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LEGISLATIVE COUNCIL

Thursday 30 January 2014

The President (The Hon. Donald Thomas Harwin) took the chair at 10.30 a.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 of the previous session was reported:

Law Enforcement (Powers and Responsibilities) Amendment (Arrest without Warrant) Bill 2013
 Skills Board Bill 2013
 Casino Control Amendment (Barangaroo Restricted Gaming Facility) Bill 2013
 Crown Lands Amendment (Multiple Land Use) Bill 2013
 Mental Health (Forensic Provisions) Amendment Bill 2013
 Surveillance Devices Amendment (Mutual Recognition) Bill 2013
 National Disability Insurance Scheme (NSW Enabling) Bill 2013
 Cemeteries and Crematoria Bill 2013
 Mining and Petroleum Legislation Amendment (Public Interest) Bill 2013
 Motor Dealers and Repairers Bill 2013
 Rural Fires Amendment Bill 2013
 Work Health and Safety Amendment Bill 2013
 Crimes (Appeal and Review) Amendment (DNA Review Panel) Bill 2013
 Statute Law (Miscellaneous Provisions) Bill (No 2) 2013

FORESTRY ACT: REVOCATION OF DEDICATION

The PRESIDENT: According to the resolution of the House of 21 November 2013 I table correspondence from the Official Secretary and Chief of Staff to Her Excellency the Governor acknowledging receipt of an Address to the Governor concerning the revocation of the dedication of a State forest received by the Clerk on 4 December 2013.

DEATH OF NELSON ROLIHLAHLA MANDELA, AC

The PRESIDENT: I inform the House that, on behalf of members of the Legislative Council, I have sent a message of condolence to the South African High Commissioner on the death of Nelson Mandela, AC, former President of South Africa, on 5 December 2013.

Members and officers of the House stood in their places as a mark of respect.

The Hon. Lynda Voltz: Point of order: Mr President, it is very difficult to hear from the back corner of the Chamber with the noise coming from the air conditioning unit. Would it be possible for people to raise their voices slightly when speaking because some of the instructions are being missed?

The PRESIDENT: Certainly. Is there a need for me to raise my voice too?

The Hon. Lynda Voltz: Yes.

The PRESIDENT: Thank you. I report the following communication from the Acting High Commissioner of the South African High Commission:

To: The Hon. Don Harwin MLC, President, Legislative Council of NSW

The South African High Commission acknowledges receipt of and sincerely thanks you for the letter of condolence dated 9 December 2013, at the passing of the Hon. Nelson Mandela, former President of South Africa on 5 December 2013.

Nelson Mandela's life has been a true inspiration for us all. He has been an outstanding example for the world at large and has left a tremendous legacy for succeeding generations.

Yours sincerely

Ray Sithole
Acting High Commissioner
South African High Commission

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO 2) 2013

Message received from the Legislative Assembly agreeing to the Legislative Council's amendments.

STANDING COMMITTEE ON PARLIAMENTARY PRIVILEGE AND ETHICS

Inquiry

The PRESIDENT: I report the receipt of the following message from the Legislative Assembly:

Mr PRESIDENT

The Legislative Assembly informs the Legislative Council that it has this day agreed to the following resolution:

- (1) The Standing Committee on Parliamentary Privilege and Ethics inquire into and report on recommendations 22, 24 and 25 in the report of the Independent Commission Against Corruption entitled "Reducing the opportunities and incentives for corruption in the State's management of coal resources", which was tabled in this House on 30 October 2013.
- (2) (a) The Standing Committee on Parliamentary Privilege and Ethics have leave to meet together with the Legislative Council Privileges Committee during the current Parliament.
(b) A message be sent informing the Legislative Council.

Legislative Assembly
21 November 2013

SHELLEY HANCOCK
Speaker

INDEPENDENT COMMISSION AGAINST CORRUPTION

Reports

The President tabled, pursuant to the Independent Commission Against Corruption Act 1988, the following reports:

- (1) Operations Jasper and Acacia—Addressing Outstanding Questions, dated December 2013, received out of session and authorised to be made public on 18 December 2013.
- (2) Investigation into false certifications of heavy vehicle competency-based assessments by a Roads and Maritime Services-accredited assessor, dated January 2014, received out of session and authorised to be made public on 24 January 2014.

Ordered to be printed on motion by the Hon. Duncan Gay.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Reference: Conrad Consulting and Capital Pty Limited Government Contract

The PRESIDENT: According to the resolution of the House of 14 November 2013 concerning Conrad Capital Pty Limited, the terms of the resolution agreed to by the House were forwarded to the Independent Commission Against Corruption. On 3 December 2013 correspondence was received from the Commissioner of the Independent Commission Against Corruption indicating that the commission had decided not to investigate the matter. I table the correspondence.

OMBUDSMAN**Report**

The President tabled, pursuant to the Law Enforcement (Controlled Operations) Act 1997 and the Ombudsman Act 1974, a report of the Ombudsman entitled, "Law Enforcement (Controlled Operations) Act 1997—Annual Report 2012-2013", dated January 2014, received out of session and authorised to be made public on 29 January 2014.

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

PARLIAMENTARY ETHICS ADVISER**Report**

The President tabled, pursuant to the terms of the agreement made with the Clerk of the Parliaments and the Clerk of the Legislative Assembly, an interim report of the Parliamentary Ethics Adviser for the period 1 July 2013 to 31 December 2013, the interim report being as a consequence of his resignation from the position of Parliamentary Ethics Adviser, effective 31 December 2013.

MINISTRY

The Hon. MICHAEL GALLACHER: I inform the House that on 9 December 2013 Her Excellency the Governor accepted the resignation of the Hon. Christopher Peter Hartcher, MP, as a member of Executive Council and Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast. On the same day the Governor was pleased to appoint the Hon. Anthony John Roberts, MP, as Minister for Resources and Energy, and Special Minister of State, and Mr Stuart Laurence Ayres, MP, as a member of the Executive Council and as Minister for Fair Trading, and Minister Assisting the Premier on Western Sydney.

I inform the House that on 18 December 2013 Her Excellency the Governor accepted the resignation of the Hon. Michael Joseph Gallacher, MLC, as Minister for the Hunter. On the same day the Governor was pleased to appoint the Hon. Michael Joseph Gallacher, MLC, as Minister for the Central Coast, and the Hon. George Souris, MP, as Minister for the Hunter.

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

UNIVERSITY OF NEW ENGLAND

Motion by Mr SCOT MACDONALD agreed to:

- (1) That this House congratulates the University of New England [UNE] on its seventy-fifth anniversary.
- (2) That this House notes that:
 - (a) the New England University College [NEUC] was officially opened by the New South Wales Governor, Lord Wakehurst, on 30 April 1938;
 - (b) NEUC was a college of the University of Sydney and the first tertiary institution established outside of the capital city;
 - (c) UNE became an independent university in 1954;
 - (d) the University of New England was made possible by the relentless campaigning by the member for Armidale, Mr David Drummond, MLA, the community of New England and the generosity of the Forster and White families; and
 - (e) UNE is now a successful university with growing enrolment, world leading research, innovative remote study schools and more recently a medical school.

ESME EVANS RETIREMENT

Motion by the Hon. LYNDIA VOLTZ, on behalf of the Hon. HELEN WESTWOOD, agreed to:

That this House:

- (a) congratulates Ms Esme Evans, Office Manager at Western Sydney Regional Organisation of Councils [WSROC] on her retirement;
- (b) acknowledges her unwavering contribution to the achievements and ongoing success of WSROC over the years;
- (c) recognises her outstanding 34 years of dedicated service to WSROC and local government, in particular the community of Western Sydney; and
- (d) commends her on the professional support she provided to the many presidents, board members, mayors, general managers, council officers, members of Parliament, government officers and non-government organisations throughout her successful career.

MICHAEL CHRISTODOULOU, AM, RETIREMENT

Motion by the Hon. DAVID CLARKE agreed to:

- (1) That this House notes that Mr Michael Christodoulou, AM:
 - (a) recently retired as President of the Cyprus Community Club of NSW after nearly 14 years of service in that position during which time the club gained a reputation as one of our State's most outstanding, popular and financially successful community clubs;
 - (b) has a long and illustrious record of community service, including as:
 - (i) Coordinator of the United Nations Human Rights Day Committee;
 - (ii) member of the Board of Directors of the Cyprus Community of NSW including at various times as Secretary and its longest serving President since its foundation in 1929;
 - (iii) member of the Board of Directors Stanmore Hawks Soccer Club;
 - (iv) Chairman of the Cyprus Community's Home for the Aged;
 - (v) member of the Ethnic Communities Council of NSW including as Secretary;
 - (vi) National President of the Justice for Cyprus Co-ordinating Committee;
 - (vii) Commissioner of the Community Relations Commission for a Multicultural NSW;
 - (viii) Chairman of the Hunter Region Advisory Council;
 - (ix) Community Relations Commission nominee to the Board of the Federation of Community Language Schools of NSW;
 - (x) Chairman of the Nepean Blacktown Regional Advisory Council;
 - (xi) Chairman of the Illawarra Regional Advisory Council;
 - (xii) Community Relations Commission representative to the Cohesive Community School Award Department of Education;
 - (xiii) member of the World Council of Hellenes Abroad (Oceania Region) including as Treasurer;
 - (xiv) President of the Federation of Cyprus Communities and Organisations of Australia and New Zealand;
 - (xv) Vice-President of the World Federation of Cyprus Communities;
 - (xvi) Chairman of the Hellenic Emergency Fund;
 - (xvii) Chairman of the Macarthur-Liverpool Regional Advisory Council;
 - (xviii) appointed as Community Relations Commission nominee to the NSW Medical Board and its health and registration committees;
 - (xix) board member of the Anti-Discrimination Board of NSW;
 - (xx) board member of the Community Language School Board of the NSW Education Department;
 - (xxi) Community Relations Commission nominee to the Medical Council of NSW;
 - (xxii) Community Relations Commission nominee to the Australian Health Practitioner Regulation Agency-NSW Medical Registration Committee;
 - (xxiii) Community Relations Commission nominee to the Steering Committee of the Australian Research Council;
 - (xxiv) member of the NSW Government Steering Committee for the ICC Cricket World Cup 2015;
 - (xxv) member of the Australian Health Practitioner Regulation Agency-Queensland Medical Registration Committee;
 - (xxvi) member of numerous fund raising appeals including; 2013 Pan-Australian Cyprus and Greece, 2011 Christchurch NZ Earthquake, 2011 Queensland Floods, 2009 Victoria Fire Appeal, 2007 Timor Leste Relief, 2007 Greek Bushfires, 2006 Austcare Lebanon Crisis Relief, 2005 Tsunami Relief, 2004 Coordinator of the Beslan Children's Appeal within the Cypriot communities across Australia;
 - (xxvii) proposed and co-ordinated fundraising campaign for the establishment of a permanent Modern Greek Unit at the University of New South Wales;
 - (xxviii) coordinator of Cypriot Rapprochement Project-Living in Harmony 2004;
 - (xxix) coordinator of Schools Extravaganza "Living Together in Harmony" for Harmony Day 2003;
 - (xxx) co-organiser of Human Rights Festival for reconciliation between Aboriginal, Greek and Cypriot communities;
 - (xxxi) organiser of Harmony Day events 2001 and 2002;

- (xxxii) involvement in Anti-Drug Campaign focused on Marrickville;
 - (xxxiii) involvement in various Human Rights Day campaigns within government schools across New South Wales through the Department of Education;
 - (xxxiv) liaised for the introduction of K-6 modern Greek syllabus in conjunction with the NSW Board of Studies, NSW Department of Education and Modern Greek Teachers Association;
 - (xxxv) initiator of various community activities for Greek and Greek-Cypriot youth including Saturday schooling in languages; and
- (c) has been the recipient of numerous awards for his community service, including:
- (i) appointed member of the Order of Australia in 2009;
 - (ii) recipient of the 2006 Government of NSW Community Service Award;
 - (iii) recipient of the 2005 Community Service Award in recognition of his contribution to multiculturalism from the federation of Ethnic Communities' Councils of Australia;
 - (iv) recipient of the 2003 Centenary Medal from the Australian Government; and
 - (v) recipient of the 2001 International Year of Volunteers Award from the Australian Government.
- (2) That on the occasion of his retirement as President of the Cyprus Community Club of NSW, this House congratulates and commends Mr Michael Christodoulou, AM, on his extensive and illustrious contribution and service over many years to the people of Australia and particularly New South Wales.

AUSTRALIAN TRAINING AWARDS PROGRAM

Motion by the Hon. LYNDA VOLTZ, on behalf of the Hon. HELEN WESTWOOD, agreed to:

- (1) That this House notes that:
- (a) the Australian Training Awards Program is the peak, national awards program for the vocational education and training [VET] sector, recognising organisations, training providers and individuals for their contribution to skilling Australia;
 - (b) the 2013 winners of the Australian Training Awards Program were announced at the Australian Training Awards presentation dinner event on Friday 22 November 2013;
 - (c) this year's winners include Ms Ashlee Hodson of Bankstown City Council who was announced as the winner of the 2013 Australian Apprentice (Trainee) of the Year, and Ms Hodson's training provider NSW TAFE South Western Sydney Institute that was announced as the Large Training Provider of the Year Award;
 - (d) the 2013 Australian Apprentice (Trainee) of the Year award recognises the most outstanding Australian Apprentice (Trainee) in Australia;
 - (e) Ms Hodson was also the South Western Sydney Institute Trainee of the Year, Southern Sydney Region Trainee of the Year, and the NSW Trainee of the Year;
 - (f) during her traineeship Ms Hodson completed her Certificate III in Business Administration six months early, so then enrolled in the Certificate IV Business Administration course, and during the evenings she studied for the Certificate IV in Human Resources;
 - (g) Ms Hodson is now a Corporate Support Officer with Bankstown City Council and is now working with the Human Resources Team to continue to improve Council's Trainee/Apprentice Program and help council's future trainees and apprentices succeed;
 - (h) the Large Training Provider of the Year Award recognises a registered training organisation [RTO] that has demonstrated outstanding achievement in all aspects of the delivery of vocational education and training;
 - (i) TAFE NSW—South Western Sydney Institute is one of the largest registered training organisations in Australia and caters to clients ranging from high-profile national organisations to small and micro local businesses, and it is also an international vocational education and training provider currently delivering Australian accredited training in China and the Philippines;
 - (j) in 2009, TAFE NSW—South Western Sydney Institute introduced a "Bright Ideas" initiative to improve workforce capability in innovation, and the success of this initiative led to the TAFE NSW—South Western Sydney Institute Innovate model, which has led to successful collaborations with industry partners;
 - (k) TAFE NSW—South Western Sydney Institute caters to one of the most ethnically diverse and disadvantaged regions in Australia; and
 - (l) reflecting the region's diversity, TAFE NSW—South Western Sydney Institute provides targeted training for a range of groups including Indigenous students, refugees, students with disabilities and the long-term unemployed.
- (2) That this House congratulates Ashlee Hodson on winning the 2013 Australian Apprentice (Trainee) of the Year award and TAFE NSW—South Western Sydney Institute for winning the Large Training Provider of the Year Award.

AUSTRALIAN BAHÁ'Í COMMUNITY INTERNATIONAL DAY OF PEACE

Motion by the Hon. DAVID CLARKE agreed to:

- (1) That this House notes that:
- (a) on Saturday 28 September 2013, a special inter-faith service to commemorate the International Day of Peace was held at the Bahá'í Temple at Ingleside;
 - (b) hosted by the Australian Bahá'í Community, the inter-faith service brought together representatives of seven religious faith traditions, namely Bahá'í, Buddhist, Christian, Hindu, Islamic, Jewish and Zoroastrian;
 - (c) that those who attended as guests included:
 - (i) Mr Jonathan O'Dea, MP, State member for Davidson;
 - (ii) Councillor Jacqueline Townsend, Mayor of Pittwater;
 - (iii) Dr Arini Beaumaris and Professor Fariborz Moshirian from the National Spiritual Assembly of the Australian Bahá'í Community;
 - (iv) Mr Sach Mohotti, representing Buddhism;
 - (v) Ms Ashleigh Green from the Columban Mission Institute, representing Christianity;
 - (vi) Professor Nihal Agar from the Hindu Council of Australia;
 - (vii) Ms Asma Yusra from the Mission of Hope, representing Islam;
 - (viii) Ms Lynda Ben-Menashe from the NSW Jewish Board of Deputies;
 - (ix) Mr Minoo Batliwalla, representing Zoroastrianism; and
 - (d) the Bahá'í faith which was founded in Persia 160 years ago was established in Australia in 1920 and now comprises more than 17,000 adherents in all parts of the country.
- (2) That this House:
- (a) congratulates the Australian Bahá'í community on its initiative in organising an inter-faith service to commemorate the International Day of Peace, and
 - (b) commends the Australian Bahá'í community for its well-known promotion of inter-faith dialogue and harmony and for its commitment to world peace.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 1666 outside the Order of Precedence objected to as being taken as formal business.

JEWISH FESTIVAL OF CHANUKAH

Motion by the Hon. DAVID CLARKE agreed to:

- (1) That this House notes that:
- (a) on Thursday 21 November 2013, a function celebrating the Jewish Festival of Chanukah was held in the Strangers Dining Room at the Parliament of NSW, jointly hosted and organised by the Yeshiva Centre-Chabad NSW and the NSW Jewish Board of Deputies;
 - (b) welcomed by the President of the Legislative Council, the Hon. Don Harwin, MLC, and the Speaker of the Legislative Assembly, the Hon. Shelley Hancock, MP, the several hundred guests included many members from both the New South Wales and Commonwealth parliaments, representatives of various religious and community organisations and members of the Jewish community;
 - (c) speakers who addressed the celebratory function included:
 - (i) the Hon. Barry O'Farrell, MP, Premier of New South Wales;
 - (ii) Mr John Robertson, MP, Leader of the New South Wales Opposition;
 - (iii) Rabbi Pinchus Feldman, OAM, Chief Rabbi of the Yeshiva Centre-Chabad NSW;
 - (iv) Mr Yair Miller, President of the NSW Jewish Board of Deputies; and
 - (d) the Festival of Chanukah, also known as the Festival of Lights, is an ancient Jewish festival and celebrates the universal triumph of light over darkness, freedom over oppression and good over evil and this year marks the fifth anniversary of its celebration by the Parliament of New South Wales.
- (2) That on the occasion of the Festival of Chanukah, this House extends its greetings and best wishes to the Jewish community on the occasion of the Festival of Chanukah.

KYTHERIAN ASSOCIATION OF AUSTRALIA

Motion by the Hon. DAVID CLARKE agreed to:

- (1) That this House notes that:
- (a) on Sunday 3 November 2013, the Kytherian Association of Australia held a charitable concert at the Westside Reception Lounge, Marrickville, sponsored by Peter and Helen Magiros and family, the proceeds from which were donated to Alzheimers Research and the Kytherian Association of Australia Aged Care Trust;
 - (b) the Concert featured noted Hellenic Australian Soprano Helen Zerefos, OAM, performing songs the music for which was composed by musician and composer Mr Evaggelos Papageorgiou and the words being poetry written by His Eminence Archbishop Stylianos of the Greek Orthodox Church in Australia;
 - (c) those who attended as guests included:
 - (i) the Consul-General for Greece, Dr Stavros Kyrimis;
 - (ii) the Hon. Marie Ficarra, MLC, Parliamentary Secretary to the Hon. Barry O'Farrell, MP, Premier of New South Wales;
 - (iii) Revered the Hon. Fred Nile, MLC, Assistant President of the Legislative Council;
 - (iv) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
 - (v) Councillor Vince de Luca, OAM, Warringah local council;
 - (vi) representatives of numerous Hellenic church, cultural and community organisations; and
 - (d) the Kytherian Association of Australia was founded in Sydney in 1922 to represent Australians descended from the Greek Island of Kythera with the purpose of providing humanitarian and charitable assistance, not only for Australians of Kytherian heritage, a community currently estimated at in excess of 50,000 but also for the wider non-Kytherian Australian community as well.
- (2) That this House commends:
- (a) Ms Helen Zerefos, OAM; and
 - (b) the Kytherian Association of Australia including its Executive comprising:
 - (i) Mr Victor Kepreotis, President;
 - (ii) Mrs Kathy Samios, Vice President;
 - (iii) Mr George Poulos, Secretary; and
 - (iv) Mr George Giaouris, Treasurer

for their ongoing charitable and humanitarian service to the Kytherian Australian community and also the wider Hellenic and non-Hellenic Australian community.

SAINT MICHAEL ANTIOCHIAN ORTHODOX CHURCH, KIRRAWEE

Motion by the Hon. DAVID CLARKE agreed to:

- (1) That this House notes that:
- (a) on Sunday 24 November 2013, the one year Anniversary of the Consecration and Official Opening of St Michael's Antiochian Orthodox Church, Kirrawee was commemorated with a Divine Liturgy Service conducted by Metropolitan Archbishop Paul Saliba, Primate of the Antiochian Orthodox Church in Australia, New Zealand and the Philippines, assisted by Reverend Father Fadi Nemme, followed by a celebratory lunch of the Antiochian Orthodox Community of the Kirrawee Parish; and
 - (b) those who attended as guests included:
 - (i) Metropolitan Archbishop Paul Saliba of the Antiochian Orthodox Church;
 - (ii) Reverend Father Fadi Nemme, Parish Priest of St Michael's Antiochian Orthodox Church at Kirrawee,
 - (iii) the Hon. Scott Morrison, MP, Federal Minister for Immigration and Border Protection, representing the Hon. Tony Abbott, MP, Prime Minister of Australia;
 - (iv) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice, representing the Hon. Barry O'Farrell, MP, Premier of New South Wales;
 - (v) Mr Craig Kelly, MP, Federal member for Hughes;
 - (vi) Ms Melanie Gibbons, MP, member for Menai;
 - (vii) Mr Louis Mikhail, President of the Parish Council for St Michael's Antiochian Orthodox Church,
 - (viii) Councillor Kevin Schreiber, Sutherland Shire Council;
 - (ix) Councillor Kent R Jones, Sutherland Shire Council;
 - (x) Councillor Fadwa Kebbe, Canterbury City Council;
 - (xi) Councillor Naji Najjar, Bankstown City Council; and
 - (xii) Mr Ahmad Salim, Annahar Lebanese Newspaper.
- (2) That this House congratulates the Antiochian Orthodox Community of the Parish of Kirrawee:
- (a) on the occasion of the One Year Anniversary of the Consecration and Official Opening of St Michael's Church; and
 - (b) for its ongoing service to the community.

TABLED PAPERS NOT ORDERED TO BE PRINTED

The Hon. John Ajaka tabled, pursuant to Standing Order 59, a list of all papers tabled in the previous month and not ordered to be printed since 12 November 2013.

AUDITOR-GENERAL**Reports**

The Clerk announced the receipt, pursuant to the Public Finance and Audit Act 1983, of the following reports:

- (1) Financial Audit report of the Auditor-General entitled, "Volume Seven 2013: Focusing on Superannuation and Insurance", dated November 2013, received out of session and authorised to be printed on 28 November 2013.
- (2) Financial Audit report of the Auditor-General entitled, "Volume Eight 2013: Focusing on Transport and Ports", dated December 2013, received out of session and authorised to be printed on 9 December 2013.
- (3) Financial Audit report of the Auditor-General entitled, "Volume Nine 2013: Focusing on Environment, Water and Infrastructure", dated December 2013, received out of session and authorised to be printed on 12 December 2013.
- (4) Financial Audit report of the Auditor-General entitled, "Volume Ten 2013: Focusing on Health", dated December 2013, received out of session and authorised to be printed on 18 December 2013.
- (5) Performance Audit report of the Auditor-General entitled, "Improving legal and safe driving among Aboriginal people: Transport for NSW, Department of Attorney General and Justice, Department of Finance and Services, Roads and Maritime Services, NSW Police Force, Department of Education and Communities", dated December 2013, received out of session and authorised to be printed on 19 December 2013.

STANDING COMMITTEE ON LAW AND JUSTICE**Report: Racial Vilification Law in New South Wales**

The Clerk announced the receipt, pursuant to standing order, of report No. 50 of the Standing Committee on Law and Justice entitled, "Racial vilification law in New South Wales", dated December 2013, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice, received out of session and authorised to be printed on 3 December 2013.

The Hon. DAVID CLARKE [10.47 a.m.]: I move:

That the House take note of the report.

Debate adjourned on motion by the Hon. David Clarke and set down as an order of the day for a future day.

STANDING COMMITTEE ON SOCIAL ISSUES**Report: Strategies to Reduce Alcohol Abuse Among Young People in New South Wales**

The Clerk announced the receipt, pursuant to standing order, of Report No. 48 of the Standing Committee on Social Issues entitled, "Strategies to reduce alcohol abuse among young people in New South Wales", dated December 2013, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice, received out of session and authorised to be printed on 13 December 2013.

The Hon. NIALL BLAIR [10.48 a.m.]: I move:

That the House take note of the report.

Debate adjourned on motion by the Hon. Niall Blair and set down as an order of the day for a future day.

GENERAL PURPOSE STANDING COMMITTEE NO. 1**Report: Budget Estimates 2013-2014**

The Clerk announced the receipt, pursuant to standing order, of Report No. 39 of General Purpose Standing Committee No. 1 entitled, "Budget Estimates 2013-2014", dated December 2013, together with transcripts of evidence, tabled documents, correspondence and answers to questions taken on notice, received out of session and authorised to be printed on 13 December 2013.

Reverend the Hon. FRED NILE [10.49 a.m.]: I move:

That the House take note of the report.

Debate adjourned on motion by Reverend the Hon. Fred Nile and set down as an order of the day for a future day.

**SELECT COMMITTEE ON THE CLOSURE OR DOWNSIZING OF CORRECTIVE SERVICES
NSW FACILITIES****Government Response to Report**

The Clerk announced the receipt, pursuant to standing orders, of the Government's response to the report of the Select Committee on the Closure or Downsizing of Corrective Services NSW Facilities entitled, "The Closure or Downsizing of Corrective Services NSW Facilities" tabled on 14 June 2013, received out of session and authorised to be printed on 16 December 2013.

WINDSOR BRIDGE REPLACEMENT PROJECT**Production of Documents: Return to Order**

The Clerk tabled, pursuant to resolution of 14 November 2013, documents relating to the Windsor Bridge replacement project received on 28 November 2013 from the Director General of the Department of Premier and Cabinet, together with an indexed list of the documents.

Production of Documents: Claim of Privilege

The Clerk tabled a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. The Clerk advised that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

GREYHOUND RACING**Production of Documents: Return to Order**

The Clerk tabled, pursuant to resolution of 27 November 2013, documents relating to racing agreements received on 4 December 2013 from the Director General of the Department of Premier and Cabinet, together with an indexed list of the documents.

Production of Documents: Claim of Privilege

The Clerk tabled a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. The Clerk advised that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

GAME COUNCIL OF NSW REVIEW**Production of Documents: Return to Order**

The Clerk tabled, pursuant to resolution of 21 November 2013, documents relating to a governance review of the Game Council received on 12 December 2013 from the Director General of the Department of Premier and Cabinet, together with an indexed list of the documents.

Production of Documents: Claim of Privilege

The Clerk tabled a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. The Clerk advised that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

PETITIONS

Tweed Byron Local Area Command

Petition requesting the Government to immediately restore and increase police strength and capacity in the Tweed Byron Local Area Command, received from the **Hon. Walt Secord**.

Shoalhaven River Bridge Replacement

Petition noting community support for the extension of the South Coast railway line from Bomaderry to create two new stations in Nowra and South Nowra and calling on the Government to ensure that any plans to replace the Shoalhaven River Bridge enable the bridge to take trains in the future, received from the **Hon. Penny Sharpe**.

SELECT COMMITTEE ON THE IMPACT OF GAMBLING

Membership

The PRESIDENT: I inform the House that the Clerk has received the following nominations for membership of the Select Committee on the Impact of Gambling:

Government members:	Mr Lynn Mr Mason-Cox Mrs Mitchell
Opposition members:	jMr Veitch Mr Wong

STANDING COMMITTEE MEMBERSHIP

The PRESIDENT: I inform the House that the Clerk has received from the Deputy Leader of the Government the following changes in membership of standing committees:

Standing Committee on State Development

Ms Cusack in place of Dr Phelps

Standing Committee on Social Issues

Dr Phelps in place of Ms Cusack.

DEFERRED ANSWERS

The following answers to questions without notice were received by the Clerk during the adjournment of the House:

POLICE RESOURCES

On 24 October 2013 the Hon. Luke Foley asked the Minister for Police and Emergency Services a question without notice concerning police resources deployed to rescue a domestic pet. The Minister for Police and Emergency Services provided the following response:

The NSW Police Force has advised me that police have responsibility under the State Emergency and Rescue Management Act 1989 for the coordination of rescue operations for persons or domestic animals and the police action was appropriate in this case.

NEWCASTLE LIGHT RAIL PROJECT

On 24 October 2013 the Hon. Adam Searle asked the Minister for Police and Emergency Services a question about the light rail project in Newcastle. The Minister for Police and Emergency Services provided the following response:

Newcastle is the second largest city in New South Wales and is expected to be home to an additional 10,000 jobs and 6,000 new homes by 2036. The city's revitalisation is a major priority for the New South Wales Government.

On 14 December 2012, the Minister for Planning and Infrastructure released the Newcastle Urban Renewal Strategy, an outline of this Government's vision for the transformation of this vital regional centre.

The document was publicly exhibited for five months from December 2012 to April 2013. More than 400 submissions were received, many of which raised the issue of light rail.

This Government has listened to the community. After considering submissions and further consideration and approval by Cabinet, the strategy was revised to include the investigation of light rail.

We have heard the community's calls to revitalise the city and we are providing a transport system that supports and enables this.

As with any major infrastructure development, we need to do our homework to ensure that we are delivering the right solution.

The Minister for Transport is building an expert team, which includes business and economic experts.

The contract will be awarded through a select competitive tender process targeting five firms, each with strong expertise in providing economic and business case services.

The successful tenderer will prepare a strategic business case and economic assessment of potential light rail options in the Newcastle city centre. The second stage will involve detailed assessment of the preferred options, including their costs and benefits. The final stage will involve a full business case assessment of the preferred project.

This is about building our base of evidence, comparing route and service delivery options, before we make a decision about the right light rail route for Newcastle.

This is a prudent, best-practice approach and follows the path set by the NSW Long Term Transport Master Plan, which guides record government spending in transport for the next 20 years.

We have been working hard to make sure the right people are involved in developing the light rail and will ensure the community is kept informed at every stage of the project.

COBBORA COAL PROJECT

On 24 October 2013 the Hon. Robert Borsak asked the Minister for Roads and Ports, representing the Minister for Regional Infrastructure and Services, a question without notice regarding the Government's \$20 million transition fund for the four Central West local government areas that have been impacted by the decision not to go ahead with the Cobbora Coal Project. The Minister for Regional Infrastructure and Services has provided the following response:

The Restart Cobbora Transition Fund was established by the New South Wales Government for the special purpose of investing in infrastructure projects to drive economic growth in the four local government areas affected by the Cobbora Coal Project: The Warrumbungle Shire, Dubbo City, Mid-Western Regional Shire and Wellington Shire. \$20 million has been committed to the fund, of which \$1 million has been allocated directly to each of the four councils in the region for small scale projects that the councils have identified.

The remaining \$16 million of the funding will be allocated to projects through an expression of interest process that commenced on 1 November 2013. Projects are invited from local councils, community groups, industry and business associations and non-government organisations. The expression of interest period closes 31 January 2014, following which projects will be shortlisted and more detailed applications will be sought from successful proponents. A Cobbora Transition Advisory Group has been established, comprising Mr Troy Grant, member for Dubbo, the Hon. Kevin Humphries MP, member for Barwon, and Mr Andrew Gee, member for Orange. The group will be working with Infrastructure NSW to assess the shortlisted applications.

POLICE RESOURCES

On 24 October 2013 the Hon. Steve Whan asked the Minister for Police and Emergency Services a question without notice concerning police resources deployed to search for a missing pet bird. The Minister for Police and Emergency Services has provided the following response:

Police have responsibility under the State Emergency and Rescue Management Act 1989 for the coordination of rescue operations for persons or domestic animals and the police action was appropriate in the circumstances on 7 August 2013.

If a police response to any future request is warranted, the request will be actioned appropriately and prioritised alongside competing requests for assistance.

MACQUARIE MARSHES

On 24 October 2013 the Hon. Robert Brown asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra, representing the Minister for the Environment and Minister for Heritage, a question without notice regarding assistance or advice the Government is providing to landholders of the Macquarie Marshes area. The Minister for the Environment has provided the following response:

I am advised as follows:

It is a matter for the Australian Government to support and advise landholders on the listing of the wetlands and inner floodplains of the Macquarie Marshes under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

CENTRAL WEST JOBS

On 29 October 2013 the Hon. Adam Searle asked the Minister for Roads and Ports, representing the Minister for Trade and Investment, a question without notice regarding government assistance after recent job losses in regional New South Wales. The Minister for Trade and Investment provided the following response:

The New South Wales Liberals and Nationals are committed to the economic growth and development of rural and regional New South Wales. One of the main goals of the New South Wales Government's 10 year strategic plan, *NSW 2021—A Plan to Make NSW Number One*, again is to drive economic growth in regional New South Wales. The Government has developed a range of policies and initiatives aimed at achieving steady and strategic growth in regional areas, as well as private and public decentralisation and improved services where people need them.

It is always disappointing to lose jobs in regional areas. However, the New South Wales Government, through its Jobs Action Plan, its record infrastructure spending and other measures supporting regional development is actually assisting the growth of regional employment.

Our companies are feeling the impacts of the high Australian dollar, weakened global demand and the Federal Government's carbon tax, which the Leader of the Opposition shamefully supports.

The New South Wales Government is working hard to assist industry to grow and develop locally, to promote jobs growth and to ensure that employees have the training and opportunities to find work.

The New South Wales Government, through NSW Trade and Investment has been in close contact for some time with the companies that have announced job losses and closures, as well as the three local government bodies in Lithgow, Bathurst and Orange.

Collaborative arrangements are in place or presently being established between the affected companies, local government, relevant government agencies and their local State Government members to ensure a cohesive response.

In all three areas, issues of workforce transition, including training and skills upgrades, and broader economic stimulus measures are being considered. In some cases, workers who have left jobs already or will in the near future, have already been referred to other companies that are known to be expanding and recruiting.

The New South Wales Government is also proud to support new investment and job creation opportunities in the region, including the upgrade of the Orange Airport, which is jointly funded by State, Federal and local government, as well as Newcrest Mining Limited.

In addition, NSW Trade and Investment will consider support for economic development projects which come forward from communities, business and local government. I encourage any interested businesses and groups to contact NSW Trade and Investment for further information.

PUBLIC TRANSPORT CONCESSIONS

On 29 October 2013 Dr Mehreen Faruqi asked the Minister for Roads and Ports, representing the Minister for Transport, a question without notice regarding the purchase of train tickets from station ticket offices during peak periods by concession holders. The Minister for Transport provided the following response:

I am advised:

Under a new trial from 17 June 2013, station staff set Ticket Vending Machines [TVMs] at selected stations to "adult fares only" after 9.00 a.m. on weekdays. Concession holders need to purchase their tickets from booking office windows and produce a valid concession card.

These changes will improve fare compliance and ensure customers get a fair deal. The Government wants to make sure people who are not entitled to purchase a concession ticket do not disadvantage other customers.

Concession tickets are still available from TVMs before 9.00 a.m. Monday to Friday, on weekends, public holidays and when the ticket office is closed. Customers are still able to top up their concession tickets at TVMs. There are no plans to make any changes at unstaffed stations.

For the convenience of pensioner travellers, prepaid Pensioner Excursion Tickets purchased from newsagencies and convenience stores do not have expiry dates and can be used any time after purchase.

HOME SCHOOLING

On 29 October 2013 the Hon. Paul Green asked the Minister for Roads and Ports, representing the Minister for Education, a question without notice regarding home schooling applications for the years 2010-11 and 2012-13. The Minister for Education provided the following response:

The Education Act 1990 provides that a child of compulsory school age must be enrolled at and attend a government or registered non-government school or be registered for home schooling. The home schooling registration program is administered by the Office of the Board of Studies ["the office"]. The requirements for registration for home schooling are detailed in the office's Registration for Home Schooling in NSW—Information Package ["the information package"].

An applicant for registration may decide to withdraw their application in the event that during the assessment of their application it becomes evident that the application does not meet the requirements for registration. The most common reasons for withdrawal of applications include that the applicants conclude that: the courses of study developed by the applicant do not meet the requirement to be based on and taught in accordance with Board of Studies' syllabuses; and, they lack the capacity to fulfil the full range of responsibilities involved in delivering an educational program for their child. The frequency of applications being refused or withdrawn is low.

The period of registration is up to two years. An applicant will typically receive less than the full two years most commonly if they have no prior record of successful home schooling or if the educational program planned for the child requires improvement before a longer period is warranted. Any parent requiring assistance with their application for registration is urged to contact the office's Home Education Unit by email on homeschooling@bos.nsw.edu.au.

CENTRAL WEST JOBS

On 29 October 2013 the Hon. Mick Veitch asked the Minister for Roads and Ports, representing the Minister for Trade and Investment, a question without notice regarding further job losses in regional New South Wales. The Minister for Trade and Investment provided the following response:

I am aware of the situation at National Engineering at Young. I am advised that the company had ceased trading due to insufficient working capital. The New South Wales Government, through NSW Trade and Investment, has contacted the administrator to discuss the current situation and provide assistance to those affected employees.

The New South Wales Government and Young Shire Council previously provided assistance to the company in May last year that helped the company keep trading. The Government was able to provide assistance that enabled the company to buy modern equipment, including a beam line and an automated plate processor. Young Shire Council had also donated land to the business as part of assistance efforts.

NSW Trade and Investment is working with the 32 employees impacted by the company's decision to ensure they are supported, particularly with retraining or redeployment opportunities. The New South Wales Government will also work with a range of regional stakeholders to identify and assist in the development of new employment-generating opportunities.

I have also been advised that all 32 staff affected by the closure have been informed of the Federal Government's Fair Entitlements Guarantee [FEG] Scheme, which provides assistance to people owed outstanding employee entitlements following the insolvency or bankruptcy of employers. Centrelink will be processing the applications for assistance under the FEG.

The New South Wales Government has developed a range of policies and initiatives aimed at achieving steady and strategic growth in regional areas, as well as private and public decentralisation and improved services where people need them.

In addition to the New South Wales Government's Jobs Action Plan and record infrastructure spending in regional areas, NSW Trade and Investment will consider support for economic development projects which come forward from communities, business and local government. I encourage any interested businesses and groups to contact NSW Trade and Investment for further information.

NATIVE FORESTRY BIOMATERIALS

On 29 October 2013 Dr John Kaye asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra, representing the Minister for the Environment and Minister for Heritage, a question without notice regarding Environment Protection Authority studies of the lifecycle greenhouse gas emissions of native forestry biomass electricity generation, including attributable quantities of methane from the roots of felled trees. The Minister for the Environment provided the following response:

I am advised as follows:

No. The Environment Protection Authority has not undertaken such studies. The question should be referred to the Minister for Primary Industries.

LITHGOW VARIABLE MESSAGE SIGNS

On 29 October 2013 the Hon. Amanda Fazio asked the Minister for Roads and Ports a question without notice regarding the use of a variable message board on Mort Street, Lithgow. The Minister for Roads and Ports has provided the following response:

I am advised:

Roads and Maritime Services has installed permanent electronic message signs at Mort Street in Lithgow and on Bells Line of Road in Bell to provide motorists with advanced road safety and travel information.

Both the Bell and Lithgow signs have been commissioned and are now integrated into the Transport Management Centre's traffic management system.

REPTILE RESCUE AND REMOVAL SERVICE

On 29 October 2013 Mr David Shoebridge asked the Minister for Police and Emergency Services a question without notice concerning the use of emergency lights and sirens on response vehicles used by the Reptile Rescue and Removal Service. The Minister for Police provided the following response:

I am advised:

The State Rescue Board determined that the service provided by the Reptile Rescue and Removal Service does not fall within the definition of a rescue unit under the State Emergency and Rescue Management Act 1989.

ESSENTIAL ENERGY WATER AND SEWERAGE PRICES

On 30 October 2013 the Hon. Luke Foley asked the Minister for Roads and Ports, representing the Minister for Primary Industries, a question without notice regarding Essential Energy water and sewerage prices. The Minister for Primary Industries provided the following response:

It is not the Government's practice to make comment on submissions that are part of the IPART price determination process. In making the determination, IPART, as the independent price regulator, will undertake public consultations and consider a wide range of issues including consumer protection and social impacts. The process generally adopted by IPART for price setting involves:

- Release of an Issues Paper on key issues for the review.
- Inviting the utility to make a submission on its pricing proposal.
- Inviting other interested parties to make a submission on the Issues Paper and the utility's submission.
- Holding a public hearing to discuss a wide range of issues raised by the utility and other stakeholders.
- Engaging an independent consultant to review the utility's capital expenditure, asset planning and operating expenditure proposals.
- Release of a draft report and determination and inviting interested parties to make submissions thereon.
- Release of final report and determination by IPART.

Accordingly, I will await IPART's draft and final reports on its price determination for Essential Energy's water and sewerage services.

LOCAL COURT CLOSURES

On 30 October 2013 the Hon. Adam Searle asked the Minister for Police and Emergency Services, representing the Attorney General, a question without notice about recent part- and full-time closures of local courts at Camden, Windsor and Port Macquarie. The Attorney General provided the following response:

I am advised:

No.

SOCIAL HOUSING SUPPLY

On 30 October 2013 the Hon. Jan Barham asked the Minister for Ageing, and Minister for Disability Services, representing the Minister for Family and Community Services, a question without notice on social housing in New South Wales. The Minister for Family and Community Services provided the following response:

The Department of Family and Community Services has no jurisdiction over properties held in the private market.

