the work, not just money.

Mr DARYL MAGUIRE (Wagga Wagga) (19:20): The Parole Legislation Amendment Bill 2017 amends the Crimes (Administration of Sentences) Act 1999 and the Children (Detention Centres) Act 1987. The bill has 18 objects, in paragraphs (a) to (r). Paragraphs (j) and (k) state:

- (j) to confer on the Parole Authority power to impose sanctions (up to and including revocation) for the breach of a re-integration home detention order by an adult offender,
- (k) to confer on community corrections officers additional powers to impose sanctions for the breach of a parole order in less serious cases and to set out sanctions that may be imposed by the Parole Authority or Children's Court in more serious cases (up to and including revocation),

This parole reform aims to improve decision-making and promote smarter management of reoffenders on parole. The benefits will apply to all offenders in metropolitan and regional New South Wales. Generally the reform will reduce reoffending and permit offenders to remain in the community or be returned to the community following revocation of parole. The reform will provide more opportunities for supervision, which is known to reduce reoffending. For example, the changes to manifest injustice, reintegration, home detention and the clear sanctions regime will encourage supervision of offenders in the community. Australian and international research shows that supervision is better at reducing reoffending than short prison terms. The parole reform, in conjunction with improvements to supervision under reducing reoffending reforms, will mean better accessibility to interventions in regional and remote areas, where Aboriginal representation is highest but where services and programs are not always available.

The Practice Guide for Intervention is a tool for Community Corrections staff that was implemented under the reducing reoffending reforms. The Practice Guide for Intervention is designed to be used during routine supervision interviews as a means of changing offender behaviour. The Practice Guide for Intervention is available to offenders in remote areas who are serviced through outreach reporting centres. In remote areas there is often no government agency or non-government organisation to assist offenders other than Community Corrections. The delivery of the Practice Guide for Intervention to offenders in regional New South Wales who are under parole supervision will play a key role in addressing causes of reoffending that often return offenders to the justice system.

This is a reformist Government and this legislation will change the way in which offenders are dealt with on parole. The Government does not want to see people return to jail. We want people to live in the community and to make a contribution. Once their time is served and they are granted parole, the Government wants them to integrate into the community, to participate and to take part in everyday activities as Mr and Mrs Citizen, to join service groups, and to volunteer across a range of organisations that provide services and benefit our communities philanthropically.

As the Parliamentary Secretary for Corrections, I am passionate about trying to improve the lives of those offenders who have served their time and have the freedom that parole affords but who need further assistance to reintegrate into the community. No-one wants to see our prison population increase but, sadly, that is occurring. It is important to understand and to manage the rules set out in the bill. Corrections officers will have flexibility in the exercise of their duties. I commend Ministers and the Government for this reformist legislation. It is welcomed and supported by those opposite. That is important as it indicates we have the balance right. I commend the bill to the House.

Ms TANYA DAVIES (Mulgoa—Minister for Mental Health, Minister for Women, and Minister for Ageing) (19:26): I speak in support of the Parole Legislation Amendment Bill 2017. I congratulate the Minister for Corrections on the development of a bill that reaffirms this Government's commitment to reforms that strengthen the parole system and improve community safety. I congratulate the Minister on his extensive consultation process, which involved a specific roundtable with the NSW Women's Alliance. The NSW Women's Alliance is a group of non-government peak organisations, networks and statewide service providers that work to improve policy and practice response to sexual assault and domestic and family violence in New South Wales. I am advised that attendees included representatives from Domestic Violence NSW; Wirringa Baiya Aboriginal Women and Children's Legal Service; WESNET, the Women's Services Network; Women's Domestic Violence Court Advocacy Service; Women's Legal Service NSW; People with Disability Australia; and Women's Health NSW.

On 9 May 2017 wideranging reforms to the parole system were announced by the New South Wales Government. The reforms ensure stronger decision-making and smarter management of parolees to make communities safer and reduce reoffending. Less crime means fewer victims. The reforms build on recommendations of the NSW Law Reform Commission parole report. Improving the parole system will contribute to the Premier's and the State's priorities for reduced adult and domestic violence reoffending. The evidence-based parole reforms proposed in the bill will go a long way towards ensuring that the parole system has community safety as its overriding goal.

As the Minister for Women, I take this opportunity to talk about the impact of these reforms on women offenders. I am advised that around 11 per cent of parolees are female. The parole reforms aim to improve decision-making and to promote smarter management of all offenders on parole. The benefits of the reforms will apply to all offenders, including women. Reintegration of home detention will provide a structured step-down between custody and the community. For women with families, this reform will assist the transition back to a normal family life by providing the opportunity to serve part of a sentence under home detention conditions.

For women with family and other carer responsibilities, the clear sanction regime is an opportunity to deal with issues in a community setting rather than returning to custody. The clear sanction regime will enable Corrective Services NSW and the State Parole Authority to respond with appropriate actions to breaches of parole conditions. Community Corrections officers will be able to deal proactively with lower-level breaches, including by way of directing offenders to engage in interventions to address offence-related issues, curfews and directing offenders to submit to drug and alcohol testing rather than diverting offenders back into the prison system.

