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LEGISLATIVE COUNCIL

Tuesday 18 March 2014

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

The President read the Prayers.

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

ASSENT TO BILLS

Assent to the following bills was reported:

Bail (Consequential Amendments) Bill 2013
Crimes (Administration of Sentences) Amendment Bill 2013
Real Property Amendment (Electronic Conveyancing) Bill 2013

CRIMES AMENDMENT (INTOXICATION) BILL 2014

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

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

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Membership

The PRESIDENT: I report 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:

That:

- (1) Mark Joseph Coure be appointed to the Committee on Children and Young People in place of Andrew Stuart Cornwell, discharged.
- (2) A message be sent informing the Legislative Council.

Legislative Assembly
6 March 2014

SHELLEY HANCOCK
Speaker

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

ROCKDALE CITY COUNCIL FLAG-RAISING CEREMONY

Motion by the Hon. SHAOQUETT MOSELMANE agreed to:

- (1) That this House notes that:
 - (a) for almost a decade Rockdale City Council has hosted flag-raising ceremonies throughout the year to honour and support the city's cultural diversity;
 - (b) on Friday 22 November 2013 Rockdale City Council held a flag-raising ceremony in recognition of Lebanon's independence; and
 - (c) on Thursday 13 February 2014 Rockdale City Council held its sixth Serbian flag-raising ceremony in support of the statehood celebration of the Republic of Serbia.
- (2) That this House notes the significance of these flag-raising ceremonies and congratulates Rockdale City Council on its recognition and support of the city's cultural diversity.

SELECT COMMITTEE ON GREYHOUND RACING IN NEW SOUTH WALES**Extension of Reporting Date****Motion by the Hon. ROBERT BROWN, on behalf of the Hon. ROBERT BORSAK, agreed to:**

That notwithstanding anything to the contrary in the resolution of the House of 27 August 2013:

- (a) the Select Committee on Greyhound Racing in New South Wales table a first report by Friday 28 March 2014; and
- (b) the final reporting date be extended to Monday 30 June 2014.

TRIBUTE TO MR ALI AND MRS FATMA YASSINE**Motion by the Hon. SHAOQUETT MOSELMANE agreed to:**

(1) That this House notes that:

- (a) following the outbreak of civil war in Lebanon in 1975 and several years after marrying and setting up home, Mr Ali Yassine and Mrs Fatma Yassine migrated and settled in Australia;
- (b) Mr Ali Yassine and Mrs Fatma Yassine were born in the Dunnieh region of North Lebanon, a mountainous region overlooking the Mediterranean Sea, in the towns of Izal and Bakhoun respectively;
- (c) Mr Ali Yassine and Mrs Fatma Yassine are well respected, raising a family of eight professionals between them who hold more than 20 university degrees and all of whom are making significant contributions to the Muslim and business communities in New South Wales; and
- (d) the children include:
 - (i) Mr Talal Yassine, OAM, a prominent banker and non-executive director who holds a Masters of Laws and a Master of Business Administration, is a Professorial Fellow at the Australian National University Crawford School of Public Policy, the Managing Director of Crescent Wealth and Chairman of the Department of Foreign Affairs Council for Australian-Arab Relations, and serves on the Board of Australia Post and the Whitlam Institute;
 - (ii) Mr Bilal Yassine, a construction manager and property expert who holds a Bachelor of Construction Management and is CEO of LandCorp Australia, has played a significant role in the development of major mosque projects around New South Wales;
 - (iii) Mr Omar Yassine, an accountant who holds a Bachelor of Commerce (Accounting) and several positions, works for the family development business;
 - (iv) Ms Raja Yassine, a schoolteacher who holds a Bachelor of Teaching, has taught at several High Schools throughout New South Wales as well as at TAFE NSW;
 - (v) Mr Hilal Yassine, a businessman and non-executive director who holds a Masters of Laws and a Master of Business Administration, is Chairman of the Crescent Institute Limited, sits on the Board of the Co-op Ltd and is the Executive Director of the Australian Arab Dialogue Foundation Limited;
 - (vi) Dr Zil Yassine, a specialist who has a Bachelor of Medicine and Bachelor of Surgery, and a Masters of Middle Eastern Studies from Harvard University, was a board member of the Australian Medical Association;
 - (vii) Ms Nora Yassine, a schoolteacher who holds a Bachelor of Teaching, a Bachelor of Psychology and a Masters in Education, currently teaches at Bass Hill High School; and
 - (viii) Mr Walid Yassine, a marketing specialist who holds a Bachelor of Commerce, is the National Marketing Manager for the Crescent Institute Limited as well as a sales representative for the world's second-largest book publisher, and played at national and international levels in both rugby league and rugby union.