Clients who do present to Housing NSW as homeless can be assisted with temporary accommodation and assessed for eligibility for priority housing assistance.

GAME COUNCIL OF NSW REVIEW

On 30 October 2013 the Hon. Robert Borsak asked the Minister for Police, representing the Premier, a question without notice about the costs for the review of the Game Council of NSW. The Premier provided the following response:

I am advised:

The Department of Primary Industries advises it paid IC Independent Consulting \$61,424.05 for the Game Council Review.

LOCAL COURT CLOSURES

On 30 October 2013 the Hon. Peter Primrose asked the Minister for Police and Emergency Services a question without notice about the impact on police of local court closures. The Minister for Police provided the following response:

I am advised:

Court closures are a matter for the Attorney General. NSW Police Force officers will continue to attend courts, as required. The New South Wales Government is looking at ways to improve the justice system in relation to the management of how stakeholders appear in court. Among other things, the Government is considering ways to maximise the uptake of audiovisual links for court appearances.

GAME COUNCIL OF NSW REVIEW

On 30 October 2013 the Hon. Robert Brown asked the Minister for Police and Emergency Services, representing the Premier, a question without notice about the appointment of IC Independent Consulting to undertake the review of the Game Council of NSW. The Premier provided the following response:

I am advised the Department of Primary Industries appointed IC Independent Consulting consistent with New South Wales Government guidelines for the engagement and use of consultants.

REGISTER OF LOBBYISTS

On 30 October 2013 the Hon. Jeremy Buckingham asked the Minister for Police and Emergency Services, representing the Premier, a question without notice about establishing a lobbyist contact register for the Department of Resources and Energy. The Minister for Roads and Ports provided the following response:

I am advised:

The Government has announced it accepts all the recommendations of the Independent Commission Against Corruption's report entitled "Reducing the Opportunities and Incentives for Corruption in the State's Management of Coal Resources". The Government's response was tabled on 21 November 2013. In relation to recommendation 26 in that report the Government's response states:

The Government has introduced a number of reforms to strengthen the regulation of lobbyists, including banning success fees and preventing officeholders in political parties from lobbying government officials. The Government will review the recommendations contained in the Commission's 2010 publication "Investigation into corruption risks involved in lobbying" and consider what additional recommendations should be adopted.

RURAL AND REGIONAL MENTAL HEALTH SERVICES

On 30 October 2013 the Hon Steve Whan asked the Minister for Police and Emergency Services, representing the Minister for Mental Health, a question without notice about mental health care for drought-affected farmers and their families. The Minister for Police and Emergency Services provided the following response:

I am advised by the Minister for Mental Health:

The New South Wales Government is committed to providing timely, equitable, effective and efficient mental health care to all people living in New South Wales. A range of services are available to rural and remote communities in north-western New South Wales that are currently, or have the potential to be, affected by adverse environmental conditions such as drought. These include public sector health services, Medicare Locals and specialist mental health and drug and alcohol [MHDA] services.

MHDA services are in place in Bourke with outreach to Brewarrina and Lightning Ridge with outreach to Walgett. These services are supported by regional and district-wide MHDA staff and by the Rural Adversity Mental Health Program [RAMHP], to which the New South Wales Government has committed \$2.3 million a year. The RAMHP promotes the mental health of rural communities and builds resilience through grassroots networks and local solutions, with the program currently working to ensure that comprehensive information about support services is made available to those affected by drought in the North West. In responding to issues such as these, MHDA services work closely with government and non-government services such as Community Services and the Red Cross, Aboriginal Medical Services, Lifeline, Centacare, and Mission Australia.

Additional clinical services are provided to communities via telehealth as well as via a range of visiting clinical services. MHDA services are also represented on the Department of Premier and Cabinet Strategic Action Groups in Bourke, Brewarrina and Lightning Ridge, and both MHDA services and the Centre for Rural and Remote Mental Health are working with the Department of Primary Industries in relation to local and collaborative service planning and other support opportunities in those communities.

NSW Department of Primary Industries rural support workers provide support for families during periods of adverse seasonal conditions and other emergencies, such as floods, fires and storms. This involves supplying information on what support and assistance is available and who may be eligible.

A significant aspect of the work is helping rural communities to maintain social bonds and community ties that can be stretched during times of stress.

The Rural Support Team is active across the State and, with the help of its partners including rural financial counsellors, is working to assist farmers in North West New South Wales.

Additional in-drought support for north-western New South Wales was announced on 20 November. This included funds to recruit additional rural support workers to service this particularly dry area. Recruitment action has already commenced and it is expected staff will be in place before Christmas.

COMPANION ANIMALS TASKFORCE REPORT

On 30 October 2013 Dr Mehreen Faruqi asked the Minister for Disability Services, representing the Minister for Local Government, a question without notice about the involvement of native animal welfare groups in the implementation and recommendations of the Companion Animals Taskforce Report. The Minister for Local Government provided the following response.

I provide the following details in response to your questions:

The New South Wales Government will shortly announce its full response to the Companion Animals Taskforce, including a number of recommendations to promote responsible cat ownership and minimise the impact of cats on wildlife.

In formulating its response, the Government has carefully listened to the expert advice of the taskforce and closely reviewed the over 5,300 public submissions received on the recommendations, including a number from native animal welfare groups.

In particular, the Government has heard and is responding to calls from native animal wildlife groups and others for initiatives to minimise cat overpopulation and to promote responsible cat ownership.

HAWKESBURY WATER SUPPLY

On 30 October 2013 the Hon. Walt Secord asked the Minister for Police and Emergency Services a question without notice concerning reports of continued low water pressure in the Blue Mountains and Hawkesbury regions hampering firefighting efforts. The Minister for Police and Emergency Services provided the following response:

The NSW Rural Fire Service [RFS] has advised me that it has not received any reports since the answer provided on 15 October 2013 of water pressure issues affecting firefighting operations.

The RFS continues to work closely with Sydney Water to ensure the maintenance of water supply and pressure for bush firefighting efforts and the community. In October, fact sheets were issued to RFS districts, outlining the best use of hydrants during emergencies and at other times.

For further details, I refer the member to my previous answer.

NORTH RICHMOND BRIDGE

On 30 October 2013 the Hon. Paul Green asked the Minister for Roads and Ports a question without notice about the progress of the North Richmond Bridge. The Minister for Roads and Ports provided the following response:

I am advised:

The Richmond Bridge and Approaches Congestion Study reports, including preferred short-term and long-term options, are available on the Roads and Maritime Services website.

Intersection improvements will start after community consultation is carried out, detailed design and environmental assessments are approved, and funding is confirmed. Community consultation is expected to start in 2014.

Roads and Maritime Services has received a wide range of constructive comments from the community to date, which have been considered by the project team. These comments have been summarised in a community issues report and will help to further develop local plans to relieve traffic congestion. A copy of the report is available on the Roads and Maritime Services website.

Roads and Maritime Services will also continue to work with Hawkesbury City Council, transport providers, local businesses and other government stakeholders on the proposal.

HIV PREVENTION

On 30 October 2013 Reverend the Hon. Fred Nile asked the Minister for Police and Emergency Services, representing the Minister for Health, a question without notice about the increase in New South Wales in the number of people newly diagnosed with HIV. The Minister for Health provided the following response:

The Minister for Health and Medical Research has advised:

The New South Wales Government actively monitors HIV surveillance data in New South Wales. The number of new infections in men aged 20-29 years in 2012 was 120 in New South Wales and 315 nationally. This represents an increase of 30 notifications in New South Wales and 52 notifications nationally compared to 2011.

The New South Wales Government is the first government in Australia to adopt an HIV strategy with clear targets for HIV prevention. The strategy prioritises prevention efforts to reach populations at greatest risk whilst refocusing efforts to drive down the number of new infections by increasing testing, treatment and safe sex practices. This includes a focus on young gay men to promote condom use and make it easier to have an HIV test.

Making testing for HIV easier will improve the frequency and regularity of HIV testing as well as increasing opportunities for risk reduction discussions. Recent initiatives include a "pop-up" rapid HIV testing site in Taylor Square, Sydney and the launch of a large "TEST MORE" campaign for World AIDS Day 2013.

The New South Wales Government funds the AIDS Council of NSW [ACON] as the leading community organisation which works to prevent HIV transmission in gay men and other men who have sex with men. ACON in partnership with the Sydney Sexual Health Centre has recently established a community-based rapid HIV testing site called a[TEST] which has successfully attracted younger gay men and men who have never tested for HIV or not tested in the last 12 months.

A major HIV prevention initiative for gay men in 2013 is the Ending HIV campaign. Ending HIV aims to increase HIV testing and treatment, while strengthening condom use. More than 60 per cent of the men visiting the campaign website are aged 18 to 34 years. Additionally, the ACON Young Gay Men's Project has delivered a peer-led HIV prevention and sexual health program in New South Wales since 1989. During this time over 10,000 young men have participated in this program.

POLICE FIREARMS

On 31 October 2013 the Mr David Shoebridge asked the Minister for Police and Emergency Services a question without notice concerning the loss of a police firearm. The Minister for Police and Emergency Services provided the following response:

The NSW Police Force has advised me:

On 8 April 2013, an officer's backpack containing a number of items was inadvertently left behind briefly at a restaurant in Mascot, with some items unable to be retrieved. The officer's actions were dealt with as a formal complaint under part 8A of the Police Act 1990 with oversight agencies including the NSW Ombudsman and Police Integrity Commission notified as required.

FIRE STATION CLOSURES

On 31 October 2013, the Hon Peter Primrose asked the Minister for Police and Emergency Services a question without notice concerning the closure of fire stations. The Minister for Police and Emergency Services provided the following responses:

Initial Answer

I am advised by Fire and Rescue NSW: Fire and Rescue NSW has undertaken a comprehensive search of its record management system and there have been no submissions or briefs forwarded to the Minister recommending, proposing or considering the permanent closure of any operating fire stations.

It should be noted it is normal practice to divest sites which have been replaced by new builds that continue to service the same area.

Supplementary Answer

The reliance upon the Fire and Rescue NSW record management system may have been in error.

A subsequent search of briefing material has identified material meeting the definition of the member's question is in the possession of the Minister's office.

Therefore it is advised the revised answer to the member's question is: Yes.

MOREE ARTESIAN AQUATIC CENTRE

On 31 October 2013 the Hon. Robert Borsak asked the Minister for Ageing, representing the Minister for Local Government, a question without notice about the increased costs to the public of using the Moree Artesian Aquatic Centre. The Minister for Local Government provided the following response:

I provide the following details in response to your questions:

I am advised that participation on the board is voluntary and no fees are paid to board members.

I am further advised the board has reviewed and made changes to the centre's pricing structure, including discontinuation of quarterly memberships.

LUCAS HEIGHTS NUCLEAR REACTOR SAFETY

On 31 October 2013 the Hon. Second asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra, representing the Minister for the Environment and Minister for Heritage, a question without notice about safety at the Lucas Heights nuclear reactor. The Minister for the Environment provided the following response:

I am advised as follows:

Analysis of water samples following the reported break determined that there were no harmful levels of contaminants to human health or the environment downstream of the leak. The analysis also did not indicate any radioactivity above normal, safe drinking water levels.

Following notification of the leak, the Environment Protection Authority [EPA] worked with Sutherland Shire Council, Sydney Water and NSW Health, and ensured that information relating to the incident was provided to the community via a media release from the Australian Nuclear Science and Technology Organisation [ANSTO] and Sutherland Shire Council.

ANSTO is regulated by the Australian Radiation Protection and Nuclear Safety Agency [ARPANSA], which is an Australian Government agency.

MOREE ARTESIAN AQUATIC CENTRE

On 31 October 2013 the Hon. Robert Brown asked the Minister for Ageing, representing the Minister for Local Government, a question without notice about fees paid to the Moree Artesian Aquatic Board. The Minister for Local Government provided the following response:

I provide the following details in response to your questions:

I am advised that participation on the board is voluntary and no fees are paid to board members.

Questions about the benefits to the local community should be directed to Moree Plains Shire Council and the Moree Artesian Aquatic Board.

HUNTER VALLEY MINING OPERATIONS

On 31 October the Hon. Jeremy Buckingham asked the Minister for Roads and Ports, representing the Minister for Resources and Energy, a question without notice concerning arbitration between Moolarben Coal and Julia and Colin Imrie, landholders in the Upper Hunter Valley. The Minister for Resources and Energy provided the following response:

I am advised:

As is their legal right, the titleholder has sought access to land under appropriate sections of the Mining Act 1992.

ILLEGAL TOBACCO

On 12 November 2013 Reverend the Hon. Fred Nile asked the Minister for Police and Emergency Services a question without notice about measures the Government is taking to control the growth of illegal tobacco. The Minister for Police and Emergency Services provided the following response:

The NSW Police Force has advised me:

Illegal tobacco importation investigations by police are generally undertaken by the joint waterfront taskforce Operation Polaris, which involves the State Crime Command, the Australian Federal Police, the Australian Customs and Border Protection Service and the NSW Crime Commission. The Middle Eastern Organised Crime Squad also assists Customs in joint operations targeting tobacco smugglers.

Previous operations undertaken by Operation Polaris resulted in six arrests and a range of charges including bribery of a Commonwealth official; defrauding the Commonwealth; dealing with proceeds of crime; participate in a criminal group; obtain a financial advantage by deception; possess or use a prohibited weapon without permit; and forgery of documents. One operation involved the seizure of 60 tonnes of tobacco and 25 million cigarettes, and another operation involved the seizure of 28,000 kilograms of tobacco and 13,480,000 cigarettes.

Incidents under the Excise Act are generally investigated by the Australian Tax Office.

POLICE TRANSPORT COMMAND

On 12 November 2013 the Hon. Penny Sharpe asked the Minister for Police and Emergency Services a question without notice concerning staffing of the Police Transport Command. The Minister for Police and Emergency Services provided the following response:

The NSW Police Force has advised me that the 45 officers referred to have been seconded to the Police Transport Command.

DISABILITY SERVICES COMPLAINTS DATA

On 12 November 2013 the Hon. Jan Barham asked the Minister for Ageing and Minister for Disability Services a question without notice about disability services complaints data for the past five years. The Minister for Ageing and Minister for Disability Services provided the following response:

I refer the honourable member to Question on Notice 5161.

RURAL CRIME

On 12 November 2013 the Hon. Mick Veitch asked the Minister for Police and Emergency Services a question without notice concerning rural crime. The Minister for Police and Emergency Services provided the following response:

The NSW Police Force has advised me:

In the past two financial years, the number of reported stock theft incidents has decreased and over the same period the incidence of rural crime trespass has remained static.

Rural crime investigators now have increased knowledge and skills to better manage biosecurity issues and to impart these skills across local area commands.

The Arson Trends Analysis System [ATAS], which consolidates fire incident information from relevant agencies and analyses where arsonists may be operating, is a valuable tool for rural crime investigators and will assist in implementing strategies to prevent loss of life and property in rural areas. ATAS users can see where and when fires are occurring, the types of fires, attending agencies and details of who reported each incident.

The New South Wales Government is committed to strengthening the State's biosecurity measures. The NSW Biosecurity Strategy 2013-2021 sets out the Government's long-term objectives for how we will work together to manage biosecurity in New South Wales. The member may wish to forward this question to the Hon. Katrina Hodgkinson MP, Minister for Primary Industries, who is responsible for this strategy.

NORTHERN BEACHES STORAGE PROJECT

On 12 November 2013 the Hon. Walt Secord asked Minister for Roads and Ports, representing the Minister for Finance and Services, a question without notice about wastewater overflows on northern Sydney beaches. The Minister for Finance and Services provided the following response:

This question proceeds on a false premise.

BOGAN SHIRE WATER SUPPLY

On 12 November 2013 the Hon. Robert Brown asked the Minister for Roads and Ports, representing the Minister for Regional Infrastructure and Services, a question without notice about assistance the Government is providing to Bogan Shire Council to secure water supply and more efficient storage in the area. The Acting Minister for Trade and Investment provided the following response:

The Office of Water, within the Department of Primary Industries, has been working with Bogan Shire Council, Cobar Water Board and Cobar Shire Council in relation to improvements to the water security of Nyngan and Cobar town water supply for a number of years.

In June 2013, the Minister for Primary Industries approved an offer of \$31,065 to Bogan Shire Council towards consultancy costs associated with bringing a water security project to a "shovel ready" position. The 2,000 megalitre storage facility near Nyngan is one component of the water security project being developed by Bogan Shire Council, Cobar Water Board and Cobar Shire Council.

CRIME SENTENCING PROCEDURES

On 13 November 2013 the Hon. Luke Foley asked the Minister for Police and Emergency Services a question without notice concerning the role of family victim impact statements in homicide cases. The Minister for Police and Emergency Services provided the following response:

I have written to the Attorney General conveying the views of the NSW Police Force on this issue. The commissioner considered that family victim impact statements, provided on a voluntary basis, had a role to play in homicide cases, but he noted that the question of evidentiary standards remained vexed.

GARDENS OF STONE NATIONAL PARK

On 13 November 2013 Dr Mehreen Faruqi asked the Minister for Ageing, Minister for Disability Services, and the Minister for the Illawarra, representing the Minister for the Environment, a question without notice about listing additional areas to the Gardens of Stone National Park. The Minister for the Environment provided the following response:

The Office of Environment and Heritage is aware that the application for the Coalpac Consolidation Project has been withdrawn.

The Office of Environment and Heritage has been evaluating the Gardens of Stone Stage 2 reservation proposal and liaising with other government agencies about potential options for this land under the National Parks and Wildlife Act 1974 and interagency discussions are continuing.

Any potential reservation of the area will be complex, involving consideration of the various mining, forestry, recreation, tourism and Aboriginal community interests.

HOME SCHOOLING

On 13 November 2013 the Hon. Paul Green asked Minister for Ageing, Minister for Disability Services and Minister for the Illawarra, representing the Minister for Education, a question without notice about home schooling. The Minister for Education provided the following response:

This research proposal has been approved as part of the Research and Development Program developed by the Office of the Board of Studies ["the office"] for 2013-14.

The terms of reference for this research are still in development and are not expected to be finalised until early in 2014. At this stage, the duration and timing of the period required to conduct this research has not been finalised.

The Ombudsman's suggested improvements to the office's administration of the home schooling program included that the office:

- (a) review how it could better ensure that the requirements for registration are complied with during the period of registration, particularly in relation to the quality of home schooling instruction and that the courses of study being delivered continue to meet the learning needs of the child;
- (b) review its requirements with a view to applicants providing more information in relation to the child's previous educational history, attainment and experience;
- (c) collect data about whether applicants were of Aboriginal or Torres Strait Islander backgrounds;

- (d) obtain better information about the reasons for applications for home schooling;
- (e) liaise with the Department of Education and Communities in the event that the decision to home school is the result of dissatisfaction or other difficulties associated with the child's current school.

The office responded by updating the Registration for Home Schooling in NSW Information Package to improve the openness and transparency of the registration process to reflect these suggestions.

DOMESTIC VIOLENCE POLICING

On 13 November 2013 the Hon. Sophie Cotsis asked the Minister for Police and Emergency Services a question without notice concerning policing of domestic violence offences. The Minister for Police and Emergency Services provided the following response:

I am advised that in relation to the recommendations of the standing committee's report the NSW Police Force is committed to further enhancement of its leadership in respect of domestic violence.

For example, the Education and Training Command is currently developing new specialist training for police sergeants, which is planned for delivery as a suite of training sessions in early 2014.

The provision of effective supervision and robust quality assurance needs to be exercised across all commands, and the NSW Police Force advises it is confident that the creation of a dedicated domestic violence sergeant position is not required for this to occur.

RURAL AND REMOTE EDUCATION

On 13 November 2013 Dr John Kaye asked the Minister for Ageing, Minister for Disability Services, and the Minister for the Illawarra, representing the Minister for Education, a question without notice about cuts to the statewide network of 17.2 community information officers. The Minister for Education provided the following response:

The Department of Education and Communities remains committed to providing targeted resources and support for students from culturally and linguistically diverse backgrounds.

At the state level, there is a dedicated team supporting English as a second language and refugee students and the delivery of multicultural education, from preschool to year 12. At the local level, schools will make decisions about the type and level of support needed to meet the needs of their students and their communities. Educational services teams will provide support to schools at locations across the State.

ST GEORGE HOSPITAL FUNDING

On 13 November 2013 the Hon. Shaoquett Moselmann asked the Minister for Police and Emergency Services, representing the Minister for Health, and Minister for Medical Research, a question without notice about hospital funding cuts at St George Hospital. The Minister for Health and Minister for Medical Research provided the following response:

I am advised by the Minister for Health and Minister for Medical Research:

There have been no funding cuts at St George Hospital.

Professor Barry Allen is a former medical research officer who was employed by South Eastern Sydney Local Health District. Research positions are funded from grants funding, which is a competitive market with research funded on a merit basis, determined by independent funding bodies.

Professor Allen's recognition by the International Organisation of Medical Physics, as one of the world's top 50 medical physicists should be commended and is a credit to Professor Allen's dedication to medical research.

DROUGHT ASSISTANCE

On 13 November 2013 the Hon. Mick Veitch asked the Minister for Roads and Ports, representing the Minister for Primary Industries, and Minister for Small Business, a question without notice about assistance for drought-affected farmers. The Minister for Primary Industries and the Minister for Small Business provided the following response:

On 20 November 2013, the New South Wales Government announced a package of emergency in-drought support measures for primary producers and communities in the north-west of the State.

The New South Wales Government has allocated \$7.6 million to the emergency support measures for the Bourke, Brewarrina and Walgett local government areas, which includes:

- up to \$20,000 per producer in the form of a Transport Assistance Reimbursement, back-dated to 1 July 2013;
- up to \$30,000 per producer for Emergency Water Infrastructure Grants, which the Commonwealth Government has indicated it will match;
- additional funding for the Rural Support Worker Program and a drought incident co-ordinator;

- the waiving of Western Lands Lease payments;
- the waiving of Wild Dog Destruction Board rates; and
- Transport Subsidies for Animal Welfare, focused on stock going to sale or slaughter where there is significant risk to animal welfare, which will remain while drought conditions persist.

This package brings New South Wales into line with assistance provided in drought-stricken areas of Queensland and is in addition to the assistance measures announced on 30 October 2013. The measures announced at that time include:

- the waiver of Livestock Health and Pest Authority rates;
- the deferral of Special Conservation Scheme loans by the Rural Assistance Authority on a case-by-case basis;
- allocation of funding for Walgett Shire Council for cartage of drinking water to the Grawin Opal Fields, which suffers from water shortages;
- a new \$20 million Farm Innovation Fund to provide producers with loans at concessional interest rates for in-drought and drought preparedness, replacing the previous Special Conservation Loan scheme;
- \$4.4 million to fund phase three of the Cap and Pipe the Bores program; and
- \$6 million of Commonwealth and New South Wales Government funding for the Mallowa Creek Water Supply Project to guarantee stock and water supply for a group of landholders between Moree and Collarenebri.

These new measures are also in addition to existing assistance already available by way of:

- the Rural Financial Counselling Service;
- the Rural Support Worker Program;
- low interest rate loans through the Rural Assistance Authority; and
- farm business preparedness and resilience programs including PROfarm courses, short and long course training through Tocal College and TAFE.

POLICE ACT 1990 REVIEW

On 13 November 2013 Mr David Shoebridge asked the Minister for Police and Emergency Services a question without notice about the review of the Police Act 1990. The Minister for Police and Emergency Services provided the following response:

Consultations with key stakeholders will occur over coming weeks and a report will be submitted in the New Year.

DOMESTIC VIOLENCE LIAISON OFFICERS

On 14 November 2013 the Hon. Adam Searle asked the Minister for Police and Emergency Services a question without notice concerning domestic violence liaison officers. The Minister for Police and Emergency Services provided the following response:

The NSW Police Force has advised me that there are 79 positions authorised as domestic violence liaison officers in local area commands across New South Wales, and a further 34 positions authorised as domestic violence support officers allocated to commands with high levels of domestic and family violence.

MOREE PLAINS SHIRE COUNCIL CORPORATIONS

On 14 November 2013 the Hon. Robert Borsak asked the Minister for Ageing, representing the Minister for Local Government, a question without notice concerning the Moree Plains Shire Council seeking approval for the formation of two more corporations. The Minister for Local Government provided the following response:

I provide the following details in response to your questions:

As Minister I will consider any application by any council to form a corporation, in accordance with the provisions of the Local Government Act 1993. Until a formal application is received, I cannot speculate on any potential applications or conditions of approval.

STATE FINANCES

On 14 November 2013 the Hon. Robert Brown asked the Minister for Police and Emergency Services, representing the Premier, a question without notice concerning State Finances.

I am advised:

The New South Wales Government is committed to the principles of the Fiscal Responsibility Act 2012 to maintain a fiscal strategy that will preserve the State's triple-A credit rating. Accordingly, the 2013-14 Budget addresses critical infrastructure spending while lowering debt that was forecast by the former Government, which is consistent with this objective.

Standard and Poor's has recognised the New South Wales Government's improved management of the State's finances, reaffirming the triple-A rating on 24 October 2013 and stating:

We consider NSW's financial management as positive in an international context ... supported by the State's tightened management of its operating expenditure ... NSW has demonstrated balance-sheet flexibility, such as the long-term lease of some port operations, and has allocated the funds to address its infrastructure backlog.

CLIMATE CHANGE

On 14 November 2013 Dr Mehreen Faruqi asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra, representing the Minister for the Environment and Minister for Heritage, a question without notice concerning climate change. The Minister for the Environment and the Minister for Heritage provided the following response:

The New South Wales Government accepts the science of climate change and has ensured that scientific rigour drives our climate change policies. Importantly, this Government receives independent expert advice from a range of stakeholders including the NSW Chief Scientist and Engineer and the NSW Climate Change Council.

The Government's NSW 2021 plan outlines the three main areas of action to address climate change in New South Wales including:

- (1) Climate change resilience—investing in climate science and research to improve our understanding of climate change risks and impacts for New South Wales.
- (2) Energy Efficiency—improving the energy efficiency of government, business and households to reduce annual energy use by 16,000 gigawatt hours by 2020.
- (3) Renewable Energy—supporting the development of renewable energy to supply 20 per cent of New South Wales's electricity by 2020.

The Government is investing over \$7 million to understand how and where New South Wales may be vulnerable, and to develop robust climate and natural hazards information. This information will ensure communities, industry and government have the information they need to adapt to climate change impacts. This includes \$2.96 million on climate projections modelling for New South Wales that will provide climate information at a resolution of 10 square kilometres for New South Wales regions. Projections at such a fine scale have not been available in New South Wales before and will provide the detailed information needed to help communities, local governments and State agencies adapt approaches to managing bushfires and emergencies, water, biodiversity, agriculture and urban planning.

The Government is also investing \$2.75 million in the recently launched NSW Adaptation Research Hub. This important collaboration between the New South Wales Government and leading New South Wales research institutions will help us understand climate risks in New South Wales. This, in turn, will help us minimise the impact of climate change along the coast, to biodiversity and to New South Wales communities. A further \$2 million is being invested to support a suite of other programs to build community capacity to respond to climate change.

This research is in addition to the investment in other programs that the New South Wales Government has committed to in 2013-14 including:

- \$30 million on energy and water efficiency, and water demand management;
- \$12.5 million out of the Climate Change Fund for bushfire hazard reduction; and
- \$21 million through coastal, estuary and floodplain management grants.

Improving energy efficiency will also help New South Wales respond to climate change by reducing electricity use from fossil fuels. In August 2013, the Government released the NSW Energy Efficiency Action Plan, which will contribute to meeting the Government's NSW 2021 energy savings targets and to containing electricity costs.

Under NSW 2021, by 2020 New South Wales will save 16,000 gigawatt hours of electricity each year through a range of programs that will encourage energy efficiency across government, business and households.

Increasing renewable energy generation also contributes to efforts to address climate change. The recent Intergovernmental Panel on Climate Change report makes it clear that the extent of future climate change will depend on the quantity of emissions emitted in the future, including those from energy use. The New South Wales Government's Renewable Energy Action Plan, released in September, will help deliver the NSW 2021 target of renewable energy supplying 20 per cent of the electricity used in New South Wales by 2020.

Through promoting investment in renewable energy, the Government is creating a secure, affordable and clean energy future for New South Wales at least cost to the energy customer and maximum benefit to New South Wales.

COAL SEAM GAS MINING IN WATER CATCHMENT AREAS

On 14 November 2013 the Hon. Jeremy Buckingham asked the Minister for Roads and Ports, representing the Minister for Trade and Investment, a question without notice concerning the Government's code of practice for coal seam gas mining. The acting Minister for Trade and Investment provided the following response:

The draft Code of Practice for Land Access was released for public consultation for four weeks and closed on 20 November 2013.

FIRE SAFETY BUILDING REGULATIONS

On 14 November 2013 the Hon. Paul Green asked the Minister for Police and Emergency Services a question without notice about fire protection building regulations. The Minister for Police and Emergency Services provided the following response:

I am advised:

Hazard reduction is one of a suite of measures, including land-use planning, building design, community education and fire suppression that are used to reduce bushfire risk. Hazard reduction encapsulates a range of activities, predominantly carried out by burning or by mechanical/manual works using a range of heavy machinery and handheld tools.

The cost associated with building in bushfire prone areas is relative to the risk level and the size and complexity of the dwelling. The Rural Fire Service makes every effort during the approval process to minimise building costs by maximising asset protection zones and other protection measures. However, all building work must still comply with the National Construction Code and relevant Australian standards.

In relation to Blue Mountains bushfires that occurred in October 2013, the New South Wales Government is working with insurers to have clean-up and disposal work progress as effectively and efficiently as possible. This clean-up work has commenced and gathered momentum.

The New South Wales and Australian governments have also offered insurers an arrangement under which the Government will meet the costs of bushfire debris clean up and disposal from destroyed properties to ensure the maximum payouts available for rebuilding are not reduced by clean-up costs.

Some insurers are taking up this offer, while others have indicated it is not required based on the coverage for clean-up costs under different policies. The New South Wales Government is working with the industry to ensure that no owner of a destroyed home is disadvantaged.

By working in partnership with insurers, the New South Wales and Australian governments will ensure that 100 per cent of the benefits of the Government's financial assistance will go to property owners who have lost their homes.

ROADS AND MARITIME SERVICES FIRE PREVENTION

On 14 November the Hon. Peter Primrose asked the Minister for Roads and Ports a question without notice about the use of road-marking devices on days when total fire bans have been declared. The Minister for Roads and Ports provided the following response:

I am advised:

Roads and Maritime Services has policies and procedures for working on days when fire danger is high or a total fire ban is in place. These policies and procedures are part of the induction process for staff and contractors. This includes operation of road-marking devices.

NORTHERN BEACHES HOSPITAL

On 14 November 2013 Dr John Kaye asked the Minister for Police and Emergency Services, representing the Minister for Health, a question without notice concerning the proposed Northern Beaches Hospital at Frenchs Forest. The Minister for Health provided the following response:

I am advised by the Minister for Health and Minister for Medical Research:

The hospital operator for the Northern Beaches Hospital will be subject to the same stringent national and state health care standards and requirements as Royal North Shore Hospital, including Australian Council of Healthcare Standards accreditation. The appointed hospital operator must meet strict performance standards and treat patients under the same conditions as apply at any other hospital in New South Wales.

BUS STOP ELECTRONIC SIGNAGE

On 14 November 2013 the Hon. Penny Sharpe asked the Minister for Roads and Ports a question without notice about the removal of electronic signs at bus stops along major routes throughout Sydney. The Minister for Roads and Ports provided the following response:

I am advised:

There are no current plans to remove electronic signs providing information about bus services.

LOCAL GOVERNMENT REFORM

On 14 November 2013 the Hon. Sophie Cotsis asked the Minister for Ageing, and Minister for Disability Services, representing the Minister for Local Government, a question without notice about the final report to the Minister to improve the effectiveness of local government. The Minister for Local Government provided the following response:

I provide the following details in response to your questions:

I have announced that the New South Wales Government will release the Independent Local Government Review Panel and Local Government Acts Taskforce final reports for public consultation early in the New Year. Feedback received during this time will be used to inform the Government response to the reports.

HYDRAULIC HOSPITAL BEDS

On 14 November 2013 Reverend the Hon. Fred Nile asked the Minister for Police and Emergency Services, representing the Minister for Health, a question without notice about hydraulic hospital beds in New South Wales health hospitals. The Minister for Health provided the following response:

I am advised by the Minister for Health and Minister for Medical Research:

The responsibility for the procurement of beds of the types appropriate to clinical requirements rests with individual local health districts in line with their internal procurement and replacement cycles.

HUNTER BARIATRIC SURGERY FUNDING

On 19 November 2013 the Hon. Robert Borsak asked the Minister for Police and Emergency Services, representing the Minister for Health, a question without notice about funding of bariatric surgery in the Hunter region. The Minister for Health provided the following response:

I am advised by the Minister for Health and Minister for Medical Research:

All patients are assessed by surgeons according to their clinical need to determine whether the most appropriate treatment includes surgery. Bariatric surgery is offered to those patients who have significant health issues and have been assessed as best treated by this type of surgery.

The Hunter New England Local Health District undertakes its clinical service planning in consultation with local clinicians and other staff to determine surgery priorities based on local need.

LIVE PEST ANIMALS TRANSPORTATION

On 19 November 2013 the Hon. Robert Brown asked the Minister for Roads and Ports, representing the Minister for Primary Industries, a question without notice about the illegal transportation of feral animals. The Minister for Primary Industries provided the following response:

Is it an offence to transport live pest animals within New South Wales or across State borders?

In New South Wales it is an offence to transport pest animals declared through pest control orders under the Rural Lands Protection Act 1998. Current pest control orders are in place for feral pigs, wild dogs, wild rabbits and plague locusts.

The European fox [fox] is not a declared pest in New South Wales and it is not illegal to transport a fox within the State. However, the fox is categorised differently depending on the jurisdiction and in some instances it is an offence for a fox to be imported into New South Wales from interstate.

Is the Minister aware of claims by a group called Sydney Fox Rescue that it is getting some of its foxes from Animal Liberation in Victoria?

The Department of Primary Industries advises that it has not been able to confirm that foxes are being transported from Victoria to New South Wales by Animal Liberation Victoria.

Is the Minister aware that Sydney Fox Rescue claim to rescue, tame and ultimately rehome young foxes as family pets, and thereby "reduce wild fox numbers over time" because they "believe foxes deserve to live happy, fulfilling lives free from immeasurable harm caused by baiting, shooting and trapping"?

Foxes are distributed throughout New South Wales and are present in most [including urban] areas. The biosecurity risks specific to pet foxes are somewhat mitigated because it is illegal under the National Parks and Wildlife Act 1974 to release a fox into the wild.

Additionally, local government is empowered to manage the issue of foxes being kept as pets. The Local Government Act 1993 identifies animals, including horses, cattle, roosters and pigs, as being unsuitable to be kept in residential areas. The legislation allows councils to establish policies for the management of specific problems such as animal vermin, animal noise, odours etc. There is also provision for councils to issue orders for an "occupier of premises" not to keep specific birds or animals, including foxes.

What is the Government going to do about the illegal transportation of these feral animals by Sydney Fox Rescue?

Biosecurity NSW is liaising with allied agencies in Victoria regarding the alleged importation of foxes. It is also progressing a pest control order under section 143 of the Rural Lands Protection Act, which if applied across the State would serve to legislate against the keeping of foxes in captivity.

COAL SEAM GAS MINING

On 19 November 2013 the Hon. Jeremy Buckingham asked the Minister for Roads and Ports, representing the Minister for Resources and Energy, a question without notice about property access. The Minister for Resources and Energy provided the following response:

The Government continues to take a strategic and interactive approach to ensuring that stakeholder concerns and issues are addressed. This approach includes strengthening the rights and interests of landholders where resources companies seek to enter their land.

The New South Wales Government has called for feedback on a draft Code of Practice for Land Access for coal seam gas and petroleum exploration. The draft was released on 20 November 2013.

The code sets out a best practice framework for how explorers should negotiate access arrangements with landholders.

The code also sets out mandatory requirements that must be included in an access arrangement, such as promptly paying any agreed compensation and ensuring any information obtained about the landholder's property or operations is kept confidential.

The bill will ensure that the code is given force of law.

The introduction of the code follows other recently strengthened rules for coal seam gas exploration, including a hold on exploration and extraction of natural gas within Sydney's drinking water catchment, two kilometre exclusion zones for coal seam gas activities around existing residential areas and areas zoned as villages, and strengthened planning approval processes, including assessments for strategic agricultural land and the aquifer interference policy.

It is important to note that if an explorer contravenes an access arrangement, the landholder can stop the explorer coming onto the land until the breach is remedied. This is the current position at law and the bill will not change this.

The amendments in the bill strengthen the position of landholders and provide a better balance between landholders and titleholders by ensuring that titleholders pay the reasonable legal fees of landholders through the negotiation process for making an access arrangement.

The Government proposes to move amendments to the bill to further empower landholders by providing the right to legal representation in arbitration. If landholders do not want legal representation, neither party will be able to have legal representation.

Stakeholders will have another opportunity to consider the arbitration framework in the Act. This will be during the review of the Petroleum (Onshore) Act. The review is a Government commitment made in response to the Legislative Council's inquiry into coal seam gas.

CONTAINER DEPOSIT SCHEME

On 19 November 2013 Dr Mehreen Faruqi asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra, representing the Minister for the Environment and Minister for Heritage, a question without notice about implementing a container deposit scheme in New South Wales. The Minister for the Environment provided the following response:

I am advised as follows:

Packaging waste is recognised by all jurisdictions as an important issue.

The New South Wales Government is leading a national initiative to consider ways to increase packaging recycling and reduce packaging litter. Container deposits schemes are being evaluated as part of this investigation.

As part of the national process, Environment Ministers have agreed to develop a Decision Regulation Impact Statement that analyses each of 10 options to increase recycling and reduce littering of packaging waste, including three different container deposits schemes. Environment Ministers will consider the Decision Regulation Impact Statement at the next Standing Council on the Environment and Water in early 2014.

OUTLAW MOTORCYCLE GANG THE VIKINGS

On 20 November 2013 the Hon. Adam Searle asked the Minister for Police and Emergency Services a question without notice concerning the Vikings bikie gang. The Minister for Police and Emergency Services provided the following response:

The NSW Police Force has advised me that it is aware of the Vikings outlaw motorcycle gang [OMCG] and its activities in the Griffith Local Area Command. Police have executed a search warrant on gang premises and laid a number of charges, and have been working with Griffith Council to disrupt the gang's efforts to establish the premises as a clubhouse, operations of which have now been dismantled.

Police are aware of a local newspaper article on the subject in which the mayor expressed his concerns. However, I am advised no reports of fear or violence from any other member of the community have been reported to the Griffith Local Area Command related to the Vikings OMCG.

RIVERSTONE POLICE STATION

On 20 November 2013 the Hon. Paul Green asked the Minister for Police and Emergency Services a question without notice concerning Riverstone police station. The Minister for Police and Emergency Services provided the following response:

I am advised that tenders for work on the new station were received in May 2013 and all responses significantly exceeded available budget funding.

The NSW Police Force has reviewed the scope and options available to deliver project outcomes at a more acceptable cost and is continuing discussion with stakeholders.

PUBLIC SCHOOL PRINCIPAL CLASSIFICATIONS

On 20 November 2013 Dr John Kaye asked the Minister for Ageing and Minister for Disability Services, representing the Minister for Education, a question without notice concerning classification and salary structure for New South Wales principals. The Minister for Education provided the following response:

The new principal classification structure will commence from January 2016.

In our Local Schools Local Decisions reform it is clear that we want to pay teachers based on the achievement and maintenance of the NSW Institute of Teachers teaching standards and that a principal classification structure based on school complexity would be fairer than just using student enrolment numbers alone.

While the agreed changes include provisions which preserve arrangements for our current teaching principals, including release time from face-to-face teaching, they also provide future opportunities to enhance teaching and learning for students in small schools. It is anticipated that we will have a mix of small schools with educational leaders classified as either a teaching principal or associate principal.

Any decision to appoint an associate principal to a school would only be made after consultation, including with the school community.

While an associate principal will receive the same salary as a teaching principal, they would have a reduced administrative workload. The intention is to enable associate principals to have more time in the classroom teaching students and less time dealing with administrative issues.

COMMUNITY SAFETY PRECINCT COMMITTEES

On 20 November 2013 the Hon. Shaoquett Moselmane asked the Minister for Police and Emergency Services a question without notice about Community Safety Precinct Committee meetings. The Minister for Police and Emergency Services provided the following response:

The NSW Police Force has advised me that Hurstville Community Safety Precinct Committee [CSPC] held a meeting on 3 May 2013, and had another scheduled for September which did not take place due to the impending merger of the Hurstville and St George Local Area Commands and took place on 27 October 2013.

Due to the work involved in planning the structure of the new Command, regular CSPC meetings did not take place for the remainder of 2013. However, meetings between police and community representatives have continued and Hurstville, Kogarah and Rockdale councils have been actively engaged in the merger. A customer service liaison officer position has been created at the new command and this officer is currently in the process of organising a CSPC meeting for early 2014.

PROFESSOR BENJAMIN LEVIN ALLEGATIONS

On 20 November 2013 Reverend the Hon. Fred Nile asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra, representing the Minister for Education, a question without notice about Professor Benjamin Levin. The Minister for Education provided the following response:

I am advised that the Board of Studies has not had contact with Professor Benjamin Levin. Further, the board was not represented at Professor Levin's forums held at the University of Sydney in 2008 and 2012 and that there is no link between Professor Levin's research and the Board of Studies programs or projects.

The Department of Education and Communities has advised that it has no knowledge of any involvement by Professor Levin or his research in the pilot of Proud Schools.