The clear legislative framework will provide responsive, flexible and proportionate sanctions for breaches of parole for the State Parole Authority to impose additional conditions and/or electronic monitoring or home detention. Sanctions enable female offenders to deal with issues in the community, where they can access supervision and programs. Australian and international research shows that supervision focused on behavioural change and supporting transition back into the community is much better at reducing reoffending than short prison terms where offenders are released without supervision. The manifest injustice provision changes enable

appropriate offenders to be paroled and have a period of supervisory integration into the community where it is safe rather than finishing their sentence and leaving custody with no monitoring.

For female offenders, the manifest injustice provision changes offer an opportunity to be reconsidered for parole. If released, they will benefit from community supervision and programs that target their risks and needs. For those women offenders with family responsibilities, it is also an opportunity to resume caring for children, relatives and other dependants in the community. Female offenders will also benefit from the social support they receive from residing in the community with family members. The new approach to supervision being implemented by Community Corrections emphasises the importance of working to individual needs for all offenders. This gives the flexibility to adapt to different learning or cultural needs and provides interventions to individuals where more structured group-based programs may be either impractical due to the person's location, employment or childcare issues, or not appropriate to the individual. I thank the Minister and all those involved—his office and the department—for working hard and diligently to pull together this transformative bill. I commend the bill to the House.

Mr DAVID ELLIOTT (Baulkham Hills—Minister for Counter Terrorism, Minister for Corrections, and Minister for Veterans Affairs) (19:31): In reply: I thank members for their contribution to debate on the Parole Legislation Amendment Bill 2017, particularly the member for Holsworthy, the member for Wagga Wagga, and the Minister for Women and member for Mulgoa. From the Opposition, I thank the member for Fairfield and the member for Heffron. I will address some matters that were raised in debate by the member for Fairfield. At the risk of sounding pompous, I must clarify for the member for Fairfield that the Royal Prerogative of Mercy is exercised by His Excellency the Governor of New South Wales and not, as he suggested, by the governor of a jail. This is well established, as the member for Heffron is well aware. I do not think any governor of any jail would expect to exercise the royal prerogative.

The member for Fairfield also referred to the therapeutic programs audit conducted by the Auditor-General and the apparent lack of access to therapeutic programs. This is not correct. The statistics relied on by the member for Fairfield, and sourced from the Auditor-General's report on therapeutic programs, do not give significant consideration to the range of other support provided to inmates, including education, employment, reintegration, psychology services, family and community engagement, finance and debt management, and addiction services. They fail to acknowledge that the EQUIPS suite of programs was introduced in 2015 and there has been insufficient time for them to be evaluated.

It should also be recognised that the release of this audit of therapeutic programs coincides with the biggest expansion of therapeutic program delivery for offenders in this State's history. The audit that the member for Fairfield relies on implies that a large percentage of inmates are refused parole and held in custody past their earliest possible release date because they have not completed the programs. This is also not accurate. In 2015-16, 1,194 inmates were released from custody on parole by the State Parole Authority, and of these nearly 70 per cent had an identified need, of which 74 per cent had participated in a relevant program and 68 per cent completed the relevant program.

The member for Heffron also raised concerns about the necessary investment in Community Corrections to be able to manage parolees appropriately. I have said repeatedly in this place that this Government has delivered record investment of \$237 million to reduce reoffending. Corrective Services is hiring an additional 345 psychologists, Community Corrections officers and other skilled staff to support the reform. Ten high-intensity program units will deliver rehabilitation programs to approximately 1,200 prisoners who are serving short sentences of six months or less. These prisoners do not currently participate in programs to address their behaviour. There is also funding to improve exit planning and reintegration support, such as housing and employment for offenders leaving prison on parole, and improved custodial case management services.

A new custodial case management model will introduce specialist case managers who deal one on one with offenders to ensure that the right programs and services are provided. This model will ensure continuous, consistent case plans for offenders, whether they are under Community Corrections supervision or in custody, so they can be targeted continually for the intervention and programs when they need them most. The member for Heffron stated that all Corrective Services programs require offenders to admit their guilt in order to participate. Corrective Services is rolling out programs that do not require an admission of guilt—for example, the sex offenders denials program is run for sex offenders who categorically deny their guilt.

The amendments will introduce a test that requires the State Parole Authority to be satisfied that release on parole is in the interests of community safety. This is more specific than the current public interest test. It will establish a reintegrated home detention scheme as an option for transition between custody and parole for eligible and suitable offenders, make supervision a standard parole condition, empower Community Corrections in the State Parole Authority to impose graduated sanctions proportionate to those imposed on offenders in breach of

their parole orders, and introduce a separate legislative framework for juvenile parole with separate age-appropriate provisions to govern the juvenile parole system.

In his second reading speech the Attorney-General thanked a significant number of stakeholders from government departments, statutory authorities, the judiciary, and advocacy and victim support groups. I add my sincere thanks to them all. Without the contribution and support of all those stakeholders, the criminal justice reform package would not be possible. In replying to debate on this parole reform bill, I wish to make a few special mentions. I thank the dedicated staff in Juvenile Justice, the communications and media team, Corrective Services—especially Assistant Commissioner Luke Grant and Assistant Commissioner Rosemary Caruana—and the team in Community Corrections, who will be on the pointy end of this reform.

