LEGISLATIVE COUNCIL

Tuesday 21 May 2013

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The President (The Hon. Donald Thomas Harwin) took the chair at 2.30 p.m.

The President read the Prayers.

The PRESIDENT: I acknowledge the Gadigal clan of the Eora nation and its elders and thank them for their custodianship of this land.

ASSENT TO BILLS

Assent to the following bills reported:

Health Legislation Amendment Bill 2013
Parliamentary Budget Officer Amendment Bill 2013

LEGISLATIVE COUNCIL VACANCY

Resignation of the Honourable Eric Roozendaal

The PRESIDENT: I report the receipt of the following communication from Her Excellency the Governor:

Dear President,

I have the honour to inform you that I have received a letter from the Honourable Eric Roozendaal MLC tendering his resignation as a Member of the Legislative Council of New South Wales, effective as and from 17 May 2013.

My Official Secretary has acknowledged receipt of the letter from Mr Roozendaal, on my behalf, and has informed him that you have been advised of his resignation.

Yours sincerely.

Professor Marie Bashir AC CVO
Governor of New South Wales.

I have acknowledged Her Excellency's communication. An entry regarding the resignation of the Hon. Eric Roozendaal from the Fifty-fifth Parliament has been made in the Register of Members of the Legislative Council.

BAIL 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.

INSPECTOR OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

The President tabled, pursuant to the Independent Commission Against Corruption Act 1988, the report of the Inspector of the Independent Commission Against Corruption entitled, Report of an Audit into the Exercise by the Independent Commission Against Corruption of its Powers under Sections 21, 22, 23 and 25 of the Independent Commission Against Corruption Act 1988 dated April 2013, received and authorised to be made public on 10 May 2013.

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

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

AUSTRALIAN EGYPTIAN COUNCIL FORUM

Motion by the Hon. DAVID CLARKE agreed to:

1. That this House notes that:

(a) on 20 March 2013, the Australian Egyptian Council Forum held a reception and awards evening at the Parliament of New South Wales to honour the high achievers in the 2012 Higher School Certificate from among students of Egyptian heritage in New South Wales,

(b) students honoured at the awards evening for having achieved an Australian Tertiary Admission Rank of between 90 and 99.95 in alphabetical order, were:

(i) Matthew Awad,
(ii) Paul Balamon,
(iii) Marc Bastawrous,
(iv) Edward Botros,
(v) Sarah Fahmy,
(vi) Martina Francis,
(vii) George Gabriel,
(viii) Mark Gerges,
(ix) Mark Ghali,
(x) Kyrillos Ghaly,
(xi) Shenouda Girgis,
(xii) Fouad Khoury,
(xiii) Lauren Michael,
(xiv) Marynet Morkos,
(xv) Andrew Nada,
(xvi) Rosanna Nakhala,
(xvii) Andrew Nessiem,
(xviii) Kerollos Roman,
(xix) Jessica Shehata,
(xx) Jonathan Tanios,
(xxi) Marlin Youssef,
(xxii) Ramez Zaklama, and

(c) those who attended as guests included:

(i) His Grace Bishop Daniel, Coptic Orthodox Church in Sydney and Affiliated Regions,
(ii) Deacon Anton Salama,
(iii) Mr Ayman Kamel, Consul-General of Egypt,
(iv) Mr Mohsen Nesseem, Egyptian Consul for Trade in Australia,
(v) Ms Gabrielle Upton, MP, New South Wales Parliamentary Secretary for Tertiary Education and Skills, representing the Hon. Adrian Piccoli, MP, New South Wales Minister for Education,
(vi) Mr Tony Issa, OAM, MP, Member for Granville, representing the Hon. Victor Dominello, MP, Minister for Citizenship and Communities,
(vii) the Hon. David Clarke, MLC, New South Wales Parliamentary Secretary for Justice,
(viii) the Hon. Carmel Tebbutt, MP, shadow Minister for Education and Training,
(ix) the Hon. Amanda Fazio, MLC, Opposition Whip in the New South Wales Legislative Council, representing the Leader of the New South Wales Opposition,
(x) the Hon. Shaoquett Moselmane, MLC,
(xi) Councillor Morris Mansour, Mayor of Ashfield Council,
(xii) Mr John Rekouniotis, Head of St Mark's Coptic College,
(xiii) Professor Rifaat Ebeid, F.A.H.A., Professor of Semitic Studies at Sydney University,
(xiv) Mr Jack Passaris, Past President, Ethnic Communities Council of New South Wales,
(xv) Dr Eman Sharobeem, Commissioner of the Communities Relations Commission of New South Wales,
(xvi) Mr Hassan Moussa, President of the Australian Arab Business Network.

2. That this House:

(a) congratulates those students honoured at the awards evening for their outstanding Higher School Certificate results,

(b) acknowledges the senior office bearers of the Australian-Egyptian Council Forum for their initiative and work in organising the awards evening, particularly:

(i) Mr John Nowar, President,
(ii) Mr Amir Salem, Public Spokesman,
(iii) Dr Wafik Latif, Treasurer,
(iv) Mr Victor Bassily, Immediate Past President, and

(c) commends the Australian-Egyptian Council Forum for its many years of service to the Egyptian-Australian community and to the wider community of New South Wales as well.

HER MAJESTY QUEEN ELIZABETH II EIGHTY-SEVENTH BIRTHDAY RECEPTION

Motion by the Hon. DAVID CLARKE agreed to:

1. That this House notes that:

   (a) on 26 April 2013, Australians for Constitutional Monarchy held a reception at the Parliament of New South Wales to celebrate the occasion of the eight-seventh birthday of Her Majesty Queen Elizabeth II, and

   (b) those who attended as guests included:

      (i) Reverend the Hon. Fred Nile, MLC, Assistant-President of the Legislative Council,

      (ii) the Hon. Bronwyn Bishop, MP, Federal shadow Special Minister of State, and shadow Minister for Seniors,

      (iii) the Hon. David Clarke, MLC, New South Wales Parliamentary Secretary for Justice, and Parliamentary host for the event,

      (iv) Professor David Flint, AM, National Convenor of Australians for Constitutional Monarchy,

      (v) Wing Commander (Ret.) Nick Hobson, DFC, AFC,

      (vi) Mr Tim James, ministerial advisor to the Hon. Anthony Roberts, MP, New South Wales Minister for Fair Trading,

      (vii) Mr Charles and Mrs Allison Copeman.

2. That this House acknowledges:

   (a) Mr Jai Martinkovic, Executive Director of Australians for Constitutional Monarchy, and organiser of the event, and

   (b) congratulates H. M. Queen Elizabeth II on the occasion of Her Majesty's eight-seventh birthday.

AUSTRALIAN GARDEN SHOW SYDNEY

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House acknowledges that:

   (a) on 6 May 2013, the Minister for Tourism and Major Events, the Hon. George Souris, MP, announced that Sydney would be the home of a new international garden show for the next three years, which will attract gardener enthusiasts and horticulturists from around the world and bring at least $12 million to the State's economy over the next three years,

   (b) the event will be known as the "Australian Garden Show Sydney" and will be held in the stunning surrounds of Centennial Park between 5 to 8 September 2013,

   (c) the inaugural Australian Garden Show Sydney will herald the start of the 32 various floral and garden shows that take place each year throughout regional New South Wales,

   (d) the show is designed to encourage new gardeners and garden enthusiasts to explore the best garden, flower and landscape design in New South Wales and will also highlight the extraordinary diversity of gardening, landscape design and flower festivals in New South Wales by promoting more than 32 regional garden festivals, including the Hunter Valley, the Blue Mountains, the Southern Highlands and the South Coast, and

   (e) the Australian Garden Show was secured by Destination NSW and is exclusive to New South Wales and will feature displays including designs from well renowned television personality and author of *The Edible Balcony*, Indira Naidoo and renowned curator Andrew Fisher Tomlin, three times winner of the UK Garden Designer of the Year Award, and

   (f) the Australian Garden Show is designed to create an entertaining and educational experience for visitors and will feature floral pavilions and display spaces created by floral societies and associations, florists and nurseries from New South Wales, interstate and overseas.

2. That this House congratulates all those involved in bringing the inaugural Australian Garden Show to fruition.

AUSTRALIAN COPTIC MOVEMENT ASSOCIATION PROTEST RALLY

Motion by the Hon. DAVID CLARKE agreed to:

1. That this House notes that:

   (a) on 14 April 2013, the Australian Coptic Movement Association held a rally in Martin Place, Sydney attended by several thousand Coptic-Australians and other concerned Australians to protest against the ongoing and escalating sectarian campaign of persecution and violence being perpetrated in Egypt against its Coptic Christian community,

(b) those who spoke at the rally included:

(i) His Grace Bishop Daniel, Coptic Orthodox Church, Diocese of Sydney and Affiliated Regions,

(ii) His Grace Bishop Daniel, Bishop and Abbott of St Shenouda Monastery, Putty,

(iii) the Hon. Philip Ruddock, MP, Federal member for Berowra, representing the Hon. Tony Abbott, MP, Leader of the Federal Opposition,

(iv) the Hon. Chris Bowen, MP, Federal member for McMahon,

(v) Mr Craig Kelly, MP, Federal member for Hughes,

(vi) Mr Laurie Ferguson, MP, Federal member for Werriwa,

(vii) Reverend the Hon. Fred Nile, MLC, Leader of the Christian Democratic Party and Assistant-President of the Legislative Council of New South Wales,

(viii) the Hon. Luke Foley, MLC, Leader of the Opposition in the New South Wales Legislative Council, and New South Wales shadow Minister for Planning and Infrastructure,

(ix) the Hon. David Clarke, MLC, New South Wales Parliamentary Secretary for Justice,

(x) the Hon. Greg Donnelly, MLC,

(xi) Mr Hermiz Shahen, Secretary General of the Assyrian Universal Alliance,

(xii) Mr Mina George Yassa, representing Amnesty International,

(xiii) Mrs Monica Mikhail, representing the Australian Coptic Movement Association,

(xiv) Mr Peter Tadros, representing the Australian Coptic Movement Association.

2. That this House:

(a) condemns the persecution and violence being perpetrated against Egypt's Coptic Christian community,

(b) calls for an end to such persecution and violence, and

(c) extends its condolences to those within Australia's Coptic Christian community who have family or relatives in Egypt who have been the target of persecution and violence.

LEGISLATION REVIEW COMMITTEE

Report

The Hon. Peter Phelps tabled the report entitled, "Legislation Review Digest 37/55", dated 21 May 2013.

Ordered to be printed on motion by the Hon. Dr Peter Phelps

GENERAL PURPOSE STANDING COMMITTEE NO. 5

Report

The Clerk announced the receipt, pursuant to standing orders, of report No. 37 entitled, "Management of public land in New South Wales", dated May 2013, together with transcripts of evidence, submissions, tabled documents, correspondence and answers to questions taken on notice, received out of session and authorised to be printed on 15 May 2013.

The Hon. RICK COLLESS [2.40 p.m.], on behalf of the Hon. Robert Brown: I move:

That the House take note of the report.

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

GENERAL PURPOSE STANDING COMMITTEE NO. 4

Report

The Clerk announced the receipt, pursuant to standing orders, of report No. 27 entitled, "The use of cannabis for medical purposes", dated May 2013, together with transcripts of evidence, submissions, tabled documents, correspondence and answers to questions taken on notice, received out of session and authorised to be printed on 15 May 2013.

The Hon. ROBERT BORSAK [2.41 p.m.], on behalf of the Hon. Sarah Mitchell: I move:

That the House take note of the report.

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

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Government Response to Report

The Clerk announced the receipt, pursuant to standing orders, of the Government's response to report No. 1/55, entitled "Inquiry into administrative funding for minor parties", dated 15 November 2012, received out of session and authorised to be printed on 20 May 2013.

IRREGULAR PETITIONS

Leave granted for the suspension of standing orders to allow the Hon. Penny Sharpe to present the following irregular petitions.

Public Housing Rents

Petition calling on the Government not to raise public housing rents when Centrelink benefits are increased, received from the **Hon. Penny Sharpe**.

CountryLink

Petition calling on the Government to retain public ownership and operation of CountryLink, received from the **Hon. Penny Sharpe**.

RailCorp Review

Petition calling on the Government to rule out cutting front-line staff at Hunter train stations as part of the RailCorp review, received from the **Hon. Penny Sharpe**.

BUSINESS OF THE HOUSE

Withdrawal of Business

Contingent Notice of Motion No. 10 withdrawn by the Hon. Walt Secord.

Contingent Notice of Motion No. 11 withdrawn by the Hon. Amanda Fazio.

BUSINESS OF THE HOUSE

Postponement of Business

Committee Reports Order of the Day No. 5 postponed on motion by the Hon. Robert Borsak.

BUDGET ESTIMATES 2013-14

The Hon. DUNCAN GAY (Minister for Roads and Ports) [3.07 p.m.]: As requested by the Opposition, I seek leave to amend Government Business Notice of Motion No. 1 as follows:

In paragraph (2) omit

"GPSC 5 Local Government, The North Coast 9.00 a.m. – 11.00 a.m." and insert instead

"GPSC 5 Local Government, The North Coast 9.00 a.m. – 12.00 p.m."

In paragraph (2) omit

"GPSC 5 Fair Trading 11.00 a.m. – 12.00 p.m." and insert instead

"GPSC 5 Fair Trading 12.15 p.m. – 1.15 p.m."

Leave granted.

Accordingly, I move Government Business Notice of Motion No. 1 as, by leave, amended:

Budget Estimates Resolution 2013—2014

1. That upon tabling, the Budget Estimates and related papers for the financial year 2013-2014 presenting the amounts to be appropriated from the Consolidated Fund be referred to the General Purpose Standing Committees for inquiry and report.

2. That the initial hearings be scheduled as follows:

Day One: Monday 12 August 2013		
GPSC 5	Local Government, The North Coast	9.00 a.m. – 12.00 p.m.
GPSC 2	Citizenship and Communities, Aboriginal Affairs	9.00 a.m. – 10.30 a.m.
GPSC 5	Fair Trading	12.15 p.m. – 1.15 p.m.
GPSC 2	Mental Health, Healthy Lifestyles, Western New South Wales	10.45 a.m. – 12.00 p.m.
GPSC 2	Sport and Recreation	12.15 p.m. – 1.00 p.m.
GPSC 2	Family and Community Services, Women	2.00 p.m. – 5.00 p.m.
GPSC 5	Primary Industries, Small Business	2.00 p.m. – 5.00 p.m.
Day Two: Tuesday 13 August 2013		
GPSC 3	Tourism, Major Events, Hospitality and Racing, The Arts	9.00 a.m. – 1.00 p.m.
GPSC 3	Roads and Ports	2.00 p.m. – 6.00 p.m.
Day Three: Wednesday 14 August 2013		
GPSC 4	Attorney General, Justice	9.00 a.m. – 1.00 p.m.
GPSC 2	Education	9.00 a.m. – 1.00 p.m.
GPSC 4	Police and Emergency Services, The Hunter	2.00 p.m. – 6.00 p.m.
Day Four: Thursday 15 August 2013		
GPSC 1	Treasury, Industrial Relations	9.00 a.m. – 1.00 p.m.
GPSC 1	Finance and Services, The Illawarra	2.00 p.m. – 6.00 p.m.
Day Five: Friday 16 August 2013		
GPSC 5	Resources and Energy, Special Minister of State, The Central Coast	9.00 a.m. – 1.00 p.m.
GPSC 1	Premier, Western Sydney	9.00 a.m. – 1.00 p.m.
GPSC 1	Planning and Infrastructure	2.00 p.m. – 4.15 p.m.
GPSC 5	The Environment, Heritage	2.00 p.m. – 6.00 p.m.
Day Six: Monday 19 August 2013		
GPSC 3	Trade and Investment, Regional Infrastructure and Services	9.00 a.m. – 12.00 p.m.
GPSC 3	The Legislature	12.15 p.m. – 1.00 p.m.
GPSC 3	Transport	2.00 p.m. – 6.00 p.m.
Day Seven: Friday 23 August 2013		
GPSC 2	Ageing, Disability Services	9.00 a.m. – 11.00 a.m.
GPSC 2	Health, Medical Research	2.00 p.m. – 6.00 p.m.

3. That an initial round of supplementary hearings be scheduled during the week of 8 to 11 October 2013.

4. That each scheduled day for the initial round of hearings will begin at 9.00 am and conclude by 6.00 p.m.

5. The committees must hear evidence in public.

6. The committees may ask for explanations from Ministers in the House, or officers of departments, statutory bodies or corporations, relating to the items of proposed expenditure.

7. There is no provision under this resolution for a Minister to make an opening statement before the committee commences questions.

8. A daily *Hansard* record is to be published as soon as practicable after each day's proceedings.

9. The committees are to present a final report to the House by the last sitting day of the first sitting week in February 2014.

10. Members may lodge questions on notice with the Clerk to the committee during a Budget Estimates hearing and up to two days following.

11. All answers to questions taken on notice during the hearing, and questions on notice lodged up to two days following the hearing, must be provided within 21 days, or as otherwise determined by the committee.

The Hon. AMANDA FAZIO [3.08 p.m.]: I thank the Deputy Leader of the Government for making the changes to day one of budget estimates committees, Monday 12 August 2013, in relation to the time allocation for General Purpose Standing Committee No. 5. However, I seek to move an amendment also. However, I wish to move a further amendment because I believe it is both unfair and quite churlish of the Government to have listed the Leader of the Opposition's two shadow portfolio allocations for hearing at exactly the same time. It is inappropriate that we have a clash of hearing times for General Purpose Standing Committee No. 1, Planning and Infrastructure, and General Purpose Standing Committee No. 5, Environment and Heritage. We would not have done that to the Leader of the Opposition when we were in government and it is not warranted.

In budget estimates in the past couple of years there has been a break-up of hearings so that a number of senior Ministers appeared on different days. Under the current proposal we would have the Minister for Resources and Energy, the Hon. Chris Hartcher, the Premier, the Hon. Barry O'Farrell, the Minister for Planning and Infrastructure, the Hon. Brad Hazzard, and the Minister for the Environment, and Minister for Heritage, the Hon. Robyn Parker all appearing on day five of budget estimates. In the past those major portfolios have been spread out. For example, in budget estimates last year, on Monday we had Planning and Infrastructure, on Tuesday we had the Premier, on Thursday we had Environment and Heritage and on Friday we had Resources and Energy. Concentrating all those portfolios on the one day is not appropriate.

It is very difficult to understand the rationale for this programming and we have not been given a reasonable explanation. Accordingly, I will move an amendment, which should have been circulated, to move Environment and Heritage to day one from 2.00 p.m. to 6.00 p.m. and Planning and Infrastructure to day four from 2.00 p.m. to 4.15 p.m., which is the current time allocation, and on day five, to take account of those two portfolios being changed, General Purpose Standing Committee No. 5, Primary Industries and Small Business, to be from 2.00 to 5.00 p.m. and General Purpose Standing Committee No. 1, Finance and Services and the Illawarra, to be from 2.00 p.m. to 6.00 p.m. I do not believe those changes would cause any major problems for the Government. I believe it would be preferable and that it should happen in order to allow budget estimates to occur in an effective manner. Therefore, I move:

That the question be amended by omitting paragraph 2 and inserting instead:

2. That the initial hearings be scheduled as follows:

Day One: Monday 12 August 2013		
GPSC 5	Local Government, The North Coast	9.00 a.m. – 12.00 p.m.
GPSC 2	Citizenship and Communities, Aboriginal Affairs	9.00 a.m. – 10.30 a.m.
GPSC 5	Fair Trading	12.15 p.m. – 1.15 p.m.
GPSC 2	Mental Health, Healthy Lifestyles, Western NSW	10.45 a.m. – 12.00 p.m.
GPSC 2	Sport and Recreation	12.15 p.m. – 1.00 p.m.
GPSC 2	Family and Community Services, Women	2.00 p.m. – 5.00 p.m.
GPSC 5	The Environment, Heritage	2.00 p.m. – 6.00 p.m.
Day Two: Tuesday 13 August 2013		
GPSC 3	Tourism, Major Events, Hospitality and Racing, The Arts	9.00am – 1.00pm
GPSC 3	Roads and Ports	2.00 p.m. – 6.00 p.m.
Day Three: Wednesday 14 August 2013		
GPSC 4	Attorney General, Justice	9.00 a.m. – 1.00 p.m.
GPSC 2	Education	9.00 a.m. – 1.00 p.m.
GPSC 4	Police and Emergency Services, The Hunter	2.00pm – 6.00pm
Day Four: Thursday 15 August 2013		
GPSC 1	Treasury, Industrial Relations	9.00 a.m. – 1.00 p.m.
GPSC 1	Planning and Infrastructure	2.00 p.m. – 4.15 p.m.

Day Five: Friday 16 August 2013		
GPSC 5	Resources and Energy, Special Minister, of State , The Central Coast	9.00 a.m. – 1.00 p.m.
GPSC 1	Premier, Western Sydney	9.00 a.m. – 1.00 p.m.
GPSC 5	Primary Industries, Small Business	2.00 p.m. – 5.00 p.m.
GPSC 1	Finance and Services, The Illawarra	2.00 p.m. – 6.00 p.m.
Day Six: Monday 19 August 2013		
GPSC 3	Trade and Investment, Regional Infrastructure and Services	9.00 a.m. – 12.00 p.m.
GPSC 3	The Legislature	12.15 p.m. – 1.00 p.m.
GPSC 3	Transport	2.00 p.m. – 6.00 p.m.
Day Seven: Friday 23 August 2013		
GPSC 2	Ageing, Disability Services	9.00 a.m. – 11.00 a.m.
GPSC 2	Health, Medical Research	2.00 p.m. – 6.00 p.m.