(2) That this House:

- (a) notes this great Australian story;
- (b) congratulates the Yassine family, in particular Mrs Fatma Yassine and Mr Ali Yassine, on being such exemplary role models and citizens of New South Wales; and
- (c) commends the Yassine family for its collective and individual achievements.

BUSINESS OF THE HOUSE**Formal Business Notices of Motions**

Private Members' Business item No. 1711 outside the Order of Precedence objected to as being taken as formal business.

NSW INSTITUTE OF SPORT ATHLETES WINTER OLYMPICS ACHIEVEMENTS**Motion by the Hon. MARIE FICARRA agreed to:**

- (1) That this House notes that:
 - (a) on 24 February 2014 the Hon. Gabrielle Upton, MP, Minister for Sport and Recreation, recognised NSW Institute of Sport [NSWIS] athletes for their outstanding performance and achievement at the 2014 Sochi Winter Olympic Games, including seven athletes who achieved top 10 finishes;
 - (b) the NSWIS annually supports the training of up to 45 athletes across 12 winter sports disciplines in conjunction with program partners the Olympic Winter Institute of Australia, Ski and Snowboard Australia, the Perisher and Thredbo ski resorts, NSW Snowsports, and the Jindabyne Winter Academy of Sport and Recreation;
 - (c) three-time Winter Olympian Torah Bright won a silver medal in the women's snowboard half-pipe;
 - (d) NSWIS athletes achieved top 10 finishes including Britt Cox in women's moguls, Katya Crema in women's ski cross, Belle Brokhoff in women's snowboard cross, Mathew Graham in the men's moguls, Russ Henshaw in men's ski slopestyle and Kent Callister in the men's snowboard half pipe; and
 - (e) of the 60 Olympians in the Australian team, 29 were NSWIS scholarship holders including Torah Bright, Alex "Chumpy" Pullin and Jana Pittman.
- (2) That this House congratulates all the athletes who competed at the 2014 Sochi Winter Olympics, particularly Ms Torah Bright on her winning a silver medal.

BUSINESS OF THE HOUSE**Formal Business Notices of Motions**

Private Members' Business item No. 1713 outside the Order of Precedence objected to as being taken as formal business.

HOLODOMOR EIGHTIETH ANNIVERSARY**Motion by the Hon. MARIE FICARRA agreed to:**

- (1) That this House notes that:
 - (a) the Hon. Marie Ficarra, MLC, Parliamentary Secretary to the Premier, on behalf of the New South Wales Government attended the eightieth anniversary of the Ukrainian Holodomor commemoration in Kiev;
 - (b) Holodomor literally translated from Ukrainian means "death by hunger", a forced famine perpetrated by Joseph Stalin's Communist regime in 1932 to 1933, was responsible for the deaths of up to 10 million Ukrainians and an estimated one-third of all Ukrainian children;
 - (c) members of the Ukrainian diaspora from Australia, the USA, Canada, the United Kingdom and Greece attended the commemoration of events;
 - (d) Secretary General of the Ukraine World Congress and President of the Australian Federation of Ukrainian Organisations [AFUO], Stefan Romaniw, OAM, together with other executive members of the federation also in attendance played a major role in commemoration events; and
 - (e) Ukrainian leaders at the Holodomor included:
 - (i) Patriarch Filaret Bishop Bohhdan Dzurach;
 - (ii) former Presidents Viktor Yushchenko and Leonid Kravchuk;
 - (iii) former Deputy Premier Ivan Vasiunyk;

- (iv) former Minister for Foreign Affairs Volodymyr Ohryszko;
- (v) former Minister for Culture Vasyl Vovkun;
- (vi) ambassadors from Canada, the USA and Switzerland;
- (vii) academics Ludmyla Hrynyvich, Roman Serbyn, Yuriy Shapoval;
- (viii) Tatiana Vasylykivska, President, Ukrainian Brotherhood of Beekeepers, and organisers on 43 Apimondia, Kyiv, September 2013;
- (ix) Morgan Williams, the owner of the biggest global collection of Holodomor art;
- (x) Volodymyr Yacinkiwsky, Director, Diaspora Affairs, Ministry of Foreign Affairs;
- (xi) Victor Didenko, Director, Holodomor Museum; and
- (xii) Yuri Shymko, President, International Council in support of Ukraine.