I also thank the Justice Strategy and Policy group and, in particular, the hardworking Simon Tutton and Alexandra Young. I also thank the Attorney General for his reform and his officers for their work in putting the criminal justice reform package together. More importantly, I thank my staff, especially Katherine Danks, Leigh van den Broeke, Tanya Raffoul, Mitchell Clout and the former senior policy adviser, now Oxford scholar, Sophie Rose. I commend the bill to the House.

TEMPORARY SPEAKER (Mr Greg Aplin): The question is that this bill be now read a second time.

Motion agreed to.

Third Reading

Mr DAVID ELLIOTT: I move:

That this bill be now read a third time.

Motion agreed to.

FISHERIES MANAGEMENT AMENDMENT (ABORIGINAL FISHING) BILL 2017

Second Reading

Debate resumed from 11 October 2017.

Mr DAVID HARRIS (Wyang) (19:38): On behalf of the Opposition I speak in debate on the Fisheries Management Amendment (Aboriginal Fishing) Bill 2017. I begin by acknowledging that we meet tonight to debate this important legislation on Gadigal land, which is part of the Eora nation. I acknowledge that this is their land and I pay my respects to elders past and present. I acknowledge any Aboriginal people who are watching or listening to the debate this evening and thank them for their custodianship of country. I acknowledge the deep cultural significance of fishing to the traditional custodians of this country. Access to fishing is both a cultural and an economic issue for Aboriginal people. The Opposition will support this bill, which enables payments to be made out of the Aboriginal Fishing Trust Fund. The purpose of this fund, as it was established under the Act, is to provide assistance to Aboriginal communities for cultural fishing and commercial fishing activities.

The Australian Institute of Aboriginal and Torres Strait Islander Studies has ample information that supports the expansion and improvement of fishing rights for Aboriginal people. For Aboriginal and Torres Strait Islander peoples, fishing is as natural and as necessary as breathing. It forms part of the deep cultural and spiritual connection that many communities have with their waters and marine resources, whether saltwater or freshwater. Fishing is a matter of cultural practice, and is informed by traditional knowledge. Across Australia, Aboriginal and Torres Strait Islander fishers are taking steps to ensure that their voices and values are heard in fisheries management planning, and in negotiating catch allowances and controlled access to their waters and marine resources.

In 2011 John Brierley, a Yuin Walbunga self-employed fisherman, said, "This is who our family is. We are bound to the sea and we have fished together traditionally forever." For Wayne Carberry, a Walbunga man, fishing on country gives him his identity, sense of belonging to country, and connection with both ancestors and family today. These relationships are strengthened by cultural fishing rights and access to traditional waters. In coastal Aboriginal and Torres Strait Islander communities cultural rules about fishing are handed down orally through the generations. Earlier this year Sue Haseldine, a Kookatha-Mirning woman, said:

Fishing is actually sacred to us; it's really part of our culture. So if people want to go fishing and if they want to do it our way, then they'll learn the sacredness. You never take more than you need, for a start.

This rule is widespread, and often accompanies two others: Do not take undersized or pregnant fish and do not overfish. When fish are allowed to breed and grow, their populations both are sustainable and can sustain a community when taken at the right time. In Aboriginal communities where cultural fishing practices have been handed down for thousands of years, people express frustration at not seeing commercial and recreational

catch-and-release fishing boats following the same rules, showing respect to the marine environment and improving their efforts to achieve fishing sustainability. When people in these communities see examples of by-catch and discarded dead fish, they see this as disrespectful of their culture and their country. Today, these long-held traditions have become increasingly challenged.

Aboriginal and Torres Strait Islander communities have been marginalised from both commercial and non-commercial fisheries, and are often denied access to their traditional waters. I note that, while the Government has put a huge cloud over the future of many small fishing businesses up and down the coast, this bill is a welcome recommendation from the upper House inquiry into commercial fishing in New South Wales. I note that in the speech of the former Minister and Parliamentary Secretary, the member for Port Macquarie, she explained that, during development of the detailed operational arrangements for the Aboriginal Fishing Trust Fund, it became apparent that the scope of the legislative framework needed to be expanded. This is because the current legislation only allows for the trust fund to provide grants. However, it has been agreed that grants alone are not sufficient to promote the broad spectrum of economic development opportunities for Aboriginal communities. It also limits the fund's ability to target funding as effectively as possible.

To this end, the bill expands the scope and functions of the Aboriginal Fishing Trust Fund by allowing for loans to be issued from the trust fund and enabling assets purchased using trust moneys to be held in trust for the benefit of the Aboriginal community—something the Opposition certainly supports. This means that the bill will allow the Aboriginal Fishing Trust Fund to provide grants and loans for the enhancement, maintenance and protection of Aboriginal cultural fishing, as well as for Aboriginal communities to acquire the assets needed to develop businesses associated with fisheries resources throughout New South Wales. The bill will facilitate the Aboriginal Fishing Trust to provide grants and now loans for cultural fishing and fishing businesses through approved Aboriginal fishing assistance. Assistance may be subject to such terms and conditions as the Minister thinks fit. Loans will be administered by the Rural Assistance Authority on behalf of the Government.