Leadership fellowships are awarded to principals of public schools to enable them to travel within Australia or overseas to investigate aspects of school leadership. The study tours often involve meetings with recognised and/or published leaders in the fields of education and educational leadership.

I am advised that a recipient of a principal's leadership fellowship met with Professor Levin, then Professor and Canada Research Chair in Education Leadership at the University of Toronto, as part of a study tour on the morning of 25 April 2012.

No staff in the Minister for Education's office were aware of the alleged charges before they were made public and to the best of the Minister for Education's knowledge no staff in his office had contact with Professor Levin.

MACINTYRE RIVER WATER QUALITY

On 20 November the Hon. Walt Secord asked the Minister for Roads and Ports, representing the Minister for Primary Industries, a question without notice about the occurrence of blue-green algae in the Macintyre River. The Minister for Primary Industries provided the following response:

In regard to the quoted comments, the New South Wales Government does not make official responses in regard to subjective statements.

The Government is continually active in reducing the health risks of blue-green algal blooms to the people of New South Wales. The Government undertakes routine algal monitoring at almost 80 sites on rivers across New South Wales, including at Boggabilla, as well as in major reservoirs operated by the State Water Corporation.

When increased blue-green algal presence is detected that may pose a health risk to the public, the public are warned of this through the Regional Algal Coordinating Committees [RACCs]. The RACCs issue media alerts and provide information on blooms through the Office of Water's website. In addition, water utilities are advised and assistance is provided where necessary to ensure adequate treatment of water to remove blue-green algae and toxins before its reticulation to the public for potable supply.

Following the recent development of a blue-green algal bloom in the Macintyre River at Boggabilla, samples were taken by Moree Plains Shire Council after treatment in the Boggabilla Water Treatment Plant. These samples indicated no blue-green algae present in the drinking water supplied to residents of Boggabilla, as these were being effectively removed by the treatment processes.

MUNGO NATIONAL PARK DEMONSTRATION GOAT TRAP

On 20 November 2013 the Hon. Robert Borsak asked the Minister for Ageing, representing the Minister for the Environment, a question without notice about tourists finding dead and dying goats in Mungo National Park. The Minister for the Environment provided the following response:

I am advised as follows:

The historic goat trap at the Round Tank in Mungo National Park is a demonstration site only, used to illustrate to tourists how a goat trap worked. It is double fenced and shaped much like an earth dam. The "soak" in the centre of the trap is the only area completely fenced off to protect animals from getting stuck in the mud in the soak. The outer fence has a wide opening through which animals are able to move freely down a gentle slope towards the securely fenced area surrounding the soak. Animals have been able to move freely in and out of the site for decades, but cannot get into the trap itself.

The Round Tank is inspected regularly. On 18 November the Round Tank site was re-inspected by the local ranger, who confirmed that the fence opening was such that animals could move in and out of the site freely, but as a precaution he increased the gaps in the external fence. The park itself is a very isolated, dry environment and because of these conditions, the goats in question may have been in poor condition and too weak to move away from the site. The goats may have perished there because of their poor condition, not because they were unable to leave the site. They were not trapped inside the inner fenced goat trap itself.

LOCAL GOVERNMENT REFORM

On 20 November 2013 the Hon. Robert Brown asked the Minister for Ageing, representing the Minister for Local Government, a question without notice on local government reform. The Minister for Local Government provided the following response:

I provide the following details in response to your questions:

I am advised:

The New South Wales Government will release the Independent Local Government Review Panel and Local Government Acts Taskforce final reports for public consultation early in the New Year. In undertaking its work, the panel was instructed to take into account the Government's current policy of no forced council amalgamations. Feedback received during the consultation period will be used to inform the Government response to the reports.

CENTRAL COAST REGIONAL AIRPORT

On 21 November 2013 the Hon. Greg Donnelly asked the Minister for Police and Emergency Services, representing the Minister for Planning and Infrastructure, and the Minister for the Central Coast, a question without notice about the recently endorsed site for the Central Coast regional airport. The Minister for Planning and Infrastructure provided the following response:

I am advised that on all gateway determinations, the Department of Planning and Infrastructure follows all standard protocols in consulting with affected communities.

WESTERN SYDNEY COAL SEAM GAS MINING

On 21 November 2013 the Hon. Jeremy Buckingham asked the Minister for Police and Emergency Services, representing the Minister for Planning and Infrastructure, a question without notice about coal seam gas mining in Western Sydney. The Minister for Planning and Infrastructure provided the following response:

I am advised that coal seam gas exclusion zones now apply to approximately 99 per cent of the Camden Gas Project Stage 3 Northern Expansion proposal area as it falls within two kilometres of residential land.

NURSING POSITIONS

On 21 November Dr John Kaye asked the Minister for Police and Emergency Services, representing the Minister for Health, a question without notice about senior nursing positions in the New South Wales public hospital system. The Minister for Health provided the following response:

I am advised by the Minister for Health and Minister for Medical Research:

Due to changes in data collection methodology and definitions, comparisons over the period 2003 to 2012 are not available.

SHOALHAVEN HOSPITAL WAITING TIMES

On 21 November 2013 the Hon. Paul Green asked the Minister for Police and Emergency Services, representing the Minister for Health, a question without notice about waiting times at Shoalhaven Hospital. The Minister for Health provided the following response:

I am advised by the Minister for Health and Minister for Medical Research:

On the evening of 20 November 2013, an unseasonably high increase in presentations to the Emergency Department at Shoalhaven District Memorial Hospital led to some delays in patients being offloaded from ambulance stretchers. During this time, normal escalation procedures which aim to boost capacity within the Emergency Department were implemented. However, some delays were unavoidable and the delay in patients accessing treatment is regretted.

A number of strategies have been implemented to ensure improved flow of patients throughout hospitals in New South Wales. The Whole of Hospital Program was commenced in 2013 and is designed to support local health districts in driving the strategic change needed to improve access to care and patient flow across NSW Health. The fundamental feature of this program is local leadership, where the New South Wales Ministry of Health and the other health agencies work together to support and facilitate local program teams to deliver results.

Local health districts tailor improvement strategies to the needs of individual hospitals, and include capacity building, smarter staffing, patient flow improvements and boosting clinical leadership. Hospital staff continue to work closely with the Ambulance Service to develop and implement strategies to assist with ambulance presentations to emergency departments and ensure that patients are transferred and managed in a timely manner.

KENMORE HOSPITAL PSYCHOGERIATRIC UNIT

On 21 November 2013 the Hon. Helen Westwood asked the Minister for Ageing and Disability Services a question without notice about ongoing support and services for elderly patients affected by the Government's decision to close beds at Kenmore Hospital's psychogeriatric unit. The Minister for Ageing, and Minister for Disability Services provided the following response:

I am advised by the Minister for Health and Minister for Medical Research:

No Psychogeriatric Unit beds at Kenmore Hospital have been closed and services to patients have not been reduced. An improved model of care for low-care psychogeriatric patients at Kenmore Hospital has resulted in reduced demand for beds. Where clinically appropriate, low-care psychogeriatric patients are discharged into more suitable arrangements in the community closer to family and friends, and are supported by community mental health teams. The improvements are in line with NSW Health's policy to deinstitutionalise long-term mental health patients. More beds can be used at Kenmore in line with any increase in demand.

WESTERN NEW SOUTH WALES HEALTH SERVICES

On 26 November 2013 the Hon. Luke Foley asked the Minister for Police and Emergency Services, representing the Minister for Health, a question without notice about community concerns regarding cuts to 23 health sites throughout western New South Wales. The Minister for Health provided the following response:

I am advised by the Minister for Health and Minister for Medical Research:

This financial year the Western NSW Local Health District budget increased to a record \$749.6 million, a 3.5 per cent increase on 2012-13.

Western NSW Local Health District is developing a new pathway to ensure health services for its local communities are sustainable in both the short and long term. Direct patient care will not be affected.

The district has made clear in its Strategic Health Services Plan 2013-2016 that new approaches will be implemented to ensure the best care is provided for patients across the region. All measures are being undertaken in consultation with local doctors, nurses, hospital staff and the relevant unions.

In line with the Local Health District's financial strategy, Bathurst Hospital is reviewing staffing establishment as part of the work to bring the cost of service provision closer to the state average.

A number of solutions have been agreed with the Medical Staff Council. These include:

- Increased use of the Community Acute Post-Acute Clinic for Bathurst Hospital.
- A new structured daily rounds program.
- Physicians and general practitioners working with management towards addressing length of stay issues at the hospital.
- An independent review of the Bathurst Health Service to identify further opportunities for improvement.

GLENFIELD WASTEWATER TREATMENT PLANT

On 26 November the Hon. Adam Searle asked the Minister for Roads and Ports, representing the Minister for Finance and Services, a question without notice about the operation of the Glenfield Wastewater Treatment Plant on 23 November 2013. The Minister for Finance and Services provided the following response:

This information can be found on Sydney Water's website.

WILD DOG CONTROL

On 26 November 2013 the Hon. Robert Borsak asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra, representing the Minister for the Environment and Minister for Heritage, a question without notice concerning wild dog control in the Monaro region. The Minister for the Environment provided the following response:

I am advised as follows:

1. Baits containing 1080 poison are laid along creeks, riverbanks, trails and ridgelines known to be frequented by wild dogs. Baits are laid in national parks in areas where wild dogs are known to be concentrated.
2. I am advised that the number of dogs removed by baiting is not available as the carcasses are rarely detected in the extremely rugged terrain. In the Dalgety/Paupong Cooperative Wild Dog Plan Area, 20 dogs were trapped this year and 23 were trapped in 2012.
3. Positioning of bait lines and trapping runs is dependent on where it is considered they will be most effective in reducing known concentrations of wild dogs rather than any set distance from park boundaries. Experience has demonstrated that this is the best strategy to achieve success in the baiting program and there is no basis to change this.

RIVERINA WATER MANAGEMENT

On 26 November 2013 the Hon. Robert Brown asked the Minister for Roads and Ports, representing the Minister for Primary Industries, a question without notice about the allocation of water in the Riverina area. The Minister for Primary Industries provided the following response:

The pre-season releases from Burrinjuck Dam were done in a manner consistent with the environmental flow rules under the water sharing plans.

These environmental flow rules ensure that the Murrumbidgee River immediately downstream is maintained to a minimum standard of health. Such environmental flow rules are not required of Blowering Dam as it is typically used preferentially to meet water demands in the valley.

In regard to quoted allocation levels, all the water available was allocated. Given allocations in the Murrumbidgee exceed dam storage capacity, allocations are staged throughout the year, subject to inflows.

Since early this year water has been carefully conserved in Burrinjuck Dam while Blowering Dam has met valley demands, with the exception of the compulsory environmental releases from Burrinjuck Dam.

The releases from Blowering Dam are restricted to a maximum of about 9,000 megalitres per day, being the channel capacity of the Tumut River immediately downstream.

Given the nature of environmental flow rules under the water sharing plans, the only means of ensuring that the same circumstances do not occur in 2014-15 is to alter the priorities of the water sharing plan.

The Office of Water undertakes detailed resource assessments at the commencement of the water year [1 July] and periodically thereafter so that all the available water at that time is allocated for use across all demands in accordance with priorities in the water sharing plan. While high-security water licences receive full allocation at the start of the water year in all but the driest years, general security entitlements typically accrue allocations through the year as rainfall occurs and new inflows make more water available.

In the water year 2013-14, general security allocations commenced at 18 per cent of entitlement and incrementally rose to 33 per cent by mid-September. By mid-December, more water had become available and that figure rose to 52 per cent. In addition to this, water users have been able to access water carried over from their accounts last year, equating to an average of 18 per cent of their entitlement. A further 5 per cent has been guaranteed after February 2014.

SYDNEY WATER STAFFING

On 26 November the Hon. Walt Secord asked the Minister for Roads and Ports, representing the Minister for Finance and Services, a question without notice about job cuts at Sydney Water. The Minister for Finance and Services provided the following response:

This question proceeds on a false premise. As Sydney residents would well know, the level and frequency of wet weather overflows is directly related to the amount of rainfall. As seen in drier years such as 2004-07 there was a lower frequency of wet weather overflows due to lower rainfall.

ESSENTIAL ENERGY MID NORTH COAST INFRASTRUCTURE

On 26 November 2013 Dr John Kaye asked the Minister for Roads and Ports, representing the Minister for Resources and Energy, a question without notice about the installation of 23 new power poles and 3.2 kilometres of new cabling by Essential Energy on the mid-North Coast. The Minister for Resources and Energy provided the following response:

I am advised that Essential Energy planned to construct a power line from Nambucca Heads to Hyland Park in order to provide an alternative power supply to Hyland Park in addition to improving supply reliability to communities further north, including Valla.

The project was scheduled to begin in April 2014 and include the installation of 23 power poles and 3.2 kilometres of power line along the road reserve beside Hyland Park Road, adjacent to the Nambucca State Forest.

When planning the project Essential Energy considered a number of elements including the existing power line being recognised as a poor performing feeder, as well as notice received regarding three potential projects in the Valla area that would require an increase in capacity and demand on the network.

I am advised that to date Essential Energy has not received formal written applications from developers to confirm the three future planned projects, and the power line feeding supply to the area has improved in reliability over the past 12 months following recent local upgrade work.

As such, Essential Energy is reviewing the timing of the project, placing it on hold until a decrease in reliability performance is recorded, and/or applications are received for the local developments.

As a reference, all tree trimming conducted for the purpose of maintaining the State's electricity network must comply with Australian Standard AS4373 [Pruning of Amenity Trees]. Essential Energy's contractors are qualified in all aspects of vegetation management and are authorised to meet all necessary regulatory requirements.

Essential Energy uses directional pruning techniques that remove branches from directly under a power line and encourage regrowth away from the power line.

I appreciate that this can affect visual amenity, but these techniques are considered best practice throughout the arboriculture industry and are used by most power companies in Australia.

NEWCASTLE DOMESTIC VIOLENCE RESOURCE CENTRE

On 26 November 2013 the Hon. Sophie Cotsis asked the Minister for Police and Emergency Services a question without notice concerning funding for the Newcastle Domestic Violence Resource Centre. The Minister for Police and Emergency Services provided the following response:

The NSW Police Force has advised me that it does not provide funding programs.

The member may wish to direct this question to the Minister for Family and Community Services.

AGL GLOUCESTER GAS PROJECT

On 26 November 2013 the Hon. Jeremy Buckingham asked the Minister for Roads and Ports, representing the Minister for Resources and Energy, a question without notice about the disposal of wastewater at AGL's Gloucester project. The Minister for Resources and Energy provided the following response:

The member's statement that the Environment Protection Authority [EPA] has been sidelined in relation to the Tiedman Irrigation Trial is patently erroneous. The EPA publicly refuted similar false assertions in the media in November 2013.

AGL's Tiedman Irrigation Trial was an activity assessed under part 5 of the Environmental Planning and Assessment Act 1979 and approved under the Petroleum (Onshore) Act 1991 by the Department of Resources and Energy [DRE] in July 2012.

The EPA provided advice to the DRE which was appropriately acted on in the assessment prior to DRE making its decision concerning the AGL irrigation trial. This trial was approved by DRE subject to an AGL Water Management Plan outlining water monitoring requirements of the Avon River and biannual reporting. These plans are publicly available on the AGL website.

In line with new legislative obligations, AGL has now applied to the EPA for an Environment Protection Licence [EPL] for its coal seam gas activities at the Gloucester site. The EPA is currently assessing this application.

TRAINLINK NORTH COAST TIMETABLE

On 26 November 2013 the Hon. Mick Veitch asked the Minister for Roads and Ports, representing the Minister for Transport, a question without notice about the Sydney to Brisbane afternoon train service. The Minister for Transport provided the following response:

I am advised:

To comply with Queensland Government peak restrictions on access to the Brisbane rail network, the NSW TrainLink service between Sydney and Brisbane is now required to operate approximately an hour and a half earlier than it did under the previous timetable.

The service can no longer secure a path via the single platform at Nambucca Heads Station because the path is already occupied by two trains scheduled to pass at Nambucca Heads.

Access to the Sydney to Brisbane service is being provided to Nambucca Heads customers via road transport connecting to Macksville Station.

NSW TrainLink will work with rail network operators so that departure and arrival times can be improved when the timetable is next revised.

The Sydney to Brisbane XPT did not stop at Eungai under the previous timetable.

SHOALHAVEN POLICE STATIONS

On 26 November 2013 the Hon. Paul Green asked the Minister for Police and Emergency Services a question without notice concerning police stations in the Shoalhaven area. The Minister for Police and Emergency Services provided the following response:

The NSW Police Force has advised me that there are no plans to build a police station in Vincentia or Sanctuary Point at this time.

ROADS AND MARITIME SERVICES TRANSLATION SERVICES

On 26 November 2013 the Hon. Ernest Wong asked the Minister for Roads and Ports a question without notice about the impact of cuts to language services at the Community Relations Commission. The Minister for Roads and Ports provided the following response:

I am advised:

Roads and Maritime staff use the International ID Checking Guide to obtain the licence details of overseas licences not written in English. Roads and Maritime staff must be able to determine the licensee's name and date of birth, licence issue and expiry date, class of licence and country in which the licence was issued. If these details can be determined, a translation is not required.

Roads and Maritime accepts translations of overseas licences from the Community Relations Commission, the Department of Immigration and Citizenship's free translation service or the Consulate-General of the Republic of Korea [for South Korean licences, as the Consulate verifies the licence with the issuing authority].

If the Community Relations Commission or Department of Immigration and Citizenship cannot provide a translation in the required language, Roads and Maritime will accept a statement [in English] from the relevant embassy, consulate or diplomatic office situated in Australia. If there is no Australian office, the licence issuing authority can provide the statement.

PUBLIC SCHOOL PRINCIPAL CLASSIFICATIONS

On 26 November 2013 Dr John Kaye asked the Minister for Ageing, Minister for Disability Services and Minister for the Illawarra, representing the Minister for Education, a supplementary question without notice about proposed changes to arrangements to principals in New South Wales public schools. The Minister for Education provided the following response:

The principal classification structure proposals for the teacher's award were changed during negotiations. The titles Leading Teacher 1 and Leading Teacher 2 have been replaced with Teaching Principal 1 [TP1] and Teaching Principal 2 [TP2].

There will be Teaching Principal 1 [TP1] and Teaching Principal 2 [TP2] positions at most current PP5 and PP6 schools. It is anticipated that some current PP5 schools will be reclassified to a higher level of P1. Principals classified as P1 will be non-teaching principals.

BUSHFIRE-PRONE REGIONS HOME INSURANCE

On 26 November 2013 the Hon. Lynda Voltz asked the Minister for Police and Emergency Services a question without notice about ensuring families are adequately insured in bushfire-prone regions. The Minister for Police and Emergency Services provided the following response:

I am aware that the insurance provider Real Insurance has declined to renew insurance policies for some residents in the Hunter and Lake Macquarie areas following the October bushfires.

The potential for insurers to withdraw service in particular areas is of concern. However, I understand that this move seems to be confined to this relatively small provider and the Government has received no indication from the major service providers that they are planning to review coverage.

The Australian general insurance industry is a federal responsibility and regulated by the Australian Prudential Regulation Authority.

The New South Wales Government is continuing to work closely with the Insurance Council and insurers on the issues surrounding the October bushfires and is committed to supporting bushfire-affected residents.

KINGS CROSS CRIME PREVENTION

On 26 November 2013 Reverend the Hon. Fred Nile asked the Minister for Police and Emergency Services a question without notice about the use of closed-circuit television cameras in known crime hotspots. The Minister for Police and Emergency Services provided the following response:

The NSW Police Force has advised me:

The NSW Police Force is not responsible for the introduction, operation or monitoring of closed-circuit television cameras. Closed-circuit television facilities are generally installed and maintained by local government authorities.

The NSW Police Force has confirmed the installation of closed-circuit television in the Potts Point/Kings Cross area is the responsibility of the City of Sydney Council. The City of Sydney Council has installed closed-circuit television cameras at the corner of Darlinghurst Road and Victoria Street in Kings Cross, providing coverage of that part of the street.

City of Sydney Council is best placed to provide further detail on these issues.

POLICE CRITICAL INCIDENT INVESTIGATIONS

On 27 November 2013 Mr David Shoebridge asked the Minister for Police and Emergency Services, representing the Premier, a question without notice about the expected date for the delivery and public release of the police critical incident report that is being delivered by Mr Robert McClelland. The Minister for Police and Emergency Services provided the following response:

I am advised:

Mr McClelland handed his Report on the Review of Oversight of Police Critical Incidents to the Government on 29 November 2013. The Government is currently considering the review's recommendations.

WALGETT SHIRE DROUGHT ASSISTANCE

On 27 November 2013 the Hon. Robert Borsak asked the Minister for Roads and Ports, representing the Minister for Primary Industries, a question without notice about drought assistance in the Walgett Shire. The Minister for Primary Industries provided the following response:

Financial assistance towards the cost of water cartage is available from the New South Wales Government subject to quantities and cartage arrangements being agreed with the NSW Office of Water.

The Grawin Opal Fields is located approximately 225 kilometres west of Moree and is made up of several small opal mining communities. Due to the nature and location of these communities, Walgett Shire Council does not believe it is viable to provide a formal reticulated water supply.

Over the period 2003-14 Walgett Shire Council has been provided nearly \$34,000 [ex-GST] in financial assistance for water carting to these communities and \$2,100 as subsidy towards the supply and installation of community water storage tanks. The offers for water carting are calculated based on anticipated actual costs for reasonable volumes of water being carted to sustain communities. Claims for water cartage subsidy are then made by councils on the basis of the actual invoiced costs they incur. To date, all eligible costs claimed by Walgett Shire Council for water cartage to this community have been paid in full.

The basis of the calculations for water cartage financial assistance to this community has been consistent for a number of years [indexed for inflation]. In September 2013, Walgett Shire Council sought further financial assistance to "re-instate the previous arrangements for water cartage subsidy" and the Minister for Primary Industries subsequently made a financial offer of assistance based on council's request. If council believes it is likely to incur costs significantly in excess of the Minister's current offer it should contact the NSW Office of Water to discuss anticipated quantities, carting arrangements and costs.

FREE-RANGE EGG PRODUCTION

On 27 November 2013 the Hon. Robert Brown asked the Minister for Roads and Ports, representing the Minister for Primary Industries, a question without notice about free-range egg production in New South Wales. The Minister for Primary Industries provided the following response:

- (1) I am aware of the Federal Minister's claims.
- (2) I am aware that one supermarket intends to phase out the sale of eggs from cage production systems.
- (3) Animal Health Committee, which comprises the Chief Veterinary Officers of all states, territories and the Commonwealth, has formed a working group to look at avian influenza and risks faced by the poultry industry. The NSW Chief Veterinary Officer is chairing this important working group.

PUBLIC SECTOR WORKPLACE BULLYING

On 27 November 2013 the Hon. Greg Donnelly asked the Minister for Police and Emergency Services, representing the Premier, a question without notice about bullying in public sector agencies. The Minister for Police and Emergency Services provided the following response:

I am advised:

Bullying is less likely to occur in agencies which have an ethical workplace culture firmly in place. In November 2011, an Ethical Framework for the New South Wales public sector was enshrined in legislation, with the passage of amendments to the Public Sector Employment and Management Act.

In early 2014, comprehensive guidance on ethical conduct in New South Wales public sector workplaces is to be published by the Public Service Commission. This will include clear advice for managers and employees on appropriate and respectful behaviour towards colleagues.

BLUE MOUNTAINS RAILWAY STATIONS EASY ACCESS

On 27 November 2013 Dr Mehreen Faruqi asked the Minister for Roads and Ports, representing the Minister for Transport, a question without notice about access to Blue Mountains railway stations by people with mobility restrictions. The Minister for Transport provided the following response:

I am advised:

There are currently four stations on the Blue Mountains Line between Blaxland and Lithgow that are accessible for people with mobility restrictions.

They are Lithgow, Springwood, Katoomba and Blaxland stations.

On 24 May 2013, it was announced that Wentworth Falls has also been identified for an upgrade, which will make the station accessible to customers, including those with a wheelchair.

WOY WOY ROAD SAFETY

On 27 November 2013 the Hon. Lynda Voltz asked the Minister for Roads and Ports a question without notice about the implementation of road safety treatments on Woy Woy Road. The Minister for Roads and Ports provided the following response:

I am advised:

Woy Woy Road is a regional road under the care and control of Gosford City Council. Council is responsible for planning the maintenance and any improvement works on this road.

As a result of road safety reviews, Transport for NSW allocated \$170,000 in the 2012-13 financial year for road safety improvements, which included the installation of advance warning signs at Staples Lookout in March 2013 and profile line marking in May 2013.

Additional safety barriers, identified in the ongoing assessment process, are scheduled for installation in early 2014.

Woy Woy Road is scheduled for a speed zone review in early to mid-2014.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Conduct of Business

The Hon. DUNCAN GAY (Minister for Roads and Ports) [10.59 a.m.]: I move:

That standing and sessional orders be suspended to allow the moving of a motion forthwith relating to the conduct of business of the House this day.

In general terms, today the Government would like to move Government Business Orders of the Day for the Mining Amendment (ICAC Operations Jasper and Acacia) Bill 2014, the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 and the Liquor Amendment Bill 2014. The Government wishes to start with the Mining Amendment (ICAC Operations Jasper and Acacia) Bill, with a view to completing that bill and then adjourning the House for a one-hour period, in the hope that the other House will have completed dealing with the other bills and, as such, we could exchange hostages and continue with the business of the House. After consultation, the Government has resolved that there will be no question time today. However, there will be an adjournment debate at the end of the day. We do not envisage having a break for dinner. We are hoping that, through restraint, consideration and sensible contributions, the House will rise at a reasonable time.

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

Motion agreed to.

BUSINESS OF THE HOUSE**Precedence of Business****Motion by the Hon. DUNCAN GAY agreed to:**

- (a) That Government business take precedence of all other business for today, including question time.
- (b) That the sessional order for the interruption of business to allow the Minister to move the adjournment of the House if desired, be suspended for today only.

BUSINESS OF THE HOUSE**Suspension of Standing and Sessional Orders: Bills****Motion by the Hon. DUNCAN GAY, by leave, agreed to:**

That standing and sessional orders be suspended to allow the introduction, first reading and printing of the Mining Amendment (ICAC Operations Jasper and Acacia) Bill 2014.

MINING AMENDMENT (ICAC OPERATIONS JASPER AND ACACIA) BILL 2014

Bill introduced, read a first time and ordered to be printed on motion by the Hon. Duncan Gay.

The Hon. DUNCAN GAY (Minister for Roads and Ports) [11.03 a.m.]: I declare the bill to be an urgent bill.

Question—That the bill be considered an urgent bill—put and resolved in the affirmative.

Declaration of urgency agreed to.

Second Reading

The Hon. DUNCAN GAY (Minister for Roads and Ports) [11.04 a.m.]: I move:

That this bill be now read a second time.

The State has been shocked by the revelations of corruption exposed last year by the Independent Commission Against Corruption [ICAC]. Counsel Assisting described it as being on a scale not witnessed since the days of the Rum Corps. Today, the Mining Amendment (ICAC Operations Jasper and Acacia) Bill 2014 will draw a line under this appalling episode. It will restore to the people of New South Wales the assets that were taken from them for private gain and without proper regard to the public interest. And, most importantly, it will continue the process of restoring to the people of New South Wales their confidence in the integrity of government and the mining industry in this State.

Clause 4 of this bill will cancel the exploration licences in respect of Doyles Creek, Mount Penny and Glendon Brook. The cancellation of those licences was, of course, recommended by the Independent Commission Against Corruption. That recommendation followed the Independent Commission Against Corruption's earlier findings of corrupt conduct against various individuals, including the former Minister and a number of officers from the companies involved. The Government is aware that some of those findings are now the subject of current or threatened legal challenge. We are also aware that the Independent Commission Against Corruption's jurisdiction to recommend cancellation of the licences is being challenged. However, the action proposed in this bill does not stand or fall based on the findings or recommendations of the Independent Commission Against Corruption. Having regard to the information that has been exposed to public scrutiny, the Parliament itself can and should form its own view as to whether these licences should be cancelled. The Government believes they should be.

In the course of its investigations and proceedings known as Operations Jasper and Acacia, the Independent Commission Against Corruption brought to light a wealth of information about the course of events that led to exploration licences being granted to three companies—Doyles Creek Mining, Mount Penny Coal and Glendon Brook Coal. Having considered that information, and submissions made by the licence holders and others, the Government considers Parliament will be satisfied that the relevant licences and the processes that

led to them being granted are tainted by serious corruption. The circumstances are exceptional. Hopefully, they are unique; and certainly as a government, we are determined to ensure that they are never repeated. The taint of corruption affecting the licences cannot be removed in the manner suggested by Cascade Coal and NuCoal, by their simply paying to the State some portion of the profits they otherwise stand to make from these licences. This is not a situation that anyone can simply buy their way out of.

While it is pointless to speculate as to what the outcome of a proper resource allocation process would have been, there is ample information to suggest that it is most unlikely that any of the current licence holders would have obtained the licences that they did in the absence of impropriety. The fact that these coal resources were released, the location and size of the particular tenements, the exclusion from access to the licence of other interested parties, and the events leading to the relevant licences being granted to the current licence holders—all these lie under a cloud. It is the Government's view that the only appropriate way to address the situation is to cancel the licences so as to place the State, as nearly as possible, in the situation it would have been in had those licences never been granted. For that reason we propose that the licences will be cancelled and the fees paid for them will be repaid.

This view is set out in the objects clause of the bill, clause 3. It sets out four specific objects of the bill: one, to cancel the licences and ensure that the tainted processes that led to them being granted do not infect future processes, such as mining leases; two, to ensure that the State has the opportunity, if considered appropriate in the future, to allocate rights in respect of the land using proper process in the public interest; three, to ensure that no person may derive any further financial benefit from the tainted processes; and four, to protect the State against the potential for further loss or damage. The decision has been made that no compensation will be payable in respect of the cancellation. The bill also protects the State against any liability whatsoever in respect of the circumstances that led to the granting of the licences. These provisions do not, of course, protect any individuals or private companies who have engaged in deliberate wrongdoing.

The decision to cancel these exploration licences without compensation has not been made lightly. The Government recognises that this bill will abrogate common law rights that would otherwise operate, including common law rights regarding property. In passing this legislation the Parliament will clearly be extinguishing, without compensation, whatever property rights might otherwise subsist in the licences as well as in certain exploration information. By immunising the State from liability the bill will also abrogate other common law rights, including contractual rights. As I said, this is not a decision we take lightly.

Before introducing this bill the Government sought, and considered carefully, submissions from the licence holders. We have also taken into account numerous submissions we received from affected shareholders. The report from ICAC suggested that consideration could be given to the provision of ex gratia financial compensation to "innocent persons". It is important, however, to be clear about what is meant by "innocent" in this context. Those who purchase shares in a company may be innocent in fact of any conduct involving the company. However, they invest in the company, seeking the chance of financial gain; they accept the upside benefits of the corporation's activities, which they fund; and they enjoy the downside protection of limited liability. Shareholders collectively choose the directors and others who guide the business and who, if poorly chosen or poorly supervised, may engage in wrongful conduct or actions that otherwise lead to poor outcomes for shareholders.

NuCoal cannot be regarded as a bona fide purchaser for value and without notice. There is evidence of some public notoriety surrounding the circumstances of the Doyles Creek licence at the time NuCoal and its shareholders invested in it. NuCoal itself was a recently listed shelf company. Although it is a separate legal entity the reality is that NuCoal was merely the vehicle for the back-door listing of Doyles Creek Mining. There is also evidence of corruption involving several of the directors and founders of Doyles Creek Mining, including two who were appointed to the board of NuCoal at the time of the Doyles Creek acquisition. As ICAC has said:

The consequences of improper transactions cannot be avoided merely because its shares have been subsequently traded.

While the Government believes that as a matter of principle the shareholders have no legitimate claim to compensation from the taxpayer that is not to say that some shareholders should not feel aggrieved by what has happened. However, their grievance should properly be directed at those individuals who were involved in, or at the very least had knowledge of, wrongdoing. The appropriate course of action for them is against the directors of the company, if they can be shown to have breached their duties as directors. It is a matter for those shareholders if they wish to seek legal advice on any remedies they may have.

A number of submissions suggest that the cancellation of these licences, without compensation, may raise concerns about sovereign risk. In response to that I say that the greatest form of sovereign risk, the greatest

threat to the stability and certainty needed by business in dealing with governments, is the risk of corruption. It is the risk that corrupt public officials and their private sector mates will distort public processes, will manipulate markets and will act for their own private benefit in secret deals, all at the expense of the public interest. This bill puts an end to that. As clause 3 of this bill states, the core purposes of this legislation are restoring public confidence in the allocation of the State's valuable mining resources; promoting integrity in public administration above all other considerations, including financial considerations; and deterring future corruption. Of course, the bill is also about putting the State in as near as possible to the same position as it would have been had this corruption never occurred.

The Government has no immediate plans to re-release the relevant land for prospecting or mining. However, the bill may allow for that to happen in the future, if considered appropriate. Importantly, any future process will be undertaken in the public interest and in accordance with proper probity requirements. Those requirements will include the reforms that this Government is implementing in response to ICAC's earlier recommendations. I note that this bill does not address all of the matters raised in ICAC's report. The Government proposes to introduce a further bill to deal with those and other associated issues after Parliament resumes at the end of February. However, it is critical that we act expeditiously and decisively to cancel these licences now. I acknowledge in the gallery members of the communities that were affected and who fought like tigers to protect their communities. I commend the bill to the House.

The Hon. STEVE WHAN [11.16 a.m.]: The Opposition supports the Mining Amendment (ICAC Operations Jasper and Acacia) Bill 2014, as it did the bill's predecessor that was moved in a rush last year, the Mining and Petroleum Legislation Amendment (Public Interest) Bill 2013. Action was flagged by the Government when it moved that piece of legislation and the Opposition has indicated at all times since these issues have been raised that we would support the implementation of any recommendations made by ICAC. Accordingly, we support the Mining Amendment (ICAC Operations Jasper and Acacia) Bill 2014.

In his second reading speech the Minister said in opening that this legislation would draw a line under this appalling episode. The Opposition certainly agrees with that sentiment. The actions leading to this legislation were abhorrent. The evidence put before ICAC and the findings it made indicate behaviour that every remaining member in the Labor Party believes is abhorrent and rejects outright. We believe that the actions taken have resulted in a situation that should be rectified and we therefore support this bill.

I make a number of points in relation to this bill. The Minister mentioned that some of the findings of ICAC are the subject of legal challenges by the companies and the people involved. It is important that the Government did its homework on this legislation. It is a concern to me that we received this legislation just before 10.00 a.m. today, which means there has been very little opportunity to get advice or opinions from people external to the Government about whether this legislation will protect the taxpayers from compensation claims in the long term or whether there will be occasions when other actions are taken and compensation ends up being payable. One can only hope that in spite of the very short notice we have been given about this legislation the Government has done its homework properly. It is a concern when we see legislation clearly being written right up until the time it is introduced in Parliament and when the Opposition has been provided with such little notice.

Last year the Mining Petroleum Legislation Amendment (Public Interest) Bill 2013 was introduced without notice and rushed through the Parliament in one day. At the time the Government said it was to enable the Government to enact any findings from the Independent Commission Against Corruption about the cancellation of leases. It appears that that legislation was inadequate and could not do that. As I said at the time, it did not deal with issues of compensation and it left a big undefined public interest test, which remains undefined in the bill we are debating today. That should be of concern to the Government. I ask the Minister to respond to that aspect in his reply.

The Minister said that the Government asked for submissions from licence holders and shareholders. To take what I consider is a kind view of that legislation passed in one day last year, it put companies on notice that they needed to take the Government's intention to withdraw or cancel these leases seriously. To some extent that was positive but I will return to the fact that the legislation we are debating today has not amended or fine-tuned the mining petroleum legislation. The Minister said that the Independent Commission Against Corruption suggested the possibility of ex gratia payments to innocent parties. To paraphrase the Minister, he said that investors in this company should have been well aware of the risks and the public notoriety. I do not think it is possible to simply say that innocent parties are not being hard done by in this process.

The Premier acknowledged, and to a lesser extent the Minister acknowledged, that some people invested in good faith without knowing the history in relation to NuCoal. Members have received many emails, including the following from Michelle Stephens, who stated:

Hi,

Regarding nucoal investors—average mum and dads

Please listen to my story and help us save our house by voting our way.

We bought shares back in 2010 both personal and in our super. We had done extensive research and had very positive advice from financial advisors. We really thought we were doing the right thing and thought we would give it a go, try and get a head.

We had a baby last year and I went back to work after 4 months, we have a mortgage and we have been renovating for the last 4 years "nearly finished" most of the works done by ourselves.

I can't believe we have been caught up in this political corruption. The politicians have done the wrong thing by being corrupt BUT I am being punished.

I understand stock is speculative, example coal goes up and down in price and the share price is affected, as a investor I take the risk.

BUT HOW COULD ISPECULATE, corruption by politicians and a lease ending and THEN a law being made up to not compensate the innocent share holders.

PLEASE PLEASE PLEASE HELP US! I am in tears and so upset.

I have not been corrupt so please don't punish me. I don't want to sell our house we have worked so hard for

I do not know anything about Ms Stephens except for that email I received yesterday. I received other emails along similar lines from other shareholders, as have other members of this place. We know that risks are assessed when we invest in shares. For example, we know shares in some companies are purely speculative and are low-priced when exploration is being carried out and, on the other hand, shares in a company that has a licence that will provide it with some form of long-term income are not so risky. I do not for one second absolve those people who have been named by the Independent Commission Against Corruption who were aware of their guilt. I agree with the Minister that those shareholders who are aggrieved should take action against those people as well through the appropriate channels.

Last year when I addressed the mining petroleum legislation I referred to innocent parties who will lose the money they invested in good faith who might have expected that the possibilities of them losing money would have been considered by the Government. However, I accept that that consideration would have enormously complicated this legislation and left a fairly open-ended problematic bill for the Government. I also agree in part with the Minister that today's legislation does not add to sovereign risk in this industry. I do not think that is the case with the mining petroleum legislation. Today's bill specifically refers to three exploration licences and it is restricted to them. I note that this bill foresees the possibility of there being further amendments of this nature in future in relation to ruling out government liability for compensation.

The Minister said that this bill allows for the possible future release of this land for mining purposes. I make it clear that this legislation is about the corruption of the issuing of those licences which is very different to an assessment that might occur in the future about whether mining is appropriate in these areas. I know that some people will strenuously lobby against mining operations at all in every area where mining is proposed in New South Wales. In recent years all new mines have encountered opposition from people in the relevant area. In any good planning process an assessment is made of the opposition of people who live nearby, and the appropriate potential environmental impacts with the economic and job benefits of mining.

As I have said many times in this Chamber, Labor is pro-mining. We believe that the jobs in mining are very important for New South Wales. The people of New South Wales expect energy and electricity and for the foreseeable future that will include electricity generated by coal. In all the climate change proposals which Labor has supported both federally and at the State level we see coal continuing to be a key source of power. I recognise, as I have said in other debates, that some people in the community believe that all forms of fossil fuel are not appropriate. This legislation today is not about whether coalmining is appropriate in these areas; it is about the findings of the Independent Commission Against Corruption about behaviour—

The Hon. Duncan Gay: But they were not the right areas.

The Hon. STEVE WHAN: The Minister says they were not the right areas, which may or may not be the case. My point is that we are dealing with action being taken to rectify corruption in the past as best as it can be rectified. It is not action which says that mining is or is not appropriate in these areas which will have to be determined if they ever have a licence issued to them again. I believe it is appropriate to have the following statement in the overview of this legislation:

- (b) to ensure that the State has the opportunity, if considered appropriate in the future, to allocate mining and prospecting rights in respect of the relevant land according to proper processes in the public interest.

The Minister has talked about the aspects of this legislation which attempt to prevent compensation being payable. It is a matter of concern that this legislation has been rushed before the House and there has been no time to obtain external advice on the compensation issues. Labor will support the legislation today but it is hoped that the Government has done its homework to ensure that it will not be subject to claims for compensation through legal challenges or by other means.

I note the preserved conditions in the legislation that cancelled licensees are obliged to meet the terms of access agreements with landholders and to undertake any necessary rehabilitation on boreholes that have been drilled or exploration activities that have been carried out. That is an important requirement. I ask the Minister in his speech in reply to inform the House how the Government will ensure that such rehabilitation occurs in situations where companies cease to exist. The Mining Act contains provisions that ensure that companies which cease to exist following completion of their mining operations continue to meet their obligations in relation to rehabilitation. I invite the Minister to clarify how that will occur in this case.

I previously have raised the issue of interaction between the two pieces of legislation relating to this matter. Last year, in a single day, we passed the Mining and Petroleum Legislation Amendment (Public Interest) Bill 2013. That legislation, it was said, would enable the Government to cancel mining licences should the Independent Commission Against Corruption recommend such cancellation. At the time I raised a number of issues, one of which was the matter of compensation to which I have referred today. However, the issue that remains of concern to me—and one that should be of concern to the Government—is that the previous legislation opened up broad public interest criteria for the cancellation of any mining licence, including exploration licences, mining licences where mining operations were in progress and gas licences. At that time I said that such a broad, open public interest test was an invitation for lobby groups to urge the Government to cancel licences throughout New South Wales on the basis of what they termed "public interest".

The Hon. Jeremy Buckingham: Hear, hear!

The Hon. STEVE WHAN: I note the acclamation by the Hon. Jeremy Buckingham. The member, in his speech on that bill, was excited about the provision and strongly supported it, and he reiterated my comments as to the way in which it would be used by lobby groups. I am sure he does not resile from those comments because that is what he believes and the campaign he pursues. People in New South Wales who hold the same views as those of the Hon. Jeremy Buckingham will take advantage of the legislation, which has been assented to since the Parliament rose for the summer recess, and argue that any number of mining activities around the State are not in the public interest.