(2) That this House:

- (a) notes that 2013 was the eightieth anniversary of the Holodomor, an enforced famine in Ukraine, caused by the deliberate actions of Stalin's genocide policy;
- (b) recalls that it is estimated that 10 million Ukrainians starved to death as a result of Stalin's policy in 1932 to 1933; and
- (c) extends its sympathy to those families who have been affected by the Holodomor.

LEGISLATION REVIEW COMMITTEE

Report

The Hon. Dr Peter Phelps tabled a report of the Legislation Review Committee entitled "Legislation Review Digest No. 52/55", dated 18 March 2014.

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

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**.

BUSINESS OF THE HOUSE

Notices of Motions

[During the giving of notices of motions]

CHAIR: Order! I call the Hon. Dr Peter Phelps to order for the first time.

The Hon. JEREMY BUCKINGHAM: I seek leave to table the report of the Australia Institute entitled "Fracking the Future".

Leave not granted.

BUSINESS OF THE HOUSE

Postponement of Business

Committee Reports Order of the Day No. 9 postponed on motion by the Hon. Robert Brown and set down as an order of the day for a future day.

CRIMES AMENDMENT (INTOXICATION) BILL 2014**Second Reading**

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Central Coast, and Vice-President of the Executive Council) [2.56 p.m.]: I move:

That this bill be now read a second time.

On behalf of the Government I speak on the Crimes Amendment (Intoxication) Bill 2014. I seek leave to incorporate in *Hansard* the speech delivered by the Premier in the Legislative Assembly on 26 February 2014.

Leave granted.

On 21 January 2014 I outlined a comprehensive plan to make our streets safer. Many of those measures are already in place, including the new offence of assault causing death—the so-called one-punch law—which carries a maximum penalty of 25 years and a mandatory minimum penalty of eight years. This bill creates additional aggravated personal violence offences with higher maximum penalties and, for the most serious of those offences, mandatory minimum sentences. These offences apply where the offender commits a serious assault whilst intoxicated in public. Maximum penalties are increased by two years compared to the equivalent non-aggravated offence. Mandatory minimum jail sentences will be imposed on adult offenders who commit the most serious of those aggravated offences. The decision to introduce mandatory sentencing has not been made lightly. The Government responded to community concern and it believes it is necessary to introduce these measures to combat the recent spate of serious drug- and alcohol-fuelled attacks on our streets. We are determined to send a strong message to those who engage in drug- and alcohol-fuelled violence: If you get drunk or take drugs and seriously assault someone in public, you will go to jail.

The mandatory minimum sentences are the minimum non-parole period, which is the minimum time that the offender will spend in jail. This means that all offenders found guilty of these offences will receive a prison sentence and the least serious offender will receive the mandatory minimum sentence. The more serious offenders will receive a sentence that is above the mandatory minimum sentence, which will be determined by the judges. Consistent with the provisions of the Act, the requirement to impose a mandatory minimum sentence for the murder of police officers will not apply to a child under 18 years of age at the time of the offence, or to a person with a significant cognitive impairment at the time of the offence.

Under the new laws, a person will be taken to be intoxicated if the person's speech, balance, coordination or behaviour is noticeably affected as the result of the consumption of alcohol or the taking of narcotic drugs. Narcotic drugs, for the purpose of the definition of "intoxication", include all prohibited drugs under the Drugs Misuse and Trafficking Act. This definition is based on a similar definition of intoxication that is used in the Liquor Act and with which police and owners and patrons of licensed premises are familiar. The evidence of intoxication can include observations of witnesses, including police, evidence of prior consumption of alcohol or drugs, and matters captured on closed-circuit television cameras. That provision is consistent with the current provisions of the Crimes Act.

Under the bill, a person will be presumed to be intoxicated if they have had the prescribed concentration of alcohol in their blood within six hours of the offence. The prescribed concentration of alcohol is 0.15 grams, which is equivalent to high-range drink-driving. The presumption of intoxication has the effect of shifting the onus of proof from the prosecution to the accused once a high-range test result has been obtained. To prove they were not intoxicated at the time of the assault, the accused will have to prove that the concentration of alcohol in their blood at the time of the alleged offence was less than the prescribed concentration of alcohol. The accused will also have to prove they did not consume alcohol after the alleged offence in order to alter the presence or concentration of alcohol in his or her blood. This ensures that a person cannot escape conviction for the aggravated offence by deliberately taking alcohol between the time of the offence and the time of arrest for the purposes of wilfully changing the test results. Police who arrest a person suspected of committing an aggravated offence will be able to conduct drug and alcohol testing within 12 hours of the offence. This time frame ensures that police have the opportunity to test an offender who may have initially fled the scene. The results of the test will be admissible along with other evidence of the intoxication of the accused. The new aggravated offences will only apply where the offender was intoxicated in public.