Before approving an assistance program, the Minister will be required to obtain and have regard to the advice or recommendation of the Aboriginal Fishing Advisory Council. This is the key as we return self-determination to Aboriginal people: Their voices need to be heard strongly in areas such as this. The process under the trust fund will work as follows: an application is received by the Department of Primary Industries; an expenditure committee comprising six Aboriginal people with business expertise will assess the applications initially; recommendations will be made to the Aboriginal Fishing Advisory Council, which is made up of 13 Aboriginal people including a representative from each of the 10 regions in New South Wales, representatives from the New South Wales Aboriginal Land Council and NTSCORP, the native title service provider, which will review the recommendations; and the Aboriginal Fishing Advisory Council will make subsequent recommendations to the Minister, who approves or rejects the application.

Fishing assets acquired under a program by the Minister are to be held by the Fisheries Administration Ministerial Corporation. The Act provides for various exemptions to the corporation as a holder of shares in share management fishery under a program. Assets purchased through loans and grants by any individual or organisation through a grant or loan not procured by the Minister will stay with that individual or organisation. In this respect the bill seeks to get the balance right. A strong recommendation from the Aboriginal Fishing Advisory Council was for a mechanism that considered individual investment versus collective investment. It is hoped that the bill will allow the Minister to purchase assets for the benefit of the broader Aboriginal community and hold such assets within the Fisheries Administration Ministerial Corporation.

A number of consequential amendments are also made regarding definitions and recovery of money by the secretary. The New South Wales Aboriginal Land Council sought a number of clarifications from the Government when the bill was introduced. This is unfortunately a recurring theme, with important legislation sometimes being pushed through Parliament a little too quickly without perceived full consultation with some large stakeholders.

Mr Geoff Provost: Be nice, David.

Mr DAVID HARRIS: I am; I put that very nicely. The New South Wales Aboriginal Land Council sought clarification on the following issues: that Aboriginal peoples can utilise grants and loans to acquire fishing assets; that Aboriginal people and entities are able to hold assets; that only assets acquired by the Minister under the program are to be held by the Fisheries Administration Ministerial Corporation; that the Minister may only sell assets acquired by the Minister; that the definition of "Aboriginal entity" is consistent with the objectives of the bill to support Aboriginal cultural fishing and commercial fishing; that, in relation to new section 237B, any Aboriginal assistance programs are specifically for genuine Aboriginal peoples and Aboriginal organisations and only Aboriginal peoples and Aboriginal organisations can access those funds; and, finally, that the funds earmarked to provide direct benefits to Aboriginal peoples should not be utilised for the normal administrative costs of Government.

I appreciate the answers provided by the Parliamentary Secretary in the second reading speech and the briefing that the Hon. Mick Veitch and I received from the office of Minister Blair, which cleared up a lot of our questions. As members will appreciate, I hope that in reply the Parliamentary Secretary and the Minister in the Legislative Council will put the answers on the record to ensure that such matters are put beyond doubt. The Opposition would like further clarification as to how the new system will be audited and when the Minister will commit to holding regular audits of the program. Besides the 51 per cent Aboriginal ownership requirement for any Aboriginal entity, how is the Government considering other proposals that may involve non-Aboriginal participants, such as joint ventures? In the approval process for grants and loans under the trust fund, can an individual sit on both the expenditure committee and the Aboriginal Fishing Advisory Council? If so, how will the Government deal with any governance issues that may arise? I ask that the Minister for Primary Industries put those answers on the record so it is clear for all to see.

The bill amends the Fisheries Management Act. Fundamental changes were made to the Fisheries Management Act 1994 by the Labor Government in 2009—eight years ago—that recognised and provided for Aboriginal cultural fishers. In 2009 the Labor Government passed changes to legislation, which included a new objective to recognise Aboriginal cultural fishing, an exemption for Aboriginal people from paying a fee for recreational fishing, the inclusion of Aboriginal cultural fishing as a new ground for obtaining a section 37 permit that authorises the person or group to take and possess fish or marine vegetation that would otherwise be lawful, and a new provision authorising Aboriginal people to take and possess fish for cultural fishing purposes. We note with concern that the Government has not yet commenced section 21AA.

The Government has indicated that it is looking at other ways of approaching the problem but the New South Wales Aboriginal Land Council and others have expressed concern about the time that this is taking. We ask the Government to put something in place as quickly as possible. Finally, the Aboriginal Fishing Advisory Council is to play a key role in advising the Minister on all Aboriginal fishing issues. Many Aboriginal and Torres Strait Islander peoples have a strong relationship with the oceans or inland waterways that form part of their country. For saltwater communities, the sea is integral to many people's concepts of country and identity. Labor members support this bill because we support Aboriginal cultural fishing rights and we look forward to a greater sense of purpose from this Government in that regard. I commend the bill to the House.

