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LEGISLATIVE COUNCIL

Wednesday 13 March 2013

The President (The Hon. Donald Thomas Harwin) took the chair at 11.00 a.m.

The President read the Prayers.

LOCAL COURT AMENDMENT (COMPANY TITLE HOME UNIT DISPUTES) BILL 2013

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Michael Gallacher.

Motion by the Hon. Michael Gallacher agreed to:

That the bill be read a first time and printed, standing orders be suspended on contingent notice for remaining stages and the second reading of the bill be set down as an order of the day for a later hour of the sitting.

Second reading set down as an order of the day for a later hour.

Pursuant to sessional orders Formal Business Notices of Motions proceeded with.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business Item No. 1103 outside the Order of Precedence objected to as being taken as formal business.

AUSTRALIAN TOP 100 SPORTSWOMEN OF ALL TIME

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House notes that:
 - (a) on Wednesday 27 February 2013, at a ceremony for Sport at International Women's' Day in the Federal Parliament, Ms Dawn Fraser, AO, MBE, was named Australia's greatest female athlete of all time,
 - (b) Dawn Fraser won eight Olympic medals, including four gold medals, and six Commonwealth Games gold medals, held 39 swimming records, and held the 100 metre freestyle record for 15 years from 1 December 1956 to 8 January 1972,
 - (c) Ms Fraser is the first of only three swimmers in Olympic history, Krisztina Egerszegi of Hungary and Michael Phelps of the United States of America being the two others, to win individual gold medals for the same event at three successive Olympics, winning the 100 metres freestyle in 1956, 1960 and 1964,
 - (d) in October 1962, Ms Fraser became the first woman to swim 100 metres freestyle in less than one minute, and it was not until 1973, eight years after Ms Fraser retired, that her 100 metre record of 58.9 seconds was broken,
 - (e) Ms Fraser was honoured by inclusion in Australia's National Living Treasures in 1998, and in 1999 was awarded "World Athlete of the Century" and "Athlete of the Century", is a Patron of the Cerebral Palsy Sports Association, the Wheelchair Sports Association of Victoria and of the Ladies Professional Golf Association, a founding member of the Laureus Sports Academy, a member of the Sport for Good Foundation, Vice President of the World Association of Olympic Winners, member of the NSW Sports Advisory Board, and is a Director of the Wests Tigers Football Club, Balmain Leagues Club, and Balmain Football Club,
 - (f) at the 1996 Olympics, Ms Fraser was honoured as one of the seven greatest athletes of all time, and was named First Lady of the Olympics at the 2000 Olympics, and
 - (g) Ms Fraser was named Australian of the Year in 1964, was appointed a Member of the Order of the British Empire in 1967, and appointed an Officer of the Order of Australia (AO) in 1998.

2. That this House notes that:
 - (a) along with Ms Fraser; others named in the Top 100 Sportswomen of all time included: 2. Betty Cuthbert (athletics), 3. Layne Beachley (surfing), 4. Margaret Court (tennis), 5. Lauren Jackson (basketball), 6. Heather McKay (squash), 7. Rechelle Hawkes (hockey), 8. Shirley Strickland (athletics), 9. Anna Meares (cycling), 10. Cathy Freeman (athletics), 11. Karrie Webb (golf), 12. Liz Ellis (netball), 13. Elizabeth Kosmala (shooting Paralympics), 14. Belinda Clark (cricket), 15. Louise Sauvage (athletics Paralympics), 16. Julie Murray (football), 17. Shane Gould (swimming), 18. Susie O'Neill (swimming), 19. Evonne Goolagong (tennis), 20. Sharelle McMahon (netball), 21. Betty Wilson (cricket), 22. Marjorie Jackson-Nelson (athletics), 23. Cheryl Salisbury (football), 24. Sally Pearson (athletics), 25. Alyson Annan (hockey), and
 - (b) the remaining 75 named in no particular order were: Emma Snowsill, Lydia Lassila, Chantelle Newbery, Nova Peris, Amanda Sparks, Anna Segal, Carmen Marton, Carol Cooke, Christine Murray, Eloise Amberger, Emily Seeborn, Jessica Trengove, Jodi Willis-Roberts, Julie Corletto, Kim Crow, Kristy Judd, Leah Percy, Liane Tooth, Louise Winchester, Maddison Elliott, Megan Marcks, Mirinda Carfrae, Natalie Porter, Sharni Williams, Alicia Coutts, Alisa Camplin, Anne Sargeant, Annette Kellerman, Bev Francis, Caroline Buchanan, Cindy-Lu Fitzpatrick, Debbie Flintoff-King, Debbie Watson, Deborah Acason, Decima Norman, Ellyse Perry, Fanny Durack, Gillian Rolton, Glynis Nunn, Heidi Wittesch, Jacqueline Freney, Jacqui Cooper, Jayme Richardson-Paris, Jessica Palmer, Jessica Schipper, Julie Dolan, Karen Rolton, Kate Gynther, Kathryn Watt, Kay Cottee, Kerri Pottharst, Kirstie Marshall, Lauren Mitchell, Lauren Burns, Leanne Tander, Libby Trickett, Liesl Tesch, Lisa Sthalekar, Loudy Wiggins, Michele Timms, Michelle Martin, Natalie Cook, Nikki Hudson, Pam Burridge, Petria Thomas, Raelene Boyle, Sally Fitzgibbons, Sam Stosur, Shannon McFerran, Simone Wearne, Stephanie Gillmore, Susie Ramadan, Torah Bright, Tracey Wickham and Zali Steggall.
3. That this House congratulates and commends Dawn Fraser, AO, MBE, on being appointed Australia's greatest female athlete of all time and all other women who were named Australia's Top 100 Sportswomen of all time.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business Item No. 1113 outside the Order of Precedence objected to as being taken as formal business.

TRIBUTE TO MO'ONIA GERRARD

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House notes:
 - (a) Miss Mo'onia Gerrard, of Australian and Tongan heritage, commenced her netball career at a very young age, often participating in training sessions of her mother Kalasie Gerrard's senior Dee Why Beach Netball Club team, and when she was old enough to register in a team, commenced playing with Narrabeen Youth Club and was later selected to represent Manly Warringah Netball Association at NSW State Age, State Championships and State League, received an Australian Institute of Sport Scholarship and was first selected to represent Australia in the 17/U in 1997, then 19/U 1998-1999, 21/U 2000-2001 (World Youth Netball Championships 2000) and the Australian Open Team 2001-2013,
 - (b) Miss Gerrard played a major role in Australia reversing its losing streak against New Zealand in mid-2006, and in November 2007 played a key role for Australia when it won the World Netball Championships,
 - (c) in 2010, Miss Gerrard represented Australia at the Commonwealth Games in Delhi, winning a silver medal and again represented Australia at the 2011 World Netball Championships winning the Championship,
 - (d) Miss Gerrard has earned 58 Test Caps for Australia,
 - (e) at the domestic level, Ms Gerrard played five years with the Sydney Sandpipers and during that time received the 1999 Best New Talent Award and the Player's Player Award in 2003,
 - (f) in 2003, Miss Gerrard became a member of the NSW Swifts Netball Team and is now its co-captain,
 - (g) from 2008 to 2010, Miss Gerrard played for the Adelaide Thunderbirds in the new ANZ Championship, playing three seasons with the Thunderbirds, reaching the playoffs in all three years, winning the championship in 2010 and in was awarded the Holden International Player of the Year,
 - (h) in the 2011 ANZ Championship, Miss Gerrard played her fiftieth ANZ Championship match, her 150th domestic match and is the only current Australian player to have had her team in the finals series on four separate occasions with the Thunderbirds, between 2008 and 2010, and the Swifts, in 2011, and
 - (i) Miss Gerrard is greatly admired for her extensive community work both here in Australia and internationally, including:
 - (i) establishing the Oceania Cup held last year throughout New South Wales to encourage and engage different cultures to play netball, which is now included in the Netball NSW annual calendar for ages U13s, U15s and U17s,

- (ii) traveling across New South Wales to disadvantaged communities, teaching kids netball skills and giving them life advice and promoting nutrition, multicultural awareness, diversity and how to deal with bullying,
 - (iii) conducting Polynesian Indigenous Netball clinics in various areas,
 - (iv) establishing and holding an annual netball tournament in Tonga in its fifth year, called Mo'onia's Cup,
 - (v) mentoring women and young girls, encouraging them to aspire to sporting and personal excellence,
 - (vi) in honour of Miss Gerrard's service at an international level in promoting the development of women and girls in the Oceania region, the Prime Minister of Tonga, the Hon. Siale'ataongo Tu'ivakanō has dedicated land to Ms Gerrard for the establishment of an international sporting centre of excellence.
2. That this House acknowledges and commends Miss Mo'onia Gerrard for her excellent achievements in sport as a representative of New South Wales and Australia in netball and for her continued outstanding service to the community, particularly in ensuring the welfare of young women and girls, promoting healthy lifestyles, diversity and sporting and personal excellence.

UNPROCLAIMED LEGISLATION

The Hon. Michael Gallacher tabled a list detailing all legislation unproclaimed 90 calendar days after assent as at 12 March 2013.

TABLING OF PAPERS

The Hon. Michael Gallacher tabled the following paper:

Health Practitioner Regulation National Law (NSW) and Health Practitioner Regulation National Law Regulation—Report of the National Health Practitioner Ombudsman and Privacy Commissioner for the year ended 30 June 2012.

Ordered to be printed on motion by the Hon. Michael Gallacher.

BUSINESS OF THE HOUSE

Routine of Business

[During the giving of notices of motions.]

The Hon. Duncan Gay: Point of order: The use in a motion of the term "moronic comments" in relation to a member in the Legislative Assembly is out of order.

The PRESIDENT: Order! That may well be so—

The Hon. Steve Whan: To the point of order: It is my contention in this motion that they were moronic comments. It is by way of substantive motion, it is directed at the comments and, therefore, I suggest that it is in order.

The PRESIDENT: Order! I will look at the notice of motion in consultation with the Clerk. I will advise the House of the outcome later in the day.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Notice of Motion No. 1 postponed on motion by the Hon. Duncan Gay.

WESTERN AUSTRALIA ELECTION RESULTS

Personal Explanation

The Hon. ROBERT BROWN, by leave: I wish to make a statement to explain possibly having misled the House last night in my adjournment speech on the Western Australian election results. In that speech I said

that the Shooters and Fishers Party had won a seat in the Western Australian upper House and that it looked as though it would not win a second seat. I can inform the House that on current figures it appears as though the Shooters and Fishers Party may be about to win that second seat.

Mr David Shoebridge: Leave is withdrawn.

The PRESIDENT: Order! The Hon. Robert Brown will resume his seat. Leave has been withdrawn.

Leave withdrawn.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Orders of the Day Nos 1 and 2 postponed on motion by the Hon. Michael Gallacher.

CRIMES (SERIOUS SEX OFFENDERS) AMENDMENT BILL 2013

Second Reading

Debate resumed from 12 March 2013.

Mr DAVID SHOEBRIDGE [11.21 a.m.]: The Attorney General in opposition described this legislation as a cheap election stunt, and when questioned about it in October last year in budget estimates he seemed, at best, confused as to what the Government was seeking to advance. I quote from the *Hansard* of that budget estimates hearing:

Mr DAVID SHOEBRIDGE: Mr Attorney, you would agree that courts primarily make factual determinations about things that have happened in the past?

Mr GREG SMITH: Yes.

Mr DAVID SHOEBRIDGE: Indeed, that is their fact-finding role, is it not, to determine what has happened in the past for the purposes of criminal or civil proceedings?

Mr GREG SMITH: Yes.

Mr DAVID SHOEBRIDGE: Do you know of any court that has expertise in assessing what will happen in the future?

Mr GREG SMITH: No, and I know the High Court makes the law for the future.

Mr DAVID SHOEBRIDGE: No, but in terms of—

Mr GREG SMITH: The common law of the Commonwealth and that is it, what applies after they make that decision. It might go back to Governor Bligh coming here. They will say that is what the common law has always been, even though they are only stating it today.

Mr DAVID SHOEBRIDGE: That determination is about the way the law will apply in the future. I am talking about factual determinations, not how the law will apply in the future, about what will happen in the future. They have no skill at that, do they?

Mr GREG SMITH: No.

Mr DAVID SHOEBRIDGE: On what basis are you proposing that courts will make determinations about future crime, whether or not an offender will commit a crime in the future? What skills do courts have to undertake that?

Mr GREG SMITH: I do not know. If somebody says, "I am going to keep doing this", and they have been doing it for a long time, they are a compulsive criminal. A compulsive sex offender, for example, I would imagine a court could probably say, "He says he is going to do it again, so I am going to punish him so that he doesn't."

Mr DAVID SHOEBRIDGE: Apart from a direct admission, do courts have any proven competence at all in trying to guess future crime and the propensity of a person to undertake future crimes? Is the answer no?

Mr GREG SMITH: I think the answer is no.

Mr DAVID SHOEBRIDGE: On what basis are you proposing to have the Supreme Court make continuing detention orders, because that is what you are asking courts to do, to have a guess about future crime?

The Attorney General then seemed to work out what the questions were about and he replied:

Mr GREG SMITH: The issue of serious sex offenders has already been covered by the Parliament ...

The Attorney General said on oath that courts have no proven capacity to work out whether or not a citizen will commit a crime in the future, yet that is exactly what is proposed in this bill. The bill proposes potentially to indefinitely detain people on rolling detention orders, after they have done their time and finished their maximum sentence, based upon a guess by a court, informed no doubt by a prison psychiatrist, and informed no doubt in part by the poor behaviour of a prisoner whilst in jail, about whether or not those people will commit crimes in the future. We will see people held on continuing detention in New South Wales not for crimes they have committed but because of a fear held by the Attorney General, based upon the opinion of a psychiatrist, that a person may commit a crime in the future.

There is no good basis to suggest from the statistics on high-risk violent offenders that the people who will be captured by this legislation have a propensity to continue to commit crimes after they have been jailed for one serious violent offence. In fact the NSW Sentencing Council report made this clear. That report examined 435 serious violent offenders convicted in 1994 who had been released by 2009. It was found that of those offenders 83.2 per cent had committed no further serious violent offences by September 2011. That report identified—just like the earlier report from the Attorney General's department—that it is difficult, if not impossible, to create a scheme that can appropriately target the categories of violent reoffending. The NSW Sentencing Council said that if the Government was going to go down the path it has now taken it should put in place minimum safeguards applicable to the scheme. I will not read all those safeguards onto the *Hansard*—they are outlined in detail on page 28 of that report—but they included mandatory review periods and the creation of an independent risk management body. None of the recommendations which would provide civil liberty safeguards have been picked up by the Government in this bill.

The bill further offends a series of international human rights covenants that up until the last decade or so were considered to be a basic civil rights norm for governments in this country. We are not talking about fringe agreements; we are talking about core human rights agreements that have been accepted as the basis for government under the rule of law that respects human rights in the international community since the end of World War II. Those human rights conventions were put in place after the horrors of World War II and what particularly the West saw as gross abuses of State power by the regimes in Japan, Germany and the Soviet Union. They are encapsulated in the International Covenant on Civil and Political Rights—a cornerstone of human rights protections to which any democratic government concerned about the rights of its citizens would have regard.

In April 2010 the United Nations Human Rights Committee considered two cases of post-sentence detention of men who were convicted of sexual offences. One was by Kenneth Tillman under the current sex offender provisions in New South Wales, and the other was by Robert Fardon under the sex offenders provisions in Queensland. The United Nations Human Rights Committee unanimously found that those laws were incompatible with Australia's international human rights obligations; in particular, they were incompatible with the prohibition against arbitrary detention and prohibition against double punishment. They are articles 9, 14 and 15 of the International Covenant on Civil and Political Rights [ICCPR]. But rather than being concerned about this gross infringement on individual liberties, the Government intends to expand the very laws that have been found to be in gross breach of our international obligations.

The United Kingdom has put in place a program similar to what the Government has proposed, that is, the continued detention of people who are described as high-risk violent offenders. As with this bill, in the United Kingdom the entry criteria for high-risk violent offenders is very loose. Indeed, jails in the United Kingdom are swelling with the number of persons being detained after the end of their sentence. Thousands of offenders are being detained under the United Kingdom equivalent of these provisions; yet the Government has said that the bill will have a narrow ambit.

The United Kingdom prison system—particularly the English prison system—is groaning under the weight of the additional detainees who are now held under the equivalent of these laws, and they almost never find their way out from either detention or continued supervision. Thousands of people are being held in United Kingdom jails under these laws. The United Kingdom prison budget is failing because of the impact of the laws. New South Wales will have the same loose category for high-risk offenders being detained, yet the Government has not mentioned the United Kingdom experience in terms of this legislation. One would think the Government was doing it alone and had no idea of the international examples of how these kinds of laws fundamentally fail. The law has failed in the United Kingdom and it will almost certainly fail in New South Wales. The Law

Society made submissions relating to this bill. Indeed, the Law Society's Criminal Law Committee and Juvenile Justice Committee resolved that they were completely opposed to the introduction of continuing detention and extended supervision for high-risk offenders. They said:

The Committees are strongly of the view that continuing detention should not be adopted for high-risk violent offenders. Detaining a person beyond the maximum sentence imposed by the sentencing court offends the fundamental principle of proportionality.

For the benefit of members who almost certainly have no interest in how our criminal law system operates, proportionality is the link between the offence that was committed and the length of sentence. There is meant to be proportionality between the offence and the length of sentence. However, once people are held on indefinite continued detention it throws out the window the concept of proportionality in sentencing. The Law Society further said:

The original sentence imposed reflects the synthesis of all of the purposes of sentence (section 3A *Crimes (Sentencing Procedure) Act 1999*), including punishment, deterrence, denunciation and protection of the community from the offender. Continuing detention undermines the established principle of finality in sentencing (subject to appeals), and has the practical effect of eliminating the relevance of the sentencing judge's decision altogether. Continuing detention amounts to a new punishment beyond that already imposed in accordance with law, in the absence of a new offence or conviction on the basis of an assessment of future offending.

...

The proposed legislation does not restrict its reach to a truly dangerous group of offenders; its reach is far too broad. A much higher number of offenders will be categorised as "high risk violent offenders" than as—

under the current law—

"high risk sex offenders" which will result in significant net widening. The original *Crimes (Serious Sex Offenders) Act 2006* was aimed at the discrete area of sex offences, and was justified, in part, because it was aimed at a relatively limited type of offence.

The Committees have concerns with the proposed test for determining whether an offender is a "high risk violent offender". The effect of proposed section 5E(3) is that an "unacceptable risk" can be proved on less than the balance of probabilities. The Committees submit that proposed section 5E(3) should be deleted.

The committees then do something that the Government has never done, that is, consider in detail how this legislation grossly breaches those international obligations. They said:

The [Human Rights] Committee therefore takes the view that the legislation amounts to a breach of the following Articles of the International Covenant on Civil and Political Rights (ICCPR):

- Article 9(1) – Arbitrary imprisonment;
- Article 14(1) – Fair trial, on the basis that the criminal trial procedure would not be applicable;
- Article 14(7) – Double punishment, on the basis at least, that the earlier sentence would be a factor affecting the assessment of the need for further detention; and
- Article 15 – Retroactive legislation.

Under international law the ICCPR has been binding on both the Federal and State Parliaments of Australia since the ICCPR was ratified in 1980. Each Parliament has an obligation to implement the provisions of the ICCPR into its laws.

Yet that obligation is being directly flouted by the Government in this bill, which will get the support of the Labor Party, the Christian Democratic Party and the Shooters and Fishers Party. Indeed, as so often happens on legislation that offends human rights, the only opposition to the bill will come from The Greens in this Parliament. If the bill is passed, logically what will stop a future government from adopting the same risk management strategy for people who are of interest to police but who have not yet been convicted of a crime? There is no logical stop here on the basis of people having been convicted of a crime. The Greens recognise that there are competing public interest elements at play. There is a public interest in maintaining some form of safety for the public, but this legislation steps well beyond that mark. As Benjamin Franklin once said, "Those who would give up essential liberty to purchase a little temporary safety deserve neither." And that is the state of New South Wales at the moment.

The Hon. JOHN AJAKA (Parliamentary Secretary) [11.36 a.m.]: I support the Crimes (Serious Sex Offenders) Amendment Bill 2013. There are two main objects of the bill: first, to provide for the continued supervision and detention of high-risk violent offenders in appropriate cases, in addition to serious sex offenders, as is presently the case; and, secondly, to permit orders to be made for the continued supervision in

detention of an adult offender convicted of an offence as a child in appropriate cases. In May 2012 the NSW Sentencing Council finalised its report on sentencing and post-custody management options for high-risk violent offenders. The council recommended that the Government introduce a scheme of continuing detention orders and extended supervision orders for these offenders. The bill responds to that recommendation by extending the existing scheme for the continued detention or supervision of serious sex offenders to high-risk violent offenders.

At the moment in New South Wales there is no mechanism to prevent the release of a high-risk violent offender after the expiration of their sentence, yet we know from cases such as *State of NSW v Richardson* that some offenders pose a serious risk of violent reoffending at the end of their sentence. The court in the Richardson case was able to make the necessary extended supervision order because that offender also posed a risk of serious sex offending, but that will not always be the case. The bill fills a gap in the legislative framework in New South Wales and provides an option for protecting the community from the most dangerous offenders. Figures from the NSW Sentencing Council's report on high-risk violent offenders indicates that a proportion of serious violent offenders go on to commit further serious violent crimes after they are released from prison. We will never completely eliminate reoffending, but we have a responsibility to protect the community where there is evidence of an unacceptable risk of further violent reoffending.

This bill provides the necessary tools to respond to this risk and to protect the community. These orders will help to protect the community by making sure that the most dangerous offenders will not be released without supervision while they still pose an unacceptable risk of committing a serious violent offence. The provisions in the bill are modelled on those that currently exist for serious sex offenders and will ensure that high-risk offenders continue to be supervised either in prison or in the community after their sentence has expired. Under the bill, extended supervision and continuing detention orders are subject to safeguards. The orders can be made only by a Supreme Court judge taking into account assessments prepared by independent clinical experts. The orders will be limited in duration and subject to regular review. Offenders will be able to apply to have an order reviewed at any time, for example, if their circumstances have changed and the order is no longer required.

One of the objectives of the principal Act is to encourage high-risk offenders to undertake rehabilitation. These amendments are in keeping with that objective. As well as protecting the community, they are designed to put offenders on notice from the earliest possible opportunity that they might be subject to a continuing detention order or extended supervision order if they have not addressed their offending behaviour before their sentence expires. The bill extends the Crimes (Serious Sex Offenders) Act to remove the current exclusion of offences committed as a child from the definition of "sex offender". Orders will be available only against adults, but this amendment ensures that the most dangerous offenders can be properly supervised after their sentence expires regardless of the age at which they committed a serious violence or sex offence. The amendment to extend the serious sex offender scheme to offences committed as a child will bring New South Wales into line with other States that have similar schemes.

The regime will apply only to serious children's offences heard in the District Court or the Supreme Court, as these are the only offences for which a term of imprisonment, as opposed to a control order, can be imposed on a juvenile. The bill ensures that offenders on a continuing detention order are subject to six-monthly case planning and that Corrective Services is required to provide annual reports to the Attorney General indicating whether the commissioner considers that the order remains necessary and appropriate. I commend the bill to the House.

Reverend the Hon. FRED NILE [11.42 a.m.]: The Christian Democratic Party strongly supports the Crimes (Serious Sex Offenders) Amendment Bill 2013 and congratulates the Attorney General, the Hon. Greg Smith, on introducing this legislation. We have been calling for the introduction of similar legislation for many years. The bill amends the Crimes (Serious Sex Offenders) Act 2006 to provide for the supervision and detention of high-risk violent offenders, and to permit orders to be made against adults convicted of serious sex offences and serious violence offences committed as a child.

These changes are a result of recommendations by the NSW Sentencing Council. In its report on high-risk violent offenders, it noted a gap in the New South Wales legislative framework for dealing with high-risk violent offenders. This bill closes that gap by expanding the scheme that is in place for sex offenders, which has been tested in the High Court. It does not try to reinvent the wheel but extends those tried provisions to high-risk violent offenders. This legislation is a balanced response to a very serious issue in our society which greatly concerns the community. The legislation relating to sex offenders contains strong requirements for

individual examinations by experts of offenders. The bill before the House contains a near mirror list of matters that the court must have regard to when determining whether to make an order for the continuing detention of an individual.

These matters include but are not limited to: the safety of the community; the results of an assessment performed by a qualified psychiatrist, registered psychologist or registered medical practitioner regarding the likelihood of the offender committing a further sex offence, the willingness of the offender to participate in any such assessment, and the level of the offender's participation in any such assessment; the results of any statistical or other assessment as to the likelihood of persons with histories and characteristics similar to those of the offender committing a further serious sex offence; reports, if any, from Corrective Services NSW as to the extent to which the offender can reasonably and practicably be managed in the community; and whether the offender has participated in any treatment or rehabilitation programs, the willingness of the offender to participate in any such programs and the level of the offender's participation in any such programs. In some cases individuals refuse to engage in or reject rehabilitation programs. They will not participate in programs on a voluntary basis.

Over the years, the State has dealt with a number of notorious paedophiles. One of those who received a great deal of publicity was Dennis Ferguson, who died in December last year. He spent the last chapter of his life in a Department of Housing apartment at a secret location in Oxford Street, Sydney. Local residents were not satisfied with his presence in the area. His location at Ryde at one stage caused a strong reaction from local residents because of the large number of children living in the area. I will refer to cases that demonstrate the difficulty in rehabilitating these types of people. Philip Corlett Carey, another notorious paedophile, was first imprisoned in 1961 for homosexual indecent assaults and served sentences for similar offences in 1969, 1973, 1979, 1984 and 1995. Often, sex offenders will commit offences when on parole. The Government must make every effort to provide options for these people. A recent case involves paedophile Jayme Regulski, who is serving three years in the juvenile justice system. The sentencing judge told him that he would never again avoid adult jail. The judge also said he was a clear danger to the community and urgently needed treatment, although she had doubts about his ability to reform.

Another serious case involves Brian Keith Jones. Many paedophiles regularly change their names. As I have said previously, they should not be allowed to legally change their name. I concede it would be difficult to prevent them from using false names. Brian Keith Jones was also known as Brendan John Megson and Whispen. He was convicted of the abduction and sexual assault of six male children. He was given the nickname of Mr Baldy because he shaved the hair of his victims and dressed them in female clothing during the attacks. He pleaded guilty to 17 charges, including six of indecent assault on a male under 16 years of age, six of abduction, two of burglary and two of theft.

He was sentenced to 14 years jail with a non-parole period of 12 years. After receiving remissions of one-third of his sentence, he was paroled in 1989 and within weeks raped a nine-year-old boy and sexually abused the victim's six-year-old brother. He was then convicted of aggravated rape, sexual penetration of a child under 10 years of age and three counts of indecent assault, and was sentenced in 1993 to 12 years and four months imprisonment with a non-parole period of 11 years. There is an urgent need for this legislation. In August 2006 Brian Keith Jones was imprisoned indefinitely for multiple breaches of his parole conditions. He will not be eligible for parole again until 2020. That was in Victoria, which has the legislation we are now introducing in New South Wales.

We are pleased to support this legislation. It means the Government will have to give some thought to the situation, as the Victorian Government has, where if it wishes to detain these individuals they may occupy the middle ground, so to speak, and not be required to be held in the main prison. They may be accommodated in housing on the prison grounds inside the prison walls but not inside the main prison. I suppose that is a compromise with their being locked up in prison. I understand that works in Victoria and I encourage the Government to examine that provision so that people like Ferguson and others are not located in residential streets in suburbs where there are children but will be required to stay in accommodation that provides some degree of supervision.