The bill contains a broad definition of "a public place", which includes in, or in the vicinity of, any premises or land that is open to the public. Licensed premises, restricted premises, such as brothels, and premises or land used by criminal gangs, such as the headquarters of outlaw motorcycle gangs, are expressly covered by the definition. The bill applies these definitions of public intoxication to the offence of intoxicated one-punch assaults, which was introduced and passed by the Government earlier this year. The bill also clarifies the scope of that offence to make it clear that it not only covers situations where a person hits another with their fist or an object, but will also apply where force is used by the accused to cause the victim's body to hit the ground or other thing. As with the one-punch laws, the offence is not intended to cover guns or other projectiles, which are covered by other offences under the law.

I am aware that concerns have been raised by women's services about the potential impact of mandatory sentencing in relation to domestic and sexual assaults, in particular, the concern that victims and witnesses may become more reluctant to provide evidence where mandatory sentencing applies. The bill does not impose mandatory sentences for sexual assault. It applies to serious personal violence offences that occur in public while the offender is intoxicated. Mandatory sentences for sexual assault will be considered once the Government has received the report from the parliamentary inquiry examining sentences for child sexual assault offences. The Government also announced yesterday, through the Minister for Women, the formation of a violent domestic crimes task force to examine support for reporters and witnesses of domestic violence, links between alcohol and domestic violence, and sentencing options for perpetrators. I commend the bill to the House.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [2.56 p.m.]: I lead for the Opposition on the Crimes Amendment (Intoxication) Bill 2014. The Opposition does not support this bill in its current form, and will propose amendments to significantly improve the legislation that is before the House today. In November last year the Leader of the Opposition in the other place, Mr John Robertson, MP, announced Drink Smart, Home Safe, Labor's comprehensive plan to tackle alcohol-fuelled violence.

Labor has been committed since then to the immediate introduction of six measures: first, treating every Friday and Saturday night in the city of Sydney 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, with potential extension across the network; second, introducing an 18-month trial of Newcastle-style alcohol restrictions in Kings Cross and the Sydney central business district; third, the introduction of risk-based licensing, providing hotels and bottle shops with a financial incentive to operate safe premises; fourth, establishing a new independent liquor regulator; fifth, the establishment of undercover sting operations to catch outlets selling alcohol to minors; and, sixth, the mandatory collection and reporting of alcohol sales data to provide policymakers with hard data on which to build an accurate picture of the extent of alcohol-related harm in the State of New South Wales.

Confronted with the tragedies occurring over the past 18 months, Labor has driven the case for alcohol law reform. Labor listened to doctors and paramedics, and to the police and produced a policy that was research and evidence based. Labor's policy is designed to tackle alcohol-related violence at the source, to stop the assaults from happening in the first place, not just pick up the pieces afterwards. Labor welcomed the emergency recall of Parliament on 30 January this year. It was a move the Opposition had urged on the Government as far back as 3 January. On the day of that session the Opposition offered support for the Government's legislation, which established a new offence of one-punch assault causing death and is similar to laws passed in 2008 in Western Australia. The Opposition also supported the Government's Liquor Amendment Bill 2014 that defined and expanded the CBD Entertainment Precinct and introduced new alcohol trading restrictions.

Labor gave its support despite having serious reservations on a number of aspects because it was necessary to do something. The Government's package had many gaping holes and gave the impression of being cobbled together on the run. The Government, for example, proposed nothing new to address the critical shortage of late-night trains, particularly from Kings Cross, Town Hall and Central in the early hours of the morning. The Government proposed no extra high-visibility policing on our streets. The Government also failed to consult on its trading restrictions, including the imposition of 1.30 a.m. lockouts and 3.00 a.m. last drinks. After months of inaction the Premier sprung these changes on everybody and many were taken by surprise. It is not the way in which members on this side of the Chamber would have gone about implementing such an important area of public policy.

Labor recognises the overriding community demand for action on alcohol-fuelled violence. On this most difficult and sensitive of issues Labor members on this occasion, as on that occasion, will not oppose for the sake of opposition. We are willing to work with the Government to find real solutions. It is that constructive approach that will guide the Opposition in this place when voting on this bill. All the same, as we consider this legislation, which also shows signs of having been cobbled together, the pitfalls of the Government's approach to alcohol law reform is all too apparent. I will outline some of the shortcomings of the legislation.