In the last Parliament the budget estimates committees were chaired by non-Government members. Now a number of them are chaired by Government members and minor party members and none of them are chaired by Opposition members. If this Government is being honest about its commitment to accountability and transparency it would accept this amendment, which would at least allow our shadow Ministers to attend budget estimates at times when their portfolio responsibilities do not clash. It would enhance the budget estimates process and it would afford the Government an opportunity, if it has any good news stories, to announce those at the time because four of its major Ministers would not have to appear in hearings all crammed in on the same day. I am trying to help the Government in that regard.

I believe it is worthwhile to adopt these changes. My amendment will not impede the budget estimates process and it will allow for a full examination of the budget estimates accounts. It is not asking any Minister to turn up for any longer than is currently set down; it is swapping two hearings from the last day to earlier in the week and making two consequential changes. I strongly urge the Government and the crossbenches to support this amendment, which I believe is very reasonable.

The Hon. DUNCAN GAY (Minister for Roads and Ports) [3.14 p.m.]: The Government will oppose this amendment. When sensible, achievable amendments are moved we are more than happy to accept them. The problem with this amendment is that it has far-reaching effects. Diaries were set in place quite a while ago and budget estimates have already been locked in. In setting hearings for Ministers' portfolios it is not our responsibility that the Opposition does not mimic the Government portfolios and it chops and changes; that is the Opposition's problem.

However, accepting that inadvertently the program may have presented a problem, I draw the House's attention to the fact that on the Friday of budget estimates week Planning and Infrastructure goes from 2.00 p.m. to 4.15 p.m. and General Purpose Standing Committee No. 5, Environment and Heritage, goes from 2.00 p.m. to 6.00 p.m., which is a difference of 1¾ hours. We indicated to the Opposition and to the crossbenches that if General Purpose Standing Committee No. 5 wished to make a decision itself it would have the Government's support in allowing the Opposition to ask questions in that last period.

The Hon. PENNY SHARPE [3.15 p.m.]: I make a short contribution to this debate. This is quite a basic issue to do with good manners. This is an issue of courtesy and fairness to the role of Oppositions in this Parliament. It is not unreasonable for shadow Ministers to be able to sit in on estimates committees involving their own portfolios. If the Government were to agree to this very modest amendment that is not changing the times but, let us be very up-front about this, it is making sure that the Leader of the Opposition in this House—

The Hon. Duncan Gay: It is not a minimal amendment; it is changing the days.

The Hon. PENNY SHARPE: You have had your chance. I am talking about manners.

The Hon. Duncan Gay: You wouldn't understand.

The Hon. PENNY SHARPE: I know more about manners than you do. It is very presumptuous for the Minister to say that Ministers' diaries have been set for all of this time when this motion is yet to go through the House. The appearance of Ministers before estimates committees is part of the democratic process. I know the Government does not like budget estimates and we could list the reasons why with everything the Government has wound back since it has been in government, but all I am saying is that it is not unreasonable for the Government to show some flexibility and some understanding for the Leader of the Opposition. But it is clear from the Government's incredibly rude interjections that it is not going to accept this amendment and we will just have to chalk it up as yet another infringement on the democratic rights of the Opposition in this House.

Dr JOHN KAYE [3.17 p.m.]: I appreciate the arguments of the Opposition. The Opposition says that the shadow Minister and its leader will be required to dart between two different General Purpose Standing Committee hearings. Having done that myself I can say that it is doable but it is not a pleasant experience. I have not yet fully come to grips with the Government's argument against making these changes. I put the question to the Government: Is there an argument other than diaries having been set? Is there some substantive problem? I understand the biggest change would be that moving the Finance and Services hearing would move it away from the same day on which the Treasury and Industrial Relations hearing is occurring. Is there a substantive issue of person-power? Is there some substantive issue other than Ministers' diaries that would make the Government not want to support the Opposition's amendment?

The Hon. Duncan Gay: I think I detailed that earlier. I cannot go back and say it again.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [3.18 p.m.]: Just to take up the point raised by Dr John Kaye, the Government has not articulated any proper basis for resisting the sensible amendment offered by the Opposition. It is not simply a matter of avoiding inconvenience for the Leader of the Opposition, it is a question of having a number of senior portfolios and Ministers examined at times which overlap in a way that has not been the case previously. Further, the offer that the Government claims was made to the Opposition was not made. Therefore, those things do not operate. The Opposition's minor amendment should be embraced by the House to permit members of this place to conduct a more orderly, proper and thorough examination of Ministers during the estimates hearings.

The Hon. STEVE WHAN [3.19 p.m.]: I listened with interest to the comments made by the Leader of the Government. They demonstrate the Executive's disregard for the forums of the Parliament and its responsibility to report to it. For the Minister to say that he cannot move the dates because diaries have been set is disrespectful to the House. The House has not passed the motion that sets these dates, but the Minister has told us that senior members of the Government have pre-empted the consideration of the House by fixing their diaries in stone. He says that during a sitting week when senior members of the other place are obliged to be here to represent the people of New South Wales and to be available to be questioned by the Parliament.

The Minister has shown a great and continuing disregard for his and his colleagues' responsibility as members of the Executive to report to the Parliament and be accountable to the people. This is nothing more than an attempt to schedule two of the more sensitive portfolio hearings for a Friday afternoon when no-one in the media will notice, because they will be going into Friday night football and things such as that. This is simply an attempt to hide senior Government members from scrutiny and from the media. It is a disgrace. Government members should be ashamed of themselves.

The Hon. TREVOR KHAN [3.21 p.m.]: Notwithstanding the conspiracy theories that the Hon. Steve Whan seeks to advance, the Opposition's amendment will have an effect upon the workings of Parliament. The amendment seeks to move budget estimates hearings to coincide with question time in the lower House.

The PRESIDENT: Order! I call the Hon. Penny Sharpe to order for the first time.

The Hon. TREVOR KHAN: The Opposition's amendment will interfere with the operation of the other place and that is why it should be opposed.

The Hon. CATHERINE CUSACK [3.22 p.m.]: Estimates hearings are traditionally scheduled by Ministers coordinating their diaries, putting together a program and submitting the timetable to Parliament. That has always been done by government. The Opposition's proposition is that some of the shadow Ministers find the timetable inconvenient and therefore all Ministers should rearrange their diaries in order to suit the needs of the shadow ministry. Labor Ministers never extended anyone that courtesy during their time in government. The request is unprecedented and I think it is quite cheeky for them to ask for it.

The Hon. Steve Whan suggested that estimates hearings that are held on a Friday afternoon will be somehow buried by the football that is played on Friday evenings and nobody will be interested. Firstly, that is a smear on the media. Secondly, I and other members on this side of the Chamber well remember sitting in Parliament at 8.30 p.m. on a Friday in estimates committee hearings that the Labor Government scheduled to start at 5.00 p.m. I congratulate the O'Farrell Government on not abusing its power and position by taking ludicrous steps such as scheduling estimates hearings at 5.00 p.m. on a Friday night in order to hide vulnerable Ministers and avoid scrutiny.

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

The Hon. CATHERINE CUSACK: That would be a disgraceful thing to do, but it is Labor's record. It is not what is proposed in the Minister's motion, which has been put to the House in the normal way. During 16 years of Labor we accepted the timetable the Government put to us. I do not understand why the sky is caving in now that Labor members are being asked to do the same thing.

The Hon. LUKE FOLEY (Leader of the Opposition) [3.24 p.m.]: I acknowledge the presence in the public gallery of Australia's leading psephologist, Malcolm Mackerras. Let us be clear about what is happening here. The Government is deliberately putting on the one day the four Cabinet members who I scrutinise at estimates hearings. In 2011 and last year Minister Hazzard appeared on the Monday, Premier O'Farrell appeared on the Tuesday, Minister Parker appeared on the Thursday and Minister Hartcher appeared on the Friday. This year, all four of them have been shunted to one day. That day also happens to be Friday, the tail-end of the week. It is a deliberate attempt to limit my opportunity to scrutinise members of the Cabinet.

The Hon. Catherine Cusack: You are dreaming, Luke. It's not about you.

The Hon. LUKE FOLEY: The Hon. Catherine Cusack interjects. She ought to be answering questions at estimates hearings; not serving up humiliating Dorothy Dixers to the dope who has taken the environment portfolio from her.

The PRESIDENT: Order! I call the Hon. Luke Foley to order for the first time.

The Hon. LUKE FOLEY: The Government is forcing me to choose between Premier O'Farrell and Minister Hartcher in the morning. In the afternoon it is forcing me to choose between Ministers Hazzard and Parker, both of whom I directly shadow. This is nothing more than a sneaky but obvious and blatant attempt to limit the contribution that the Leader of the Opposition can make during the estimates hearings week. Government speakers and interjectors have responded by talking about what the former Labor Government did when it came to estimates hearings. Members opposite promised much higher standards. They rail against some of the former Labor Government's practices regarding scrutiny, yet on so many issues their excuse is to say that they will do the same as the former Government. They have used that excuse today as to how the estimates week will be run. That is a hell of a long way short of what the Government promised in its manifesto and policies prior to being elected. If the Government wants to defend itself by saying that it as open and accountable as the Government that it defeated in 2011, so be it.

Question—That the amendment of the Hon. Amanda Fazio be agreed to—put.

The House divided.

Ayes, 18

Ms Barham	Mr Moselmane	Ms Westwood
Mr Buckingham	Mr Primrose	Mr Whan
Ms Cotsis	Mr Searle	
Mr Donnelly	Mr Secord	
Ms Faehrmann	Ms Sharpe	*Tellers,*
Mr Foley	Mr Shoebridge	Ms Fazio
Dr Kaye	Mr Veitch	Ms Voltz

Noes, 20

Mr Ajaka	Mr Gallacher	Mrs Maclaren-Jones
Mr Blair	Miss Gardiner	Mr Mason-Cox
Mr Borsak	Mr Gay	Reverend Nile
Mr Brown	Mr Green	Mrs Pavey
Mr Clarke	Mr Khan	*Tellers,*
Ms Cusack	Mr Lynn	Mr Colless
Ms Ficarra	Mr MacDonald	Dr Phelps

Question resolved in the negative.

Amendment of the Hon. Amanda Fazio negatived.

Motion agreed to.

BAIL 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) [3.37 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Bail Bill 2013. I seek leave to have the remainder of my speech incorporated in *Hansard*.

Leave not granted.

In June 2011, consistent with our pre-election commitments, the Government announced that the New South Wales Law Reform Commission would be undertaking a review of the Bail Act 1978. The Government provided the Law Reform Commission with wide-ranging terms of reference for the review so that it could take a fundamental look at bail laws in New South Wales. The commission's report on the review was tabled in both Houses of Parliament on 13 June 2012. In its report the Law Reform Commission noted that the Bail Act 1978 had been amended by more than 80 other Acts since its introduction. Those amendments have made the Act difficult to comprehend and navigate, even for those with legal training.

The commission made a number of recommendations proposing a significant overhaul of bail laws, including the drafting of a new plain-English Bail Act. The Government published its response to the commission's review in November 2012. The Government agreed to adopt a large number of the recommendations made by the review. However, rather than implement a justification approach to bail, as favoured by the Law Reform Commission, the Government decided to adopt a risk-management approach to bail decision-making. The bill has been drafted in accordance with the Government's response and its key feature is a simple unacceptable risk test for bail decisions. This test will focus bail decision-making on the identification and mitigation of unacceptable risk, which should result in decisions that better achieve the goals of protection of the community while appropriately safeguarding the rights of the accused person.

A significant feature of the bill is that it operates without the complex scheme of offence-based presumptions contained in the existing Act. Under current bail laws, some offences carry a presumption in favour of bail, others carry a presumption against, and there are offences where no presumptions apply. This has added a layer of significant complexity to bail decision-making that the bill's unacceptable risk test is intended to avoid. Bail presumptions generally apply based on the particular section under which the accused is charged. This means that they may not reflect the actual seriousness of the alleged offending or the risk the accused poses to the community.

Rather than rely on presumptions, the bill requires that the bail authority consider particular risks when determining bail—namely, the risk that the accused will fail to appear, commit a serious offence, endanger the safety of individuals or the community, or interfere with witnesses. The bill incorporates a number of key considerations that need to be taken into account in deciding whether there are any risks of this nature and whether they are unacceptable. These considerations incorporate matters relevant to the protection of the community and the criminal justice system as well as the rights of the accused person. If the bail authority is satisfied that the accused presents an unacceptable risk, it will have to assess whether that risk can be sufficiently mitigated by the imposition of bail conditions. If satisfied that the risk can be sufficiently mitigated, the person will be released to conditional bail. If the risk cannot be so mitigated, bail will be refused.

The Government considers that applying its unacceptable risk test is a much simpler and more comprehensive way to make bail decisions than applying the complex scheme of presumptions in the existing Bail Act. Simplifying bail laws, so that they are easier to understand and apply, is one of the key goals of this bill. The Law Reform Commission recommended that the bill be drafted in plain English and Parliamentary Counsel consulted with the Plain English Foundation during the drafting process. I note that the provisions governing the unacceptable risk test in part 3 of the bill have been distilled into a flowchart, which should greatly assist police, legal practitioners and courts when applying the legislation. The bill has also been the subject of targeted consultation with the heads of jurisdiction, key legal stakeholders and police.

Simplifying the decision-making process and focusing on risk rather than offence-based presumptions should also achieve the goal of ensuring that bail decisions are more consistent with the terms of the law. This is

an outcome not always evident in decisions under the existing Act. For example, an analysis by the Bureau of Crime Statistics and Research has shown that those who are charged with an offence carrying no presumption in relation to bail face a greater risk of being remanded in custody than those charged with an offence carrying a presumption against bail. The Government is very grateful to the Law Reform Commission for its hard work in undertaking the review of bail laws. Whilst not all the commission's recommendations have been adopted, many of its proposals have been incorporated in the bill. Its report has proved invaluable in laying the groundwork for this important piece of reform.

I now turn to the main detail of the bill. Part 1 of the bill sets out preliminary matters. Proposed section 2 of part 1 states that the bill will commence upon proclamation. I pause to note that the Government expects the new Act to commence operation approximately 12 months from the date of its assent. The Government is aware that its new bail model is a paradigm shift. Therefore, the period between passage of the legislation and its commencement will be used to mount an education and training campaign for police, legal practitioners and courts regarding the new legislation. Further, changes will be made to the courts' JusticeLink system, the New South Wales police information technology systems and bail forms to ensure a smooth transition to the new regime. Supporting regulations for the new legislation will also be drafted in anticipation of its commencement.

Proposed section 3 sets out the purpose of the Act, which, at its essence, is to provide a legislative framework for bail decisions. This provision also requires a bail authority making a bail decision under the Act to have regard to the presumption of innocence and the general right to be at liberty. It is appropriate that these important legal principles be considered as part of the bail decision-making process. Proposed section 4 contains definitions relevant to the Act. Notably, this proposed section defines a bail authority as a police officer, an authorised justice or a court. Proposed section 5 defines proceedings for an offence to mean criminal proceedings, including committal proceedings, proceedings relating to bail or sentence, and proceedings on an appeal against conviction or sentence. Under the bill, proceedings for an offence are generally treated as substantive proceedings unless they relate to bail or are interlocutory in nature.

Proposed section 6 stipulates that proceedings for an offence conclude when a court finally disposes of the proceedings. It makes clear that proceedings do not conclude until a person convicted of an offence has been sentenced. This provision is important as the bill provides that bail, once imposed, remains in place without further order until the proceedings have concluded. Part 2 of the bill sets out general provisions governing bail. Proposed section 7 of proposed part 2 explains that bail is authority to be at liberty for an offence and can be granted under the Act to a person accused of an offence. It provides that a person in custody, who is granted bail, is entitled to be released, subject to the provisions of proposed section 14, to which I will speak shortly.

Proposed section 8 sets out the bail decisions that can be made, including a decision to release a person without bail, to dispense with bail, to grant bail—with or without conditions—and to refuse bail. Proposed sections 9 to 11 of part 2 provide restrictions on who can make particular bail decisions. Proposed section 9 provides that a decision to release without bail can be made only by a police officer who has power to make that decision under the Act. Proposed section 10 provides that a decision to dispense with bail can be made only by a court or authorised justice. Proposed section 11 provides that a decision to grant or refuse bail can be made by a police officer, authorised justice or court with power to make the relevant decision under the Act.

Proposed section 12 provides that bail ceases to have effect if it is revoked or substantive proceedings for the offence conclude. This means that if bail is granted to an accused, that bail and any conditions attaching to it continue to apply until the matter is finalised, unless varied or revoked sooner. The Law Reform Commission recommended implementation of a system of continuous bail to remove the need to formally continue bail every time the accused appears before the court, thereby streamlining court bail procedures. Proposed section 12 (3) allows for the imposition of bail for a specified period, should that be considered necessary.

Proposed section 13 provides that a person who is granted bail, or for whom bail is dispensed with, is required to appear in court, and to surrender to the custody of the court, as and when required to do so in the relevant proceedings. Those granted bail are required to appear in accordance with their bail acknowledgement. Pursuant to clause 14 of the bill, an accused person granted bail will have to sign a bail acknowledgement before they can be released. The substantive provisions governing bail acknowledgements are contained in part 4 of the bill. Proposed section 14 also stipulates that a person granted bail will have to comply with any pre-release requirements of bail conditions before being released to bail.

Part 3 of the bill sets out the process for making and varying bail decisions. It implements the Government's new unacceptable risk test as the primary decision-making tool for bail authorities. Clause 16 of

the bill contains a flowchart that depicts the decision-making process the bail authority is required to undertake when applying the Government's unacceptable risk test. Courts and police have been consulted in relation to the bill and feedback provided confirms that the flowchart is a welcome addition to the legislation.

The provisions in division 2 of proposed part 3 reflect the decision-making process depicted in the flowchart. Pursuant to proposed section 17, the first step a bail authority will be required to take before making a bail decision is to consider whether there are any unacceptable risks. In particular, the bail authority will be required to consider whether there is an unacceptable risk that the accused, if released, will fail to appear in any proceedings for the offence; commit a serious offence; endanger the safety of victims, individuals or the community; or interfere with witnesses or evidence. If the accused is not in custody at the time of the bail decision, the bail authority is to consider this question as though they were in custody and would be released as a result of the bail decision.

Proposed section 17 (3) sets out an exhaustive list of matters that the bail authority will be required to consider when determining whether there is an unacceptable risk. They include matters such as the accused's background and criminal history, the nature and seriousness of the offence, the strength of the prosecution case and any special vulnerability or needs the accused has because of youth, being an Aboriginal or Torres Strait Islander, or because of a cognitive or mental health impairment. Whilst some of the considerations do not go directly to the existence of one of the risks identified in proposed section 17 (2), they will be relevant to the question of whether any such risk is unacceptable, which is part of the determination the bail authority must make. Proposed section 17 (4) sets out the matters the bail authority will need to consider in determining whether an offence is a serious offence for the purposes of making the unacceptable risk assessment.

As I have noted, pursuant to clause 3 of the bill, the bail authority will also need to have regard to the presumption of innocence and the general right to be at liberty. If a bail authority is satisfied that there is no unacceptable risk then, in accordance with the bail decision flowchart and clause 18 of the bill, it can either release the person without bail, dispense with bail or grant unconditional bail. However, if the bail authority is satisfied that there is an unacceptable risk, it can either grant or refuse bail pursuant to clause 19 of the bill. In deciding between these alternatives, the bail authority must determine whether the unacceptable risk or risks identified can be sufficiently mitigated by the imposition of bail conditions. If bail conditions can sufficiently mitigate the risk, then conditional bail will be granted. However, if conditions cannot sufficiently mitigate the risk, then in accordance with the flowchart—clause 20 of the bill—bail will be refused.

Proposed section 21 creates a right to release for minor offences, including all fine-only offences and most offences under the Summary Offences Act 1988. Certain summary offences involving knives, laser pointers and others of a relatively serious nature have been excluded from the right to release. For offences with a right to release, the bail decision flowchart does not apply as bail authorities will not be permitted to refuse bail for these offences. However, the unacceptable risk test will still apply and it will be possible to impose conditions on bail, where appropriate. Proposed section 21 (4) provides that an offence will no longer attract a right to release if the accused fails to comply with their bail acknowledgement or a bail condition imposed for the offence. Should this occur, the offence will be treated as any other offence under the Act. Proposed section 22 provides that a court is not to grant or dispense with bail on an appeal against conviction or sentence to the Court of Criminal Appeal, or on appeal from that court to the High Court, unless it is established that special or exceptional circumstances justify the decision.

The same test applies to appeals of this nature under the existing law and the Law Reform Commission recommended that it be retained. In determining appeals for these matters, the accused will need to establish that special or exceptional circumstances exist to justify a decision not to refuse bail. Should that occur, the court will also be required to apply the unacceptable risk test before making the bail decision. Division 3 of part 3 provides for the imposition of conditions on bail. In its report the Law Reform Commission noted concerns expressed by many stakeholders about the increasing use of bail conditions to address issues related to the welfare of the accused rather than achieving the traditional aims of bail, such as ensuring the accused's attendance at court. The Government agrees that there needs to be appropriate guidance in the legislation regarding the permissible purposes for bail conditions and the restrictions that apply to them so unnecessary conditions are not imposed. Clause 24 of the bill therefore sets out a number of rules for bail conditions.