On that basis, they will lobby Government members—who are carefully reading their emails—by way of multiple emails or other campaigns and urge the Government to forfeit certain mining leases because they are not in the public interest. The retention of such an undefined and open test in legislation is not in the interests of the mining industry and presents a sovereign risk to mining in New South Wales. I am extremely surprised that the Minerals Council has not raised that as a matter of concern in letters to the Opposition or publicly. The council has not been shy about publicly raising issues of concern when they involve the Opposition. The Government should amend this open-ended test provision in the legislation.

The Hon. Dr Peter Phelps: Are our feelings hurt, Steve?

The Hon. Jeremy Buckingham: Are you a paid-up member of the Liberal Party?

The Hon. STEVE WHAN: The members opposite may interject but they are making a rod for their own back by leaving that provision unamended. I would have expected the bill before us—which we received this morning—to at least narrow the public interest test to specifically deal with findings of corrupt conduct by either a court or the Independent Commission Against Corruption. That is the sensible course. I proposed such a course of action last year but, unfortunately, the Government did not accept my proposal. I am sure other speakers in this debate will deal with that provision.

I reiterate that Labor has consistently said that it would support the recommendations of the Independent Commission Against Corruption with regard to these licences. The behaviour that was revealed by the Independent Commission Against Corruption is abhorrent to the Labor Party and we do not want such behaviour within our party. Mining leases and exploration licences should be awarded in a proper, open and transparent process. In the past, mining Ministers had the power to award leases without regard to departmental advice. That has been shown to be inappropriate. When I was appointed mining Minister late in our term of office, I directed my department that mining exploration licences should not and would not be approved by a Minister against the advice of the department.

In future, any decision that is contrary to departmental advice must be publicly notified and the reasons published. The recommendations of the Independent Commission Against Corruption in that regard should be taken into account. It is appropriate to have open public processes for tenders for licences to ensure that the people of New South Wales get the best return. However, it is important to look at the payment of fees so that there is not an expectation that a project will be approved because an exploration licence has been approved. I reiterate the Opposition's support for the legislation and join the Minister in his desire to see a line drawn under this appalling episode and the reinstatement of confidence in the system of licence approvals in New South Wales.

Reverend the Hon. FRED NILE [11.37 a.m.]: On behalf of the Christian Democratic Party, I am pleased to support the Mining Amendment (ICAC Operations Jasper and Acacia) Bill 2014. This legislation will cancel the Doyles Creek, Mount Penny and Glendon Brook exploration licences in circumstances where the granting of those licences and the decisions and processes that culminated in the granting of those licences were tainted by serious corruption. This bill responds to information obtained as a result of investigations and proceedings of the Independent Commission Against Corruption, known as Operation Jasper and Operation Acacia. I was pleased when the Premier announced the decision to implement the recommendations of the Independent Commission Against Corruption to cancel these coal licences. I immediately issued a media release, in which I stated:

The Rev. Fred Nile commends the O'Farrell Government's decision to tear up three coal licences issued by corrupt former ALP Minister Ian Macdonald.

I went on to say:

Former ALP Minister Ian Macdonald, and former ALP MP Eddie Obeid, were both found by ICAC to have acted corruptly by agreeing in 2008 to create a mining tenement over the Obeid family's farm at Mt Penny in the Bylong Valley.

The ICAC also found that Mr Macdonald acted corruptly in 2008 in granting a mining licence at Doyles Creek to former union official John Maitland's company.

I concluded:

The NSW Government should also act urgently to confiscate any profits that have been made from these corrupt mining licences.

Even though we gave support for the legislation, this raises the question as to the level of supervision in place of former Labor Ministers and what actions the former Labor Premier or his office took in this area. Surely with all the rumours that something smelly was occurring, bells should have been ringing amongst those at the highest level of the former Labor Government, and it is sad that there does not appear to have been any reaction. It also sends a message to the current Government that a recurrence of these events must be avoided and that all governments must be constantly alert during these modern times when tens of millions of dollars are potentially involved to ensure corruption does not occur.

I place on the record the support of the Christian Democratic Party for the Independent Commission Against Corruption. I congratulate the commission and its staff on the way in which it conducted the investigation and on achieving successful results. As a member of the Committee on the Independent Commission Against Corruption a number of times I have raised concern that following inquiries and reports by the commission the Director of Public Prosecutions should be able to obtain successful prosecutions but there seems to be a gap in the system. One of the excuses is that material provided by the Independent Commission Against Corruption often cannot be used in criminal prosecutions in a court of law. This provides a way for individuals to escape the full weight of the law. I certainly hope that will not happen in this case in view of the information that has been provided to the commission through these investigations.

Nevertheless, the Independent Commission Against Corruption fulfils a valuable role in society. I was pleased to give my enthusiastic support when it was originally proposed. I had studied the Hong Kong

Independent Commission Against Corruption and other commissions and saw the valuable role they played. It is my view that it is necessary to have the Independent Commission Against Corruption act independently of government and to conduct investigations without fear or favour. Members should give their support to the commissioner, the commission and its staff and ensure that they have sufficient allocations in the budget to carry out their important role. I note that the residents and members of the Bylong Valley Protection Alliance, led by secretary Craig Shaw, said that the decision was a "victory for the people of NSW". Mr Shaw stated:

Hats off to O'Farrell and his government for making this move. It was really the only logical move that was possible after the ICAC findings. But, as they say, it ain't over 'til the fat lady sings and we were holding our breath just waiting to see.

Mr O'Farrell has spoken strongly on this issue. He stated that the move through this legislation drew "a line under this sorry saga of Labor politics and corruption in NSW." I note also that the Construction, Forestry, Mining and Energy Union has also strongly supported the legislation. President Tony Maher stated that "grubs" who held the licences should be prohibited from doing any further business in the New South Wales coal industry. He said:

Those individuals found by the ICAC to have acted corruptly should be sent to the sin bin. The mining industry is too important to risk the taint of corruption.

Obviously the companies involved are now crying over how this will affect their companies and their potential profits. I understand that one of the two Hunter Valley companies at the centre of the Independent Commission Against Corruption inquiry has been lobbying members of Parliament not to support the legislation. The pleas of that company will have no effect on the Christian Democratic Party, and hopefully no effect on other members of Parliament. One of the companies, NuCoal, has argued that it acted in good faith. A document written by Craig Chapman from Jerrys Plains highlights the crossovers between the original and the current owners. He stated:

Their corporate DNA is deeply embedded in the roots of (previous owners) Doyles Creek Mining. In fact some directors of NuCoal were formerly directors of Doyles Creek Mining. So the roots of NuCoal stem right back to that time when that coal exploration licence was being sought.

Mr Chapman says it is incredible that NuCoal could argue it was not aware of any controversy when buying the licence. He said:

That flies in the face of NuCoal's own managing director's evidence at the ICAC, where he agreed with the ICAC, that at the time of the reverse acquisition, there was widespread public controversy.

So for investors to say they were not aware of this, then they must have been living under a rock somewhere.

The Christian Democratic Party is very pleased to support this legislation. The purpose of the bill is to restore public confidence in the allocation of the State's valuable mining resources, to promote integrity and public administration and to place the State, as far as is possible, in the position it would have been had the relevant licences not been granted. We are pleased to support the legislation before the House.

The Hon. JEREMY BUCKINGHAM [11.47 a.m.]: On behalf of the New South Wales Greens I speak on the Mining Amendment (ICAC Operations Jasper and Acacia) Bill 2014 and lend our total support to it. As my granny used to say, sometimes one has to hasten slowly. For some years I have been urging the Government to deal with this issue, and it has done so in the fullness of time. We welcome this bill, as does the community, despite concerns raised by the Hon. Steve Whan about compensation and whether or not there has been sufficient time to deal with the matter. I am confident that the bill addresses appropriately the compensation and liability issues. Therefore, The Greens will support the bill in its entirety and will not move any amendments.

I congratulate the Government members who acted early to highlight the concerns. The Hon. Duncan Gay and the Hon. Trevor Khan did a lot to bring these matters to the attention of the Parliament, as did my comrade Senator Lee Rhiannon, who was very active initially. I also congratulate the most important people, those who could have been victims of this corruption but who turned out to be heroes: Craig Shaw; Craig Chapman; Ian and Robyn Moore; the people of Bylong Valley and Jerrys Plains; and those across New South Wales who wrote letters, contacted the media, twittered and lobbied members repeatedly to take action. All of their actions led to the referral to the Independent Commission Against Corruption, the investigations of the Jasper and Acacia operations and the findings of corruption in many areas of those investigations—which shocked the people of New South Wales to their core. I would describe today's events as the end of the beginning and, I hope, the beginning of the end. There is a great deal more work to do; we are into only the second act of this play.

As the overview states, the key objective of this bill is to restore public confidence in the allocation of the State's valuable mineral resources. That is what we must do: restore the public confidence that has been so badly shaken. I welcome the Minister's statement in the second reading speech that when Parliament resumes late next month the Government will introduce legislation designed to implement the Independent Commission Against Corruption's recommendations. I hope I am not verballing him and that that legislation implements all 26 Independent Commission Against Corruption recommendations and the recommendations in the commission's 2010 report, which are extremely valuable.

I reiterate Reverend the Hon. Fred Nile's statement that the people of this State value the Independent Commission Against Corruption. No-one is saying that the commission is not an important asset; no-one is saying that it should not be supported. However, they want to see its activities lead to reform of the system. They also want to see some of the scoundrels who have stolen from the people of New South Wales sent to jail. I have had conversations about this issue across the State and Australia and everyone wants to know whether Eddie Obeid will be stripped of his wealth and sent to jail. I hope that is the outcome: Eddie Obeid and others who have been found to have acted corruptly must be prosecuted by the Director of Public Prosecutions and be punished, including being stripped of their ill-gotten gains.

This bill confirms that the Parliament agrees with the Independent Commission Against Corruption and cancels the three licences and associated planning applications concerned, effective immediately. As the Minister said, it is important that this legislation does not stand or fall on the Independent Commission Against Corruption's recommendations because they are being challenged. By passing this legislation the Parliament of New South Wales will be declaring that this is the law of the land. While we are mindful of the Independent Commission Against Corruption's recommendations, we represent the people of New South Wales and we support this legislation.

This bill also makes it clear that the State will not be liable for any compensation—nor should it be. It also clarifies that individuals can still be held liable for their actions. The Hon. Steve Whan and other members have made the point that the reward for investors is profit. It is the nature of the capitalist system in which we live that speculation involves risk. If investors had flipped over enough rocks they would have discovered serious issues, especially with regard to NuCoal. As Craig Chapman said, the companies involved shared the same DNA and directors. Anyone who typed "Doyles Creek mining" into Google would have discovered the serious problems that were raised early in 2008 in this place, in the media—

The Hon. Trevor Khan: And in the *Newcastle Herald*.

The Hon. JEREMY BUCKINGHAM: And in other places.

The Hon. Duncan Gay: And in *Hansard*.

The Hon. JEREMY BUCKINGHAM: Yes, of course. Questions were asked of the Minister at the time. I must acknowledge the role of the fourth estate in this issue and Fairfax journalist Tracy Ong from the *Australian Financial Review* who broke the story. As the Independent Commission Against Corruption investigation progressed, Kate McClymont, Anne Davies and others continued to report on their investigations. Members of the New South Wales press gallery followed the story tenaciously and ensured it was brought to the attention of policymakers and the public.

The Greens are pleased that this legislation does not indemnify parties who have potentially acted inappropriately or illegally. Shareholders should seek redress by taking action against them. They should examine the information that was provided to them and on which they based their investment decisions. As the Hon. Steve Whan said, people will lose the money they invested in the NuCoal venture. However, they have the option of taking action against those who have been involved in wrongdoing.

The Greens also welcome the provision requiring the companies involved to clean up the sites that have been disturbed. Drilling and earthworks have been undertaken on people's properties and the companies that undertook that work should be required to remediate those sites. Not surprisingly, I do not agree with the Hon. Steve Whan with regard to the appropriateness of mining occurring in these areas. One of the key elements of this scandal has been the failure to involve the community from the outset in determining whether mining should go ahead. The local communities overwhelmingly reject coalmining in their area. Creeping super pits are consuming Maitland, Singleton, Bulga, Broke and Ravensworth. The people of Jerrys Plains have said emphatically that they do not want mining in their local area, and they will continue to do so. Any move to open

the Bylong Valley to mining would be a disgrace. Those areas may be assessed in the future and licences may be issued, but hopefully that does not occur. If it does, it should be done using a framework based on the Independent Commission Against Corruption's 26 recommendations.

The Independent Commission Against Corruption has stated that the basic principles of good governance are missing from the coalmining licence allocation process in this State. The Greens believe that enough is enough when it comes to coal. The people of the Bylong Valley are facing the prospect of the Korea Electric Power Corporation turning their community upside down with another huge coalmine at a time when we are confronting climate change and record heatwaves and when our food bowls are being threatened. The Liverpool Plains, the Southern Highlands, the Bylong Valley, Leard State Forest and the Namoi Valley are being threatened by coalmines and the community is increasingly agreeing that enough is enough.

The Greens acknowledge the role of coalmining in the history of this State and that it has kept the lights on, but that does not mean we should be locked into coalmining forever. When the facts change we should change our minds. Our community is changing its mind and is withdrawing the social licence for more coalmining. It should be clear to members that the people of this State want us to make a transition away from coal. The Bylong Valley Protection Alliance, the people of Jerrys Plains and, I believe, the majority of people in New South Wales do not want any more mega coalmines destroying communities and water resources and exposing us to the risk of catastrophic climate change.

The Greens welcome this bill and applaud the Government for introducing it. We look forward in the short term to dealing with substantive changes to the Mining Act with regard to the administration of mining because the system is broken. This legislation represents the surgical removal of a malignancy that has tainted New South Wales for years, but it does not deal with the factors that allowed that to occur. That is what the Independent Commission Against Corruption said, that is what The Greens believe and that is what the community wants. We need root and branch reform. The Greens support the bill and look forward to more substantive changes to the administration of mining in this State in the near future.

The Hon. DUNCAN GAY (Minister for Roads and Ports) [12.01 p.m.], in reply: I thank honourable members for their contributions to the debate on the bill before the House and for the support indicated by all members who spoke on it. I particularly compliment the Hon. Steve Whan on a light toe tap as he delicately tiptoed across this area, intimating support but also intimating that the Government had some responsibility to provide compensation, and quietly playing down the fact that he was a member of Eddie Obeid's Terrigals and was a member of the Cabinet that made those decisions at that time and ignored the blood in the water.

The Hon. Greg Donnelly: Point of order: This experienced Minister well knows he directly impugned an honourable member on this side of the House by referring to Eddie Obeid and the Terrigals and the alleged association of the member with that grouping of people. The comment was a deliberate attack made in an attempt to impugn the member's reputation, and I ask that the Minister withdraw it.

The Hon. Dr Peter Phelps: To the point of order: The Minister simply pointed out that the member was a member of the Cabinet which took decisions on those various matters. I cannot envisage a way in which it could be said that the member was impugned by a factual statement.

The Hon. Greg Donnelly: To the point of order: *Hansard* will show that the Minister said two things. One was to do with an alleged association with the Terrigals and Eddie Obeid. The Minister went on to refer to a Cabinet decision. So the Minister's attack was in two parts. My point of order relates to the first of the Minister's comments. Clearly, it was an attack impugning the honourable member's reputation. The Minister knows that such an attack can only be made by way of substantive motion. No such motion is before the House. Mr Assistant-President, I ask you to request the Minister to withdraw the comment.

The Hon. DUNCAN GAY: To the point of order: My statement that the honourable member was a member of the Terrigals is a statement of fact. That is not questioned. He was a member of Eddie Obeid's group the Terrigals. That comment is not out of order; nor does it warrant withdrawal.

The Hon. Greg Donnelly: Further to the point of order: There can be no question whatsoever that the intention of the Minister was to directly attack the member and impugn his good reputation.

The Hon. DUNCAN GAY: That is your allegation.

The Hon. Greg Donnelly: No. It is a statement of what you did. Clearly it was done to impugn.

The Hon. Trevor Khan: What they did.

The Hon. Greg Donnelly: No. The offensive comment related to the member's association. I ask that the Minister be requested to withdraw the comment.

The Hon. Dr Peter Phelps: Further to the point of order: If it is an imputation on members to suggest that they are part of a sub-faction of a faction within the Labor Party, a lot of impugning will be going on.

The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile): Order! As members have stated, the remarks appear to be factual; further, the member referred to has not taken a point of order. The member may, if he wishes, make a personal explanation to clarify the matter.

The Hon. Steve Whan: Point of order: The Minister went on to say that I had ignored blood in the water. I find that personally offensive, and I ask you to ask the Minister to withdraw that reflection on me. It is untrue, and it is offensive.

The Hon. Dr Peter Phelps: To the point of order: The Hon. Jeremy Buckingham had previously made an allegation that there was blood in the water or that there was a significant smell. I do not see how it could be considered to be an imputation against someone to suggest that they ignored what the Hon. Jeremy Buckingham stated earlier.

The Hon. Steve Whan: To the point of order: The Minister made a very clear and direct reference to me in suggesting that I had ignored something. That is factually untrue. It was an offensive suggestion. Mr Assistant-President, I ask you to ask the Minister to withdraw the offensive suggestion that he made.

The Hon. Dr Peter Phelps: Further to the point of order: It cannot possibly be offensive to suggest that someone ignored something.

The Hon. DUNCAN GAY: To the point of order: There were allegations in the Chamber and there were allegations in the media. This member was a member of Cabinet, if not at the time of the granting of the lease then certainly at the time those allegations were made. My comments were general in nature and frankly do not warrant withdrawal.

The Hon. Greg Donnelly: They were specifically directed at the honourable member.

The Hon. DUNCAN GAY: If the Labor Party wants to change history and ignore the lessons of history, good luck!

The Hon. Steve Whan: Further to the point of order: I would suggest the Minister is now out of order in seeking to elaborate on his comments. But as to the Minister's comment that drew my point of order, the fact is that I was the Minister who released publicly a report on the Doyles Creek process so that it was available for scrutiny. So the Minister is factually incorrect in making the statement he made, and I find his statement offensive. Mr Assistant-President, I ask you to ask the Minister to withdraw those parts of his statement that I find offensive.

The Hon. Dr Peter Phelps: Further to the point of order—

The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile): Order! I have heard sufficient on the point of order. I request the Minister, pursuant to the standing orders, to withdraw the comment about blood in the water as the member has found it offensive.

The Hon. DUNCAN GAY: Mr Assistant-President, I will comply with your ruling. If the member finds my comment offensive, I withdraw whatever he found offensive. I return to my reply to the contributions made in this debate. The Hon. Steve Whan expressed concerns about obligations regarding rehabilitation. The bill gives the Minister power to ensure rehabilitation is carried out by the licence holders. If the licence holder does not comply, the Minister has power to ensure rehabilitation is carried out at the licence holder's expense. The Minister holds security deposits to cover the costs of such rehabilitation. This money will not be released until the Minister is satisfied that rehabilitation is complete. With regard to the licences, I think I covered that

matter during my second reading speech. Any fair examination would have indicated that mining probably should not have happened under the rules that existed at the time in these areas. I suspect in the future under the tougher rules now in place it will be even harder for mining to occur in such areas.

As was reported in the *Newcastle Herald* in March last year, more than three years ago the Independent Commission Against Corruption received a complaint from Appletree Flat property owners in the Hunter Valley about the granting of a coal exploration licence to Doyles Creek Mining. As the *Newcastle Herald* article explained, the property owners were concerned about the timing of the announcement by the then Minister for Mineral Resources, Ian Macdonald, on Christmas Eve 2008, the lack of a tender, and the failure to follow even basic exploration licence procedures, including advertising of the application. Last Tuesday my good friend and colleague from the other place the member for Upper Hunter, the Hon. George Souris, received an email from one of those property owners, Mr Craig Chapman. I quote that email in part:

To: George Souris

Subject: Thanks

George

Thank you so much for your support of us in our battle (at Appletree Flat\Doyles Creek). It has been a long and arduous battle.

As you know, I reported the matter of the Doyles Creek "training mine" in writing, to ICAC on 3 previous occasions, all of them, rejected.

So if it wasn't for your personal support, the support of Duncan Gay, and the willingness of Government to direct ICAC to investigate, I doubt this corruption would have ever seen the light of day. One of the largest corruption inquiries in Australia's history would very likely have never occurred.

The fact that it did occur is a credit to yourself and Duncan. You should both feel very proud.

Could you please also pass on my personal thanks to the Premier, your colleagues, and in particular, Duncan Gay.

Sincerely
Craig Chapman

I thank Craig for that. In reply to this email, the member for Upper Hunter congratulated other key members of the community for their dogged determination in helping to expose the corruption surrounding the granting of these mining licences. I quote from Mr Souris' email in reply:

Thank you Craig. Very kind of you to go to the trouble to send this message.

I do indeed have satisfaction that this has gone the path it has but there are two people who doggedly worked to provide information and continue the pressure; that is you at Doyles Creek and Craig Shaw at Mt Penny. You were helped by others of course; Ian and Robyn Moore for example.

I will pass your message to Duncan.

On the same day as these email exchanges, the *Newcastle Herald* had this to say about the decisive actions of the Government:

The O'Farrell government is to be congratulated for taking the right and proper course of action in cancelling the Doyles Creek, Mount Penny and Glendon Brook coal exploration licences.

The decision to cancel those licences has been warmly welcomed far and wide because it is the right thing to do. The Hunter Thoroughbred Breeders Association has congratulated the Government on making what it called the right decision to cancel the corruption-tainted mining licences awarded by former Minister Ian Macdonald. No-one on the other side of the House now, no-one in government at the time, took any action to do it and, as much as they might try to change history today, they stand condemned. The association said it applauds the Premier's decision to cancel the Doyles Creek, Mount Penny and Glendon Brook exploration licences. The association's president, Dr Cameron Collins, said that the Premier promised he would implement the recommendations of the Independent Commission Against Corruption and he has delivered on that commitment. The Bylong Valley Protection Alliance said that the decision was a "victory for the people of New South Wales", and it is. On 20 January this year Alliance Secretary Craig Shaw told the *Sydney Morning Herald*:

Hats off to O'Farrell and his Government for making this move. It was really the only logical move that was possible after the ICAC findings.

As we heard from Reverend the Hon. Fred Nile earlier today, unions also have come out with strong statements condemning the corrupt activities of former Labor Ministers and their mining director mates. The National President of the Construction, Forestry, Mining and Energy Union, Tony Maher, said:

Mr O'Farrell's move to cancel these licenses is a strong and welcome measure—but he should go further and make sure these grubs never do business in NSW's coal industry again.

If the House would indulge me in a bit of a trip down memory lane, I vividly remember standing in this House on 18 March 2010—albeit on the other side of the House—and asking the then Keneally Labor Government the following question, as recorded in *Hansard*:

My question without notice is directed to the Minister for Planning, representing the Minister for Mineral and Forest Resources. Does the Minister recall approving a coalmining exploration licence for Doyles Creek mine in December 2008? Does the Minister recall telling the local community that this mine was to be only a training mine? Is the Minister aware that the declared estimated tonnage is around 250 million tonnes with a "targeted resource potential in excess of 450 million tonnes? Is the Minister aware that this would have a value of hundreds of millions of dollars, which is a hell of a lot of training? Given this is a very valuable amount of coal, why did this not go to tender and why was the exploration licence granted to a company that included former union boss John Maitland and for only \$1.4 million?

Good question. Having received no response I asked the question again on 21 April 2010:

My question without notice is directed to the Minister for Mineral and Forest Resources. Is the Minister aware that during the last parliamentary sitting I asked the Minister representing him, the Hon. Tony Kelly, a question on Doyles Creek mine, which he referred to the Minister, who has so far not answered it? Given this, I ask again: Does the Minister recall approving a coalmining exploration licence for Doyles Creek mine in December 2008? Does he recall telling the local community that this mine would be only a training mine? If it is only a training mine, does he find it acceptable that the former head of the Construction, Forestry, Mining and Energy Union, John Maitland, sold \$4.76 million worth of shares in NuCoal Resources, which plans to build the Doyles Creek underground mine, for the sum of \$1.14 million?

The Hon. Niall Blair: What did he say?

The Hon. DUNCAN GAY: I have not finished. I said:

If this is only a training mine, as the Minister said, will he suspend the review?

In light of the Independent Commission Against Corruption findings and recommendations, the response from then Minister Ian Macdonald was truly staggering in its scope of deception and dishonesty. Indeed, it makes the hair on the back of one's neck stand up. I quote Mr Macdonald, as recorded in *Hansard* that day:

I thank the member for giving me a chance in this Chamber to put to bed some of the nonsense that has been written about this issue. The Doyles Creek training mine is about improving the safety of mineworkers in New South Wales and I find it ridiculous that anyone can be opposed to that. In accordance with good governance and proper process, the former Department of Primary Industries recommended that this important training initiative—which is aimed at improving the skills base to save lives—go ahead.

What an absolute crock. Members of the then Government, including Ministers, sat silently like sentinels, like Easter Island statues, and did not say anything about it. Yet they are the same people who tiptoe into this House today, deny that they were ever a member of Eddie Obeid's Terrigals and want compensation paid for something they say they did not cause. They would not listen to the community in the area and they would not back the then Opposition, which was asking proper questions about the issue. Those members of the former Government stood condemned then and they stand condemned today.

When I was the shadow Minister for Industry and NuCoal directors tried to shut me up through the Liberal Party, through sporting identities and through business organisations, Barry O'Farrell, Andrew Stoner and their various chiefs of staff stood with me and supported me. That shows guts. That is what good, clean honest government is all about. That is a lesson Labor will need to learn before it ever gets back into government. I congratulate the Government on this bill and I commend it to the House.

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

Motion agreed to.

Bill read a second time.

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

Third Reading

Motion by the Hon. Duncan Gay agreed to:

That this bill be now read a third time.

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

[The Assistant-President (Reverend the Hon. Fred Nile) left the chair at 12.22 p.m. The House resumed at 2.23 p.m.]

CRIMES AND OTHER LEGISLATION AMENDMENT (ASSAULT AND INTOXICATION) BILL 2014

LIQUOR AMENDMENT BILL 2014

Bills 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 bills through all their remaining stages during the present or any one sitting of the House.

Second Reading

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Central Coast, and Vice-President of the Executive Council) [2.24 p.m.]: I move:

That these bills be now read a second time.

The purpose of the Liquor Amendment Bill 2014 and Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 is to make our streets safer by introducing new measures to tackle drug- and alcohol-related violence. Recent months have seen a number of serious violent alcohol- and drug-fuelled assaults in the Sydney central business district [CBD] and elsewhere that shocked the community across the State and, indeed, across the nation. The New South Wales Government has heard the community's call for action. We are committed to continuing to address drug- and alcohol-fuelled attacks on our streets and the increase in violence used in those attacks.

On 21 January 2014, the Premier announced the Government's response to alcohol-related violence. That response outlined a broad range of tough measures designed to tackle alcohol- and drug-related crime and antisocial behaviour in the Sydney CBD and across New South Wales. As the Premier and the Government have continued to say, there is no single or simple cure-all for these problems. However, I am confident that these reforms will make a significant difference in tackling drug- and alcohol-fuelled violence on our streets. An amendment has been made to the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 in the other place to make it abundantly clear that a person subject to a mandatory minimum sentence for the aggravated offence of one punch will serve a non-parole period of at least eight years in prison. I seek leave to incorporate the remainder of the second reading speech in *Hansard*.

Leave granted.

The measures announced today build on the targeted approach to tackling drug- and alcohol-fuelled violence that we adopted since coming to government. Our reforms to date have included putting an extra 420 police officers on our streets since December 2011; implementing a three-strikes licensing scheme, targeting irresponsible venues; trialling sobering-up centres in Kings Cross, Coogee and Wollongong; introducing a plan of management for Kings Cross that includes new late-night transport options, tough new licence conditions for licensed premises, drink restrictions and new security measures; passing new laws that allow for offenders to be banned from licensed venues in Kings Cross, that provide for the use of drug detection dogs in the area without police requiring a warrant and that will result in identification [ID] scanners being used in high-risk Kings Cross venues; strengthening the violent venues scheme, which applies special conditions to the State's most violent venues; extending liquor freezes in Oxford Street Darlinghurst and Kings Cross; and launching a multimedia advertising campaign aimed at warning of the dangers of excessive and binge drinking.

The introduction of those reforms has coincided with, according to the Bureau of Crime Statistics and Research [BOCSAR], a reported reduction in alcohol-related violence across the State. However, more needs to be done to improve the safety and amenity of the Sydney central business district, particularly late at night, and that is the basis of these measures. The Government's tough and comprehensive package to tackle this problem will send a strong and consistent message that alcohol- and drug-fuelled violence will not be tolerated. Together, the Liquor Amendment Bill 2014 and Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 will give effect to the Government's reforms to tackle drug- and alcohol-related violence. The Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 promotes personal responsibility of offenders. The Liquor Amendment Bill 2014 strengthens the Government's existing management approach to licensing.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [2.27 p.m.]: I lead for the Opposition in debate on the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 and the Liquor Amendment Bill 2014. The Opposition does not oppose these bills. Last November the Opposition announced Drink Smart Home Safe, a comprehensive policy designed to address the escalating problem of alcohol-related violence and coward punch attacks on our streets. The policy committed the Labor Party to the immediate introduction of six measures: an 18 month trial of Newcastle-style alcohol restrictions in Kings Cross and the Sydney central business district [CBD], including 1.00 a.m. lockouts, 3.00 a.m. last drinks, and no shots served after 10.00 p.m.; treating every Friday and Saturday night in our city like a major event with enhanced high-visibility policing and the introduction of late-night trains from Kings Cross to Town Hall and Central stations; risk-based licensing providing hotels and bottle shops with the financial incentive to operate a safe premises; a new and independent liquor regulator; the establishment of undercover sting operations to catch outlets selling alcohol to minors; and the mandatory collection and reporting of alcohol sales data so that policymakers can build a true picture of the extent of alcohol-related harm in New South Wales.

The Labor Party's policy is evidence based and the product of extensive research. It is the result of careful consultations with doctors and paramedics and the Leader of the Opposition's time spent with police in Kings Cross and the Sydney CBD. Police Commissioner Scipione has said that dealing with alcohol and its effects consumes about 70 per cent of a front-line police officer's time, which is obviously far too much. Paramedics, nurses and doctors attended to almost 60,000 alcohol-related hospitalisations in 2012 and experts like Gordian Fulde and Alex Wodak have been sounding the alarm to all who would listen that on Friday and Saturday nights our hospital emergency departments turn into zoos.

The Labor Party's approach is to tackle alcohol-related violence at its source; that is, alcohol availability. The ultimate goal is to change our society's unhealthy relationship with alcohol into something more positive. Parts of this approach are drawn from the Newcastle experience. In May 2008, the New South Wales Liquor Administration Board imposed 1.30 a.m. lockouts and 3.00 a.m. closing on 14 licensed venues in parts of the Newcastle CBD.

The Bureau of Crime Statistics and Research found that the measures had reduced assaults after dark by a staggering 29 per cent. A University of Newcastle study found the results were even more impressive: that assaults after dark had fallen by 37 per cent in Newcastle since the measures were introduced. But the Premier attacked Labor's policy, arguing that lockouts were not the answer. Those comments were rightly criticised by many in the community, including Peter Miller, a principal research fellow at Deakin University and the author of a study that found lockouts and early closing times encouraged drinkers to attend venues earlier instead of preloading at home and arriving in the city drunk.

There is a large body of work that demonstrates what works and what does not in this space. Closing clubs and licensed premises earlier has been found consistently to reduce assaults and emergency department presentations. The strict enforcement of licensing laws has also been found to be a key element in any successful management of alcohol-related violence. As I indicated, the key issue is the culture of our continuing unhealthy relationship as a society to alcohol and the continued tolerance of public drunkenness and its consequences. In my lifetime there have been a number of long-term public campaigns that have beneficially changed both public opinion and social reality. The first was of course against smoking and the other is the sustained, multi-decade campaign against drink-driving. Through measures such as these Australia has successfully and sustainably reduced traffic deaths and also the effects of tobacco and tobacco-related illnesses.

The current wave of alcohol-related violence demands a similar strategy, not only here in New South Wales but also across Australia to change our attitudes to alcohol, to violence and to its perpetrators and victims. Over the Christmas and New Year period there were a number of serious alcohol-related assaults: 23-year-old Michael McEwen was seriously assaulted—and left fighting for his life—while walking with friends at Bondi days before Christmas. In a tragedy on 11 January this year Daniel Christie passed away following an alcohol-related assault in Kings Cross on New Year's Eve. Before this, of course, there were the tragic events

concerning Thomas Kelly. I am sure the hearts of all members go out to the family and friends affected by those and other similar events. But, despite these tragedies, the Premier failed to show leadership on the issue. In the days following the Christie assault the Premier's silence fuelled a further strong media and community campaign demanding action from this Government.

After sustained pressure, the Government finally announced it would implement part of Labor's policy as well as other measures. The Government proposals now before this House include eight-year mandatory minimum sentences for those convicted under new one-punch laws where the offender is intoxicated by drugs and/or alcohol. There was also the announcement of mandatory minimum sentences for other violent assaults, but that proposal has not been progressed to date by the Government. The proposals before the House include the introduction of 1.30 a.m. lockouts and 3.00 a.m. last drinks across an expanded CBD precinct to include Kings Cross to Darling Harbour, The Rocks to Haymarket, and Darlinghurst; and a new statewide 10.00 p.m. closing time for all bottle shops and liquor stores.

In addition, they include increasing the maximum sentence to 25 years for the illegal supply and possession of steroids—up significantly from two years; increasing on-the-spot fines to \$1,100 for continued intoxication and disorderly behaviour, disobeying a police move-on order—a more than fivefold increase; a community awareness and media campaign to reduce the culture of binge drinking and the associated drug- and alcohol-related violence; free buses running every 10 minutes from Kings Cross to the CBD to connect with existing NightRide services on Fridays and Saturdays; the removal of voluntary intoxication by drugs or alcohol as a mitigating factor when courts determine sentences; enabling police to impose an immediate CBD precinct ban of up to 48 hours for troublemakers; and a range of other measures.

The Government provided this legislation to members shortly before the Parliament assembled this morning to debate these laws. Labor has taken a strong stand against alcohol-fuelled violence and has campaigned for action to be taken resolutely in this area. When the Government made its announcement, Labor in principle supported the Government. Belatedly the Government has taken a step in the right direction in relation to measures to prevent alcohol-related assaults and to make our streets safer. However, it is disappointing that the Premier has stopped short of fully implementing Labor's plan. The Government is proposing to implement lockouts with loopholes. First of all, the lockout proposed starts later. Also, the lockout and last drinks regime proposed by this Government will not apply to small bars, restaurants and tourism accommodation establishments, which means at least 30 venues in the Sydney CBD will be exempt, including the Establishment, Zeta Bar and Marble Bar. This risks simply pushing the problem around the fringes of the precinct proposed.

The Premier's announcement also failed in key areas, including no addition of police presence announced; no addition of late-night train services; no restriction on shots or high-alcohol content drinks; the Office of Liquor, Gaming and Racing to continue to operate as part of New South Wales Trade and Investment, rather than being truly independent; and the collection and reporting of alcohol sales data has not been mandated, which we think will hinder a broader understanding of the true extent of alcohol-related harm in New South Wales.

Without taking steps of this kind—which Labor is committed to—we will continue to see senseless violence on our streets. Apart from those tragic incidents I mentioned earlier, there have been in recent times a number of other shockingly violent assaults in Sydney, including Lucio Rodrigues, the 34-year-old man who died in hospital on 5 November 2013 following an attack on Goulburn Street, Haymarket early on 3 November; Faidy Taiba, a 43-year-old who was allegedly punched at Bar 333 on George Street; the case of Matthew Blackmore, which occurred on 14 July 2013, when this 33-year-old man was walking on George Street at 12.30 a.m. and was bashed unconscious in an unprovoked attack—the list goes on. I am sure members and their family members will have seen firsthand many other examples of like occurrences, which are far too widespread and have been tolerated for too long.

Unsurprisingly, around 75 per cent of Australians believe that we have a problem with excess drinking or alcohol abuse, and around 74 per cent believe that more needs to be done. And, of course, the consequences of alcohol-related harm include not only alcohol-related violence but chronic disease, domestic violence, motor accidents causing death and serious injury, and child neglect. According to the Auditor-General, the annual cost of alcohol abuse to the New South Wales Government in 2010 was \$1.029 billion, which dwarfs the around \$1 million collected in liquor licensing fees at about that time. The total societal costs were much greater, with the Auditor-General estimating it was \$3.87 billion per year, or \$1,565 for every household in this State. These figures are truly alarming; they are just too much. As alcohol becomes more affordable and more available, and

of course heavily promoted, it is crucial that the New South Wales Government takes action to reduce the consequences of alcohol-related harm. Of course the Government, we say, was very slow in coming to this realisation.

One of the problem areas is availability of packaged alcohol, such as that sold at bottle shops, which we believe is undermining efforts to reduce alcohol-related harm. Bottle shops contribute to alcohol-related crime by the supply of alcohol to minors, as well as providing an affordable means to binge drink at home before going out. On this point I note the comments of the Premier in the other place on 12 December last year, when he said that "many of the drunk people out on the streets are what has been described as pre-fuelled", and described a situation where these people go out having consumed a considerable amount of alcohol at home. Of course, that really begs the question about whether venues are adhering to the responsible service of alcohol at all. If the problem is said to be people turning up at these venues already drunk, and then becoming more drunk, we must query whether the licensed venues are doing their job properly, or indeed at all.

New South Wales has more than 2,300 bottle shops, and the number is growing. Last year Woolworths opened more new liquor stores than supermarkets, with 54 new bottle shops compared with 34 new supermarkets. Off-licence sales account for around 70 per cent of all alcohol purchased in New South Wales. This State has nearly 18,000 liquor licensees. Perhaps our planning laws need to change so that councils can properly and fully take into account the level of alcohol outlets already present in a community when determining whether or not to approve development applications.

According to the Auditor-General, in New South Wales in 2012 alcohol was responsible for more than 1,300 assaults on police and almost 14,000 non-domestic assaults. It is good that the Government has brought forward legislation to at least attempt to deal with this issue. However, we say that the Government is slow in acting and we wonder whether the Government's close association with the leadership of the Australian Hotels Association slowed the Government's reaction. Of course, the announced centrepiece of the Government's package is not only these measures that I have referred to but the creation of a new offence of one-punch assault causing death, similar to laws passed in 2008 in Western Australia. I believe that this proposal by the Government is an attempt to divert all the attention to that measure and to distract from the failure of the measures the Government had otherwise proposed.

The maximum sentence for a conviction for the new offence is 20 years or 25 years if it can be proven that the offender was intoxicated by drugs or alcohol. The bill also contains a mandatory minimum sentence of eight years. The bill almost did not contain a mandatory minimum sentence of eight years; in the way in which it was drafted the bill probably proposed a minimum sentence of six years with the possibility of parole. The Government has flagged a change to that.

The Hon. Mick Veitch: It's shoddy wording.

The Hon. ADAM SEARLE: I acknowledge that interjection. It is almost like the Government has cobbled this package together in great haste.

The Hon. Mick Veitch: You're not saying it was rushed?

The Hon. ADAM SEARLE: I am saying it was rushed. In one sense the Government delayed it for a long time before doing anything but it was dragged kicking and screaming to this Parliament. But again the Government is not prepared. The lack of preparedness can be seen in the earlier florid announcements about mandatory minimum sentences applying more broadly but then not appearing in this package. Other features of the bill include new police powers to conduct drug and alcohol testing, the removal of voluntary intoxication as a mitigating factor in sentencing, increased fines for certain public order offences and increased penalties for the illegal possession and supply of steroids.

The proposed changes to the law are far-reaching and we think should have been given greater scrutiny than the Parliament is able to afford them on this occasion. Assaults of this nature have been treated previously as manslaughter, for which the maximum available sentence is 25 years. As I indicated, the key feature of this bill dealing with the criminal sentencing aspect is the minimum eight-year sentence. It will surprise no-one in this Chamber when I say that I do not support mandatory sentencing. Mandatory sentences do not work. Nowhere in the world where mandatory sentences have been implemented have they led to reductions in crime. Mandatory sentences also are expensive: they promote more contested trials because defendants have nothing to

lose and they create greater public expense in the administration of a system of criminal justice and greater stress for victims of crime and their families. There is also the consequential associated increase in the costs of the corrections system with the burgeoning of the jail population.

Evidence shows that mandatory sentences also will disproportionately impact the already disadvantaged parts of our society—people with mental health issues, the young, women suffering domestic violence and Aboriginal people. The massively increased fines proposed in this bill will be particularly dangerous in this area and much will depend on the discretion of law enforcement agencies in determining when and whether to apply these measures. Labor always has opposed mandatory sentencing. However, the Opposition said it would play a constructive role on this issue and, true to our word, we will and we will not oppose this aspect of the legislation.

Those opposite are the Government, no matter how belatedly they have brought forward legislation to address the issues that have given rise to this package. While we will not play a blocking role we reserve the right to express our scepticism of at least one aspect of the package in this area. I believe I am in good company in not supporting mandatory sentencing in our criminal justice system. The current Attorney General stated in the *Sydney Morning Herald* on 11 November last year that he opposes mandatory sentencing because it is "an expensive and ineffective crime-fighting tool". He also stated:

Around the world they have not reduced crime ... mandatory sentences reduce the incentive to plead guilty. This imposes additional costs on the justice system and more trauma on victims and witnesses ... For NSW the additional costs of running and building prisons would mean either higher state taxes or less money for schools and hospitals.

The Attorney General also noted:

Mandatory sentencing is discriminatory and does not consider the circumstances of an offence; it therefore frequently imposes sentences on minor offenders which are out of step with their crimes.