This bill creates a number of aggravated intoxication offences based on reckless grievous bodily harm or wounding, assault occasioning actual bodily harm, assaults on police and affray. The new aggravated offence has increased the current maximum penalties for each offence by two years. They are restricted to adults and apply if the offender was intoxicated in public by alcohol or a narcotic drug. The bill introduces mandatory minimum sentences of five years for an offence under section 35 (1AA); four years for reckless grievous bodily harm when intoxicated in public and in company; four years for an offence under section 35 (2A), reckless wounding when intoxicated in public and in company; three years for an offence under section 35 (3A), reckless wounding when intoxicated in public; five years for an offence under section 60 (3B), wounding or causing grievous bodily harm to police when intoxicated in public; and five years also for an offence under section 30 (3C), wounding or causing grievous bodily harm to police officers during public disorder and when intoxicated in public.

The bill extraordinarily amends section 25A of the Crimes Act, which is the provision enacted by this Parliament on 30 January 2014 as the Crimes and Other Legislation Amendment (Assault and Intoxication) Act, despite the freshness of that provision. In addition, the bill gives power to police to require a breath test or

analysis and blood or urine samples from those arrested for an aggravated intoxication offence. This may be done within 12 hours after the alleged offence, rather than four hours as was originally provided. The Law Enforcement (Powers and Responsibilities) Act is amended by adding subsection (2A) to section 138 H purporting to make it an offence for a person to consume alcohol or drugs within 12 hours after assaulting a person in order to alter the presence of the concentration of alcohol or drugs in a person's system and thereby avoid prosecution for an aggravated intoxication offence. One wonders how any prosecutor would possibly discharge the evidentiary burden of that offence.

Section 8A makes clear that intoxication can be established by observation of a person's speech, balance, coordination or behaviour. It seems as though the Government wants to go back to the bad old days where a person could be charged with driving under the influence based entirely on the observations of the police officer rather than on any clinical measure and persons were caught who were ill or merely tired—not tired and emotional, to use the Australian colloquialism. If an offender records alcohol or narcotics in their blood within six hours after the alleged offence they are presumed to have had at least that amount in their system at the time of the offence. Presumptions are also made if there is a reading of 0.15 concentration of alcohol in their blood.

An offender is also presumed to be intoxicated if they refuse or fail to provide a blood sample for analysis. A new standard non-parole period of five years for an offence under section 60 (3A) of the Crimes Act is proposed. The matters involving mandatory sentences will be dealt with solely on indictment. In January the Government announced a broad suite of measures that would be caught by the new mandatory sentencing laws, but it has found them to be unworkable. By providing that mandatory sentences apply only to those matters dealt with on indictment, the Government is cutting out the vast majority of criminal charges in this State. It is doing that because, as it well knows, the cost to the criminal justice and policing systems would be catastrophic and prohibitive.

Mr David Shoebridge: The Government now knows. It clearly had absolutely no idea before.

The Hon. ADAM SEARLE: I acknowledge that interjection. It is possible that Government members had no idea when they opened their mouths and simply announced as public policy whatever came first into their minds. This bill is a significant back down by the Government. A review of these changes and section 25A as amended, presumably, is to be carried out by the Attorney General and Minister for Police and Emergency Services and a report is to go to the Premier. The Premier did not discuss some of these issues in his second reading speech, which has now been incorporated by the Minister for Police and Emergency Services. The lack of detail about such an important area of public policy in the second reading speech is noteworthy and indeed scandalous.

As I indicated, after refusing to engage properly with the problem of alcohol-fuelled violence and hoping it would go away the Premier announced various measures on 21 January 2014. The measures included mandatory minimum sentencing for a number of offences such as assault by hitting causing death, assault occasioning actual bodily harm, assault occasioning actual bodily harm in company, reckless grievous bodily harm, reckless wounding, reckless grievous bodily harm in company, reckless wounding in company, assault against police officers in the execution of duty not during a public disorder, affray, and sexual assault. But by the time Parliament resumed on 30 January this wish list or thought bubble had completely evaporated and contracted to a single new offence of assault of intoxicated hitting resulting in death, the new section 25A.

So ill-thought out was this plan and so inept and uncertain was the Government's position that it had to amend its bill to implement its stated objective of introducing mandatory sentencing. When asked questions by non-government members about the meaning of the draft it was clear that the Government and its advisers had no idea whether the legislation they were proposing created the eight-year mandatory minimum or a six-year minimum non-parole period. Of course, the Government had to scramble yet again to remedy that. Both in the announcement and in the execution of what I will loosely call its policy the Government has been caught making it up as it goes along.