A number of provisions in the legislation help to clarify its operation, such as defining a violent offender as a person sentenced to imprisonment following conviction for a serious violence offence. The bill also defines a serious violence offence as a serious indictable offence involving grievous bodily harm or death to another person committed with the intention of causing, or while being reckless as to causing, actual bodily harm, grievous bodily harm or death. This definition includes an attempt, conspiracy or incitement to commit

such an offence. The bill also requires the sentencing court to warn a person who is sentenced for a serious violence offence about the application of the Act. It clarifies that the Supreme Court may revoke an extended supervision or continuing detention order for a high-risk violent or sex offender if satisfied that circumstances have changed so as to render the order unnecessary.

The bill applies both the high-risk sex offender and high-risk violent offender schemes to offenders over the age of 18 years who have committed a relevant offence, regardless of whether that offence was committed as a child or as an adult. This will remove the current restriction in the Crimes (Serious Sex Offenders) Act 2008 which limits the serious sex offender scheme to offences committed as an adult. Finally, the bill requires the amendments to be reviewed after three years from their commencement. We support the review provision and I hope the review will support the continued application of this legislation, which we fully support.

The Hon. Dr PETER PHELPS [11.52 a.m.]: I had not intended to speak on this bill until I heard the contribution of Mr David Shoebridge. I am struck by the hypocrisy that lies at the very heart of his argument. Mr David Shoebridge has no argument to make when some scumbag who is doing eight years for grievous bodily harm on his girlfriend and makes it quite clear that when he gets out he is going to finish the job—

Mr David Shoebridge: You can't do eight years for grievous bodily harm.

The Hon. Dr PETER PHELPS: Not here. It is probably three months under the David Shoebridge judiciary. That offender makes no bones about the fact that when he gets out he is going to do the job, but Mr David Shoebridge says he has served his time and therefore he should be able to get out. Mr David Shoebridge is completely oblivious to the obvious menace that that person would represent to the community and to his earlier victim in particular. I do have concerns generally about using the power of the State for pre-emptive purposes but in this instance I do not have any concerns. When we are in a society where self-defence is accepted but where it is difficult to give effect to one's right to self-defence, there is a role for the pre-emptive power of the State to say that these things should not happen.

That is the heart of this matter. The hypocrisy of The Greens lies in saying that they oppose it because it represents some sort of arbitrary use of power. It is not an arbitrary use of power. If The Greens were sincere, if they were not hypocrites, the honourable member would propose a bill that abolishes the defence of insanity. The defence of insanity is an indefinite detention at the pleasure of the Crown. Mr David Shoebridge should, if he is logically consistent, oppose any insanity defence. He should say that because the net consequence of the insanity defence is indefinite detention at the pleasure of the Crown until such time as a registered and qualified person makes an assessment of the sanity of that person, that is somehow an infringement of civil rights; that it somehow infringes the United Nations Universal Declaration of Human Rights.

Why is that any different from a rational person in prison being suitably assessed by a qualified person to examine their capacity and intention to commit violent offences in the future beyond the period of their sentencing? What is the difference? The answer is there is none. The Greens are not going to say that because The Greens are interested in only one thing—maximising the number of defences available for criminals to get back into society. That is what The Greens are all about.

Mr David Shoebridge: It's called the rule of law.

The Hon. Dr PETER PHELPS: If the member wants to talk about the rule of law why do we not talk about the insanity defence? Why is the member not opposed to indefinite detention under an insanity defence and opposed to indefinite detention where clear procedural processes will be put in place that allow for indefinite detention in the case of violence? What is the difference? I note the silence from The Greens corner because there is no difference. They refuse to make an argument which seeks to differentiate between the two.

The PRESIDENT: Order! Mr David Shoebridge will cease interjecting. I remind the Hon. Dr Peter Phelps that just because other members are not interjecting it does not mean that they are assenting to his comments.

The Hon. Dr PETER PHELPS: No, it probably means they lack the mental capacity to make a rational argument.

The PRESIDENT: Order! For the sake of orderly debate the Hon. Dr Peter Phelps should withdraw that comment.

The Hon. Dr PETER PHELPS: I withdraw that comment. We have before us today a bill that will receive the overwhelming support of both this House and the other place. The reason it will do so is because we recognise that in society there is in certain limited instances a role for the power of the State to be used pre-emptively against individuals. If not in this case, when? When a person has been released from jail, is Mr Shoebridge suggesting that a police officer should be stationed in every person's house so as to act as a prophylactic to possible assaults, batteries, murders and rapes?

What is his constructive argument to prevent this from happening? The answer is none. I have a great deal of respect for the police of New South Wales, but there are not enough police officers to guarantee the safety of every person in every house, in every street or in every school 24 hours a day. Mr David Shoebridge is saying, "Do not worry about them. Let them out on the streets." He is saying that about people who have been proven in a court of law on many occasions to be serious violent offenders—not just for a love tap on the shoulder but for a serious violent offence. They often have very long criminal records. Mr David Shoebridge is saying that it is okay to let people out on the streets even when they have indicated that they have the intention and capacity to seek out their victims. That is outrageous and that is why this bill should be supported.

The Hon. PAUL GREEN [12.01 p.m.]: The Crimes (Serious Sex Offenders) Amendment Bill 2013 amends the Crimes Act 2006 to provide for the supervision and detention of high-risk violent offenders. The bill permits an order to be made against adults who have been convicted of serious sex offences and serious violence offences committed as a child. Even though my colleague Reverend the Hon. Fred Nile spoke at length on this subject, I will make additional comments. In Queensland the laws in this area are significantly tougher for sexual offenders, particularly for crimes committed against children.

For example, the Criminal Law (Two Strike Child Sex Offenders) Amendment Bill 2012 was passed in Queensland and created a mandatory sentencing regime of life imprisonment with a 20-year minimum non-parole period for certain repeat child sex offenders. This was part of the Queensland Coalition Government's pre-election promise to commit to tougher sentences for repeat child sex offenders. It kept its promise. I hope that the Liberal-Nationals Government will follow suit in New South Wales. The Christian Democratic Party hopes that the New South Wales Government will introduce a similar law that reflects the community's outrage at serial sex offenders who pose a continued risk to the community and to children. No community should have to deal with repeat sexual offenders.

Commonwealth research into childhood sexual assaults has found that one in five children in Australia will be sexually assaulted before the age of 18. Less than 70 per cent of the perpetrators will live in the same household as the victim and more than 80 per cent of the time the offence will be committed by someone known and trusted by the child or their family. Tragically, the vast majority of childhood sexual assaults are committed by repeat offenders. Today statistics show that 325,063 children in New South Wales will be or have been sexually assaulted. That is more than 19,000 children every year in New South Wales alone. New South Wales is a signatory to the Council of Australian Governments agreement entitled, "Protecting Children is Everyone's Business: National Framework for Protecting Australia's Children in 2009-2020". It is time for the New South Wales Government to make good on its promise to protect children from child sexual offenders.

I am passionate about the Bravehearts program. I will not stop speaking about the program in this House until this Government funds it in every New South Wales school—\$2.5 million per year is an investment, not a cost. It will save many kids from child sexual offenders. Once assaulted, children are damaged; it affects their whole life. One New South Wales prison noted that 100 per cent of its women inmates had been sexually abused as a child. This is unacceptable. The New South Wales Government needs to invest not only in bills like this, but also its children. It needs to educate them so they can understand when they are being mistreated. This knowledge will empower children to speak up when things are not right.

The Bravehearts program is well placed to provide effective education for children from three to eight years and dramatically reduces incidents of child sexual assault in New South Wales. I hope the Government pays attention and gives consideration to the widespread rolling out of this program, which will help it to fulfil its promise to protect children. This bill is a step in the right direction. The Christian Democratic Party commends the bill to the House and the progression of the Bravehearts program in every public school in New South Wales.

The Hon. DAVID CLARKE (Parliamentary Secretary) [12.06 p.m.], in reply: I thank members for their contribution to this debate. I will deal with some of the issues raised by Mr David Shoebridge and the Hon. Adam Searle. Turning to the comments by Mr Shoebridge on behalf of The Greens, once again we have a

situation in this place where The Greens speak out for the criminals, not for the public of New South Wales. They always have done so in the past and they always will do so in the future. That is why their vote is collapsing around Australia. In the recent Western Australian election their vote collapsed by one-third. That is only the start. The Greens are on their way to oblivion. When The Greens talk about human rights they throw in a mention of the United Nations. We talk about the human rights of the citizens of New South Wales.

The Hon. Paul Green: And the children.

The Hon. DAVID CLARKE: And the children of New South Wales. We are here to defend the human rights of the people of New South Wales. We are doing something about it by bringing forward this legislation. The Greens speak for the elitists in this nation. They speak for the isolated groups, those who are out of touch and those who want to tell us how to run our lives. However, The Greens are being increasingly rejected by the people of New South Wales and the people of Australia.

The Hon. Michael Gallacher: They were just your opening comments.

The Hon. DAVID CLARKE: That is right. This is just to set the atmosphere. In March 2010 the Human Rights Committee of the United Nations determined that the detention of Kenneth Tillman as a serious sex offender under the New South Wales Act was arbitrary and violated Article 9.1 of the International Covenant on Civil and Political Rights. New South Wales has worked closely with the Commonwealth on a response to the committee's decision. That response outlines the Government's position that the continued detention of Mr Tillman served a legitimate purpose and it was subject to a number of safeguards, such that it was not arbitrary under Article 9 of the covenant.

In September 2012 the European Court of Human Rights found that two prisoners who were subject to indefinite detention under the United Kingdom's imprisonment for public protection scheme had been arbitrarily detained. There are a number of key differences between the system that existed in the United Kingdom and the scheme proposed in this bill. First, the United Kingdom system relied on a long list of offences to determine which offenders could be subject to an order of imprisonment for public protection. Consequently, very large numbers of offenders were detained indefinitely. New South Wales has adopted the advice of the New South Wales Sentencing Council and the bill will apply only to offenders who meet strict offence eligibility criteria and who meet the high-risk threshold set out in section 5E.

The second important point of distinction between the current bill and the United Kingdom's imprisonment for public protection scheme is the provision made for rehabilitation of offenders. The basis for the findings of arbitrariness by the European Court of Human Rights was the lack of steps taken to progress prisoners through the prison system and the failure to provide access to rehabilitative courses. This is not the case in New South Wales. The O'Farrell Government has planned for the introduction of the scheme and will ensure that it is accompanied by an expansion with the availability of violent offender therapeutic programs offered by Corrective Services NSW.

The Labor Government introduced a range of measures designed to protect the community from dangerous offenders. For example, it introduced legislation to keep people in jail where a court has recommended that they never be released, legislation to provide for life imprisonment for a number of aggravated offences such as serious aggravated sexual assault in the form of gang rape, and legislation to enable the continued detention and supervision of serious sex offenders who continue to pose a high risk to community safety at the end of their sentence. The Coalition agreed to those changes because it is committed to protecting the community. This bill is also about protecting the community.

The introduction of the Crimes (Serious Sex Offenders) Amendment Bill followed the successful enactment of similar laws in Queensland. The High Court in *Fardon v Attorney-General* said that those laws were valid. The community is protected when serious criminal offenders serve their sentences and are rehabilitated. Murderers and sex offenders generally do not commit further offences and only a small number of serious sex offenders are the subject of applications. Similarly, only a small number of serious violent offenders who have not completed rehabilitation programs will not be the subject of these applications.

The fact that the Law Society has objected to this legislation is to be expected. The society represents thousands of practitioners who do defence work and only 200 to 300 who do prosecution work. Naturally it will reflect the views of the members of its Criminal Law Committee and the Human Rights Committee. I have great respect for the Law Society and its President, John Dobson, who signed the letter that was sent to members of

the Opposition and the Attorney General. I will comment on the point raised by the Law Society in relation to the lack of unanimity among the Sentencing Council members in making this recommendation. Just last week the High Court split 3:3 in a case dealing with freedom of speech that involved a man who was sending letters through an intermediary attacking our soldiers who were killed in Afghanistan. Due to the conventions of the High Court, that man will now face trial for those offences—as he should. What a disgraceful thing to do. The highest court and authority at law in this country is a perfect example that unanimity is not required before a law is deemed worthwhile.

Former Premier Kristina Keneally spoke strongly in support of a law such as this. She ordered the audit of the 750 or so serious offender prisoners who were nearing their release at that time. Her concern was that some of those people would be released without being properly rehabilitated. The audit confirmed that there was a small group nearing release who had not participated in rehabilitation programs. Serious violent offenders can decide not to participate properly in rehabilitation programs, thus remaining in jail for the whole of their term without being rehabilitated. Once released if they are not supervised they are a great risk to the community. The Greens may not think so, but everyone else does. There have been cases in which such people have committed further serious violent offences after being released.

The Government is responding to this gap in the law to provide a basis for supervision or, where necessary, the detention of a high-risk violent offender after the expiration of their sentence. The Attorney General will not simply sign a document stating that a person should remain in jail for the next five years even though he has completed his sentence or that he should be subject to an extended supervision order that requires him to wear an ankle to monitor his movements. That is not how the process will work. The bill requires the Supreme Court to be satisfied to a high degree of probability that an order is required. Rigorous safeguards have been built into the legislation.

A question was asked about the ramifications of the Community Compliance and Monitoring Group being merged with Community Offender Services. The merger will in no way compromise community safety. This Government is determined to enhance community safety and that is what this bill is about. The Greens do not understand that, but everyone else does.

The Hon. Michael Gallacher: They understand it if they are opposed to it.

The Hon. DAVID CLARKE: I acknowledge that interjection. This legislation will provide greater consistency and effectiveness of case management for all community offenders and it will ensure enhanced public safety. At the moment the Community Compliance and Monitoring Group has only 11 officers. When it is combined with Community Offender Services, formerly known as the Probation and Parole Service, it will have 60 officers. The merger will result in equitable access to sentencing options across the State, there will be statewide coverage for high-risk offenders, including serious sex offenders, and high-risk violent offenders who are subject to electronic monitoring will be monitored 24-hours, seven-days a week. Staffing of the unit will also be enhanced. Both the Community Compliance and Monitoring Group and the Community Offender Services have a well-established working relationship and have protocols in place with local police, including local area commands. Community Corrections will continue to foster these relationships, including by strengthening intelligence regarding community-based offenders.

The new structure will provide for monitoring according to risk, which will enable far more intensive supervision of high-risk offenders. Unannounced home visits and weekend checks will continue to be carried out and will be better targeted to offenders who pose the greatest risk to community safety. The Government will also continue existing drug detection and alcohol testing protocols that target offenders whose offences are drug related. We are not giving up on that; we are simply making it more efficient. It was unacceptable that this Government inherited a department that ran with a budget deficit of \$113 million in 2010-11.

I should mention the history of serious sex offender legislation. The fact is that not many offenders stay in custody—most are released on extended supervision. Sometimes they breach those orders and go back into custody, but they are released again. It is not as though the court will allow these people to be marooned for life in custody. This is responsible legislation. Its review after three years of operation is adequate, and the Department of Attorney General and Justice is the best organisation to undertake that review.

Let us consider why we should extend the serious sex offender scheme to juveniles. No other State that has this type of legislation excludes offences committed as a juvenile. That is because some juveniles commit seriously violent acts. The Government is therefore removing the restriction that exists in the Crimes (Serious Sex

Offenders) Act that limits the serious sex offender scheme to offences committed as an adult. Under this bill, both the high-risk sex offender and high-risk violent offender schemes will apply to offenders over the age of 18 years who have committed a relevant offence regardless of whether that offence was committed as a child or as an adult.

It is appropriate that this restriction be removed to ensure that offenders who commit serious violence or sex offences do not fall outside the scheme. The expansion applies only where a serious offence is committed by children where a sentence of imprisonment is imposed. That means that offences dealt with by the Children's Court do not qualify because detention by way of a control order under the Children (Criminal Proceedings) Act does not constitute a sentence of imprisonment for the purposes of the scheme. The proposed amendments bring the New South Wales scheme into line with serious sex offender legislation in Queensland, Victoria and Western Australia, which do not exclude offences committed as a child.

The Government has been thoughtful and I believe smart and courageous in balancing the management of risk with rehabilitation. This legislation is about community safety and minimising risk. The Greens should finally understand that this Government will stand up for community safety and minimising risk. The Greens may not, but we will. The proposed scheme of provisional sentencing of children convicted of murder is also about ensuring community safety and minimising risk. This Government is committed to the rehabilitation of less serious offenders. By the end of this year the John Morony Correctional Centre at Windsor will have 300 people going through its program every six months. That has not been done before, but it is worthwhile doing.

We have accepted the success of Labor's initiative with respect to the Drug Courts and we have opened a third Drug Court at the Downing Centre. We have to protect the community against this gap in current legislation that allows serious violent offenders to be released from the prison system without rehabilitation and supervision, possibly to kill or maim again. I thank members for their patience. I believe the bill provides a framework for dealing with serious violent offenders in our prisons who pose an unacceptable risk to community safety, if released without supervision. The bill strikes an appropriate balance between ensuring the protection of the community and the right of offenders to be released after they have been sentenced. We are bringing this legislation forward to protect the people of this State. The people of this State want this legislation. The Greens oppose the bill—and that demonstrates, above everything else, that we are on the right track. I heartily commend the bill to the House.

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

The House divided.

Ayes, 32

Mr Ajaka	Mr Gallacher	Mr Primrose
Mr Blair	Miss Gardiner	Mr Roozendaal
Mr Borsak	Mr Green	Mr Searle
Mr Brown	Mr Khan	Mr Secord
Mr Clarke	Mr Lynn	Ms Sharpe
Mr Colless	Mr MacDonald	Mr Veitch
Ms Cotsis	Mrs Maclaren-Jones	Ms Westwood
Ms Cusack	Mr Mason-Cox	Mr Whan
Mr Donnelly	Mr Moselmane	<i>Tellers,</i>
Ms Ficarra	Reverend Nile	Dr Phelps
Mr Foley	Mrs Pavey	Ms Voltz

Noes, 5

Ms Barham
Mr Buckingham
Dr Kaye
Tellers,
Ms Faehrmann
Mr Shoebridge

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 and 2 agreed to.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [12.30 p.m.]: I move the Opposition's amendment on sheet C2013-010A:

Page 17, schedule 1 [39], lines 16 and 21. Omit "Minister" wherever occurring. Insert instead "Ombudsman".

As I foreshadowed during the second reading debate, the proposed amendment provides for the Ombudsman to undertake the review of the legislation, rather than the Minister with carriage of the Act, who in the usual course would be the Attorney General. I note the very firm defence of the Department of the Attorney General and Justice by the Parliamentary Secretary. The proposed amendment in no way reflects upon the professionalism of that agency or any of its policy officers. Those on this side of the House recognise the particularly sensitive nature of the legislation and, like the scheme that is already in existence, it is a significant departure from the usual processes of the criminal law.

The Opposition says that this legislation warrants a robust review independent of government and that the appropriate body to undertake that robust and independent review is the Ombudsman. That agency is well known and time-tested in this jurisdiction. No one can doubt the independence of that agency from government; no one can doubt the good faith of that agency in the way in which it has conducted its business in this State since 1974 when it was created. The Opposition has no doubts about the professionalism of the public servants who work in the Department of Attorney General and Justice but because of the nature of the legislation the review needs to be undertaken by the Ombudsman. With those brief remarks I urge members to embrace the Opposition's amendment. It does no damage to the substance of the bill. It does not detract from the objects of the bill—

The Hon. Walt Secord: It enhances it.

The Hon. ADAM SEARLE: I acknowledge the interjection by the Hon. Walt Secord. The bill enhances the objects of the legislation by improving confidence in having it independently reviewed in the appropriate course.

The Hon. DAVID CLARKE (Parliamentary Secretary) [12.32 p.m.]: The Government opposes the Opposition's amendment. The Government does not consider that specific legislative oversight by the Ombudsman is needed in relation to these reforms. The review required by section 32 is a review to determine whether the policy objectives of the Act remain valid and whether the Act remains appropriate for securing those objectives. Such a review will require input from the agencies across the justice cluster required to apply the legislation. The Department of Attorney General and Justice is best placed to draw on the experience of those agencies.

The statutory review undertaken by the department will invite input from legal stakeholders as well as provide an opportunity for comments not only by the Ombudsman but also by any member of the community. The department also identifies areas where external consideration of an issue would be beneficial. When the department reviewed the Crimes (Serious Sex Offender) Act in 2010, it identified issues relating to high-risk violent offenders and referred them to the NSW Sentencing Council for further consultation and review. The system of departmental statutory review is working well and it is not considered that separate oversight by the Ombudsman is needed. The amendment is therefore opposed.

Mr DAVID SHOEBRIDGE [12.34 p.m.]: The Greens do not oppose the Opposition's amendment.

Question—That the Opposition amendment [C2013-010A] be agreed to—put.

The Committee divided.

Ayes, 17

Ms Barham
Mr Buckingham
Ms Cotsis
Mr Donnelly
Ms Faehrmann
Mr Foley

Dr Kaye
Mr Primrose
Mr Roozendaal
Mr Searle
Mr Secord
Ms Sharpe

Mr Shoebridge
Mr Veitch
Ms Westwood
Tellers,
Mr Moselmane
Ms Voltz

Noes, 21

Mr Ajaka
Mr Blair
Mr Borsak
Mr Brown
Mr Clarke
Ms Cusack
Ms Ficarra
Mr Gallacher

Mr Gay
Mr Green
Mr Harwin
Mr Khan
Mr Lynn
Mr MacDonald
Mrs Maclaren-Jones
Mr Mason-Cox

Reverend Nile
Mrs Pavey
Mr Pearce

Tellers,
Mr Colless
Dr Phelps

Pair

Ms Fazio

Ms Mitchell

Question resolved in the negative.

Opposition amendment [C2013-010A] negatived.

Schedule 1 agreed to.

Schedule 2 agreed to.

Title agreed to.

Bill reported from Committee without amendment.

Adoption of Report

Motion by the Hon. David Clarke, on behalf of the Hon. Michael Gallacher, agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. David Clarke, on behalf of the Hon. Michael Gallacher, agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Assembly without amendment.

SMALL BUSINESS COMMISSIONER BILL 2013

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Michael Gallacher, on behalf of the Hon. Duncan Gay.

Motion by the Hon. Michael Gallacher agreed to:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Second reading set down as an order of the day for a later hour.

LIQUOR AMENDMENT (SMALL BARS) BILL 2013**Second Reading**

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [12.47 p.m.]: I move:

That this bill be now read a second time.

In September 2012 the Premier announced the Government's response to issues in Kings Cross. The response outlined a broad range of tough measures to tackle alcohol and drug-related crime and antisocial behaviour in the Kings Cross precinct. It is a whole-of-government approach covering liquor licensing, compliance, transport, policing and public spaces. To assist the House, I seek leave to incorporate the remainder of the second reading speech in *Hansard*.

Leave granted.

The *Liquor Amendment (Kings Cross Plan of Management) Act 2012* which was passed in November last year supported the measures announced as part of that package.

Importantly those measures are not wholly about compliance and enforcement.

The Act also provided for a new category of "small venue" liquor licence in the Kings Cross area with a maximum limit of 60 patrons per venue.

The Act exempted these small venues from the liquor freeze in Kings Cross and Oxford Street Darlinghurst to encourage the take up of these licences.

This exemption was introduced to provide an alternative to patrons wanting a quiet night out in a smaller and more intimate setting.

The Government stated that this small venue exemption was a precursor to a new category of small bar licence.

Today the Government is strengthening its commitment to diversity amongst licensed establishments and to reducing alcohol fuelled violence and antisocial behaviour by introducing the *Liquor Amendment (Small Bars) Bill 2013*.

This bill amends the *Liquor Act 2007* to introduce a new category of liquor licence for small bars across the State.

The Liquor Act currently requires small bars to operate under a general bar hotel licence.

There were 89 of these licences as at 15 February 2013.

Many of these general bar hotel licences apply to smaller venues that cater for fewer than 120 persons.

Under the current arrangements limits on patron numbers are generally a matter for local councils and the planning process having regard to factors such as individual premises size, building code requirements and fire safety.

Other than these factors there is nothing to prevent a general bar licence also being utilised for a nightclub or other type of licensed venue.

The Government believes creating a specific new small bar licence category will provide clarity about what a small bar constitutes, thereby helping to prevent the "venue morphing" that currently occurs.

The introduction of a "small bar" licence is expected to appeal to patrons interested in a smaller and more intimate setting rather than a beer barn. This small more intimate entertainment venue is associated with "lower risks" than large scale venues.

It will prompt investment in a different business model for licensed venues in New South Wales, encouraging more diversity in how liquor is sold and supplied and how licensed venues are operated.

This bill provides that a small bar licence will limit a venue to 60 patrons or less.

It will only allow consumption of alcohol on the licensed premises.

Gaming machines will be prohibited under this licence category and food must be available on the premises.

While the venue must be open to the general public, minors will not be permitted within small bars during liquor trading hours.

The temporary freeze on licences will not apply to venues seeking a small bar licence.

Small bars outside of liquor freeze precincts will be automatically authorised to trade between midday and 2.00 a.m. However, small bars in the freeze precincts of Kings Cross and Oxford Street Darlinghurst will need to apply for an extended authorisation to trade after midnight.

The bill includes provisions that allow existing general bar licences to be easily converted to a small bar licence.

A small bar licence will be automatically granted upon application to existing general licence holders who remain in the same premises.

Importantly, a converted small bar licence will be subject to the conditions and compliance history that it was subject to under the previous licence.

This bill also provides a number of incentives for operators to take up this new small bar licence and establish venues across New South Wales.

The application fee for a small bar licence will be 50 per cent of the amount prescribed for an on-premises licence.

An application for an extended trading authorisation for a small bar will also be subject to a reduced fee.

Applicants for small bar licences will not be required to prepare a community impact statement, as is required for higher risk applications applying to other types of liquor venues.

Given the low risk nature of a small bar, the Government believes that a community impact statement is unnecessary where development consent under the *Environmental Planning and Assessment Act 1979* has been granted to use a premises as a small bar or to sell liquor.

As a result a prerequisite to a small bar licence application will be approval of development consent by the local council.

The development consent process includes the requirement for community consultation and submissions.

It requires notification to stakeholders and regulators, in this case police and the Director General of Trade and Investment of the type of business.

The sale of liquor by a prospective business is an important issue that is considered in the development application, with the community being provided with the opportunity to comment.

To fortify this process, planning guidelines will be issued to local councils relating to the consideration of liquor issues where a small bar business is proposed.

It is proposed that the guidelines require councils to consider any submissions made by the police and liquor regulators.

This is supported by a requirement in the bill for small bar applicants to provide notification to the police and liquor regulators of their application for development approval within two working days.

If this notification is not provided then a community impact statement will be required to ensure that the views of stakeholders and regulators are considered. This is a further community protection mechanism.

The need for development consent to operate a small bar will depend on the local planning requirements established under the planning laws.

Where development consent is not required the existing community impact statement and notification requirements in the liquor laws will apply to a small bar licence application.

The approval of a small bar licence and the operation of the premises will still be subject to the extensive requirements of the liquor laws.

These include the ability of stakeholders such as police to make submissions to the Independent Liquor and Gaming Authority in relation to a small bar liquor licence application.

As is the case with other licence applications, administrative arrangements will be put in place to ensure police are notified of applications for small bar licences.

This will be consistent with requirements under section 42 of the Liquor Act.

Police and the Director General of the Department of Trade and Investment, Regional Infrastructure and Services will be able to make submissions on small bar applications.

These will need to be taken into account by the Independent Liquor and Gaming Authority when determining an application. The authority will retain its existing responsibility to consider alcohol-related harm issues when dealing with an application for a small bar licence.