Former Chief Justice Jim Spigelman stated:

The preservation of a broad sentencing discretion is central to the ability of the criminal courts to ensure justice is done in all the extraordinary variety of circumstances of individual offences and offenders.

Unless judges are able to mould the sentence to the circumstances of the individual case then, irrespective of how much legislative forethought has gone into the determination of a particular regime, there will always be the prospect of injustice.

In his book *Law and Order in Australia. Rhetoric and Reality* Dr Don Weatherburn, the Director of the NSW Bureau of Crime Statistics and Research, showed that a 10 per cent increase in the jail population produced only about a 3 per cent decrease in serious crime and that a 20 per cent decrease in serious crime would need the jail population to be increased by 67 per cent, which would cost, back in 2006, about an extra \$330 million a year in detention costs plus about \$1.3 billion in new jails—money better spent on education, transport, health and the police. In today's paper, Arthur Moses, SC, a member of the Bar Council of NSW—

The Hon. Luke Foley: A Lib.

The Hon. ADAM SEARLE: I acknowledge that interjection. He also has been critical of the proposals and has indicated that they will not make the streets safer. Mr Moses wrote an article in 2006 in which he noted that this public debate on whether there should be mandatory sentencing focused on a claimed bad decision by one judge to advocate a change in the law to abolish the sentencing discretion of all judges. Many of the examples of sentences that have attracted public opprobrium for being too light are subject to appeal mechanisms which can correct any sentence that is out of keeping with the sentencing regime applicable to those offences.

It is understandable in human terms to have a belief that in a particular case a sentence is not appropriate; people are entitled to have that view, particularly those people most directly and tragically affected by the events. However, I believe that those examples attract the attention they do because they are so out of keeping not only with community expectations but also with the sentences that the courts generally hand down. As the shadow Attorney General in the other place noted, mandatory sentencing has been tried in this State before and it has failed; it was such a disaster that its previous experiment was replaced. More recently mandatory sentencing was pursued by the Federal Government in offences relating to people smuggling, but juries refused to convict defendants.

There is a fair bit of literature in this field that shows that where juries regard the mandatory minimum sentences as disproportionate to the offences alleged, acquittals can flow even where the facts might otherwise,

to the casual observer, appear to have been proven. An outcome where juries acquit because of the disproportionate sentences that may otherwise flow is not in the public interest and serves to create injustice because even where a custodial sentence should be imposed in those circumstances it is not. I believe that would only serve to undermine public confidence in the criminal justice system. In the case of people smuggling, as a result of those acquittals the Commonwealth refused to continue prosecutions.

Mandatory sentencing will not reduce the incidence of alcohol-fuelled assaults and the Government, to be fair to it, has focused on the punishment aspect rather than the deterrent aspect. It stands to reason that a person whose mind is affected by drugs and alcohol will not be in a position to make any kind of rational assessment as to the sentencing regime that would apply to them if they commit an offence. That is just not a realistic prospect. In today's paper, Mr Stephen Odges, Chair of the Criminal Law Committee of the New South Wales Bar Association, states that one of the obvious effects of this bill is that a mandatory sentencing regime will apply to people affected by drugs and alcohol so that people who are completely cold-stone sober who, in a cruel, calculated undertaking perpetrate certain offences will not be subject to those mandatory sentencing regimes which creates a clearly ridiculous situation.

The Opposition believes that mandatory sentencing will have both unintended and adverse consequences. It is just not possible for any Parliament, no matter what expertise sits within it and with what goodwill it approaches this issue, to create a mandatory sentencing regime that will be appropriate to every situation. Inevitably this means there will be inappropriate or unjust results which are bad for the community and for public confidence in the criminal justice system. I will not refer to the correspondence from the Law Society of New South Wales or the New South Wales Bar Association, which has been quoted extensively by the shadow Attorney General in the Legislative Assembly. In particular, the Bar Association provides a number of examples of factual situations that would fall within the mandatory sentencing regimes in circumstances where it is not appropriate.

I am personally aware of an example in a pub involving persons who were clearly affected by alcohol. An argument ensued, one person pushed another and the second person hit the first person. The first person fell over hit his head and was killed. That person did not have an intention to kill. The offender had a clean record and was otherwise an upstanding member of the community but nevertheless had taken a life and received a custodial sentence for that. However, that is not the kind of offender we have seen in connection with the most recent notorious examples that have given rise justly to public concern. Nevertheless that offender would fall within the mandatory sentencing regime, perhaps unjustly, which is the problem with an inflexible one-size-fits-all approach to criminal justice. That shows that there can be consequences beyond the individual concerned, for example, jury nullification—that is, juries will not convict when they think the penalty is disproportionate, to which I referred earlier.

However, there are other elements not just of injustice but of difficulty which I think would make those officers uncomfortable, that is, while attempting to remove judicial discretion from sentencing to some degree this legislation will not abolish discretion in the criminal justice system. It will move it from the judge to the prosecutor. While the judge may not have discretion about imposing the eight-year sentence where the circumstances provided for in the legislation arise, a prosecutor will certainly have discretion about whether to proceed with a charge envisaged in the bill or to pursue alternative charges. There are two aspects: first, instead of justice being done openly in a courtroom by a judge whose decisions are open, transparent and subject to appeal, the decision will be taken in the office of a prosecutor behind closed doors, which we think is undesirable. Second, prosecutors may well negotiate with defendants about charges to avoid a result they think is unjust. That should not be the role of a prosecutor but, of course, mandatory sentencing will give them few options, which is certainly the view of the former Director of Public Prosecutions, Mr Nicholas Cowdery, QC.

There is already concern in the area of provocation and domestic violence around plea bargaining or charge bargaining about justice not being seen to be done openly, which we think is a real risk with the proposals that are contained in this bill and that are now before this House. That in itself will undermine public confidence in the administration of justice. Where mandatory sentencing is widespread in the United States of America, the United States Sentencing Commission confirms that the bargaining over charges is the outcome of mandatory sentencing, which we think is bad. In 2008 the Victorian Sentencing Advisory Council paper included that research indicated a low likelihood mandatory sentencing regimes would deliver on their aims. It provides only a superficial or artificial consistency in sentences, largely because of the charge-bargaining phenomenon and creates a significant increase in costs. That is also supported by a report of the Australian Institute of Criminology. Obviously sentencing does nothing to deter the offences.

I acknowledge that part of the criminal justice system is also about retribution and punishment. A 2012 study by the New South Wales Bureau of Crime Statistics and Research confirmed that increasing the length of stay in prison did not deter people from committing offences, largely because it is not a rational decision about whether to engage in criminal behaviour, particularly when affected by drugs and/or alcohol. In fact, the Bar Association stated:

The very nature of drug and/or alcohol-related assaults is that they are impulsive. It is entirely unrealistic to assume that such offenders consider the likelihood of incarceration before they commit such crimes.

I will not continue with the quotation but it provides the flavour of that report. Peter Miller, to whom I referred earlier, said that tough penalties seldom affect the actions of people in the heat of the moment, especially when drugs or alcohol are involved. This is because they alter the state of mind, and reduce people's inhibitions. Mandatory sentencing will also impose resources burdens on the legal, judicial and custodial system. It will reduce the number of guilty pleas, which are currently 80 per cent of matters in court, and will increase the number of defendant trials. We think this will increase the cost to the legal system and to the public. It will make the process lengthier, more difficult for the families of victims of crime and for the victims themselves.

Assuming the legislation works as the Government believes it will, it will also significantly increase the number of people incarcerated. That is ironic given the former Opposition—now the Government—criticised the level of incarcerations in this State and in Government has shut three jails, removed some 600 Correctional Services staff and reduced Grafton jail to a mere shell. Obviously those decisions are currently being reviewed by the Government in anticipation of the success of these policy proposals that are now before the House.

I believe there are practical problems in establishing the elements of the offences created by the legislation. For example, how will the level of intoxication be established unless the offender is fairly immediately apprehended? If he or she is not immediately apprehended and able to be tested or assessed for intoxication, it may be impossible to prove the offence. I note in the bill the ability to test is linked to being arrested for the offences created by the bill. That means an officer has to arrest for that purpose for an offence that is related to those offences in circumstances where the officer must form a belief that the aggravated offence will be able to be charged if a victim dies. That requires a fair amount of forethought and knowledge on the part of an arresting officer if they are to be able to engage the testing regime provided for in the legislation.

Given those technical issues, I think there must be some real doubt about whether any of the recent notorious incidents that have given rise to the belated Government action in recalling Parliament and bringing this package to the floor of this place will come within the ambit of this legislation. The legislation provides a massive incentive for alleged offenders to flee to ensure there is little or no chance of them being assessed for drugs or alcohol before they are captured. I do note in a positive sense the inclusion in the bill of the exclusionary provisions of the Crimes Amendment (Murder of Police Officers) Bill 2011 regarding persons with cognitive impairment, which is an obvious point. I am glad that the Government has included that in the regime.

It is inevitable that the bill will impact adversely on Aboriginal incarceration rates unless the law enforcement agencies are very sensitive about how they apply this regime. I note that on 21 November last year Mr Mark Speakman, the member for Cronulla in the other place, when talking about a lack of confidence in the criminal justice system, said that from time to time there do need to be interventions by politicians and governments. However, he said:

That intervention ... should not take the form of fixed minimum sentences ... There is no evidence that mandatory sentencing reduces the incidence of crimes. In fact, it reduces the incentive to plead guilty and leads to arbitrary and capricious results. Judges can sometimes get it wrong, so robust and rigorous criticism is therefore always appropriate.

He did not say, as he could have, of course, that mechanisms of appeal more often than not correct when judges make a wrong decision. He also stated:

We as legislators also have a responsibility to defend the judiciary and the judicial system and to uphold the great goals of an independent judiciary and the rule of law.

As I have said in this place on a number of occasions, the importance of an independent judiciary to the protection of citizens and the maintenance of democracy cannot be overstated. It is an important bulwark and although this legislation does not go as far as foreshadowed in respect of eroding judicial discretion in sentencing, nevertheless it creates a beachhead in that regard and any further incursions into this field by this Parliament should be carefully thought about before being entered upon.

Labor came out with its own package in November and has been pushing hard for its acceptance by the Government. The Government, in the circumstances in which we find ourselves, has embraced elements of that but has not gone far enough in respect of the proper regulation of liquor in this State. The Government has brought forward a mixed package, including some elements we doubt will work. Labor has reservations about parts of the mandatory sentencing that we do not like. We are not going to play politics with this. We will not oppose this package. If the Government thinks the package will work, we will let it try it out. However, we reserve the right to be critical and to continue to make positive suggestions as to how this difficult area of social and public policy may be improved upon.

The Hon. SHAOQUETT MOSELMANE [3.01 p.m.]: I speak on the Liquor Amendment Bill 2014 and the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014. Like most people across the State, I am increasingly worried and appalled by the rise of violence on our streets. This culminated in news of the New Year's Eve attack which killed 18-year-old Daniel Christie, devastating his family, friends and the entire community. Over the Christmas and New Year period there were a number of serious alcohol-related assaults. For example, 23-year-old Michael McEwen was seriously assaulted and left fighting for his life while walking with friends in Bondi, days before Christmas. As the Hon. Adam Searle maintained, despite the tragedies, Barry O'Farrell failed to show leadership on this issue.

In the days following the Christie assault, the Premier's silence further fuelled a strong Labor, media and community campaign demanding action from the Government. After sustained pressure, the Premier finally caved in and announced that the Government would implement key parts of Labor's policy, as well as additional measures to address alcohol-related crime on our streets. Sadly, the deaths of these young men were not the result of an isolated attack. We are seeing this type of attack happen more frequently, particularly in the central business district and Kings Cross.

This violence often is called alcohol-fuelled violence, but that is only part of the story. It is true that alcohol plays a strong part but, as a number of police, researchers and social commentators have pointed out already, there is more to it than alcohol. Drugs—steroids and other recreational drugs—are dangerous on their own but when added to a cocktail with alcohol the result can be deadly. The vast majority of people who go out in our city are law-abiding citizens who want to have a good time socialising with families and friends. As a Parliament, we have a responsibility to get the balance right between protecting them and imposing a knee-jerk reaction upon them that will stop residents and tourists from enjoying our city. For many, the time for action came some time ago. I am pleased to see the Government is now taking steps to address this violence. I am also pleased to see the Government taking a number of recommendations from the Labor Party's Drink Smart Home Safe policy, which we launched last year.

The bill contains a number of initiatives to attempt to crack down on street violence. In a nutshell, the Government's proposals will introduce: an eight-year mandatory minimum sentence for those convicted under new one-punch laws where the offender is intoxicated by drugs and/or alcohol, plus new mandatory minimum sentences for violence assaults when affected by alcohol; 1.30 a.m. lockouts and 3.00 a.m. last drinks across an expanded central business district precinct, including Kings Cross; 10.00 p.m. closing times for bottle shops, not only in pubs and places where alcohol is prevalent, but in stores such as Woolworths, Coles, Aldi and other stores that sell alcohol; increased maximum sentence for the illegal supply and possession of steroids to 25 years—up from two years; increased on-the-spot fines to \$1,100 for continued intoxicated and disorderly behaviour, disobeying a police move-on order—a more than 500 per cent increase in the current fine; a community awareness and media campaign to address this type of violence; free buses every 10 minutes from Kings Cross to the central business district to connect with Night Ride services; and a range of other initiatives to assist police with their job.

I support these actions and the cognate bills in principle. However, I have three main concerns with the package. They are general concerns about the effectiveness of mandatory minimum sentences, the limitations that the Government has put in place on who and what establishments these laws apply to and the lack of complementary services to support these new laws, such as better transport links. By far the most controversial aspect of this bill is the introduction of mandatory minimum sentences, especially in regard to the completely arbitrary nature in which they are being introduced. Like many other members across the New South Wales Parliament, I have been contacted by many people in the community—especially the legal community—about this issue. I know it is popular to immediately dismiss the views of lawyers as out of touch with the real world and out of touch with the community's expectations, but the reality is that the legal fraternity are the experts in this area and the sector of the community that will need to administer these laws, together with the police. At the very least we should listen constructively to what they have to say.

Although I support the aims and objectives of the bill, I do not support the means and the mandatory minimum sentence elements of it. My objections are twofold. First, there is no evidence that mandatory minimum sentences ever have or ever will stop the crime to which they are targeted. This is an unfortunate truth. I can understand why people in the community like mandatory minimum sentences—they appeal to our sense of outrage and our desire for justice. However, the simple truth is that they do not work. The President of the New South Wales Bar Association, Phillip Boulton, SC, calls it a "one-size-fits-all" form of justice, with "no evidence to prove that mandatory sentences are effective". The proposed legislation will help lock up many perpetrators who may deserve their sentence, but it will not help resolve the problem of alcohol abuse, violence and crime. The former New South Wales Director of Public Prosecutions, Mr Nicholas Cowdery, said:

The idea that just increasing penalties for offences are somehow going to deter people from committing them is naive and not supported by research.

Ross Everett, President of the Law Society of New South Wales, has stated:

Evidence shows us that mandatory minimum sentencing has no deterrent effect on offending. US studies have shown us that the deterrence arises from fear of being caught, not from the length of the sentence.

When thinking about this issue I came to the conclusion that mandatory minimum sentences most likely would not achieve what they set out to achieve for two reasons. The first is because we are talking about imposing those sentences on people who are intoxicated or affected by drugs when they commit the offence. When they make that decision they cannot foretell where the evening will lead and the vast majority would not have in mind to kill someone with a single punch or, for that matter, a simple push—a simple assault may cause death and be captured under this legislation.

The simple truth is that people affected by drugs and alcohol are not making rational decisions. They are not thinking about the consequences of their actions so mandatory minimum sentences will not do anything to stop those people from landing a fatal blow. That will still happen and eight-year minimum sentences will not bring back the victims. That is not to say that perpetrators should not be punished; they should be but not by a policy of minimum mandatory sentences. Also, there is an element of chance associated with this. If one drunken or drug-fuelled punch lands one victim with lifelong disabilities and another punch renders another victim dead, the penalties will vary greatly in those circumstances. In my mind, both perpetrators sought to do exactly the same thing but their actions will attract different sentences.

The second reality is that mandatory minimum sentences will strip away from the courts their sentencing powers and hamper prosecutors in their dealings with the perpetrators of these crimes. The experience of Australia and the United States of America is that mandatory minimum sentences mean one thing: virtually all people charged will plead not guilty. No mitigation is allowed for cooperating with police or for being forthright about certain events. On the face of it this may seem like a small price to pay. However, let us consider for the moment the following scenario.

A young man is arrested under the new mandatory sentencing laws. He is affected by steroids and ice as well as alcohol. He knows that he will receive a sentence of eight years minimum if convicted so he pleads not guilty to the charges and does not cooperate with police. He has information that would assist police to trace the dealers of the drugs and lead them to their supply chains. However, because of the mandatory minimum law there is no incentive for him to cooperate with police and the prosecutor cannot do anything to convince him to do so. Some in our community may think that is okay; the young man will get eight years' imprisonment. But how many other deaths could have been prevented by the courts and the prosecutors doing their jobs, as they are trained to do?

The New South Wales Bar Association, in its briefing on the legislation, has produced a number of other fact scenarios which, if the courts were hamstrung in this way, would result in unjust outcomes. I encourage all members to read this information and consider it before making up their minds about mandatory sentencing. The public expects that people will be appropriately punished when they do the wrong thing but for the good of our criminal justice system and ultimately the safety of our community it is important that judges have discretion when they do their job. When governments make decisions in the public interest they should do so by considering all the evidence and avoid making decisions based on populist sentiments. In this area all the evidence demonstrates that mandatory minimum sentencing does not work.

During its drug and alcohol inquiry General Purpose Standing Committee No. 2 received evidence from the Australasian Professional Society on Alcohol and Other Drugs that showed between 2007 and 2010

one in five people in Australia were drinking alcohol at levels that put them at risk of harm during their lifetime. A significant number of Australians are now affected by drugs and alcohol. The Australasian College for Emergency Medicine also made a submission. It stated:

Australia now ranks twelfth in the Organisation for Economic Cooperation and Development (OECD) countries for per capita alcohol consumption. The 2010 National Drug Strategy Household Survey found that 28.4% of people were drinking, at least once a month, at levels which put them at risk of accident or injury. The survey also found illicit drug use had increased from 13.4% in 2007 to 14.7% in 2010. More than 3.7 million Australians aged 14 and over were also reported as at risk of an alcohol related disease or injury over their lifetime.

That demonstrates that a significant number of the Australian population is now using drugs and alcohol. As a result, this could have a significant impact on many people who might find themselves unfortunately captured by this legislation. I call on the Government to commit to investments in public education and awareness campaigns as well as industry regulations and harm minimisation in this area. The community needs to work together to help to prevent these events from occurring. Parents need to talk to their children about the effects of binge drinking and resorting to violence to solve problems. Teachers need to talk to students about their behaviour on the weekends. Our sports men and women, whom many young people look up to, have a role to play in talking about the perils of steroids and other drugs. Governments can only do so much; it is up to the community to come together to prevent these tragedies from happening in the first place rather than relying on courts to provide a deterrence in the form of sentencing.

Another concern with the laws is their arbitrary application. Small bars and hotels are exempt, as are certain parts of the central business district. The example that has often been used is the Establishment Hotel. This hotel in the central business district is often named as one of the most violent in the State, yet these laws exempting small bars and hotels mean the Establishment Hotel would be exempt from the 3.00 a.m. closing because it also operates as a hotel. What is good for the gander here is not good for the goose. They should all come under the one umbrella. Laws such as these only cause resentment. Alcohol is alcohol. In my mind there is no difference whether the alcohol is consumed from a small bar, a big bar, in a restaurant, in the home or on a park bench. Where a person consumes alcohol should make no difference if that person fatally punches someone, yet the O'Farrell Government is going to have an arbitrary two-tier system, which makes absolutely no sense. These laws should operate on an equal playing field and all providers of alcohol should be subject to the same restrictions.

My last objection to these laws is that they are not supported by other parts of government. The lockout time will be 3.00 a.m., which is the taxi changeover time. This will make it very difficult for people to access taxis as their transportation home. In developing the policy I urge the Government to look at this issue, if it has not already done so. In conclusion, it is clear that something needs to be done about the growing violence on our streets. The community expects this of its representatives and it is what we were elected to do as members of Parliament. Labor has put together a comprehensive plan to tackle the problem. The Government has cherry-picked from that plan and added populist measures such as mandatory minimum sentences, which the evidence shows will not solve the problem. Being popular is one thing; solving the problem is what we are here to do. I encourage the Government to look at the bill more closely, talk to the experts and put in place a series of measures that will help tackle this type of street violence from all angles.

The Hon. ROBERT BORSAK [3.18 p.m.]: I speak on the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 and the Liquor Amendment Bill 2014. Today Parliament has been recalled so members can vote on legislation that may or may not do what the Premier hopes it will. We all hope it does. However, what we will vote on today will not be what the Premier first said he was going to enact into law about two weeks ago. That debate will now be held off until Parliament resumes next month. Given the urgency of this matter I find it disappointing that members were not afforded the courtesy of seeing the legislation prior to today. In fact, the only information the Shooters and Fishers Party has been able to ascertain is through the media. It is hardly the way to handle such important legislation.

The Government needed to act on the increase in one-punch incidents in and around Sydney and the Shooters and Fishers Party supports any moves that will address the problem. But it is disappointing that the Premier took so long to address it and did so only after a long campaign by media outlets such as the *Daily Telegraph* and *2GB*. I hope that this bill solves the problem and does not lead to prolonged litigation and heartache for families caught up in such cases. The Premier has reacted in this fashion for various reasons. There is also a longstanding need to crack down on gun crime in this State, but so far the Premier has sat on his hands and done nothing.

The Shooters and Fishers Party has campaigned on that issue for over 20 years but the Premier, who now sees the merits in mandatory sentences for the offence of punching people, has refused point-blank to accept legislation proposed by the Shooters and Fishers Party concerning mandatory sentences for offenders who use a firearm in the commission of an offence. Sensible legislation should not be knocked back simply because it is proposed by the Shooters and Fishers Party. It is obvious that the Premier does not like the Shooters and Fishers Party or its presence in this place, but that is democracy at work.

Dr John Kaye: I cannot imagine why that would be, Robert.

The Hon. ROBERT BORSAK: I said him, not you. We all need to rise above petty politics when the issue involves lives and the interests of this State. In fact, the Shooters and Fishers Party does not care if the Premier pinches our suggestion to impose an extra sentence on criminals who are convicted for using firearms in the commission of an offence and calls it Liberal legislation, just so long as he does it. The Shooters and Fishers Party urges the Premier to send a strong message by getting tough on gun crime and not just talking about it. The excuse that the Government will not enact legislation that imposes mandatory sentences no longer holds water. There is a lot of disquiet among the public about the lack of political leadership from the Premier, particularly when it has been reported that Cabinet considered this issue last year but did nothing. Since last year how many people have been killed, hurt or injured?

I hope that the bill before the House today and the bill to be introduced when Parliament resumes next month are not kneejerk reactions to media campaigns, such as occurred with the infamous ammo bill. What a joke that was. The bill must provide for the imposition of adequate sentences on people who recklessly or intentionally destroy other people's lives. At the same time, the bill must recognise that New South Wales does not want to become a nanny State and Parliament should not legislate to destroy legitimate business operations. I commend the bills to the House.

Dr JOHN KAYE [3.21 p.m.]: I will address the Liquor Amendment Bill 2014 on behalf of The Greens. My colleague Mr David Shoebridge will lead on the cognate bill, the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014. The two bills have a common theme: first, there is a lack of evidence to justify the legislative measures proposed; secondly, the measures are deeply punitive; and, thirdly, the measures will have perverse outcomes. Both of the bills contain a set of measures that fail to stack up against the evidence or to respect the rights of individuals. The bills have been rushed through due to kneejerk politics and will inevitably result in outcomes that are unintended and dangerous.

I have no doubt that the remarks to be made by Mr David Shoebridge in relation to the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 will be remarks with which I will want to be associated. The Greens cannot support the Liquor Amendment Bill 2014. Some of the measures in this legislation and the O'Farrell Government's package announced in January this year make sense. However, the overwhelming majority of the measures will not work, they will have perverse outcomes that impact on innocent people and they will act as a distraction from the real issues, such as, confronting the demons of our society and the core reason behind the inappropriate and dangerous use of alcohol.

The core of the Liquor Amendment Bill rests on the imposition of lockouts and last drinks in the expanded central business district area and any other area that the regulations subsequently specify. The underlying ideology of the bill is that it worked in Newcastle therefore it will work in Sydney. There are major problems with that assumption. First, did the introduction of lockouts and last drinks reduce violence in Newcastle?

Reverend the Hon. Fred Nile: Yes.

Dr JOHN KAYE: Reverend the Hon. Fred Nile says, "Yes". There is counter evidence to show that there were greater reductions in violence in equivalent jurisdictions around New South Wales that did not have lockouts or last drinks restrictions. If it worked in Newcastle, will it work in Sydney?

Reverend the Hon. Fred Nile: Yes.

Dr JOHN KAYE: Reverend the Hon. Fred Nile again says, "Yes". A study by the Queensland University of Technology compared 3.00 a.m. lockouts which were introduced on the Gold Coast and in Brisbane city and Fortitude Valley in 2004. The study reveals that the lockouts worked to some extent on the Gold Coast but they did not work in Brisbane or the Fortitude Valley. We cannot take a process that worked in

one area, impose it on another area and assume it will work. If it did work in Newcastle—and that is a big if—the question remains whether it will work in Sydney. When a boundary is drawn around an area and 3.00 a.m. last drinks restrictions are imposed in that area, there is good reason to believe that there will be a large flux of people across the border of that area into licensed venues in surrounding suburbs, such as, Newtown, Balmain, Bondi Junction, Surry Hills and Chippendale.

Mr David Shoebridge: And Pyrmont.

Dr JOHN KAYE: And in the 24-hour licensed venues in Pyrmont.

Mr David Shoebridge: It is 504 steps away.

Dr JOHN KAYE: My colleague reminds me it is 504 steps. The last thing the public wants is a 3.00 a.m. shock wave of people under the influence of alcohol travelling from one venue to another. The evidence shows that violence occurs during movement between venues. Given the lack of evidence to support such restrictions in Sydney and the likely perverse outcomes, is it justified to impose such restrictions on the lifestyle choices of people who like to have a drink and be entertained at 3.00 a.m., 4.00 a.m. or 5.00 a.m.?

Reverend the Hon. Fred Nile: Yes.

Dr JOHN KAYE: Reverend the Hon. Fred Nile says, "Yes". In some cases the evidence supports the imposition of restrictions on lifestyle choices. Smoking is one such choice. Previously 50 per cent of our population smoked and governments imposed restrictions on that lifestyle choice to make it harder for people to smoke. That was a hard but sensible decision. The evidence showed that smoking killed 50 per cent of smokers and there were good public and individual health reasons to stop smoking. In relation to this bill, there is no evidence that would give members any confidence that people will be safer. The bill imposes a collective punishment upon responsible venue attendees who wish to be entertained at times when almost every member of this Chamber wants to be in bed, which is our lifestyle choice.

This bill will impose restrictions on their lifestyle choices without adequate evidence. It is bad public policy to extrapolate and impose without good reason. Some aspects of these bills are sensible, such as banning takeaway liquor sales after 10.00 p.m. That ban may have a small impact, as most purchases of alcohol for preloading occur before 10.00 p.m. Coles and Woolworths will encourage a ban on takeaway liquor sales after 10.00 p.m. because most of their outlets are closed at that time and the ban will shift business into their hours of operation. The suspension of online training courses for the responsible service of alcohol is a sensible provision. In theory, periodic and risk-based licensing is a good provision. However, if risk-based licence fee collection is based on the Victorian formula, where the maximum fees are only tens of thousands of dollars, large venues will find it irrelevant and it will provide no incentive to improve venue behaviour. Small venues will have a larger impost. A \$30,000 imposition on the Ivy would be covered by about 10 minutes' turnover during peak service and as such would not be an incentive.

When the Premier announced this package he referred to periodic licensing. That is totally misleading; there is nothing periodic about these licences. Periodic licensing would mean that licences would be reviewed each time they were due for renewal. There will be no review, the community will have no opportunity to comment about a venue that is causing problems and there will be no ability to withdraw a licence as a result of a review. Licences will be renewed automatically and a fee will be set periodically, and, as such, the legislation fails.

If the O'Farrell Government had the courage to go to the heart of the problem and to take on the powerful alcohol industry it would have addressed the dangerous promotion of alcohol. This Government has failed to do that for three years. I refer to deep discounting, two-for-one offers and shopper docket. This issue has been debated, but when the Office of Liquor, Gaming and Racing had the opportunity to produce guidelines that would stop the damage done to our culture by those promotions and by the get-rich-quick attitude of the alcohol industry, it fell over at the post. It let the Liquor Stores Association, Coles and Woolworths write their own liquor promotion guidelines.

We are now being subjected to mixed messages from the O'Farrell Government. It says that it will conduct a public awareness campaign—and that is terrific—but it will be fighting uphill against the messages on shopper docket. One cannot buy anything at Coles and Woolworths and not receive a docket offering a dramatic discount on alcohol. That is legal under this Government. The O'Farrell Government says it is fine to

promote the consumption of alcohol—even for children to see two-for-one deals—but it now intends to tell people that they should not engage in dangerous drinking. The capacity of the Government's community awareness program to go anywhere near implementing the changes that are needed will be comprehensively undermined by the messages it has allowed the alcohol industry to send.

This legislation is a victory for policy on the run and for kneejerk legislation. It does not go to the heart of the matter, it does not take on the big liquor chains, and it does not annoy the Liquor Stores Association, Coles and Woolworths. Instead, it victimises young people who simply want to get a drink late at night. It is a victory for bad policy and it will deliver bad outcomes. Of course, we all want parents to have confidence that their son or daughter will return home unhurt after a night out in the city, and some people might think that this package will deliver that. It will not; it is a nasty con job because it makes people think that mandatory sentencing, lockouts and last drinks regulations will make our children safer. It will not; in fact, in many cases it will have a perverse outcome.

The mixed track record of restricting venue hours should be examined carefully. Much has been made of the Newcastle solution, which appears to have delivered a 30 per cent reduction in crime in the evening between September 2008 and September 2013. As the Government Whip often says, "Correlation is not causation." At the same time that Newcastle experienced a 30 per cent reduction in crime Penrith experienced a 56.2 per cent reduction, Wollongong experienced a 31 per cent reduction, Sutherland experienced a 38 per cent reduction and Gosford experienced a 29 per cent reduction. None of those areas had lockouts, early closing, last drinks limits or any of the other Newcastle measures, but they also experienced reductions in the rate of crime. If the Newcastle experiment were subjected to a genuine set of controls it could not be said to be successful.

As I said, the results from the Fortitude Valley and Brisbane city trials were mixed. In some instances crime increased between 3.00 a.m. and 6.00 a.m.—after the lockout—by 33.8 per cent and the time that crimes were committed shifted from before 3.00 a.m. to after 3.00 a.m. At the same time, the results were good on the Gold Coast. The three-month last drinks trial conducted in Melbourne in 2008 produced very mixed results. There was a 23.9 per cent reduction in total reported assaults across the city, but there were increases in assaults between midnight and 2.00 a.m. and substantial increases between 2.00 a.m. and 4.00 a.m. Those figures clearly demonstrate that whatever proposition is put about the effectiveness or otherwise of alcohol licensing measures someone will produce contradictory statistics. In effect, we are conducting an experiment and there is no reason to believe that it will work.

The Greens are concerned about displacement. That is the real elephant in the room. Patrons will make an exodus across the border of the expanded central business district at 3.00 a.m. and Surry Hills, Balmain, Chippendale and Bondi Junction will be invaded. The Greens have been contacted by publicans and licensees in Balmain who are concerned about what will happen at 3.00 a.m. with the influx of intoxicated people from the city. The O'Farrell Government says that that can be addressed by using the regulation-making powers to expand the borders. That is true, but we will have a slow-moving wave of 3.00 a.m. violence across Sydney over the next 20 years. That is another demonstration of this Government's failure to address the real issues. I note that my local member, the member for Coogee, is in the President's gallery. He should be concerned about how this legislation will impact on Bondi Junction and Coogee Beach at 3.00 a.m. I am sure he will be hearing from local residents as crime statistics in those areas increase.

There are real doubts that this legislation will work. Given that, what are we imposing on young people? This legislation is nothing more than collective punishment made worse by the disproportionate impact it will have on low-income young people. Young people with large incomes or with wealthy parents will be able to go to expensive wine bars and those who do not will be forced out of the precinct because they will not be able to go into a venue. This legislation is unfair and will disproportionately impact on low-income young people.

I share the concerns that have been raised about the impact that this legislation will have on the live music industry. Late-night performances will be driven out of the central business district and some very important venues. We know that good quality live music contributes to a reduction in violence. The mayor of Balmain has been a keen supporter of live music, but the Labor Party will support measures that will undermine its future.

As I said, this legislation does not impose real solutions such as enforcing responsible service of alcohol regulations. Some people say that they do not work. How would they know? Answers to questions on notice indicate that in 2011-12 the Alcohol and Licensing Enforcement Command—the NSW Police Force

branch responsible for the enforcement of alcohol licensing legislation—had a total budget for this important preventative work of \$2.5 million, while the cost of providing government services to deal with the impact of alcohol consumption is about \$1 billion. Less than 0.25 per cent of the total budget to deal with the impact of alcohol consumption in New South Wales is allocated to preventative measures. That is the heart of the problem. This is all about punitive measures and does nothing to implement preventative measures.

We believe there should be enforcement of responsible service of alcohol by rangers employed by the Office of Liquor, Gaming and Racing or councils but paid for by money collected from venues. I have spoken before in this Chamber about regulating alcohol promotions and discounting. This Government is refusing to address the issue of density of outlets and venues in areas where violence is a particular issue. We know from research done by people like Sandra Jones of the University of Wollongong, and the University of Western Australia, that density is a key driver of violent outcomes. Yet nothing in this package addresses that. The O'Farrell Government says it wants to run an education program. Yet six months earlier it got rid of the drug and alcohol unit within the Department of Education and Communities. What a mixed message that is. On the one hand, no drug and alcohol unit, no experts within the Department of Education and Communities to guide alcohol awareness and alcohol training within schools, yet suddenly the Government says we need a community-wide program.

We also need to make periodic licensing effective. If periodic licensing is really going to work, it needs a set point, a maximum amount that really makes publicans stand up and take notice. We need not just piddling amounts of \$30,000 or \$40,000 but amounts that are set as a percentage of take of turnover. The Greens will move an amendment setting that at about 5 per cent of turnover, with those venues that do the right thing having significant reductions. We also believe that periodic licensing should be an opportunity to genuinely have a look at licences and allow the community to comment on licences that cause problems. We will be moving a number of amendments to fix some of the problems with this bill, and we will be voting against this legislation because we believe it is the wrong legislation.

We believe there are solutions, and those solutions need to be tailored to each individual community. We believe in empowering local communities to democratically determine what is best for them, not having Ministers and director-generals imposing those solutions on them. We believe in addressing the real causes of alcohol-related violence and going to the heart of the cultural issues that are driving the problems in New South Wales. We believe that there are real ways that this could have been done if the O'Farrell Government had not been spooked by the media and panicked by the alcohol industry into solutions which minimise the damage on the alcohol industry and maximise the damage on young people and on people seeking a late-night drink in Sydney. The Greens do not support this legislation.

Reverend the Hon. FRED NILE [3.42 p.m.]: On behalf of the Christian Democratic Party, I am pleased to support the two bills before the House: Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 and Liquor Amendment Bill 2014. The Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 amends a number of Acts to create a new offence of assault causing death, an aggravated version of the new offence, and provides police with powers to conduct alcohol and drug testing in relation to the new aggravated offence. It also increases the penalties that apply to illegal possession and supply of steroids, increases fine amounts for certain public order offences, removes voluntary intoxication as a mitigating factor on sentence, as well as making other amendments.

The Liquor Amendment Bill 2014 introduces a statutory framework allowing the Government to respond to significant alcohol-related issues and/or other concerns about high levels of alcohol-related violence and antisocial behaviour in a particular precinct. It will establish the new Sydney CBD Entertainment precinct. It provides for a 1.30 a.m. lockout and 3.00 a.m. cease liquor service restrictions. It will also impose a licensing freeze on the Sydney CBD Entertainment precinct, provide temporary and long-term banning orders, prohibit takeaway liquor sales after 10.00 p.m., introduce a period licensing scheme, suspend approvals to deliver online responsible service of alcohol training, and other measures.

As members would anticipate, the Christian Democratic Party strongly supports these bills. We have always raised in this House concerns about the harmful influences of alcohol in our society. That is why I introduced a bill to prohibit alcohol advertising, a bill to increase the age of alcohol consumption from 18 to 21 years, and a bill requiring labels be placed on alcohol containers warning of the dangers of alcohol consumption. I have also supported other suggestions about prohibiting the supply of alcohol in Parliament. This is a workplace and we should be consistent in having prohibitions that affect government employees, such as police and others. Our party has always been consistent in its concerns about the harmful influence of alcohol.

That is why the Christian Democratic Party does not serve alcohol at any of its dinners or functions. Also, I have tried to be consistent in my own life in not consuming alcohol at all. When the Premier announced the legislation I issued a media release stating that the Christian Democratic Party supports the Premier's new alcohol-fuelled coward punch crimes and other matters. I said in that media release:

The people of NSW, particularly in Sydney, have been crying out for action by the O'Farrell Government and I am pleased their cries have been heard at last, especially the parents who have lost their beloved teenage sons.

I went on to say:

Urgent action was needed to counteract the increase in alcohol-fuelled "coward punch" crimes. Hopefully the new 8-year mandatory minimum sentences for those convicted under the new one punch laws, where the offender is intoxicated by drugs and or alcohol, plus new mandatory minimum sentences for violent assaults when intoxicated by drugs and/or alcohol, will act as a strong deterrent.

I did raise the question as to whether the use of alcohol or drugs should be a factor in the new mandatory minimum sentences; in other words, what happens to a person who is not affected by alcohol or drugs but throws one coward punch and kills someone? I think that violent person should be subject to the same eight-year mandatory minimum sentence. I hope that will be the fact in due course. I note the Premier's announcement that the Government is now dealing with only part of the proposed set of legislative measures to tackle alcohol-fuelled violence, but that this sitting of the Parliament would deal with the creation of an eight-year mandatory minimum sentence for assault causing death where alcohol or drugs is involved.

The Premier has announced that the broader parts of the planned legislation, including a regime of mandatory sentences, starting at two years jail for violence linked to alcohol or drugs, have been delayed until this House resumes early in March. Whether those delays have been brought about by concerns expressed by judges, lawyers and community caseworkers has not been made clear, but it appears the Government is reviewing some of its proposed legislation, as it has already done with the amendment to the legislation that we are now dealing with in this House.

The Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 creates a separate offence for one-punch assaults where an assault by intentionally hitting a person causes death. Under this offence, a person will be criminally responsible for the offence even if the person does not intend or foresee the death of the other person and even if the death was not reasonably foreseeable. The new one-punch offence of assault causing death will carry a maximum penalty of 20 years imprisonment and an aggravated version if committed when intoxicated with a maximum penalty of 25 years. The aggravated offence will carry a mandatory minimum sentence of eight years imprisonment.

The Greens and some Opposition members are still concerned about the introduction of mandatory sentencing. It is also an issue for the legal profession, the Law Society of New South Wales and the New South Wales Bar Association. In the past, changes have been made in the area of mandatory sentencing. In the late 1990s mandatory sentencing was introduced in Western Australia for convictions for repeat home burglary offences Australia and also for property offences in the Northern Territory, and in recent years other States, including Queensland and Victoria, have introduced mandatory sentencing laws for other types of offences. The introduction of such legislation is not a huge hurdle, as some members have indicated.

It is also clear that mandatory sentencing laws are not a completely new concept in New South Wales or Australian criminal law. The abolition of the death penalty during the twentieth century resulted in almost all States and Territories adopting a mandatory sentence of life imprisonment for murder. In 1982 this mandatory provision was relaxed in New South Wales and a number of other States have followed. Mandatory life imprisonment remains the penalty for murder in Queensland, South Australia and the Northern Territory. We therefore should acknowledge the need for a minimum mandatory sentencing provision in this legislation before the House.

The bill also will empower police to test for alcohol and drugs, allowing a police officer to require a person to undertake certain testing when that person has been arrested for the new aggravated offence. The powers include requiring a person to undertake a breath test and a breath analysis or to provide a blood or urine sample. My concern is whether the Government has provided for the necessary equipment to carry out testing for drugs. We have provision for alcohol testing in this State but the number of drug testing vans is microscopic. I do not know how the Government intends to carry out the testing without adequate funding from the Police budget to dramatically increase the number of vans for drug testing. The testing must be carried out by professional staff with the proper equipment because it is more difficult to test for and detect drugs than it is for

alcohol. I fully support the provision because I believe that many of the accidents that occur on the roads are caused by a combination of alcohol and drugs. In some cases random breath testing for alcohol—which I also fully support—does not pick up the presence of drugs that a person may have consumed.

The legislation also will prevent self-induced intoxication being taken into account as a mitigating factor in sentencing. I am pleased that the bill will include steroids in the list of prohibited drugs and make it an offence to traffic and possess them. It is clear that the violence is often stimulated by the consumption of steroids, not just alcohol. There is a big market for steroids, particularly for males who believe that steroids will help them develop muscles or improve their physique. They do not realise the impact of steroids on their mental state, which can lead to bouts of rage and violence.