Consistent with the Government's risk-based approach to bail, it provides that bail conditions can be imposed only for the purpose of mitigating an unacceptable risk. Conditions must be reasonable, proportionate to the alleged offence and appropriate to address the unacceptable risk in relation to which they are imposed.

Further, they must not be more onerous than is necessary to mitigate that risk. The court will also need to ensure that compliance with the bail conditions is reasonably practicable. Proposed sections 25 to 27 set out the types of conditions that can be imposed on bail, including conditions imposing requirements as to conduct, the provision of security for bail and the provision of character acknowledgements. These conditions are generally consistent with the types of conditions that can be imposed under the existing Act. Proposed section 28 permits courts and authorised justices to impose an accommodation requirement, being a bail condition requiring that suitable accommodation be arranged before a person is released to bail. The Law Reform Commission recommended that the new Act should provide for a condition of this nature in relation to children, and proposed section 28 implements this recommendation.

The Children's Court has faced a recurring difficulty when dealing with children whom it wishes to release to bail but who do not have suitable accommodation available. Under the existing Act, the court's only option in those circumstances is to refuse bail to the young person and then reconsider it when accommodation is organised. However, proposed section 28 allows the court to impose bail, including the accommodation requirement, and when suitable accommodation has been found the accused can be released to bail without the matter having to be relisted before the court. The bill incorporates safeguards recommended by the Law Reform Commission, including a requirement that the court relist the matter at least every two days for further hearing until the condition is met, to ensure that the person is not detained for an unduly lengthy period beyond the granting of bail. Whilst the provision is presently targeted at children, it includes a regulation-making power to allow for the extension of these requirements to adults—for example, to facilitate the imposition of a residential rehabilitation condition.

As I have noted, under clause 14 of the bill the accused must comply with any pre-release bail requirements before being released to bail. Proposed section 29 provides that the only requirements that can be imposed as pre-release requirements are those relating to accommodation, surrender of passport and provision of security and/or character acknowledgements. Proposed section 30 provides for the imposition of enforcement conditions on bail. An enforcement condition is a bail condition that requires the accused to comply, while on bail, with one or more specified kinds of police directions imposed for the purpose of monitoring or enforcing compliance with an underlying bail condition. The Government introduced amendments to the Bail Act 1978 last year to authorise the imposition of enforcement conditions in response to the Supreme Court's decision in *Lawson v Dunlevy*.

As noted at the time, the Law Reform Commission had recommended the inclusion of provisions to authorise enforcement conditions in its report on bail. The bill incorporates the same provisions added to the existing Act last year. Division 4 of part 2 includes evidentiary provisions relating to the exercise of functions in relation to bail consistent with provisions in the existing Act, notably that the rules of evidence do not apply to the exercise of bail functions by a bail authority under the Act and that bail decisions are to be made on the balance of probabilities. Division 1 of part 4 sets out procedures that must be followed after a bail decision is made.

The Hon. Lynda Voltz: Point of order: I am listening to the Minister's speech.

The Hon. Walt Secord: Intently.

The Hon. Lynda Voltz: "Intently" is the right word. But the interjections from the other side of the Chamber are not only disrupting my ability to hear the Minister but also I am sure making it difficult for Hansard to follow the Minister's speech—in which I am sure all Government members are interested.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! I uphold the point of order. I remind members that interjections are disorderly at all times.

The Hon. MICHAEL GALLACHER: The point of order disrupted the flow of my second reading speech so I will have to start again. I am pleased that this bill will be now read a second time. Division 1 of part 4 sets out procedures that must be followed after a bail decision is made. Members could take a moment to contemplate that. Currently, section 33 sets out the requirements for bail acknowledgements; under the Act the accused is required to sign a bail undertaking. However, the Law Reform Commission recommended that the bail undertakings be scrapped and be replaced by a new system of notices.

All members will be interested to note that I have many pages of this very important second reading speech for all members to listen to intently. The new concept of a bail acknowledgement implements this

recommendation. Pursuant to the bail acknowledgment, the accused will be required to appear before the court at the time specified in a notice of listing provided to him or her and to notify the court of any change of address. The bail acknowledgment will set out the conditions of bail—

Pursuant to sessional orders business interrupted at 4.00 p.m. for questions.

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

QUESTIONS WITHOUT NOTICE

GOODS AND SERVICES TAX

The Hon. LUKE FOLEY: My question is directed to the Minister for Finance and Services. Given that the Federal Coalition has announced that if elected it would look at changes to the goods and services tax, will the Minister inform the House whether the New South Wales Government will support lifting the 10 per cent rate, extending it to fresh food and medicine or both?

The Hon. GREG PEARCE: The New South Wales Government supports getting its fair share. The Treasurer has been vocal concerning the need for transparency of the current arrangements and the split between the States of the goods and services tax. In the context of the so-called Federal budget it is interesting to note that the most recent determination of the grant authority shows that New South Wales has almost moved back to parity in relation to that split. It is still a little under parity. The State that would be disappointed about the current goods and services tax arrangements would be Western Australia, which will see its allocation move down to about 34 per cent of what it has paid.

I thank the Leader of the Opposition for his question because it is important that there be a mature discussion. The Government is capable of a mature discussion but the Opposition is not. Once the 14 September Federal election has occurred and the people of Australia have spoken—as they will—there will be a competent Liberal-Nationals Government in Canberra. The outcome of that election will release many former Federal Labor politicians allowing them to join with their colleagues in marching up to the Independent Commission Against Corruption to give their version of events—

The Hon. Penny Sharpe: Point of order: My point of order relates to relevance. There is a specific question before the House about the goods and services tax and tax revenue and the support of the Government for increasing the goods and services tax. The matters raised by the Minister have nothing to do with that question.

The PRESIDENT: Order! The Minister was starting to stray. Does the Minister have any further material to provide?

The Hon. GREG PEARCE: No.

POLICE LEGACY REMEMBRANCE RIDE

The Hon. DAVID CLARKE: My question is directed to the Minister for Police and Emergency Services. Will the Minister inform the House of the Police Remembrance Ride 2013?

The Hon. MICHAEL GALLACHER: I thank the honourable member for his question. From 19 to 21 April this year 27 New South Wales police officers took part in a bicycle ride from Sydney to Canberra to raise funds for and awareness of New South Wales Police Legacy. The Police Legacy Remembrance Ride honours the memory of fallen police officers and recognises the vital service police officers of this State provide day in and day out. On 19 April the 27 cyclists met in Sydney to start their ride to Mittagong. On the second day riders woke to the sound of heavy rain and temperatures of only nine degrees, but this did not deter them. Brisbane Waters Superintendent Danny Sullivan stated:

> We rode through the toughest conditions I've ever ridden in my life with wind, torrential rain and extreme cold as factors to contend with but we could not stop knowing why we were riding.

Despite the unwelcome weather conditions they rode through Bowral, Moss Vale and Sutton Forest before arriving at the New South Wales Police Academy in Goulburn. Fortunately on the last day riders completed the

ride to Canberra under blue skies concluding at the National Police Memorial. New South Wales Police Legacy is a not-for-profit organisation and registered charity that provides emotional and financial support for the families of fallen police officers. For the past 25 years New South Wales Police Legacy has been helping widows, widowers and children of fallen police officers by providing grief and trauma counselling, financial advice, welfare and educational grants.

Social events organised throughout the year by New South Wales Police Legacy ensure that the fund's beneficiaries can stay in contact with people who have shared similar experiences and remain connected with the wider police family. New South Wales Police Legacy supports children as young as two years old and widows as old as 100 years. The police officers of this State could not do their jobs as well as they do without the support of their families. In times of distress it is only natural that those left behind are supported. I am proud of the support New South Wales Police Legacy gives to bereaved families. The money raised by the police officers who participated in this year's ride will be put to good use. When a police officer dies there are many financial issues for their families, and they include school fees for the younger children left behind.

Most of the money raised for Police Legacy is spent on children by providing education grants ranging from preschool to tertiary education. Every year over $200,000 goes toward these grants. There are three tertiary scholarships of $5,000 for legatee children who have performed exceptionally well in the higher school certificate. New South Wales Police Legacy manages over 200 legatee trust funds for children up to the age of 25 years. Holiday camps are organised twice a year for 50 or so young legatee children. In addition, there is an annual Kokoda Trek for 18 to 25-year-old legatees, and every child receives a birthday and a Christmas gift.

New South Wales Police Legacy relies solely on salary contributions from serving officers and donations from companies and individuals in the community. I encourage people to support the important work of New South Wales Police Legacy. I congratulate those who took time out of their busy schedules to participate in this year's Police Legacy Remembrance Ride to raise awareness of this cause.

AEROMEDICAL PARAMEDICS INSURANCE

The Hon. ADAM SEARLE: My question is directed to the Minister for Finance and Services. In July last year the Minister gave a commitment to the grieving family of aeromedical paramedic Michael Wilson that options for providing insurance to the 100 aeromedical paramedics would be considered. Will the Minister inform the House whether he has honoured that commitment and will the Government now provide insurance to these paramedics?

The Hon. GREG PEARCE: I am aware of recent reports that state that the widow of aeromedical paramedic Michael Wilson is seeking clarification of the benefits available for those who die or who are permanently injured whilst carrying out their duties as aeromedical paramedics. I have met with Mrs Wilson and expressed on behalf of the Government and my own personal sorrow for her loss. I undertook to do what I could to follow through on her concerns. I also met with other representatives.

I am advised that compensation entitlements are available for ambulance officers and paramedics employed by the Ambulance Service of New South Wales. Under the Operational Ambulance Officers (State) Award top-up payments are available for those ambulance officers and paramedics on workers compensation benefits at a total reflecting the difference between the amount received as workers compensation and their full pay amount where there are sick leave entitlements.

In addition to lump sum entitlements for permanent impairment and death under the workers compensation system, ambulance officers and paramedics are also covered for lump sum payments for death, total and permanent disability and partial and permanent disability in the event of injury or death sustained either on duty or off duty under the Ambulance Service of New South Wales Death and Disability (State) Award. These benefits are paid according to scales outlined in the award. The award is based on co-contributions and is administered by Pillar Administration.

These arrangements were in place under the former Labor Government. It is understandable that clarification of these matters is being sought. Claims involving serious injury or death of a worker are highly distressing for all involved. As a result of some administrative changes last year the responsibility for the industrial relations related matters for this area were moved to the Treasurer's portfolio. Again I express our extreme sorrow to the widow in the case referred to. We all know the important work that her late husband was doing and we continue to look at ways that we might be able to assist further in this matter.

PUBLIC HOUSING

The Hon. JAN BARHAM: My question is addressed to the Minister for Finance and Services. What strategic plans, policies and processes has the Minister put in place to ensure that Land and Housing Corporation funds from the part sale of public housing areas that are redeveloped into mixed tenure housing will be invested to deliver new social and affordable housing? In particular, will the Minister advise whether he will ensure that all revenue from the part sale of public housing sites for private development will be reinvested into the construction of new social and affordable housing and, if so, what processes are in place to ensure that new housing is delivered that meets the State's current and changing housing needs?

The Hon. GREG PEARCE: That is a very good question from the Hon. Jan Barham. Labor should be embarrassed about the disgraceful state of social and public housing that they left to us. For two years we have worked, and we continue to work, to unravel the mess left by Labor and to try to find ways to make up for the more than $300 million of maintenance backlog left by the mob opposite. I have looked at public housing in various locations around the State—

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

The Hon. GREG PEARCE: —and in many cases the accommodation is less than habitable because of Labor's failure to maintain public housing over 16 years. We have seen changes in demographics and in the way people live. In one particular area that comes to mind very quickly people in their seventies, eighties and nineties were living alone in insect-infested properties that had not been properly maintained, that had leaking roofs, and that were covered in mould and rubbish. These 70-, 80- and 90-year-olds were left in poorly maintained properties by the Labor Party. I recall seeing one poor lady in her 90s who was sitting in the front doorway of a building in her nightie—

The Hon. Greg Donnelly: When did you do this?

The Hon. Sophie Cotsis: When?

The Hon. GREG PEARCE: Just a month or so ago. I will take the Hon. Sophie Cotsis there to see the people those opposite let get into this condition over the years.

The PRESIDENT: Order! The Minister will direct his remarks through the Chair. The Hon. Sophie Cotsis will cease interjecting.

The Hon. GREG PEARCE: Labor had a completely unsustainable model, and that was to sell existing stock for, on average, about $300,000 and then build a new property for $500,000 to house the same tenants. One can only imagine where things were going with that policy—and the Hon. Jan Barham knows that. That was the so-called successful model left to us by Labor. I can take members out to estates where the bunch of geniuses opposite moved people out and demolished properties, only to leave the land vacant because they did not have the money to build any new properties. Labor left a mess.

The Hon. Steve Whan: Point of order: My point of order is relevance. The Minister was asked a specific question about his future actions. He has now spent four and a half minutes rambling on about history as he sees it. I ask that you draw him back to the leave of the question, which was about his intentions.

The PRESIDENT: Order! The Minister was being generally relevant. Does the Minister have any other information to provide?

The Hon. GREG PEARCE: I would like the Hon. Jan Barham to keep asking me questions about this because we will have a lot more to say. [*Time expired*.]

GEORGE INSTITUTE DRIVING CHANGE PROGRAM

The Hon. JOHN AJAKA: My question is addressed to the Minister for Roads and Ports. Will the Minister update the House on the New South Wales Government's support for The George Institute Driver Change Program?

The Hon. Greg Donnelly: A nice soft question.

The Hon. DUNCAN GAY: I thank the honourable member for his question and note the interjection from the Labor member who said that it is a nice soft question. Labor members have no idea what this question is about—and they should. This is yet another initiative that Labor should have implemented. The issue of licensing among Indigenous communities is a real one, with research showing that Aboriginal people are overrepresented in the road toll. Our goal for these communities is not only about helping young people to get a licence but also about road safety. Obtaining a drivers licence involves learning the road rules, getting real driving experience through supervised driving hours and getting familiar and comfortable with being a driver.

The Driver Change Program, developed by the George Institute and AstraZeneca Young Health Program, is a community-driven program that builds community awareness about road safety. The program has been set up already in Shellharbour, Redfern and Griffith. I am pleased to say that with funding of $407,000 from the New South Wales Government this program will now be rolled out to a further three communities across New South Wales. Our commitment over the two years will see the recruitment of an additional three road safety champions to visit local communities. It is important to remember that these road safety champions are young local Aboriginal leaders. They are role models who can positively influence their peers.

This program is in line with the Government's aim of helping people in remote and disadvantaged communities to obtain a licence. It is important to us because the flow-on effects of having a drivers licence are enhanced opportunities and access to employment, education and health services. This initiative supports rural, remote and disadvantaged communities. Transport for NSW and New South Wales Roads and Maritime Services have been involved in a steering committee with representatives from the New South Wales Attorney General's Office, AstraZeneca, Legal Aid New South Wales and the National Centre of Indigenous Excellence, which has helped bring the Driver Change Program to life.

Members may remember that during the process of developing the safer drivers course I asked the board of road safety experts to consider strategies such as this to assist disadvantaged learner drivers living in regional and remote areas or Aboriginal communities and learners from lower socio-economic backgrounds to complete their logbook requirements and access licensing. Our support for The George Institute Driving Change Program is very much in line with board recommendations, including support for existing community mentoring programs, the development of culturally specific licensing services and information, and ongoing support for the integration of licensing requirements with life skills and job search courses. I look forward to seeing the results of the Driving Change Program and will continue to work with The George Institute on this important initiative to help young Aboriginal people obtain their drivers licence.

NATIONAL PARKS MANAGEMENT

The Hon. ROBERT BROWN: My question without notice is directed to the Minister for Finance and Services, representing the Minister for the Environment, and Minister for Heritage. Can the Minister confirm from recent budget estimates figures that the cost per hectare for the New South Wales National Parks and Wildlife Service to manage our national parks is $56.37?

The Hon. GREG PEARCE: Unlike my usual response to questions from The Greens, my response to my friend from the Shooters and Fishers Party is that if he says that is the case, I am inclined to believe him. The members of the Shooters and Fishers Party represent their constituents and they do their homework. The Hon. Robert Brown has been through the budget papers and he has calculated the rate per hectare. I know that members on the other side of the House do not have the ability to do arithmetic. I was in a takeaway shop the other day—the Hon. Walt Secord was not there—and I was shocked—

The Hon. Steve Whan: Point of order: My point of order relates to relevance. The Minister was asked a specific question about figures. He is now straying away from the question and talking about takeaway shops of all things. I ask you to bring him back to the question.

The PRESIDENT: Order! The Minister was starting to stray from matters that were generally relevant. Does the Minister have anything else to add?

The Hon. GREG PEARCE: I will just finish, Mr President, and I thank you very much for your kind ruling. The relevance of the takeaway shop is that even people working in a takeaway shop are able to do a better job than the Opposition calculating figures.

POLICE TRANSPORT COMMAND

The Hon. PENNY SHARPE: My question is directed to the Minister for Police and Emergency Services. Why are commuters being left with a 25 per cent understaffed Police Transport Command?

The Hon. MICHAEL GALLACHER: I thank the member for her well-mannered question. As I have continued to say to the House—

The Hon. Helen Westwood: You've learnt something.

The Hon. Peter Primrose: Getting a bit hoarse are you, Mike?

The Hon. MICHAEL GALLACHER: There is a response to that, but we will talk about it privately later out of the Chamber. Giddy-up. As I have indicated to the House on prior occasions, the Police Transport Command is an important area of policing, not only for the NSW Police Force and the Government but also for the travelling community. Sadly, for many years under the previous Government this area of policing was seen as a backwater for many police officers and their careers. They had no career opportunities and they had no transfer opportunities. Under the previous Government, the Police Transport Command was not seen as a forward-thinking, proactive arm of the Police Force; sadly, it was seen as just another area of policing where the Government ticked the box. But the previous Government failed to look after the most important part of the equation: the needs of police officers going into that area of policing.

On the other hand, upon coming into government the Coalition sat down with the Police Force, after listening for so long to the travelling public about the need to increase the visibility of police on our public transport system, and we have done something about it. We have done something substantial about restoring the faith of the travelling public while at the same time recognising the needs of police officers. As I have said in this House, this area of policing for many years was poorly treated and we are now trying to change a culture that exists within the organisation. We are saying to police that this is an area they should come to because they will get the best training and it is an area in which they will now have career opportunities that would never have occurred under the previous Government. It is not easy. We do have vacancies in this area and we have provided the money to attract police to—

[*Interruption*]

Members opposite are interjecting. We are trying to ensure that the years of neglect by the previous Government are cast aside. The NSW Police Force, headed by the commissioner, will ensure that this specialised area of policing is respected and that it carries with it career opportunities that were simply unimaginable under the previous Government. We are providing the necessary funding, and any suggestion that we are slowing down the process is completely false. The challenge now within the NSW Police Force is to assure the existing members of the Police Force that are considering a move to the Transport Command that it is not the same dirty, old model which existed under the previous Government and which lacked integrity and career opportunities for them. It is now an area in which officers can specialise, get access to training and, for the first time ever in their careers, climb a promotional ladder all the way to the rank of Assistant Commissioner—something that was not in the wildest dreams of those opposite because they were simply not prepared to recognise the Transport Command as a realistic option for police and for the travelling public of New South Wales.

The Hon. PENNY SHARPE: I ask the Minister for Police and Emergency Services a supplementary question. Could the Minister elucidate his answer by explaining why the operational capacity in the last quarter was 81 per cent and it is now down to 75 per cent?

The Hon. MICHAEL GALLACHER: Because those opposite are ignorant of the fact that we continue to increase the authorised police strength and to provide the necessary money. But, as I said at the outset, it is not easy reversing the 16 years of poor treatment by those opposite when they were in government. What was their answer to the travelling public's concerns about a police presence on our public transport system? They thought they would go for transit officers. Remember the officers in grey uniforms? Remember Michael Costa's tough-talking press conferences about his transit officers in grey uniforms? We made the point at the time that grey was not the colour the travelling public wanted to see on our public transport system; they wanted to see blue. The travelling public wanted to see a sea of blue police officers working on our public transport system.

The Opposition spokesperson for public transport tries to talk down this very important change. An extremely important cultural battle is now taking place within the Police Force. We are assuring officers that the Transport Command is a good career prospect and that it will give them an opportunity to specialise and do a fantastic job, but those opposite continue to talk it down. Shame, shame, shame.

COMPULSORY THIRD PARTY GREEN SLIP INSURANCE SCHEME

The Hon. TREVOR KHAN: My question is directed to the Minister for Finance and Services. Will the Minister update the House on how the Government has engaged with the legal profession in regard to its proposed compulsory third party insurance changes?

The Hon. GREG PEARCE: I thank the member for that important question. The Government has engaged extensively with the legal profession since the announcement of the compulsory third party insurance premium strategy. Obviously, members of the legal profession have been very vocal participants in the compulsory third party insurance debate and we expect that they will continue to be so. Over the past couple of years various professional bodies that represent lawyers have made a number of media comments highlighting insurer profits as a key indicator that the current scheme is not working. I agree with them.

As key participants in the debate, the Government and the Motor Accidents Authority were keen to engage the profession at an early stage. After I announced the terms of reference for the compulsory third party insurance premium strategy, the legal professional bodies were given the terms and comments were invited. Further to this, last year I attended the conference of the Australian Lawyers Alliance and highlighted the need for reform during my speech. The premium strategy was the subject of various meetings that the Motor Accidents Authority had as part of its regular reference group meetings with representatives of the legal profession.