The Government is committed to evaluating the impact of small bars and making changes if necessary.

The bill provides for the Minister to review this legislation in 2016 to determine whether the policy objectives remain valid and whether the terms of the legislation remain appropriate for securing those objectives.

To this end the bill includes scope for regulatory change within the Act to reduce or increase the number of patrons that may be on a small bar premises.

This evaluation will be one element in our broader approach to alcohol-related violence.

The New South Wales Liberals and Nationals Government has undertaken research into the cumulative impact of licensed premises so we have a more informed view of liquor licence density.

We are also reviewing the operation of the violent venues scheme under the Liquor Act to ensure the types of conditions imposed on liquor licences are helping to drive down alcohol-related violence.

The introduction of a new small bar liquor licence will broaden and diversify the entertainment venues on offer to the people of New South Wales and help to reduce the alcohol-fuelled violence and antisocial behaviour that is associated with larger venues.

I commend this bill to the House.

The Hon. STEVE WHAN [12.48 p.m.]: The Opposition supports the Liquor Amendment (Small Bars) Bill 2013. The Government flagged this bill in advance. This issue has been the subject of discussion in the community for some years. For some time the community has expressed a desire to make it easier to establish small venues particularly in Sydney. For a long time Sydney city council, the Lord Mayor and many others have spoken about wanting more of what they often describe as "Melbourne-style bars"—bars in small areas, alleyways and so on.

The Hon. Dr Peter Phelps: Shame.

The Hon. STEVE WHAN: We will not pass judgement on that city that always compares itself to Sydney. There has been much discussion about whether the legislation needed to be changed to enable small bars to be established—bars that do not have poker machines or takeaway liquor sales but that provide an opportunity for a different style of social gathering and pub in our city. This legislation, which arose after those discussions, is generally welcomed by the community. The Government says it is introducing the legislation to help tackle alcohol-related violence but that is not how I interpret it. This legislation provides people in Sydney and in this State with an alternative. It is probably true that small bars will attract different clientele from some of the larger premises and that they will have a different behavioural makeup because of the way in which they operate. I expect small bars to attract a different clientele; they most probably will not attract younger people who are looking for a big crowd and the sort of amusement or entertainment that that will provide.

It is not unreasonable for the Government to introduce legislation that differentiates between the freeze on new licences in Kings Cross and the rest of the State. The legislation states that liquor can be sold at a small bar only if there are no more than 60 people on the premises and that food must be available at all times. Small bars cannot have poker machines or sell takeaway alcohol—a key point because there are many places from which one can buy takeaway alcohol. Because of the hazards of alcohol consumption and the abuse of alcohol in New South Wales and in many other places it is not fair to focus only on pubs and clubs, which is often what occurs in the media. It should be recognised that many alcohol consumption problems arise at home or on private premises, often as a result of people's ability to access cheap alcohol at takeaway venues.

We hear regularly from pub owners around the State—I am sure that the Minister for Police has heard this also from police—that one of the major problems that occurs is that people are pre-fuelling before they arrive at venues, which makes it difficult for venues to comply with their responsible service of alcohol obligations. Much of this pre-fuelling occurs because alcohol is available at much cheaper rates from off-licence takeaway premises. A critical point of this legislation—and one that the Opposition strongly endorses—is that no takeaway alcohol sales will be allowed at these venues.

Small bars will be limited to a maximum of 60 patrons, though there has been an interesting debate about what that number should be. The Minister's office, in its briefings to us—for which I thank it—indicated that the maximum number of patrons would be limited to 60 but that number would be increased at a later date if a review of the legislation showed it was more appropriate or that it would work better. The Government has decided to start with a cap of 60 rather than 90 or 120, which Opposition members think makes sense as we do not know how those licences will work and it is reasonable to wait and see how it operates. The Government will review that cap in future and consider increasing it to 90—a matter that will be determined when that option is put forward. Opposition members would be concerned if the cap went higher than 90 because at 120 small bars would be at a level similar to—

The Hon. Dr Peter Phelps: To a pub.

The Hon. STEVE WHAN: Small bars would be at a level similar to a pub. We would be putting small bars in competition with pubs without requiring a social impact assessment, which would disadvantage pubs. That is the key reason why the Opposition will not be supporting The Greens amendment that has been circulated. Community impact statements are not required for new licences. Even though that might cause issues for some people in the community the Opposition believes it is justifiable. We are talking about a venue with 60 patrons. The information I have received from industry is that the cost of community impact statements would impact heavily on venues that received a fairly marginal return.

The legislation specifies that applicants intending to open small bars must lodge development applications with their local council. Council then has an opportunity to seek public comment, examine issues such as outlet density in a region, and establish whether the location sought is appropriate for a liquor outlet—an important and responsible job for councils to undertake but one that they are already doing regularly. In this case

it is reasonable not to require community impact statements. However, I note also that no poker machines will be allowed in these small bars—one of the key reasons for community impact statements. This will ensure that the cost of these licences is not prohibitive and small bars will appear around our city and our State.

Small bars will have different closing times from the closing times of other licences. There is a closing time of midnight for the freeze zone—the Kings Cross, Oxford Street, Darlinghurst precinct—which is consistent with government provisions. Small bars in that area can trade until 2.00 a.m. but only if they have received an extended authorisation. As I understand it, the legislation states that in other areas the closing time will be 2.00 a.m. Other venues have to apply specifically to open until certain times which might be seen by them as being slightly unfair. However, 2.00 a.m. seems to be a reasonable closing time for bars that have a smaller number of people and that are offering food, et cetera.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): I welcome to the Legislative Council students from Sir Joseph Banks High School at Revesby, guests of Ms Melanie Gibbons and Mr Glenn Brookes.

The Hon. STEVE WHAN: I also welcome the students. In a year or so, when they are old enough, they will be able to visit some of these bars.

The Hon. Niall Blair: Are you reducing the drinking age?

The Hon. STEVE WHAN: It appears to me as though these are year 11 or year 12 students. There has been much discussion in the community about the desirability of small bar licences to enhance the culture and options available to people who live in the city and I am sure that other members will speak about those aspects of the bill. People will have an opportunity to play music live at these smaller venues, which will be terrific, and these venues will probably be much quieter than are pubs or clubs. These venues are likely to attract a different clientele from those who are attracted to some of the larger establishments, which perform important social functions in our community. Opposition members agree with the strategy of retaining a cap of 60 patrons for a few years to establish how that will work. When that cap is reviewed after a few years, feedback should be sought from licensees who are seeking to have the cap increased, the police and the communities in which those small clubs are operating. I look forward to that happening.

For the reasons that I mentioned earlier, the Opposition will not support the amendment that has been circulated by The Greens. A cap of 120 people would be getting close to the number of patrons that are allowed in pubs. It would be inequitable to increase that cap without considering how each small club had performed with a cap of 60 patrons and without a social impact assessment. It is all very well for The Greens to suggest that more power should be given to councils to determine those numbers but liquor regulation is a State government responsibility and it should be regulated by one body at that level—something that the Opposition supports. As I said earlier, the Opposition supports the bill.

[Deputy President the Hon. Natasha Maclaren-Jones left the chair at 1.01 p.m. The House resumed at 2.30 p.m.]

Pursuant to sessional orders business interrupted at 2.30 p.m. for questions.

Item of business set down as an order of the day for a later hour.

QUESTIONS WITHOUT NOTICE

WESTCONNEX MOTORWAY

The Hon. LUKE FOLEY: My question is directed to the Minister for Roads and Ports. In light of his answer yesterday to a question from the Hon. David Clarke, will he confirm that WestConnex will not run to Port Botany?

The Hon. Walt Secord: It gets murkier and murkier.

The Hon. DUNCAN GAY: Out of the shadows; out of the tar pit. I thank the Leader of the Opposition for the first question I have received from the Opposition on the WestConnex. This is the most important infrastructure project in roads in the State's history, and it has taken the Opposition all this time to ask that question.

The Hon. Luke Foley: Point of order: The Leader of the House is misleading the House. I grilled the Premier on the WestConnex at estimates; we got no answers.

The PRESIDENT: Order! The Leader of the Opposition will resume his seat. He knows that that is not a point of order.

The Hon. DUNCAN GAY: It is his good day, because earlier I said to my staff, "I am going to be really nice to them today. I am going to be nice to them even about the silly questions."

The Hon. Greg Pearce: You didn't mean Jeremy though?

The Hon. DUNCAN GAY: No, Jeremy is not here. Where are The Greens? There he is. He has been out exchanging preferences with the Shooters.

The PRESIDENT: Order! I encourage the Minister not to respond to interjections.

[*Interruption*]

The Hon. Michael Gallacher: The Hon. Jeremy Buckingham just called the Hon. Luke Foley a slimebag.

The Hon. DUNCAN GAY: He called him a scumbag.

The Hon. Michael Gallacher: No, a slimebag—there is a difference. "Slimebag" is a term of endearment for The Greens—green slime.

The Hon. DUNCAN GAY: WestConnex is the most important infrastructure project in roads in decades.

The Hon. Penny Sharpe: What about the Pacific Highway?

The Hon. DUNCAN GAY: I am pleased the Hon. Penny Sharpe raised the Pacific Highway, now that the Labor Party has withdrawn its funding. I know Albanese has been onto Robertson and said he does not want any more questions about the Pacific Highway.

The Hon. Steve Whan: Point of order: Relevance. The question was specifically about WestConnex. The Minister is taking every opportunity to talk about everything else other than that project.

The PRESIDENT: Order! I have the gist of the member's point of order. I encourage Opposition members to stop interjecting about other road projects and to allow the Minister to answer the question asked by the Leader of the Opposition.

The Hon. DUNCAN GAY: The road—as announced by Infrastructure NSW and as announced by our steering committee, which has a mixture of people from all portfolios and the Federal Government—will connect the M5 to the M4.

The PRESIDENT: Order! Too much audible conversation is coming from the Government benches. I call the Hon. Penny Sharpe to order for the first time.

The Hon. DUNCAN GAY: The road will help with connections to the port. It will be an important conduit. Opposition members may not realise who was responsible for the existing M5 East. Quite frankly, it is a road that is not properly ventilated and is not up to handling heavy traffic. It was obsolete from the time it was built. The duplication of the M5 East will progress the existing road. The key to our connection to Port Botany is a doubling of rail lines. The WestConnex was not put in to provide truck access— [*Time expired.*]

The Hon. LUKE FOLEY: I ask a supplementary question. I thank the Minister for his answer. Will the Minister elucidate his answer with particular reference to whether WestConnex will run to Port Botany?

The Hon. DUNCAN GAY: The M5 East already runs to Port Botany and WestConnex will be based on the duplication of the M5 East. It will double the road's capacity in that area. It will make trips quicker for

people who need to go to the central business district. WestConnex, in particular, acknowledges that the largest part of traffic in Sydney does not need to go to the central business district. The essence of WestConnex is providing proper access for traffic needing to go from the north to the airport or to the sea port, and for traffic needing to go from the south and the south-east to the north, without going through the city. That is what is understood by the people who operate around the city and the people who run the infrastructure and logistics.

The great pity is that the Prime Minister was badly briefed by senior bureaucrats and her Minister who is represented on the steering committee of WestConnex. We cannot do more than brief them. We invited them to come along with our top bureaucrats to ask questions. Some members turned up, which I appreciated. I also appreciated the applause at the end of my presentation, which I understood to be an acknowledgement that we are doing something good. However, because there were problems in western Sydney last week those members are now asking questions.

SOBERING UP CENTRES

The Hon. CHARLIE LYNN: My question is directed to the Minister for Police and Emergency Services. Will the Minister update the House on the progress of the announced sobering up centres?

The Hon. MICHAEL GALLACHER: What may be of particular interest to some members opposite is that the Government has made a strong commitment to address alcohol-related violence and antisocial behaviour on our streets. Since 2011 we have walked the talk by implementing a range of initiatives such as the reintroduction of an intoxicated and disorderly offence, and police have been provided with enhanced move-on powers. On 1 July this year, in fulfilment of an election commitment, a trial will commence of three sobering up centres. The sobering up centres will test the theory of police officers that if they remove noticeably intoxicated disorderly persons from public areas it will help to reduce the risks associated with alcohol-related violence and antisocial behaviour by de-escalating situations and removing people from harm.

We are hoping to see a reduction in alcohol-related assaults and a reduction in intoxicated people risking injury to themselves and others through risky and dangerous behaviour. We are also hoping to provide the opportunity for intoxicated disorderly persons housed or detained at the centres to be provided with details of local treatment facilities should they be ready and willing to take that step. The centres will be located in Wollongong, Sydney's eastern beaches and Sydney's central business district and they will run on Friday and Saturday nights, and additional nights if required. The Sydney city centre will be operated by the NSW Police Force and the other two centres will be operated by a non-government provider or providers under contract to the Department of Family and Community Services.

The operational model for all three centres will involve intoxicated disorderly persons undergoing a health assessment and a search of their personal belongings prior to entry. The Sydney city centre will be different in that it will be based around mandatory detention of intoxicated persons, with people potentially being detained for hours unless they can locate a responsible person to take custody of them. Eligibility criteria for all three centres as well as other features of the centres will be set out in the legislation drafted to support the trial. Intoxicated persons detained at the Sydney city centre will also be liable for a cost-recovery charge in addition to any penalty notice or notices they may receive during an evening.

Provision is being made for an evaluation to be carried out of the trial of sobering up centres after 12 months so that their impact can be analysed and assessed. It is worth noting that police officers already undertake a great deal of work aimed at either preventing or managing the effects of public intoxication. They already have the power to detain intoxicated persons in certain circumstances under police powers legislation. The trial will investigate the benefits of providing police with an easy and flexible way in which to remove noticeably intoxicated disorderly persons from public areas and to keep them safe whilst they are intoxicated. This arrangement will also allow the police officers involved to return to the streets more quickly.

This trial of three sobering up centres is more evidence of the Government's strong and ongoing commitment to addressing and combating alcohol-related violence and antisocial behaviour in the community. This is more than simply lip-service. The Government is willing to try innovative approaches and to spend money to have a positive impact on this problem. I look forward to updating members later in the year as the trial progresses and we start to get some indication about the impact of the sobering up centres.

STATE RECORDS AUTHORITY ARCHIVES

The Hon. ADAM SEARLE: I direct my question to the Minister for Finance and Services. Given that the State Records Authority's risk register assesses the preservation of the State's archival collection in the extreme risk category, why has the Government rejected a bid from the authority for funding to preserve the collection?

The Hon. GREG PEARCE: That is a very interesting question leading up to the budget. I will take it on notice.

CONTAINER DEPOSIT SCHEME

The Hon. PAUL GREEN: I direct my question to the Minister for Finance and Services, representing the Minister for the Environment. Can the Minister update the House on the Government's position with regard to a national approach to container deposit legislation?

The Hon. GREG PEARCE: I thank the honourable member for that question and his interest in this important area. I assure him that I can update the House, but I will take the question on notice and provide a proper response.

BRIDGES FOR THE BUSH

The Hon. TREVOR KHAN: I direct my question to the Minister for Roads and Ports. Will the Minister update the House on the \$145 million Bridges for the Bush program?

The Hon. Jeremy Buckingham: What about the one in Crookwell? It is a bridge to nowhere.

The Hon. DUNCAN GAY: I thank the honourable member for this important question. I heard The Greens refer to a "bridge to nowhere" at Crookwell. They are referring to the bridge over Carrs Creek, which is the major link between Crookwell and Bathurst. The Greens think that is nowhere. They should have some food with their lunch tomorrow.

Last October the Deputy Premier and I had the pleasure of announcing the allocation of \$145 million over five years to improve road safety and freight productivity by replacing or upgrading bridges at 17 key locations across country New South Wales. Affectionately called "Bridges for the Bush", the program is designed to reverse 16 years of Labor neglect of road infrastructure in rural and regional New South Wales. Whereas Labor loves to cut deals with inner-city Greens to secure preference votes, the Coalition prefers to work with traditional blue-collar industries to support efficient freight movements in New South Wales.

With the exception of the Hon. Mick Veitch, I doubt that anyone opposite—including the Terrigals—would have a clue about the economic importance of the State's \$58 million freight and logistics program. Bridges for the Bush has received widespread praise from industry groups including the Australian Logistics Council, the Australian Trucking Association of NSW, NatRoad, and the Livestock and Bulk Carriers Association. Infrastructure NSW, through its State Infrastructure Strategy, has thrown its weight behind the program, as has the New South Wales Freight Advisory Council.

Sadly, I doubt that the Federal Labor Government will contribute matching funding for the program because these bridges are located in country New South Wales—a region that put Labor to the sword in March 2011. Furthermore, I doubt that New South Wales Labor members have the stomach to lobby their Federal colleagues to contribute funding to this worthwhile area. New South Wales Labor is a plague, not a party. Even its Federal colleagues want nothing to do with it. On a daily basis they decry even its very existence. While Federal Labor beats around the bush, this Government is getting on with the job of building as many bridges in the bush as it can with the money it has.

The first part of this initiative focuses on five priority bridges to enable them to carry more efficient and productive higher mass limit vehicles. A B-double operating at a higher mass limit can reduce the number of semitrailer movements on a road by up to 40 per cent. That is good for road safety, noise reduction and general amenity, not to mention reducing wear and tear on our State roads. Of the five priority bridges, four will be replaced and one will be widened. Importantly, in the space of only four months, Roads and Maritime

Services has worked around the clock to get these projects shovel ready. Structures to be replaced over the next five years include a rail overpass at Kapooka on the Olympic Highway south of Wagga Wagga, where detailed design work and a review of the environmental factors is well underway. Recently Kellogg Brown and Root was awarded the contract to carry out concept design work on a new railway bridge at Gunnedah. The design work is expected to be completed by July. [*Time expired.*]

ILLEGAL FIREARMS AMNESTY

Mr DAVID SHOEBRIDGE: I direct my question to the Minister for Police and Emergency Services. Given that illegal firearms have a market value of 2½ to five times that for the same weapon on the legal market, has the Government given consideration to an ongoing amnesty for illegal firearms?

The Hon. MICHAEL GALLACHER: The Government will never dismiss any positive suggestion that will assist police to get guns off the street, whether it be an amnesty or anything else. However, we should not lose sight of what we are dealing with. Our big problem—not according to me, but according to the police—is illegally imported guns. The people who import those weapons are not likely to take them to a police station and hand them in. They have invested large sums of money to get primarily handguns through our borders. I understand that the honourable member is also referring to long arms, but the ongoing challenge of gun violence facing the police overwhelmingly relates to handguns.

I note that the Queensland Government is planning a three-month firearms amnesty. I understand that it will coincide with the commencement of new firearms laws in that State, which include new and increased penalties for unlawful possession of a firearm. New South Wales last held a firearms amnesty in 2009, and it was followed by the commencement of an ongoing audit of safe storage of firearms across the State. I am advised that even without an amnesty, police either seized or had surrendered almost 7,000 firearms last financial year alone.

New South Wales police are doing what they can; they are most certainly working with law-abiding shooters or people in possession of a firearm who wish to get rid of it. However, we cannot lose sight of the fact that the biggest threat not only for New South Wales but also for the nation is the paucity of our borders—handguns and other weapons are coming in. Yesterday the police produced a machinegun with a silencer on it and other handguns and firearms that were not produced in this country. They are coming in—and will continue to come in—through our borders. Guns are coming in through our borders. As I indicated earlier, I will continue to keep an eye on the development of the Queensland amnesty, but I am not opposed to such an amnesty. I will seek advice from the police in relation to it.

Mr DAVID SHOEBRIDGE: I ask a supplementary question. Will the Minister elucidate his answer by explaining whether he has spoken to gun shop owners who talk about the current process for the surrender of illegal firearms, which effectively receives the police seizure of the weapon on surrender?

The Hon. Dr Peter Phelps: Point of order: That is an entirely new question and is out of order.

Mr DAVID SHOEBRIDGE: To the point of order: My question was directly relevant to what the Minister said about consultation.

The PRESIDENT: Order! I rule that the question is in order.

The Hon. MICHAEL GALLACHER: No, I have not spoken to gun shop owners.

TESTERS HOLLOW MAIN ROAD UPGRADE

The Hon. PENNY SHARPE: My question is directed to the Minister for Roads and Ports. The main road at Testers Hollow—a major link for Kurri Kurri and Maitland residents—has been flooded a number of times this year, cutting off access of Kurri Kurri families to Maitland Hospital. When will the Minister provide funds to raise this important link road?

The Hon. DUNCAN GAY: This question relates to a council road. We are pleased to work with councils to address road network issues and do so constantly. If the local council sent me a proposal for Cessnock Road I would be more than happy to speak to it so that the feasibility and cost effectiveness of any proposal could be assessed properly. To date, my office has not received any formal representation regarding

Testers Hollow from councils or the local member, Mr Barr. I am advised that the road at Testers Hollow was last closed in 2007 and the area is used to manage flood peaks further down the Hunter River. This is a known flood mitigation measure under the Lower Hunter Flood Mitigation Scheme.

I would hope that the local councils have regard to potential flood impacts when considering approving further housing development in these affected areas. Roads and Maritime Services is reviewing the impact that the Hunter Expressway will have on the classification of surrounding roads and has invited Cessnock, Maitland, Singleton and Lake Macquarie councils to contribute to that review. The outcome of the review will decide whether any improvements to the roads will be needed as part of any handover arrangements with councils. Cessnock Road, or Main Road 135, is a major road connection from Kurri Kurri to Maitland. It is a State road that is 100 per cent funded by the New South Wales Government, and maintained by Maitland and Cessnock councils.

Mount Vincent and Buchanan Road is currently a local road, and Roads and Maritime Services and Maitland and Cessnock councils are considering the future classification of it. The review will consider whether it remains a local road or whether it is reclassified as a regional road or a State road. It is appropriate to let that review follow the usual process. There is a total of \$31 million in this year's budget for improvements to intersections on the F3 to Newcastle route, including the intersection at Link Road at Cameron Park Drive. The work is on schedule to be completed before the opening of the Hunter Expressway. The requirements for other work on connecting roads are being worked through with the four local councils.

I am pleased to say that I have been invited to visit the area by the great member for Maitland, Ms Robyn Parker, and certainly will do so when my program allows. As members are aware, the Hunter Expressway represents a \$1.7 billion investment in road infrastructure for the region, which will benefit all those visiting, working and living in the Hunter.

MAITLAND REGION WATER SUPPLY

The Hon. MATTHEW MASON-COX: My question is addressed to the Minister for Finance and Services. Will the Minister update the House on what the Government is doing to better secure water supply in the Maitland and North Rothbury areas?

The Hon. GREG PEARCE: I thank the member for his interest in this matter. The Maitland and North Rothbury areas have been identified by the Department of Planning as growth areas for New South Wales. They are likely to attract 26,000 new connections by 2031, in addition to the existing 23,000 properties. This could mean as many as 65,000 people moving into the two regions. With such a significant increase in population, a substantial upgrading in the water system is required. For this reason, the Government has just spent more than \$8 million upgrading local water infrastructure and has committed another \$6 million to other works in the region that will soon commence.

I, along with the member for Maitland, the Hon. Robyn Parker, last month toured the region, inspecting a reservoir in Lochinvar that connects to a new 3.7-kilometre water main in Rutherford. The reservoir will hold 10 megalitres of drinking water. It will ensure that if for any reason the system is offline residents will still receive a high-quality water supply. These two projects cost \$8 million and are now fully operational. This project also means improved water pressure for approximately 430 properties in that area. The overall cost of the Maitland North Rothbury project is \$14 million. The Government considers it to be a crucial investment in the economic growth of regional New South Wales, facilitated by the population growth in the lower Hunter region.

These works were carried out following extensive consultation with local residents and an environmental assessment. This consultation ensured that residents were in the loop and minimised the impact of the construction on their day-to-day lives. A study was carried out to evaluate the impact of construction of the reservoir and pipeline on local flora and fauna, which ensured the environment was also protected. Not only did Hunter Water ensure that the protection of the environment was paramount at all times, but also focus was directed to the placement of the reservoir to minimise the impact on the majority of the local community. Hunter Water staff are doing this by painting and landscaping the reservoir to help it blend in with the surrounding landscape. I was told the colour was green; it is actually a sky blue and it blends in.

Further, the Government will soon commence work on a water pump station in Telarah. It will also replace the existing water pump station at Lochinvar to lift the performance of the system, further improving

water supply for the area. These water pump stations will cater for the population growth in the Maitland and North Rothbury areas. This is part of Hunter Water's four-year, \$650-million infrastructure investment program to deliver safe, reliable water services and cleaner waterways. I look forward to providing the House with an update of these works in the future. I assure the House that an appropriate covering has been placed on the reservoir to make sure that the Hon. Walt Secord, in his duties as shadow Minister for Water, does not accidentally slip into the reservoir.

PACIFIC HIGHWAY UPGRADE ENVIRONMENTAL IMPACTS

The Hon. JAN BARHAM: My question is directed to the Minister for Roads and Ports. Will the Minister advise the House whether the Roads and Maritime Services environmental impact statement for the Broadwater to Coolgardie section of the Pacific Highway upgrade adequately assessed the impacts on State and Commonwealth endangered species, including the koala and the long-nosed potoroo? If not, will the Minister require a new independent ecological assessment that meets legislative requirements in relation to these endangered species?

The Hon. DUNCAN GAY: I thank the Hon. Jan Barham her question. I acknowledge the care and concern she has shown in this area, and I thank her for the work she has done over a number of years. I am advised that the environmental impact statement for the 155-kilometre Woolgoolga to Ballina upgrade was placed on display for public comment in December 2012 and closed on 18 February 2013. The Department of Planning and Infrastructure has provided Roads and Maritime Services with a copy of all submissions received and a summary of the issues raised by the community and government agencies. Roads and Maritime Services is in the process of preparing a report that will respond to these issues, including a number of issues about the potential impacts within the Broadwater to Coolgardie section.

Roads and Maritime Services carried out extensive investigations in the selection of the preferred route between Broadwater and Coolgardie. Extensive investigations and community consultation has been ongoing with local communities and stakeholders since planning for this section of the highway began in 2004. Roads and Maritime Services has considered a wide range of competing factors, including functional, social, and environmental, as well as ecological constraints and economic criteria. This was done to provide a route that can be justified now and for future generations. The decision on the preferred route was a difficult one. However, the route that has been chosen is considered to be the best option across the full range of competing factors.

I note in particular that the preferred route chosen between Broadwater and Coolgardie is approximately 2.5 kilometres longer; it avoids Jali land to the east; it avoids the Wardell heath area and travels through areas that are already degraded or lower-value habitat; it provides sources of fill that are readily available without the need to cart longer distances, thus is more economical; it generates less noise and visual impact on the Wardell community; and it also generates less impact on cane land located along both sides of the Richmond River. Other routes to the east were considered but these had significant impacts on the Jali land west of the Richmond River, as well as significant impacts on cane land and floodplain areas east of the river. Should the preferred route for the Woolgoolga to Ballina section be given planning approval, it will be required to meet all State and Commonwealth legislative requirements for minimising impacts on issues such as biodiversity and cultural heritage.

Roads and Maritime Services is continuing to work with the community, government agencies and other project stakeholders as the project moves forward. As the result of ongoing investigations and discussions with the Aboriginal focus group for the project, there have already been further refinements made to the preferred route to the north of the Richmond River to avoid Aboriginal heritage sites. In addition, the project team recently carried out additional animal surveys to further assist the Department of Planning and Infrastructure and other relevant approval authorities in their assessment of the project. This information will be available in the preferred infrastructure submissions report that is being prepared in response to the environmental impact statement. A copy of the environmental impact statement can be found at www.rms.nsw.gov.au/pacific. [*Time expired.*]

MINING-AFFECTED COMMUNITIES ECONOMIC ASSESSMENT

The Hon. MICK VEITCH: I direct my question without notice to the Minister for Police and Emergency Services, and Minister for the Hunter. Why did the Government not declare the local government areas of Cessnock, Lake Macquarie and Maitland as mining-affected communities and thereby deny them access to funds under the Government's Resources for Regions policy?