The bill also will increase fines for alcohol-related offences. The Christian Democratic Party fully supports those increases. The maximum penalty for the offence of continuing intoxicated and disorderly behaviour will be increased from six penalty units to 15 penalty units, or a fine of \$1,650. The bill will also increase the fine amount on criminal infringement notices for offensive conduct from \$200 to \$500 and for offensive language from \$150 to \$500. As I travel around the State and speak to people one issue raised is the amount of offensive conduct, particularly offensive language, occurring on the streets. Many young people, male and female, seem to be unaware that their language can be offensive in a public place. The crackdown on offensive conduct will need to be backed up with education programs, and I am pleased that the Government has announced a public awareness campaign, which I fully support. I have always campaigned for education and law enforcement to go hand in hand.

Over the years we have seen the success of the random alcohol breath testing program and how it has changed the drink-driving culture in this State. Some members have said that this legislation will make no difference. I believe it can, but it needs to be supported by education programs. We have seen a dramatic change in the culture of drink-driving due to random alcohol breath testing. We have also seen changes in the use of cigarettes and tobacco products following a ban on advertising, which I helped to bring about; a ban on smoking in public places, which, again, I helped to promote; a ban on smoking in cars, which was amended to a ban on smoking in cars where children are present; and a ban on the public display of cigarette products, especially in supermarkets where screens are now placed in front of tobacco products. All of those bans have had a dramatic impact on the culture of cigarette consumption. In the 1940s and 1950s, 80 to 90 per cent of the population consumed cigarettes and tobacco. Every male thought it was normal to smoke, sometimes from quite a young age. Now the percentage of the population in this State that consumes cigarettes and tobacco is hovering around 14 per cent. Legislation combined with education has had a dramatic effect in that regard and members should not be pessimistic about the effect of the legislation before the House.

The Liquor Amendment Bill 2014 will introduce the same 1.30 a.m. lockouts and 3.00 a.m. cease service of alcohol provisions as apply in Newcastle. Hotels, general bars, clubs, nightclubs, et cetera, within the new Sydney CBD Entertainment precinct will have to abide by those provisions. Those venues will not be allowed to admit patrons after 1.30 a.m. and the service of alcohol must cease at 3.00 a.m. I and the Christian Democratic Party believe that these provisions are not strict enough. The Government thinks it is biting the bullet but I believe that a relaxation in the hours of operation of hotels and clubs has brought about the problem we now face. I was one of the people who organised a referendum opposing late-night hotel operations during the Wran years. We won the referendum opposing the closure of hotels at a later hour but the Wran Labor Government ignored the referendum and allowed closing time for hotels at 10.00 p.m. rather than 6.00 p.m. The late-night closing time is related to the social problems we now see. Further studies should be undertaken of closing times for bars and clubs with the possibility of gradually winding them back.

The Sydney CBD Entertainment precinct liquor licensing freeze is a good provision because the availability of alcohol causes the problems. When the availability of alcohol is restricted, the level of consumption is reduced. It is important to note also that the Sydney CBD Entertainment precinct has expanded and everyone involved with these new laws should check the new plan of the entertainment precinct, which is included in the Liquor Amendment Bill 2014. I fully support the temporary and long-term banning orders in the bill, including a ban on takeaway liquor sales and a ban on the sale of alcohol after 10.00 p.m.

Online training courses for the responsible service of alcohol need to be carefully examined. Recently, a 14-year-old was issued with a certificate having completed an internet training program. Such programs seem to me to be a waste of time. Training and testing must be conducted properly to ensure a full knowledge of the responsibilities involved in the service of alcohol. The legislation before the House was brought about as a result of the recent shocking attacks and deaths of teenagers in Sydney. Like other

members, I express my sincere condolences to parents whose children went out for a good night and, following an assault, faced death, spending days unconscious in hospital, or were fatally injured by a king hit or what I call a coward's punch.

I congratulate Sydney barrister Alexander Street, SC, who assisted the parents of Thomas Kelly, a victim of violence, to put proposals to the State Government to increase the penalties imposed on offenders who commit a crime while affected by alcohol or drugs. It is a good example of the action of citizens to influence government policies. I also remember the death of teenager Daniel Christie who became Australia's fifteenth fatality in the past six years from a king-hit punch. Daniel was taken off life support last Saturday week after being assaulted on New Year's Eve in Kings Cross. The Christian Democratic Party expresses its condolences to Daniel's family. In both those cases a blow led to a fractured skull when the back of the victim's head hit the pavement. I am pleased to support the legislation before the House.

Dr MEHREEN FARUQI [4.02 p.m.]: I speak on the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 and the Liquor Amendment Bill 2014. Managing alcohol-related issues in our society demands that we, as a Parliament, devise strategies that are well thought through and that are effective in ameliorating the problems we face. Alcohol-related violence, be it in the home or on the streets, is a very serious issue. Our responses as lawmakers cannot be kneejerk reactions or headline-grabbing policies. Rather, we have to demonstrate leadership by working with our communities and using the research and evidence available to determine what will and will not work in the future.

In my training as an engineer I learnt much about problem solving and the different ways of framing issues, analysing them through various perspectives and using authoritative evidence to justify options and to then implement and monitor them for effectiveness. I know that responses to complex issues, which have a broad and deep impact on our communities such as the one under consideration today, need to be developed through similar robust decision-making processes that take into account the actual consequences of implementation, are designed to take account of future impacts and scenarios, and are effective and just. I also speak as a mother of two young adults. My heart goes out to families who have needlessly lost loved ones to violence. We need policy responses that act as deterrents to prevent tragic incidents in the future. Unfortunately, the O'Farrell Government seems to have succumbed to creating a policy response on the run.

The Premier's plan to combat alcohol-related issues does not address the root causes. My colleague from The Greens Dr John Kaye has very insightfully expressed why that is the case. The Greens believe that the objectives of any response should be to promote evidence-based, socially equitable solutions that reduce the harm caused by alcohol and other drugs while not restricting the ability of responsible users to engage in entertainment at times appropriate to lifestyle choices. The O'Farrell Government's package does not pass those tests, and I will be joining my colleagues from The Greens to vote against this legislation. For example, lockouts and last drinks will see masses of people move into neighbouring areas such as Balmain, Newtown and Surry Hills. This will also affect low-income young people disproportionately. People who cannot afford the higher cost of alcohol at small bars are the ones who will be left without access to venues.

While the O'Farrell Government has been hastily drafting punitive, expensive, unjust and ineffective laws to manage alcohol-related issues, it has completely overlooked or ignored measures that will actually work. We have evidence from across the world that the provision of convenient and frequent late-night transport is a key factor in preventing violence and injury, as well as providing people enjoying the night-life a safe passage home. Not having viable transport options also leads people to use unsafe forms of transport such as lifts from strangers, driving under the influence of alcohol or walking through unfamiliar places.

Cities around the world, such as New York, Chicago and Copenhagen, have recognised that and implemented 24-hour train and bus services on weekends. The O'Farrell Government's shuttle bus service from Kings Cross to the central business district is not satisfactory. It does not go to the heart of the problem and it is not being used much at the moment. There are good reasons for this: once people get into the central business district there are few viable options for them to get home. I have heard stories from so many friends who have been trapped in the city all night because public transport stops at 1.00 a.m. and does not start again till 5.00 a.m.

The NightRide buses to Penrith, Cronulla and Richmond run only every hour. If one bus is full, people could be left stranded for two hours. That is why The Greens and the community are pushing for 24-hour public transport on the weekends. We have the rail and bus infrastructure to be able to do this. This is a practical

measure that can be implemented quickly and will have an immediate positive effect, and it will be much cheaper than the \$2 billion cost of locking up people. All we need is the political will to make it happen. Many in the community are speaking up against these laws and opposition is growing.

Just today we heard news that key organisations, venues and stakeholders involved in Sydney's great live music scene have formed a community group to defend their industry and their jobs. The Sydney Late Night Culture Alliance includes iconic venues such as Goodgod and the Oxford Art Factory, and the fantastic independent radio station FBi is pushing, like The Greens, for better public transport options and against punitive lockouts. It is becoming clearer that the community is unhappy with the measures. Hundreds have signed up already to The Greens "Don't leave us stranded" campaign and the petition for 24-hour public transport services in Sydney on weekends. We will keep pushing for these practical changes to improve safety and late-night entertainment for our global city.

I also join my colleagues from The Greens in firmly opposing mandatory minimum sentencing. I do so out of a firm belief in evidence-based policy and as an advocate for informed and rigorous decision-making. I am not a criminal lawyer and I do not pretend to have a sophisticated, nuanced understanding of the criminal law in all its complexities and all the countless factors, risks and assessments that go into a judgement or a sentence. That is why I have taken advice from people who do know the law, such as the New South Wales Bar Association, the former Director of Public Prosecutions, other lawyers and, of course, my colleague Mr David Shoebridge who has unanimously opposed mandatory minimum sentencing based on years of collective evidence that clearly demonstrates the unjust and ineffective nature of such a punitive measure.

I understand that we, as lawmakers in this Parliament, have an obligation to each other and to the people of New South Wales to implement laws based on the grounds of the evidence before us and on our understanding of what we believe will or will not work. This understanding ought to be based on a sound analysis and awareness of legislative history and a commitment to public good. It is my grave fear that this amendment has been introduced on no such grounds and that once these draconian laws pass this Chamber they will not achieve a positive outcome.

The evidence before this Parliament, which is available and accessible to every member of this House, shows that mandatory sentences do not deter serious crime. Instead, mandatory sentences imprison those who would be better served by rehabilitation. Judges know that these people do not belong in prison but they must be sent there because of the reactive, headline-grabbing approach of this Government. The same problem occurs with those who, on the facts, are deserving of short sentences but end up incarcerated for many years. Mandatory sentences disproportionately affect the disadvantaged, marginalised and the oppressed. Mandatory sentences fill jails and have devastating consequences for civil society. These sentences are fundamentally unjust.

This Parliament and parliaments around this country and the world have toyed with the idea of mandatory sentencing, egged on by the loud voices of those with little or no appreciation of the complexity of criminal sentencing. In almost every situation, mandatory sentencing regimes have eventually been repealed, wound back, erased and banished to history as a complete failure and as an instrument of injustice and oppression. Yet history—as it will do and as it does in this Parliament today—inevitably repeats itself.

I finish by reiterating that before I entered Parliament mid last year I was, and I still am, an engineer. Throughout my civil engineering career I worked with local councils, academic bodies, community organisations and innumerable clients to negotiate solutions to problems based on the reliable evidence provided to me. I saw that as my duty as an engineer and as a professional. I see my duty to this Parliament as no different: to look at the evidence, to assess the true benefit to the people of New South Wales, and to act accordingly. In light of this, The Greens will vote against mandatory sentencing today as a sound rejection of this ill-advised and ill-considered legislation. It is indeed a tragedy that The Greens will be the only party to do so.

The Hon. PENNY SHARPE [4.11 p.m.]: I speak on the Liquor Amendment Bill 2014 and the associated cognate bill, the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014. The objectives of the bill are in two parts: one, mandatory minimum sentencing for a range of offences, to which I will come later; and, two, the provisions of the Liquor Amendment Bill 2014, which contain a range of measures colloquially known as lockouts and early closing times, together with other proposed measures. The objectives of the bill are:

- (a) to enable the regulations to declare areas to be prescribed precincts and to impose regulatory conditions on licensed premises within those precincts, and
- (b) to declare such an area in the Sydney CBD (to be called the Sydney CBD Entertainment precinct) and to impose such conditions on certain licensed premises in it.

Those conditions are the lockouts and closing times. Further, the objectives of the bill are:

- (c) to extend the current freeze on the grant of hotel, club and certain other licences in respect of premises in the Kings Cross precinct and the Oxford Street-Darlinghurst precinct to the Sydney CBD Entertainment precinct and to make the freeze in the Kings Cross precinct, Oxford Street-Darlinghurst precinct and Sydney CBD Entertainment precinct extend to 2 years after the date of assent to the proposed Act, and
- (d) to enable periodic licence fees to be levied for licences under the Principal Act, and
- (e) to preclude bottle shops and other take-away of alcohol for consumption venues from trading anywhere in New South Wales after 10 pm, and
- (f) to suspend the operation of the Responsible Service of Alcohol online training course trial.

These bills are before the House today for a range of reasons. In recent times, there have been some tragic and public instances—

DEPUTY-PRESIDENT (The Hon. Trevor Khan): Order! As the door to the Chamber is open, I ask that the volume of conversation be kept to a minimum.

The Hon. PENNY SHARPE: The reason we are debating this matter today is because of a confluence of events. Alcohol abuse is a significant issue across New South Wales and, in fact, Australia. We have held alcohol summits and inquiries on this issue. The reason we are here today is to deal with one aspect: the issue of street-related violence occurring in our entertainment precincts across the central business district, which is predominantly caused as a result of intoxication by alcohol. The reason we are here today is because there have been a number of tragic cases that have shocked the community. Any parent or person who knows a young person is concerned about their safety and wants those young people to be able to go out, to enjoy themselves and to come home safely. We are here also because there has been an ongoing campaign by front-line workers who have blown the whistle on what they see every weekend. Throughout the city doctors in emergency departments, nurses, ambulance officers and police officers have called time and have asked us to look seriously at what is happening and to make a change. I agree with them that we need to call time on this issue and see what we can do.

I also note that there has been a sustained and supported press campaign in the mainstream media about this issue. The bill has been rushed through and has not had an adequate amount of scrutiny. The big question is: Will it make a difference? I note that the bill contains a three-year review. I believe that is essential. We are taking dramatic and significant steps, as has been acknowledged by many stakeholders in this debate. The measures in this bill require significant monitoring and review to see whether they have the effect that we hope, that is, to stop people from committing acts of violence and to prevent people from becoming victims of such violence. Labor's response to this issue is our policy which we issued last year. I do not intend to canvass it, as it has been well canvassed already in the debate. We supported a range of measures, many of which are contained in the bill today. It is important to note that the bill is a step forward, given that the Government originally was reluctant to adopt these measures. The Government has come to the party and decided to introduce some of those measures.

I want to make two points about the measures proposed in the bill. An important point raised by previous speakers is that the suite of measures before us today will not cost the Government much money. In my view, the Government should be investing in other areas but it has failed to deliver. Getting people home safely is an issue in every community across New South Wales and public transport in the central business district precinct is a huge issue. On a Friday and Saturday night between 5,000 and 10,000 people are in Kings Cross. With the introduction of lockouts and the closing of venues at 3.30 a.m. all those people will be out on the streets. Simply having a few free buses to transport people is not going to cut it. The best and most effective way to disperse thousands of people is to put them on a train. I am pleased that Labor has continued to support such measures but I am disappointed that the Government has refused to come to the party.

While I am talking about transport and the measures that may or may not be in this bill, I want to point out the big miss by the Government in relation to this legislation. Every day we see buses driving along Pitt Street and George Street and about half of them have giant signs on them advertising alcohol. The Government has been talking tough about tackling alcohol-related violence and dealing with alcohol abuse but it is happy to take the money received for the advertising of alcohol on government-funded buses. The message of the advertisements can hardly be clearer. For example, a giant bottle of vodka with the words, "Arrive boldly". If that is not an ad for preloading, I do not know what is. The Government has been prepared to take the money.

The Minister for Transport has said she is not going to do anything about it but the Government has then put in all these measures to show that it is being tough. It is not costing the Government a lot because it is very happy to take the money.

People are aware that Labor will not oppose the legislation but I place on record some concerns about mandatory minimum sentencing. There is no evidence that mandatory minimum sentencing will have an impact on alcohol-related violence. I am not convinced that people who are intoxicated and who are willing and able to throw a punch at somebody will be thinking about the consequences before they do so. Again I make the point that prevention is far better than trying to clean up the mess after the event. I am not certain that mandatory minimum sentencing will make a difference. I am concerned that mandatory minimum sentencing will lead to unjust outcomes. As we stand here today we cannot predict or understand the events that surround every single punch that is thrown in New South Wales. To pretend otherwise is wrong. But that is what we are going to do today. I remain very concerned and will watch very closely to see what impact mandatory sentencing has on alcohol-fuelled violence.

Another issue I want to raise with respect to mandatory minimum sentencing is the setting up of hierarchies of similar crimes that then dictate different outcomes. Today we are dealing predominantly with alcohol-fuelled street violence but I do not believe that the one woman or child a week who is murdered by the partner is any less of an issue than the one we are dealing with here. The problem with mandatory sentencing is one ends up having to pick and choose between what is right and what is wrong, what is more important and what penalties need to be greater rather than less. To me that is a very challenging issue. It does not mean that we should have mandatory sentencing for every offence. It actually takes me in the other direction and is a big red flag for me in relation to mandatory sentencing.

As I said, the solution to tackling alcohol-related violence requires a much more complex response. It is one that will cost money and will involve education—not just public relations campaigns saying something is being done about it. I have seen the Government advertisements in the media over the past week. That is not an education campaign; it is just saying, "Hey, look, we are doing something that we failed to do and that we resisted for the last 12 months." That is not an education campaign. I agree with Dr John Kaye's comments about the defunding of the drug and alcohol unit in schools. That was simply ridiculous. It has been demonstrated through various reviews to be one of the more effective drug and alcohol units in Australia for prevention. Long-term surveys show that drug and alcohol use is actually on the decline among young people in New South Wales yet we have decided to knock that on the head. I reiterate that prevention measures also include better transport options. We also need to examine the unintended consequences of what we are putting in place today. I am glad there is a review and I will monitor that closely.

These bills have been rushed through without sufficient scrutiny. The Opposition received the bills at 9.50 this morning and there is a risk of unintended consequences. What is the impact on people who live on the borders of this operational zone? There are many venues and places around here. Are people simply going to walk across the road and are we going to see creeping problems with that? There has not been time for consultation or discussion. We will have to monitor that very closely. Has there been proper analysis of the thousands of people who work in the hospitality and entertainment industries who support a vibrant night life and what will be the impact of these changes on those people?

The legislation will have no impact on those establishments that do not open until the wee hours of the morning but it is a significant change and those who work or who are out and about at night have not been given the opportunity to provide any input on these proposed laws. That is not a good way to move forward with the laws of our State. I refer also to the impact on the vulnerable. I am worried about those who live on the street, Indigenous people, and particularly about changes to the Summary Offences Act. Fines will increase for offensive conduct, offensive language and continuation of intoxication and disorderly behaviour. They will increase from \$200 to \$500 for offensive conduct, from \$150 to \$500 for offensive language and from \$200 to \$1,100 for the last offence. It is easy to write a law to increase the penalty but if people cannot afford to pay these fines, they are on a slippery slope and some will end up in jail. Being jailed for using offensive language is not desirable. History shows that we got rid of some of these offences because of the disproportionate impact it had on some members of the community. It did not work.

I state in conclusion that Labor will not oppose the legislation. Labor will support many of the measures wholeheartedly and, reluctantly, will not oppose some of the measures. However, there needs to be more consultation, good implementation and strong monitoring, and in three years time we need to look at whether this legislation fulfils its intentions rather than having unintended consequences and not achieving what we want to see, which is safer streets for everyone.

Mr DAVID SHOEBRIDGE [4.26 p.m.]: I speak to the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 and the Liquor Amendment Bill 2014. At the outset I commend and endorse the words of my colleague Dr John Kaye on the Liquor Amendment Bill 2014 and the words of my colleague Dr Mehreen Faruqi on both bills. I will endeavour not to repeat their well-made points. I will keep my focus on the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill. This is the bill that expands the regime of mandatory sentencing here in New South Wales. It also puts in place effectively a strict liability offence for these one-punch laws.

Mandatory sentencing and the concept of strict liability, regardless of the intention—one is found guilty of a criminal offence—ought to have no place in a criminal justice system that gives meaning to the word "justice". The substance of this bill is to insert a new section 25A into the Crimes Act for the offence of assault causing death. The key elements of that offence are, first, if a person intentionally assaults another person with their body or an object; second, the assault is not authorised or excused by law; and third, the assault causes the death of the other person.

Intent is irrelevant, reasonable foreseeability is irrelevant and for the basic offence intoxication is irrelevant; it is strict liability and the maximum sentence is 20 years. Section 25A (2) relates to an aggravated offence that applies only to those persons over 18 who are intoxicated when committing the offence. Intoxication is defined by reference to part 11A of the Crimes Act. That effectively says that intoxication means intoxication because of the influence of alcohol, a drug or any other substance, so it is an entirely circular definition that is found within the Crimes Act. If a person is intoxicated, he or she is intoxicated by reason of taking a drug or alcohol. There is a deeming provision that provides that if there is a certificate stating that the blood alcohol reading is greater than 0.15, that person is deemed to be intoxicated, but otherwise it falls back upon the rather circular definition that you are intoxicated if you are intoxicated.

The penalty for committing that offence while intoxicated is a new mandatory minimum of eight years. As I said before, the definition of causation is where the person is killed as a result of injuries received either directly from the assault or from hitting the ground or some object as a consequence of the assault. Intention, reasonable foreseeability, the most wildly unlikely set of scenarios that arise from an initial striking, if it results in death, even without any intention at all or any reasonable foreseeability, will ground the offence. If someone does it while intoxicated, he or she will receive eight years in jail, regardless of the circumstances and the justice.

It is an extraordinary expansion of mandatory sentencing in this State. The bill creates the power for a police officer to require a breath test and the provision of a urine or blood sample following the arrest of an offender for the aggravated charge of assault causing death. In circumstances where the victim has not died but there is a concern that the victim may die and there is sufficient basis for charging an offender with assault or similar offence the police may require a blood test. The failure to provide a blood test or urine analysis carries a two-year criminal penalty. I imagine that will be an area of significant legal exploration when these bills find their way on to the statute books. The bill specifically excludes self-induced intoxication as a point of mitigation. That has already been excluded by Court of Appeal judgements, but the Government wants to make a point and explicitly exclude it by statute.

There are provisions in the bill that provide substantially greater penalties for possession or dealing of steroids, effectively classing steroids as narcotic drugs. Last, this bill brings in substantially increased penalties for offensive conduct, offensive language in a public place or for failure to comply with a move-on direction by a member of the NSW Police Force. There has been widespread, almost unanimous, condemnation by the legal fraternity across the State of the mandatory sentencing provisions in the bill. Legal organisations in New South Wales such as the Bar Association, Law Society, Australian Lawyers for Human Rights and other civil liberty groups have unanimously condemned this legislation and have done so based on solid and responsible grounds. The primary reason is that mandatory sentencing does not work to deter or reduce crime. It has not worked in New South Wales, the Northern Territory, Western Australia or the United States to reduce crime. It does not deter crime.

The United States has had a two-plus decade experiment with mandatory sentencing and its federal prisons are filled to overflowing with persons convicted under draconian mandatory sentencing laws. Classes of offences for which mandatory sentences apply continue to have steady rates of offending. Last year the Obama administration saw the light and began to wind back mandatory sentencing provisions realising it is a comprehensive policy failure that is costing billions of dollars, destroying lives, producing unjust outcomes and not deterring crime. When they applied mandatory sentencing in the Northern Territory offending rates for the

classes of offences where it applied increased. The jails filled and new jails had to be built. In the Northern Territory the jails were predominantly filled with Aboriginal offenders while in the United States federal prisons are predominantly filled with citizens who are black or Hispanic.

When Western Australia rolled out mandatory sentencing the prison population exploded with a vast increase in primarily Aboriginal persons being incarcerated under mandatory sentencing laws. Western Australia maintains mandatory sentencing laws. There is not one jurisdiction where mandatory sentencing laws have led to a reduction in crime. As lawmakers parliamentarians have an obligation to respond to the spate of alcohol-related violence highlighted in New South Wales, and particularly in Sydney and Kings Cross, where families have had their sons killed as a result of alcohol-related violence. Each week the tragedy of women who are killed or injured by their partners as a result of alcohol-related violence continues. Parliament has a responsibility to enact laws that go further than dealing with the wreckage through increased penalties that do not deter offending; it has a far more important and serious obligation as lawmakers to pass laws that will prevent the offence in the first place. Mandatory sentencing does not do that.

The most cursory examination of the circumstances makes it apparent mandatory sentencing does not work for crimes of violence or where the assailant is intoxicated. A person who is intoxicated and angry with another person is hardly going to think the process through and say, "Well, I was going to punch this person but I have heard the New South Wales Government has increased the sentences for this so on mature reflection, despite being angry and intoxicated on the streets of Kings Cross, I will not engage in violence because I might face an eight-year or four-year sentence instead of a two-year sentence." Study after study has proved that is not the thinking engaged in by offenders and it has proved that mandatory sentencing does not deter persons from committing crimes.

A study by the Bureau of Crime Statistics and Research indicates that a likelihood of apprehension, charge and conviction does deter crime but increasing sentences does not and never has deterred criminal offences. These bills will not make the State any safer. They will not deter offenders from committing crimes and sadly they will not prevent alcohol-fuelled violence on the streets. With the exception of one or two individual outliers the legal profession and civil liberty groups in the State are unanimously against these laws and they have endorsed that view in written submissions. In a communication to all members of this Parliament the NSW Council for Civil Liberties Inc. stated on 28 January:

Our fundamental objection to mandatory minimum sentencing is that it inevitably leads to injustice in individual cases by preventing the court from taking into account all relevant circumstances surrounding the offence, the offender and the victim. There will be significant numbers of unjust and anomalous sentencing outcomes.

Further:

The court system will come under considerable additional strain as it can be expected that persons charged with any of these offences will avoid guilty pleas in the face of mandatory minimum sentences. The policy of promoting early guilty pleas through discounts on sentences will be seriously compromised. More offences will go on election to the District Court and more will result in defended trials, entailing more time and effort for prosecutors and defence lawyers and longer delays for police and victims to have their cases resolved.

It will not deter offending. It will increase the costs in the legal system and it will lead to the families of victims being dragged through ever longer criminal proceedings. In their communication of 24 January Australian Lawyers for Human Rights indicated their opposition to mandatory minimum sentences. The Law Society's Criminal Law and Juvenile Justice Committees met after the Government's announcement on 21 January. They state:

It is an established principal that the sentencing of offenders should take place on an individual basis. Mandatory minimum sentencing is a one size fits all form of justice which excludes the discretion of judges. The [Premier's] media release refers to "serious assaults where drugs and alcohol are involved" and a table of offences is also provided. This will create an inflexible penalty structure which excludes the operation of judicial discretion. Mandatory minimum sentencing will prevent the court from being able to give proper consideration to the objective and subjective circumstances of each case which can result in injustice.

Reiterating the concerns of the Council for Civil Liberties they state:

It is the Committees' view that from the offender's perspective, there is little to lose in requiring the prosecution to prove its case. As a result, more offenders may elect to have their matters heard at trial. Victims will therefore be referred to give evidence and relive their experience. As a result of more matters going to trial, and in the knowledge that mandatory minimum sentencing can lead to injustice, the Committees anticipate that there may be reluctance by jurors to convict in some cases.

None of these consequences appears to have been considered by the Government before it introduced these bills. Indeed, none of these serious consequences could have been considered by the bulk of members who were

confronted with this legislation when it came hot off the photocopier at 9.45 a.m. today. We have had mock scrutiny of these bills over the past six hours. There is a pretence that elected representatives have individually scrutinised and considered these bills, but that has not happened.

A small group of the leaders of the major parties in the lower House decided that these laws should be supported because it would play out badly in the media if they were not. They then told the other members of the lower House—apart from a Greens member and two Independents—that they should support the bills regardless of what they thought of them and regardless of the fact that they had not read them. These bills have been subjected to pretend scrutiny in the other place. It has been a travesty of democracy and it demonstrates that this is a pretend democratic process. The legislation has not been considered by members who are notionally elected to represent the interests of their electorate. What they think about the bills is irrelevant; they simply rubber stamped them while they were still warm from the photocopier at 9.45 this morning. That is not democracy; it is a joke, and it is now happening with majority support in this place. Former Director of Public Prosecutions Nicholas Cowdery stated in a keynote presentation to the Law Institute of Victoria Criminal Law Conference in July 2011:

Mandatory sentencing is antithetical to justice. Why, then, do we see politicians returning like dogs to lick at it and why should we need to be discussing it at all today?

He then went into great detail about the history of mandatory sentencing in this State and across Australia. He included the following quote from former Chief Justice Spigelman:

Specifically, the requirements of justice, in the sense of just desserts, and of mercy, often conflict. Yet we live in a society which values both justice and mercy.

Of course, mandatory minimum sentences provide no scope for mercy—it is irrelevant. Even if a judge wanted to be merciful to an offender because the offence was committed after gross provocation or the person had suffered enormous, overwhelming tragedy before committing an ill-considered act with no intent and no foreseeability that someone would die as a result, he could not do so. The overwhelming tragedy, the gross provocation, the lack of intent and foreseeability is irrelevant if the assailant is intoxicated. Such an assailant will serve a minimum of eight years in jail.

There has been some discussion about the minimum sentence imposed by this legislation. In fact, the last minute amendment pushed through by the Attorney General will not ensure an eight-year minimum sentence. The legislation now provides for a minimum eight-year non-parole period. Given the requirement that the standard non-parole period be at least three-quarters of the sentence, the minimum sentence will be 12 years. I do not think that anyone considered that when the legislation was rushed through the other place. The mandatory minimum non-parole period will be eight years, but that means a mandatory minimum sentence of 12 years' imprisonment. We had seconds of notice about that amendment and it was not even considered by Cabinet, which is another example of the pretend scrutiny that occurs in this place.

New South Wales tried mandatory minimum sentences in 1883. After a red-hot media campaign undertaken by the *Sydney Morning Herald* and other media organisations in the late 1870s and early 1880s the government of the day rolled out mandatory minimum sentences. Nicholas Cowdery addressed that in his presentation to the Law Institute of Victoria and quoted the 27 September 1883 editorial in the *Sydney Morning Herald*, which stated:

We have the fact before us that in a case where a light penalty would have satisfied the claims of justice, the judge was prevented from doing what he believed to be right, and was compelled to pass a sentence which he believed to be excessive, and therefore unjust, because the rigidity of the law left him no discretion.

Mandatory minimum sentences were repealed after a counter campaign a little more than 12 months after they were introduced. Of course, this Government will not be satisfied with this first bite at mandatory minimum sentences. We know that the right wing elements in the Cabinet—one of whom is sitting at the table—rolled the Attorney General and forced the Premier to make a statement about introducing an array of other mandatory minimum sentences for assaulting police and assault occasioning actual bodily harm. If any such offence is committed while the perpetrators are intoxicated the Government plans to send them to jail for a minimum of two years unless they have committed the offence in company, in which case the minimum sentence will be three years in prison.

The Shooters and Fishers Party has said that it wants more mandatory minimum sentences. Given that, in a matter of weeks we will be considering yet more bad legislation imposing mandatory minimum sentences

and more unjust criminal legislation. If that happens, our prison population will swell. We have an obligation to ensure that there are no more tragedies in New South Wales and to create a fair criminal justice system. These bills will not achieve that.

The Hon. LYNDIA VOLTZ [4.46 p.m.]: I support the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 and the Liquor Amendment Bill 2014. Members have criticised the Government for rushing the debate on these bills. I believe that it should have happened sooner. The Government needed to act and it has acted. The measures in this legislation addressing liquor availability are welcome and important. Most of us can remember when liquor outlets were closed on Sundays, bottle shops closed early, pubs closed at midnight and venues like the Sundowner Hotel at Punchbowl had a 12.30 a.m. lockout and 3.00 a.m. closing. Since I was a teenager there has been a dramatic increase in alcohol availability across the State, and that is not a good thing. Live music venues, dancing and entertainment have disappeared and venues are now almost exclusively devoted to the consumption of alcohol. When I left the Army I had a part-time job at the Courthouse Hotel on Oxford Street. I am sure the Minister for Police and Emergency Services knows it.

The Hon. Dr Peter Phelps: He may have visited you there.

The Hon. LYNDIA VOLTZ: I was behind the bar working. It had a 24-hour licence and it was scary at 4.00 a.m. even for a tough character like me. It was always a joy to clean the bathrooms at 6.00 a.m. after the Taxi Club closed. The Millers Hotel at Sefton was one of the best venues in Western Sydney because it hosted live music provided by groups such as the Divinyls, INXS and Skyhooks. People were not standing around drinking like they do now. The current alcohol culture is not traditional in this country and it must change. The Police Association of NSW has presented evidence to parliamentary committees that 75 per cent of Sydney's nightlife economy is generated by entertainment and food and only 25 per cent is generated by the consumption of alcohol, which attracts the majority of police resources. These bills are a sensible first step, but we must also address assaults and where they are happening. I do not think the Sydney central business district is the only problem. We are aware of problems in Coogee, Bondi and Cronulla; in fact, in many of the beachside suburbs. Parramatta was a problem but the situation has changed in recent years and I urge members to visit the area to see the changes.

I want to address some issues raised by other members, in particular the issue of transport. When I was posted to Singleton with the military police there was one disco in the town of Singleton and no public transport. There were about 2,000 young, fit infantry soldiers, 800 miners and 20 local boys and 20 local women. I might say there were a few fights. Most of the fights involved young soldiers who were walking home alone late at night and being picked off by local boys or miners who were hanging around—or vice versa. I will not say that some local army boys were not misbehaving. Our simple solution for that was to get the transport corps to put a bus on when the disco shut. That wiped out overnight the problem we had, mainly of soldiers going home alone at night. Transport is an important solution to any of these problems—getting people off the street and back to their houses. We do not want people who are a bit drunk wandering round the streets at 4 or 5 o'clock in the morning.

The reality is that many of the assaults we are discussing are not happening because people are wandering about at those times in the morning; they are happening because people are going out and looking for a fight. Frankly, if they do not like the sentences that are being imposed, they should not think it is all right to walk around the city punching people. This comes back to a change in culture. When I was young you did not go and bulk yourself up at the gym, you did not take steroids, and you did not need to have a beautiful body image. This was just as much an issue for boys as it was for girls. You went to rugby training, swimming or for a jog. The only gyms that existed were boxing gyms. But there has been a proliferation of the gym culture and sports such as mixed martial arts. Many of the offenders involved in mixed martial arts—an issue that we need to look at—think it is all right to promote an image of themselves as being violent by going out and hitting people. It is not acceptable, and they should be punished with the full weight of the law.

Police and ambulance drivers must be sick to death of turning up to assist people only to have these antisocial idiots, rather than abide by the instructions given to them to stop fighting or to move on or to get into the ambulance, attack police and ambulance officers, or even fire brigade personnel, when they turn up at the scene of incidents. There are other issues that are not within the powers of the State Government but come within the province of the Federal Government. One of those is the advertising of alcohol in sport. As with tobacco advertising, I think there is no reason to continue to sustain the idea that it is acceptable advertising to have our cricket team covered with VB signs while participating in a five-day test match over the summer

period, when every kid in Australia is watching them. That is not Cricket Australia's fault; it is the responsibility of the Federal Government to deal with alcohol advertising in sport. I cannot think of a sport that does not have alcohol advertising. Tobacco advertising in sport worked because people were watching those sports. I admit when I have watched cricket I wanted some Kentucky Fried Chicken and a VB; that is the reality. We need to change that culture by similar legislation.

The Hon. Michael Gallacher: Your body is a temple, Lynda—but a temple for what?

The Hon. LYNDIA VOLTZ: A temple of Kentucky Fried. Everybody has spoken about the way this legislation will be used in the city to deal with people who are walking round the streets. But this legislation is not restricted to those on the streets who consume alcohol. There are significant issues of domestic violence. Quite often women and family members are the victims of domestic violence caused by those who are completely intoxicated. We should send a strong message to those people, who think they can walk into their own homes and assault family members, that that is not acceptable. While this legislation is targeted at those who assault people on the street, it will also be used to deal with those who think they can walk into their own homes and assault family members.

While these bills deal with a crisis in the city, we need to look at a crisis across the State. It would be remiss of me not to mention the high incidence of sexual offences across New South Wales, in areas such as the Walcha and Bourke local government areas. Whereas the State average is 149 incidents of sexual assault per 100,000 of population, in those areas it is about 760 and 780 victims per 100,000 of population. We should be using our Bureau of Crime Statistics and Research statistics more effectively and start dealing with areas where offences are more prevalent.

Like my colleagues, I too have issues with whether mandatory sentencing works or does not work. Reverend the Hon. Fred Nile raised the issue of burglary in Western Australia. Burglary statistics in New South Wales dropped significantly—but not because of mandatory sentencing. Statistics improved because people were economically better off. Good work was done by the agencies in reducing the heroin supply, but if you make people's lives better that is when you see the big impact on crime statistics. Although we need to look at sentencing and a whole range of other measures, we need to look at how we can make people's lives better—their jobs, their lifestyle and whether they have access to education and better living—because that is where you get the best impact on crime statistics. But I certainly support the measures put forward by the Government in this bill.

The Hon. JAN BARHAM [4.56 p.m.]: I speak in this debate in particular to address the Liquor Amendment Bill 2014. I am pleased to have the opportunity to discuss the importance of acting on alcohol-related violence in our communities. It is long overdue. This is an issue that requires a considered approach to reduce the harms caused across the State, addressing the management of liquor outlets, the excessive consumption of alcohol and its impact on people's behaviour, as well as the response in terms of treatment, education and other services. It is unfortunate that the bills before us take a narrow focus and include some unreasonable measures such as mandatory minimum sentences. It is also disappointing that the Liquor Amendment Bill provides only limited measures, mostly focused in one part of Sydney rather than dealing with the challenges faced across New South Wales. That has been a concern for many years. In 2003 the New South Wales Government gave an election commitment to hold a summit on alcohol abuse. This commitment was a response to increasing community concern about the incidence of alcohol-related violence. The Alcohol Summit's work was extensive and its report included 318 recommendations. The Government's response to the report from that summit specified a long-term goal of:

Changing the way the community uses and thinks about alcohol—to achieve a downward trend in irresponsible drinking behaviour, alcohol related incidents of violence, injury and disease and an upward trend in research activities and accessibility of treatment and other programs

It is clear that that goal was not achieved. Last year the Foundation for Alcohol Research and Education delivered in Parliament House a report titled "10 years on: An analysis of the progress made in preventing alcohol-related harms since the 2003 New South Wales Summit on Alcohol Abuse". Of the 318 recommendations, 195 related to primary and secondary prevention and 107 of those identified at least one specific prevention strategy. The Foundation for Alcohol Research Education report revealed that, 10 years after the summit:

The recommendations arising from the Summit and actions following the Summit have had little impact in achieving the long term goal from the Summit of a downward trend in irresponsible drinking behaviour, alcohol related incidents of violence, injury and disease. This is evidenced by the significant and concerning increases in alcohol-attributable hospitalisations, all reported results and treatment episodes where alcohol is the principal drug of concern.

Recent work has also highlighted that while the impact of alcohol-related harm remains high, we have incomplete knowledge of just how severe its effects are. The New South Wales Auditor-General's 2013 report on "Counting the Cost of Alcohol Abuse" estimated that the total cost of alcohol abuse in New South Wales, including social costs, is "around \$3.87 billion per annum, or about \$1,565 from each household". But the Auditor-General called on the Government to estimate and report these costs, emphasising that:

The community also has a right to know this information so it can inform public debate on alcohol abuse and the best ways to combat it.

Delivering evidence on the impact of alcohol across our State and the importance of identifying meaningful solutions too often has fallen to non-government organisations. In November 2012 the Foundation for Alcohol Research and Education [FARE] partnered with the National Drug and Alcohol Research Centre to deliver the "Alcohol Action in Rural Communities" research report. The report, which was launched here in Parliament, was a result of the largest and most thorough randomised controlled trial of community action ever undertaken to reduce risky alcohol consumption and alcohol-related harm. It involved a major investment of \$2.4 million and showed the benefits of implementing community action, revealing that for every \$1 invested, between \$1.37 and \$1.75 of benefits were returned to the community.

Studies such as that do not capture some of the other costs to society. How do we put a price on a life and on the consequences for families and communities whose lives are so terribly affected by the tragic crimes that can be associated with excessive alcohol consumption? In my community of Byron Bay people have concerns about the loss of public safety and the impact on the reputation of the town, which has become known as a hotspot for alcohol-related crime, sexual assaults and antisocial behaviour. That is in the context of a town that relies on tourism as its major economic driver. But many within the community question the costs of tourism based on irresponsible alcohol consumption which impacts on the way of life for the residents and our local health, police and community services.

In the past year I had the honour of being a committee member of three inquiries that have considered alcohol and its impacts on our communities. The first inquiry was a drug and alcohol treatment inquiry which heard from a broad cross-section of the community about the impacts of drug and alcohol abuse. Despite the inquiry's focus on issues relating to treatment for opioid dependence, many submissions stated that by far the overriding substance abuse problem in New South Wales is with alcohol. It is important to note that the committee heard overwhelming evidence that there is not enough focus on or funding of treatment options for those seeking support. I look forward to the Government's response to the inquiry's recommendations, including recommendation 2 which called on the Government to review the 2003 Alcohol Summit outcomes and to provide an update and response to its recommendations.

The second inquiry was the Standing Committee on Social Issues inquiry into strategies to reduce alcohol abuse among young people in New South Wales, which was tabled in the Chamber today. This issue is one that I am only too familiar with in my community of Byron shire. The community and the council have tried to address the behaviour, causes and outcomes of binge drinking with several campaigns over a decade. In 2005 a youth-based program called "Your Night, Your Life" was funded by Byron Shire Council through the Attorney General's Crime Prevention Strategy program. More recently a campaign titled "Cringe the Binge" was developed by young people with the support of the Byron Youth Service. In October 2013 this campaign received the Australian Marketing Institute's National Excellence Award for Marketing on a Shoestring Budget. It is an excellent example of a community-focused campaign that involves young people in designing educational material about a range of alcohol-related issues, including violence and sexual assault, sexually transmitted infections, mental health and brain development.

The third inquiry that confronted the impacts of alcohol was the General Purpose Standing Committee No. 3 inquiry into the impact of tourism on local communities. The committee heard from a number of communities about the impact of alcohol issues associated with tourism. Again, my community of Byron shire has highlighted the effects of alcohol-related harm, with both the council and residents, including the community group "Last Drinks at 12", raising concerns about the impacts of alcohol-related violence. The Local Government Association and Manly Council also raised concerns about the impact and costs of alcohol on local communities.