I and members of my staff met with representatives of the Australian Lawyers Alliance, the Law Society of New South Wales and the Bar Association both before and after the Government's policy document was released in February. Moreover, meetings have been held with individual compulsory third party expert lawyers. In response to the policy document that was released in February the three organisations representing lawyers in this debate made a submission. I am grateful to them for that. Once again, meetings have been held with the legal profession since that time to discuss the details of those proposals.

The Treasurer has introduced the Motor Accidents Injuries Amendment Bill in the other place. I can tell members that 18 of the 24 recommendations made by the legal profession in its submissions have been adopted in the bill. Obviously, there are differences of approach, policy and opinion. One of the key differences is the Government's belief that there should not be exhaustive legal disputes over fault in genuine accidents. At the end of the day, people do make mistakes. They do silly things, they lose concentration, but we should do everything we can to try to promote road safety.

Members on this side of the House do not believe that being at fault in a car accident should cut a person off from all support in the future. For instance, consider a young working mother on a low income who is driving along a busy road with her three kids in the car. One of her children vomits over her shoulder and her attention is temporarily distracted. Unfortunately, as a result she crashes at a low speed into an oncoming vehicle. She sustains a number of injuries but cannot recover any moneys above $5,000, because she is deemed to be at fault. Meanwhile the other driver, who is a highly paid insurance executive or a union official, sustains a number of injuries for which he seeks compensation. The matter spends four years in court while the union official establishes stress and whiplash and a payout is made. Under our scheme, the young mother and the union official would be able to recover losses straightaway up to a cap of approximately $1,900 a week, as well as medical benefits.

The Government wants compulsory green slip insurance to fairly assist people who are injured in motor accidents through an efficient, sustainable and affordable insurance scheme. We do not support John Robertson, who wants people earning hundreds of thousands of dollars to be subsidised by everyday motor vehicle owners who are struggling to afford their green slips.

NATIVE FORESTS MANAGEMENT

The Hon. ROBERT BORSAK: My question is directed to the Minister for Roads and Ports, representing the Minister for Primary Industries. Is the Minister aware of recent comments made by Mr David

Shoebridge regarding the costs associated with the management of our native forests and logging operations? Is it a fact that on the latest available figures, the Forests NSW native forest division has a management cost of only $7.97 per hectare?

The Hon. DUNCAN GAY: I thank the honourable member for his question. As usual, it is an important question and asks whether I am aware of comments made by Mr David Shoebridge. Members will know that when it comes to comments and figures produced by The Greens, we find them unbelievable. They cannot be believed because frankly they are wrong on most occasions. The honourable member asked me if as the Minister representing the Minister for Primary Industries I will obtain the correct figures. I certainly will and I will report back to the House.

NEW ENGLAND HIGHWAY UPGRADE

The Hon. MICK VEITCH: My question is directed to the Minister for Roads and Ports. Given that last week the Federal Government committed $80 million to the upgrade of the New England Highway between Glen Innes and Tenterfield, will the Minister now give a commitment to the people of Northern Tablelands that he will provide the $20 million State funding that is required to make the vital project happen?

The Hon. DUNCAN GAY: Finally the Federal Government is into regional New South Wales and finally the Opposition frontbench is into Northern Tablelands. Some frontbench members went into the Northern Tablelands electorate and visited places they had only read about. We saw them.

The Hon. Mick Veitch: I was there.

The Hon. DUNCAN GAY: Mick Veitch pulled on his Baxter boots and up he went. Adam Searle pulled on his very shiny black R. M. Williams boots.

The Hon. Amanda Fazio: Point of order: My point of order is relevance. The Minister was asked a question about the New England Highway funding. He has not begun to answer the question.

The PRESIDENT: Order! There is no point of order.

The Hon. Luke Foley: I used to bump into Adam Marshall at Labor Party branch meetings.

The Hon. DUNCAN GAY: There were some people that would have been up there in their Doc Martens. I am reliably informed that one shadow Minister has not pulled on his Hush Puppies and has not been there. That is Walt Secord. Why has he not pulled on his Hush Puppies and gone to the tablelands?

The Hon. Lynda Voltz: Point of order: My point of order is relevance. The question regarded the $80 million contribution by the Federal Government and whether the State Government will commit $20 million.

The PRESIDENT: Order! The Minister is beginning to stray.

The Hon. DUNCAN GAY: It is interesting that a group of people who will not support the Government on an 80:20 funding split for the Pacific Highway all of a sudden want 80:20 in another position. We are looking for the reason why Walt Secord has been kept out of Northern Tablelands. More importantly, who are they trying to hide?

NSW POLICE DOG UNIT

The Hon. JENNIFER GARDINER: My question is directed to the Minister for Police and Emergency Services. Will the Minister update House on the NSW Police Force puppy raising program?

The Hon. MICHAEL GALLACHER: I thank the honourable member for her question. Last year the NSW Police Force dog unit turned 80. Established to provide specialist canine services such as general purpose, drug, firearms and explosives detection, and search and rescue, the NSW Police Force dogs are among the best trained in the world. The training of these recruits begins shortly after their birth and the community plays a vital part in this training. Police puppy raising programs give people an opportunity to get involved in the early development of our future police dogs. These opportunities bring a lot of responsibility

but they are also rewarding. To become a puppy raiser a person must meet certain criteria. For example, they must live in the Sydney Basin—no further than Penrith, Wollongong on Hornsby—and have no other dogs on their property.

The Hon. Amanda Fazio: Why not outside that area?

The Hon. MICHAEL GALLACHER: That is an operational matter. A person must also be able to house-train the puppy, which can be a challenge, and have a fully fenced backyard with adequate shade and shelter from the elements. The person must be able to have a small, portable puppy run in his or her backyard to house the puppy and be able to provide the pup with the exercise and attention it needs. In return, the NSW Police Force dog unit supplies all the puppy food, all the necessary equipment, any required medication and all veterinary expenses. Some sacrifices need to be made, but in return people will have the satisfaction of knowing that their time and input have helped to create a valuable member of the NSW Police Force. Information on the puppy raising program can be found at the police website, *www.police.nsw.gov.au*.

A recent initiative of the dog unit is to allow detainees in the Frank Baxter Juvenile Justice Centre at Mount Penang to train labrador puppies to become search and rescue dogs. This program follows the highly successful assistance dog training program that involved detainees training puppies for 12 months. The puppies later were assigned to new homes to provide assistance to people with a wide range of disabilities. As part of the new program, detainees will be especially selected to train the dogs. Training usually involves one or two detainees to each puppy. I understand that it will take approximately six months for the dogs to be fully trained before they can step up with their handlers and graduate from the Police Academy at Goulburn.

The Hon. Melinda Pavey: Where is Amanda's dog?

The Hon. MICHAEL GALLACHER: It kept chewing itself.

The PRESIDENT: Order! The Minister will resist the temptation to respond to interjections.

The Hon. MICHAEL GALLACHER: This is indeed a unique program. I understand that two young puppies, Bella and Nyx, have settled into the Frank Baxter Juvenile Justice Centre to commence their training. Our police dogs play an important role in supporting our front-line officers and in protecting life and property. I commend the police dog unit, past and present puppy raisers, and all people involved in this unique program for all their hard work and for producing some of the best-trained police dogs in the world. I commend the NSW Police Force but, more importantly, I commend those in the community who participate in the puppy training program.

COAL INDUSTRY EMPLOYEES

The Hon. JEREMY BUCKINGHAM: In directing my question to the Minister for Police and Emergency Services, representing the Premier, I suggest he may be aware of the Wood Mackenzie report that was commissioned by the Australian Coal Association and shows that the New South Wales coal industry is fighting for survival with more than half of the thermal coalmines operating at a loss. In the light of that report, what is the Government doing to plan for the transition of coal industry workers to alternative employment?

The Hon. MICHAEL GALLACHER: I thank the Hon. Jeremy Buckingham for his question.

The Hon. Jeremy Buckingham: Half of them are about to close—half of them.

The Hon. Matthew Mason-Cox: Why, Jeremy?

The Hon. Jeremy Buckingham: Because there is no money in coal.

The PRESIDENT: Order! Does the Hon. Jeremy Buckingham want an answer to his question?

The Hon. MICHAEL GALLACHER: He wants hemp-powered energy in New South Wales. He went to the Nimbin Aquarius celebration in his Kombi.

The Hon. Jeremy Buckingham: You were there, old man.

The Hon. MICHAEL GALLACHER: Taking photographs of you, champion.

The Hon. Mick Veitch: Surveillance duties, Mike?

The Hon. MICHAEL GALLACHER: Last week, he was there. When he turned up, they said, "No, we've got enough dope in this town." Be that as it may, I will refer the member's question to the Premier, as requested.

NORTHERN TABLELANDS BY-ELECTION CANDIDATES

The Hon. STEVE WHAN: My question is directed to the Minister for Roads and Ports. The Nationals candidate for Northern Tablelands was a member of the Labor Party, The Nationals and an Independent all at the same time, yet when questioned by the local media he provided misleading answers about this situation. Did the Minister speak to the independent water commissioner, Jock Laurie, and encourage him to run for the preselection? Is he disappointed that Jock Laurie is not the candidate, given the chequered history of the current candidate?

The PRESIDENT: Order! I rule the question out of order.

BOAT TRAILER PARKING

The Hon. CATHERINE CUSACK: My question is directed to the Minister for Roads and Ports.

[*Interruption*]

The PRESIDENT: Order! I cannot hear the member. Members will allow her to ask her question in silence.

The Hon. CATHERINE CUSACK: Will he update the House on the management of boat trailers being parked on residential streets?

The Hon. DUNCAN GAY: The New South Wales Government is aware of concerns raised by councils and the community about boat trailers being left on streets for excessively long periods. This is a particular issue on congested residential streets near popular waterways, such as Sydney Harbour. In 2012 I referred this matter to the Maritime Advisory Council. A working group was established to consider available options. The working group comprises representatives from the Office of Boating Safety and Maritime Affairs, the Woollahra Municipal Council, the City of Canada Bay Council and the division of local government in the Department of Premier and Cabinet. The working group found that councils can partly address the problem through the introduction of parking restrictions and permit schemes, but that that simply relocated the problem to nearby streets.

Options identified in the report of the working group include giving council rangers the power to impound boat trailers that have been left parked in the street for long periods and allowing councils to take direct action against unregistered boat trailers. A survey of trailers parked on streets in the Woollahra and Canada Bay council areas found that up to 18 per cent of the trailers were unregistered and should not have been on the road at all. Before progressing any regulatory changes, the Government is seeking the views of other councils and communities so that a broader range of opinions and ideas can be canvassed. The feedback from councils is that not all trailers are the subject of complaints: It is mainly trailers that are left unattended on the street, sometimes for months on end, which cause problems.

The objective is to strike a balance between the right to legally park boat trailers on streets for reasonable periods and improvement in parking access on congested roads. The boat trailer working group report has been released for public comment until 28 June 2013 and is available on the Transport for NSW website. Since boats must be stored somewhere, the other part of the solution is to identify options to increase boat storage capacity. The Draft Sydney Harbour Boat Storage Strategy, which already has been released for public consultation, is examining the best ways in which to accommodate the growth in boat storage requirements on Sydney Harbour. It is pleasing to see local government authorities working with this Government to identify practical solutions to this challenging issue. I encourage interested parties to participate in the consultation process.

EVENTS TICKET ONSELLING

Dr JOHN KAYE: My question is directed to the Minister for Finance and Services, representing the Minister for Fair Trading. Of the 44,016 consumer complaints that the New South Wales Office of Fair Trading received in 2012, how many were in relation to the onselling or resale of tickets for sporting, cultural, entertainment or other events?

The Hon. GREG PEARCE: I do not know.

Dr JOHN KAYE: I ask a supplementary question.

The Hon. Catherine Cusack: Point of order: In view of the Minister's answer, it is not possible to ask a valid supplementary question.

The PRESIDENT: Order! I will hear the question.

Dr JOHN KAYE: Will the Minister elucidate his answer by explaining—considering that he said he does not know—whether he will find out an answer, or whether he intends to not answer the question? If the latter is so, why will he not answer the question?

The Hon. Catherine Cusack: Point of order: That was not a supplementary question. That was a new question.

Dr John Kaye: To the point of order: The Minister said he does not know. I was trying to have him elucidate that by explaining the way in which he does not know.

The PRESIDENT: Order! The standing orders provide that for a Minister's answer to be in order it need only be generally relevant and not debate the question. However, if a Minister does not know the answer, the convention of the House is that he will obtain an answer. While the first part of the supplementary question is not in order, if I understood the member correctly the second part of the question is in order.

The Hon. GREG PEARCE: I missed the second part of the question that was ruled in order.

The PRESIDENT: I believe the question was: If the Minister does not know, why not?

The Hon. GREG PEARCE: That is a good question.

The Hon. Duncan Gay: Point of order: I submit that that is seeking an opinion.

Dr John Kaye: To the point of order: Mr President, the Leader of the House is canvassing your ruling. You made a ruling and we were living by that ruling. I repeat: The Leader of the House is canvassing your ruling. That is completely out of order and disrespectful.

The Hon. GREG PEARCE: The Greens have a habit of asking questions that ask for a detailed answer. They know that such questions should be placed on notice. This question should be a question on notice, not a question without notice.

The PRESIDENT: Order! I will take that as the Minister's answer and move on.

BONDI ROAD TRAFFIC PLANS

The Hon. WALT SECORD: My question is directed to the Minister for Roads and Ports. What is the Minister's response to the 148 local businesses—including members of the Bondi Chamber of Commerce—against the State Government's proposal to declare Bondi Road, Bondi a clearway in the summer; on weekends; and on public holidays?

The Hon. DUNCAN GAY: The Hon. Walt Secord has been out to Bondi in the Hush Puppies—moving through, checking out the talent—but has been seen nowhere near Northern Tablelands. He asked, "What are our plans?" We have no plans.

The Hon. WALT SECORD: I ask a supplementary question. Will the Minister elucidate his answer? Is he ruling out—

The PRESIDENT: Order! That is a new question. I rule it out of order.

SYDNEY WATER QUALITY

The Hon. MARIE FICARRA: My question is addressed to the Minister for Finance and Services. Will the Minister advise the House of the quality of Sydney's tap water?

The Hon. GREG PEARCE: That is how to ask a question. That question is seeking information. I thank the member for her question. I acknowledge that this matter recently received some media attention. I recently visited Australia's oldest water reservoir in Surry Hills to witness firsthand the length and depth to which Sydney Water goes to ensure a reliable and quality water supply for its customers. With 125 years of experience in the industry, Sydney Water is uncompromising in its commitment to provide safe, clean, healthy drinking water to customers across a vast area in Sydney, Illawarra and the Blue Mountains. To treat and transport water to this area, Sydney Water manages an integrated water supply network that sources raw water from 11 major dams owned by the Sydney Catchment Authority and one supply from the Hawkesbury River. Raw water is treated at one of nine filtration plants or the desalination plant, in accordance with the Australian Drinking Water Guidelines. The guidelines, which are regulated by the NSW Ministry of Health, define the characteristics of good quality drinking water, addressing both health and aesthetic properties.

The Hon. Greg Donnelly: You only walk on water, don't you Greg?

The Hon. GREG PEARCE: I acknowledge that interjection. Sydney Water's drinking licence requires drinking water to meet the Australian Drinking Water Guidelines. All water supplies are treated to comply with the requirements of those guidelines. Sydney Water's treatment facilities and monitoring systems are world class, which means more than 4.6 million people in greater Sydney have water in their taps that is, without doubt, amongst the best in the world. Sydney Water has a robust multi-barrier system to protect drinking water supplies and water goes through many stages of treatment before it gets to our taps. Furthermore, Sydney Water's rigorous sampling program ensures a wide-ranging approach to quality control with samples taken from the rivers and streams within the catchments, the dams and storages, as water enters and leaves the water filtration plants, and as water enters our taps.

This comprehensive end-to-end monitoring plan sees samples taken from approximately 650 household taps across Sydney each month. Testing covers up to 70 different parameters. Sydney Water's water quality monitoring and testing regime meets or exceeds international standards of safety and acceptability. The results of Sydney Water's quality testing and monitoring are published on its website to provide timely and accurate information to the public. Sydney's testing laboratory is accredited by the National Association of Testing Authorities, which benchmarks its performance with overseas laboratories.

Sydney Water works closely with NSW Health—the drinking water regulator—and with the Sydney Catchment Authority to protect public health and to ensure that the best quality drinking water is supplied to customers. Almost 400 cafés across Sydney champion Sydney tap water and a growing number of Sydneysiders have taken the Tap Pledge to support our city's water. Despite what commentators may say, I am delighted with the taste and quality of Sydney's water. It would be great if the shadow Minister would ask a question about Sydney Water—the water supply, or water and sewerage. The Hon. Walt Secord is great at tasting pies but he is not too good at tasting water.

STRANGER DANGER

The Hon. PAUL GREEN: My question is directed to the Minister for Police and Emergency Services. Given the spike in stranger danger incidents, with the police reporting 33 cases of children being approached by strangers since the beginning of the year, and given that the Sex Crime Squad commander, Superintendent John Kerlatec, stated in the media that the vast majority of these incidents were opportunistic, what steps are the police taking to minimise the opportunities for predators and to increase community awareness of stranger danger?

The Hon. MICHAEL GALLACHER: This is a classic case of what we refer to as the partnership in law enforcement. Police are certainly an important part of the complement in respect of how we address

community concerns. Equally, as we have seen in recent days, we need the Department of Education and teachers and other professionals within the department on board. However, families must be involved in making children aware of the risks of talking to strangers and of walking through quiet, isolated areas. Children need to be taught to be mindful of their surroundings. The offences committed in the last week are serious and the reports have shown incredibly brazen behaviour by the offenders. It is important that local area commands be made aware of people acting suspiciously. During this time we will no doubt see a spike in awareness, but it is important that people continue to immediately respond by reporting suspicious activity to police.

The Eyewatch program empowers communities by informing them of what is happening in their local streets and suburbs and by ensuring that the police also know. However, as the Hon. Paul Green understands from the expertise he no doubt gained prior to coming to this House and during the early stages of his membership of this House, the community needs to be involved in educating and preparing children, to ensure that they understand the need to stay safe in school grounds and as they move around the community. The lessons are for all of us: Children should walk near streets or paths that are used by other people; make sure parents or a responsible adult know where they are at all times; always walk straight home or to a particular destination; learn about safe adults who can be trusted—for example, police officers, teachers at schools and members of Parliament in this Chamber; do not talk to strangers or get into a car with strangers; and if scared when moving around the community, always remember to dial 000.

Of course, many children carry mobile phones. They should not be discouraged from calling 000 for fear of being embarrassed that at the end of the day nothing occurred. It is a bit like the message we give those who suffer chest pains: if at the very early stages they feel something to be concerned about, we encourage them to ring 000 and alert those fears to someone who can respond. I thank the member for his question.

CENTRAL COAST RAIL SERVICES

The Hon. GREG DONNELLY: My question without notice is directed to the Minister for Police and Emergency Services, representing the Minister for the Central Coast. Will the Minister guarantee that the new train timetable will include a direct service from the Central Coast to Macquarie Park and Macquarie University as promised?

The Hon. MICHAEL GALLACHER: I can guarantee one thing: this State will continue to enjoy the best transport Minister we have ever had. Gladys Berejiklian is doing an outstanding job. She cares about the travelling public. She is one of the travelling public. She travels on every mode of public transport.

The Hon. Greg Donnelly: Point of order: My point of order is relevance. My question specifically asked whether or not, in accordance with the promises made by the then Opposition, there would be a direct service from the Central Coast to Macquarie Park and Macquarie University.

The Hon. Steve Whan: To the point of order: I draw to your attention, Mr President, to the Minister's failure to resume his seat while the point of order was being taken and to await your ruling. I ask you to call him to order.

The PRESIDENT: Order! The Minister was being generally relevant.

The Hon. MICHAEL GALLACHER: When I think about promises to the Central Coast I think of the previous Labor Government's promise in 1999 to introduce a high-speed rail link to the Central Coast. Members opposite lied stone-faced to the people of the Central Coast and said, "We will deliver a high-speed rail line."

The Hon. Greg Donnelly: Point of order: If this Minister lives at Terrigal, obviously he does not care about the people on the Central Coast and does not care about their interest in the timetable.

The PRESIDENT: Order! The Hon. Greg Donnelly will resume his seat. There is no point of order.

The Hon. MICHAEL GALLACHER: As I have indicated, we have an outstanding transport Minister backed up by an outstanding Parliamentary Secretary. What a team. The travelling public can rest assured that when Gladys Berejiklian makes any decision about public transport in this State, she does so with the best intentions of the travelling public of New South Wales in her heart and mind, and in that decision. I thank the member for giving me an opportunity to again reflect on what an outstanding job the Minister for Transport is doing. Sadly, the time for questions has expired.

The Hon. GREG DONNELLY: Mr President, I have a supplementary question.

The Hon. MICHAEL GALLACHER: If members have any further questions, they should place them on notice.

The PRESIDENT: Order! The time for questions has concluded.

TOORALE STATION DAM REMOVAL

The Hon. GREG PEARCE: On 30 April 2013 the Hon. Robert Borsak asked me a question about the cost and removal of 100-year-old dams on Toorale Station. The Minister for the Environment, and Minister for Heritage has provided the following response:

I am advised as follows:

> Questions regarding water infrastructure at Toorale National Park should be referred to the Australian Government, because water infrastructure modification works are to be fully funded by the Australian Government.