The Hon. MICHAEL GALLACHER: The member well knows that that is a question for the Deputy Premier. In my capacity as Minister for the Hunter I will refer the question to the Deputy Premier for a response.

EMERGENCY SERVICES BUSHFIRE RESPONSE

The Hon. NIALL BLAIR: I address my question to the Minister for Police and Emergency Services. Will the Minister inform the House about the recent bushfire that threatened to destroy the world-renowned Siding Spring Observatory near Coonabarabran?

The Hon. MICHAEL GALLACHER: I thank the member for his question. Fire and Rescue NSW experienced one of its busiest January's in history this year, attending more than 600 bushfires, floods and storms, and nearly 300 house fires. There were great acts of bravery, courage and determination by our firefighters during that time and I am pleased to provide the House with details of some of their efforts. One incredible bushfire event involved the multi-billion dollar Siding Spring Observatory near Coonabarabran. As I have mentioned previously, on Sunday 13 January a firestorm raged through that area and the observatory came under extreme threat. A Fire and Rescue NSW strike team was formed, made up of 16 firefighters from Coonabarabran, Gunnedah and Dubbo, and the firefighters decided they had to save the observatory. They followed the front of the fire in the Warrumbungle National Park, which had already destroyed 40 homes and burned through 40,000 hectares west of Coonabarabran. It took them nearly 3½ hours to drive up the mountain and another 3½ hours to get to the observatory, while battling winds and conditions so bad they could only drive at 20 kilometres an hour.

They were met with strong, gusting winds and embers flying about and many of the observatory's buildings had been lost to the firestorm by this stage. Working alongside their NSW Rural Fire Service colleagues, they turned their attention to what they could save—the telescope buildings, the information centre, the administration centre and the fire station. The spot fires and ember attacks were relentless. Watching by video link from Canberra, the managers of the observatory—the Australian Astronomical Observatory—were in awe and admiration as firefighters fought the firestorm, often at considerable personal risk. The following two days saw the strike team sent to the township of Bugaldie to protect properties that were under threat from the fire, which was still burning out of control, and to undertake further property protection and offensive operations in the Warrumbungles. The crews also provided fire protection for the bulldozers that were restoring access tracks for energy crews who had been working hard to restore power to towns and properties in the area. The strike team also worked on back-burning operations and attended a call to contain a gas leak from a large cylinder.

The significance of the actions of the brave firefighters in saving the observatory cannot be understated. Without their commitment, professionalism and courage, the observatory would certainly have suffered irreparable damage and incurred disastrous financial losses. There is no doubt that the efforts of the firefighters saved this world-renowned facility, which contains the four metre Anglo-Australian Telescope and the 1.2 metre UK Schmidt Telescope. The Australian Astronomical Observatory has been effusive in its thanks and gratitude to the firefighters, whose bravery and valour saved the observatory. Without their outstanding efforts, the observatory would not have been able to continue its quest to unlock the mysteries of our universe. The work of this strike team, one of eight fire crews fighting fires at Coonabarabran, is but one fine example of how fire and rescue firefighters across the State were committed to work around the clock to contain the bushfires.

On Saturday 25 February the Premier and I attended a barbeque in Coonabarabran to thank the hundreds of volunteer and salaried emergency services workers for their efforts. Fire and Rescue NSW Commissioner Greg Mullins has also awarded Unit Commendations for Courageous Action to the three crews of firefighters who helped save the Siding Springs Observatory. The three crews hailed from Coonabarabran, and composite crews from Dubbo and Delroy, Gunnedah and Narrabri. The bravery of all our firefighters must be commended. Shortly after the fire I visited the area to thank firefighters, as did Ms Robyn Parker, Minister for the Environment, when she visited the area a few days later.

BLACKTOWN LOCAL ENVIRONMENTAL PLAN

Reverend the Hon. FRED NILE: I ask the Hon. Greg Pearce, representing the Minister for Local Government, a question without notice. Is the Minister aware of plans contained in the proposed Blacktown Local Environmental Plan to acquire and demolish more than 850 homes for parkland to support the development of high-rise blocks of units from Seven Hills and Blacktown to Mount Druitt? Is the Minister concerned about the ethical conflict that seems to favour progress over community? Will the Government intervene to protect these 850 homes, many of which belong to pensioners and retired people?

The Hon. GREG PEARCE: I thank the member for his interest in this important matter. I do not have the detail. Accordingly, I will take the question on notice and get a detailed answer from the Minister.

MINING-AFFECTED COMMUNITIES ECONOMIC ASSESSMENT

The Hon. PETER PRIMROSE: My question is directed to the Minister for Roads and Ports. What information and data did the Minister or his department provide to the working party on the economic assessment of mining-affected communities that led to the decision by the Deputy Premier to designate Sutherland shire as a mining-affected local government area yet excluded Maitland?

The Hon. DUNCAN GAY: I need clarification. What evidence did my department, Roads and Ports, provide?

The Hon. Peter Primrose: Yes.

The Hon. Steve Whan: On the roads because it is about truck movements.

The Hon. DUNCAN GAY: Thank you. The question requires detail and I will get a detailed response.

KEMPSEY BYPASS

The Hon. MELINDA PAVEY: My question is addressed to the Minister for Roads and Ports. Will the Minister update the House on the Macleay community's first opportunity to walk on Australia's longest bridge?

The Hon. DUNCAN GAY: I am delighted to inform the House that the Macleay community turned out in droves last Sunday to inspect the Kempsey bypass before its official opening. It is the 3.2-kilometre bridge in particular that has captured the community's imagination—the longest spanning road bridge in Australia. More than 7,000 people attended the open day event, with many of them walking along the bridge, taking in the spectacular views across the Macleay River and its expansive flood plain. And it has been very expansive lately. People also took bus tours of the new 14.5 kilometre, four-lane divided road that bypasses Kempsey and Frederickton.

I am reliably informed by my colleague the member for Port Macquarie that 8,000 snags on the barbecue hosted by the Kempsey West Rotary Club and the Crescent Head Lions Club were consumed in no time at all. That is pretty impressive. The member for Port Macquarie, along with the local mayor, Mrs Liz Campbell, congratulated the project team on its work, and I add my thanks to the Pacific Highway upgrade team from Roads and Maritime Services. The community, particularly local landowners and farmers, has worked closely with Roads and Maritime Services to help ensure that we have minimised potential flooding impacts. By increasing the bridge length and removing embankments, we are confident that we can provide prevention in the event of a one-in-100-year flood. The name of the bridge, even at this late date, is yet to be decided. We will be undertaking more consultation to see which of the many names suggested the community prefers. Unlike others who make a decision from afar, the community is divided on the preferred name of the bridge.

We have taken the opportunity once again to go back to the community to ensure that a bridge of this importance reflects the support of as many members of the community as possible. For every motorist who got stuck in a bottleneck at Kempsey over a long weekend or a holiday period, and for the local community, which has been patient, the fantastic news is that the \$618 million Kempsey bypass is currently on schedule to be finished before this Easter. It is wonderful to see this component of the Pacific Highway upgrade near completion. The bypass is the first stage of the approved 40-kilometre Kempsey to Eungai upgrade.

Of course, its completion will be dependent on the weather. As we have seen this year in many areas, the weather has been very unpredictable. The bridge is outstanding and the community has been patient. We hope that we can get the community, as soon as possible, to agree on a proper name befitting the calibre of the bridge that has been constructed. As we know, this is a joint State-Federal project put in place as a consequence of the 80:20 Federal-State funding arrangement. It is a great pity that Federal funding is still not available.

MINING ROYALTIES FOR REGIONS

The Hon. ROBERT BORSAK: My question without notice is directed to the Minister for Roads and Ports, representing the Minister for Resources and Energy. Is the Minister aware that councils from western New South Wales are lobbying the Government for a greater slice of mining royalties? When will the Government increase the amount of mining royalties that go to rural councils?

The Hon. Greg Donnelly: Royalties for regions.

The Hon. Steve Whan: We want to see the \$160 million promised.

The Hon. DUNCAN GAY: I am sure members realise that this is not a question for me. I will take the question on notice and pass it on to the Minister responsible, the Deputy Premier. However, I acknowledge the interest from members opposite who did absolutely nothing for those councils when they were in government. Suddenly they want to be their champions.

The PRESIDENT: Order! I call the Hon. Steve Whan to order for the first time.

COMBAT SPORTS INSPECTORS AUTHORISATION

The Hon. LYNDIA VOLTZ: My question is directed to the Minister for Police and Emergency Services. How many police officers have been authorised to have the powers of Combat Sports Inspectors?

The Hon. MICHAEL GALLACHER: It will probably come as a surprise to members opposite to hear me say that that is an operational matter. However, I will get an answer for the member.

The Hon. Mick Veitch: You didn't mention Maitland though. Try to get Maitland in.

The Hon. MICHAEL GALLACHER: The Hon. Mick Veitch is part ninja. I will get an answer to that serious question from the Commissioner of Police.

HOUSING NSW MAINTENANCE SERVICES CONTRACT

The Hon. CATHERINE CUSACK: My question is addressed to the Minister for Finance and Services, and Minister for the Illawarra. What progress is being made by the Land and Housing Corporation in developing a new maintenance services contract for public housing?

The Hon. GREG PEARCE: That is a good question. The Land and Housing Corporation owns and manages about 128,000 public housing dwellings, providing maintenance contract services worth more than \$300 million a year. More than 300 small to medium businesses are engaged by five head contractors. When the current contract expires in 2014, more than \$1.5 billion in maintenance work will have been completed over the life of the contract. With the expiry of the current contract in 2014, there will be an opportunity to evaluate its strengths and weaknesses. The New South Wales Government is reviewing the maintenance contract and proposes to overhaul it in order to achieve efficiencies in administration and delivery of maintenance services to public housing tenants.

One aspect being considered is the introduction of innovative pricing for routine maintenance works to ensure better value for money. A new pricing approach could provide contractors with an incentive to reduce costs. Last year more than 500,000 work orders were issued for routine repairs. An innovative contract pricing approach could reduce the enormous amount of paperwork and electronic transactions that have been necessary in the past to issue these work orders. Another aspect being considered is to encourage competition amongst contractors to drive better value for money in a new contract.

The PRESIDENT: Order! I call the Hon. Sophie Cotsis to order for the first time.

The Hon. GREG PEARCE: The Land and Housing Corporation seeks to reduce duplication by transferring some administrative responsibilities to contractors. It is not fair that the Hon. Sophie Cotsis should be the first member taken out—

The PRESIDENT: Order! The Minister will not respond to interjections. He will continue with his answer.

The Hon. Lynda Voltz: Rachel said no-one is to get taken out.

The Hon. GREG PEARCE: No, I wanted to be the first. This could encourage them to develop more innovative approaches and cut red tape. The inclusion of a performance management framework in a new contract could also provide clearer expectations of contractors. For example, this could include a monitoring

system that links performance to incentives for good performance and sanctions for substandard outcomes. All the innovative proposals to be considered under a new contract will provide changes that give contractors incentives to minimise routine work, create efficiencies and deliver better value for money.

The New South Wales Government is committed to consulting with industry throughout the development phase of any new contract. To maximise industry awareness, participation and feedback, the Land and Housing Corporation is undertaking a series of industry briefings prior to calling tenders for a new contract. Briefing sessions are being held across the State in metropolitan and regional areas, and I encourage interested members of the industry to take up the opportunity to participate in developing a new maintenance contract for public housing.

LOCAL GOVERNMENT TREE MANAGEMENT POLICY

The Hon. PAUL GREEN: My question is directed to the Minister for Finance and Services, representing the Minister for Local Government. In late February this year an Allambie Heights family had an unstable tree fall on their house after years of asking their local council to remove it. In light of this and other similar incidents, what is the Government intending to do to ensure that local councils give first priority to the safety needs of local ratepayers rather than to the preservation of trees at any cost?

The Hon. GREG PEARCE: I thank the honourable member for his interest and the question, which I will take on notice and get a detailed answer.

LOCAL GOVERNMENT BOUNDARIES REVIEW

The Hon. SOPHIE COTSIS: My question is directed to the Minister for Finance and Services, representing the Minister for Local Government. When will the Local Government Review Panel undertake community consultations with ratepayers and residents on its future directions paper, which outlines proposed council boundary changes and models?

The Hon. Duncan Gay: I thought they were already doing that.

The Hon. SOPHIE COTSIS: No, not with residents and ratepayers.

The PRESIDENT: Order! The member has asked her question.

The Hon. GREG PEARCE: I do not know, but I am going to be really nice to the Hon. Sophie Cotsis by taking her question on notice and getting her an answer.

STATE EMERGENCY SERVICE AUSTRALIA DAY AWARDS

The Hon. NATASHA MACLAREN-JONES: My question is addressed to the Minister for Police and Emergency Services. Can the Minister inform the House about Australia Day Honours awarded to members of the New South Wales State Emergency Service?

The Hon. MICHAEL GALLACHER: I thank the honourable member for her question. Recently I mentioned in this House that State Emergency Service personnel received awards as part of the Australia Day Honours. I know all members of the House are pleased whenever members of our emergency services are given the recognition they so richly deserve, and that is why I wanted to provide some more details about the members of the New South Wales State Emergency Service who received such awards. Two New South Wales State Emergency Service members were awarded the Emergency Services Medal for their outstanding efforts for the community.

Tumut Local Controller John Gregory has been a member of the service since 1992 and served in the Tumut rescue squad for many years before that. He exemplifies exceptional leadership qualities and is a truly fine example to anyone who may consider joining one of our emergency service organisations. Mr Gregory has worked in diverse areas of the service and has driven significant improvements in its capabilities, particularly in the area of alpine search and survival. Since 2008 Mr Gregory has worked to develop the ability of the New South Wales State Emergency Service to support police in remote area land searches. He has made a direct and important contribution to the identification of service requirements in this field, developing and delivering the necessary training and ensuring the ongoing success of the project.

The second recipient of the Emergency Services Medal has also distinguished himself by the fine work he has done for the New South Wales State Emergency Service. Murrumbidgee Region Controller James McTavish, a relative newcomer to the service having joined in 2009 after a very significant contribution to the Australian Defence Force, has worked consistently and tirelessly to improve its effectiveness. In addition to his day-to-day operational management of the region, Mr McTavish has led two high-profile working groups that have made important changes to the way that the New South Wales State Emergency Service does its vital work. He has, for example, had major input into development of the New South Wales State Emergency Service Incident Management Framework as well as managing a number of significant events, including the flood emergency early last year.

The State Emergency Service Commissioner, Murray Kear, has paid tribute to the dedication and professionalism of both men and congratulated them on receiving their honours. As he said, "Day in, day out, they are ready to assist when called upon and while they don't do it for awards or accolades, they thoroughly deserve recognition for their hard work and dedication."

I am also happy to advise the House that the New South Wales State Emergency Service is celebrating the recognition of another member, David Lane of the Lightning Ridge unit, who received an Order of Australia Medal in the Australia Day Honours. Mr Lane joined the service back in 1987 and has been a hugely active member, helping countless people over the years without ever seeking reward or recognition for himself. Regardless of, or perhaps because of, such self-effacing behaviour, it is wonderful to see Mr Lane receive this most prestigious award. He has been described by an extremely proud Commissioner Kear as a "true Australian hero—a great man, a great leader and a great Australian".

David Lane, John Gregory and James McTavish have each earned the respect and affection of the other dedicated members of the New South Wales State Emergency Service, as well as the gratitude of their local communities through their leadership, compassion and selfless work. These gentlemen exemplify the true blue Aussie spirit. Congratulations to them all.

COMMUNITY HOUSING

The Hon. JAN BARHAM: My question is directed to the Minister for Finance and Services. On 19 February I asked a question regarding the transfer of public housing to the community housing sector. The Minister's reply was that he would be able to provide an answer soon. Is the Minister now able to provide an update, specifically regarding how many properties are still to be transferred to enable new housing stock to be commenced?

The Hon. GREG PEARCE: That is a very good and timely question. On Monday I addressed the Community Housing Federation and I have to say I was humbled by the rapturous welcome that I received.

The Hon. Trevor Khan: Did they take any photos?

The Hon. GREG PEARCE: There were many photos. I was able to announce at that conference that we have been able now to approve nine sets of vesting to nine of the community organisations and there are a further six or seven to go. Those six or seven are awaiting some final detail and we have been in contact with each of the organisations concerned. To give you an indication, one of the organisations, for example, had not been able to give us its annual accounts to 30 June last year. Obviously that sort of material has to be completed and I am hoping that we can have it resolved by the end of June. I will not give the member names at the moment because the letters have only just gone out and it would be inappropriate for me to make any announcement here without being sure that the actual community housing providers have been informed. However, as soon as I am sure they have been informed I will give the member the full detail.

ALBION PARK RAIL BYPASS

The Hon. SHAOQUETT MOSELMANE: My question is directed to the Minister for Roads and Ports. Why will it take until 2015 to complete the minor study into the Albion Park rail bypass, despite the Government having made this announcement as part of last year's budget?

The Hon. DUNCAN GAY: I thank the honourable member for his question. As it is one that needs detail, I will refer it and provide the member with a response.

MARINE ESTATE MANAGEMENT

The Hon. JOHN AJAKA: My question is directed to the Minister for Roads and Ports. Can the Minister, representing the Minister for Primary Industries, outline the Government's response to the independent scientific audit of marine parks?

The Hon. DUNCAN GAY: Based on the recommendations of the independent scientific audit presented last year by Professor Robert Beeton, my colleague that great Minister for Primary Industries and fisheries yesterday announced a new approach to management for New South Wales's marine estate. We are delivering on our election commitment to a commonsense marine parks policy based on science, not politics. Two new advisory bodies are being established to drive these important reforms—

The Hon. Walt Secord: You winked when you said that.

The Hon. DUNCAN GAY: No, I did not wink. I was proud because I was the person who said that. Two new advisory bodies have been established to drive these important reforms—the Marine Estate Management Authority, chaired by Dr Wendy Craik, AM, and the Marine Estate Expert Knowledge Panel, headed by Dr Andrew Stoeckel. Both Dr Craik and Dr Stoeckel have made outstanding contributions to Australian public policy across a wide range of areas and are extremely well qualified to lead these bodies. The authority will be informed by the work of the expert knowledge panel, providing independent advice across ecology, economics and social sciences. One of the first tasks of the expert panel will be to undertake a six-month assessment of recreational fishing access to ocean beaches and headlands in the marine park sanctuary. Is that not a good announcement? How good was that? Finally common sense prevails and people can drop a line off a beach or a headland within the marine park. How sensible is that? Anglers across the State are rejoicing.

Associated with this, the Government also announced there will be an amnesty on compliance relating to recreational line fishing from ocean beaches and headlands in sanctuary zones, with the exception of a site within Bateman's Marine Park, Burrewarra Point at Guerilla Bay, for the protection of threatened species. If members have not been to Guerilla Bay I can tell them it is one of the most beautiful places not only in Australia but also probably the world. All other recreational fishing restrictions, including bag and size limits, will apply and the amnesty will be in place until the assessment is complete. In addition, we remain committed to the moratorium on new marine parks pending advice from the expert knowledge panel. I was disappointed to hear The Greens and Labor misrepresent these reforms. Why would they do that?

Cate Faehrmann put out a media release yesterday stating, "The NSW Government has completely rejected marine science with this announcement." Line fishing off a beach! These are the people that preferenced the Shooters ahead of their factional colleagues the red Labor people in Western Australia, and ahead of the good Nationals as well. Shame on them. Cate Faehrmann was wrong. Science tells us that just one point in the 85-kilometre stretch of beaches and headlands should be off limits. That is the one I referred to earlier in Burrewarra Point Sanctuary Zone, known to the locals as Burri Point, to protect threatened species. Luke Foley is also quoted in today's *Sydney Morning Herald* as stating that this move is "contrary to— [*Time expired.*]

The Hon. MICHAEL GALLACHER: The time for questions has expired. If members have further questions I suggest that they put them on notice.

Questions without notice concluded.

NOTICES OF MOTIONS

The PRESIDENT: Earlier today the Hon. Steve Whan gave a notice of motion in which he referred to comments of the Minister for Primary Industries as "moronic". The use of the term "moronic" is clearly unparliamentary and contrary to the rules of debate of this House. As stated in *New South Wales Legislative Council Practice* at page 278, "Rules of debate regarding the use of unbecoming expressions ... apply equally to the content of [notices of] motion."

Standing Order 71 (8) provides that a notice contrary to the standing orders or practice will be amended before it appears on the *Notice Paper*. I have therefore directed that the notice be amended to remove the word "moronic". In relation to the contribution the Hon. Steve Whan made on the point of order, I also note that there

are numerous rulings of the House that reflections on members should only be by way of substantive motion. According to Erskine May at page 396, reflections on a member should not form part of a broader motion concerning other matters, which was clearly the case with his notice of motion.

INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT (DISCIPLINARY PROCEEDINGS) BILL 2013

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Michael Gallacher.

Motion by the Hon. Michael Gallacher agreed to:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Second reading set down as an order of the day for a later hour.

LIQUOR AMENDMENT (SMALL BARS) BILL 2013

Second Reading

Debate resumed from an earlier hour.

The Hon. MARIE FICARRA (Parliamentary Secretary) [3.37 p.m.]: It gives me great pleasure to support the Liquor Amendment (Small Bars) Bill 2013, which members appreciate will provide a whole-of-government response covering transport, licensing, enforcement efforts and the use of public spaces to improve the safety and amenity of the Kings Cross area. I commend the Hon. George Souris, Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts for his initiative in bringing this important legislation before the Parliament. The Government believes it has had very strong support for this legislation in the community for a long time. The antisocial behaviour of certain elements in the community around the Kings Cross precinct has been a concern for all law enforcement agencies and for this Government and previous governments. It requires a different and holistic approach. As was stated very pertinently in the other place by the Minister:

Addressing alcohol-related harm in Kings Cross and across New South Wales requires innovative approaches. While licensing restrictions are important, we cannot rely totally upon those controls to change drinking behaviour and create a more manageable environment. Developing more intimate drinking spaces that are easier to supervise while providing greater variety and choice for consumers must also be part of our approach. This bill does that by focusing on small bars as a way to reduce the pressure on night-time precincts that can result from large venues attracting significant numbers of patrons. The reforms in this bill will benefit the whole State by providing an alternative business model to these larger venues

The introduction of a new small bar liquor licence will broaden and diversify the entertainment venues on offer to the people of New South Wales. I believe they will help to reduce the alcohol-fuelled violence and antisocial behaviour that has often been associated with larger venues. I would prefer go to a smaller bar where I knew that a similar type of clientele would be enjoying the ambience and, in particular, there were no poker machines. Smaller bars cater for a different type of clientele and that diversity and choice should be offered to our consumers.

It is important to note that whilst this plan contains a number of measures to improve venue compliance it also provides for a new liquor licence category for small bars with a capacity of 60 patrons. I sincerely hope that the introduction of the small bar licence will accommodate those who prefer a smaller and more intimate setting. I am aware of the concerns that have been raised by stakeholders in the industry that small bars could impact on their businesses. I believe there is room for all types of enterprise, in particular, small bars. I do not believe it will impact on the larger venues as a different clientele use those larger venues. I hope that the clientele of the larger venues choose to experience the atmosphere of the smaller bars.

I note that Minister Souris in the other place has advised that a small bar with a maximum of 60 patrons is likely to have a lesser impact on the local community in respect of alcohol-related harm. This is reflected in the application process and in the reduced administration fee. The small bar limit of 60 patrons will address issues within the current liquor laws. Minister Souris stated that in the Government's view a 60-patron limit is appropriate to ensure the low-risk nature of small bars. It is also consistent with the privileges that come with a small bar licence, such as exemption in some circumstances from community impact statement processes and

the availability to trade until 2.00 a.m. This will reduce costs and ensure flexibility for the small bar operators. The operation of the 60-patron limit will be monitored closely by this Government. The bill allows that limit to be reconsidered, if necessary. If there is a record of improper behaviour at any of these venues their licences will be reconsidered.

The Government believes that these provisions will help to reduce the alcohol-related violence and antisocial behaviour that are often associated with larger venues. As has been seen in overseas jurisdictions and interstate, smaller bars have a reduced adverse impact on the community. We are reminded that gaming machines will be prohibited under this licence category, food must be available on the premises and minors will not be permitted during liquor trading hours. This bill also is important in promoting investment in a different business model by encouraging diversity in how liquor is sold and greater certainty in how these venues will be operated. Small business operators have continually argued that they have been hampered by costly red tape.

The Government has recognised that and, in an effort to reduce red tape and help small business, the low-risk nature of a small bar has been acknowledged. Thus the Government believes that a community impact statement is unnecessary when a development approval has been granted. This development approval process will be handled responsibly by the City of Sydney. The Government remains committed to strengthening the development approval process as it relates to applications where the purpose of land use includes the sale of liquor. There is ongoing consultation in that regard. A number of low-impact liquor licence applications, including those relating to restaurants, vessels and function centres are similarly not subject to community impact statement requirements. In circumstances where development consent is not required the existing community impact statement and the community are still considered in that the notification requirements that are currently in the liquor laws will apply to the small bar licence application process.

The member for Sydney in the other place expressed concern about the fact that the development application process might not cover certain areas. I am pleased that Minister Souris assured the member that the Government will enhance the existing process with planning guidelines to ensure that all appropriate information is available to decision-makers during the consideration of the development application. The interests of the community and residents also are protected in that the development consent process includes a requirement for community consultation and submissions in order to gain council consent. I am informed that the Government will also issue planning guidelines to local councils relating to the consideration of liquor issues where a small bar is proposed. Most importantly, it is proposed that the guidelines require councils to consider any submissions made by the police and liquor regulators. In 2007 a representative of the Property Council of Australia stated:

Anything which makes our city centres more vibrant makes them better places to work, visit and have fun—and that's good for business.

The business case for small bars in NSW is really a no brainer.

Reforms which inject great competition into Sydney's bar culture are good for business.

The Property Council representative also said that reforms are an important ingredient to help secure the long-term growth and success of places such as the Sydney central business district. I note that in the other place this bill was supported by the Opposition, The Greens' representative and the Independent member for Sydney. This bill seeks to serve the interests of members of the community—those who wish to spend their leisure time in a smaller, quieter venue. It also promotes economic development in this premier city of Sydney. I commend Minister Souris for his initiative and I commend the bill to the House.

Reverend the Hon. FRED NILE [3.48 p.m.]: On behalf the Christian Democratic Party I speak in debate on the Liquor Amendment (Small Bars) Bill 2013 which introduces a new category of liquor licence specifically for small bars. I am pleased that there is no provision for poker machines to be included in this category of licence. Although the Christian Democratic Party supports the bill it has reservations about anything that increases liquor outlets and the consumption of alcohol. We already have problems in this State with excessive consumption of alcohol and its resultant behaviour. The object of this bill is to counteract the problems that occur in large hotels and other venues.

It would probably be impossible to achieve but I would like to offset the issuing of any small bar licences with a reduction in the number of hotel licences so that the number of outlets does not increase. As other members have said, patrons who prefer a small bar atmosphere will be able to frequent such venues without the addition of poker machines. I hope that these small bars will be encouraged to provide live

entertainment. Obviously, given their size, they will not be able to provide live big band music, but they could provide opportunities for soloists and small groups to perform. The Musicians Union of Australia often complains about the lack of opportunities for musicians in Sydney because of the increase in the use of recorded music at entertainment venues.