Despite the lapse of time from then until now, it is clear that the Government's policy-making process—I again use that term loosely—has not improved. This bill amends the new section 25A, which was introduced only on 30 January. The Premier's 21 January list of offences to be subject to mandatory sentencing is now severely contracted. Some offences have been removed from the list and others have been added. That presumably arises from opposition to mandatory sentencing from both inside and outside the Government and

the sidelining of the Attorney General and his department from the policy-making process. Fundamentally, it represents the disorganisation of this Government on this very important area of public policy. Several issues regarding the drafting of the bill reflect this ad hoc process.

The way the definition of "public place" is dealt with in the bill is highly problematic. In fact, "public place" is not defined. The definition inserted into section 8A of the Crimes Act is the phrase "intoxicated in public", which is someone intoxicated while in or in the vicinity of a public place. A public place includes premises or land open to the public as well as premises or land regularly used by a local community for consuming or taking alcohol or narcotic drugs. I think the Government has said that it justified this approach by saying that it was intended to be a broad definition. The problem is that it is actually vague or uncertain in its meaning. Criminal laws should strive for precision and certainty as much as possible and this definition certainly does not achieve that; it shows all the signs of hasty and ill thought-out preparation, consideration and execution.

Another difficulty with the legislation involves the provisions relating to evidence of intoxication and to the definition of "intoxication". As I indicated, the provisions proposed in new section 8A (2) as to "the person's speech, balance, co-ordination or behaviour" confirms a return to the bad old days of driving under the influence or DUI prosecutions with all the inconsistent arbitrary and unsatisfactory aspects that that sad chapter in our history involved. All of those aspects were part of the reason that prescribed concentration of alcohol or PCA charges were preferred over driving under the influence charges. This legislation now has the Government leapfrogging back to the bad old days.

The other portion of the definition involves presumptions that not only throw the onus onto an accused but also seem to be arbitrary. There is no particular rigour in any of the figures, either of intoxication limits or times chosen. The arbitrary nature of the figures reinforces the ad hoc nature of the Government's approach. One of the obvious problems with proving intoxication is the issue of the alleged offender consuming further alcohol or drugs subsequent to the alleged offence, making it impossible to prove that the person was intoxicated at the time of the offence. That criticism was widely made of the section 25A provision when it was introduced several weeks ago. Making it up on the run yet again the Government has responded by creating another criminal offence—new section 138H (2A) of the Law Enforcement (Powers and Responsibilities) Act, which states:

A person is guilty of an offence if the person consumes or takes alcohol or a narcotic drug within 12 hours after assaulting a person in order to alter the presence or concentration of alcohol or a narcotic drug in the person's breath, blood or urine and thereby avoid prosecution for an aggravated intoxication offence.

This strikes the Opposition as being likely to be wholly ineffective in dealing with the problem. The elements necessary to establish the offence beyond reasonable doubt make it unlikely to ever be successfully prosecuted, quite apart from people who are intoxicated knowing of the existence of the offence in the first place or actually turning their mind to it. The Government has attempted to justify this latest iteration of the Government's position by stating that the offences subject to mandatory sentencing are the worst crimes and that only the most serious acts of street violence will be targeted by mandatory sentencing laws. The Government made that claim in the *Daily Telegraph* on 25 February 2014 and the Premier reiterated it in the other place on 26 February when he referred to the most serious of the offences as serious assault. That is entirely wrong and untrue. The laws currently before the Chamber include wounding. A briefing note from the New South Wales Bar Association states:

To constitute a "wounding", it is sufficient that there is an injury by which the interior layer of the skin is broken. No instrument or weapon need be used, so that a split lip inflicted by a punch is a "wounding".

The note cites Court of Criminal Appeal judgement *R v Shepherd* [2003] NSWCCA 351 as authority for this proposition. If these mandatory sentencing laws apply to a split lip, then it is entirely false to say that the laws will apply only to the most serious cases. It is a significant misstatement of the effect of this bill if it were to become law. The Opposition does not think there is a massive wave of community support for mandatory sentences of three years for a split lip. Most people would be able to recall incidences from their youth when people who were perhaps full of youthful high spirits became intoxicated, the pushing and shoving went a bit far and someone copped a belt in the face and it resulted in a split lip. If this bill became law those events would now result in a mandatory three-year jail term if anyone was prosecuted for that kind of event, which is clearly disproportionate to the culpability of such an action.