Mrs LESLIE WILLIAMS (Port Macquarie) (19:51): On behalf of Mr Paul Toole: In reply: I thank the member for Wyong, and shadow Minister for Aboriginal Affairs, not only for his contribution to this debate but also for his genuine interest in Aboriginal cultural fishing. In my previous role as Minister for Aboriginal Affairs he and I had numerous discussions on that issue. I thank the Opposition for its support for this bill. There is general consensus on the need for the Aboriginal Fishing Trust Fund. We all acknowledge that fishing is an important part of many Aboriginal communities across the State. This reform provides an important mechanism to support the fishing aspirations of our Aboriginal communities. As mentioned in the second reading speech, this bill does not introduce new policy. Instead, it looks to enhance the existing arrangements for Aboriginal cultural fishing and economic opportunities related to fisheries resources for Aboriginal people.

The Fisheries Management Amendment (Aboriginal Fishing) Bill 2017 amends the Fisheries Management Act 1994 to expand the scope and functions of the Aboriginal Fishing Trust Fund. Specifically, the bill does this by allowing for loans to be issued from the trust fund, and enabling assets purchased using trust moneys to be held for the benefit of the Aboriginal community. The bill allows for a broader range of projects to be funded from the trust fund and promotes the ongoing operations of the fund. I addressed the issues raised by the New South Wales Aboriginal Land Council and NTSCORP in the second reading speech. We have also clarified the Government's intention to trial local management plans before section 21AA is commenced.

A question was asked whether the Fisheries Administration Ministerial Corporation will be audited. I can confirm that the ministerial corporation will be audited. The Public Finance and Audit Act 1983 requires entities such as the ministerial corporation to be audited. In addition, the Fisheries Management Act requires the department to publish annual reports on the Aboriginal Fishing Trust Fund. Queries were also raised about the definition of an Aboriginal entity. The Aboriginal Fishing Advisory Council has made it clear that an Aboriginal entity should be at least 51 per cent Aboriginal owned. The Government has agreed with the Aboriginal Fishing Advisory Council that this definition will be implemented through operational arrangements.

The bill responds to the desire to ensure the Aboriginal Fishing Trust Fund is flexible and effectively meets the needs of Aboriginal communities. It will broaden the scope of the existing legislation, introduce significant improvements to the operation of the Aboriginal Fishing Trust Fund and, importantly, help to support cultural and economic fishing opportunities across the State. Again, I thank the New South Wales Aboriginal Land Council, NTSCORP and the Aboriginal Fishing Advisory Council for their advice and support. The New South Wales Government has worked closely with Aboriginal people to find the best structure for the trust in order to fulfil its role for Aboriginal people not just for this generation but also for generations to come.

I encourage members to support the bill so that we can get on and implement the operations of the Aboriginal Fishing Trust Fund and start delivering benefits to the communities it intends to serve. I commend the bill to the House.

TEMPORARY SPEAKER (Mr Greg Aplin): The question is that this bill be now read a second time.

Motion agreed to.

Third Reading

Mrs LESLIE WILLIAMS: On behalf of Mr Paul Toole: I move:

That this bill be now read a third time.

Motion agreed to.

Visitors

VISITORS

TEMPORARY SPEAKER (Mr Greg Aplin): I acknowledge the presence in the gallery of Councillor Bruce Miller of Cowra Shire Council, guest of the member for Northern Tablelands.

Private Members' Statements

BULL BAR REGULATIONS

Mr ADAM MARSHALL (Northern Tablelands—Minister for Tourism and Major Events, and Assistant Minister for Skills) (19:56): Tonight I demand a fairer go for bush motorists, particularly those who wish to fit heavy duty bull bars to the front of their vehicles in order to protect themselves, their families and, in some cases, a very important component of their rural businesses—that is, their four-wheel-drive vehicles. I want to ensure that rural and regional motorists have a permanent exemption on fitting the five post bull bars that are currently able to be fitted under a ministerial order exemption, noting that exemption expires in September next year. Bull bars are essential for people living in rural and regional New South Wales. It is well known that people like Harold Scruby of the Pedestrian Council of Australia believe that bull bars are evil devices that pose enormous risk and threat to pedestrians in cities. But I do not see too many pedestrians on the road between Bonshaw and Boggabilla, between Glen Innes or Moree, or from Warialda to Yetman. Those rural roads are infested with kangaroos and other wildlife.

In many cases kangaroos will not only write off unprotected vehicles but also often cause serious injuries to the occupants of those vehicles. People invest thousands of dollars to fit bull bars to their vehicles because of the risks associated with driving on country roads. Over the past few months we have been experiencing terribly dry conditions across the State and when it gets dry in the bush the kangaroos come to the edge of the road to get the green pick and little bits of water that run off the roads. It is inevitable that we have veritable death alleys of vehicles colliding with kangaroos, particularly at dawn and dusk, and throughout the night. That is why people go to the expense of buying bull bars. They are not a fashion accessory; they are a necessity for rural and regional life.