As the Minister said, this legislation is part of the Government's strategy to reduce alcohol-related violence, particularly in Kings Cross, and it was included in the response publicly released by the Government in September last year. We are all aware of the violence occurring in and around hotels. There has also been an increase in the incidence of violence involving women. I am not sure whether that is because they believe they must drink to excess to prove their womanhood or their independence. Alarming there has also been an increase in the incidence of glassing by women, which involves one woman breaking a glass and stabbing another woman in the face with it. Obviously the intention is to cause serious injury. As a result of that practice many venues now offer drinks in plastic containers rather than glasses.

The bill limits the capacity of small bars to 60 patrons and food must also be made available. The Greens want to increase the patron limit to 120, but anything more than 60 would mean that the venue was no longer a small bar. The Christian Democratic Party would prefer the limit to be 50 patrons. As I said, I am pleased that poker machines will be prohibited. The venue must be open to the general public and minors will not be permitted in small bars during liquor trading hours. The freeze on new licences in the Kings Cross and Oxford Street, Darlinghurst, precincts will not apply to small bars, and small bars located in these precincts may trade from midday until 2.00 a.m. only. I would prefer that they be required to close at midnight so that people do not stay out drinking and cause problems. Of course, transport from the city to the suburbs also becomes an issue very late at night. I urge the Government to scrutinise liquor trading hours carefully because New South Wales, and particularly Sydney, now has virtually 24-hour trading.

The application fee for a small bar licence will be 50 per cent of the amount prescribed for an on-premises licence. An application for an extended trading authorisation for a small bar will also be subject to a reduced fee. I am concerned that applicants for a small bar licence will not be required to prepare a community impact statement. I fully support social impact statements, community impact statements and family impact statements, and it is a pity that that requirement has been omitted. The Government's argument is that some of the issues will be considered when a development application is lodged. However, it is still important to have a focused social or community impact statement in respect of any premises at which alcohol is sold or consumed. I hope that the Government will reconsider that issue. The Christian Democratic Party will provide that opportunity by moving amendments to provide for a council or the NSW Police Force to request such a statement if they believe it is necessary. Including such a provision would retain the option to require such a statement for certain locations.

The bill allows existing general bar hotel licences to be easily converted to a small bar licence. Such a converted licence will be subject to the conditions and compliance history that applied under the previous licence. I am also pleased that the legislation provides for a review of the Act in 2016. That will enable the Government to evaluate the impact of small bars and make any necessary changes, particularly in relation to excessive consumption of alcohol. The Christian Democratic Party supports the bill.

The Hon. DAVID CLARKE (Parliamentary Secretary) [3.56 p.m.]: I support the Liquor Amendment (Small Bars) Bill 2013, which is part of the Government's plan of management for Kings Cross. It provides a whole-of-government response covering transport, licensing, enforcement efforts and the use of public spaces to improve the safety and amenity of Kings Cross. While the plan contains a number of measures designed to improve venue compliance, it also provides for a new liquor licence category for small bars with a maximum capacity of 60 patrons. The introduction of a small bar licence is expected to appeal to those who prefer a quieter night in a smaller and more intimate setting.

Small bars, with their 60-patron limit, will have greater capacity to monitor patron behaviour and the potential for staff to engage with patrons before problems arise. For potential operators it will prompt investment in a different business model by encouraging diversity in how liquor is sold and greater certainty in how their venue is operated. Most importantly for the community, it will help to reduce the alcohol-related violence and antisocial behaviour that is often associated with larger venues. I congratulate the Government on introducing this bill and I commend it to the House.

The Hon. HELEN WESTWOOD [3.57 p.m.]: I support the Liquor Amendment (Small Bars) Bill 2013. The object of the bill is to provide a new type of liquor licence for small bars. A small bar licence will

authorise the licensee to sell liquor by retail on the licensed premises in accordance with the following conditions: liquor must be consumed on the licensed premises; liquor can be sold only if there are no more than 60 people on the premises; the small bar must be open to the general public; food must be available; and gaming machines will not be permitted on the premises. This State's liquor licensing system is too restrictive, expensive and complex. A global, cosmopolitan city such as Sydney should have a more diverse mix of venues to cater for everyone's tastes. Historically Sydney city has been dominated by clubs, gaming establishments and loud pubs. This is not a bill about providing more outlets to obtain alcohol or creating more competition for big hotels; it is about providing appealing alternatives for the casual diner or for people to meet and talk without the rattle of gaming machines or loud music.

The Hon. Melinda Pavey: So we have done a good job?

The Hon. HELEN WESTWOOD: I support the legislation, and I do so as someone who has a very dear bother involved in the entertainment industry. I appreciate any legislation or policy that will improve opportunities for those involved in the very challenging live music industry in this State. In saying that, it is important to have alternatives to venues filled with gaming machines and playing loud music. I want to make it clear that in supporting the bill I am not expressing a view against live music. On the contrary, I am fully supportive of the live music scene. Over the past few years I have been disappointed that a number of live music venues have largely disappeared from our city. I will return to the issue of live music. This bill provides choice of venues that we currently do not have in this State. These more diverse niche venues I believe can fill the gap. An article in the *Sydney Morning Herald* quoted former Prime Minister Paul Keating, who summed it up well:

The pub culture in Sydney is stultifyingly bad. It is raucous and it's noisy in their Klondike-like saloons. All that's missing is Lola Montez. The idea that you have to go into these swills to get a drink and not in some more beguiling place is a shame.

The Hon. Dr Peter Phelps: A man of the people is our Paul Keating.

The Hon. HELEN WESTWOOD: A man of Bankstown. It was Bankstown that made the man. Since the City of Sydney local authority opened up the city to small bar licences nearly 100 venues have taken up the opportunity. These smaller venues have less impact on local neighbourhoods and provide much-needed local employment. They also contribute substantially to our overall economy. In an article in January in the *Australian* Mr Richard Roberts, City of Sydney business adviser, said:

The City of Sydney council hasn't placed a limit on the number of small bar licenses that they will grant. There is a new vibrancy in the city and we are seeing people walk down alleyways and queue to get into one of the cooler small bars. We definitely think that there is room for more and I am conservatively estimating that they turn over in excess of \$50 million a year.

I should also point out that the benefits are not just confined to the Sydney central business district. In the past six months small bars have opened in Glebe, in other areas of the inner west such as Newtown and Leichhardt, and further afield in Hurstville. Gone are the days when the local club or pub was the only venue in town. The Sydney Chamber of Commerce, which supports this bill, stated:

For Sydney to grow and prosper as a global city, the Sydney CBD must offer a variety of drinking venues to cater for the tastes of all patrons.

The Property Council of Australia also supports this bill because it promotes vibrancy in the city and encourages work and recreation, thereby strengthening the economy. The Property Council of Australia says that Melbourne's bar culture, which arose from liquor licensing reforms introduced last century, leaves Sydney's for dead. Indeed, Ken Morrison, Chief Operating Officer of the Property Council of Australia, in an opinion piece in the *Sydney Morning Herald* said, "The business case for small bars in our city is really a no-brainer." Liquor reforms introduced in Victoria in the 1990s have allowed Melbourne's gourmet reputation to prosper. Professor John Nieuwenhuysen, who recommended that Victoria relax its liquor laws in the 1980s, outlined in a discussion paper the economic benefits of liquor licensing reform in Victoria, including a 24.6 per cent increase in restaurant employees between 1999 and 2004, compared with a 17.7 per cent increase in New South Wales. The number of liquor outlets increased by 96 per cent in Victoria between 1998 and 2006, compared with a 34 per cent increase in New South Wales.

Importantly, it should be noted that Professor Nieuwenhuysen points out that this increase has not increased per capita consumption. Members have raised that concern because we do not want to see a greater consumption of alcohol. I acknowledge the serious health issues and issues of violence that stem from the over-consumption of alcohol. The experience of Melbourne is that the increase in liquor outlets has not increased the consumption of alcohol. The increase occurred in the variety of outlets and opportunities for

people to socialise where alcohol is served. Victoria's growth in venues reflects a greater choice in the style and type of premises, including smaller bars, particularly in the laneways of Melbourne's central business district. Visitors to Melbourne would agree that its central business district is far more inviting than Sydney's is, due to its variety of entertainment venues.

I am a Sydneysider through and through. I love this city: it is one of the most beautiful cities on the planet. But Melbourne has done an outstanding job in the way it has incorporated small bars and cafes in its laneways. Melburnians and tourists are attracted to those areas: they will part with their money and make a significant contribution to the local economy. We need to consider those impacts on the Sydney economy. The success of liquor licence reforms has not been confined to Victoria. When the Western Australian Government introduced small bar licences as part of a liquor reform package in 2006 its then Minister for Racing and Gaming said that the reforms were clearly aimed at "encouraging a more vibrant, lower-risk, family-friendly, cafe-style drinking culture". I believe that is the aims of this bill. Professor Nieuwenhuysen, in a paper on the issue, wrote:

One of the great strengths of the Victorian liquor and hospitality industry, which could be emulated in New South Wales, is its diversity, and the ability of licensees to identify and respond to the changing needs and expectations of the market whether as a traditional pub-hotel; as a vibrant gaming venue with a range of associated dining, lounge, entertainment or bar facilities; or as a cafe-bar or lounge responding to more eclectic market opportunities. The concentration of European style facilities is especially evident in the CBD and its cosmopolitan street culture, which has proved so popular with Melbournians and made it a mecca for tourists and visitors. It remains to be seen if New South Wales will make the changes necessary to secure the reforms required.

A recent article in the *Australian* argued that small bars have the potential to reinvent cities:

I can honestly say that the demand has strengthened even more in the past eight months from commercial property investors looking for opportunities to increase their existing income," Alex Berentsen, a Colliers International senior executive of retail says.

Sydney has had nothing like this and what it is doing is opening up the city, with previously unused laneways and alleys now being occupied by patrons wanting to go somewhere different.

Berentsen says potential investors in small commercial spaces and even those just wishing to rent premises to become a small bar licensee are becoming far more discerning in their judgment. "A lot of people are spending far more time searching for the right place," Berentsen says.

The City of Sydney council is taking a different approach to the City of Melbourne, which has granted only 26 small bar licenses. It has preferred to award more café-restaurant bistro licenses (129) since it embarked upon a laneway revitalisation plan in 1985.

Rob Adams, director of city design at the City of Melbourne, says Melbourne's laneways were originally designed as short cuts to the train station—

The laneways have been opened up and well utilised by the reform. They are valued not only by residents of Melbourne but also tourists from other cities and other parts of the world. The article continues:

Caitlin Henry, Jones Lang LaSalle's senior executive for retail leasing, says 80 per cent of her inquiries are for small bars. "People want a unique space for small bars in laneways, basements and warehouses," she says.

"They do not want to pay a lot of money and they are happy to take B-grade locations.

"What we are also seeing is premises becoming more mixed-use. Art gallery by day, small bar by night."

I would be very happy to see that take place in Sydney. As I said earlier, this bill will open up the live music industry in this State. My brother has been an entertainer since he was a young man. I well know how difficult it is for the live music industry to survive as the number of venues continues to decrease. I was thrilled by the "Labor Loves Live Music" campaign launched by the Hon. Peter Garrett, Federal Minister for School Education, Early Childhood and Youth and former lead singer of Australian rock band Midnight Oil. Minister Garrett said the campaign was needed to support young artists who want to make a career out of music. He said:

We urgently need strong live music venues ... our city should have heaps of places available for musicians of all genres to play. Even in a digital world, being on a stage in front of an audience is essential for most musicians to express their craft and build an audience, and of course make a living.

He said further:

Over-regulation is killing our live music venues and to see great institutions suffer is very upsetting—like the Annandale, which has long been an incubator of the music industry.

Regrettably, that venue will no longer fulfil that very important role. Labor is putting forward a package of changes that are urgently needed at the local government level to ensure that live music continues to thrive in New South Wales. I applaud Councillor Darcy Byrne, Mayor of Leichhardt, for his work in support of the music industry. Councillor Byrne said:

Never-ending legal action from councils is sending some of our most treasured cultural institutions to the wall and costing ratepayers millions of dollars.

We are forging a joint campaign between residents, the music industry and small bars so that our lively pub culture with its rich history of live music continues.

I fully support the live industry campaign. The bill opens up a host of opportunities for smaller operators who have no chance of competing with the big end of town. It will provide people with multi-use venues, quieter meeting places and niche bars. It will also provide workers with a place to go after work or to meet up with friends. Importantly, it will provide choices for visiting businesspeople and tourists. All these aspects sit comfortably with the global city that Sydney has become.

The bill will make the application and approval process easier. No longer will there be the great costs normally incurred in producing community impact statements during the development application process. It is important that local council deals with development applications. Residents who live near the venues will raise issues and their concerns must be taken into account. As Sydney develops we will have to ensure that residential buildings are designed to reduce the impact of entertainment outlets within local neighbourhoods. We will look to local government to provide leadership in this area. The bill is a good outcome for local economies and for the live music industry in Sydney. I urge members to support the bill.

The Hon. NATASHA MACLAREN-JONES [4.13 p.m.]: I support the Liquor Amendment (Small Bars) Bill 2013. The bill aims to provide greater choice for patrons wanting a different style of bar. The bill provides clarity for business operators about the size and requirements of a small bar and prevents bars from becoming larger than originally planned and unmanageable. The introduction of a new licence type for small bars with the capacity of no more than 60 patrons will appeal to those who prefer a more intimate setting and will assist small business owners and their staff to engage with patrons before problems arise. It also will allow business owners and their staff to better monitor the behaviour of those visiting their bars.

In Australia we have a problem with alcohol-fuelled violence and antisocial behaviour. Moving large numbers of intoxicated patrons from venues is a challenge not only for licensed venues but also for other local businesses, nearby residents, councils, police and transport providers. Individuals are responsible for their own behaviour but the Government must take action to assist those who cannot or are unwilling to take responsibility. The bill challenges the drinking culture that has been allowed to flourish in this State. The creation of this new small bar licence category will provide not only a choice for patrons but also an opportunity for business. It will provide certainty as to how the venues will operate and how liquor is sold.

The O'Farrell Government has already delivered a range of responses to combat alcohol-fuelled violence and antisocial behaviour. The bill delivers on the Government's commitment to small bars. Small bars will be exempt from the temporary liquor licence freeze in Kings Cross and Oxford Street, Darlinghurst, which will encourage the take-up of these licences. Small bars in the freeze precincts will be able to trade until midnight. If they wish to trade beyond midnight they will have to apply for an extended authorisation. Bars outside these precincts will be automatically authorised to trade between midday and 2.00 a.m. Gaming machines will be prohibited under this licence category, food must be available on the premises and minors will not be permitted during liquor trading hours.

Given the low-risk nature of a small bar, the Government is of the view that a community impact statement is unnecessary where a development application has been granted. The development consent process includes a requirement for community consultation and submissions in order to gain council consent. Planning guidelines will be issued to local councils relating to the consideration of liquor issues where a small bar business is proposed. It is proposed that the guidelines will require councils to consider any submissions made by police or liquor regulators. Where development consent is not required, the existing community impact statement and notification requirements in the liquor laws will apply to a small bar licence application. This practical bill will broaden and diversify the entertainment venues on offer to the people of New South Wales. It will also help to reduce alcohol-fuelled violence and antisocial behaviour. I commend the bill to the House.

The Hon. SOPHIE COTSIS [4.17 p.m.]: The object of the Liquor Amendment (Small Bars) Bill 2013 is to provide for a new type of liquor licence for small bars. A small bar licence will authorise the licensee to sell liquor by retail on the licensed premises in accordance with the following conditions:

- (a) liquor must be consumed in the licensed premises (that is, bottle shop or takeaway sales are prohibited),
- (b) liquor can be sold only if there are no more than 60 people in the premises,
- (c) the small bar must be open to the general public, and
- (d) food must be available at the small bar.

Importantly, gaming machines will not be permitted to operate on the premises. The Government says that this bill is part of a package of reforms designed to curb alcohol-related violence, specifically in areas such as Kings Cross. However, I am not convinced that this will work. The bill has resulted from a long-running discussion in Sydney about the need for a greater diversity of venues. People often say they want Sydney to be more like Melbourne. I recently visited a couple of small bars where I spoke to a number of small business owners. I also spoke to a person who wants to start up a small bar. They were all very enthusiastic about their prospects.

This bill will give small operators or people who want to get into the hospitality industry or the services industry a good start in terms of opening a small bar and serving food. It will encourage young people, particularly university students or people who want to study hospitality, to get into the industry; it will give them a foot in the door in terms of employment. As to tourism and hospitality, the service industry is one of our larger industries, particularly for overseas guests, and we should be encouraging it. I support local employment.

The legislation provides that small bars will have a maximum of 60 patrons. As has been said, they must have food available and they cannot have poker machines or takeaway alcohol sales. The ban on takeaway alcohol sales is the key. It needs to be clear that although new small bars will increase the number of venues in which one can consume alcohol they will not add to the already large number of outlets that sell takeaway alcohol. Consuming alcohol on the premises means that responsible service of alcohol standards can be enforced. I reiterate that staff must have responsible service of alcohol qualifications.

The legislation does not require small bars to have security personnel on site at the venue, which is reasonable given their size. However, if the minimum size were to increase in future the Opposition would want to reconsider its position. I want to advise members about the Leichhardt mayor's live music policy. Small bars will provide an opportunity for lesser known entertainers to sing or play music. It is a great opportunity for them. I refer to an article in the *Sydney Morning Herald* on 8 March about Leichhardt council's live music police. The article states:

Cr Byrne wants the City of Sydney and Marrickville councils to work with the Leichhardt council to transform a stretch of Parramatta Road – eventually between Sydney University and Lewisham – into a thriving strip of small bars, comedy, theatre, bands and buskers, drawing crowds of locals and tourists into the wee hours. Just like revellers who stroll and dance along Bourbon Street on Mardi Gras day in New Orleans, Louisiana.

The Hon. Melinda Pavey: That's a great tragedy, isn't it?

The Hon. SOPHIE COTSIS: This is about social justice. At least the Labor Party believes in a live music policy and that working class people should be able to listen to live music in small bars, unlike Coalition members who do not want any of us near their premises.

The Hon. CATHERINE CUSACK [4.22 p.m.]: It would not be a session of the New South Wales Parliament if we were not discussing the regulation of alcohol. It is the original issue for members in a Chamber that was part of the original rum hospital. Alcohol and regulation have challenged and bedevilled every New South Wales Parliament in history. I congratulate the Minister and the Government on taking what I think is one of the most positive steps forward in decades on the issue of alcohol regulation. I take this opportunity to comment on the tragic death of Thomas Kelly in Kings Cross. Many members have spoken on this matter previously but this is my first opportunity. Members and the wider community were distressed by not only what happened to that poor boy but also the extent to which alcohol has become an endemic cultural problem. As this legislation demonstrates, what is required is not simply one Act of Parliament or measure. I think we understand that no single step could possibly have saved Thomas Kelly's life.

What is required is a multifaceted approach that deals with the violence issues. I congratulate the police Minister on introducing tough legislation, sobering-up tanks and other measures. In relation to licencing, this

legislation is a serious attempt to create a diversity of venues in an effort to dilute the hard drinking culture that seems to have taken hold of Sydney. I congratulate the Minister and the Government on not only this legislation but also the package of approaches. While nothing can be done for poor Thomas Kelly, this legislation and the Government's continuing determination to tackle alcohol-related violence in this way are a tribute to his memory and, I hope, some comfort to his family. Other members have spoken about the benefits of having a larger number of small venues. I particularly love the provisions that ban gaming machines in these premises because gaming machines have a marvellous way of destroying the atmosphere. If we were to allow gaming machines we would simply be replicating the same thing that already exists but on a different scale, which is problematic.

The Hon. Dr Peter Phelps: There's a lot of joy in doubling up a fourrey.

The Hon. CATHERINE CUSACK: Hopefully on Anzac Day. As to entertainment in small bar venues, rather than the likes of gaming machines and binge drinking, there is an opportunity for live music, comedians and other forms of entertainment. The Hon. Helen Westwood explained it well. The artists who will be employed in these venues will not be big ticket items because of the smaller size of the venue. Therefore, a lot of fresh talent will have more opportunities to perform in venues. At the moment on the North Coast, which does not have the population of Sydney, local artists find it extremely difficult to get an opportunity to give a live performance. The North Coast is bursting with talent. This legislation will be a tremendous boost, particularly for young emerging artists. I want to make an important point about heritage issues. Sydney is the birthplace of Australia, and The Rocks is the oldest part of Australia.

Dr John Kaye: White Australia.

The Hon. CATHERINE CUSACK: Of white Australia. In terms of the built heritage, many buildings in Kings Cross, Woolloomooloo and the Parramatta region are the oldest in Australia. Buildings with heritage requirements are limited in the way they can be adapted for new uses. The onslaught of the dreadful beer barn mentality of huge licensed premises and major venues has completely destroyed the viability and the opportunities available for those beautiful buildings to be reused and to have continued viability. Certainly, this legislation is probably the best news for heritage in Sydney for some time. I am not sure whether the legislation was approached from that perspective, but I believe it will provide a whole new suite of options for the volunteers who care for heritage buildings and the owners who want to see them saved, preserved and reused in the future. One can imagine how stunning some older venues could be, particularly with a minimalist approach, which is acceptable to modern taste, as well as being consistent with heritage restrictions.

With imagination and enterprise, particularly of the emerging class of young people in Sydney, I expect there will be opportunities for sophisticated and beautiful venues, which will be good for everyone. In summary, the legislation is good news for patrons, particularly those of us who seek diversity and a more intimate atmosphere; it is good news for live music and entertainers; it is good news for heritage; it is exceptionally good news for jobs; and it is good news for Sydney. I commend the bill to the House.

Dr JOHN KAYE [4.29 p.m.]: On behalf of The Greens I support the Liquor Amendment (Small Bars) Bill 2013. As we foreshadowed last year with respect to the legislation about the Kings Cross Liquor Accord area, this legislation takes a step towards making it easier for small bars. We support the bill in principle because it offers an opportunity for New South Wales to begin the transformation of its entertainment culture from one that is based on large venues, which in general encourage excessive consumption of alcohol, to smaller venues. The principle behind it, which is quite logical, is that there is more opportunity for surveillance of customers or clients in a smaller venue or bar. In a small bar there is an opportunity for the focus to be on activities other than drinking. Drinking becomes an auxiliary activity rather than the main focus of being there.

The legislation creates a new set of conditions for small bars to be approved and it defines "small bars" as those limited to a maximum of 60 patrons. There is debate over what the patron threshold for small bars should be set at. When similar legislation passed through the South Australian Parliament the limit ended up being set at 120 patrons. In South Australia the Coalition Opposition sought to set it at the lower rate of 80 patrons and the Australian Hotels Association wanted it set at 100 patrons. There is clearly debate over these issues. The overriding issue is what constitutes a small bar, and surely that is context determined.

In an area such as Sydney, where real estate values are relatively high and the culture is determined by large drinking venues, setting it at 120 sounds about right, as Clover Moore argued in her 2007 legislation. Indeed, this corresponds with the City of Sydney definition of a small bar. However, in other areas 120 would

be too large. In the context of some areas and precincts 120 patrons would be more like a bar of medium size. That is why the context is important. The Greens have an amendment—which I understand will not receive enthusiastic support from the Government or the Opposition—to try to make the definition more flexible and to involve local government in setting that definitional threshold.

The Hon. Catherine Cusack: Oh, my God, you are joking!

Dr JOHN KAYE: I acknowledge the interjection from the Hon. Catherine Cusack, being the first interjection I have acknowledged today. I think it is an interesting interjection and I look forward to debating with the member—

The Hon. Catherine Cusack: I just cannot think of a worse thing to do, I am sorry.

Dr JOHN KAYE: I also acknowledge that interjection. I look forward to debate with the honourable member when I move that amendment on behalf of The Greens. I look forward to hearing more about her attitudes to local government, which will no doubt enlighten the House. The other contentious aspect of this legislation is the waiving of the need for a community impact statement where the application for a small bar has been the subject of an application for development consent under the Environmental Planning and Assessment Act. I presume, and the Minister might like to enlighten me on this in his reply to the second reading debate, that given that the Environmental Planning and Assessment Act 1979 is on the chopping block and it is the intention of the Government to rewrite it, these provisions will need to be revisited depending on what emerges from the white paper process and the eventual legislation.

There is some concern that right now a number of applications need development consent under the Environmental Planning and Assessment Act 1979 that may need no planning permission or consent under subsequent legislation which may replace it. That creates an element of uncertainty and risk associated with the passage of the legislation in its current form. I would like the Minister to put on record how the Government intends to deal with that and to give us some assurance that this will not mean that a whole class of applications for liquor licences will avoid having a community impact statement that would not otherwise have done so under the existing arrangements.

The other concern that has been raised is to do with the police, the local community and local government—I am sorry that the Hon. Catherine Cusack has left because I enjoy the chorus she gives whenever I say the words "local government". There is an absence of opportunity for the police, who end up dealing with the out-workings of the problems of extreme and dangerous drinking, and for local government, which ends up bearing a lot of the brunt of it, to engage with the process and to have their voices heard. At this stage, in order to avoid the need for a community impact statement, the local police and director general have to be notified within two working days of the lodgement of an application—I presume that is an application for development consent—and that is more or less the end of it, in the current legislation. Concerns have been raised that that is not enough opportunity for the police, in particular—who have been increasingly developing strong opinions on matters of licensing and have been engaged in licensing matters—to express their opinion.

This is a complex matter that requires some degree of balance. On the one hand, small bars offer the opportunity for a transformation of the drinking culture away from the beer barns—that is, the large venues. They make their profits largely from selling high-volume and relatively low-cost liquor. Therefore, they are seen to be directly responsible for some of the major violence and health issues associated with excessive drinking. In order to facilitate the transformation, it makes sense to reduce the barriers and the costs that a small bar would face in getting approval for operation. That is certainly the tenet of this bill and it is something that I think makes a lot of sense.

On the other hand, there is concern that the lowering of the bar would create an open slather and run the risk of a significant increase in the number of liquor outlets. There is debate over whether small bars add to problem drinking or take away from it. The data is not 100 per cent clear. However, common sense and what data seems to point towards is the suggestion that the transformation of licensed places from large venues to small venues would result in a reduction in dangerous drinking. That is something that everybody in this Chamber would support.

We will no doubt be debating some of these issues during the second reading stage. There are a variety of opinions in this Chamber, and those opinions should be respected and understood. I certainly see both sides of the argument. In the end, on the evidence available to us and on the balance of the protections built into the legislation,

The Greens support the legislation as drafted. However, we raise concerns about the threshold size for a small bar. We will be moving amendments at least to put on record that we think there are arguments for raising it to 120 in some localities to realise the full benefits of small bar culture, particularly in areas such as the City of Sydney.

The Government started out badly on the issue of small bars. Some of the things that Minister George Souris said about small bars were deeply hostile, inaccurate and fundamentally misleading in respect of the public debate. It is clear that the Government has done the adult thing and recognised that those initial statements were wrong. I congratulate the Government on doing that. I think it is a sign of maturity in public policy to recognise when an error has been made. It is to the benefit of the people of New South Wales when governments do not get locked in behind a position. This bill is a step in the right direction and to that extent The Greens support it.

The Hon. JAN BARHAM [4.39 p.m.]: I speak to the Liquor Amendment (Small Bars) Bill 2013. I appreciate that my colleague Dr John Kaye has raised a number of issues while identifying support for the legislation. However, I raise some concerns that derive from the fact that the bill will apply statewide. That is the basis of my concern. This is a one-size-fits-all approach to alcohol issues. One would hope the lesson had been learnt from the substantial changes that were made to the Liquor Act in 2007 and the regulation of 2008, particularly in regional areas where there has been a proliferation of licensed outlets. I refer to my home area of Byron Bay where, unfortunately, I have had some 20 years experience of issues arising from the negative impacts of alcohol. I have referred to those issues previously in this place. They include major events such as New Year's Eve, festivals in recent years and schoolies events.