GUM TREE GLEN CHILDREN'S CENTRE

The Hon. GREG PEARCE: On 8 May 2013 the Hon. Sophie Cotsis asked me a question about funding for Gum Tree Glen Children's Centre. The Minister for Local Government has provided the following response:

> The New South Wales Government is committed to improving child care services through genuine partnerships with the Council of Australian Governments, local councils, non-government organisations and private organisations
>
> Under the integrated planning and reporting framework contained in the Local Government Act 1993, all councils in New South Wales are required to work with residents and State agencies to prepare a long term Community Plan and Resourcing Strategy. This opens the way for important discussions about funding priorities and service levels. As a result, councils in New South Wales will be better placed to secure Federal and State Government funding/resources to either directly or indirectly provide appropriate services tailored to the needs of children and families in their area.
>
> The Department of Family and Community Services is the lead agency for administering child care funding and coordinating the provision of services throughout New South Wales. The member may therefore also wish to direct her question to the Minister for Family and Community Services, the Hon. Pru Goward, MP.

NEW ENGLAND HIGHWAY UPGRADE

The Hon. DUNCAN GAY: Earlier in question time I was asked a question about Bolivia Hill and the Federal Minister's commitment of $80 million to improve that awful section of road on the New England Highway. Everyone agrees that it is a terrible section of road. Certainly, this is part of Nation Building 2, which is a joint commitment between the State and Federal governments. We understand the Federal Government has put in $80 million. If that does not cover it, we will contribute whatever else is needed to meet the 80:20 funding.

Questions without notice concluded.

TABLING OF PAPERS

The Hon. Greg Pearce tabled the following reports:

Central Coast Water Corporation Act 2006—

1. Report of Central Coast Water Corporation for year ended 30 June 2011
2. Report of Central Coast Water Corporation for year ended 30 June 2012

Ordered to be printed on motion by the Hon. Greg Pearce.

Pursuant to sessional orders debate on committee reports proceeded with.

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Report: Administration of the 2011 NSW Election and Related Matters

Debate resumed from 19 February 2013.

The Hon. ROBERT BORSAK [5.06 p.m.]: I am pleased to speak to the Joint Standing Committee on Electoral Matters' second report of the Fifty-fifth Parliament on the administration of the 2011 New South Wales election and related matters. Before I touch briefly on some of the issues canvassed by the committee and the recommendations in the report, I firstly commend the New South Wales Electoral Commissioner, Mr Colin Barry, and all the staff of the New South Wales Electoral Commission for their professionalism and diligence in administering a successful and well-run election.

By resolution on 25 November 2011, the Joint Standing Committee on Electoral Matters was asked to inquire into and report upon the conduct of the 2011 New South Wales State Election with respect to the following electoral laws, their administration and related practices: Parliamentary Electorates and Elections Act 1912, other than part 2 of the Act; Election Funding, Expenditure and Disclosures Act 1981; and the provisions of the Constitution Act 1902 that relate to the procedures for, and conduct of, elections for members of the Legislative Assembly and the Legislative Council, other than provisions relating to the distribution of electorates.

I thank all witnesses who appeared at the hearings for their evidence and contributions to this inquiry. I take this opportunity to thank the committee members: the Chair, Jai Rowell, members of the Legislative Assembly, Andrew Fraser, Paul Lynch, Darryl Maguire and Gareth Ward, and members of this House, the Hon. Amanda Fazio, the Hon. Trevor Khan, the Hon. Dr Peter Phelps and the Hon. Peter Primrose for their cooperation and thorough approach in the conduct of the hearings. I thank also Hansard and the committee secretariat, Rachel Simpson, Jonathan Elliot and Rohan Tyler, for their valued assistance in preparing the report.

The report comprises five chapters. Chapter one provides the background to the inquiry, its terms of reference and how the inquiry was conducted. It provides also a brief outline of significant legislative changes that were enacted in the lead-up to the 2011 election, as well as key issues contained in the Electoral Commissioner's report. Chapter two examines the services provided to electors in the 2011 election by the New South Wales Electoral Commission, while chapter three considers the services provided to candidates and parties. Chapter four looks at the services provided to electors by the Electoral Commission that were considered to be innovative in their performance and in their potential use for future elections. Chapter five considered proposals to change the way in which future State elections are conducted.

To this end, I convey the committee's appreciation to the Electoral Commissioner and the staff of the Electoral Commission for their ongoing contribution to the work of the committee. The committee's report makes 14 recommendations, all of which intend to promote better awareness of elections, increase voter participation by providing better and more accessible services for everyone, and provide greater transparency and integrity of election campaigns. As members would be aware, significant legislative changes to the Parliamentary Electorates and Elections Act 1912 and the Election Funding, Expenditure and Disclosures Act 1981 were put in place prior to the 2011 election.

Since the last election many of the more significant changes have been canvassed in this place through amending legislation to the principal Acts which has, to a degree, rectified some of the unintended and onerous impacts that the changes had on all political parties. The recommendations in the report are indicative of the evidence received across a broad range of issues. They are grouped under four categories: service for electors, services for candidates and parties, innovations in electoral practices and future options for voting.

The recommendations will make it easier for people to exercise their democratic right to vote at elections and to encourage people who may not normally do so to take part in the democratic process. We all acknowledge the fact that governments in Australia are changed by voters and not by revolution or military coups. Everyone, regardless of circumstances, must be afforded an equal opportunity to partake in the democratic processes. As legislators we have a duty to facilitate this. I urge those members who have not read the report to do so. I am sure that every member will concur with the recommendations stemming from this inquiry. Once again I thank the chair, my parliamentary colleagues, the committee secretariat for their assistance and professionalism during the inquiry and everyone else who was involved in the inquiry. I commend the report to the House.

Dr JOHN KAYE [5.11 p.m.]: I will address the report of the Joint Standing Committee on Electrical Matters entitled "Administration of the 2011 New South Wales election and related matters." I acknowledge the committee members and the work that they did. I do not find myself in complete agreement with all of its findings. I think there are matters that the committee missed. It is an important task. The nature of the 2011 election was unique. It was an election with an historically high swing from the then Government to the then Opposition and the election was conducted under new election funding laws and with new donation laws.

There ought to be a careful and comprehensive examination of the process to identify the lessons that can be learnt from that election and to strengthen the electoral laws that sit at the heart of a parliamentary democracy. They protect elections from fraud and the voters from a sense of alienation from those elections. This committee report has some excellent recommendations in it but I fear that the committee failed to look deeply at a number of issues. I will raise those issues later in my speech. The focus of the Joint Standing Committee on Electoral Matters remains on the convenience of the majority party at the time rather than what is best for the people of New South Wales and what will strengthen and create a deeper democracy and a fairer electoral system.

The report failed to raise any deep reforms and focussed on issues that were easier to achieve. Despite that failure some good recommendations were contained in the report. I draw the attention of the House to recommendation number five, which stated that a dialogue should occur between disability advocacy groups and parties in respect of providing voter information in accessible formats and to explore the way in which people with disabilities can be given better access to electoral material. Every party can do better on the issue of empowering people who have disabilities to vote and have access to party information. I am sure every party, including The Greens, could do more on that issue and a dialogue with disability advocacy groups can only help. There was an argument to explore legislative protection to ensure that people with a disability have access to appropriate materials.

Recommendation number one in the report suggested that those organisations in receipt of a financial benefit from the State should be required to make their buildings available for the Electoral Commission to run polling booth activities. It is a sensible recommendation given that these organisations receive State funds and they should be required to give something in return. Recommendation number 12 concerned fixing the date of the issue of the writs. That is a sensible move and removes some of the uncertainty about the conduct of the election. It is a recommendation that the Government should pay attention to. I am particularly pleased to see recommendation number eight, which recommends penalties against polling booth providers who interfere with the display of compliant electoral materials.

That recommendation arises from two events reported to the committee, one involving the Australian Sex Party and the other involving The Greens. The event at the Gymea Catholic church involved The Greens. It stemmed from the appalling behaviour of the monsignor who insisted that The Greens material be taken down despite material from every other political party being allowed to stay on display. To the discredit of the electoral officer she failed to stand up to the monsignor and ordered the polling booth workers to remove The Greens material while allowing other parties to display their material. It was an unfair decision by the electoral officer based on activities of the Gymea Catholic church monsignor who was behaving in an atrocious and anti-democratic fashion. The Greens strongly support the recommendation that such people should be subjected to penalties.

Some of the recommendations are entirely unnecessary. The recommendation to require voters to provide proof of identity runs in the face of evidence given by Antony Green and Electoral Commissioner Colin Barry, who referred to the issue of multiple voting as an old chestnut. He said he was unable to dispel the perception because of the "limitation of the mark-off model." There is a widespread myth driving a policy for which there is no evidence. Antony Green stated the "numbers are quite possibly small." Digby Hughes from Homelessness NSW stated that requiring individuals to provide identification could disenfranchise some individuals.

The Committee ignored the real rorting issue of postal vote applications returned to parties. It is appropriate for political parties to encourage people to postal vote but many political parties send out postal vote applications in a form that looks official in order to deliberately confuse the voter into thinking that it is a document from the State Electoral Office. The aim of the political party is to harvest data about the voter. The forms look like official forms from the State Electoral Office but they are from political parties. The failure to stop this practice blurs the line between official forms and party propaganda and opens the system to a violation of privacy and an unfair advantage for a party based on its capacity to harvest information about voters.

Other missed opportunities include shortening the pre-poll period. New South Wales has two weeks of polling days and the first week is always very slow and expensive and it has an impact on parties. The Greens recommend a reduction of the pre-poll period to eight days: From the Friday before the week in which voting happens to the Friday night before voting happens. The Greens raised an issue in its submission about public servants who wish to stand as State election candidates being forced to take leave without pay. It was dismissed by the committee despite the impact it has on those individuals with regard to their democratic right to participate. In the case of teachers it will force them to interrupt the education of their students. The current situation, which the committee recommended continue, is a genuine denial of the rights of teachers and of other public sector workers to engage, as everybody else does, in the electoral process.

The third missed opportunity relates to parties being required to identify particular electorate expenditure in their Election Funding Authority return and particularly that expenditure which relates to a particular electorate. There is a $50,000 cap on expenditure in an electorate and yet that cap has become meaningless because parties have chosen to hide their electorate-specific expenditure in their State return. I raise the example of Port Macquarie where television advertising featuring National Party candidate Leslie Williams was not declared in her Election Funding Authority return. If The Nationals had done the right thing it would be declared within a State return.

It is my view that if she had declared all of her advertising—local Greens members reported a lot of the advertising featured Leslie Williams—she would have easily blown the $50,000 budget. The current lack of declaration undermines the capacity to enforce the $50,000 cap. The committee did not even look at this important issue and the laws should be changed so that electorate-specific expenditure is declared on the return of the candidate and not hidden in the statewide return of the party, as clearly happened in the case of the Port Macquarie electorate.

Finally, I turn to parties issuing false statements. This is happening particularly in the current Federal election campaign with statements about asylum seekers and carbon price. Section 151A of the Parliamentary Electorates and Elections Act deals only with the publishing of false information confined to the casting of a voter's vote. It is not broad enough to stop political parties or other individuals promulgating information and material that is deeply misleading and damaging to an individual. The Greens recommended a major change to the law, making it illegal to do so. For such information to be the basis of an election unfairly disadvantages many candidates and leads to outcomes which in many cases are deeply unfair. It is important that voters, when they hear information, have some security that is not based on lies about other candidates.

Mr SCOT MacDONALD [5.21 p.m.]: I make a quick remark in reply to Dr John Kaye about pre-polling. I think it is a great shame that The Greens have not been pre-polling in the Northern Tablelands.

The Hon. Dr PETER PHELPS [5.21 p.m.]: Firstly, I congratulate the staff of the committee on the excellent work they do through all of the proceedings. We have unfortunately lost a valuable member of the Legislative Council staff who has been unceremoniously poached by the other House. It is a terrible state of affairs and I can only recommend that greater funding be provided for salaries for committee staff in that regard. I will speak about a number of matters that came out in the report. Firstly, I strongly commend the committee for recommending the production of identification when it comes time for voting. I do not see that this in any way produces a democratic deficit in Australia.

The Hon. Trevor Khan: I do not think we were at one on this, were we?

The Hon. Dr PETER PHELPS: No, we probably were not at one on this. The production of identification was able to be achieved in East Timor when Australian troops oversaw the elections there. The production of identification was able to be done in Iraq when Australian troops oversaw elections there. The production of identification was required in Afghanistan when Australian troops oversaw elections there. So if the production of identification can be handled efficiently and democratically in Iraq, Afghanistan and East Timor, one would have to be on a different planet, as The Greens are, to believe that the production of identification cannot be handled in a first-world nation because, let us face it, we are not going out to hire a video. We are required to present identification when we hire a video yet we do not have the ability to require people when they undertake the most fundamental part of the democratic process, namely, exercising the right to vote, to produce any form of identification.

One might ask: what does that matter? Some members will be aware that before I was a member of Parliament I was a Federal staffer. I happened to be the chief of staff to the Special Minister of State and prior to

that I was the electoral matters adviser to an earlier Special Minister of State, the Hon. Chris Ellison. One of the things I noted quite quickly was the opportunity for electoral fraud. I am not saying that electoral fraud is a massive problem in Australia but there is undeniably an opportunity for fraud to take place, so much so that I once documented 20 different instances as to how one could effectively rort a vote.

Dr John Kaye: Did you try them all, Peter?

The Hon. Dr PETER PHELPS: I have tried none of them; I have simply pointed out that there are a massive number of instances where one could effectively rort the vote. How are these overcome? In every single one of those 20 instances, it would be impossible to rort the vote if people were required to produce some form of identification at polling booths. The second thing I want talk about is postal voting. The Greens do not like postal voting simply because they lack the organisational structure in the way that the Labor Party and Coalition parties are able to do it. They suffer a deficit in their administration; that is the real reason they do not like postal voting. They do not have the ability to harvest votes in the way that the Labor Party, The Nationals and the Liberal Party do. Therefore, they seek to create a competitive advantage for themselves by seeking to deny postal voting opportunities.

The Greens do not like pre-polling for the same reason. They cannot find someone to sit on a polling booth for a few days in advance. They have a problem with people sitting at a card table a few days in advance. There are a whole range of possible reasons why that could be the case but I am not going to defame The Greens. I think we can all pretty much understand why no-one would want to sit around for hours on end recommending a vote for The Greens, so of course they are opposed to an extension of the pre-polling period. The recommendation made to extend the pre-polling period is because it is convenient to voters. I am sure a lot of State directors will be unhappy that they will lose two weeks of campaigning time because people may choose to vote early but voters have shown with their feet; the market has decided.

I know that those words are enough to send Dr John Kaye's blood pressure into dangerous levels but the market has decided. People want to vote early, they want to vote pre-poll; they want to avoid polling day. I like polling day; I think it is fantastic. People can wander down to their local school, grab a sausage sandwich from the local stall and maybe even a cupcake to go with it. However, some people do not like it and they want to pre-poll and they should have that opportunity.

Dr John Kaye also raised leave without pay. I happen to speak from experience on this subject. In 1999 when I foolishly ran for the State seat of Drummoyne I had to take leave without pay from my then Federal employer to run for the seat. Was it an inconvenience? Yes, it was. Did someone hold a gun to my head and say, "You have to run for the seat of Drummoyne"? The answer is no. Running for a seat is the decision of an individual and the individual then has to live with the consequences of that decision, including the fact that they may have to take time off without pay or cut into their annual leave to be able to undertake the duties of a candidate. It is not strange that The Greens want public subsidies so that members can embark on foolhardy Green campaigns in the lower House and expect taxpayers to pay for them.

Finally, I comment on one further point, that is, the attempt to criminalise false statements by The Greens. This is one of the great causes celebres of The Greens, the idea that one can have a grand objective vision where the touchstone of truth can be applied to statements during an election campaign and that somehow they will be magically revealed. We all know that is a farce: Politics is about different interpretations, different perspectives and different points of view. One simply has to look—as I did in great detail—at the 1998 GST election campaign, when the Federation of Australian Commercial Television Stations was figuratively bombarded with complaints from both sides of politics about purportedly false claims regarding the GST: its likelihood, its revenue, its impact and its reach. So much so, the federation eventually gave up seeking to censor television commercials. It threw up its hands and said, "This is insane; fight it out amongst yourselves". Previously the Federation of Australian Commercial Television Stations had attempted to adjudicate on the truth, or otherwise, of particular campaign commercials. But the situation got so bad that after 1998 the federation simply gave up.

I am surprised that Dr John Kaye said it should be illegal to make false statements. I suspect he is concerned not so much about the making of false statements but about the time when the Labor Party and the Liberal Party highlighted The Greens' election campaign policies, which were quite interesting—especially their drugs policy. It was not so much the false statements that Dr John Kaye objected to but the truthful statements about what The Greens really stood for on a whole range of issues.

Dr John Kaye: Point of order: The Hon. Dr Peter Phelps is putting words in my mouth; I did not say that. He is making allegations about me that are incorrect.

The Hon. Dr PETER PHELPS: That is not a point of order.

DEPUTY-PRESIDENT (The Hon. Helen Westwood): Order! I do not need the assistance of the Hon. Dr Peter Phelps in making my ruling. That is not a point of order. The Hon. Dr Peter Phelps has the call.

The Hon. Dr PETER PHELPS: It is impossible to work out any reasonable system where false statements can be—

DEPUTY-PRESIDENT (The Hon. Helen Westwood): Order! The member's time has expired.

The Hon. Dr Peter Phelps: Point of order: Madam Deputy-President, it is inappropriate for members to take vexatious points of order purely for the purpose of running down the clock—which is what I contend Dr John Kaye did.

DEPUTY-PRESIDENT (The Hon. Helen Westwood): Order! Regretfully, that has been the practice of a number of members in this place for some time. There is no point of order.

The Hon. TREVOR KHAN [5.32 p.m.]: I will restrict my comments to two areas. First, I will deal with that part of the report by the Joint Select Committee on Electoral Matters relating to iVote, which is chapter 4. As was illustrated in the committee's report, I believe the introduction of iVote is a revolutionary and effective method of allowing people to vote in New South Wales. That is reflected by the much higher take-up rate of iVoting than was anticipated by the Electoral Commission prior to the last election. Putting all politics aside, the fact that iVote was introduced and was so effective speaks volumes for the work of the New South Wales Electoral Commission.

I note that considerable evidence was given on this issue. Some issues raised with regard to iVoting are worth noting. First, the use of iVoting did not extend to the 2012 local government elections. As the committee's report noted, it is appropriate that consideration be given to extending iVoting to local government elections as well as to general elections at a State level. It is also notable that The Nationals considered that iVoting had been successful but recommended there be greater promotion of the current scheme by the New South Wales Electoral Commission. There was an issue with iVoting at the 2011 election in relation to addresses, particularly in regard to the convention that applies to rural property addresses, which iVoting had difficulty accepting.

The report dealt also with iVoting eligibility in by-elections. Currently, as we all know, at a general election iVoting is available to people who are not in the State on polling day. But in a by-election it is not available to people who are, for instance, more than 20 kilometres outside their electorate on polling day. Certainly it is the view of The Nationals that the Parliamentary Electorates and Elections Act 2012 should be amended to enable technology-assisted voting if the voter is more than 20 kilometres outside their electorate on polling day. That is recommendation 10 in the committee's report.

Secondly, I note that the Electoral Commission raised an issue about the counting of iVotes. Specifically, at the 2011 election iVotes were counted with postal votes. Members will recall that it is a requirement that iVotes be printed and then counted manually. The Electoral Commission recommended—it is recommendation 9 of the committee—that New South Wales consider introducing legislation to amend the Parliamentary Electorates and Elections Act 2012 to enable technology-assisted iVote results to be counted separately from postal votes at State elections and by-elections.

The only other matter I wish to address is voter identification. That is an issue about which I do not agree with my colleagues on this side of the House. We are all concerned about maintaining the integrity of the voting system. However, it is my view that no evidence was presented to the committee during its quite lengthy and detailed inquiry that justified the conclusion that there was what could be called "endemic fraud" in the New South Wales electoral system. Indeed, the only evidence on this issue put before the committee was given by Mr Barry, who specifically denied that there was evidence of endemic voter fraud that would justify the necessity to produce identification at a polling booth.

I note also that the commissioner identified some problems that would arise in requiring the production of voter identification. One of those problems is an administrative issue relating to the form of

identification that would be required, how it would be verified and the time it would take, over and above the time it currently takes, to mark off the roll. We know that at many polling booths there are considerable delays for voters, particularly in the morning. Mr Barry expressed the view in evidence that, if we were to require additional forms of voter identification rather than identification by name and address, those queues would be far longer.

I note anecdotally that during The Nationals' historic community preselection process the production of some form of identification, such as a driver licence, was required. We found that, notwithstanding notifying people that they needed to produce identification, some still turned up to vote without their driver licence or other form of identification and then simply packed their bags and left. I perceive that if we have a requirement for identification at the State level but not at the Federal level the confusion created by that disparity will discourage people from voting. They will attend the polling booth but leave when they are told they cannot vote without identification.