This issue first came to my attention in 2014. At that time it had been discovered that the Australian design rule initiated in 2003 outlawed some five post bull bars and the highway patrol went on a bull bar blitz. That was despite bull bars being manufactured legitimately by companies such as Tuff Bullbars Australia based in Queensland. They were being fitted by motor dealers or licensed motor repairers. They were appropriate and safe yet, technically, they did not meet the Australian design rules at the time, so the police and highway patrol, who were doing their jobs, were booking people and handing them infringement notices. The then roads Minister, Duncan Gay, instigated a ministerial exemption order for a two-year period at the request of a number of country members of Parliament and me. That meant that people who had five post bull bars that were appropriately manufactured within the tolerances made available under the order were deemed to be legitimate. That two-year order was renewed in September 2016 for a further two years.

Instead of relying on the whim of the Minister or government of the day for that ministerial exemption order, the exemption should be permanent. People should be able to have the security of knowing that when they purchase these bars, often at the great cost of \$2,000 to \$4,000, and fit them to their vehicles, which are also a major investment, they will not be told that what they legally fitted to their vehicle is now illegal and must be removed or they will face fines or prosecution. People in rural areas are practical. Not everyone has a vehicle that is appropriate for the fitting of these bull bars and even those who have do not always choose to fit them.

It makes no sense to fit heavy duty bull bars to town vehicles that do not go far out of the rural and regional urban centres. Some cars fit lighter bull bars, which are bought at the point of sale by the dealer or

manufacturer. People who drive a great many miles across country New South Wales, such as stock and station agents, real estate agents, business representatives and, dare I say it, even politicians who drive a significant number of miles fit out their vehicles so that their cars are not unnecessarily taken off the road. I will continue to fight this until we are able to put these bull bars on cars in perpetuity.

Mr ALISTER HENSKENS (Ku-ring-gai) (20:01): The Minister has again used his considerable local knowledge to explain an important safety issue for the members of his electorate. I commend the Minister. Not many people could spend five minutes talking about the importance of bull bars, but the Minister has clearly explained the issue to all members of the House. I commend him for it.

ELECTRICITY PRICES

Mr DAVID MEHAN (The Entrance) (20:02): The high cost of electricity is a source of tremendous concern for constituents of The Entrance electorate. Just the other week, while doorknocking in Killarney Vale, I was shown an electricity bill for a household that totalled more than \$800 for the quarter. This is not unusual. A recent report by the Australian Competition and Consumer Commission [ACCC] found that Australia has some of the highest electricity prices in the world. This is a remarkable situation to find ourselves in when we consider that in the post-war period Australia had some of the lowest electricity prices. The high cost of electricity is a constant pressure on working families in The Entrance electorate. It is a barrier to the establishment of businesses that could be creating jobs. Our energy market is so bereft of social justice that in 2015-16 we allowed 30,065 homes to be disconnected from the energy market.

After approximately 20 years of privatisation by both sides of politics and the creation of the National Energy Market, we can undoubtedly say that the market has failed. It is a failure of public policy and, more importantly, a failure of the market mechanism. The post-war period of low-cost, reliable electricity was founded on the McKell Government's Electricity Commission Act 1950, which entrenched the role of the State in the ownership and control of electricity supply, including through the compulsory acquisition of private companies. Under the Electricity Commission Act, the commission's key objective was "to restrict and regulate the use of available supplies of electricity to the greatest overall advantage of the community".

The Greiner Government commenced the corporatisation and commercialisation of the Electricity Commission in 1991. In 1993 it commenced the development of the National Energy Market when it signed the memorandum of understanding with the Victorian Government for the commercialisation and corporatisation of the Snowy Mountains Scheme. Gone was any commitment to the community to provide electricity as a service. In the following 20 years the market mechanism deepened, as publicly owned corporations were privatised and the energy market was extended to all States except Western Australian. In the past 10 years, as detailed in the ACCC report, the result has been that electricity prices have increased in real terms by 43.7 per cent nationwide.

Despite promises made by market advocates that prices would fall in real terms, all elements of the electricity supply system have caused prices to rise over that period. With this in mind, the report on research by Director of the Australian National University Centre for Sustainable Energy Systems Professor Andrew Blaker and his team is welcome. The report concluded that by 2020—just three years from now—wind and solar photovoltaic, supported by pumped hydro storage and linked by high-voltage interconnectors, will be "decisively cheaper than new coal or gas".

Blaker says that Australia's electricity market "could reach 100 per cent renewable electricity with high reliability and at zero net cost within a decade". This is an exciting prospect. The opportunity to make people's lives a little easier and to support jobs must not be allowed to be captured by the private for-profit sector and this failed market system. In this, the Government is unwilling to intervene. State intervention to secure affordable energy for New South Wales should be on the agenda of the Government. This has occurred in the past to positive effect. We should be prepared to do it again.