There is also the overall issue of tourism and the fact there is high density and concentration of licensed outlets. Difficulties have arisen in my area because of the close proximity of a major population centre to the north of Byron shire. Unlike any other small town, particularly a small coastal town, anywhere in Australia that has a distinct tourism focus and a small resident population, we have a major population to the north. Since the upgrade works to the Pacific Highway, Byron Bay is now easily accessible. I am talking about the population of southern Queensland, not just the regional population of Lismore, Ballina and the New South Wales part of the Tweed. They can all descend on the small town of Byron Bay on Friday and Saturday nights, and this is reflected in the Bureau of Crime Statistics and Research criminal incidents reports. On Friday and Saturday nights there is a spike in alcohol-related crime to the point where it is three times the State average on weekends. That is a warning sign. That is why legislation such as this should not take a one-size-fits-all approach for the State. That needs to be recognised.

The community of the Byron shire has been concerned about the impact of alcohol-related crime for many years. I think my local colleague Catherine Cusack referred to the unfortunate death of a young man in Kings Cross. When I was mayor I had to live with being asked to respond to the death of a visitor to our shire on the streets of Byron Bay on a Saturday night. Someone left their homeland of Ireland and came to Australia on a dream holiday. That person came to Byron Bay and was having a great time at the beach during the day and going out until three o'clock in the morning, mixing with thousands of young people, but ended up dead because of an alcohol-fuelled violent attack. How sad that is. We have seen it over and over again and we continue to see it.

In 2008 I attended a local government forum in North Sydney organised by the Office of Liquor, Gaming and Racing [OLGR] to discuss relaxation of the licensing conditions and how it would be easy to get a \$500 licence, although community impact statements would be required. That was five years ago. In the interim we have seen real increases in violence and terrible things have happened in places such as Newcastle. The problem has escalated particularly among young people. Something is going wrong because young people, particularly young women, are engaging in binge drinking and violence. We have never seen this before and it is reaching the point where it is out of control. Social media has made a big change. People's lives can be ruined. Some of the things that are happening while people are intoxicated are shown on social media through Facebook or YouTube, whether sexual attacks or drunken behaviour, and it affects their whole lives. These things are happening and people expect places such as this, Parliament and its elected representatives, to take note of what is going wrong with society and to do something to right it.

I understand the bill is seen to be a move to address some of the problems created by big beer barns. Members should not be fooled because the concentration of small bars can cause a problem that is not dissimilar to that caused by a large venue. I refer to comments made in the lower House by Alex Greenwich when talking about his concern that the bill does not require a community impact statement for small bars. He said:

One can conceive of a group of small bars purposely locating themselves in a particular area to create a precinct that has a competitive advantage over other areas

This is an issue that has not been considered and we are still waiting for the Office of Liquor, Gaming and Racing commissioned report by the Allen Consulting Group on the density and concentration of outlets. Why do we have this bill, which takes a blanket approach to a new style of small bar across the State that is just another licensed venue? I do not think it is a responsible move. I can see that it could work in the city and in large metropolitan areas such as Newcastle and Wollongong. My colleague Paul Green and I live in regional areas with small numbers of police and the potential for large populations to descend on those areas at the weekend. The Hon. Paul Green lives on the beautiful South Coast to which many people come from Canberra for the weekend in the same way as people from southern Queensland come to the New South Wales North Coast. This can have an incredible effect on amenity and safety on weekends. The proliferation of alcohol venues raises concerns.

In light of what happened in 2008 when the then Government took a blanket approach to new laws that reduced the requirements for licensed outlets, a rethink of this legislation should give local communities and councils the right to have a say in what goes on. It is very important that they do. Applicants for small bar licences will not be required to prepare a community impact statement. It is not clear from the bill whether a development application will be required if someone is transferring premises that are currently being used as a food outlet to a small bar or where they were able to obtain a \$500 licence under the 2007 legislative changes.

We are seeing a change in smaller regional areas. In my local area we have gone from having 15 liquor licences to having 101 liquor licences. If there is a concentration of liquor licence outlets and nothing else in a small town with a population of 8,000 people and 1.5 million visitors there can be problems. People are coming to Byron Bay purely for the purpose of drinking. Therefore, the potential for late night violence increases. I have tried to negotiate with the Liquor Accord, but it was not willing to accept a recommendation from me as mayor and other people in the community that we trial reduced hours of operation and the serving of alcohol. I then put a motion to my council, which received unanimous support. That motion was a request to the Liquor Accord to trial the Last Drinks campaign, which was successfully operated in Newcastle. The motion was unanimous.

I wrote to the Liquor Accord but I did not receive a reply. A couple of months later I wrote again, thinking the letter had been lost. I finally got a letter back saying, "Got your letter, but no thanks." The Liquor Accord was not interested because there was no power from the community or the police to force the Liquor Accord to act. Venues then submitted applications to extend their licences from 3.00 a.m. to 4.00 a.m. That is the arrogance we experienced in Byron Bay because money talks. A lot of money is to be made out of grog; there is no doubt about it. Why would people have a business selling souvenirs, clothes, cakes or anything else in a small town with high rents and lots of tourists when they can make a lot of money selling alcohol? That is the get-real test.

The most recent New Year's Eve was warm and drunk people were out on the streets late at night. The community of Byron Bay had to tolerate that behaviour. Their lives are impacted upon by this disrespectful behaviour and there has been a community backlash. Finally, three years after I was able to get unanimous support from my council for the motion to trial the Last Drinks program, the Liquor Accord is doing it. I congratulate the local Deputy Inspector Saul Wiseman, who has strongly supported this campaign. He has kept the information in the local media to highlight the increase of violence by 20 per cent. I am not a wowser. I enjoy a drink and I have had an enjoyable time in Melbourne—

The Hon. Dr Peter Phelps: "I am not a wowser, but"—

The Hon. JAN BARHAM: Yes, I will put a "but" in because one size does not fit all. The Hon. Peter Phelps, as an electorate representative, should care about the safety and wellbeing of people and their right to return home safe and sound after a night out. The "but" is that when I went to the small bars in Melbourne they were a real treat. There is a viewpoint that, miraculously, because a licence has been granted there will be only 60 people in a room drinking. It is not about that. It is about culture and the arts. Drinking on its own will attract people who unfortunately end up, as the research tells us, having a problem with violence.

I refer to an incident in February 2013 at the Byron Beach Cafe, which is a restaurant highly regarded by tourists. For the past five years it has received awards for being the number one regional tourist destination. Its head chef, Nathan Foord, was attacked and is still in the brain trauma clinic in a Melbourne hospital. A drunk person attacked Nathan as he was leaving work. This supports the police reports that Byron Bay is being overtaken by boozed-up thugs. In the past five years there have been endless media reports about the rise in violence since the increased number of liquor licences in my home town. I am aware that other areas are suffering. For example, there are problems on the South Coast. Places such as Manly have an increasing

problem with violence. Its venues have introduced the Last Drinks approach. Communities have expressed their concern. Alcohol is shaping the world we live in and shaping the lives of young people, sometimes causing their lives and the lives of those around them to be changed forever.

We are taking a step too far by introducing standalone, statewide, one-size-fits-all approaches. I do not believe that is the right way. I respectfully hope that the Government considers the amendments that will be moved by the Christian Democratic Party member the Hon. Paul Green, which create an opportunity for local communities to have a greater say in their future. The damage has been done. It has happened continually during the past five years. Industry is responsible for selling alcohol and trading on this drug that promotes violence, particularly among young people. The community deserves to have its say.

This week we saw the release of the creative industries action plan by the Department of Trade and Investment. That might have some relationship as to whether small bars will be successful. We cannot just hope that something will happen by chance; it will not. There needs to be some investment in cultural activities, whether it is art, music or film. Some cute bars in Melbourne have screens to enable its patrons to view the latest documentaries or video imagery. This has cultural content and the creative industries who promote these bars need support. The two need to be married. It is not just about the alcohol. If there are alcohol-concentrated areas, they will only attract people who want to drink. If a more cultured, diverse drinking population is desired, there needs to be an investment in our cultural communities. Then it might happen.

The Hon. PAUL GREEN [5.00 p.m.]: On behalf of the Christian Democratic Party I speak in debate on the Liquor Amendment (Small Bars) Bill 2013 which has as its object to amend the Liquor Act 2007 to introduce a new category of liquor licence for small bars across the State. The Liquor Act now requires small bars to operate under a general bar hotel licence. As at 15 February, there were 89 such licences, and many of them apply to smaller venues that cater for fewer than 120 patrons. Limits on patron numbers are generally a matter for local councils and the planning process, which considers factors such as individual premises size, building code requirements and fire safety. However, at the moment there is nothing to prevent a general bar licence also being used for a nightclub or other type of licensed venue.

With this bill the Government is creating a specific new small bar licence category to define more clearly exactly what constitutes a small bar. That will help to prevent venues from being converted into something not originally intended. This legislation will result in the creation of smaller venues that are associated with lower risk than large-scale venues because they will be limited to 60 patrons or fewer. It will also allow consumption of alcohol only on the licensed premises where the licensee must comply with safe and responsible drinking laws. The Christian Democratic Party commends the Government for prohibiting gaming machines under this licence category and requiring that food be available on the premises. This should prevent irresponsible gambling and antisocial drinking behaviour.

The bill requires that a venue be open to the general public and minors will not be permitted in small bars during liquor trading hours. Small bars outside liquor freeze precincts will be authorised automatically to trade between midday and 2.00 a.m. The Christian Democratic Party supports the current restriction on small bars within the liquor freeze precincts of Kings Cross and Oxford Street, Darlinghurst. The bill also enables an existing general bar licence to be converted easily to a small bar licence. A small bar licence will be granted automatically upon application to existing general licence holders who remain in the same premises. Importantly, a converted licence will be subject to the conditions and compliance history that applied under the previous licence.

The Christian Democratic Party supports a reduction in drinking venue capacity because smaller establishments can be more easily managed by local councils, local area commands and other stakeholders. Police Commissioner Andrew Scipione is probably more knowledgeable than most about dealing with the fallout from alcohol use and abuse. Late last year he stated:

Despite all our warnings and messages, we are still seeing people abusing alcohol and injuring themselves or harming others ... We don't have a problem with people enjoying themselves and having a few drinks, but the level of intoxication that we are seeing out there on a nightly basis is frightening

The Last Drinks Campaign is being run by the Police Association of NSW, the Australian Medical Association NSW, the Health Services Union and the NSW Nurses Association in an attempt to stamp out alcohol-related violence. They want the Government to introduce statewide the alcohol trading restrictions that have been put in place in Newcastle. They want the Government to protect innocent workers and members of the community from becoming victims of alcohol-related abuse by introducing five measures: first, a 12-month, statewide

extension of the reduced opening hours trial; second, a lockout from 1.00 a.m. in hotels across the State unless an earlier lockout has already been imposed; third, the development of a model management plan based on the Newcastle trial that will be adopted by all licensed venues; fourth, a prohibition on the sale of shots, mixed drinks with more than 30 millilitres of alcohol and ready-mixed drinks stronger than 5 per cent of alcohol by volume after 10.00 p.m.; and, fifth, a Bureau of Crime Statistics and Research evaluation of the impact of these measures on violent crime. When the alcohol reduction measures were introduced in Newcastle there was a 29 per cent decrease in assaults after dark. That is proof that they work.

The Christian Democratic Party has a few concerns about the bill. Applicants for small bar licences will not be required to prepare community impact studies such as those required for high-risk liquor venues. The Government believes that small bars are low risk and that community impact statements are probably unnecessary. The Christian Democratic Party does not agree with such exemptions and will move amendments that will require such statements to be provided. Sadly, long after we have all gone to bed police officers and others are mopping up the mess caused by alcohol abuse not only in Sydney but throughout New South Wales. As the Hon. Jan Barham said, this is not a one-size-fits-all legislative scenario. As regional mayors we have had to deal with the impact of legislation that does not accommodate areas of rural and regional New South Wales that attract large numbers of tourists.

The Shoalhaven district has a population of 100,000 that can swell to 320,000 in the peak tourist season. Police resources in the area are already stretched dealing with the 49 local towns and villages. Most visitors drink responsibly; many simply want a drink with their meal. However, some people come to our communities for time out, and that often includes drinking a large amount of alcohol. Unfortunately that causes problems because our police officers are already overstretched. That unruly behaviour can also create a stigma because people believe that the area is out of control at night even though that may not be true. Some people are not themselves after they have a few drinks; they do things they would not do when they are sober. They often do things which not only embarrass them the next day but also impact negatively on the city. Of course, dealing with that behaviour in the holiday season taxes our already overstretched police resources. We do borrow personnel from other areas of the State to boost our numbers, but the last thing we need is for that problem to be exacerbated.

I do not have confidence in the system because not long ago the Shoalhaven City Council opposed the establishment of a Dan Murphy's liquor outlet in an attempt to address alcohol abuse in an area that has a high incidence of domestic and alcohol-related violence. The council invited input from the community and it received submissions from the police and welfare agencies that must mop up the mess. The company lodged an appeal in the Land and Environment Court against the council's decision to reject the development application and at the eleventh hour it won by agreeing to some mitigation measures. As I said, most people do the right thing, but when they do not the Land and Environment Court should not be able to override local decisions. The site now has not only the Dan Murphy's outlet but also a BWS outlet and a tavern. If that is not making an already difficult situation worse, I do not know what is. The submissions lodged by the various agencies were virtually ignored and that is shameful.

At the end of the day, after community members have gone to bed, police mop up the mess that remains when common sense does not prevail. The number of alcohol outlets should not be tripled as that will impact on a community that is already vulnerable. I foreshadow that I will be moving amendments in Committee. Although a number of members said that this is a great Government initiative all stakeholders need to be involved in any decisions that are made to change unlicensed premises into licensed premises.

The Hon. Dr PETER PHELPS [5.10 p.m.]: I see two great advantages coming out of the Liquor Amendment (Small Bars) Bill 2013. As has been rightly pointed out, the first advantage is that it will create a Melbourne-style laneway café or small bar culture which will have attendant economic benefits for this State. For example, there will be a dramatic rise in the sales of black skivvies, black stove-pipe pants, black patent leather winkle-pickers and black leather jackets, all of which can be guaranteed if we followed the Melbourne small bar trend. The other great advantage coming out of this legislation is that it will remove what might be called the hipster element from good old-fashioned working class pubs in the inner city and hopefully transport it into these new small bars.

Who am I talking about? Everyone knows that these good old-fashioned working class pubs unfortunately have been gentrified by bourgeois hipsters who have come in and taken over—those people who hop on the train from Wollstonecraft, move into an east Redfern flat, grow a moustache and get a low-cut vest, some purple leggings, a sailor tat and just one gear on their Fixie bike. They will have a plus one for their gig

tonight where they all play synth. They have no problem with their eyes—they have 20:20 vision—but they have a pair of empty frames and dress like a nerd although they never got the grades. I remember calling them names at school but now they are taking over our estates.

Hopefully there will be a removal of pretty ordinary pub bands that play un-ironic songs, they will go into these small bars and pubs will again become places to which we can go, have a nice Resch's and whack out a fourey on the poker machines, double it once, double it twice, collect, and have a jug of Kamikaze to go, which will be great. All those loafers with no socks and all that music will go. I hope that electropop meets southern hip-hop, indeterminate sexual preference and "There is something retro on my necklace" will all go, will be moved away and cleared out and the working class once again will be able to reoccupy the pubs that they have missed for so long.

Unfortunately, this discussion has what I might call a temperance flavour. A temperance element is creeping through—the rejection of the traditional working class idea of having a beer with one's mates after work. That should come as no surprise because the purported bourgeois proprieties of the socialist Left have been a key feature of Australian public life for many years. In 1916 the *Worker*, that great Socialist journal of Australia, stated:

Nothing short of nationalization and then total abolition as laid down in the Labor Party's platform will adequately meet the case. Six o'clock closing, however, will doubtless be a step nearer the goal, and because of that let's have it ... but nationalisation's the thing.

A ... study of temperance movements in the United States ... [by] Joseph R. Gusfield, points out that "Abstinence was becoming a symbol of middle-class membership and a necessity for ambitious and aspiring young men. It was one of the ways society could distinguish the industrious from the ne're-do-well; the steady worker from the unreliable drifter; the good credit risk from the bad gamble ..." Seen in this way temperance bears a striking resemblance to the piano: both were outward signs of an inner striving, although the former was the means and the latter the proof of arrival.

I support this bill. I look forward to a return to the good old days when one could walk into a working-class pub in inner city Sydney and not be assaulted by the various ideological perspectives of the hipster element. I am happy to see them move to small bars with their iPhones with Polaroid apps taking pictures of themselves in these new bars where they discuss whether Thelonious Monk or Charlie "Bird" Parker is the true heart and soul of jazz in the modern world. They will take those pictures and put them up on their blog to let everyone know that they are having new age fun with a vintage feel. They are the coolest kids at the warehouse rave, on the exclusive list, look there is their name. They got in but I could not get in. They have never bought a pack of fags, they always roll their own as they plug in their laptop at the Starbucks down the road. They say they work in media but are really on the dole and think they are the coolest guys you will ever know. I hope that they will be removed from the good old-fashioned working class pubs of Sydney and put safely away in the small bars that will be created as a result of the passage of this legislation.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [5.16 p.m.], in reply: I thank all those members who contributed to debate on the Liquor Amendment (Small Bars) Bill 2013. I found this debate very interesting even though I am not the Minister responsible for this legislation; the Minister for Tourism, Major Events, Hospitality and Racing is the responsible Minister. I was struck by the degree of hope from many members that this legislation would change the drinking culture in the central business district, embrace the heritage referred to earlier by the Hon. Catherine Cusack, and see a return to music and a more civilised atmosphere in many small bars.

Addressing alcohol-related harm in Kings Cross and across New South Wales is a government priority that requires innovative approaches. This is reflected in the Government's plan of management for Kings Cross which contains a number of regulatory measures to improve the operation and safety of Kings Cross venues. However, it recognises also that licensing restrictions cannot in isolation completely change drinking habits and improve drinking environments. This bill will provide opportunities for more intimate drinking spaces that can be closely supervised. The bill will also provide regulatory incentives for greater variety across the industry and provide greater choice for patrons.

The option of a small bar licence, particularly in late night entertainment precincts, will help to reduce the pressure that can be associated with large venues attracting significant numbers of patrons. It will also create commercial opportunities for entertainers. The reforms in this bill will benefit the whole State by providing an alternative business model to larger venues. However, the Government recognises that many larger licensed venues are well operated and can provide a range of facilities for their patrons and their local community. It is also recognised that large venues, including hotels, clubs and nightclubs, make a significant contribution to the State's economy and continue to be a vital part of the New South Wales business environment.

For many patrons, including domestic and international tourists, these larger venues provide the atmosphere and facilities that they want. This option will continue to be available. This bill enables business operators to consider a different business model and provide a choice for consumers. It will also reduce red tape and cut costs for business by streamlining the application process so that operators can focus on their core business activities and ensure that alcohol is sold and consumed responsibly. Importantly small bars will be subject to the same responsible serving laws that apply to all other types of licensed premises.

Dr John Kaye sought a commitment from me in relation to his concerns. I refer the member to the reply of Minister Souris in the Legislative Assembly on 28 February 2013. The Hon. Jan Barham asked whether a small business could obtain a small bar licence. She asked also about community involvement in that process. The conversion of an existing business into a small bar may occur in two circumstances. The first is when an existing general bar licensee wishes to convert to a small bar. This is facilitated by the bill through a simple request by the general bar operator to the Independent Liquor and Gaming Authority within six months of the commencement of the legislation. This is appropriate as the existing general bar will already have development and licensing approval to operate as a bar. Once the conversion is made the licence will be subject to all the controls that apply to a small bar. Existing licensing conditions applying to the general bar will be carried across, as will any disciplinary strikes or proceedings currently underway.

In any other circumstances where an existing business wishes to convert into a small bar the bill ensures that there will be consultation with the community through one of two means. When a new development approval is required to use the premises as a small bar or to sell liquor that approval must be obtained prior to a small bar licence being granted and the development approval process must include consultation with the local community. When a development application is lodged to operate a small bar or to sell liquor notice must be given within two working days to the local police and the Director General of the Department of Trade and Investment to enable them to make submissions to the local consent authority where necessary. The Government has indicated that planning guidelines relating to this process will be issued to local councils to ensure that submissions are considered. When an existing business wishes to convert into a small bar a development approval is required, or when notice of an application for development approval has not been provided to the local police and the director general within two working days of lodgement of the application the person applying for a small bar licence will need to complete a community impact statement.

The community impact statement process will ensure there is consultation within the community and local stakeholders prior to the determination of the liquor licence application by the Independent Liquor and Gaming Authority. If an existing business has obtained development approval prior to this legislation commencing and because of these amendments that approval allows it to convert its operation into a small bar or to sell liquor, a community impact statement will still be required. This is necessary because the mandatory two working day notice of the previous development application will not have been provided to the local police and the director general. As a further safeguard, if development consent to operate a small bar is not approved by the local council a small bar licence cannot be granted. Finally, the Independent Liquor and Gaming Authority is able to consider submissions from any person in relation to any liquor licence application. I commend the bill to the House.

Question—That this bill be now read a second time—put and resolved in the affirmative.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 and 2 agreed to.

Dr JOHN KAYE [5.25 p.m.], by leave: I move The Greens amendments Nos 1 and 2 on sheet C2013-007A in globo:

No. 1 Page 4, schedule 1 [6], proposed section 20C (1), lines 26 and 27. Omit "60 or such greater number as may be prescribed by the regulations". Insert instead "120 or such lesser number (not being less than 60) as may be determined for the premises in accordance with subsection (2)".

No. 2 Page 4, schedule 1 [6]. Insert after line 27:

- (2) The Director-General may, on application by the council for a local government area, reduce the maximum number of patrons for small bars in the council's area or in the part of the area specified in the application.

The intent of these amendments is to change the threshold in the definition of a small bar from the current level of 60 patrons to any number between 60 and 120, depending on advice from the local government authority in the area. These amendments will give the local government authority the capacity to change the definition in order to reflect local circumstances. As I said in my speech during the second reading debate, there are circumstances where 60 patrons will be appropriate and there are circumstances where 120 patrons will be appropriate. In areas such as central Sydney a bar that caters for 60 patrons is possibly too small even to be viable.

The amendments seek to create flexibility around the definition so it can more accurately match the needs of local communities. They are designed to ensure that small bars are viable across a range of areas, in particular, in inner city areas where a larger threshold is required in order to make the investment viable for small bar owners. In order to recover the extraordinary real estate values per square metre a larger venue is required to get turnover in the area. The Greens have been advised by the small bar industry that that number would probably be around 120 patrons. Whereas in areas such as Byron Bay, which the Hon. Jan Barham spoke about earlier, 120 patrons is probably too large and the number envisaged in the legislation is probably more relevant. I commend The Greens amendments to the Committee.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [5.27 p.m.]: The Government does not support the proposed amendments. The need for a specific licence for small bars was identified by the Government in developing its plan of management for Kings Cross. The Government's intention is to stimulate diversity in the liquor industry by encouraging smaller, more intimate licensed venues. This is particularly important in entertainment precincts where a historical focus on large venues has presented challenges for operators in controlling patron behaviour inside the premises and in the immediate vicinity.

The bill recognises that a small bar with a maximum of 60 patrons is likely to have less of an impact on the local community in relation to alcohol-related harm and this is reflected in concessions, including an exemption from community impact statement requirements and a reduced application fee. These concessions may not be appropriate for a larger bar. The 60-person limit for small bars will assist operators to maintain a high level of supervision over alcohol consumption and patron behaviour. It will also address issues with the current liquor laws. There are concerns about venues morphing from a bar into another type of venue that poses a higher risk of alcohol-related harm such as a nightclub.

There are also concerns about bars growing in size over time, thereby contributing to greater levels of harm in high-density precincts such as Kings Cross. The proposed amendments contemplate doubling the cap of 60 patrons applied to small bars and do not introduce any additional harm minimisation mechanisms. Indeed, it is arguable whether a bar can be considered small if 120 persons are permitted inside the premises. The bill provides a trading hour entitlement that recognises a "small bar" as a new licence type that is not associated with the harms presented by large numbers of patrons in late-night trading venues.

These amendments undermine the inherent harm minimisation approach to limiting capacity. It proposes doubling that capacity and also providing a more permissive trading regime than that enjoyed by other larger venues. This approach cannot be supported. It is also important to note that small bars outside liquor freeze precincts will be automatically provided with extended trading until 2.00 a.m. This entitlement may not be appropriate for a venue that can accommodate up to 120 patrons, which could present a significant risk to the community. This risk is increased when a trading authorisation of 2.00 a.m. is provided under the licence. The proposed amendments will allow for different small bar patron limits to apply in different areas.

Once a small bar limit is reduced from 120 persons, it appears that there is no means under the proposed amendments for the limit in that area to be increased should circumstances warrant it. No doubt a maximum limit on patron numbers is a vital component of the definition of a "small bar". The Government is of the view that this limit should be prescribed in the law to provide certainty for industry, regulators and police who will be required to enforce the law. The definition of a "small bar" should not be left to an undefined application process, which could result in different small bar limits applying in different areas of the State or even within one local government area.

The bill appropriately allows the 60-patron limit for small bars to be increased by regulation. A limit set by regulation will provide the necessary certainty for stakeholders. The operation of the 60-patron limit will be monitored by the Government so that it can be reconsidered if necessary. Those who wish to operate a larger capacity bar will continue to have the benefit of existing licensing options, including a general bar liquor licence. The proposed amendments would introduce risks of alcohol-related harm that are not present in the bill and, as I indicated at the outset, therefore cannot be supported.

The Hon. STEVE WHAN [5.31 p.m.]: In my contribution to the second reading debate I said that the Opposition would not support these amendments. I concur with the reasons detailed by the Minister. I refer members to my earlier contribution in which I said that the Opposition is of the view that allowing an increase up to 120 patrons would put small bars in the same category as many bars currently trading. We are concerned about that happening without any experience of how the process will work, without community impact statements and so on.

Dr JOHN KAYE [5.32 p.m.]: I thank the Minister and the Hon. Steve Whan for their comments. The Minister said that the amendments did not provide a mechanism for a local government area that opted for a 120-patron limit to reduce the threshold in subsequent applications if it realised that it had made a mistake. I do think that is correct. Proposed subsection (2) in amendment No. 2 states:

The Director-General may, on application by the council for a local Government area, reduce the maximum number of patrons for small bars in a council's area or in the part of the area specified in the application.

That would mean that a council that originally applied for a maximum limit of 120 patrons would have an opportunity subsequently to reduce the maximum number if it recognised that there was a proliferation of bars. As to the harms associated with this, members should remember that the whole point of this legislation—and it is the reason we supported it in the first place—is to reduce harm by allowing patrons access to small bars and to transform the drinking culture. The Greens are concerned that if there is no flexibility there will be areas where small bars will not proliferate and they will not have the opportunity to supplant drinking habits in large bars. To that extent, one could argue both ways. I am convinced that by allowing the larger threshold and allowing bars that are perhaps slightly bigger to be set up and become economically viable we will get a transformation in the drinking culture.