Taking into account the American experience—where the Republican Party seems enamoured of the requirement for voter identification—I am concerned that it would disadvantage the poor and the uneducated. In Australia it may discourage non-English speaking groups and Indigenous groups from voting. It is to our disadvantage as a community if, by introducing technicalities such as this, we effectively disenfranchise people. That outcome does not serve any of us well. In the absence of any evidence being presented to the inquiry, we should be particularly careful about adopting recommendations that will discourage people from voting. After all, participation in our democratic process is not only one of the true gifts presented to citizens of New South Wales and Australia but also one of the things that hold our society together.

The Hon. ROBERT BORSAK [5.41 p.m.], in reply: I thank my colleagues who have made contributions to the debate. Once again, I thank the committee members for the way in which they conducted themselves and for their considered input into the work of the inquiry. I also thank Hansard and the committee secretariat for their assistance and professionalism during the inquiry and in the preparation of the report. I thank the Electoral Commissioner and the staff of the New South Wales Electoral Commission for their ongoing contribution to the work of this important committee. I commend the report to the House.

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

Motion agreed to.

JOINT STANDING COMMITTEE ON ROAD SAFETY

Report: Report on Driver and Road User Distraction

Debate resumed from 7 May 2013.

The Hon. RICK COLLESS [5.42 p.m.], in reply: I thank members for their contributions to the debate and for the way in which the inquiry was conducted. I especially thank Mr Bjarne Nordin and his staff for their work in the administration of the inquiry and the preparation of the report. The main thing to come out of the inquiry was that young people who are given the privilege of a drivers licence need to ensure that they concentrate on the job at hand. That job is to drive the car and to be constantly aware of what is going on around them. They must maintain their awareness at all times; not some of the time or part of the time. These days young people take for granted their access to things that my generation never had when we were learning to drive. The car radio was the only distraction that most of us had then, but these days young people have so many technological devices they find it difficult to keep their mind on the job and maintain road safety.

The Hon. Lynda Voltz: They didn't have seatbelts on and they didn't drink beer.

The Hon. RICK COLLESS: I acknowledge the interjection by the Hon. Lynda Voltz. Certainly some people did not wear seatbelts. In fact, when I learnt to drive cars did not have seatbelts. Also, a certain element engaged in illegal activities.

The Hon. Walt Secord: Not you though.

The Hon. RICK COLLESS: No, of course not. But today the problem is much greater than it was then because young drivers are exposed to so many more distractions. I appeal to all young people who have

just got their licences, or who are in the process of learning to drive, to concentrate on the job at hand. That job is driving the car; not sending a text message, speaking on the phone or checking other devices. I thank all committee members and staff who participated in the inquiry, and commend the report to the House.

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

Motion agreed to.

SELECT COMMITTEE ON THE PARTIAL DEFENCE OF PROVOCATION

Report: The Partial Defence of Provocation

Debate resumed from 7 May 2013.

Mr DAVID SHOEBRIDGE [5.46 p.m.]: On behalf of The Greens I commend the work of the Select Committee on the Partial Defence of Provocation. As a committee member, I extend my genuine gratitude to every member of the committee. I think it was an occasion on which parliamentarians did some of our best work. In large part we put aside party differences that often generate the heat in this House, if not the light. We had genuine discussions about problems in existing law and came to grips with issues presented to us on both sides of the argument. We heard from groups who wanted to abolish entirely the partial defence of provocation and groups that were adamant it be retained, in all its perceived glory, in order to do justice to defendants.

I would be surprised if a single member who went in with a perception came out with the same view after reading the submissions and hearing the evidence and the discussion around the table over the course of the months that the inquiry proceeded. Recommendation 7 is the key recommendation of the committee. It provides that the New South Wales Government introduce an amendment to section 23 of the Crimes Act to ensure that the partial defence is not available to defendants other than in circumstances of a most extreme and exceptional character. It is as follows: if a domestic relationship exists between the defendant and another person, and the defendant unlawfully kills that person and/or another person and the provocation is based on anything done by the deceased or anything the person believes the deceased has done to end the relationship, or to change the nature of the relationship, or to indicate in any way that the relationship may, should or will end, or that there may, should or will be a change to the nature of the relationship.

The recommendation goes on to say that, for the purpose of determining those matters, the court should have regard to the following circumstances that provide guidance on the types of circumstances in which a defendant, except in some extreme and exceptional circumstances, should not be able to avail themselves of the partial defence of gross provocation. They are: the deceased indicates to the defendant that they wish to end a relationship; the deceased discloses infidelity to the defendant; the deceased taunts the defendant about sexual inadequacy; the defendant discovers their partner or ex-partner in flagrante delicto and kills that person, or the third person; the defendant kills a third party who they know or believe has been having a relationship with their partner or ex-partner; or the defendant kills a person with whom they are in conflict about parenting arrangements for children.

Recommendation 7—together with recommendations 4, 5 and 6, which put in place a gross provocation model—gets the balance right. It allows for provocation to be raised where there is gross provocation. That means words or conduct, or a combination of words and conduct, that cause the defendant to have a justifiable sense of being seriously wronged. However, it excludes provocative conduct such as ending a relationship, taunting about sexual inadequacy or finding one's partner in bed with another person. It makes clear that that kind of gendered use of provocation, which has traditionally been men asserting their property rights over women, has no place at all in criminal law. But it will allow—and is consciously framed to allow—women who have been the subject of longstanding domestic violence and longstanding intimidation by a partner to raise what is referred to in many submissions as "battered women's syndrome". They will be able to avail themselves of the partial defence of provocation when they have been subjected to an ongoing pattern of humiliation, belittling and sometimes violence that can so tragically end in women feeling that the only viable option they have in the circumstances is to take the life of the partner who has been abusing them and causing them psychological and physical violence.

In striking that balance, the committee rejected two alternative streams of thought. The first was a stream of thought that was presented by the Public Defender's Office, the Bar Association and to some extent the Law Society. It said that the defence of provocation must be left in its existing form to allow juries to

have access to submissions that, in the circumstances in which the defendant found themselves, they were so sufficiently provoked by both the conduct and actions of someone else that it led them to take another's life. In New South Wales and Victoria, as well as in the United Kingdom, we have seen case after case in which the existing law on provocation, as it is found on the statute books in New South Wales and as it was on the statute books of Victoria and the United Kingdom, has been used by men to justify the killing of their partners.

We have the tragic case in this State of the man who killed his partner by cutting her more than 20 times with a box cutter. It was a brutal and savage attack. He relied successfully on the defence of provocation to diminish the charge from murder to manslaughter. He did so on the basis that—and his evidence was untested because the only other witness to the alleged taunts was his partner, who is dead—his partner had said that she would leave him and she had threatened his immigration status. After hearing the submissions in the course of the committee's inquiry and by applying my values to those submissions and those facts, I concluded that that was utterly unacceptable. Despite the best endeavours of some members of the legal profession, who sought to justify the outcome, I found this unable to be justified in any way, shape or form. With these amendments, the defendant in those circumstances would be excluded from the use of the provocation defence.

Once a start was made on delving into the manner in which the provocation defence worked, it became apparent that some of the community unease with it is because defendants get a double discount. The evidence was that defendants would say at the commencement of a trial, "I will plead not guilty to murder but I am willing to put in a plea to manslaughter on the basis of the partial defence of provocation." In cases such as the one to which I referred earlier, the prosecution would not accept that partial defence. If the partial defence was eventually made out, the defendant not only got a discount from the charge being downgraded from murder to manslaughter—which on the evidence had changed it from a custodial sentence of approximately 20 years to a custodial sentence of approximately seven years—but also, because they indicated earlier they would plead guilty to manslaughter, got an additional 25 per cent discount for an early plea. The double discount means that men who have killed their partners often serve only four or five years in jail for this crime. I think that is part of the reason for community disquiet. One other key recommendation that I will address briefly is recommendation 1, which states:

> That the Director of Public Prosecutions include a specific guideline in the Prosecution Guidelines of the Office of the Director of Public Prosecutions in relation to homicides occurring in a domestic context. The guideline should provide clear direction to assist prosecutors in determining the appropriate charge to lay against defendants, particularly in circumstances where there is a history of violence toward the defendant.

The reason for that recommendation is that a number of women's legal groups and support groups said that there is an overcharging of women when they kill their partner in the context of long-term domestic violence. Those women are being charged with murder. When the charge is reviewed by the Director of Public Prosecutions, the charge remains. Even though they may have a viable self-defence claim, those women often accept a plea of manslaughter on the basis of provocation because the prospect of defending a murder charge and facing potentially 20 years in jail for murder is so brutal that they take the plea of manslaughter rather than run their potential claim of self-defence, which would be an entire defence in the circumstances. I thank the other members of the committee. I endorse the report.

The Hon. DAVID CLARKE (Parliamentary Secretary) [5.56 p.m.]: As a member of the Select Committee on the Partial Defence of Provocation I will offer some comments on the report that the committee has produced and that has been tabled in this House. I believe the report is important. It deals with a vital issue involving an area of the criminal law that has raised much controversy, which has been fuelled by several highly publicised criminal trials in recent times. The inquiry was ably chaired by Reverend the Hon. Fred Nile, and the committee's members worked in a cooperative manner ultimately to bring forward a report whose recommendations were unanimously agreed upon. Throughout the inquiry, outstanding assistance was provided to members of the committee by the secretariat, comprising Ms Rachel Callinan, Ms Vanessa Viaggio and Ms Lynn Race. This Parliament is well served by people of such high calibre, who through their talent, professionalism and hard work make the task of committee members so much easier.

The end result of the committee's deliberations was that it came to the unanimous conclusion that the partial defence of provocation should not be abolished but, rather, should be reformed to remove the unintended consequences that have resulted in much consternation and outrage as a result of the facts and verdicts of highly publicised cases, such as Singh's case. In that case Mr Singh successfully pleaded the partial defence of provocation and incurred a non-parole term of imprisonment of only six years, despite having killed his wife by

repeatedly slashing her throat with a box cutter. Provocation of Mr Singh was found to have been established by Mrs Singh telling her husband that she no longer loved him but loved someone else and by threatening to have him deported.

In response to arguments that the partial defence of provocation should be abolished altogether because of the result in cases such as Singh, the committee was mindful of the considerable evidence that abolition would impact unfairly and adversely on others, such as those who had been understandably provoked into a violent response as a consequence of longstanding continuous and serious domestic violence. I believe the model proposed in the report before the House is a good one. It retains the partial defence of provocation but with restrictions to remove the injustice arising from cases such as Singh. It restricts the partial defence of provocation to situations in which the community overwhelmingly perceives the actions to be understandable and justified in all the circumstances.

The substance of the report's recommendations is directed to obtaining a credible balance. I do not propose to analyse the nature and effect of the recommendations, nor the evidence that led the committee to come to its conclusions: The committee's report of 244 pages does that accurately. However, being mindful of the complexity of this area of the criminal law, the committee has included a reference to the New South Wales Law Reform Commission to undertake a review of the law of homicide and homicide defences in New South Wales, including any reforms that may have been made in accordance with the recommendations of this report. The committee recommends that such a review commence at the end of five years from the date of this report. I believe the report is a good outcome of the select committee's deliberations, and I commend it to the House.

The Hon. WALT SECORD [5.59 p.m.]: I shall make a contribution on the report of the Select Committee on the Partial Defence of Provocation. I wish to briefly make three points on the committee report. First, I formally support the recommendations of the committee. Secondly, I formally urge the O'Farrell Government and the New South Wales Attorney General to adopt the recommendations. I welcome comments by the chair, Reverend the Hon. Fred Nile, who told the House that he has informal advice that the report has been forwarded to Parliamentary Counsel for consideration and the drafting of legislation. I sincerely hope that occurs. Thirdly, I congratulate the seven members of the committee, who were drawn from across the political spectrum. We worked together to produce a report with recommendations that were reached unanimously. That is a major feat as this issue is a complex and often contentious one within our legal system. There was no dissenting report or statement from any member of the committee. This is an excellent example of committee work by consensus.

I take the opportunity to congratulate my parliamentary colleague the Hon. Helen Westwood on the work she has done in this area. She moved the motion to establish this inquiry and convinced our Labor colleagues of the importance of reform in this area. She then convinced our Government and crossbench colleagues. The Hon. Helen Westwood has a fine record of working to improve the protection of the vulnerable in society, particularly women and children. I congratulate Reverend the Hon. Fred Nile, the Hon. Trevor Khan and the Hon. Adam Searle on working with the Hon. Helen Westwood to establish the inquiry and on their cooperative and bipartisan approach.

The key recommendation of the committee is that the partial defence of provocation should no longer be able to be relied on in a murder trial where the killing was preceded by events that, while unsettling, are in fact common life experiences—for example, a man who kills his wife because of an affair or someone who takes an objection to unwanted homosexual advances. While such circumstances might genuinely upset a person, we live in a society in which we are expected to deal with life without resorting to violence. An example of this principle was explored in the 2012 case of *R v Singh*, the case that prompted this inquiry. Mr Chamanjot Singh stood trial for murder after cutting his wife's throat several times with a box cutter. Mr Singh claimed that his wife, Manpreet Kaur, provoked him by telling him that she had never loved him, that she was in love with someone else and by threatening to have him deported. He claimed, successfully, that as a result he lost his self-control and killed her.

Mr Singh was convicted of manslaughter based on the partial defence of provocation. He was sentenced to a non-parole term of imprisonment of six years. There was considerable community outrage at the killing being classed as manslaughter and not murder and at the length of the sentence. I agree with the Hon. Trevor Khan when he says that it is difficult to comprehend how a man who kills his wife in such circumstances could be entitled to even a partial defence to murder. Perhaps it is not surprising that, in light of this high-profile case, the parliamentary committee heard that the defence had favoured men. I agree with the committee's view that it is unacceptable that the law offers a partial defence to people who kill in response to

provocative circumstances which are, in fact, a normal part of the human experience. Feeling betrayed by the end of a relationship is a normal experience and not one that would cause most people to resort to murder. I support the limiting of access to the partial defence of provocation.

Recommendation No. 7 covers the circumstances of a separation, a breakdown of a relationship or the flaunting of other sexual partners. Such things can no longer be used to support the partial defence of provocation. Appropriately, self-induced intoxication and homosexual advances have been ruled out. However, the committee rejected abolition of the defence and deemed that the defence should be redefined in terms of "gross provocation". This refers to extreme, sustained provocation that goes well beyond the ordinary insults of life, such as long-term domestic violence. Abolition would create a problem for those in the community whose voices are not well represented: the victims of domestic violence. I agree with the comment made by Reverend the Hon. Fred Nile when referring to the matter of domestic violence. He said, "For that reason the committee did not recommend the complete abolition of the defence of provocation." Victims of long-term domestic violence must and should retain access to this defence. I believe that this is a common-sense approach and shows an understanding of the complexities of this area of law.

The committee has struck the right balance: It has respected a longstanding principle of law but has brought it into the new century. The partial defence will be tightened but it will still be available to the citizens of New South Wales who find themselves genuinely provoked beyond reason by circumstance of extraordinary violence or cruelty. Those who seek to excuse their lack of self-control and hide behind this defence will find it closed to them. It is an excellent outcome. I commend the committee for its work and its spirit of bipartisanship. I thank the House for its consideration.

The Hon. HELEN WESTWOOD [6.04 p.m.]: Tonight I speak in support of the report of the Select Committee on the Partial Defence of Provocation. In doing so, I thank all members for their contribution to this debate. I appreciate the credit that other members have given me for bringing this matter before the Parliament. I know that other members of Parliament also have an interest in this area. When I heard of Manpreet Kaur's death and learned of the violent, terrifying and painful circumstances in which she died I was moved, as I am sure were all members of this House. We then saw her husband charged and the case play out in court. The result was that he was found not guilty of murder on the basis of provocation but guilty of manslaughter and received an eight-year sentence. To say that it was grossly inadequate is an understatement.

I received a strong response from organisations and individuals who have long advocated for the rights of victims of domestic violence. Those individuals and organisations have advocated for reform of our laws that will lead to a reduction and ultimately an end to violence against women. They were outraged by this sentence. Nobody thought that the sentence delivered justice for the victim or her family. The only person I have heard express a belief that the sentence was just was the criminal defence barrister for Mr Singh who gave evidence to the inquiry. I respectfully disagree with her.

Although we can never replace Ms Kaur's life or remove the pain and hurt her family feels, I hope that they will be able to see that some good has come from the death of their loved one. Ms Kaur's death has caused a painful vacuum in her family. Members of this House have felt a little of their pain and have responded to it by finding a way in which we could bring about justice that would not allow such a situation to occur again. I came to this issue with a view that abolition of the defence of provocation was probably the way to go. I do not think I was the only committee member with that view. However, I came to this as someone without a legal background. I have never been a practitioner in the law and I do not really understand its complexities, as some of my colleagues did. I am grateful for their contribution throughout the committee's deliberations.

I thank the Hon. Trevor Khan, my Labor colleague the Hon. Adam Searle, Mr David Shoebridge and the Hon. David Clarke, who all have a legal background and certainly helped me understand some of the complex issues and consequences of whichever path our recommendations followed. As others have said, this inquiry was an example of the parliamentary committee process at its best. Mr Scot MacDonald, the Chair of the committee, Reverend the Hon. Fred Nile, and I as lay people also contributed to the process to produce a report and suite of recommendations that reflect community expectations and values regarding violent crimes that lead to death.

I thank and acknowledge some other people. Reverend the Hon. Fred Nile was an absolutely excellent Chair of this committee. He brought great skills not only to the hearings, which often were quite difficult and emotional, but also to our deliberative meetings and discussions. He helped to guide the committee in its work, resulting in the production of a unanimous report. I also thank the committee secretariat. We received a great

deal of high-quality material and submissions that were complex yet helpful. I thank all those individuals and organisations for providing their submissions to the inquiry. The secretariat staff assisted committee members to unravel much of that information to present in an easy-to-read report—again reflecting the committee's work in this inquiry. I thank particularly Ms Rachel Callinan, Ms Vanessa Viaggio and Ms Lynn Race.

For as long as this Parliament has people of the calibre and capability of Ms Callinan and Ms Viaggio, we will continue to produce great work. I commend them. I was astounded at the quality of the report. They were able to put into words some complex areas of law with which we were grappling. At times I know we contradicted ourselves when considering some matters but, in the end, with their assistance, briefings and discussion papers we have produced an excellent report. Most importantly, this report will be referred to over time. There are some things about the substance of the issue that need repeating. In the time remaining I should like to quote Professor Julia Tolmie to make the point about the importance of this inquiry and the need for these reforms. She said:

> The problem, of course, is that [provocation is] being regularly applied to justify male violence against women in life circumstances that are unexceptional—instances where relationships break down or do not progress as one partner would wish.

That is very true. People have the right to end a relationship. Some people are unfaithful to their partners, but that does not justify violence. These reforms are long overdue in matters involving also non-violent sexual advance. I urge the Government to bring the recommendations to the House in the form of a bill as soon as possible.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [6.14 p.m.]: I too reinforce the statements of previous speakers, such as the Hon. Helen Westwood, about the positive role of the committee Chair, Reverend the Hon. Fred Nile, all other committee members, and the supporting committee staff without whom we would not have been able to deliver a report as comprehensive, as well written and as powerful as the one tabled before this House. This unanimous report from a diverse group of cross-party members of this Parliament sends a strong signal to the Government and to the community that this law must change.

When this matter was referred to a committee, a wide range of submissions were received promoting different reforms that could be embraced. The Director of Public Prosecutions submitted that the partial defence of provocation should be abolished as it belonged to an earlier age—an age where women were the property of men—and had no place in modern law and that all matters dealing with gradations of moral culpability could be dealt with adequately on sentencing. However, ultimately in the committee's unanimous view, this did not adequately come to grips with the very different moral judgement that attaches to a conviction for manslaughter as opposed to a conviction for murder.

Having examined the substance of the submissions and the evidence the committee received, as well as the long involved history of jurisprudence in this area, it was clear that maintaining that differential moral judgement remained valid and extremely important. It must be remembered that the community outrage in the wake of the Singh case did not arise alone on the issue of the perceived lenient sentence of the offender but, in fact, occurred upon the conviction of Mr Singh for manslaughter rather than murder for the death of his wife. Of course, the adage is that hard cases make bad law; the whole edifice of the law should not be wrapped around or meet the exigencies or difficulties presented by any one case. When the committee came to grips with its terms of reference and the material—not just by looking at cases like Singh, Won or the Victorian Supreme Court matter of Ramage—the systemic problem in the law became clear: not as it was necessarily applied because that was the law but, rather, as to the policy that underpinned it.

Some submissions argued for abolition altogether. The committee did not accept that. The committee considered very different models of reform that were put forward. Committee members were unified by the desire to improve the criminal justice law and practice system in this State. Although everyone came from a slightly different perspective and committee members had different preferred models of reform, at least initially, we were unified by listening to each other's views respectfully, and giving as well as taking. Ultimately, the committee was not divided but coalesced around a majority opinion so that we could speak with one voice. By speaking with one voice we hoped to improve the chances of positive reform to the law in this area. Many other submissions said there simply was no need for change and that cases such as Singh that prompted the inquiry were an aberration. As I indicated earlier, all committee members turned their minds independently and carefully to the evidence and all came to the view separately and together that the partial defence of provocation continues important work in our criminal justice system, but only if it is modernised appropriately and reflects contemporary community values.