These recent, and in some cases ongoing, inquiries have been presented with extensive evidence about the impacts of alcohol throughout New South Wales communities, so it is no surprise that I have a real concern and interest in seeing this issue dealt with thoroughly. I also have personal experience of working for decades within my community. Twenty years ago I witnessed a New Year's Eve in Byron Bay that resulted in

international headlines of "Riots in seaside community". It was an alcohol-fuelled nightmare for the small community, which produced injuries, impacts for the hospital and infrastructure damage to the town and which resulted in a downturn for the town by way of a reduction in visitors.

In the years that followed I was involved in the New Year's Eve Safety Committee that undertook the management of the New Year event to try to ensure a safe environment. When I was elected to council in 1999 I also sought to deliver policies and strategies to address the impact of alcohol-fuelled violence and negative social impacts. We held forums, established a Community Drug Action Team that delivered alcohol testing at festivals, and through the council's social committee we developed a Safe Community Plan. All of these efforts were positive, except they highlighted that what we as a council and community were unable to address was the significant impact of the increasing popularity of the town as a tourism destination and the increasing number of venues that took advantage of old approvals that did not restrict their hours of operation. We saw an increase in the hours of operation and the expansion of the town as a late-night alcohol venue, attracting more visitors who came for the night-life. The result was more violent attacks, more sexual assaults and increased antisocial behaviour. The licensees had their right to operate under their licences and there was little the community could do to restrict them in their operations. We saw Byron Bay become a hotspot for alcohol-related violence and crime-related incidents.

At the same time that my community was dealing with the impacts of alcohol, in 2007 the focus fell on Newcastle following a complaint lodged by the NSW Police Force with the Liquor Administration Board about four licensed premises. The ABC's reporting on the Newcastle situation and a high level of community dissatisfaction resulted in the Director of the Office of Liquor and Gaming and the NSW Police Force adding a further 11 licensed premises to the complaint. On 21 March 2008 the Liquor Administration Board released its decision on the complaints and imposed significant restrictions on 14 of the 15 premises. These involved lockouts for all 14 hotels, bringing forward the closing times to 3.00 a.m. for hotels that were previously trading to 5.00 a.m. and to 2.30 a.m. for other premises that had licences to trade to 3.00 a.m.

Other restrictions were imposed, including the production of plans of management, the independent auditing of compliance with the plans, the supervision of the responsible service of alcohol and no sale of shots from 10.00 p.m. The evaluation by the Bureau of Crime Statistics and Research of the Newcastle trial indicated that the set of measures that were implemented had a positive effect, with a 29 per cent reduction in assaults after dark. The experience of the Newcastle trial highlights that in addressing the problem of alcohol-related violence and harm there needs to be a suite of measures that are carefully implemented and evaluated. As the Foundation for Alcohol Research and Education identified in its report 10 years after the Alcohol Summit:

The NSW Government must ensure that future alcohol policy is evidence based in order to prevent further increases in harms. However to introduce evidence based policy the Government must first acknowledge the need to address the supply of alcohol. This will require the Government to "reframe" the alcohol policy debate in New South Wales from one with a focus on the problem of a few to one that focuses on the need for population-based interventions. It also requires the Government to place a greater emphasis on consultation with public health experts and the community ahead of the alcohol industry.

Another outcome of the concerns of health and policing professionals as well as the general community was the establishment of the Last Drinks campaign. This alliance involved the Police Association of NSW and doctors, nurses and paramedics coming together with a platform that called for broader application of the principles of the Newcastle trial which delivered a successful outcome. This alliance brought home to many in the community the impacts of the out-of-control situation that was taking over many local communities. Those workers on whom we all rely to care for us were being placed at risk and there was a duty of care on Government to act to protect those workers from the risks they faced in performing their jobs as well as protecting society as a whole.

I knew about this situation only too well from my local contact with police and health professionals. The stress, fatigue and injuries that these professionals were experiencing with this increasing problem were worrying. This was in addition to the fear and concern about the impact of the violence on the broader community. In 2009 the Office of Liquor, Gaming and Racing released community profiles for each local government area. The reporting, based on Bureau of Crime Statistics and Research statistics for the 2007 period, identified Byron Bay as having more than double the State's average of alcohol-related assaults. Drink-driving offences were four times the State average. In rural and regional areas there is a major concern over the lack of transport, and the incidence of death caused by alcohol-fuelled accidents should not be overlooked in the current analysis of and focus on violent incidents.

In April 2010, after the damning report on those crime statistics and the launch of the Last Drinks campaign, I proposed that Byron Shire Council submit a request to the Byron Liquor Accord for a trial of the

Last Drinks initiatives. I was not surprised to gain the unanimous support of the council for this proposal. The community concern was high and the councillors understood the impacts on safety, wellbeing and livelihood, not just of the local residents but also on our major industry, tourism. The shock was at the licensees' refusal to consider a trial. This highlighted that local government and communities are unable to act on these issues. That is why strong leadership from the State Government is needed. Unfortunately, it appears this legislation does not take into account the broad statewide issues surrounding the problem we are facing and the need to develop a package of measures that address the full range of underlying issues and needs within communities across the State.

The current legislation lacks responses and outcomes for identified hotspots such as Byron Bay and Manly. I note the report on Thursday 24 January when the Premier stated that lockouts could be introduced to more areas in Sydney. But Premier, what about the rest of the State? On Saturday a headline stated, "Mayors put hands up for Premier Barry O'Farrell's drinking laws." In that story, the Byron Greens Mayor Simon Richardson, Parramatta Liberal Mayor John Chedid and Wollongong's independent Mayor Gordon Bradbery all weighed into the debate about the need for action in their areas. The Australian Medical Association of New South Wales was reported as identifying Bondi, Coogee and Liverpool as suburbs where the laws should also apply.

Mr Geoff Provest, member for Tweed, raised cross-border issues and those are relevant concerns, not only for the Tweed but also for Byron Bay where we know that large numbers of problem drinkers are not locals or visitors in the tourism sense, but are people who only have to travel for 40 minutes or an hour from interstate to Byron Bay for a night out on the town. I also know that my local member, the Hon. Don Page, is well aware of the importance of this issue facing our region, as he has attended forums that I have attended and has been engaged with the community on this issue for many years.

I say to the Premier, government members and other members of this place that we are here to serve the people of New South Wales, and this issue is not just about Sydney's central business district and the inner suburbs. Last week the *Northern Star* noted that since November 2011 there have been six "king-hit" assaults in the Northern Rivers, which have resulted in three deaths. We need to consider the evidence across the State and listen to communities that have been requesting support for many years for action to address this plague on their communities. I acknowledge the concerns of those who object to the narrow focus of the proposal on the Sydney central business district and Kings Cross and the impact this could have in displacing the problem to other areas. This is a genuine issue and deserves a broad approach.

I also note that one of the issues in the 2003 Alcohol Summit that was not implemented was the requirement for mandatory membership by licensees of a liquor accord. This recommendation has also been put forward in the report of the Standing Committee on Social Issues on strategies to address alcohol abuse among young people. What makes this recommendation relevant is that compulsory membership means that all licensees become part of the solution, not just part of the problem. It delivers an annual funding model so that mitigations such as transport options are able to be delivered, research can be supported and education programs developed that are specific to the locality. This issue must be about local responsibility, local engagement and local outcomes.

More than 10 years after the Alcohol Summit, it is disappointing that our political response to alcohol is still so piecemeal and inadequate in addressing the broad issues that have existed in our society and culture across generations. I welcome the fact that we are debating these important issues. I hope we will move forward towards an approach that is comprehensive and effective, but the legislation before us does not provide this.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Central Coast, and Vice-President of the Executive Council) [5.13 p.m.], in reply: I thank members for their contributions to the debate, particularly those members who spoke in favour of the bills as opposed to those who intend to vote for it but spoke against the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 and the Liquor Amendment Bill 2014. I have made that distinction which I am sure The Greens are equally concerned about. A number of shadow Ministers spoke vehemently against the legislation and spent the overwhelming majority of their time condemning this legislation, which their speeches will show, particularly the Hon. Shaoquett Moselmane who is a lawyer.

Reverend the Hon. Fred Nile: Shame.

The Hon. MICHAEL GALLACHER: It is a shame because in their communities they will suggest that they voted in favour of the legislation but from their speeches it is clear that they did not agree with it. The

Deputy Leader of the Opposition said that he is not playing politics with this legislation but that is exactly what Opposition members, bar one, have done. I take this opportunity to congratulate the Hon. Lynda Voltz on her contribution. The Hon. Lynda Voltz mentioned mandatory sentencing but 95 per cent of her contribution provided a realistic assessment of the problems that affect every community. The Hon. Lynda Voltz is the first Opposition or crossbench member in this debate, except for those in the Legislative Assembly, to positively mention the impact of this legislation on domestic violence.

Mr David Shoebridge said this legislation will not stop offenders but it will stop them re-offending. Wives who have put up with domestic violence in our State for so long will not have to put up with it any longer. The Hon. Lynda Voltz made that observation. She also spoke about the nightclub scene in the 1970s and the 1980s, for example, Selina's Nightclub at Coogee and the former Bondi Life Saver, which were packed to the rafters by patrons to listen to headline bands such as Skyhooks, Dragon and Cold Chisel who later had worldwide careers. Patrons went to the club to listen to the music and they could not get a drink because the club was so packed. The bands no longer exist so when I hear the bleating from The Greens that somehow this legislation will destroy the music industry I point out that the live music industry is dead. The 1970s and the 1980s show how prolific the music industry was right across the pub scene when the venues were packed to the rafters by patrons who wanted to listen to the music and were not there for the grog; that is the reality. The Hon. Lynda Voltz and the shadow Minister mentioned public transport. The Tourism Transport Forum, hardly what one would call an organisation stacked by the Liberal Party or The Nationals, said:

The reforms announced today by Premier Barry O'Farrell seek to balance improving safety with ensuring that Sydney remains an attractive destination for visitors from around the world. Sydney has an international reputation as a friendly, safe and welcoming city and these measures will ensure the city retains a positive image at the same time as ensuring that visitors' needs can be still catered for.

Despite all the doomsaying from those opposite that this is the end of the world as we know it, people involved in the industry are speaking up and saying that enough is enough. The Hon Jan Barham referred to Byron Bay as she has for many years and I encourage her to read the Liquor Amendment Bill 2014, which provides that the very things she mentioned will apply to Byron Bay. She also referred to her support for Last Drinks. Last Drinks supports lockouts and closing times yet her colleague Dr John Kaye condemns the move on lockouts and closing times. Last Drinks is made up of health professionals, nurses, doctors, ambulance officers and police. In relation to this legislation Last Drinks has said:

It is fantastic that the Premier has listened to the concerns of the community and emergency service workers and introduced a suite of measures that will help curb alcohol-fuelled violence.

The Police Association said:

These raft of measures are exactly what the city of Sydney needs. Every weekend we are forced to pick up the pieces, phone parents and even deal with becoming the victims of violence and abuse ourselves. Now we see the Government taking real action in dealing with alcohol-related violence. The suite of measures is a win for the community and for all the police officers who protect our community.

What did the Australian Medical Association [AMA] have to say? It said:

The 1.30 a.m. lock-outs and the 3.00 a.m. last drinks for licenced venues in the Sydney Central Business District are a very welcome move from the Government. The Government should also be commended for the freeze on licences for new pubs and clubs in the Sydney Central Business District. These laws provide some good, preventative measures to reduce alcohol-fuelled violence.

It was only weeks ago that The Greens were accusing both major political parties of being in the hip pockets of the Australian Medical Association. Time and again we got it. The Greens love to accuse us of being in the hip pockets of the Australian Medical Association. However, today Dr John Kaye was the first to say that they have been talking to the beer barons of Balmain, who were concerned about what was going to happen there. Of course, Dr Mehreen Faruqi spoke about Balmain. I can see it now, all of those merry people up at Kings Cross at 3.00 a.m. saying, "My goodness, they have locked the streets of Kings Cross and Darlinghurst out to us, let us all walk to Balmain." That is what The Greens want us to believe—a mass exodus of people. By the time they get to Balmain, if they are walking, they will all be sober. But the burghers and beer barons of Balmain are being protected by The Greens, who would lead everyone in Balmain to believe that there will be a sea of humanity leaving Kings Cross at 3.00 a.m. and walking across the Anzac Bridge, heading towards Balmain. The position that some have taken in relation to this issue is farcical.

I think the Hon. Lynda Voltz got it right again. What were her opening words in this debate? Finally, somebody in the Opposition is prepared to tell the truth. She said, "It could not come sooner." These reforms

could not come sooner. Of course, Dr McDonald, who was acting Leader of the Opposition whilst Mr Robertson was away over Christmas, and Linda Burney talked about recalling the Parliament. They said, "We need to recall the Parliament now, to bring it back now." But what did the Hon. Penny Sharpe say in her contribution? She said, "This is being rushed through the Parliament." Of course, we heard accusations from those opposite that they had not had a chance to look at the bill. But it did not stop too many of them spending their entire 20 minutes of allotted speaking time going through, in great detail, the impact of the bill. It would appear that all of them did, in fact, have an opportunity to read the bill in some detail and to even prepare the proposed amendments to the bill that will shortly be debated.

It is the height of hypocrisy for The Greens, but those who have been exposed the most are the Opposition members because they want to have their cake and eat it. They want to stand up in this House—except for one member—one after the other, condemning the legislation and then they want to vote for it. Those opposite think the public will not see that fraudulent behaviour. Everyone can see the politics of the Opposition members by what they are about to do. Members can be assured that every member of the Government will be making it painfully obvious to the entire community of New South Wales that when it comes to alcohol-fuelled violence and measures to address it the Opposition is prepared to say one thing but to do another. I commend the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 and the Liquor Amendment Bill 2014 to the House.

Question—That these bills be now read a second time—put.

The House divided.

Ayes, 25

Mr Ajaka	Mr Gallacher	Mr Searle
Mr Blair	Mr Khan	Mr Secord
Mr Borsak	Mr Lynn	Mr Veitch
Mr Brown	Mr Mason-Cox	Ms Voltz
Mr Clarke	Mrs Mitchell	Mr Whan
Ms Cotsis	Mr Moselmane	
Ms Cusack	Reverend Nile	<i>Tellers,</i>
Mr Donnelly	Mrs Pavey	Mr MacDonald
Mr Foley	Mr Primrose	Dr Phelps

Noes, 5

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

Question resolved in the affirmative.

Motion agreed to.

Bills read a second time.

In Committee

TEMPORARY CHAIR (The Hon. Sarah Mitchell): The Committee will deal first with the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014.

Clauses 1 and 2 agreed to.

Schedules 1 to 4 agreed to.

Mr DAVID SHOEBRIDGE [5.35 p.m.]: On behalf of The Greens I speak against the adoption of schedule 5 by the Committee. Schedule 5 has been inserted to substantially increase the penalties for a number

of offences under the Summary Offences Act 1988. In particular, they increase the penalty notices for offensive conduct in a public place. The penalty will rise from \$150 to \$500. The penalty for offensive language in a public place is proposed to rise from \$200 to \$500.

TEMPORARY CHAIR (The Hon. Sarah Mitchell): Order! I am having difficulty hearing Mr David Shoebridge. I ask members to keep their conversations to a minimum.

Mr DAVID SHOEBRIDGE: The penalty for failure of an intoxicated person to comply with a move-on order by police is proposed to increase from \$200 to \$1,100. People served with a notice for offensive conduct or offensive language in a public place will now be hit with a \$500 fine and if they fail to comply with a move-on notice they will be hit with a \$1,100 fine. These offences have a disproportionately large impact on a number of already vulnerable members of our community. We know from previous studies that offensive conduct, offensive language and these kinds of failure to move-on directions are penalties most often brought against people who most often come into contact with the police. In New South Wales that will be Aboriginal people, mentally ill people, homeless people and young people.

Many of those people have far less financial means than the average person in New South Wales. The increase in fines to \$500 for offensive conduct or offensive language will mean that many of them will be unable to pay the fine. They will then have their fairly limited wages either garnisheed or if they are utterly unable to meet the fine their drivers licence will be cancelled and they will suffer a cascading impact on their lives. There has been no outcry anywhere in the State about an increase in swearing or offensive conduct per se in the public streets of New South Wales. There have been no highlighted instances of people failing to comply with move-on orders. However, the Government has simply used the cover of alcohol-related violence to substantially increase penalties for these modest public order offences.

Given that they will have such a disproportionate impact—and we know this—on Aboriginal citizens, on the mentally ill, on the homeless and on young people, there is no justification at all for the Chamber to support the Government's agenda to so significantly increase those penalties. The Government has not explained, either in the other place or in its contributions in this place, how it is that increasing those penalties will make New South Wales a better place. It will make New South Wales a more unfair place. It will impact on those people most in need of consideration and concern by the Parliament. It will not deter offending; we know that penalties do not deter offending. It will have a harsh and unjust impact.

I call upon all members in this House to look at this issue as a standalone issue. The Greens are opposed to these bills in their entirety, but there is a chance for members to look at this particular provision. The Minister was correct in his second reading speech to say that there were crocodile tears from the Opposition concerning how awful mandatory sentencing is and that the bill is unfair, yet the Opposition will vote for the great bulk of this bill. The Opposition should support The Greens proposal to vote against schedule 5 and speak against this particular unfair impost. I ask members of the cross bench to consider this as a standalone issue and look at the merits, the absence of argument in support and the unfair impact upon already vulnerable citizens in this State. The Greens proposal will knock a small amount of fairness into this bill.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [5.40 p.m.]: The Opposition will support The Greens proposal to vote against schedule 5. It is the only Greens proposal the Opposition will be supporting. The reasons for that support were outlined in my contribution to the second reading debate. The Opposition is concerned about the disproportionate impact that increased fines will have on already vulnerable and disadvantaged persons in our society, such as young people, Aboriginal people and people living with mental illnesses who will be at the receiving end of these increased fines. The Opposition is concerned about that. It does not see any justification for it and none has been outlined by the Minister in this Chamber or the Government in the other place as to the rationale in favour of massively increasing those fines. The Opposition does not see any argument in favour of it.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Central Coast, and Vice-President of the Executive Council) [5.41 p.m.]: There is a very good way for people to avoid the penalties as spelt out in relation to these criminal infringement notices: Do not commit the crime. If a police officer gives you a lawful direction to go home and you stand there and argue with him or her about it you will end up with a \$1,100 fine. The bill is drafted in a common sense way. If people take the lawful direction and go home when a police officer directs them to and does not stand and argue with them and disobey the lawful direction there will be no penalty. We had this debate when the Government included these

provisions in relation to intoxication in the criminal infringement notices. The same claims were made by The Greens and the Opposition that criminal infringement notices would be used against disadvantaged communities. There is not been one skerrick of evidence to support that point of view.

The Greens continue to refuse to give credit to Police Force training and the measures in place to ensure that the police are aware of Aboriginal persons and the limitations in the criminal infringement notices in that regard. The Greens will not give the Police Force credit for that training and those measures because it does not fit into the story line perpetrating the myth as they move around the inner western suburbs of Sydney that the police are abusing their powers. Despite the contribution by Mr David Shoebridge there is no evidence of widespread abuse of power by the NSW Police Force. The State Debt Recovery Office has strong measures in place to ensure alternative pathways for those people suffering financial hardship in relation to paying their fines. I again make the point that there is a good way to avoid the fine: Do not break the law in the first place.

Reverend the Hon. FRED NILE [5.43 p.m.]: During the second reading debate I focused on this particular section of the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014, page 11, schedule 5. I complimented the Government on the fine increases, which bring fines into line with cost of living increases in our society. It is not extravagant. I think it is important. I was surprised that Mr David Shoebridge has not heard any complaints from the public about the increase in offensive language. I am hearing it all the time from my constituents. I suggest the member visit shopping centres and talk to families there about some of the language that young people are using in public. Previously it may have been used privately but now they are shouting it out in the streets and shopping centres. The Christian Democratic Party does not support The Greens proposal to vote against schedule 5. The words should be retained in the legislation. The Government must educate the community as to the meaning and application of these laws so that young people understand these provisions and will not get into trouble.

Mr DAVID SHOEBRIDGE [5.44 p.m.]: The Minister states that there is no evidence to support the proposal to vote against schedule 5. All the evidence about the gross rate of over representation of Aboriginal persons in our criminal justice system confirms the concerns of The Greens. The figures in the 2013 budget estimates show from a population base of 2½ per cent Aboriginal juveniles make up 50 per cent of those people detained in New South Wales jails. The tasing statistics released by the Ombudsman showed that young Aboriginal men are 100 times more likely to be tasered than the average citizen in New South Wales. Once police draw a taser Aboriginal people are more likely to have the taser fired and used on them than non-Aboriginal people in New South Wales. From a population base of 2½ per cent Aboriginal citizens make up 26 per cent of the jail population across Australia. That array of statistics is a small bite of the gross over representation of Aboriginal citizens in our criminal justice system.

The prosecution of these offences will be disproportionately brought against Aboriginal citizens because it occurs in every aspect of the criminal justice system. This is an arbitrary increase in fines that is effectively mandatory minimum fines for offensive conduct, offensive language and failure to comply with a move on direction. The Minister asks, "Where is the evidence?" I cannot believe that the Minister for Police does not know the basic fact of over representation of Aboriginals citizens in the criminal justice system. The fact that the Minister baldly makes those statements is an indictment on him and the information he is receiving from his department.

TEMPORARY CHAIR (The Hon. Sarah Mitchell): I clarify for members that the question before the Committee is that schedule 5 as read stand the schedule of the bill, to which The Greens have indicated that they will be voting "No".

Question—That schedule 5 stand as part of the bill—put and resolved in the affirmative.

Schedule 5 agreed to.

Schedule 6 agreed to.

Title agreed to.

TEMPORARY CHAIR (The Hon. Sarah Mitchell): The Committee will now deal with the Liquor Amendment Bill 2014.

Clauses 1 and 2 agreed to.

Dr JOHN KAYE [5.48 p.m.]: I move The Greens amendment No. 1 on sheet C2014-002D:

No. 1 Page 6, schedule 1 [18], proposed section 58A. Insert after line 21:

- (5) A periodic licence fee for a licence payable on a due date in accordance with the regulations made under this section must be an amount that is 5 per cent of the amount received in respect of liquor sold or supplied on the licensed premises concerned during the period to which the fee payable relates unless the application of the matters referred to in subsection (3) would reduce the fee below that amount.

I draw the attention of the House to proposed section 48, which creates risk-based licensing. Although it is referred to as "periodic licensing", it is periodic licence fees that are set on the basis of risk. If it were periodic licensing there would be a review of the licence periodically with some threat that it could be repealed. This legislation provides for periodic licence fees set on the basis of a number of factors outlined in proposed section 58A, which refers to the factors that may mitigate against a full licence fee. We will not know the details until we see the regulations, but it appears that a licence would be established and venues would be accessed according to their location, trading hours, patron capacity, offences committed in relation in the licensed premises, compliance with the requirements of the Act or other Acts, and the number of packaged liquor licences held by the same person.

If risk-based licensing is to be something other than a revenue collecting measure—that is, if it is designed to create incentives to licence holders to amend their behaviour—it should have real teeth. However, it will have no impact whatsoever on a bar like the Ivy if the fee is \$30,000 because that could be covered by about 30 minutes of turnover. The intention of this amendment is to set the maximum licence fee at 5 per cent of the turnover during the previous licence period and to allow that to be adjusted downwards by various other factors. For a large venue located in a dangerous area in which many offences have been committed at or in relation to the licensed premises and where the licensee has not complied with the requirements of the principal Act, the full licence fee would be imposed at 5 per cent of turnover. That would be a real incentive to licensees to avail themselves of proposed subsection (3) to reduce the number of offences committed and to improve their compliance. The objective of this amendment is to increase the pressure on licensees to comply with the legislation by providing real financial incentives to behave themselves.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Central Coast, and Vice-President of the Executive Council) [5.52 p.m.]: The High Court dealt with this issue conclusively in *Ha and Anor v. State of New South Wales and Ors* and *Walter Hammond and Associates v. State of New South Wales*. The Greens amendment would effectively impose a 5 per cent tax based on sales, and I am advised that that would be unconstitutional. A change of this nature applied solely on basis of volume and with no regard to regulatory impacts is categorised as an excise or the appearance of such. Australian States are constitutionally barred from imposing an excise because the Commonwealth covers the field.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [5.53 p.m.]: As much as it might be interesting to return to collecting excise, that activity is not available to this State. That is one of the reasons the Opposition does not support this amendment. The Labor Party supports risk-based licence fees; in fact, it is an important plank of its Drink Smart Home Safe policy that was launched last November. Risk-based licence fees have been adopted in many jurisdictions in response to the harm linked to the increased availability of alcohol. They act as a motivational tool whereby licensees are encouraged with lower licence fees to reduce trading hours, to adopt more responsible business models and to take proactive measures to reduce alcohol-related violence in and around their venues. Additional revenues generated by risk-based licensing fees are intended to be spent on measures designed to tackle alcohol-related harm such as more police officers, more public transport, closed-circuit television coverage in alcohol violence hotspots, and educational campaigns.

However, to be successful any risk-based licensing fee system must be carefully constructed after extensive consultation with the community and industry not only to ensure that the right licence fees are struck—I have no idea whether 5 per cent is too high or too low—but also to ensure that it is technically competent and does not fall foul of the obvious flaw in this proposal in that it is an unconstitutional revenue measure. While the Opposition supports risk-based licensing fees, this is not the right model. It needs to be properly and carefully considered.

Question—That The Greens amendment No. 1 [C2014-002D] be agreed to—put and resolved in the negative.

The Greens amendment No. 1 [C2014-002D] negatived.

Dr JOHN KAYE [5.54 p.m.], by leave: I move The Greens amendments Nos 2 and 3 on sheet C2014-002D in globo:

No. 2 Page 14, schedule 1. Insert after line 37:

[29] Section 135A

Insert after section 135:

135A Additional parties to accord

- (1) The Director-General must, by notice in writing given to all licensees in the area to which a local liquor accord applies who are not parties to the accord, direct the licensee to become a party to the accord.
- (2) The Commissioner of Police and Director-General are to vary the accord by including the names of any licensee who becomes a party to the accord in accordance with such a direction.

No. 3 Page 14, schedule 1. Insert after line 37:

[30] Section 136 Requirement to contribute to costs of implementing local liquor accord

Insert after section 136 (1):

- (1A) Without limiting subsection (1), any such direction must require part or all of any such contribution to be made to any local council that is a party to the local liquor accord concerned or that is the council for a local government area which comprises (in whole or in part) the area to which the accord applies.

I suspect that amendment No. 2 is constitutional. It makes membership of liquor accords compulsory for all licensed venues and licensed liquor outlets within an accord area. The director general must give notice in writing to all licensees in an area that they are required to join the liquor accord. This is in line with recommendation 8.24 of the 2003 NSW Summit on Alcohol Abuse, which states:

Accords should be mandatory and enforceable, with a statewide regime of liquor accords underpinned by legislation which highlights their role in decreasing alcohol-related crime and antisocial behaviour

That call was reiterated in the report of the Standing Committee on Social Issues entitled "Strategies to reduce alcohol abuse among young people in New South Wales", which was tabled in this Chamber this morning. Recommendation No. 5 states:

That the NSW Government require all liquor licensees within an area covered by a local liquor accord to be a member of that accord.

This amendment removes the perverse incentive that exists whereby good venues join the accord and do the right thing but those that do not do the right thing do not join and avoid the associated costs and constraints. The Standing Committee on Social Issues and the 2003 NSW Summit on Alcohol Abuse agree that accord membership should be compulsory.

Amendment No. 3 ties the revenue generated by the accord to local councils to be spent in whole or in part on reducing the impacts of liquor consumption and sales in the area and also reducing the damage done by those sales. Taken together, these amendments implement the views of a broad range of people that we should have compulsory liquor accords and that the fees collected under section 136 should be available to local councils to address the issues associated with alcohol-related antisocial behaviour and the adverse impact of alcohol sales. I commend the amendments to the House.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [5.58 p.m.]: The Opposition does not support these amendments. We support the notion of local liquor accords. However, it is their essentially voluntary nature that makes them so important and effective because people make a real commitment. It is regrettable when local businesses fail to join accords, but mandating membership in the way proposed in these amendments would be ineffective in an operational sense. For those reasons the Opposition does not support the amendments.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Central Coast, and Vice-President of the Executive Council) [5.59 p.m.]: The Greens amendment No. 2 advocates for mandatory participation in local liquor accords. As The Greens may be aware, mandatory

participation in liquor accords was a recommendation made by the Social Issues Committee following its inquiry into alcohol abuse. That recommendation, along with the others made by the committee, is currently being considered by the Government. With regard to The Greens amendment No. 3, this power already exists in the Liquor Act, allowing the Director General of NSW Trade and Investment to direct any licensee to contribute to the costs of promoting or giving effect to the accord, and the intervention of local government is not required. For those reasons, the Government will not be supporting these two amendments.

The Hon. JAN BARHAM [6.00 p.m.]: I speak in support of The Greens the amendments Nos 2 and 3. I can speak about the experience of trying to get outcomes for a local community that has an ongoing expansion of alcohol outlets. We saw that particularly under the previous Government and the 2008 Liquor Act amendments that allowed a tripling of liquor licences in my local area. Why is it that these licensees were profiting and prospering from the attraction and location of Byron Bay when no funds were being returned to the community to fund education and support measures to help young people deal with the negative impacts of alcohol abuse?

Public transport, as I and other members have mentioned, is one area where there is a direct link between the use of funds raised and the ensuring of good outcomes. This can be through the process of a liquor accord, where everyone comes together and puts together a management plan and determines what outcomes work well for a particular locality and how money can be well spent. I note that under the previous Government funds were made available through the Department of Transport to support late-night buses. Over the past decade or so I have attended three launches of a late-night bus to support people get home after a night out, with funding provided by government and councils with very modest contributions from the licensees. But when funding from government agencies was no longer available, everything else fell away; licensees were unable to make the very modest contributions that they had been making.

The amendments propose a means by which not only will people be buying into an issue affecting their local area and considering what can be done to improve outcomes for the community, but there will also be a source of funding that can be well applied to mitigation measures. As with the Alcohol Summit 2003 and the current Social Issues Committee recommendation, I think it is important to see these proposals as a positive step forward.

The Hon. JEREMY BUCKINGHAM [6.03 p.m.]: I make a brief contribution in support of Dr John Kaye's sensible amendments. In Orange a few years ago the level of alcohol-related violence was utterly intolerable; a number of violent incidents and antisocial behaviour became associated with major events, such as the races and other travelling events coming through town. It was really out of control. Some of the hotels in Orange were among the most violent places in New South Wales.

The Hon. Dr Peter Phelps: Is that why you moved out of Orange?

The Hon. JEREMY BUCKINGHAM: They occurred when I was not in attendance. People were very well behaved while I was there. These were very serious incidents, some resulting in deaths. In one tragic incident a young man who was completely and utterly intoxicated walked in front of a truck. There was a complete failure of the responsibility of the licensee to stop serving that young man alcohol because it ended up with the young man losing his life. Orange City Council moved to bring in a voluntary liquor accord. Where licensees signed up to that voluntary liquor accord it worked very well.

Three hotels in particular that signed up to accords dealt with issues such as closing times, the use of plastic cups, engagement of more security and provision of buses to take patrons home. That worked very well. But because one licensee would not participate that undermined, and I believe continues to undermine, public safety. So mandatory liquor accords are much better; they get everyone, especially in regional centres, participating and making them accountable and responsible for the safety of people and dealing with alcohol-related violence and antisocial behaviour. The mandatory element is good because it ensures that one licensee cannot undermine the good work of those who are endeavouring to reduce this antisocial, alcohol-related behaviour.

Question—That The Greens amendments Nos 2 and 3 [C2014-002D] be agreed to—put and resolved in the negative.

The Greens amendments Nos 2 and 3 [C2014-002D] negated.

Dr JOHN KAYE [6.06 p.m.]: I move The Greens amendment No. 4 on sheet 2014-002D:

No. 4 Page 14, schedule 1. Insert after line 43:

[32] Section 155

Insert after section 154:

155 Regional alcohol management plans

- (1) A local council that is not within the metropolitan area of the Sydney region may prepare a draft alcohol management plan that aims to minimise or prevent alcohol-related violence or anti-social behaviour, or other alcohol related harm, in its area and submit it to the Director-General for approval.
- (2) Before submitting a draft plan for approval, the council must give public notice of the draft plan and exhibit it (together with such other information as is appropriate or necessary to enable the draft plan and its implications to be understood) at the places, on the dates and during the times set out in the notice.
- (3) The Director-General must not approve a draft plan unless satisfied that the public has been given the opportunity and been encouraged to participate in its development and that there is public support (including that of young people living in the area of the council) for its implementation.
- (4) An alcohol management plan for a local government area may:
 - (a) contain recommendations with respect to the grant of licences and authorisations with respect to premises within the area to which the plan relates and the conditions imposed on such licences and authorisations (including the number (if any) and class of licences that may be granted and conditions relating to the sale of alcohol and trading hours of licensed premises) and the contribution to be made to the council under section 136, and
 - (b) include measures to be taken by the council with respect to the following:
 - (i) transport measures that assist in the reduction of street violence,
 - (ii) community education, drug and alcohol counselling and plans for mental health services that would, in the opinion of the council, assist in reducing the incidence of alcohol-related violence,
 - (iii) the collection and the assessment of the effectiveness of the measures set out in the plan in reducing alcohol-related violence,
 - (iv) an indicative annual budget for the measures.
- (5) The Authority or Director-General must not authorise the sale, supply or consumption of liquor on any licensed premises contrary to any recommendation under subsection (4) (a) and must take any recommendation under that subsection into account in making any decision concerning the grant of any licence or authorisation for the sale or supply of liquor under this Act or the conditions to which such a licence or authorisation is subject.

This amendment will insert into the Act a new section 155, "Regional alcohol management plans". The way the bill works is that proposed division 4 of part 6 creates the right under proposed section 116 (c) for the regulations to declare land to be described as a prescribed precinct. Section 116 (i) allows the regulations to impose specific licence conditions to premises in a prescribed precinct. So the bill creates a mechanism for the Minister to step in and say, "Here is a prescribed precinct, and here are the conditions we are going to impose on licences." It is very top-down. The question is: What are the triggers? There is no indication in the legislation as to what the triggers are for the Minister to do that. There is no indication of what involvement the local community will have. We see that as a totally sub-optimal solution to solving some of the regional alcohol problems.

There are areas such as Byron Bay which, I think it is fair to say, have had a 10-year debate on how to cope with antisocial behaviour. The former mayor of Byron Bay, Jan Barham, a former colleague, Ian Cohen, the current mayor of Byron Bay, Councillor Simon Richardson, and a number of other leading community members have been active in debating what sorts of solutions will work for Byron Bay. Of course, being Byron Bay, at times those debates become heated and quite spirited. But one can see emerging in Byron Bay a suite of measures that may help to resolve the issue. These are not the sorts of things that a Minister can impose. These are issues on which there should be full consultation with the community. To that end we propose a new mechanism for achieving alcohol management in specific areas: regional alcohol management plans.

Our proposed regional alcohol management plans, we believe, are only relevant to communities that operate outside of Sydney. They would not work in Sydney, where the contiguity between one council area and another would make it very difficult to solve issues on a council by council basis. But in areas outside of Sydney, where councils tend to have greater integrity on the control over a community, we believe these sorts of plans would work. The mechanism we are proposing is that a draft plan be developed by the council and then put to the community for involvement, participation and consultation. Most importantly, a plan will only work where the community has true buy-in; where they have been totally involved in the development of the plan. The plan is then submitted to the director general. The director general has to be satisfied that the public has been given an opportunity and has been encouraged to participate in the development of the plan, and that there is public support, including amongst young people living in the area of the council, for its implementation.

We envisage that alcohol management plans for a local government area may contain a range of measures including licence authorisations, hours of operation, hours for the sale of alcohol and other such matters. But we do not believe that is enough. Those measures have to be accompanied by a range of other measures that include transport. My colleague Dr Mehreen Faruqi spoke in great detail about the need for transport-based solutions to reduce street violence, community education, drug and alcohol counselling and plans for mental health services that would, in the opinion of the council, assist in reducing the incidence of alcohol-related violence.

We believe in prevention before cure. We believe that there is a real role for counselling and for mental health services to intervene before we get to the stage of needing the criminal justice system and even the licensing system. There should also be plans for the collection and assessment of the effectiveness of measures. One of the aspects of the Premier's announcement that I comprehensively support is the need for an evidence base—the collecting of data and evidence to try to assess the effectiveness of this legislation. There should also be an indicative annual budget. The proposed section gives the authority or the director general the ability to authorise a plan, but it must not authorise the sale, supply or consumption of liquor on any licensed premises contrary to recommendations within the plan. Our proposed subsection (5) gives teeth to the plan.

We believe this is a way of getting the community to buy into the issues of managing alcohol. We believe it is a way in which we can get the community to be part of the solution and we can have plans that have the support of the community and that are very much more likely to work than those which are imposed by the Minister from the top. We do not think one solution fits all communities. Different communities have different problems, different communities have different demographics and different communities have different aspirations. Every community knows itself better than this Parliament will know it and better than the Minister or the authority will know it. It is time to unleash communities and allow them to make their own decisions. I commend the amendment to the Committee.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [6.12 p.m.]: The Opposition does not support the amendment. We believe that the better solution generally to alcohol management is the establishment of a new independent regulator committed to minimising alcohol-related harm generally. I note the good intentions behind this proposal but I am not sure that involving local politicians on councils in the minutiae of licensing details and licensing regimes is a good idea. It is a proposal fraught with difficulty and I would be very sceptical about it. I am wholly unconvinced it is a good idea.

However, as I indicated in my contribution to the second reading debate, I am personally sympathetic to the idea of local councils having wider powers at the planning stage of whether or not to approve liquor outlets. As a councillor and as a mayor of the city of the Blue Mountains my council had to wrestle with this very difficult issue and I would certainly welcome exploring the planning regime and giving councils greater powers at the development approval stage. However, given the very short period of time to consider this amendment I do not think it is a good idea on its face; I would take a fair bit of convincing. We simply do not have the time now, so we will not be supporting the amendment.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Central Coast, and Vice-President of the Executive Council) [6.13 p.m.]: The Government will not be supporting this amendment. It is not required and precincts can be prescribed at any time by regulation.

The Hon. JEREMY BUCKINGHAM [6.13 p.m.]: I support Dr Kaye's excellent amendment. As Dr John Kaye has said, one size does not fit all and we should empower local communities to be involved and have ownership of regional alcohol management plans through this amendment. The Hon. Adam Searle said local councils should not have a role. My experience on Orange City Council is that as soon as these problems

arise the first people that the community turns to is the mayor, the general manager and other councillors because they see it; we see vandalism in the street. In Orange every year we had \$50,000 worth of damage to street signs because of drunks walking home, pulling the street signs out and throwing them into the bushes. It was absolute mayhem and a big problem. People were saying, "What happened to Beer Road?" The street sign for Beer Road in Orange disappeared every weekend. Nearly everyone in Orange had a Beer Road sign. I never had a Beer Road sign.

Some communities only have one pub. In Eugowra the Fat Lamb has closed so there is only one pub there now, but in other places such as Forbes there seem to be 300 pubs. There need to be regional solutions and communities need to be empowered to implement transport measures to try to reduce violence, to implement the community education provisions of this amendment, and to collect and assess the effectiveness of these measures and to set it out in a plan. It is a reasonable thing to do. We tried in Orange to do it and it had some success but, as I said previously, it was undermined by the fact that they were not mandatory liquor accords. However, to some extent a local solution did work. The council was very active and it did some things that I supported and some things that I did not—it introduced closed-circuit television but it also implemented an education plan—and through the mayor and others it exerted a lot of pressure. Councils should play a role by helping to create these regional alcohol management plans in consultation with the community. I think this is an excellent amendment and I support it wholeheartedly.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [6.16 p.m.]: I would just like to correct the contribution made by the Hon. Jeremy Buckingham. I do think there need to be greater roles for local communities and councils at the approval stage of liquor outlets, but I think that involving local councils and local elected politicians in the minutiae of licensing regimes is a corruption risk. We will not be supporting this proposal for that reason.

The Hon. JAN BARHAM [6.17 p.m.]: I speak in support of this amendment. Some of the points made have been valuable input. As the Hon. Adam Searle has said, councils should be involved in the approval of new developments, but what about areas where there are existing approvals that were given back in the 1980s when there were no hours of operation? In my area old venues have been bought, resold and expanded, and are constantly operating to an expansive level on old approvals. There is no need for more approvals and many of the operators there do not want more approvals. They are the ones complaining about a Dan Murphys coming in or new operators because they have a very nice stronghold on the current situation and the community has no say on what goes on. That is why a management plan is of value.

The community cannot be separated from this problem; the community bears the impact of it. Members of the community are the ones who fear going into their town at night or who reconsider going out to dinner because they do not want to be in town after 10 o'clock at night and experience the violence that other people have experienced. It happens in many areas. I know from my experience of being on the Sea Change Taskforce that it is not just limited to New South Wales; other coastal tourism communities are facing similar circumstances. I note that the Minister for Police said that the object of the bill is to enable the regulations to declare areas to be prescribed precincts and to impose regulatory conditions on licensed premises within those precincts.

I appreciate those words in the bill but I seek clarification. We do not know who can make an application to have those areas declared as prescribed precincts. How will the process be rolled out to bring about a response to major community outrage about the problems associated with alcohol abuse? My community and the regions believe that this legislation is all about Sydney, but the issue is not confined to Sydney. Small communities do not have sufficient resources. They cannot wait for hours for officers to arrive to contain a riot. Local residents may be denied access to health services because the hospital is full following a fight in the street.