The Minister suggested that bars would grow in time. However, I understand that that would be the case only if a bar was issued with a small bar licence which limited a small bar to, say, 105 patrons in that area. If the small bar then wished to grow beyond that size, it would have to go through the application process again. If the limit was 105 and the bar wished to grow to 150 patrons, it would need to apply for a large bar licence. I do not necessarily buy those two sides of the argument. However, I recognise the Government's argument that the larger the bar, potentially the greater the harm. There is some sense in that. There is a trade-off in terms of providing viability for small bars; we can accept a slightly larger bar in order to get viability for a small bar. I remain concerned that a limit of 60 patrons might be too small for some parts of the State and the limit of 120 patrons might be too large for other parts of the State.

I do not accept the one-size-fits-all provisions in the legislation. The Australian Hotels Association is on record as being hostile to small bars. No doubt the association will be pleased with the threshold of 60 patrons because that will limit the competition from larger bars and larger alcohol outlets. It is a shame that we are not taking this opportunity to provide the flexibility to allow small bars to thrive by making them economically feasible by increasing the limit. I commend the amendments to the Committee.

Reverend the Hon. FRED NILE [5.36 p.m.]: The Christian Democratic Party does not support The Greens amendments. We would need another bill to increase the limit to 120. This is a "small bar" bill, not a "large bar" bill. Dr John Kaye has been using the terminology "large bar". There is no such thing as a "large bar"; the bill relates to a "small bar" and that is why we support it.

Question—That The Greens amendments Nos 1 and 2 [C2013-007] be agreed to—put and resolved in the negative.

The Greens amendments Nos 1 and 2 [C2013-007] negatived.

The Hon. PAUL GREEN [5.37 p.m.]: I move Christian Democratic Party amendment No. 1 on sheet C2013-017:

No. 1 Page 5, schedule 1 [10], line 28. After "relates" insert "and the local council does not, before the application is granted, request that it be accompanied by a community impact statement".

I appreciate the Minister's reply to and the staff's submission on the concerns I raised earlier. Although the Minister has given that response, I am still keen to strengthen the legislation by putting this in law, not in the planning guidelines. Having sat on local government for eight years in a high tourist area, I know that a culture of alcohol and alcoholism is not beneficial for the community. With that in mind, it is only fair that the local

community, particularly stakeholders, has input when applications are made. Earlier I said that the police must deal with domestic violence. Indeed, many New South Wales government health agencies must deal with the by-products of alcoholism.

There are many stakeholders who should have input. We do not know the extent of the types of stakeholders across the State. I do not think anyone has mentioned the shop next door. Some businesses may find a small bar next door does not complement their business or they may have issues with a neighbouring café wanting to convert to a small bar. All the stakeholders must be heard. I am not referring to a statement about the establishment of a small bar venue; I am referring to constructive input as to why a small bar venue should or should not exist. The local council must be able to request an impact statement to address any concerns. I encourage the Government to put this requirement in the bill rather than in planning law.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [5.40 p.m.]: The Government does not support the amendment proposed by the Hon. Paul Green. Let me clarify any misunderstanding that may exist, unjustifiably, that the Government's bill is somehow reducing the opportunity for input from the community and regulators into the small bar approval process. The Government is committed to the principle that all interested parties must have an opportunity to be consulted and provide input in the application process. The bill ensures that community consultation and input from the police and the Director General of New South Wales Trade and Investment through the Office of Liquor, Gaming and Racing are provided in every application for a small bar.

Three scenarios apply to small bar approvals. These three scenarios ensure input from the community and regulators into the decision-making process which underpins the granting of a small bar authorisation. That input is provided, firstly, through the local council development process and, secondly, to the Independent Liquor and Gaming Authority in determining the liquor licence application. The changed community impact statement processes in this bill do not dilute any existing arrangements. Rather, the bill preserves community and regulator input and streamlines processes by placing an onus on the applicant to notify regulators and the community in a timely manner.

For new applications, a prospective small bar operator who needs to obtain development approval from the local council must, as part of the development application process, notify the police and the Director General of New South Wales Trade and Investment within two working days of lodgement of the application. This will ensure that the community impact of the small bar is considered by regulators and the community, and that submissions from the police and the director general are considered by the council in determining the development application for a small bar.

The Government will strengthen the community and regulator submission process through new planning guidelines that have legal force and will specifically target this issue. These guidelines are currently under development and that process will be informed by a robust consultation process. The Government welcomes input into this process. The outcome underpinning the honourable member's amendment will be an important principle that guides the development of those guidelines. If a development application is approved by council, a licence application is then submitted to the Independent Liquor and Gaming Authority for determination. The authority can, if necessary, seek submissions and further consider community impact.

The second scenario by which a small bar seeks authorisation arises if a small bar applicant fails to notify the police and the director general within two working days of lodgement of its development application, or if development approval is not required because it already exists or the proposal is a complying development. In this scenario a community impact statement must be prepared. A community impact statement requires notification to police, the local council and local residents to ensure that the views of the community are considered in the licence application process. The statement is submitted to the Independent Liquor and Gaming Authority along with the liquor licence application for determination. In this scenario, the licence application must also be advertised and the authority can, if necessary, seek submissions and further consider community impact.

The third scenario arises if an existing general bar licence operator wishes to convert their licence into a small bar. In this circumstance, the operator needs to apply to the Independent Liquor and Gaming Authority for the licence conversion. Notification will have previously occurred when the general bar licence was originally approved and, therefore, further notification is not required as an existing general bar liquor licence is merely being converted into a small bar licence. In this scenario, the licence approval process that was previously applied included a community impact assessment. On that basis, community consultation has already occurred.

In summary, the proposed amendment is opposed because the bill already ensures that community consultation and input from the police and the Director General of New South Wales Trade and Investment through the Office of Liquor, Gaming and Racing are provided in every application for a small bar. Further, new specific and legally binding guidelines are being developed to enhance the community and regulator submission process. Accordingly, the Government is committed to ensuring community consultation and regulator input for the small bars application process.

The Hon. JAN BARHAM [5.45 p.m.]: I support the Christian Democratic Party Amendment No. 1 because it clarifies the opportunities for and responsibility of local communities to comment on the establishment of a new bar in their area. I am confused because the Leader of the House raised some issues when speaking about the three scenarios that apply to small bar approvals. He made an interesting comment in relation to complying development that the licence application is advertised. That is not always the case. I would be interested to see whether the planning guidelines are changed to ensure that such advertising does occur, particularly when it relates to venues selling liquor. As I said, advertising of licence applications does not usually occur with complying developments. Generally, adjoining neighbours are notified, but in a commercial area the adjoining neighbour may be another bar.

I do not understand why an owner would move from a big bar to a little bar. I am concerned, and I have sought to raise this issue, that an applicant who obtained an on-premises licence under the 2007 changes, which did not require a community impact statement, may now be able to transfer that on-premises licence to a bar licence. Members have talked about the groovy small bars where we can listen to live music and poetry readings and see other wonderful creative things happen. People who want to drink alcohol will go to a place that sells liquor. Small bars will not necessarily be cultural and creative places but rather a place to drink, particularly in areas where they are concentrated. The New South Wales Bureau of Crime Statistics and Research has written about the relationship between alcohol outlet density and assaults on and around licensed premises. The bureau's January 2011 contemporary issues bulletin No. 147 states:

The relationship between alcohol outlet density and alcohol related violence is of critical importance to policy makers and regulators. Without good information on the relationship, it is difficult to make decisions about whether to grant new liquor licences, whether to impose restrictions on existing licences and what sorts of restrictions might be required.

I refer to the 2010 report on the Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, chapter 12, Regulating and Modifying Drinking Environments. Table 12.4 on page 241 refers to the key issues: the physical aspects of the drinking environment and their influence on aggression. These are the issues that communities want to be able to comment on. If community impact statements or development applications are not required because of prior approvals it means those communities will not have a say. I point out also that just because a community has a say does not mean the outcome will be resolved in its favour.

That has happened in the past and created a problem in the town where I live. Many a time the community has made complaints or lodged submissions that opposed applications that were put forward, but what happened? The applications were still approved. It is not until there is a death or a 20 per cent increase in violent crime that someone starts to realise there is a problem. Communities know about the problems because they are the ones that live near commercial areas or their town is characterised as a party town or having a drinking culture. Residents live day and night with the impact of those entertainment areas. People wander past residents' houses at three o'clock in the morning. The residents are the ones who should have the right to comment on any applications that are made.

I repeat that problems are created when legislation applies statewide. Everyone has referred to the city and Kings Cross but this bill will apply in regional areas. I am concerned it will have negative effects. The amendment is sensible because it broadens the opportunities for small communities to have a say about the safety, wellbeing and character of their area. That has not happened in the past five years and now we are living with the problems it has created. If this legislation increases that problem in small communities, the Government will hear my colleagues and me complain again and again about the impact the alcohol industry is having on this State and particularly on young people. It is something we have to address.

The Hon. STEVE WHAN [5.51 p.m.]: The Opposition will not be supporting this amendment. As I said in my speech in the second reading debate, we believe that setting up small bars with a limit of 60 patrons and not requiring a community impact statement is reasonable because of the cost involved in preparing those impact statements. The Opposition accepts the position put by the Government that the cost factor of a community impact statement would prevent the establishment of small bars, given the fairly narrow margins that most of them are likely to have and the costs of setting up. The point made by the Minister about the ability

of communities to have a say during the development application process and the scrutiny of the Office of Liquor, Racing and Gaming before a licence is issued seems reasonable. This is the first time this type of licence has been offered and we will see how it goes with the limit of 60 patrons. As I said in the second reading debate, we would be concerned if the number was increased to 90 in future without our being able to consider whether community impact statements were necessary at that time. On that basis we oppose the amendment.

Dr JOHN KAYE [5.53 p.m.]: I will be brief. It is clear the intent of this amendment is to require a community impact statement if so requested by the local government authority. This is one of those cases where I can see arguments both ways. I understand where the Hon. Paul Green is coming from and I think his intentions are good. He is trying to make sure there is broad spectrum consultation and there is no sneak attack by a small bar. I totally understand that. On the other hand, I can also understand where the Government and the Opposition are coming from—

Mr David Shoebridge: A balanced approach, John.

Dr JOHN KAYE: Mr David Shoebridge knows me well enough to know that I am always balanced. I can understand where the Government is coming from because it is saying—and I find this argument quite persuasive—this amendment would throw up an additional barrier to a small bar. Community impact statements can cost a lot of money and can impose a regulatory burden on a proprietor of a proposed small bar that could knock them out of business. We would then lose the transformative benefits of having a small bar. I understand the arguments put forward by my colleague the Hon. Jan Barham and there is a lot of sense in what she and the Hon. Paul Green are saying. On balance I am persuaded by what the Government and the Opposition say with respect to this creating an unnecessary barrier and duplicating a situation. Where a community impact statement has not already been produced as part of the development application process such a statement will be required. What the bill is attempting to do is reduce the duplication burden on a small bar and I think there is sense in that.

The Hon. PAUL GREEN [5.55 p.m.]: I appreciate all members' input on this amendment. We are of the same mind. We are always in here fighting for small business and the last thing we want to do is force small business to have to fork out another \$5,000 or \$10,000. But on an issue like this we think it is worth strengthening the bill and putting in law that these sorts of investigations may be needed. The last thing we want to do is cripple small businesses or make them do another study. On some occasions when it affects the whole community and the amenity of that community it is worth the investment. It will not be necessary on every occasion but it certainly should occur in those instances where the council or stakeholders are of the view that it will hurt their economic or social outcomes as well.

Question—That Christian Democratic Party amendment No. 1 [C2013-017] be agreed to—put and resolved in the negative.

Christian Democratic Party amendment No. 1 [C2013-017] negatived.

The Hon. PAUL GREEN [5.56 p.m.]: I move Christian Democratic Party amendment No. 2 on sheet C2013-017:

No. 2 Page 5, schedule 1 [10], line 34. After "application" insert "and the local police have been given an opportunity to make a submission in relation to the small bar application".

The Committee will be aware that what I am seeking to do in this amendment is to strengthen the bill. The local police are to be informed within two days of an application being lodged. I want to support the police. They put in a great submission in relation to an application by Dan Murphy's in the Shoalhaven and all the social outcomes arising from that situation. I have never seen a better submission than that relating to Dan Murphy's application for an outlet in the Shoalhaven. People may want to go to one of these small bars and have dinner and a wine or beer but the downside to this is that those who do the wrong thing and get intoxicated cause a ripple effect. What we may not be aware of or do not take into consideration is that the police have collected data and input and they are aware of hot spots in central business districts across New South Wales. They know where the trouble spots are and they know where they need to place their resources. This bill is like throwing a stone in the water; it will have an impact, let there be no doubt about that. It is not that everyone will get drunk, but creating small bars will have an impact and police resources in rural and regional New South Wales are very strained.

This amendment seeks to ensure that we get the best information we can from the police about whether the small bar applications are in a central business district that has problems we are not aware of. The police

may have better information through intelligence gathering. The police must be made aware that not only has an application been lodged for such a development but that they are able to put in a submission to endorse or oppose the opening of such an establishment, based on their intelligence and data and policing resources. Once again, the Minister talked about it being applied in the planning guidelines. Having been in local government, I have learned about planning guidelines, and they are not as strong as having them put in the bill. It carries a little bit of weight in the planning guidelines, but in a court of law it will carry more weight if it is in the bill. That is why we have moved this amendment.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [5.59 p.m.]: I appreciate the views and passionate contribution the Hon. Paul Green has made to the debate. However, having regard to the contribution that I made in relation to Christian Democratic Party amendment No. 1, the Government will not support this amendment.

The Hon. STEVE WHAN [6.00 p.m.]: The Opposition will not support this amendment, nor does it support the sentiments expressed by the Hon. Paul Green in moving this amendment. I understand his concerns. During the briefings that we had from the Government I was satisfied that local police will have a say in this process.

Mr DAVID SHOEBRIDGE [6.00 p.m.]: The police are always entitled to make a submission on a development application. They will be given notice under this bill. They can always make a submission on any planning proposal in a local council. It is for those reasons, not because we disagree with the intent, that The Greens will not be supporting the amendment.

Question—That the Christian Democratic Party amendment No. 2 [C2013-017] be agreed to—put and resolved in the negative.

Christian Democratic Party amendment No. 2 [C2013-017] negatived.

Schedule 1 agreed to.

Schedule 2 agreed to.

Title agreed to.

Bill reported from Committee without amendment.

Adoption of Report

Motion by the Hon. Michael Gallacher agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. Michael Gallacher agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Assembly without amendment.

DEPARTMENT OF PRIMARY INDUSTRIES FORMER EMPLOYEE PAUL PARKER

Production of Documents: Return to Order

The Clerk tabled, pursuant to resolution of the House of 27 February 2013, documents relating to a former New South Wales Department of Primary Industries employee, received on 13 March 2013 from the Director General of the Department of Premier and Cabinet, together with an indexed list of documents.

LOCAL COURT AMENDMENT (COMPANY TITLE HOME UNIT DISPUTES) BILL 2013**Second Reading**

The Hon. DAVID CLARKE (Parliamentary Secretary) [6.04 p.m.], on behalf of the Hon. Michael Gallacher: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Local Court Amendment (Company Title Home Unit Disputes) Bill 2013. This bill will make it clear that disputes relating to company title home units can be heard in the Local Court and will enable faster, simpler and a more cost-effective resolution of such disputes. Company title is a system of communal land ownership where a person becomes entitled to live in a unit in a residential home unit building by acquiring shares in a company that owns the building.

Before the introduction of strata titles legislation in New South Wales in 1961, company title was the most common way of accommodating the subdivision of multi-storey residential buildings. The Law Reform Commission estimated that there are approximately 840 company titled buildings in New South Wales. Company titled home unit disputes can exist between shareholder-owners and the company itself and residents. There could be a dispute between a shareholder owner and the board of directors of the company over the legality of a levy. There could be a dispute between a shareholder and resident over noise. The right to commence court action may arise from the company's constitution, or the Corporations Act 2001, or from the general law.

The Hon. Adam Searle: You can incorporate it.

The Hon. DAVID CLARKE: I acknowledge the interjection. Currently the forum for the resolution of such disputes is usually a court of general jurisdiction, which means the Supreme Court and, in particular, the Equity Division of that court. In April 2007 the New South Wales Law Reform Commission released Report 115 entitled, "Disputes in Company Title Home Units". The commission found that the cost of taking company title home unit disputes to the Supreme Court is prohibitive and effectively disempowers residents in company title home units from holding the board of directors accountable. This bill will address this concern, giving both the General Division and the Small Claims Division of the Local Court the ability to make a range of orders in determining company title home unit disputes.

Company title home unit disputes are disputes between shareholder-owners, the corporation or residents. There can be disputes about common property, such as disputes about parking and vehicle access, or the repair and maintenance of common property. These can be disputes about the units in a company title building, the residential premises, such as disputes about the keeping of pets, or the external appearance of premises. They can be disputes about administrative matters, such as levies. The bill does not create new substantive legal rights. Whether a person can institute proceedings and the merits of the dispute will still be identified by reference to the constitution of the company and by the relevant principles of company law. The bill does not alter the legal rights between parties, but it does ensure that where there are existing legal rights people will be able to enforce them quickly and cheaply in the Local Court, rather than being forced to go to the expense of commencing Supreme Court proceedings.

The bill gives both the Small Claims Division and the General Division of the Local Court the ability to determine a range of company title home unit disputes regardless of how the right to commence court action arises. The Small Claims Division, in particular, deals with matters in a just, quick and cheap manner and with as little formality as possible. Hearings are held before a magistrate or assessor. Parties may appear with a legal representative. However, the informal procedures of the Small Claims Division make it easier for self-represented litigants to conduct their case. This is a good thing. Parties are encouraged to resolve disputes between direct negotiations and mediation. Parties are also encouraged to contact community justice centres to assist with mediation. Community justice centres provide a free mediation service, using impartial and trained mediators throughout New South Wales.

The Law Reform Commission recommended giving the Consumer, Trader and Tenancy Tribunal [CTTT] jurisdiction to hear company title home unit disputes. However, a tribunal may not be invested with the power to determine disputes in relation to company title home units where those disputes arise under a law of the Commonwealth Corporations Act 2001. While the Local Court is not a tribunal, it will be able to determine

disputes quickly and cheaply. The bill gives both divisions of the Local Court the ability to make appropriate orders about company title home unit disputes, such as an order requiring a person to do something, or to refrain from doing something, or a declaration.

The Small Claims Division will be able to determine company title home unit disputes for monetary claims up to \$10,000. This is the same limit as it has for other disputes. The General Division of the Local Court will be able to determine company title home unit disputes for monetary claims up to \$100,000. The Local Court Act permits proceedings in the Small Claims Division of the Local Court to be transferred to the court's general division if the court is of the opinion that the matters in dispute are so complex or difficult or are of such importance that the proceedings ought more properly to be heard in the court's General Division.

The Law Reform Commission stated that the rationale for vesting the new jurisdiction does not necessarily extend to all company title home unit disputes. It found that the new jurisdiction should not extend to disputes where it is more appropriate that they be dealt with in another forum or where this would defeat the reasonable expectations of shareholder-owners or residents. It recommended that jurisdiction not extend to disputes which relate to the sale or transfer of shares in the company, in which relief is claimed against oppression under part 2F.1 of the Commonwealth Corporations Act 2001, which relate to the forfeiture of shares in the company, or which relate to the winding up of the company. The bill excludes these types of disputes. It also excludes other matters that the Commonwealth Corporations Act 2001 reserves for superior courts such as the Supreme Court.

The bill does not, however, adopt the recommendation of the Law Reform Commission to exclude disputes relating to the lease of a shareholder's unit. The commission noted that this was a major area of dispute, but that restrictions on leasing go to the heart of company title. It stated it was unpersuaded that it was justified to give the review of leasing decisions to the Consumer, Trader and Tenancy Tribunal. This is on the basis that professional persons buying into company title home units can be assumed to know about or to be advised on restrictions relating to leasing and that the Consumer, Trader and Tenancy Tribunal has no experience in dealing with such disputes because restrictions cannot be placed on the ability of strata unit holders to lease their lots. However, the fact that people buying into company title home units should be aware of leasing restrictions does not mean that a cheap, quick and accessible means of resolving such disputes should not be available to them. Further, the Small Claims Division of the Local Court deals with a broad range of disputes and is well placed to determine disputes in relation to the leasing of company title home units.

The bill also adopts recommendations of the Law Reform Commission that the constitution of a company title home unit building should not be able to exclude the new jurisdiction and that the legislation should state that, to the extent necessary, its provisions are corporations legislation displacement provisions. The commission also recommended that company title home unit disputes be referred to mediation unless the registrar is of the view that mediation is unnecessary or inappropriate. The Local Court Act 2007 already requires the Local Court to use its best endeavours to have the parties settle and permits the court to refer a matter to mediation.

This bill allows disputes over the use and occupancy of company title home unit buildings to be resolved in an accessible forum. It adopts recommendations of the Law Reform Commission that were designed to ensure that legislative reforms did not destroy the unique character of company title home units, and hence what may be their appeal to residents and potential residents. The reforms do not equate company title with other forms of home unit title such as strata title. However, they do provide a suitable forum for resolving company title home unit disputes and effectively empower shareholder owners and residents to enforce their legal rights and to ensure that the legislation and the rules are complied with.

This is a good bill; it is great bill. In fact, it is an outstanding bill. To those whom it affects, it makes the law more accessible and more easily understood. It also makes the law less expensive and less complicated. We cannot get much better than that. It will be welcomed by the thousands of people in our State who own or live in company title property. It is another great bill introduced by the O'Farrell Government of New South Wales—a Liberal-Nationals Coalition Government and a government which promised to serve and which is serving the people of New South Wales and which will be serving the people of New South Wales for a long time. I congratulate one of the greatest Attorneys General that New South Wales has ever had—the Hon. Greg Smith—on his reform in this area. I commend the bill to the House.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [6.15 p.m.]: I lead for the Opposition in debate on the Local Court Amendment (Company Title Home Unit Disputes) Bill 2013. The Opposition does

not oppose the bill. The object of the bill is to confer jurisdiction on the Local Court to hear and determine proceedings involving certain company title home unit disputes. "Company title" is a situation where a person becomes entitled to live in a home unit building by owning shares in a company that, in turn, owns the building. I am sure members opposite are fascinated to hear that.

The Hon. Trevor Khan: I am actually.

The Hon. ADAM SEARLE: I acknowledge that interjection. Strata title effectively superseded this type of ownership structure in 1961 but those then existing company titles continued. In 2007 the New South Wales Law Reform Commission, in report 115—which we have heard so much about—estimated that there were about 820 company title buildings in the State, as opposed to nearly 64,000 strata schemes.

At present, disputes between residents, corporations, shareholders and other parties in relation to this type of title are heard in the Supreme Court—most often in the Equity Division. In May 2006 then Attorney General, the Hon. Bob Debus, asked the New South Wales Law Reform Commission to investigate the limited dispute resolution options available to residents of company title home units. The result of that request was the 2007 report, which we understand to be the source of inspiration for this earth-shattering legislation. The impetus for the referral came from judicial comments about the lack of accessible fora for such disputes—I think those comments came from Justice Dennis Cowdroy, then of the Land and Environment Court and now an esteemed judge of the Federal Court. The current option is only the Supreme Court and costs in that jurisdiction render such proceedings prohibitive, especially for elderly residents on fixed incomes.

The Law Reform Commission noted that the companies involved are small private companies and minority shareholders could easily be prone to the oppressive conduct of the majority. There may also be what others would regard as "trivial" disputes, which in strata unit instances may be dealt with in the Consumer, Trader and Tenancy Tribunal, but which in company title instances must be dealt with in the Supreme Court. The expense of Supreme Court proceedings and the complexity of the law surrounding "oppression" mean, in the words of the Law Reform Commission:

It would seem that residents in company title home units are often disempowered without any effective means of holding the board of directors accountable for their decisions or actions.

The bill flows largely from the Law Reform Commission report, although it is not entirely consistent with it. The Law Reform Commission recommended transfer of jurisdiction to the Consumer, Trader and Tenancy Tribunal, which will soon be incorporated into the NSW Civil and Administrative Tribunal. The bill proposes transferring jurisdictions to the Local Court. This will mean that the forum for such disputes is split between the Consumer, Trader and Tenancy Tribunal for strata unit disputes and the Local Court for company title. The Government said it adopted this bifurcated approach because it was not clear that a tribunal could be vested with a power to determine disputes arising under a Commonwealth law. That is an interesting conundrum that I urge the Government to address because it may arise in other situations.

I have not been privy to the decision-making process behind the provisions in the bill and the fact that the Law Reform Commission recommendations predated a High Court decision called *Kirk* may have concentrated people's minds on that point, although I am not entirely sure about that. Consistent with the Law Reform Commission recommendation, a number of more serious disputes are still reserved for the Supreme Court, although not—despite the Law Reform Commission recommendation—disputes relating to the lease of a unit. The bill, in accordance with the Law Reform Commission recommendation, prevents the exclusion of the court's jurisdiction by the constitution of a company title building.

The bill does not adopt the Law Reform Commission's recommendation that all disputes be referred to mediation unless the registrar decides otherwise. This is said to be because the Local Court does not have the same type of infrastructure as the Consumer, Trader and Tenancy Tribunal. However, it could certainly make that recommendation. It may be that this provision reflects the Government's reluctance, which I mentioned earlier, in connection with another bill to embrace alternative dispute resolution—a course adopted by the Government in relation to retail leases, which will soon be debated in this Parliament.

On this side of the House we think it is unfortunate that more emphasis was not put upon alternative dispute resolution. Certainly it used to be the case that governments of all persuasions urged parties to undertake alternative dispute resolutions so that matters could be resolved without litigation. It provided those mechanisms. This will be a theme to which we will be returning in further legislation from this Government. The Law Reform Commission appropriately attached great significance to the role of mediation in disputes relating to communal

living arrangements. We think this is something the Government should think further about not just in relation to this bill but also in relation to other matters. Mediation, conciliation or however it is termed has had great success in assisting parties to resolve matters in dispute without expensive litigation. It is a shame this opportunity has been missed in this bill. Despite those misgivings, the Opposition does not oppose the bill.

Mr DAVID SHOEBRIDGE [6.21 p.m.]: On behalf of The Greens I support the Local Court Amendment (Company Title Home Unit Disputes) Bill 2013, which does a very simple thing: it gives the Local Court jurisdiction to hear disputes in relation to company title matters. These are disputes between ordinary residents, who have normally ordinary means. As a general rule they do not want to have their dispute heard in the Supreme Court if they can have it heard in the Local Court, which is cheaper and, as a general rule—although not always—quicker. For that reason, The Greens support the bill.

The Hon. DAVID CLARKE (Parliamentary Secretary) [6.22 p.m.], in reply: I thank the Deputy Leader of the Opposition and Mr David Shoebridge for their contributions to this debate. To sum up, this bill provides residents and boards of company title home units with an accessible forum for resolving disputes. The Supreme Court is not an appropriate forum for resolving disputes about leaking windows, the keeping of pets or parking. The bill gives the General Division and the Small Claims Division of the Local Court the power to hear company title home unit disputes. The Local Court is a much more appropriate forum, and will be able to resolve disputes more quickly, more cheaply and with less formality.

The NSW Law Reform Commission identified the need for a forum to resolve company title home unit disputes, other than the Supreme Court. The commission also recognised that the intensely personal nature of such disputes means their effective resolution is a matter of extreme importance to such residents. This bill makes the Local Court that alternative forum. It gives the Local Court the power to hear such disputes and to make appropriate orders, such as an order requiring a person to do something, or an order declaring rights or the meaning of a term. It empowers residents in company title home units, and enables them to hold the board of directors accountable for their decisions or actions. This bill improves access to justice for residents and owners and boards of company title home units. I heartily commend this bill to the House.

Question—That this bill be now read a second time—put and resolved in the affirmative.

Motion agreed to.

Bill read a second time.