The carefully considered proposals that we have put forward as a committee do just that. The changes, if implemented, will strengthen access to provocation for long-term victims of domestic violence while excluding it from defendants—admittedly, mainly men—who kill current or former partners or, in the case of Won and other persons, in circumstances of relationship breakdown. The partial defence should be available only in extraordinary circumstances. Notwithstanding the fact that it turns on an ordinary person test, when we look at the incidence of relationship breakdown throughout this nation it is not the ordinary person who is provoked and takes a life; it is an extraordinary circumstance and an extraordinary situation and it is an aberration. The partial defence of provocation, if it continues to be available, should be available only in circumscribed and rare circumstances.

In particular, the committee unanimously found that partial defence of provocation should not be available where there is a nonviolent sexual advance. The so-called "gay panic" defence should have no place in a modern system of criminal justice and should not be permitted to be raised as a partial defence. Some submissions said such a defence would never succeed today, but the committee believes that chance cannot be taken because from time to time some defendants attempt to raise it. I urge the Government to not merely consider these unanimous recommendations but to implement them because they form a cohesive whole for positive reform of the law in this area. If adopted, this integrated package of reforms will significantly improve criminal law in practice in New South Wales and will improve public confidence in the criminal justice system.

I will conclude by speaking of the first recommendation: That the Director of Public Prosecutions include a specific guideline in the prosecution guidelines in relation to homicides occurring in a domestic context. The guidelines should provide a clear direction to assist prosecutors in determining the appropriate charge to lay against defendants, particularly in circumstances where there is a history of violence towards the defendant. The committee heard evidence—and this is not to lay blame on any particular institution—that in circumstances where a life has been taken and there is a clear perpetrator there is a tendency to initially charge those persons with murder, which means even where there may be a complete defence, for example of self-defence, sometimes there was a form of plea bargaining and a suggestion that the prosecutor would accept a plea to manslaughter if there was a guilty plea.

This meant that many vulnerable defendants were through circumstances coerced into inappropriate pleas in circumstances where some of them may have had complete defences, not only a partial defence of provocation. That circumstance occurred because there was a default position on the part of prosecuting authorities that would be reviewed as more evidence came in. The Director of Public Prosecutions has a specific prosecution guideline that deals with vulnerable witnesses such as those with mental illness. The committee concluded that victims of long-term domestic abuse are vulnerable victims even where they have perhaps committed a crime. There needs to be a prosecution guideline specifically directed to those circumstances so that prosecuting authorities can more quickly get to the appropriate criminal charge.

Where the appropriate criminal charge is one of manslaughter rather than murder at least a defendant is in a position to make a more informed choice about the plea or the case that he or she ultimately presents in court. The defendant does not have to choose between accepting a plea to manslaughter or presenting a case of self-defence which, if it fails, would see him or her convicted of murder. Whereas if the defendant is charged with manslaughter that is the worst that can happen to him or her. The prosecution needs specific guidelines to take those factors into account in order to get to the appropriate criminal charge earlier, which will benefit the public purse and all of the persons caught up in those extraordinary and tragic circumstances. In conclusion, the deliberations of this committee represent Parliament at its finest—people with diverse backgrounds and different political views came together with good will, were prepared to put their prejudices to one side and to work together for the common good. I believe the committee achieved that. This is a good strong package and I urge the Government to embrace it wholeheartedly.

The Hon. Dr PETER PHELPS [6.24 p.m.]: I was not a member of the committee but what I have heard here this evening fills me with concern and reminds me of the adage that a camel is a horse designed by a committee. I have a degree of sympathy with the idea put forward by legal representatives to the effect that provocation should be retained in its existing form. I have a stronger sympathy for the idea that provocation should be removed as a defence entirely. What we have done is fall between two stools, and we have neither one nor the other. If one looks briefly at the history of the provocation defence, one sees that until the fifteenth or sixteenth centuries any unlawful killing was immediately treated as murder.

During that period there was a growth of the "hot blooded" defence—that because of the nature of the circumstances in which people found themselves they were overcome and they killed another person. There was

a mitigating circumstance based on a proximate and alarming shock to them which forced them into action. That has continued through to the present day. In 1982 there was a new statutory enactment based on the 1982 recommendations of a report relating to the use of provocation in domestic violence that had previously gendered the law in favour of men. There were changes in 1982 to create a situation where women could avail themselves of this defence to a far greater degree.

In relation to this it now seems that the original intention—in other words, the immediacy of the hot-blooded action; the irrational, extreme, overt action—of a person confronted by circumstances is being abolished whereas the 1982 enactments are being continued. That leads me to the immediate question: How is there not a new gendered defence being created in this instance? That is something that I will research in the committee report. When I asked Mr David Shoebridge to provide an alternate example he could not or would not do so. It would be good if we were all cool headed, rational, logical individuals, but we are not. If anyone has spent any time watching the magistrates' courts such as Newtown Local Court—as I used to do for my kicks, bizarrely enough—they will find that a lot of people that go through the criminal justice system can be described as simple minded, aggressive and under the effect of drugs. In other words, their mental impairment is quite clear for all to see.

I have a great deal of sympathy with defence lawyers and their request that the existing provocation laws be taken into account and remain in law. Members have said that circumstances such as the Singh case call into question the defence of provocation. I would suggest in that instance the fault does not lie with the law itself but rather the sentencing for manslaughter in this State. Manslaughter in this State is woefully under-sentenced. I have read one report that indicated since 1999 only one person in New South Wales has received the maximum sentence for manslaughter. The Bureau of Crime Statistics and Research indicates that the average sentence for manslaughter is a custodial sentence of some six years—six years for the killing of a person. My argument in this instance would be—and it seems a far better thing to do—that given there is no longer a mandatory sentence for murder, as there was up until 1982, the need for a provocation defence has outlived its usefulness.

If there is provocation or extenuating circumstances in the action of the defendant, these can be more than adequately catered for in a reduced sentence during the murder trial. The idea that provocation should remain on the books as a mitigating factor has been overtaken by legislative enactment which allows for a move away from mandatory sentencing for murder. We should do one of two things: we should either retain the law in its existing format so that everyone can avail themselves of the provocation defence or we should abolish it entirely for all people and let judicial reasoning and judicial discretion be applied in those instances where it is deemed to be necessary. I was not a member of the committee but what I have heard today makes me concerned about the committee's recommendations and I strongly believe we should do one thing or the other. We should not find ourselves in the situation of taking half measures which, in effect, simply create a new gendered defence.

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

Pursuant to sessional orders debate on the budget estimates proceeded with.

BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 2013-14

Debate resumed from 19 March 2013.

The Hon. NIALL BLAIR [6.30 p.m.]: As I had been saying, coupled with the Bridges for the Bush program is our freight and ports strategy. As the New South Wales population increases to around nine million in the next 15 to 20 years, we can expect a doubling in our freight load. With that comes increased pressure on our freight transport and handling infrastructure networks, networks that for far too long had been sadly neglected by Labor. The report combines 12 months of strategy and development involving extensive community consultation in order to gain a thorough understanding of issues such as choke points on our rail network and unnecessary red tape impacting on our heavy vehicle movements.

Public comments have been sought and consideration of this feedback, along with extensive community consultation already undertaken with producers, transport operators and industry representatives across regional New South Wales, mean that for the first time communities will have a say in what the New

South Wales Government will do to support the freight and logistics industry of the State. The commitment to infrastructure development has been unrivalled in recent years, highlighting the vision required for the continued betterment of this State. The steps taken with this infrastructure will be further complemented by plans to improve the level of education in the State about our all-important food and fibre industries.

I believe we have a fantastic opportunity in New South Wales to feed not only our country but also the rest of Asia and other parts of the world. The resources we are able to develop, particularly in regional New South Wales, through increased education and skills training in the agricultural sector mean we can meet the demands of an ever-increasing population. By freeing up our rail and heavy vehicle transport networks we will increase output to our ports and into the markets that so desire it. We are proud of this achievement. It has taken the O'Farrell-Stoner Government to have the vision to recognise the potential of our regional areas and has followed it up with a budget that will allow our communities to reach their potential.

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

Motion agreed to.

BAIL BILL 2013

Second Reading

Debate resumed from an earlier hour.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [6.34 p.m.]: I look forward to further highlighting key aspects of the bill in my second reading speech, which was sadly interrupted by question time and debate on committee reports. I am sure members will be enthralled with the remainder of the speech. The balance of division 1 sets out procedures that must be followed after a bail decision is made. Proposed sections 34 and 35 require the provision of certain notices and information to the accused person where bail is varied or refused. Proposed sections 36 and 37 impose obligations regarding the provision of information to a person who has agreed to provide bail security or a character acknowledgement under a bail condition. Proposed section 38—one of my favourites—requires the bail authority to give reasons for making certain decisions including setting out the unacceptable risks identified.

Division 2 of part 4 remakes a number of important provisions in the existing Act. Proposed section 40 provides for the prosecution to seek a stay of a decision to grant or dispense with bail in relation to a serious offence where such a decision is made on the first appearance by the accused so that a detention application can be made to the Supreme Court. Proposed section 41 restricts the maximum period for which certain officers and courts can adjourn a matter if bail is refused. Proposed section 42 imposes notice requirements where bail is granted but the accused person is not released. Part 5 sets out the powers of bail authorities to make and vary bail decisions. Division 1 provides for bail decisions by police officers.

Consistent with the existing Act, proposed section 43 provides that a police officer can make a bail decision in relation to a person present at a police station if they are of or above the rank of sergeant, or in charge of the police station at the relevant time. Proposed sections 44 to 46 recreate existing safeguards in relation to police bail decisions, including a requirement that a bail decision be made as soon as reasonably practicable after a person is charged and that a person who is not released on bail be taken before a court or authorised justice as soon as practicable to be dealt with according to law. These proposed sections also retain existing requirements in relation to information and facilities that must be provided to accused people by police.

I note that proposed section 44 incorporates a provision allowing police to defer a bail decision if a person is intoxicated, as defined in clause 4 of the bill, but stipulates that this deferral must not cause delay in bringing the person before a court or authorised justice. It is not appropriate for a bail decision to be made in circumstances where a person's intoxication means they are unlikely to understand it. The existing Act provides that intoxication is a general consideration when making a bail decision; however, the Law Reform Commission recommended against such a consideration being retained. The bill therefore provides for a deferral of a bail decision in these circumstances with appropriate safeguards.

A complementary deferral power for courts has also been provided in proposed section 56. Proposed section 47 implements recommendations made by the Law Reform Commission to clarify the circumstances in

which a bail decision of a police officer can be reviewed by a more senior officer. Consistent with those recommendations, it provides that a police officer who is more senior to the one who made the bail decision may review a decision to refuse bail or to impose conditional bail. Such a review can be conducted on the senior officer's own initiative and must be conducted if requested by the accused person.

However, a review is not to be carried out if it would cause delay in bringing the accused person before a court. Division 2 of part 5 sets out the powers of courts and authorised justices in relation to bail applications. The Law Reform Commission noted that the existing scheme for review by a court of a previous bail decision can be confusing, as it may be unclear whether a new application is being made or a review of the previous decision is being sought. The commission therefore recommended that the review system be scrapped and that a simplified application regime be implemented whereby three forms of bail application can be made, depending on what outcome is sought. The bill implements that recommendation.

Proposed section 49 provides for the accused to make a release application, being an application to have bail granted or dispensed with. Proposed section 50 provides for the prosecution to make a detention application, being an application to have the accused's bail refused or revoked. In relation to both of these types of application, the relevant bail authority may, after hearing the application, dispense with bail, grant bail or refuse bail and may vary or affirm a previously made bail decision. A detention application cannot be heard unless the accused has been provided with reasonable notice, subject to the regulations.

Proposed section 51 provides for the third type of application recommended by the Law Reform Commission, being an application for variation of bail conditions. The provision sets out the parties who may make such an application, including the complainant where the accused is charged with a domestic violence offence, or, where bail is granted on an application for an apprehended violence order under the Crimes (Domestic and Personal Violence) Act 2007, the person for whose protection the order would be made. Proposed section 51 (8) makes clear that when a variation application is made by the complainant or person in need of protection, the prosecutor in the matter has standing in relation to the application and must be provided with a reasonable opportunity to be heard. After hearing a variation application the bail authority may refuse the application or vary the bail decision. However, proposed section 51 (9) stipulates that bail may not be revoked unless the prosecution has requested revocation.

Proposed section 52 replicates existing powers for authorised justices to hear variation applications in relation to bail decisions made by courts. Proposed section 53 implements a recommendation of the Law Reform Commission, providing power to courts and authorised justices to grant or vary bail on a person's first appearance for an offence without an application having to be made. However, this power can be exercised only if it is to benefit the accused person. Proposed section 54 clarifies that a court can refuse bail or affirm a decision to refuse bail if a person in custody appears before the court and does not make a bail application on a first appearance. Proposed section 55 replicates powers in the existing Act that allow courts and authorised justices to reconsider bail in relation to an accused person who has been granted bail but who has remained in custody because they have not complied with a bail condition.

Proposed section 56 provides courts with the power to defer a bail decision and adjourn the proceedings where an accused person is intoxicated, but not for more than 24 hours. I have already outlined the rationale for this provision in relation to proposed section 44. Proposed sections 57 and 58 impose restrictions on the powers of the Local Court and authorised justices in relation to varying bail conditions. Part 6 sets out the powers of courts and authorised justices to hear bail applications. These provisions have been drafted so as to give effect to the recommendations of the Law Reform Commission while retaining, where possible, the existing powers of courts and authorised justices to hear applications and review bail decisions. Whilst the bill does not retain the concept of reviewing a bail decision, the new application regime and the powers provided to courts to hear bail applications following an earlier bail decision will ensure that the accused and the prosecution have appropriate avenues available to them to have a bail decision reconsidered, either in the same court or in a higher court. I note that these provisions have also been the subject of consultation with the relevant heads of jurisdiction.

Proposed section 61 provides the general rule that a court has power to hear a bail application for an offence if proceedings for the offence are pending before it. However, proposed section 62 provides that a court that convicts a person of an offence may still hear a bail application for the offence after an appeal is lodged against the conviction or sentence, up until the person makes their first appearance in the appeal proceedings. Division 3 sets out the powers of particular courts to hear bail applications. I will not set out these provisions in detail in order to expedite the passage of this legislation; however, I note that proposed section 66 allows the

Supreme Court to hear a variation application or detention application where a bail decision has already been made by the District Court. This differs from the existing Act whereby decisions of the District Court can be reviewed only by the Court of Criminal Appeal.

Division 4 of part 6 imposes some restrictions on the powers of courts to hear bail applications. These restrictions have largely been carried over from the existing Act. Part 7 contains a number of important safeguards in relation to bail applications, including the requirement that they be dealt with as soon as reasonably practicable. Proposed section 72 imposes a mandatory requirement on courts and authorised justices to hear an application for release or variation made by an accused person on their first appearance in substantive proceedings for an offence. Proposed section 72 (2) provides that the bail authority is not to decline to hear the application because notice has not been provided to the prosecution, but may adjourn the hearing if it is necessary in the interests of justice. This proposed section implements a recommendation made by the Law Reform Commission.

Proposed section 73 sets out discretionary grounds on which a court may refuse to hear a bail application, including because it is frivolous, vexatious or without substance. Proposed section 73 (3), however, preserves the requirement in proposed section 72 to hear applications made on first appearance. Proposed section 74 largely remakes provisions in existing section 22A of the Bail Act 1978 restricting second or subsequent release applications made to the same court. The proposed section also extends these restrictions to second or subsequent detention applications made by the prosecution. It stipulates that a court is to refuse to hear a second or subsequent release or detention application unless there are grounds for a further application.

In relation to release applications, proposed section 74 (3) sets out the grounds for a further application, including where there is relevant information that was not presented on the previous application and where relevant circumstances have changed since the last application. However, this provision includes an additional ground for a further application, not contained in the existing section 22A, which applies where the accused person is a child and the previous application was made on their first appearance for the offence.

The Law Reform Commission's review noted the particular difficulties that can be faced by legal practitioners when taking instructions from juveniles at the early stages of proceedings. This additional ground for a further application has been included in recognition of that difficulty. The grounds for a further detention application in proposed section 74 (4) also include a change in circumstances and where there is new information relevant to the grant of bail. An example of circumstances that may qualify as grounds for a further detention application is where the accused enters a plea of guilty or is convicted of the offence following a hearing. I move:

That my time for speaking be extended by not more than 10 minutes.

Question put.

The House divided.

Ayes, 21

Mr Ajaka	Mr Gay	Reverend Nile
Mr Blair	Mr Green	Mrs Pavey
Mr Borsak	Mr Khan	Mr Pearce
Mr Clarke	Mr Lynn	
Ms Cusack	Mr MacDonald	
Ms Ficarra	Mrs Maclaren-Jones	*Tellers,*
Mr Gallacher	Mr Mason-Cox	Mr Colless
Miss Gardiner	Mrs Mitchell	Dr Phelps

Noes, 14

Mr Buckingham	Mr Primrose	Ms Westwood
Ms Cotsis	Mr Searle	Mr Whan
Mr Donnelly	Mr Secord	*Tellers,*
Mr Foley	Ms Sharpe	Ms Fazio
Mr Moselmane	Mr Veitch	Ms Voltz

Question resolved in the affirmative.

Extension of speaking time agreed to.

The Hon. MICHAEL GALLACHER: Part 8 deals with enforcement of bail requirements. The Law Reform Commission recommended that the legislation set out the options open to police when responding to a breach or threatened breach of bail and the matters that should be considered by police when doing so. Proposed section 77 (1) therefore stipulates the actions that a police officer may take in relation to a person who the officer reasonably believes has failed, or is about to fail, to comply with a bail acknowledgement or bail conditions. In those circumstances the officer may decide to take no action, issue a warning, issue an application notice or court attendance notice to the person requiring them to attend court, arrest the person or apply for an arrest warrant.

Proposed section 77 (3) sets out the considerations that a police officer is required to take into account when deciding whether to take action and what action to take. They include the seriousness of the failure or threatened failure, whether the person has a reasonable excuse, the personal attributes and circumstances of the person and whether an alternative to arrest is appropriate in the circumstances. Clause 77 (2) also makes clear that if an officer arrests a person for a breach, the officer may decide to discontinue the arrest and instead issue a warning, application notice or court attendance notice. Clause 78 sets out the powers of courts and other bail authorities when dealing with an alleged breach of bail. Clause 78 (2) stipulates that bail may be revoked or refused only when the authority is satisfied that the person has failed or was about to fail to comply with their bail and, having considered all possible alternatives, the decision to refuse bail is justified.

The Hon. Lynda Voltz: I think that is a sensible provision.

The Hon. MICHAEL GALLACHER: I thank the Hon. Lynda Voltz. We will refer to it as the Lynda Voltz provision. Consistent with clause 21, which governs offences with a right to release, clause 78 (4) provides that bail may be revoked or refused for those offences, and that an offender no longer has a right to release if bail is so revoked or refused. Clause 79 and clause 80 recreate the offence of failing to appear that the Law Reform Commission recommended should be retained. It will be an offence when a person, without reasonable excuse, fails to appear before a court in accordance with their bail acknowledgement. I seek leave to incorporate the remainder of my speech in *Hansard*.

Leave not granted.

I sought leave because under the sessional orders at this point we decide whether to adjourn the House.

Pursuant to sessional orders business interrupted to permit a motion to adjourn the House if desired.

The House continued to sit.

The Hon. MICHAEL GALLACHER: The offence attracts the same maximum penalty as the offence for which bail is granted, but any penalty imposed is not to exceed three years imprisonment and/or a fine of 30 penalty units, which is $3,300. Part 9 remakes and simplifies provisions in the existing Act relating to bail security requirements. I will not set those provisions out in detail to assist members—they can examine the legislation. Part 10 contains a number of miscellaneous provisions that are generally consistent with ancillary and machinery provisions in the existing Act.

Some significant provisions in part 10 include clause 89, which restricts publication of certain information regarding association conditions; proposed sections 93 and 94, which are evidentiary provisions; and proposed section 95, which provides for the delegation of functions of bail authorities. Clause 100 provides for the repeal of the Bail Act 1978. Clause 101 provides that the new Bail Act will be reviewed after three years in operation, with the review to consider whether the policy objectives of the Act remain valid and the terms of the Act remain appropriate for securing those objectives. A report on the review is to be tabled in each House of Parliament within 12 months after the end of the period of three years.

Schedule 1 to the bill extends the application of the legislation to bail proceedings under other Acts and to proceedings relating to the administration of sentences. Schedule 2 remakes and simplifies provisions in the existing Act governing the forfeiture of security in bail proceedings. Again, I will not set out those provisions in

detail. Schedule 3 contains savings and transitional provisions, which will ensure that bail granted under the existing Act will continue to have effect when the new legislation commences. Further, they will apply the provisions of the new legislation to bail undertakings and bail applications that are on foot at the time of its commencement. The Bail Act is referred to in a number of other pieces of legislation and consequential amendments will need to be made to those Acts when the new Act commences. The Government will bring forward a further bill to make consequential amendments later this year. I thank members for the opportunity to conclude my speech. 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 future day.

ADJOURNMENT

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [7.04 p.m.]: I move:

That this House do now adjourn.

TAREE COMMUNITY CABINET MEETING

The Hon. JENNIFER GARDINER [7.04 p.m.]: Yesterday I participated in the latest community Cabinet meeting conducted by the O'Farrell-Stoner Government—this time in Taree. Hundreds of community members from across the Manning Valley and Great Lakes met to put their questions on local issues directly to Ministers. The Nationals member for Myall Lakes, Stephen Bromhead, acted as master of ceremonies. The diversity of issues and interests represented in the audience as well as the issues raised by constituents was broad indeed. The Ministers listened attentively, responded empathically, and often demonstrated that they possessed very good local knowledge.