Removing assault occasioning actual bodily harm from the list of mandatory sentences was clearly an attempt to exclude some of the comparatively less serious assaults but because of the ad hoc nature of its response the Government still has not got it right. A number of Labor members in this place, the other place and

I spoke of the problems associated with mandatory sentencing. We made the point that it was a flawed policy that showed no evidence of success at reducing or deterring crime, especially violent crime, and that there is a plethora of credible evidence to the contrary. I will not reiterate what I and other Labor members have said because those matters are on the record.

One key injustice created by mandatory sentencing is that the level of penalty is not proportionate to the level of moral criminal culpability in all cases. Further, discretions will remain in the system but rather than being reposed in a judicial officer, exercised in public and open to public scrutiny, including through appeal mechanisms, the discretions will be moved to police and prosecutors in charge of bargaining away from the public eye. No-one will be able to see, scrutinise or even know what is happening in the criminal justice system. Mandatory sentencing also fails to recognise those who help authorities or enter early guilty pleas, the latter being of as much assistance to victims and witnesses as to the broader criminal justice system. Both of these are sensible public policy objectives that are overridden by mandatory sentencing.

The other substantial problem with the Government's legislation is the cost that will be occasioned to the criminal justice system and the prison system. That is not to say that under no circumstances should extra costs be incurred for the systems but such costs should be acknowledged, assessed and then weighed against the public objectives the legislation is seeking to achieve. There is no reference to these considerations in the Premier's second reading speech. To argue that a decision should be made whether the extra expenditure is going to make a difference—that is, will it work—should be an obvious proposition. If it will not work to reduce the level of assaults or criminal activity on the streets there must be a question mark about the sense in pursuing that policy.

Mandatory sentencing will increase the number of people going to jail. It does this in two ways. First and most obviously is that people who might not have been sentenced to jail now will be sentenced to jail. As well, the mandatory minimum will be regarded as a sentence for the least serious type of offence, which will have the undoubted effect of increasing the length of all sentences for that offence. Numerically, that might have an even greater impact than the first class. That is, the greatest impact on the corrections system may be on those who were going to be sentenced to imprisonment in any event but will now receive longer sentences. In the speeches Government members have made to date there is no hint about the Government's calculations of the burden this will place on the criminal justice and corrections systems. It is important to get proper figures into the debate. It is incumbent upon the Government as the prosecutor of this policy to come clean and put figures on the table so that members of Parliament who will have to vote on the legislation and the public know what the real effects will be.

The shadow Attorney General in the other place obtained from the Parliamentary Library data from the Bureau of Crime Statistics and Research [BOCSAR] to arrive at a sense of the scale of the issue. Those statistics state that from October 2009 to September 2013 there were 52 convictions in the Local Court for offences under section 35 (1) of the Crimes Act; 447 convictions for offences under section 35 (2); 47 convictions under section 35 (3); and 700 convictions under section 35 (4). Further, imprisonment rates for each class respectively were: 52 per cent, 35 per cent, 51 per cent and 37 per cent. The statistics further state that from January 2008 to June 2013 there were 83 convictions in the higher courts under section 35 (1); 230 convictions under section 35 (2); 76 convictions under section 35 (3); and 224 convictions under section 35 (4). The imprisonment rates in the higher courts for those convictions were respectively 78 per cent, 78 per cent, 78 per cent and 64 per cent.

For the period July 2006 to June 2013 for offences against police there were 12 convictions under section 60 (3A) and three convictions under section 63H. Of the convictions under section 60 (3A), 75 per cent resulted in terms of imprisonment and all of the convictions under section 63H resulted in terms of imprisonment. That is a significant amount of convictions and terms of imprisonment. The figures cited do not discriminate as to whether the offences occurred in a public place or even in a public place as defined in this bill. The figures certainly do not discriminate as to whether the offender was intoxicated or not, but what does emerge from those figures is that a significant number of people are already receiving custodial sentences.

If this bill passes into law those offenders will receive longer custodial sentences and offenders who are not receiving custodial sentences will now receive one. A rough calculation shows that 420 people per annum commit these offences and a significant number of those offenders would have been affected by alcohol during the commission of the offence. It is expected that a significant number of those offences would have been committed in a public place. If the Government suggests that these figures are incorrect Labor would ask it share with the Parliament and the community the figures it relies upon in its calculations. Of course, that is assuming the Government has done any homework on the impact that the policy it is proposing be adopted will have on this State.