Leave granted to proceed to the third reading of the bill forthwith.

Third Reading

Motion by the Hon. David Clarke, on behalf of the Hon. Michael Gallacher, agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Assembly without amendment.

POWERS OF ATTORNEY AMENDMENT BILL 2013

In Committee

Clauses 1 and 2 agreed to.

Mr DAVID SHOEBRIDGE [6.27 p.m.]: After further consultation with the Law Society, The Greens will not move the amendment we have circulated on sheet C2013-014. I thank the Government for the opportunity to have those further consultations.

Schedule 1 agreed to.

Title agreed to.

Bill reported from Committee without amendment.

Adoption of Report

Motion by the Hon. Matthew Mason-Cox, on behalf of the Hon. Michael Gallacher, agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. Matthew Mason-Cox, on behalf of the Hon. Michael Gallacher, agreed to:

That this bill be now read a third time.

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

INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT (DISCIPLINARY PROCEEDINGS) BILL 2013

Second Reading

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [6.30 p.m.]: I move:

That this bill be now read a second time.

This bill is a further step in the series of measures that the Government is taking to improve confidence in public administration in New South Wales. I seek leave to have the remainder of the second reading speech incorporated in *Hansard*.

Leave granted.

The reforms in this bill—which stem from a previous request from the Independent Commission Against Corruption—will strengthen both the commission and the integrity of the public service, by facilitating the removal of public officials who have engaged in corrupt conduct.

This bill will amend the *Independent Commission Against Corruption Act 1988* to enable employers of public officials to take disciplinary proceedings against public officials on the basis of corruption findings made by the Independent Commission Against Corruption.

It will also make self-incriminating evidence given to the Independent Commission Against Corruption by any such public officials admissible for the purpose of those disciplinary proceedings.

As a result of these reforms, there will be no need for the employer to conduct a separate investigation into the conduct of the public official, if the public official is found by the Independent Commission Against Corruption, in its report to Parliament following an investigation, to have engaged in corrupt conduct.

The Independent Commission Against Corruption is an investigative body. The role of the Independent Commission Against Corruption is to investigate and expose corrupt conduct in the New South Wales public sector.

It is also tasked with actively preventing corruption through advice and assistance, and educating the New South Wales community and public sector about corruption and its effects.

Following a public inquiry, the Independent Commission Against Corruption publishes a report to Parliament of the investigation. The report will generally include, where applicable:

- recommendations for changes in systems and procedures to prevent future corrupt conduct;
- findings of corrupt conduct against the people investigated;
- recommendations that consideration be given to the taking of disciplinary or dismissal action; and
- recommendations that the advice of the Director of Public Prosecutions be sought on prosecution of the people investigated.

Parliament's Presiding Officers will generally make this report available to the public.

Once a report is handed down, the Independent Commission Against Corruption monitors the implementation of any corruption prevention recommendations. The Independent Commission Against Corruption will also assist the Director of Public Prosecutions in preparing for any prosecutions.

Because the Independent Commission Against Corruption conducts the investigation, it is part of our legal system that it should not also be responsible for deciding criminal and civil liability. That is a matter for the courts, not the investigators. The evidence is laid before a court before any criminal or civil liability is imposed for the conduct exposed by the Independent Commission Against Corruption.

For public officials found by the Independent Commission Against Corruption to have engaged in corrupt conduct, currently the next step is that the employer conducts a separate investigation of its own to ascertain whether, on the balance of probabilities, there has been misconduct.

It is the Government's view that this is a duplication of the effort of the Independent Commission Against Corruption and a waste of resources. There is no need for two investigations into misconduct.

The amendments to the Independent Commission Against Corruption Act in this bill will allow the employer of a public official to rely on the Independent Commission Against Corruption's investigation and not have to start again from scratch. The employer will be able to choose from the range of disciplinary and remedial actions currently available to them to decide the appropriate response to the public official's wrongdoing.

The concept of employer is expanded in the bill to include, for example, the department that engages a consultant under a contract.

The amendments will require the employer to give the public official an opportunity to make a submission in relation to any proposed action, before the disciplinary or remedial action is taken.

Importantly, the evidence gathered by the Independent Commission Against Corruption, including, for example, an admission of guilt that may have been made under compulsion before the Independent Commission Against Corruption, will be able to be relied on by the employer in making his or her decision.

The use of this evidence in the disciplinary proceedings will not make the evidence admissible in any other proceedings.

There will be no change to the protections currently given to witnesses before the Independent Commission Against Corruption that prevent any self-incriminating evidence they have given under compulsion being used in criminal or civil proceedings.

These amendments will not apply to evidence given by a public official or a finding of corrupt conduct made by the Independent Commission Against Corruption before the commencement of the amendments.

The Government is committed to improving accountability and ethical standards in public administration.

The reforms contained in the bill will strengthen and support the Independent Commission Against Corruption and the integrity of the public service.

I commend the bill to the House.

Debate adjourned on motion by the Hon. Lynda Voltz and set down as an order of the day for a later hour.

ADJOURNMENT

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [6.31 p.m.]:

That this House do now adjourn.

WHEELCHAIRS FOR KIDS

YOUTH OFF THE STREETS

The Hon. SHAOQUETT MOSELMANE [6.31 p.m.]: Humanitarian work and volunteering has become the hallmark of being an Australian. Hundreds, if not thousands, of Australians do whatever it takes to help not only their fellow citizens but also their brothers and sisters across the globe. I am proud to be part of this global humanitarianism crossing all boundaries of race and religion. Serving those in need is the ultimate test of humanity, and having met so many selfless people over the years has inspired me to become even more involved. I am proud to have initiated a number of fundraisers in recent years and to have raised money for the Victorian bushfire appeal, Queensland flood appeal, China earthquake appeal, Japan tsunami appeal, East African famine appeal and the Wheelchair for Kids appeal, and I recently commenced work on the China initiative of Youth Off The Streets. Of all the fundraising work I have been involved in, none has touched me more or given me greater joy than being involved in the inspirational organisations of Youth Off The Streets and Wheelchairs for Kids, convened by Father Chris Riley and Gerry Georgatos.

Wheelchairs for Kids is a Rotary supported not-for-profit volunteer group of retirees who manufacture wheelchairs and then donate them throughout the world to poor and disabled children, particularly those in

developing countries. Some 25,000 wheelchairs have been manufactured and donated to 61 countries during the 14 years of Wheelchairs for Kids. Last December I held my first fundraiser for Wheelchairs for Kids, in conjunction with the Lebanese Community Council of New South Wales. At that function 40 guests raised \$30,000. I thank the following people for their generosity: Bill Elcheikh, Michael Jarjoura, OAM, Walid Awada, Hassan Harb, Adnan Murad, Mahmoud Mouhana, my brother, Mohamed Mouslimani, and Zack Rifai. A container of 330 wheelchairs has been sent to Iraq and another is on its way to Lebanon. These will be followed by another container of 340 wheelchairs to Gaza and another to Pakistan. By the end of the year I hope to send two more containers to Iraq and Lebanon. Overall, I hope to raise enough money to send eight wheelchair containers.

This Sunday at Guildford Moustapha Hamid's Bhanin El-Minieh Association and I will hold a family fundraising Harmony Day festival. Another is being planned for Pakistan with his Excellency Azam Mohamed, Consul General of Pakistan, with the support of the Australian Pakistani community. My newest project is establishing a relationship of cooperation between Father Riley's Youth Off The Streets and a community correction centre in Xuhui District, Shanghai, China. Over the past five months I have made a couple of visits to China seeking to establish the Australian Guangxi Chamber of Commerce and the Australian Chengdu Chamber of Commerce. I will report on the great progress that has been made on those two initiatives on another occasion.

On my first visit I raised the issue of the potential for Youth Off The Streets to help the youth of China with Mr Lin Guan Liang, Deputy Director of the Inspection Division, Communist Party, Shanghai Branch. Director Lin had shown extensive interest in the welfare of young people. Proudly, thanks to Director Lin, on my second visit I represented Father Riley's Youth Off The Streets. Father Riley's organisation works with young homeless people who are drug dependent and recovering from abuse. Following my visit, our Chinese counterpart organisation has written to me expressing interest in sending a delegation of youth workers to learn from Father Riley's organisation. I am thankful to Father Riley and Youth Off The Streets Ambassador, Mr Tony Stewart, a former member of this Parliament, for the confidence they have bestowed upon me in giving me the opportunity to represent Youth Off The Streets and establish what may become a significant opportunity to serve the interests of young people in Australia and China. In my inaugural speech in March 2010 I said:

One of my motivations for entering public life is to help those in need. Today our youth need our help and deserve a fair go. Some of our young are disillusioned and feel neglected and have low self-esteem. It is incumbent upon us to do more for our youth and to devote more government resources to meet their needs. We must help keep our young engaged in body and in mind. It is in this vein that I make a special mention of one of Australia's cherished youth leaders, Father Chris Riley. His Youth Off the Streets foundation is nothing short of exceptional. He has my deepest respect because of his hands-on approach to helping our young people to achieve their best. Let us invest in our youth by extending a helping hand to them to get ahead.

CIVIL LIBERTIES

Mr DAVID SHOEBRIDGE [6.35 p.m.]: Before the 2011 State election Greg Smith, our current Attorney General, said he would do away with the traditional "law and order" auction. What he did not say was that he wanted a human rights fire sale in its place. Since March 2011 our civil liberties in New South Wales have been under constant assault, from consorting laws to reviving drunk and disorderly penalties, punitive graffiti laws, finger and palm printing tattooed parlour owners, even extending the sniffer dog program and introducing mandatory detention. For the Government's second anniversary, the Attorney General has reserved two of the worst—scrapping the right to silence and introducing bills about future crime. By the end of this session of Parliament two of the oldest principles of the criminal justice system—the right of an accused person to remain silent under questioning by police and that people can only be jailed for crimes they have committed—may well be on the scrapheap.

In championing the removal of the right to silence the Attorney General has forgotten that his job is to balance the interests of police against the broader values in our criminal justice system. Police say they want to get rid of the right to silence to "break the wall of silence" used by bikie gangs but the impact of the Government's changes go well beyond that. The right to silence is not simply a right that criminals choose to exercise to avoid being found guilty; it is a right that all free people should have when faced by intrusive questioning from police and other prosecutorial officials. This came about more than 400 years ago when individuals and society began to balk at the practice of star chambers and ecclesiastical tribunals that regularly resorted to torture and physical punishment of forced confessions from descendants.

The introduction of "future crime" comes in the form of legislation that enables the Attorney General to apply for continuing detention orders for people whom he thinks are at possible risk of committing further

violent offences. These are people who, having been convicted of a serious criminal offence and having served the maximum jail term, will now be kept behind bars if a court thinks they present a serious risk of committing more crimes in the future. But the Attorney General himself made it clear under questioning during budget estimates in 2012 that courts have no confidence in guessing what will happen in the future, and that the fact-finding skills of courts are limited to determining what happened in the past and not guessing what a person might do in the future.

When in opposition, Greg Smith labelled the then Keneally Government's plan to introduce almost identical legislation as a "cheap election stunt". He said it showed that the then Premier had "no experience in the criminal justice system at all and what she is doing will be resisted undoubtedly by the courts." The same Greg Smith is currently pressing ahead with a proposal that could see people being indefinitely imprisoned for crimes they have not yet committed, by his own definition offending basic principles and potentially criminalising people for crimes they might or might not commit in the future.

It sounds like something from a Hollywood blockbuster. Jailing people based on a psychological profile rather than criminal conduct is a slippery slope. With the passage of this law there will be little, if anything, to stop a later government from adopting the same risk management strategy to people who are of interest to police but who have not yet been convicted of a crime. So how have we come to lose so many rights so quickly? Unfortunately, the New South Wales Parliament has become little more than a rubber stamp for hard line law and order reforms pushed by successive governments, driven by the hard Right factions in the Labor and Liberal parties. Those parliamentarians who have human rights or civil liberties concerns largely go silent for fear of being howled down by shock jocks or brutalised by News Limited tabloid headlines. Within the structures of the Parliament, oversight of civil liberties and human rights is meant to be exercised by a group called the Legislation Review Committee. That committee's job is to consider the human rights impacts of proposed legislation.

Having had the misfortune of sitting on the Legislation Review Committee for about two years, I can comfortably say that the committee is a joke. Although we are supposed to review each sitting week up to a dozen pieces of legislation and a raft of regulations, the average meeting time for the committee is less than five minutes. Any proposal to discuss the human rights impacts of a piece of legislation is met with stone cold silence from the Government majority. It is easy for right-wing commentators, politicians and shock jocks to hold up violent offenders as case studies as they continue to push the thin end of the wedge under our liberties and rights. And who can argue with the proposition that someone who has committed a violent crime should then face consequences for it. These things are about balance. As Benjamin Franklin once said, "Those who would give up essential liberty to purchase a little temporary safety deserve neither." That is the nub of the problem in this place.

TRIBUTE TO FLORENCE VIOLET LLOYD, OBE

The Hon. SCOT MacDONALD [6.40 p.m.]: On 15 February I had the privilege of attending the Service of Thanksgiving for the life of the Hon. Florence Violet Lloyd, OBE. The service was held in St Andrew's Anglican Church, Walcha. Mrs Lloyd was known as Vi Lloyd. She was born in Sydney on 17 May 1920 and died on 11 February 2013 in Walcha. She had been a Liberal member of the New South Wales Legislative Council from April 1973 to August 1981. I had been expecting a small number of attendees, but in fact the church was nearly full. It was clear that Mrs Lloyd was deeply loved by the community of Walcha, her church and her family.

Although her service to this Chamber began 40 years ago, Vi Lloyd had been a community and political activist for many years prior to her parliamentary years. She had been Vice-President of the New South Wales Division of the Liberal Party from 1971 to 1974 and held many positions in the State and Federal organisations. It is, however, her contribution in this place that I found the most remarkable. The Hon. Vi Lloyd was the fourth female Liberal member of the New South Wales Legislative Council, and her record was one of relentless campaigning for the rights, services, conditions and opportunities for women in this State.

She championed antidiscrimination legislation to remove barriers in the workforce for women; maternity leave; child care to broaden career opportunities for mothers; and equitable treatment of women in death duty liabilities before it was abolished for all. Together with the Hon. Margaret Davis, Violet Lloyd was recognised as an initiator of the New South Wales Women's Advisory Council. One of the key achievements of the council was the recommendations it made to the State Government to reform court procedures in relation to evidence heard in rape cases. In her time in Parliament Violet Lloyd also took up the cause of greater support for

handicapped children, as they were called in those times. She identified gaps in funding and resources in this area in country New South Wales. She routinely travelled around the State, meeting parents and seeing firsthand the conditions that the less fortunate in our society endured.

I was intrigued to read that one of her pet subjects was alcohol abuse amongst women. She was mostly concerned about the harm to unborn children and family life. How prescient given our better knowledge of the medical consequences of gestational alcohol intake. How prescient given the rising challenge of female drunken behaviour. Florence Violet Lloyd finished her parliamentary career in 1981. She was awarded the Order of the British Empire in 1982 for services to women and the community. Later she moved to Walcha, which is one of my favourite towns in the Northern Tablelands after Guyra. I was not directly aware of her activities in Walcha, but a number of speakers at the service recounted her extensive and sustained community and church involvement. People such as Vi Lloyd make up the bonds of country life. Generally, these centres are not well serviced; there is a greater reliance on volunteers to help those in need and to ensure that our children enjoy the same opportunities as their city friends.

Florence Violet Lloyd, OBE, was not physically large but she was large where it counted: in public service, in removing discrimination where she saw it, helping the disadvantaged, championing country communities, loving her family and supporting the Anglican Church. Her thanksgiving service was a respectful, thankful ceremony by Reverend Keith McPherson. It was a worthy testimony to her life, and the love of her friends and family was demonstrable. I record my admiration of and thanks to Florence Violet Lloyd, OBE. Vale, Violet, a life honourably and well lived.

SHALLOW WATER BLACKOUT

The Hon. PAUL GREEN [6.44 p.m.]: Tonight I will speak on the dangerous scenario known as shallow water blackout, which results in a person drowning. A month ago in Cordeaux Heights a 12-year-old boy named Jack MacMillan drowned as a result of shallow water blackout while swimming underwater laps in his backyard swimming pool. This was a tragic situation that no parent should have to deal with, and I extend my sincere condolences to his mother and family. An article in the *Sydney Morning Herald* stated:

Twelve-year-old Jack, of Cordeaux Heights, had been swimming underwater laps before he died on January 29. He became so focused on his personal target he ignored his body's urge to breathe and lost consciousness. When he did take his next breath, his lungs filled with water, not air, and he quickly drowned.

Jack's aunt, Sharon Washbourne, is leading a campaign to raise awareness of the set of circumstances leading to his death, known as "shallow water blackout" or "hypoxic blackout". Mrs Washbourne is concerned that the threat is going unrecognised, partly because deaths are sometimes attributed to more general causes such as drowning. Mrs Washbourne is working with Royal Life Saving New South Wales and has written to Sports Minister Kate Lundy in the hope of making shallow water blackout as well known as "Slip, Slop, Slap".

"This is something that every child is doing—adults are doing it," Mrs Washbourne said.

many of us have probably done it—

"Jack nor any of us knew the consequences of holding your breath too many times repetitively.

"You literally have seconds to pull someone up before brain damage or death occurs."

His mother, Michelle MacMillan, said Jack was a capable swimmer who loved being in the water.

I shall briefly explain a little human physiology behind this dangerous condition, why it occurs and how it can be prevented. The primary urge to breathe is triggered by rising carbon dioxide levels in the bloodstream. When oxygen is metabolised or used up in the human body, carbon dioxide builds up in the bloodstream and it needs to be expelled as a waste product. Normally, the body detects carbon dioxide levels accurately and relies on this to control breathing and to trigger it. Hyperventilation interferes with this normal process by artificially depleting carbon dioxide in the blood. This causes a low blood carbon dioxide condition called hypocapnia.

Hypocapnia reduces the normal reflex to breath. This allows a delay of breathing and leaves the diver susceptible to loss of consciousness from hypoxia or low blood oxygen. Without oxygen, the brain cannot function normally and the result is quite simple. The person passes out and starts to breath. If this happens underwater, it is highly likely that the person will take water into his or her lungs and drown. For most healthy people, the first sign of low blood oxygen is a grey out or unconsciousness. There is no bodily sensation that warns a diver of an impending blackout, and that is the danger.

Victims drown quietly underwater without alerting anyone to the fact that there is a problem and typically they are found under the water. Victims are often fit, strong swimmers and have not experienced problems before. Shallow water blackout can be avoided if divers do the following: taking a moment on the edge of the water to relax and allow oxygen and carbon dioxide blood levels to reach equilibrium; breathing absolutely normally and allowing the body to dictate the rate of breathing to make sure that carbon dioxide levels are properly calibrated before going underwater; and if a person is excited or anxious about the dive he or she should take extra care to remain calm and breathe naturally. Adrenaline, which is released in response to being excited or anxious, can also cause hyperventilation without the diver knowing.

When the urge to breathe comes on near the end of the dive, divers should immediately seek access to air. Then there are other safety precautions to follow: never dive alone; dive in buddy pairs, one to observe and one to dive; and buddy pairs must both know current cardiopulmonary resuscitation [CPR] practice. Jack's family has set up a Facebook page called Shallow Water Blackout to build support for their campaign. I encourage members of both Houses to visit this page and further their awareness of this important issue.

PAUL KEATING PRIME MINISTERIAL ELECTION ANNIVERSARY

The Hon. SOPHIE COTSIS [6.49 p.m.]: Twenty years ago today was a turning point in my life when Paul Keating was, in his own right, elected Prime Minister of Australia. I was at Bankstown Sports Club that night when he made his victory speech. As the Prime Minister said that night, it was a victory of Australian values. All those who were there that night were true believers. I am proud to remain a true believer in what Paul Keating achieved for this country as Treasurer and then as Prime Minister. As Treasurer, and later as Prime Minister, Paul Keating played an important role in modernising the Australian economy. As Treasurer, he was the architect of the deregulation of the Australian economy, floated the Australian dollar and allowed foreign banks to operate in this country, removed direct government controls from interest rates, and was part of the Government that abolished the two-airline policy and achieved a general lowering of tariff levels.

As Prime Minister, his achievements included building strong links with Australia's Asia-Pacific neighbours, particularly Indonesia; being a driving force in establishing Asia-Pacific Economic Cooperation [APEC]; responding to the High Court decision in the Mabo case in 1992 and enacting the Native Title Act 1993 and the Land Fund Act 1994, which was the first national recognition of Indigenous population and title to land; compulsory superannuation for all Australians; the Commonwealth dental scheme; increased educational opportunities, ensuring the retention rate for those who studied to year 12 increased and encouraging young people, especially young women, to stay at school and complete a tertiary education; and child care became a reality, enabling women to participate in the workforce by encouraging stronger childcare policies.

Going back to 13 March 1993, I spent the day at a polling booth in Penshurst. I was excited because I knew from the ground that Paul Keating had a good chance of winning. By the end of the day I had made a decision not to attend the local election party but to take a chance and try to get into Bankstown Sports Club—I was so determined to be part of history—and I succeeded. In his victory speech, along with thanking his wife, he gave an extra special note of thanks to "the women of Australia who voted for us, believing in the policies of [that] Government." In thanking the Labor Party, he said:

And most particularly to those in the Labor Party who've never lost faith, never lost heart, and are there at the polling booths to work and to fight for good things. Thank you. The people who never give up but always keep on believing and are always there no matter how heavy the travails may be, to you I say thank you very much, very much indeed.

Tonight I say: Thank you, Paul Keating. Paul Keating is one of a kind. As Prime Minister he provoked strong reactions and, as we can see from Coalition members, he still provokes strong reactions. He always knew what he wanted to achieve for Australia. He had an amazing vision. He always had a big picture for Australia. When he became Treasurer, and then Prime Minister, he introduced changes that enabled Australia to meet the economic challenges of the last part of the twentieth century right up to the present and beyond. Paul Keating made us believe that as a country we could expand and he gave us a sense of hope. His legacy will endure in most areas of our lives.

His big picture also included the environment and the cities and towns in which we live. In more recent times that has included Barangaroo. His vision for that space—the last big open space to be developed in the central business district of Sydney—included a park at the northern end that is currently being developed. Tonight I call on the Government on this, the twentieth anniversary of Paul Keating's election as Prime Minister, to name that park on the headland at Barangaroo the Paul Keating Headland Park. That would be a fitting

honour to a man who believes in his country and in the city of Sydney in particular. He has done this nation proud and we should do him proud in return. I love the reaction of members opposite because he still gives it to the Tories.

RIVERINA RED GUM NATIONAL PARKS

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [6.54 p.m.]: Members may recall the passage of the National Park Estate (Riverina Red Gum Reservations) Bill (No. 2) in the early hours of 19 May 2010 following its hasty announcement by former Premier Nathan Rees on 3 December 2009, the eve of his own political execution by forces controlled by the one and only Eddie Obeid. May the ghost of "he who must be Obeid" haunt the Australian Labor Party for generations to come. Whilst we do not expect an Independent Commission Against Corruption inquiry into this political deal, it is worth remembering that it was a dirty deal nonetheless.

The Hon. Lynda Voltz: Point of order: I seek clarification on this matter. The member is making a speech that reflects on a decision of the House.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! I do not uphold the point of order. Members constantly make comments about bills that have been passed in this Chamber. I will allow the member to continue.

The Hon. MATTHEW MASON-COX: Indeed, it was one dirty deal amongst a number of dirty deals between the Labor Party and its then coalition partner The Greens in exchange for Green preferences for the 2011 election. I well remember the words of the Hon. Ian Cohen of The Greens in his press conference at the time:

If the Government does not deliver on Riverina red gums it can go to hell.

At the time the Labor Party mistakenly thought it was moving decisively to save inner city seats like Balmain, Coogee and Drummoyne, as well as country seats like Monaro and Bathurst. We all know just how mistaken that belief proved to be as all those seats, and many more, were lost by Labor in the subsequent 2011 election. One could say that the Hon. Ian Cohen's words were particularly prescient. The incense burning, chanting and chicken entrails certainly worked for The Greens on that occasion. The Greens' price for this dirty deal was to arbitrarily lock up thousands of hectares of productive red gum forest near Deniliquin in southern New South Wales with far-reaching economic impacts. Hundreds of jobs were sacrificed in local sawmilling businesses as well as other businesses that rely upon the economic activity generated by these mills. All that came without any notice and at a time when the surrounding region was suffering from a long-term drought. It was a savage economic kick in the guts for an already vulnerable region.

Recently I again visited Deniliquin and Mathoura to meet with local businesses to assess the continuing impact of this decision some 18 months after the declaration of the Riverina Red Gum National Park and reserves in this area. I met with a wonderful couple, Chris and Dawn Crump, who own and operate the Mathoura Red Gum Sawmill—two people passionate about the future of their business and the local timber industry, despite the enormous challenges that they face. Chris, a fourth-generation timber worker, took me on a whirlwind tour of the local red gum forests and explained how they had been sustainably developed and harvested over a number of generations. For the benefit of members, Riverina red gum is a richly coloured and beautiful hardwood that is used in the manufacture of our finest furniture as well as railway sleepers, garden products and firewood. Naturally, the quality of the log determines its final use.

The 2010 grubby preference deal between The Greens and the former Labor Government that seized these red gum forests for the public estate has effectively gutted this important and sustainable industry. As a result, its very future is now at stake. I note that General Purpose Standing Committee No. 5 heard evidence about the continuing impact of this decision on the local community as well as the increased fire risk arising from the absence of appropriate forestry management practices, including thinning operations, in its inquiry into the management of public land in New South Wales. The increased fire risk was self-evident as we toured the red gum forests. I note that a limited thinning operation has recently been conducted by contractors to the National Parks and Wildlife Service, but it appears that much of the harvested wood has been left lying on the ground, thereby further exacerbating the fire risk.

Indeed, the risk of losing the entire timber resource to an uncontrollable wildfire is very serious, given the significant build-up of fuel over the past few years both within the national park and the nearby regional

park. In light of this, the inquiry by General Purpose Standing Committee No. 5 into the management of the State's public estate, together with the committee's visit to Deniliquin in August last year, are very timely. I look forward to the finalisation of the committee's report and, in particular, the committee's recommendations on how this responsible Government might sustainably balance the competing uses of this important portion of our public estate.

SURFING AUSTRALIA FIFTIETH ANNIVERSARY

The Hon. LYNDA VOLTZ [6.59 p.m.]: I raise again the fiftieth anniversary celebrations of Surfing Australia. This involved a range of events including, of course, the association's annual awards. A fiftieth anniversary stamp was issued in conjunction with Australia Post, as well as a commemorative coin and a book. In the annual awards this year Stephanie Gilmore was inducted into the Australian Surfing Hall of Fame. She is the thirty-fifth inductee into the Hall of Fame. Mark Richards was voted Australia's Most Influential Surfer. The Male Surfer of the Year was Joel Parkinson, the Female Surfer of the Year was Stephanie Gilmore and the Rising Star Award was won by Jack Freestone.

It is important to note that in Surfing Australia's fiftieth year Australian surfers hold both the male and female senior world surfing titles as well as the junior male and female world surfing titles. To hold all the world surfing titles in this anniversary year is a remarkable achievement. The first world champion ever to be crowned was a woman, Phyllis O'Donnell. That happened because the women's world title event winner is crowned before the men's event winner. Congratulations to Surfing Australia and congratulations to Destination NSW for supporting the event in Surfing Australia's fiftieth year.

[Time for debate expired.]

Question—That this House do now adjourn—put and resolved in the affirmative.

Motion agreed to.

The House adjourned at 7.01 p.m. until Thursday 14 March 2013 at 9.30 a.m.