INTERNATIONAL DAY OF OLDER PERSONS

Mr VICTOR DOMINELLO (Ryde—Minister for Finance, Services and Property) (20:06): International Day of Older Persons was recently recognised in New South Wales. As part of the celebrations the New South Wales Government asked for stories from our seniors to highlight their diversity, passion, creativity and experience. Their stories were compiled into a book, *Seniors' Stories Volume 3*, which the Minister for Ageing launched in Parliament last week. It was my pleasure to attend the launch and meet many inspiring people. The stories are diverse. Building wooden Porsches, meeting the Pope, finding and losing love, manning fishing trawlers in a storm, life at age 101, and humorous moments with modern technology are only a handful of real life stories revealed in this year's book.

I am proud to recognise one author in particular whose story "A tombstone far too early" was published in the book. Joyce Martin, a long-time resident of North Ryde whose retirement has been anything but boring,

jumped off a cruise ship, complete with luggage, to attend the launch. Joyce's book could be described as having a twist in the tale and it is a well-written short read. When considering North Ryde and recognising seniors, my mind quickly goes to the North Ryde Community Aid and Information Centre [NRCA]. This is an example of what can be achieved when exacting performance standards replace effort and intention, and talent is used to drive value. With commitment and care, we can bring about lasting and meaningful outcomes. The list of individuals who epitomise North Ryde Community Aid, the heart of Ryde, includes Sam Montanaro, who is currently in Greenwich Hospital.

Sam is 90 years young and has served as a volunteer every Tuesday for seven years. Although he is now a client, Sam is one of the strongest advocates of NRCA and enriches the lives of every client and volunteer he meets. Jacques Baran is a past Volunteer of the Year recipient from the city of Ryde. At 70 plus, Jacques is a full-time carer for his wife. He continues to work part time and still volunteers more than five hours every week with NRCA, assisting with their Armenian senior citizens social group. Annette Billington has just retired from the board after eight years of dedicated service in a variety of executive positions, including chairperson, and remains involved in their Christmas Cheer program. Pat Perrin also just retired from the NRCA board after 10 years. Pat is also a Rotarian and Paul Harris Fellow recipient with the North Ryde Club. She is renowned throughout the Ryde electorate for her volunteer work with churches, schools and refugees and her support of causes, fundraisers and garden stalls. I also proudly mention Carolin and Rob Wilkinson. Both are long-term residents of Ryde and have been active community contributors every year. Rob is currently chairperson for Rotary Oceania Medical Aid for Children Australia and New Zealand, and Carolin is serving her thirteenth year as a vital staff member at NRCA. Carolin's work and her volunteering and community spirit are remarkable and renowned.

Lastly, this is National Carers Week. I pay tribute to those who dedicate much of their lives caring for others. One in 10 people in New South Wales are carers. They play a crucial role in the lives of all people who require their care, but their care of older persons is of particular significance. I cannot say enough about carers in our State. I know firsthand how hard they work because my mum was my grandmother's carer for many years. My grandmother suffered from Parkinson's disease and other problems. My mum cared for her until she was no longer well enough to live at home and had to enter a nursing home. The years that Mum spent caring for her were an extraordinary act of love. To see someone you love so much gather the strength to care for another loved one in need demonstrates one of the most beautiful qualities of humanity. I pay tribute to every carer. They are angels amongst us and we are so lucky to have them.

HUNTER REGION POVERTY

Ms JODIE HARRISON (Charlestown) (20:11): This is Anti-Poverty Week and I will use the time I have tonight to bring to the attention of the Government the poverty and hardship that is being experienced in the Charlestown electorate and the Hunter region. Last week other members of Parliament and I met with Tracey Howe, the chief executive officer of the NSW Council of Social Service. Tracey shared with us the sobering reality that in New South Wales one in seven children are living below the poverty line, and that all too often this shapes their entire life. There are alarming statistics about poverty in the Hunter: 14 per cent of children live below the poverty line and 22.9 per cent of young people aged 12 to 17 are overweight or obese. In my electorate of Charlestown nearly 2,000 children are living below the poverty line and nearly 1,000 are overweight or obese.

While the rising cost of living is of concern to many households, it hits low-income households particularly hard. Households in my electorate have to spend a far greater proportion of their weekly income on essential items such as housing and utility bills. Sadly, too many families I know are now facing increasingly difficult decisions about what is more essential—food, a school excursion, or a trip to the doctor. The shortage of affordable housing is another significant contributor to poverty in New South Wales. Australia has traditionally been a nation of home owners, but with increasing property prices, more and more people are renting. Currently, 31 per cent of Australians rent their home, and the data indicates that number will continue to increase. Tenants are often faced with precarious tenure. If they are on a month-to-month lease, which many people are, they have little control over rent increases and they have no guarantee of an ongoing place to live.

In addition, there is a public housing crisis in New South Wales. Getting almost any form of public housing in the Lake Macquarie area will take at least a decade. This is simply inadequate. New South Wales urgently needs significant investment in more new social housing. Increasing utility prices are another serious burden on struggling families, and people in rural and regional New South Wales face the highest energy costs. I note the member for The Entrance spoke about this issue in his private member's statement earlier. Across the Essential Energy network, which covers most of regional New South Wales, the average electricity bill is \$275 higher than the average in Sydney.