The media coverage has been all about Sydney. The Hon. Jeremy Buckingham, Dr John Kaye, who is the portfolio spokesperson and who has moved this amendment, and I have raised the concerns of people across the State. They have a right to have their issues addressed. Our constituents want to have a say about the businesses in their towns and their responsibility to their community. They do not want businesses to take the profits and relinquish their responsibilities. This legislation should address the right of communities to ensure they are safe through the provision of alcohol management plans, and council has a strong involvement in that regard. There are so many aspects where council has a role to play. My council voted unanimously for a liquor accord trial. A last drinks program was cancelled, following no response to letters to government. We need oversight of communities so that they can make application and be heard and respected, as they carry the weight of the outcomes.

The plans of management in Newcastle are a good example of restrictions put in place by the Licensing Court. The involvement of the community and councils is important. I thoroughly support the amendment and ask the Government to approach those hotspot communities that have been identified by the Bureau of Crime and Statistics and Research. Those communities should be advised that they have the right to make an application and such applications should be taken seriously by the Government.

Dr JOHN KAYE [6.22 p.m.]: The attitude disclosed in the contributions of both the Government and the Opposition is alarming in relation to addressing the issues of alcohol-related violence. The Deputy Leader of the Opposition fixated on the issue of local councillors being involved in minutia without recognising that this is about community buy-ins. This is about communities having a say about their own future and empowering communities. The Greens amendment has been drafted to put the public in the box seat. The director general cannot approve the plan unless he is satisfied the public has been given the opportunity and has been encouraged to participate in the development and that there is public support, including from young people in the area, for its implementation.

This amendment is not about a few councillors pursuing their own personal interests. It is about community involvement in mapping out their future and how they will deal with the problems of alcohol-related violence. It is crucial that we do not fall back into the old thinking that the best people to make these decisions are bureaucrats within the Office of Liquor, Gaming and Racing. That is not the right place to make these decisions. These decisions have to be born and developed in the community. In the absence of any undertaking or explanation from the Government about how the process under the prescribed precincts declaration will operate and without any undertaking that there will be community input, it is essential that we go ahead with an amendment that empowers the community. I commend the amendment to the Committee.

Question—That The Greens amendment No. 4 [C2014-002D] be agreed to—put and resolved in the negative.

The Greens amendment No. 4 [C2014-002D] negatived.

Schedule 1 agreed to.

Dr JOHN KAYE [6.25 p.m.]: I move The Greens amendment No. 5 on sheet C2014-002D:

No. 5 Page 23, schedule 2 [17], line 28. Omit "That". Insert instead "Barangaroo (within the meaning of the Barangaroo Delivery Authority Act 2009) and that".

This amendment will include the Barangaroo precinct as defined in the Barangaroo Delivery Act within what is called the Sydney CBD Entertainment precinct, which is commonly referred to as the expanded central business district precinct. The map on page 24 of the bill clearly shows an anomaly. The anomaly is that the Barangaroo precinct, which is not yet developed, has been given a get-out-of-jail-free card. It will work for Mr Packer if he obtains his licence for the new casino and for the developers of Barangaroo to push up the value of their property, but it will not work for Sydney. The boundaries need to have the maximum amount of integrity. But the excision—which is the entire length of Hickson Road to the west to the harbour and it is hard to ascertain the exact boundary at the southern extremity—is completely irrational. It makes no sense other than to deliver gifts to the Crown casino and the developers of Barangaroo. There should be integrity of the boundary. Therefore, The Greens propose that we include all that section. I commend the amendment to the Committee.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [6.26 p.m.]: The Opposition does not support The Greens amendment No. 5. Dr John Kaye correctly pointed out that the Barangaroo site is a development site, that is, a hole in the ground where work is going on. Regulating it in this way at this time is nonsensical. The Opposition is unpersuaded by the proposition in this amendment. There are already satisfactory regulatory mechanisms in the bill to extend the precinct to cover the area if the need arises.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [6.27 p.m.]: The Government opposes The Greens amendment No. 5. In addition to the matters raised by the Opposition, the Barangaroo site will be dealt with in the same way as The Star casino, that is, subject to strict controls under the Casino Control Act. Further, there are no venues at that site and, therefore, no regulatory supervision is required.

Mr DAVID SHOEBRIDGE [6.27 p.m.]: It is clear that the way to get a break from this Government on its alcohol-related violence package is to be a very senior mate. Clearly, Mr Packer did not want the site at

Barangaroo to be covered by these laws. It probably involved only one phone call or maybe this Government is so covered by Mr Packer that a phone call was not required and it just excluded his site at the outset. The Opposition says that it does not make sense because the site has no venue at the moment. We know a casino, hotels and venues are being built as we speak. We are not talking about the far distant future; they are being built now. The Government has not excluded any other building site in Sydney, but it has excluded Barangaroo.

What is special about Barangaroo is a very senior mate. It is just business as usual in New South Wales. Senior mates get exemptions and the casino is carved out of these changes. The Government has made a hollow statement that the Casino Control Act manages them but it has not once explained in any way how that Act will or will have ever worked to deal with alcohol-related violence.

The Hon. LUKE FOLEY (Leader of the Opposition) [6.29 p.m.]: What a low-rent stunt from the masters of low-rent stunts, the Rhiannonite wing of The Greens party of New South Wales. They want to invoke Barangaroo, Packer and casinos because, consistent with their entire approach to politics, they have a list of goodies and a list of baddies. If they were fair dinkum about the integrity of the boundaries, as Dr John Kaye suggested, they would not simply add Barangaroo. They would add Darling Harbour—all of Darling Harbour, not just The Star and a future gaming venue—Surry Hills, Broadway and other parts of the city.

There is logic to the boundaries of the precinct contained in the bill which is based on violent assaults and where they occur—the George Street precinct and Kings Cross. In the future, this Parliament may have to expand that boundary. I have a real concern that at 3.00 a.m. people will wander from Kings Cross to Surry Hills or from George Street to Broadway or Darling Harbour and keep drinking. That is a very real problem we can all foresee. If the police told us that was the case, I think the Government and Opposition and all responsible parties would favourably view a suggestion, based on the evidence, to extend the precinct to the whole city. But to simply single out two venues and invoke the words "casino", "Packer" and "gaming" is just undergraduate sloganeering from the masters of undergraduate sloganeering, the New South Wales Greens. Once again, one sees that they are not serious in their approach to politics.

Dr JOHN KAYE [6.31 p.m.]: I thank the Leader of the Opposition. If I have achieved anything today, I have got the Leader of the Opposition to engage in this debate. Working backwards, I will start with the Leader of the Opposition and his contribution. He says that we mentioned Barangaroo, but why not Darling Harbour or Surry Hills? I invite the Leader of the Opposition to look at the map. It is clear that the one standout excision from the map is Barangaroo.

The Hon. Trevor Khan: No, it's not.

Dr JOHN KAYE: I do not know how the member opposite reads it but when I see that an area that is contiguous with the rest of the central business district is suddenly outside the map, where the line of the map runs down Hickson Road in order to avoid Barangaroo, it is clearly a deliberate excision. The member says this is about casinos. The Greens did not mention casinos; it was the Hon. Luke Foley and the Hon. John Ajaka who brought up casinos. They let the cat out of the bag. This is about protecting their mates. Suddenly, when we introduce an amendment that is vaguely related to the casino, out come the big guns of the Labor Party. They are worried because somebody is going after Packer.

When one looks at the map, there are good reasons for the amendment. The Deputy Leader of the Opposition says we can regulate the area after there is violence in the precinct. There is something deeply wrong with measures that are supposed to be preventative but are not to be implemented until after it is too late. Mr David Shoebridge makes a valid point that the Barangaroo precinct is being developed as we speak, presumably now as a liquor intensive precinct because they have a get-out-of-jail-free card. The developers can up the value because they will be able to have late-night venues. That area will become the late-night venue for Sydney and there will be a flux of people coming across Hickson Road from the northern central business district and out from Kings Cross into the Barangaroo precinct, adding value to the developer and adding value to Mr Packer's development.

It is irrational to exclude that one section of the central business district. The sole section of the central business district that is excluded is the Barangaroo precinct. Just because it has not been developed does not mean it should not be included. Specifically because it has not been developed it should be included. The developers then would know that they will be under the same restrictions as the rest of the central business district and will not become the booze capital of the central business district. It is extraordinary to hear the outcry when one goes anywhere near the subject of the casino. Suddenly there is a tirade of abuse. The Leader

of the Opposition is a maestro of abuse; I congratulate him on the eloquence of his abuse. Suddenly we are the maestros of undergraduate sloganeering, just because we dare to mention the casino. Because we dare to mention Barangaroo, we are suddenly sloganeers.

I want to make it clear that any person looking at this map, other than those with a specific agenda, would say: Why has that section that runs along Hickson Road, the Barangaroo development area, been excluded? They would then say: If it has been excluded, surely the developers in that area will be developing specifically to be alcohol venue intensive. Is that what we want? Do we want to shift all the problems that existed in the central business district to Barangaroo? Members can scream, yell and abuse all they like about the casino and whether or not The Greens are undergraduates, but the reality is that if our amendment is negated that area will become the booze precinct for Sydney. It will fatten the profits of the developers but it will do nothing to address the problems of Sydney.

The Hon. ROBERT BROWN [6.36 p.m.]: I have listened to the debate in my office and in the Chamber; it has been an outstanding debate. The regional green Greens put forward some excellent arguments in relation to regional New South Wales but they were blown out of the water by Dr John Kaye's Freudian slip when he talked about how regional councils can better "control" their communities. This amendment is an example of the manner in which The Greens view casinos. This is how The Greens view casinos—and I am making it difficult for Hansard because the record is written not visual—one-eyed.

The Hon. JEREMY BUCKINGHAM [6.38 p.m.]: The Hon. Robert Brown is wrong in his contribution. If he had listened clearly to my contribution, I said that the process and outcomes of the voluntary liquor accords in Orange were undermined because one person was exempt. It must be all in. That was the point I made. One publican, one licensee, would not participate in the liquor accord, would not agree to the staggered closing times, would not—

The Hon. Trevor Khan: Point of order: The member is not speaking to the amendment but rather to a previous event. He should either speak to the amendment or sit down.

The Hon. JEREMY BUCKINGHAM: To the point of order: I had only just begun my contribution. It may be a little complex.

TEMPORARY CHAIR (The Hon. Sarah Mitchell): Order! I uphold the point of order. The rules for speaking in debates at the Committee stage are strict. The member should speak to The Greens amendment No. 5.

The Hon. JEREMY BUCKINGHAM: Clearly, the excision of the Barangaroo site is a microcosm of what happened in Orange. If one site is excised it becomes a magnet for antisocial behaviour. The Leader of the Opposition might not get down to Melbourne very often but he should have a look at the Crown Casino in Melbourne, a massive casino in the heart of the city. That casino has huge problems with antisocial behaviour and alcohol consumption. That is exactly what we will see at Barangaroo. Because it is exempt, it will deliver a massive incentive to the developers to make the service of alcohol intensive. It might make them very profitable but invariably it will become a magnet for antisocial behaviour. It will transfer the problems in Kings Cross to Barangaroo in the same way that problems were transferred from the Hotel Canobolas in Orange to the Hotel Orange. It is a similar example and if the Government were serious it would apply the same rules to Barangaroo and its billionaire mates that will apply to the rest of the city.

Mr DAVID SHOEBRIDGE [6.40 p.m.]: If one wants to see an example of where a casino attached to the central business district becomes the late-night drinking venue and late-night alcohol venue, one only needs to go to Melbourne and see the Crown Casino. It really is the late-night drinking venue in Melbourne. It sucks in thousands of people in venues that never close and constantly serve alcohol. That is the concern about excising this from Barangaroo. The Hon. Robert Brown accused The Greens of being one-eyed about casinos. I am very happy to place on the record that I am one-eyed about casinos. They are bad for families and they are bad for communities. People's entire family homes and mortgages are lost in casinos. They are a destructive influence in society. I am one-eyed about them. I think they are a bad institution in a city.

What will make this worse is not only will the casino be a great, big, grand protected Packer enterprise it will also suck in patrons because it is the big late-night venue in Sydney. I find it remarkable that we have had an array of debates in this Chamber just today on cancelling corruptly obtained coal licences, on the awful

effects of alcohol-fuelled violence and on the impacts of mandatory sentencing and whether it is harsh or unjust and the only thing that the Leader of the Opposition speaks about is in defence of Jamie Packer and casinos. It shows exactly where he is in politics.

Question—That The Greens amendment No. 5 [C2014-002D] be agreed to—put.

The Committee divided.

Ayes, 5

Ms Barham
Mr Buckingham
Dr Faruqi

Tellers,
Dr Kaye
Mr Shoebridge

Noes, 26

Mr Ajaka	Mr Harwin	Mr Searle
Mr Borsak	Mr Khan	Mr Secord
Mr Brown	Mr Lynn	Ms Sharpe
Mr Clarke	Mr MacDonald	Mr Veitch
Ms Cotsis	Mr Mason-Cox	Ms Voltz
Ms Cusack	Mr Moselmane	Mr Whan
Mr Donnelly	Reverend Nile	<i>Tellers,</i>
Mr Foley	Mrs Pavey	Mr Blair
Mr Gay	Mr Primrose	Dr Phelps

Question resolved in the negative.

The Greens amendment No. 5 [C2014-002D] negatived.

Dr JOHN KAYE [6.50 p.m.]: I move The Greens amendment No. 6 on sheet C2014-002D:

No. 6 Page 23, schedule 2 [17], line 30. Insert "and the premises defined as a casino for the time being under section 19 of the Casino Control Act 1992" after "Racing".

I suspect that the many abusive contributions made in respect of the last amendment can be applied to this amendment mutatis mutandis. The reality of the arrangements for the expanded central business district precinct is that at 3.00 a.m. a large number of people will flow across the border to the nearest alcohol venue open at that time, one of the largest of which is The Star casino. This amendment includes The Star in the legislation to ensure that it does not experience a sudden influx of patrons at 3.00 a.m. If there is any benefit to be gained by imposing a 3.00 a.m. last drinks regime there is little point in diluting it by providing another location at which people can drink such as The Star. I do not know whether members have been to the casino late in the evening, and it has been a while since I have been there. However, the last time—

The Hon. Duncan Gay: That is not right; it is on the way to North Korea.

Dr JOHN KAYE: I will acknowledge that interjection because it will go on my list of stupid things said recently by the Deputy Leader of the Government. The last time I was there it was after an event elsewhere and even at 11.30 p.m. it was extremely unsavoury. There were many yobbos and a great deal of alcohol was being consumed. That would be amplified if it became a venue of choice for people leaving the Sydney precinct at 3.00 a.m. This amendment is designed to close that loophole by including the largest venue on the border of the expanded precinct in the legislation. I commend the amendment to the Committee.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [6.53 p.m.]: The Opposition does not support this amendment. The Independent Liquor and Gaming Authority already regulates the casino and has various functions in relation to it. Having multiple regulatory regimes for the casino is undesirable. In any case, Dr Kaye has not made out his argument.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [6.54 p.m.]: The Government opposes the amendment and agrees with the Opposition. The Star is clearly subject to strict controls under the Casino Control Act.

Question—That The Greens amendment No. 6 [C2014-002D] be agreed to—put and resolved in the negative.

The Greens amendment No. 6 [C2014-002D] negatived.

Schedule 2 agreed to.

Schedule 3 agreed to.

Title agreed to.

Bills reported from Committee without amendment.

Adoption of Report

Motion by the Hon. John Ajaka, on behalf of the Hon. Michael Gallacher, agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. John Ajaka, on behalf of the Hon. Michael Gallacher, agreed to:

That these bills be now read a third time.

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

MINING AMENDMENT (ICAC OPERATIONS JASPER AND ACACIA) BILL 2014

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

FOREST AGREEMENTS AND INTEGRATED FORESTRY OPERATIONS APPROVALS

Amendments

The Deputy-President (The Hon. Trevor Khan) announced the receipt, pursuant to section 69H of the Forestry Act 2012, of an amendment to the Integrated Forestry Operations Approval for the Riverina Red Gum, dated 19 December 2013, including a statement of reasons for lateness, received out of session and authorised to be made public this day.

STANDING COMMITTEE ON STATE DEVELOPMENT

Government Response to Report

The Hon. Duncan Gay tabled the Government's response to report No. 37, entitled, "Adequacy of Water Storages in New South Wales", tabled on 26 June 2013.

Ordered to be printed on motion by the Hon. Duncan Gay.

REPRESENTATION OF MINISTERS IN THE LEGISLATIVE ASSEMBLY

The Hon. DUNCAN GAY: I inform the House of changes in the representation of Government responsibilities in this Chamber.

I shall act on behalf of the following Ministers in the other House:

The Hon. Andrew Stoner, Deputy Premier Minister for Trade and Investment, and Minister for Regional Infrastructure and Services

The Hon. Gladys Berejiklian, Minister for Transport

The Hon. Mike Baird, Treasurer

The Hon. Andrew Constance, Minister for Finance and Services

The Hon. Anthony Roberts, Minister for Resources and Energy, Special Minister of State
The Hon. Katrina Hodgkinson, Minister for Primary Industries, and Minister for Small Business
The Hon. Kevin Humphries, Minister for Western New South Wales

The Minister for Police and Emergency Services, Minister for the Central Coast, and Vice-President of the Executive Council shall act on behalf of the following Ministers in the other House:

The Hon. Barry O'Farrell, Premier, and Minister for Western Sydney
The Hon. Brad Hazzard, Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW
The Hon. Greg Smith, Attorney General, and Minister for Justice
The Hon. Jillian Skinner, Minister for Health, and Minister for Medical Research
The Hon. Kevin Humphries, Minister for Mental Health, and Minister for Healthy Lifestyles
The Hon. George Souris, Minister for Tourism, Major Events, Hospitality and Racing, Minister for the Hunter, and Minister for the Arts
The Hon. Mike Baird, Minister for Industrial Relations

The Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra shall act on behalf of the following Ministers in the other House:

The Hon. Andrew Piccoli, Minister for Education
The Hon. Pru Goward, Minister for Family and Community Services, and Minister for Women
The Hon. Victor Dominello, Minister for Citizenship and Communities, and Minister for Aboriginal Affairs
The Hon. Gabrielle Upton, Minister for Sport and Recreation
The Hon. Stuart Ayres, Minister for Fair Trading, and Minister Assisting the Premier on Western Sydney
The Hon. Robyn Parker, Minister for the Environment, and Minister for Heritage
The Hon. Don Page, Minister for Local Government, and Minister for the North Coast

MATTHEW DANIEL, FORMER DEPARTMENT OF PLANNING AND INFRASTRUCTURE EMPLOYEE

Production of Documents: Return to Order

The Clerk tabled, pursuant to resolution of 31 October 2013, as amended on 13 November 2013, additional documents relating to an order for papers regarding Mr Matthew Daniel, received this day from the Director General of the Department of Premier and Cabinet, together with an indexed list of the documents.

Production of Documents: Claim of Privilege

The Clerk tabled a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. The Clerk advised that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

SPECIAL ADJOURNMENT

Motion by the Hon. Duncan Gay agreed to:

That this House at its rising today do adjourn until Tuesday 4 March 2014 at 2.30 p.m. unless the President, or if the President is unable to act on account of illness or other cause, the Deputy President, prior to that date, by communication addressed to each member of the House, fixes an alternative day or hour of meeting.

ADJOURNMENT

The Hon. DUNCAN GAY (Minister for Roads and Ports) [7.01 p.m.]: I move:

That this House do now adjourn.

COAL SEAM GAS

The Hon. JEREMY BUCKINGHAM [7.01 p.m.]: I rise to speak on the Government's actions to date on coal seam gas. At the outset I would like to list some of what we have had from the Government since it was elected in March 2011. In May 2011 it introduced a fracking moratorium. In July 2011 the fracking moratorium was extended. In August 2011 an inquiry into coal seam gas was established. In December 2011 the fracking moratorium was extended again. In April 2012 the fracking moratorium was lifted. In May 2012 the coal seam gas inquiry reported. In September 2012 the strategic regional land use package was announced. In October 2012 there was an end to the royalty holiday and increased fines for breaches were announced. In December 2012 Jock Laurie was appointed Land and Water Commissioner.

In March 2013 there were changes to the State Environmental Planning Policy. In May 2013 the Petroleum (Onshore) Amendment Bill was introduced in the Legislative Assembly. In July 2013 there was an announcement that legal representation was available at arbitration. In July 2013 the Chief Scientist began her interim report. In October 2013 the Government re-announced its strategic regional land use package. In November 2013 it announced a hold on coal seam gas in Sydney water catchments. Also in November 2013 it released a draft access code and Government amendments to the Petroleum (Onshore) Amendment Bill. Also in November 2013 it introduced the public interest test. And in January 2014 it re-announced, for the third time, its strategic regional land use package.

This is an absolute debacle. The Santos submission to the Legislative Assembly inquiry into coal seam gas listed even more of the announcements. I feel sorry for Santos. I know they are out there in the Pilliga upturning the community and trying to destroy a huge forest, but they do not know whether they are Arthur or Martha, or whether they are coming or going, because this Government flip-flops back and forwards every day. The latest case in point relates to critical industry clusters. Despite all that I have listed, there is huge confusion among stakeholders across the State; they are unsure how to protect themselves from the threat of coal seam gas. The critical industry clusters are a case in point. The Government definition for "critical industry clusters" is that they are "localised concentrations of interrelated product industries" threatened by coal seam gas or mining.

But so far the only clusters we have had announced are for equine and viticulture in the Hunter region. There is no transparent, independent process for the assessment of applications for critical industry cluster status. At this stage there is not in New South Wales a transparent process available for agriculture and tourism in this State to apply for critical industry cluster status. The agricultural industry has told us that they are confused about how to proceed. It is even unclear which department should process applications. Today I contacted the Department of Planning, which told me it was the Department of Primary Industries. We contacted the Department of Primary Industries, and they told us it was the Department of Planning.

It is a debacle, an unmitigated mess and disaster that is confusing the coal seam gas marauders and also the farmers of New South Wales. Yesterday we had another announcement that 0.4 per cent of the State has been protected as critical industry clusters. The rice growers of the Murrumbidgee irrigation area have said they want critical industry cluster status—and we think they should have that status. Helen Dalton, who is an irrigator and is also on the NSW Farmers board, said:

I'm against it in the middle of highly productive agricultural country; I just won't stand for it, it won't even be considered.

Today Adrian Piccoli went on radio to tell the people of the Riverina about the Murrumbidgee irrigation area:

Of course it is a critical industry cluster.

He joined Griffith mayor, John Dal Broi, in saying that they wanted the Murrumbidgee River, the Murrumbidgee irrigation area, and the Murray and the Coleambally irrigation districts considered critical industry clusters and protected—but there is no process to actually do that. What a farce. What a joke. The Government has messed up this industry and it has messed up the farmers of New South Wales.

GUNNEDAH AUSTRALIA DAY AWARDS

The Hon. SARAH MITCHELL [7.06 p.m.]: As is the same with many towns and cities across the nation, Gunnedah showed off its spirit of patriotism and pride this Australia Day. Whilst many friends and families enjoyed the more widely acknowledged traditions of Australian Day, such as barbecues, some of the more daring residents of Gunnedah took part in the Raft and Craft Race. More than 170 competitors in 103 crafts braved the Namoi River and officially kicked off the day's festivities. As is always the case, craft creativity was a highlight of the day, with everything from the simple floaties and kayaks to the more out-there designs of flags, dogs and Mexican hats charging down the river. First across the Cohen Bridge finish line this year was Felix Martin, who I am sure will be keen to defend his title in 2015.

Australia Day also provided the residents of Gunnedah with an opportunity to reflect and acknowledge those citizens who have made an enormous contribution to our local community. I would firstly like to congratulate Gunnedah Shire Band's Anthony Rowe, who was honoured with our Citizen Award, for 21 to 40 years, for his work with young musicians. Following in the footsteps of his father, Anthony was part of the Australian champion junior band but is now tutoring young and aspiring musicians as they begin their art. Anthony also became the conductor for the juniors in 2012 and led the band to a victory in the national

championships. Anthony is also involved in fundraising for the band, Anzac Day and many sporting and agricultural parades. It is people like Anthony that make our town a fantastic place to live, and I am sure the whole town joins me in commending him on his work.

I was also pleased to hear that current Gunnedah High School captain for 2014, Joshua Day, was awarded the Young Citizen Award for his volunteer work with the State Emergency Service. At just 15 years of age, Josh was named the New South Wales State Emergency Cadet in 2011 and had the courage to volunteer for two shifts to help fight the Beeson Road fire in 2013—both of which combined lasted for more than 17 hours. Josh was also honoured with the John Lincoln Community Award Certificate of Appreciation for his service to the community. It is safe to say that Josh is a fine role model for his peers and deserves congratulations for achieving so much at such a young age.

I would also like to acknowledge the other nominees for the Young Citizen Award and thank them for their dedication to our community. They are Kiara Harris, Rachael Billingham, Ivy Watterson, Megan Isbester, Keegan Ellis and Tom Welsh. Though they may not have taken home the award this year, their work and commitment did not go unnoticed. I hope that they will be looked upon by other young people as an example of how to get involved in our local community. Citizen of the Year for Gunnedah this year was Major Joy Wilson of the Salvation Army for her work at Hope House.

The Community Achievement Award this year went to the organisation known as PRAMS, which stands for Paediatric and Maternity Support. I have spoken about that organisation numerous times in this Chamber so I will not go into detail of the many fantastic things the girls on the PRAMS committee are doing except to say that they have now raised more than \$500,000 for our local hospital, which is quite a big achievement for a small group of young mums from a town such as Gunnedah.

Finally, looking at the Australia Day honours on a national level, I know I speak on behalf of all the residents of Gunnedah when I congratulate the former editor of the Namoi Valley *Independent* Ron McLean from Gunnedah on being awarded the Order of Australian Medal for his services to journalism and to the community. Rocky, as Ron is affectionately known by many, was very humble in his acceptance of the award, saying that he thought there were at least 100 people in Gunnedah far more deserving of the honour. Ron has had a very long and distinguished career in journalism. He began his cadetship in his hometown of Cootamundra in 1962 and later joined the Forbes *Advocate* as a graded journalist. In 1968 he became editor of the Narrabri *Courier* and in 1979 he became editor of the Gunnedah Namoi Valley *Independent*, a position he held until 2007.

During his time at the Gunnedah paper his colleagues note that he would always go the extra mile to ensure that the paper was at the top of its game, and his hard work and dedication to his profession is exemplified with the Namoi Valley *Independent's* stellar record at the Country Press Awards and the Shakespeare Family Award, which draws entries from across Australia. In addition to his achievements in journalism Ron is also very passionate about sport. He has played tennis and cricket and has contributed as an administrator on various boards and associations throughout the north-west in both tennis and cricket. He was awarded the Australian Sports Medal in 2000 and the Centenary Medal in 2001. His passion for writing extended to his own research and publication in 1983 of *Country Cracks*, which is a history of New South Wales country tennis, followed in 1985 by a humorous look at life in *One Damn Thing After Another*. I think the publication that Ron is probably best known for in Gunnedah is the compilation and production of a book called *The Way We Were—A History of Gunnedah, 1856-2006*, which he worked on as part of the sesquicentennial celebrations in 2006. I take this opportunity to congratulate Rocky on achieving his Order of Australia Medal. It is very well deserved.

PUBLIC TRANSPORT DISABILITY ACCESS

The Hon. PENNY SHARPE [7.11 p.m.]: Public transport is an essential service that makes getting an education or having a job possible. It provides access to other essential services such as medical services, government assistance and government programs. It reduces isolation by connecting people socially to their family and friends; and it promotes social inclusiveness and participation in our communities. Public transport that does not cater for all its users is doomed to exclude many from this essential service. One in five people in New South Wales have a disability. Excluding 20 per cent of our population from public transport is unacceptable and in breach of the Federal Disability Discrimination Act. If governments plan, design and deliver for people with disabilities it benefits every other person who wants to use public transport: parents with prams, people with medical conditions, older people and people who cannot read. By committing to inclusion we benefit all.

Over the summer break I was in contact with Sydney woman Pauline David who spent a day taking a journalist through her average day trying to commute around Sydney. Pauline uses a wheelchair. She travels on our rail system from Fairfield to the city and then home. In that one day Pauline experienced ramps too steep for her wheelchair; station staff not helping her onto the part of a train where seats fold up, meaning that she had to hold onto the pole used by standing passengers; able-bodied commuters sitting on fold-up seats not moving so that Pauline could have a safe space to travel; staff not meeting her at stations with ramps so that she could alight from the train; able-bodied commuters using lifts when they do not need to, meaning Pauline missed connections; doors closing on her wheelchair when she tried to alight; and being forced to wait 40 minutes to get a taxi because as a result of work at the station the cab rank had moved across a road she cannot cross.

After her article was published, Pauline started a petition on *change.org* which in just a few days had garnered almost 18,000 signatures. The petition calls on transport Minister Gladys Berejiklian to spend a day travelling on the Sydney Trains network in a wheelchair. I support her petition and challenge the Minister for Transport to take up the challenge. It is something that should be compulsory for every transport Minister. As Pauline says:

Getting around on our train network is hellish. I don't think the Government understands just how bad it is.

That's just another day for us disabled train commuters in Sydney. The services are terrible: whether it's being put in the wrong section of the train, not being able to get a ramp, or being described as "a wheelchair" - not a person - there is so much that needs to be fixed.

And the plan that the Minister says reflects how "passionate" she is means it could take until 2032 to fix it.

I don't think Transport Minister Gladys Berejiklian gets it. 15 years is a very long time to wait for a train system that treats us with respect.

That's why I want to see her take up my disability challenge: try travelling like we do for just one day, navigating our trains in a wheelchair.

I hope the Minister will heed her call. I am concerned about this Government's rhetoric about accessibility. The transport Minister says that she is:

... very passionate about improving access to the public transport network [which is] why [the] Government established the \$770 million Transport Access Program under which more than 120 projects have been completed or are underway so far to provide better access to public transport, especially for those with a disability.

While this sounds impressive, the Transport Access Program has in fact just brought together funds from general station maintenance, the former Easy Access program and the Park and Travel Safety Fund under one program so that it sounds like more money is being spent on accessibility. Some of the projects completed or underway have been minor and have included things like repairing and replacing fencing, removing redundant stairs from stations and painting handrails—work that needs to be done, but not work that will improve the commute for people using wheelchairs or for those who are ageing or unwell or who otherwise have mobility issues.

The Government has made some progress. The lifts installed at Sydenham, Newtown, and Cardiff stations are all welcome, but let us remember that these projects were started under the previous Labor Government and were already in train. But not all these stations are fully accessible for people with disabilities. Cardiff still lacks accessible parking and full-time staff who can assist with boarding. After an extensive community campaign the Government has committed to build a lift at Redfern station, which will improve access for people with a disability to the sixth busiest station on the Sydney Trains network. That is also welcome.

The Disability Action Plan says that 29 more stations will be made more accessible by 2015. But the details of these projects are scant and the Minister for Transport is not transparent about how these projects have been prioritised. At the last election lifts were promised at Narwee, Oatley, Panania, Toongabbie, Waratah and Wentworth Falls stations and while planning is underway at some stations these promises are a long way from being delivered. At the current rate it will be 18 years before our system is fully accessible. For people who rely on public transport that is a very long time to wait, especially for people with a disability who may have no other choice. If the Minister was to spend a day with Pauline David perhaps this timetable for change could be accelerated.

RECREATIONAL FISHING

The Hon. ROBERT BROWN [7.16 p.m.]: Tonight I speak briefly on the value of recreational fishing to New South Wales and I appeal to the Government to more fully recognise its benefits to local economies. The

University of Wollongong recently released figures which show that the recreational fishing industry generates more than \$3.5 billion to the State's economy every year. On top of that, these people who go fishing in their spare time create more than 14,000 full-time jobs. The university went further and said that during 2012 recreational anglers spent more than \$500 million in fishing-related expenses on the North Coast alone. Therefore, it is bleedingly obvious that recreational fishers—all those mums, dads and kids—are great economic drivers for this State, not just on the North Coast, but up and down the coast, in and around Sydney, and in our inland waters as well.

The Government clearly recognises the economic contribution of recreational fishers to this State, but as with everything else I suppose, it is just as quick to make them pay for the privilege through licences. Indeed, the Government promotes the fact that there are more than 1,000 outlets across New South Wales where people can pick up their fishing fee receipt, or people can even get them online. That is all well and good. I do not think any of the fishers begrudge the "fishing fee receipt", if they feel they are getting something in return, and I do not mean that they want a guarantee that they will actually catch a fish every time they go out and throw a line in. What the fishers want is access, access, access. What fishers need are better and more facilities, such as boat ramps and better access to beachfronts, river banks and our inland dams.

While the Government has made efforts in recent years to provide more and better facilities, I cannot help but feel it does not really have its heart in rolling out substantial improvements in any great hurry. It seems to take an age to get new boat ramps in this State. Perhaps we will see an increase in activity this year, if only because we are now just over 12 months away from the next election—but that might just be me being cynical. However, I genuinely believe that more can be done with the "fishing fee receipt" money than is happening currently. There needs to be a recreational fishing organisation similar to the successful Game Council model—which I still believe was unnecessarily dumped by this Government for political reasons—but that is probably a story for another day.

The recreational fishing industry needs to be able to clearly see where their fees are spent, and to have a clear idea about how much is spent on administration and how much actually goes into providing better and more facilities. Earlier this month the Minister warned people who do not carry their valid "fishing fee receipts" with them of a crackdown by Fisheries officers and that they could face large fines. Most of the fishers I know do the right thing. No doubt, there will always be those who do not, but I would have thought for an industry that provides \$3.5 billion to the economy each year that the Government would be far more proactive in providing an expansion of recreational fishing facilities.

Fishing is pretty heavily regulated with seasons, bag limits and other restrictions and, in many ways, properly so. The resource is finite and needs proper management. It is well recognised that New South Wales has some of the best managed fisheries in the world. But I think recreational fishers also need some more benefits in terms of how and where they can enjoy their activities—access to a dam by a kayak with a child catching some bass and carp, that is what fishers want. Indeed, in closing, I note some recent media coverage and correspondence to members in relation to the Government's decision to allow recreational fishing in some previously ill-conceived sanctuary zones, namely along beachfronts within marine parks. It is an excellent decision that is now supported by the expert technical panel for the Marine State Authority. I congratulate the Government—well done—on that move and let us move on. I do not believe it will in any way undermine the integrity of the New South Wales marine parks network and our marine conservation goals.

LABOR ECONOMIC POLICY

Mr SCOT MacDONALD [7.21 p.m.]: We start the last full year of this term of Parliament and already New South Wales Labor seems determined to remind the community of its dismal economic credentials. Labor has flagged its intention to move disallowance motions to hike up public sector wages. Its strategy is stark confirmation of Labor's sorry record over 16 years. It is a reminder of the parlous fiscal position the New South Wales Coalition inherited in March 2011. The Menzies Research Centre published an excellent report in late 2013 that highlighted Labor's sorry governance and fiscal management. It is timely to place on record some of those outcomes from Labor that the community was left to deal with.

Under New South Wales Labor, public sector employee numbers grew 25.6 per cent compared to the general population which increased by 17.5 per cent. Under New South Wales Labor the average annual wage increase of the government sector was 4.1 per cent compared to the private sector which had the average annual increase of 3.4 per cent. The Menzies Research Centre highlighted a number of waste and cost blowouts

engineered by Labor. Two of New South Wales Labor's spectacular disasters were the failed CBD Metro, costing the taxpayer \$412 million, and Transport T-Card, on which the Auditor General reported \$115 million had been wasted.

Labor simply could not manage its budgets. Over the past decade of the former Government, spending grew by 6.4 per cent annually while revenue rose by 5.2 per cent each year. That was happening at a time of Australia's strongest economic performance, at least in the first seven years of the decade under the Liberal-National Federal Government. It was a recipe for ballooning debt and deficit. Sure enough, New South Wales's net debt nearly doubled from \$18.9 billion in 2000-01 to \$32.6 billion in 2010-11. Accumulating debt is easy when one is lazy, incompetent or just wants to bribe the electorate. But of course the burden is carried by future generations.

The Menzies Research Centre has put Labor's debt into perspective. In its final year, the interest on the State's debt was \$2.8 billion—or the equivalent of NSW Police Force funding for 2010-11. The Menzies Research Centre points out that the interest on debt from 2008 to 2011 was \$7.5 billion, which is the funding required to complete the duplication of the Pacific Highway. Profligacy has a price and arguably that can be measured in human lives and safety. In this House I have listened to the members opposite try to lecture the Coalition on funding for the Pacific Highway. Clearly that work would be much further advanced if Labor had been a responsible economic manager.

The Menzies Research Centre report also bells the cat on some of New South Wales Labor's hidden fiscal grenades that have been left to the Coalition to remediate. In 2000-01 the unfunded super liability for New South Wales stood at \$14.1 billion. By the time it was kicked out of office, Labor let that liability balloon to \$47.4 billion. That is not just incompetence but it is an inter-generational equity crime. In that period State borrowings more than doubled from \$23.9 billion to \$50.9 billion. As the research centre pointed out, at the time State Labor governments were racking up massive debts. Across the nation the net financial worth of the State Labor governments deteriorated by a factor of 2.5 times, whereas the Howard Government's strong economic record took a negative liability position of \$150 billion and turned that into a net asset.

Labor's woeful economic management is not just a matter of bookkeeping or inter-generational abuse. Its governance translated into unnecessary cost of living pressures for the community. Under 16 years of Labor, water and sewerage increased by an average 5.6 per cent every year, electricity rose 5.3 per cent annually, gas increased by 5.6 per cent per annum on average, property rates and charges increased 4.2 per cent annually and urban transport fares galloped ahead of inflation at 4.1 per cent each year under Carr, Iemma, Rees and Kenegally. Labor just had no regard for New South Wales families or their aspirations.

New South Wales Labor's answer to every problem is just to spend more money. It gives the appearance of doing something, regardless of the efficacy of the funding. Under 16 years of Labor governments, expenditure on New South Wales government schools went up 203 per cent when the consumer price index increased by 54 per cent and student numbers decreased by 1 per cent and arguably academic outcomes at best stalled. At the same time, spending on New South Wales public hospitals increased 136 per cent or nearly three times the rate of inflation. Yet the number of beds decreased by 8 per cent and elective surgery waiting times were 21 days longer after Sussex Street had finished gaming the people of New South Wales.

This year is a seminal year for New South Wales Labor: It can continue with irresponsible and unaffordable stunts like the superannuation disallowance motions, it can drop its plans to phase out the State's coal industry with its associated economic benefits, or it can demonstrate it has learnt the lessons from its dismal past. So far the signs are not encouraging.

ROYAL BOTANIC GARDENS AND DOMAIN TRUST AND CENTENNIAL PARKLANDS TRUST MERGER

The Hon. LUKE FOLEY (Leader of the Opposition) [7.26 p.m.]: Earlier this month the Minister for the Environment, and Minister for Heritage announced that the operations of the Royal Botanic Gardens, Domain Trust and Centennial and Moore Park Trust will be merged. The objects of the two Acts that govern the Royal Botanic Gardens, Domain Trust and Centennial and Moore Park Trust contain some similarities. Both include the objects of maintaining and improving the trust lands which they administer. Both include encouraging the use and enjoyment of the lands by the public by promoting and increasing the educational, historical, cultural and recreational value of those lands. Beyond that, however, their objects diverge.

The objects of the Centennial and Moore Park Trust Act all relate to running a good park. The Act mandates that the rights of the public to use the park are maintained and that the park's environment is protected. Centennial Park is a wonderful place to feed ducks, ride a bike, share a picnic—

The Hon. Niall Blair: To ride a horse.

The Hon. LUKE FOLEY: To ride a horse or throw a frisbee. Centennial Park was granted to the public in 1888 to mark the centenary of white settlement. It was the site for the inauguration of the Australian Federation in 1901. It has been and is a very important green oasis in the inner east of Sydney. However, the Royal Botanic Gardens is much more than a public park. It is a scientific institution increasing our knowledge of the plant life of Australia. I refer to section 7 of the Royal Botanic Gardens and Domain Trust Act 1980. The principal objects of the trust are:

- (a) to maintain and improve the Trust lands, the National Herbarium and the collections of living and preserved plant life owned by the Trust,
- (b) to increase and disseminate knowledge with respect to the plant life of Australia, and of New South Wales in particular, and

The Royal Botanic Gardens has played a central role in the life of the colony and our State since the very early days following white settlement. Governor Macquarie established a Governor's domain on the site in 1816 as part of his own personal grounds. Charles Fraser was appointed the first Colonial Botanist in 1817 and planted the first botanic garden in the grounds. The Botanic Gardens was the first scientific institution in the colony and played a crucial role in the huge explosion of discovery and celebration of the world's diversity and the nature sciences.

In 1831 the area was opened to the public. Its first director was appointed in 1847 and, for almost all of the years since, the director of the Royal Botanic Gardens has been a botanist. The herbarium collection contains 1.2 million preserved plant specimens and represents a key primary botanical resource that underpins research on native and introduced plants, algae and fungi for universities and other research organisations. My concern is that the crucial scientific role of the Royal Botanic Gardens will be diminished by its merger with another institution, the Centennial Park and Moore Park Trust. The Royal Botanic Gardens is not simply a public park. Its objects contain important provisions pertaining to public amenity but it is, first and foremost, a botanical institution, pursuing plant science and adding to our knowledge.

I believe the real motivation for the operational merger is cutting costs. By the Government's own admission, up to 40 jobs will go and \$7 million a year will be saved. We will celebrate the Bicentenary of the Royal Botanic Gardens in 2016. I regret that this important and special institution is losing its stand-alone status and identity. I fear that this Minister and this Government truly know the price of everything and the value of nothing.

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

Motion agreed to.

The House adjourned at 7.31 p.m. until Tuesday 4 March at 2.30 p.m.