Community Cabinet meetings mean that members of the Executive Government are exposed to questions about peculiarly local issues and priorities. One of the many issues raised in Taree was mental health. Mr Mort Shearer, who has worked tirelessly to improve mental health services in the Hastings Valley, spoke of similar needs in the Manning and Macleay valleys. He received an update on developments with respect to the Headspace program by the Minister for Mental Health, Minister for Healthy Lifestyles, and Minister for Western New South Wales, Mr Humphries. The small community on Cabbage Tree Island in the Manning River took the opportunity to lobby for a bridge to improve their local road. The restructuring and modernising of RailCorp was raised with Minister Berejiklian.

Mr Adrian Drury spoke on behalf of dairy farmers in the Manning district about changes being made to the delivery of local agriculture services. The Nationals leader and Minister for Trade and Investment, and Minister for Regional Infrastructure and Services, the Hon. Andrew Stoner, welcomed the recent stronger advocacy on behalf of the dairy industry by producers such as Mr Drury. A recent arrival in the district from Malaysia spoke about the need for jobs for local kids so that they do not need to move away from the district to find work. Another businessman, who recently moved from Sydney and established a business in the main street of Taree, spoke about police numbers and police responsiveness to lawlessness.

Minister Gallacher confirmed that the Commissioner of Police is reviewing police numbers from Port Stephens to the Tweed to reflect the changing demographics on the North Coast. He also demonstrated that he well understood the need for urgent responses from the police, when needed. Minister Hartcher responded in some detail to questions about the AGL coal seam gas project at Gloucester, stage one of which was approved by the previous State Labor Government and the current Federal Labor Government. Minister Hartcher confirmed that further stages of the Gloucester project will not go ahead if they are not signed off as safe.

The Hon. Jeremy Buckingham: That is misleading the House; your Government approved it.

The Hon. JENNIFER GARDINER: Rubbish.

The Hon. Jeremy Buckingham: Your Government approved them.

The Hon. JENNIFER GARDINER: No. Minister Hartcher also spoke about the review of the coal seam gas industry in New South Wales that is being undertaken by the NSW Chief Scientist. He announced that a preliminary report from the independent Chief Scientist is expected to be presented in early July. As an

example of the Government listening to the local community and the local member, Mr Bromhead cited the examination of TransGrid's recent performance by Mr Rollason. The latest report on the mid North Coast's energy needs was released in conjunction with the community Cabinet meeting in Taree. That report derives from advocacy by Stephen Bromhead. Yesterday Minister Hartcher informed the public forum that from now on the New South Wales Government will require improved community engagement processes and greater flexibility and transparency in transmission developments. As a result of the review, TransGrid announced it will no longer proceed with the very controversial Stroud to Taree transmission line.

Minister Parker answered questions about resourcing the revamped independent Environment Protection Authority in relation to coal seam gas as well as questions relating to recreational fishing in marine parks. Mr Bruce Parsons outlined plans for a new aged care facility in Great Lakes. Minister Constance undertook to assist the proponents to interact with the Department of Planning and Infrastructure. Minister Souris was asked about regional arts funding, which is a particularly high priority of that Minister, and referred to the link between tourism and the arts. He pointed out that tourism is now the biggest jobs driver in New South Wales. On health, Dr Murray Hyde Page referred to the recently finalised Clinical Services Plan for the Manning Base Hospital and Minister Skinner said that she looked forward to continuing positive discussions with the hospital community, the Commonwealth, and the community in general about the redevelopment of parts of the Manning Base Hospital. [*Time expired*.]

TRIBUTE TO JIM BOND

The Hon. MICK VEITCH [7.09 p.m.]: Jim Bond—a man with whom many in this Chamber are familiar and who is in the public gallery tonight—graduated recently from Macquarie University. He received a Bachelor of Arts in Political Science. Jim's achievement is remarkable because he has severe dyslexia. The literal translation of the word "dyslexia" is "trouble with words". It is a misunderstood disorder or neurological disability that affects one's ability to process words and numbers. Roughly 16 per cent of Australians live with dyslexia. Much of the confusion surrounding dyslexia stems from the fact that everyone's experience with dyslexia is different. To complicate things further, the symptoms are often inconsistent—appearing or disappearing from one day to the next.

Two main symptoms of dyslexia have been identified. Dysphonetic symptoms relate to a difficulty in connecting sounds to symbols. This can often be identified when words are skipped or swapped while reading. Dyseidetic symptoms relate to whole word recognition and also to spelling difficulties. This can often be identified by the phonetic spelling of words even when that is not the correct way to spell them. It is worth sharing with the House Dyslexia Australia's definition of "dyslexia" from its website because it promotes a positive and inclusive understanding of the disorder. It states:

> Dyslexia is the capacity to process information differently, enabling innovative thought and perception. It is characterised by a visual and experiential learning style. Methods using this learning style allow dyslexic people to realise their capabilities and minimise the negative impact commonly developed by conventional methods.

Jim Bond has been an inspiration to people suffering with dyslexia, and now he has proven that being dyslexic is no barrier to higher education and obtaining a bachelor degree. He has been a long-time activist and advocate for the dyslexic community. He left school at the age of 14 because at that time there was not sufficient understanding of how to tailor learning to suit his needs and it was deemed best that he make a start in the workforce. However, this early setback did not stop him. In fact, it appeared to strengthen his resolve—as many in this Chamber would know.

Jim recognised that technology could substantially improve access to education. He campaigned to have text-to-speech computer programs introduced into local libraries, schools and universities—programs that makes text more accessible to dyslexic people. He succeeded in having dyslexia included as a disability in the Anti-Discrimination Act. He also advocated changes to the Education Act so that special teacher trainer programs were established to recognise and cater to the needs of dyslexic students. Jim also campaigned for changes to the Human Rights Act that saw dyslexia included as a disability.

Jim began his bachelor degree in 2009. Overall, he received nine distinctions and three high distinctions—no mean feat for any student. He worked collaboratively with the Macquarie University's Accessibility Services Unit and together they worked out a personalised plan to help Jim with his studies. This involved identifying what technology was best suited to his needs. He used WYNN software to aid his study.

WYNN utilises a bi-modal approach, which is the simultaneous highlighting of the text as it is spoken. This makes printed text easy to understand. He also used the Digital Accessible Information System [DAISY], a program that transcribes the written word and reads it back aloud.

Jim now plans to study a Masters of Politics and Public Policy. He recently received a special camera called Pearl from the university's Disability Service. Pearl takes pictures of a page of any book and can read it back to the user in seconds, making access to learning even easier. It is a remarkable system. Upon his graduation, Jim received a letter of congratulations from the Prime Minister, Julia Gillard. I would like to read from it. It states:

> If anyone doubted that you would succeed, they only had to look at your record as an activist for change and see the tenacity you've shown. Congratulations, good luck, and thank you for your amazing advocacy and example. Other Australians with dyslexia will get to the graduation dais earlier and easier because of what you've accomplished.

I cannot agree more. I am sure that all in this Chamber join me in extending our congratulations to Jim on an outstanding achievement. Congratulations, Jim; you are an inspiration.

ARMENIAN, ASSYRIAN AND GREEK GENOCIDES

Reverend the Hon. FRED NILE [7.14 p.m.]: Tonight I wish to speak in response to the Turkish Consul General's letter of condemnation regarding the motion I moved in this House—which was passed unanimously—in recognition of the genocide of the indigenous Assyrian, Hellenic and Armenian people. The reply from the Turkish Consul General was sent to the Speaker in the other place and to the President who then distributed copies of the letter to the respective members of both Houses. In my reply I stated:

> As you noted in your correspondence of 6 May 2013, I moved a motion of recognition of the Genocides of the indigenous Assyrian and Hellenic peoples of Anatolia, incorporating a reaffirmation of the 1997 recognition of the Genocide of the indigenous Armenian people. The motion was tabled and carried unanimously, in accordance with Parliamentary procedure.
>
> Similar motions of a commemorative nature are moved and carried by members of both Houses of the Parliament of New South Wales on a regular basis on a wide range of issues, particularly related to human rights and current affairs.

Since writing this letter the motion has also been moved in the other place by the Premier and passed unanimously. My reply continued:

> My intention in moving this motion was not to attack or denigrate the modern State of Turkey, which was established by a great Turkish leader, Mustafa Kemal Ataturk, who I greatly admire.

I have been reading his biography. It went on:

> These Genocides were carried out by the leaders of the Ottoman Empire, not the modern State of Turkey which has wonderful relations with Australia, in spite of the failed Gallipoli campaign.
>
> In moving this motion, I have drawn on conclusions reached by the International Association of Genocide Scholars, the Australian Institute for Holocaust and Genocide Scholars, and other national and international scholarly groups. The unanimous opinion is that the Assyrian, Armenian and Hellenic peoples were victims of genocide in the 1910s and 1920s.
>
> As noted by the Australian jurist Geoffrey Robertson QC in his 2009 study, *Was there an Armenian Genocide?*—

and he proved that there was—

> Winston Churchill declared the events to be, "An administrative holocaust … there is no reasonable doubt that this crime was planned and executed for political reasons".
>
> When commemorations and scholarly conferences on the Genocide of the Armenians are regularly held within the Republic of Turkey, and Turkish scholars and writers such as Taner Akcam and Orhan Pamuk call for recognition of the fact of the Genocides, I fail to understand how the NSW Legislative Council resolution constitutes "sowing the seeds of hatred" in Australia.
>
> Please study—

I attached a number of examples stating the historical fact of the genocides. My letter continued:

> The Genocide Recognition motion has a strong focus on the Genocides as part of the Australian national story. As documented in the Australian War Memorial in Canberra, Anzacs were captured and imprisoned as far south as the Sinai Peninsula, as far east as Mesopotamia—modern Iraq—as well as across Anatolia.
>
> The archives of the Australian War Memorial in Canberra have written and photographic evidence that the Anzacs rescued Armenians and Assyrians in Persia—Iran—and Mesopotamia—Iraq—as well as during the Palestine Campaign. Many of these Anzacs later became involved in an international humanitarian relief effort on behalf of the survivors for over a decade.

> The events of the Assyrian, Armenian and Hellenic Genocides were documented by the Australian media … before World War I began, throughout the war and well into the 1920s. I also refer you to a recent study by Dr John Williams of the University of Tasmania, published in the April 2013 issue of the Quadrant magazine.
>
> As the Armenian National Archives were only formed in 1923, when the Genocides were almost over, [your request for] a "joint commission of history" between the Republics of Armenia and Turkey would have little to discuss. The archives relevant to the Genocides of the Armenians, Assyrians and Hellenes are in Ankara—your capital—Constantinople—Istanbul—and Moscow.
>
> In conclusion, for the Christian Democratic Party, as for the entire Parliament of New South Wales, recognition of the Genocides of the indigenous Assyrian, Armenian and Hellenic peoples of the Ottoman Empire is not simply a matter of history. As the effects of the Genocides continue to this day, it is an issue of international law and human rights and I will continue to advocate such issues at every opportunity.
>
> *"Let justice be done, souls consoled, broken hearts mended, nations reconciled and honour given to all those who perished so needlessly during a dark hour in mankind's recent history."*

DROUGHT ASSISTANCE

The Hon. STEVE WHAN [7.19 p.m.]: Tonight I speak about drought in New South Wales, and specifically about the lack of drought declarations. The latest May 2013 Seasonal Conditions Report highlights:

> Conditions deteriorated during the month over most of the Western, Darling, North West, Central West, Central North, Riverina and LHPA districts, and also in areas of the Hume, Tablelands and New England. Severe rainfall deficiencies have developed in most of these districts over the last 6-12 months.

People with some expertise to whom I have spoken tell me that, assessed on the old criteria of declaring drought or marginal conditions, around 17 per cent of the State would be in drought. Things are getting quite tough for some farmers, particularly in the west of the State. That is borne out in the May 2013 Seasonal Conditions Report, which states, "Relative to historical records, rainfall for April was well below average to extremely low" for most of western and central New South Wales, including many of the areas I mentioned earlier. Under the State Government's new drought policy, only seasonal conditions reports are issued and drought declarations no longer will be made. Why is that important? It is because responding to drought includes letting the rest of the State know when farmers are in trouble. The State needs to know when things are getting tough and be able to compare conditions to historic records.

On the wall of my office is a front page of the *Daily Telegraph* that proclaims in glowing terms, "It's over", referring to the end of the 10-year drought while I was privileged to be the Minister for Primary Industries. Because of the Government's changes, we will not be able to compare statistics and inform the New South Wales public through the media that an area is in drought. We will have only seasonal conditions reports to inform us. That is not good enough for the people of New South Wales. The Government needs to rethink its position and reintroduce categorisations in addition to seasonal conditions reports to indicate whether an area is marginal or in drought so that comparisons can be made of drought levels around the State to determine when assistance should be provided. Only then will residents in drought-affected areas know when assistance will be provided.

The second problem is the Government's abolition of fodder and stock transport subsidies. The Minister for Primary Industries, announcing new drought criteria in her press release, said specifically that no fodder transport subsidies will be available under future arrangements. During the previous drought I visited Bundarra in the Northern Tablelands region in my ministerial capacity and met a family that was spending $30,000 each month on stock feed and agistment just to keep stock alive. That type of expenditure is not unusual during a long drought, but so far this Government has said it will not provide assistance by way of the 50 per cent stock transport subsidy. Today I was pleased to see a small glimmer of hope when the Minister was reported as saying that she has not finally closed the door on stock and fodder transport subsidies—contrary to her original announcement. I will be pleased if she heeds the response from New South Wales farmers and the Opposition.

This is an important issue as this weekend there will be a by-election in the Northern Tablelands electorate—an area that suffered during the last drought and some parts of which are beginning to experience similar conditions. The people of that electorate deserve to know by Saturday whether the Government will no longer make drought declarations and abolish drought fodder and stock transport subsidies. I will be talking to some farmers at the Bundarra polling booth on Saturday. The Northern Tablelands electorate cannot have a great deal of confidence in the candidate that The Nationals have endorsed. That candidate was simultaneously a member of the Labor Party and The Nationals, worked for an Independent and was an Independent councillor. That Nationals candidate went shopping for a seat in Parliament.

That is in stark contrast to the Labor Party candidate, who has been a councillor for 21 years and a Labor Party member for 30 years—people know where he stands. How do voters know where The Nationals candidate stands on any policy issue—whether it is primary industries, roads funding or privatisation—if he is willing to flip from party to party to find one that suits him in an attempt to get into Parliament? He is a blow-in for the Northern Tablelands, willing to join whatever party he thinks will get him elected. That is not good enough to represent the people of the Northern Tablelands. They need someone who will stand up for them and say to this Government, "We want drought assistance. We want to know, as do all the people of New South Wales, when areas are in drought."

OPAL MINING

The Hon. JEREMY BUCKINGHAM [7.24 p.m.]: Tonight I speak on the crucial issue of mining in New South Wales, with particular reference to the Wilcox report into opal mining—something about which members opposite would have no idea. The Government has squibbed on yet another mining issue. I had the pleasure of travelling to Lightning Ridge and spending a few fantastic days with farming families, especially with Wayne Newton, the Western Division Chairman of the NSW Farmers Association. We travelled around what could only be described as the "Wild West"—areas with abysmal mining regulation. It is unbelievable to think that in these modern times mining in Lightning Ridge is nothing short of a diabolical disaster. We saw unregistered cars, illegal buildings and a Wild West mentality. During my visit vigilantes were running rampant; a man had his hand smashed off with a hammer because he was caught stealing. No police dared to venture into the area. Stock disappears down opal mines that are covered with bark, car tyres or pieces of corrugated iron. Only a matter of months after my visit a man fell to his death down an opal mine.

These mines spring up on private property. Farmers pay for pastoral leases of land only to have people one would loosely describe as "prospectors" turn up on the properties after paying a pittance and then build a shack to live in. The Wilcox inquiry made a number of important recommendations to redress some of these issues, including fixing compensation rates for opal prospecting licences and mineral claims at $80 plus 10¢ per hectare for opal prospecting licences and $50 per annum for mineral claims. The report recommended further that there be a comprehensive plan of opal mining activities, with detailed consideration of environmental and Aboriginal heritage sites. No rehabilitation is being undertaken anywhere. The mullock heaps and waste from opal mining is dumped on private properties everywhere.

One such illegal mound of waste is 30 metres high and 200 metres long. This illegal dumping occurred on the watch of the previous Government and continues under this Government. The State Government has not responded to this problem and has not dealt with important regulation issues. The Government's response in November did not address implementing the regulation. Someone has to make sure the right thing is being done. Illegal hotels are operating and there is illegal gambling, prostitution, crime, violence and theft. It is worse than anything one could imagine. Some people living in those shacks probably are wanted for crimes in other places but they are being paid cash and dodging tax.

The Hon. Dr Peter Phelps: Hear, hear!

The Hon. JEREMY BUCKINGHAM: The Hon. Dr Peter Phelps says, "Hear, hear!" about someone dodging paying tax. They are also dodging being held to account for serious crimes. They are leaving a legacy to be borne by the landholders, who are forced to chase their stock across land covered with weeds and open mines into which they could fall and die. This year a man fell to his death down a mine because there is no enforced rehabilitation to make the land safe. The mines are completely unregulated and unsafe. The Government needs to establish proper buffer zones to provide correct regulation and access, and also deal with compensation. Mr Matt Brand, chief executive officer of the NSW Farmers Association, is calling for compensation. They are saying that the Government has completely failed to deal with concerns about opal mining at Lightning Ridge. The Government has another mining disaster on its hands. It has put the interests of miners before those of farmers.

AUSTRALIAN-CHINA STRATEGIC PARTNERSHIP

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [7.29 p.m.]: Earlier this year Australia and China formally committed to a new strategic partnership. Under this agreement annual meetings will now take place between the Prime Ministers of our two governments; an arrangement that exists as a formal process between China and only two other countries: Germany and Russia. Our two governments signed into law the direct trading of Australian dollars and the Chinese yuan, removing the need for an intermediate transfer

into United States dollars. Direct trading between the Australian dollar and the Chinese yuan began on 10 April 2013 in China's onshore foreign exchange market. The Australian dollar is the third currency directly exchangeable with the yuan following the United States dollar and the Japanese yen.

China's recognition of Australia as a strategic partner reflects the rapidly growing two-way trade amounting to nearly $130 billion a year as well as the leadership roles played globally and regionally by both countries through membership of the United Nations Security Council, the group of 20 finance ministers and central bank governors [G-20], Asia-Pacific Economic Cooperation and the East Asia Summit. Unfortunately, this deepening strategic relationship does not at this time include a free trade agreement—an outcome that has eluded both governments despite 18 rounds of talks since April 2005. Another round of negotiations on this free trade agreement will continue later this month.

The New South Wales Government has continued to deepen its economic relationship with China. New South Wales launched two trade offices in China in 2009 in the cities of Guangzhou and Shanghai. The office in Guangzhou, the capital of Guangdong, builds on our long-standing ties with China through our 34-year sister-state relationship with Guangdong province. The office in Shanghai builds upon our more recent friendship agreement with China's largest industrial city. The New South Wales Premier has taken a strong personal interest in developing New South Wales' economic ties with China, with two visits to China since March 2011. In July 2011the Premier led a delegation of 15 senior business and education leaders on a five-day mission to Beijing, Shanghai, Guangzhou and Hong Kong. In July-August 2012 the Premier led a mission to Guangzhou, Chengdu and Jinan. The Premier also travelled to Beijing to sign a new sister-state agreement between New South Wales and Beijing.

These visits have been reciprocated with state visits from China that included many trade delegations. On 13 April my colleague and friend the member for Monaro and I had the honour of meeting with a delegation from Fujian province that was organised by the China Australia Entrepreneur Association Incorporated [CAEAI]. The China Australia Entrepreneur Association Incorporated was established in 2008 to bridge gaps in relations between Australian and Chinese government and business entrepreneurs so as to facilitate greater trade, investment and cultural exchanges between our two countries. The Chinese delegation was led by Mr Raymond Wang, the President of the China Australia Entrepreneur Association, and was hosted by Mrs Jenny Carpenter, the President of the China Australia Entrepreneur Association Incorporated Canberra Branch, at the Airport International Motel. It was the first time Queanbeyan has hosted a Chinese trade delegation and was a great opportunity to showcase potential investment opportunities within the Monaro region to Australia's largest trading partner.

The Mayor of Queanbeyan, Councillor Tim Overall, explained that Queanbeyan was the first city settled in the Monaro region. Its early residents built Australia's capital in Canberra as well as the iconic engineering marvel of the twentieth century: the Snowy Mountains scheme. Canberra has been the sister-city of Beijing since 14 September 2000. Councillor Overall outlined the potential doubling of Queanbeyan's population over the next 20 years through the development of the Googong and Tralee housing precincts. This will be complemented by a planned redevelopment of the city centre with a new entertainment hub plus substantial inner city housing and commercial developments.

The delegation's visit was, from all reports, a great success. I wish to thank all those involved and extend special thanks to the delegation leader and President of the China Australia Entrepreneur Association Incorporated, Mr Raymond Wang, and our wonderful host Mrs Jenny Carpenter. I trust that this visit will be the start of a lasting and valuable relationship between our two regions. I look forward to meeting with our Chinese friends in the near future.

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

Motion agreed to.

The House adjourned at 7.34 p.m. until Wednesday 22 May 2013 at 11.00 a.m.