It has to be said—and even the Australian Competition and Consumer Commission has found this—the Liberal-Nationals Government is doing everything it can to drive up electricity prices. For six years it has had

one energy policy: flog it off. The result is increasingly unaffordable electricity prices. On this side of the House, we have a comprehensive plan to make electricity affordable and secure. As the Leader of the Opposition said in his budget reply earlier this year, a New South Wales Labor government will re-regulate electricity to ensure that consumers are treated fairly and that they pay a reasonable amount.

Rising power bills across Newcastle and the Hunter have prompted concerns from the St Vincent de Paul Society that it may have to distribute up to \$1 million in financial aid. As the largest supplier of the Energy Accounts Payment Assistance vouchers, the charity has already spent \$87,800 in the region this financial year. The vouchers, worth only \$50 each, offer the tiniest bit of relief to people who are struggling to make ends meet, and it is an indictment on this Liberal-Nationals Government that rebates are not keeping pace with rising power prices. Experiencing poverty, be it short term or multigenerational, can have a massive impact on people's life experiences and on their ability to contribute fully to our community. It is time the Government did its bit by improving access to affordable housing and addressing rising electricity prices. This Anti-Poverty Week I call on the Berejiklian Government to step up and do more to combat poverty in my electorate and across New South Wales.

URBAN GREEN SPACE

Mr ALEX GREENWICH (Sydney) (20:15): Green open space, trees and bushland are essential to a city's health, liveability, attractiveness and sustainability, but Sydney's green space is rapidly being cleared and is at serious risk of being eradicated. There is an urgent need for reforms to protect what is left, particularly in the inner city. Sydney is famous for its natural assets: the dense urban terrain is complemented by beautiful parks, landscapes and beaches. These provide important environmental benefits including carbon sequestration, pollution reduction, shade, reduced flood risks and habitat for wildlife. In the inner city, native wildlife living in parks includes kookaburras, cockatoos, owls, flying foxes, possums, turtles, frogs, lizards and yabbies.

Green open space provides health, mental health and social benefits through opportunities for respite and recreation, such as walking, picnicking and sunbathing. Indeed, I understand that people are three times more likely to exercise if they live near green space. The health and wellbeing benefits have associated economic advantages, with people being more productive and relying less on the health system. As our population expands rapidly and more people live in high-density apartment buildings with no private open space, the need to expand urban green spaces becomes more important than ever. But development and infrastructure targets are putting immense pressure on urban green spaces, and without adequate protections we could lose what we have.

My electorate, which remains the densest in the State, provides many examples of green space sacrificed for development. The Sydney Cricket and Sports Ground Trust has made many attempts to get approval for new stadia on Moore Park and we know that the trust continues to push this agenda behind closed doors. The Moore Park greens continue to be used as a car park during events. Grasslands and trees were lost to the light rail, the Albert "Tibby" Cotter Bridge, the busway, and the Eastern Distributor, and more are planned to be removed for the reconfiguration of roads to deal with additional traffic generated by the WestConnex project. Open space at the Entertainment Quarter, which is part of Governor Lachlan Macquarie's open space bequest to the people of Sydney, is being earmarked for development and the Moore Park Master Plan provides for changes to planning controls to permit visitor accommodation and mega sports centres. It appears that plans for this site are also being made behind closed doors.

The Crown casino tower was approved over what was reserved as Barangaroo South's only public waterfront park. The building will overshadow heritage public parks in precincts like Observatory Park. Despite successive government promises to transform Bank Street land in Pyrmont into a harbour recreation destination, UrbanGrowth has now earmarked the site as a storage facility for the supplies and rubbish of charter vessels. The Sydney Modern Project will result in the loss of large portions of green open space within and connected to the Royal Botanic Gardens and the Domain. The SOS Green Spaces campaign has identified approximately 80 sites of bush and parklands in Sydney and surrounds that are under threat. Many communities are fighting to protect these green spaces from destruction.

We need high-level protection of native vegetation in urban areas but, alarmingly, laws that govern urban native vegetation management were eroded in the rewrite of our biodiversity laws. The recently released draft vegetation State environmental planning policy will allow clearing of biodiverse rich land in exchange for cash payments by developers. Offsets will not have to be like for like. In some instances, major projects will be able to proceed even when significant biodiversity impacts have been identified. Urban bushland is rapidly declining and what is left is now scarce. If like-for-like offsets cannot be located in close vicinity to the cleared vegetation, clearing should not be permitted. The impacts of losing irreplaceable native flora and fauna are too significant. What a sad legacy we will leave for future generations if we destroy Sydney's rich and important biodiversity. I call on the Government to introduce new laws to strengthen—not weaken—urban green space protections and immediately start work to expand city green space.

Bills

HEALTH PRACTITIONER REGULATION AMENDMENT BILL 2017

First Reading

Bill received from the Legislative Council, introduced and read a first time.

TEMPORARY SPEAKER (Mr Adam Crouch): I order that the second reading of the bill stand as an order of the day for a future day.

**The House adjourned, pursuant to standing and sessional orders, at 20:20 until
Wednesday 18 October 2017 at 10:00.**