The cost of imprisonment is not cheap. The thirteenth edition of the Corrective Services NSW facts and figures document, which is now 12 months old, states that the daily cost of an inmate in full-time open custody is \$194.10 and \$222.90 for secure custody. In modest terms, that equates to \$75,000 per annum for each prisoner in jail, which is clearly a significant cost. Multiples of that cost may be a price the community is prepared to pay but only if the policy works. It is without doubt that extra costs will be imposed on the custodial and court systems. There will be an increase in the number of defended hearings due to mandatory sentencing, which will mean that more hearing time will be required in a court system that is already under considerable stress. There are 90 Crown prosecutor positions but Labor understands that only 70 of those positions are currently filled. That means that the occupants of those positions are struggling under their current workload. Increasing that workload without increased funding is not viable. I am informed that Legal Aid NSW is even more stretched than the prosecution services and receives even less funding. The Government has recently restricted the availability of legal aid in criminal matters.

Another aspect not touched on by the Government is the availability of court time. Many of the current prosecutions of section 35 offences are dealt with summarily under provisions in the Criminal Procedure Act. Some of these offences will now be dealt with as aggravated intoxication offences, which will be finalised in the District Court. In a Local Court system hit by budget cuts resulting in the removal of eight magistrate positions time will still be required for committal hearings. This time burden will exacerbate the problem. Where is the announcement, Labor asks rhetorically, about the extra District Court judges to deal with the extra hearing time required if this bill becomes legislation in its current form?

The Opposition notes the addition of an offence to the table of standard non-parole periods under the Crimes (Sentencing Procedure) Act. It further demonstrates the ad hoc nature of the Government's approach to this proposed legislation. The Attorney General, and Minister for Justice, is currently sitting on a report from the NSW Sentencing Council that the Opposition understands recommends formulating the scheme into a logical and cohesive form. The Sentencing Council recommends a sensible approach that this Government has ignored by adding extra offences willy-nilly in this bill. The Government should release the Sentencing Council's report so that Parliament can have a rational and coherent debate about sentencing rather than responding to a bill that the Government has invented as it goes along.

In conclusion, after careful consideration, the Opposition does not believe the Government has produced the optimum package. Like its predecessor presented in January, this bill has been produced in extreme haste and with none of the consultation we would reasonably expect to accompany such wide-ranging sentencing and criminal law changes. This piece of proposed legislation has been widely criticised. It has limped into Parliament barely held together with bandages and sticky tape. There is no evidence that the Government has modelled or thought through the impact of these changes. A new sentencing structure for alcohol-fuelled violence must be fail-safe, proportionate and based on reason and evidence. The Government must not pass just any laws; its duty is to pass the best possible laws. The Opposition has announced it will propose amendments to this bill modelled on laws introduced in Victoria in 2012 targeting gross violence. That is the course of action that Labor will take and I encourage each member in this Chamber to support Opposition amendments that will make the bill sensible and workable.

Mr DAVID SHOEBRIDGE [3.26 p.m.]: I speak on behalf of The Greens against mandatory sentencing laws. It is a matter of principle for The Greens to respect the separation of powers. It is the responsibility of this Parliament to ensure that when a sentence is imposed for a criminal offence it is imposed by a statutorily independent judge. It is wrong in principle for the Parliament to seek to fetter the discretion of a judge and, in effect, become the sentencing authority in New South Wales. It is wrong for laws relating to murder, manslaughter, unlawful death, assault and for offences involving intoxication to have mandatory sentences. The Greens will vote against this bill because it is wrong in principle.

The Crimes Amendment (Intoxication) Bill 2014 comes about through a sorry history of a renewed law and order auction in this State. Over the summer a series of highly emotional exchanges occurred between Government, the *Daily Telegraph* and the *Sydney Morning Herald*, which are the two major newspapers in this State, a number of conservative commentators and the Leader of the Opposition. This highly emotional debate about alcohol-related violence occurred largely due to two tragic cases, in one of which a young person had his life taken as a result of an alcohol-related assault. I say "alcohol-related assault" because the assailants were intoxicated; whether or not the assault came about as a result of the intoxication has not been established. Much of the discussion about alcohol-fuelled violence and alcohol-related offences has occurred in the absence of solid empirical study linking the consumption of alcohol to the individual offences. It is undoubtedly the case that the widespread consumption of alcohol does lead to more violence in our State.

Intoxication leads to a lowering of inhibition thresholds and self-control and to an increase in violence on our streets, in licensed premises or, all too often and tragically, in people's private homes in domestic violence. Alcohol-related violence and the scourge of domestic violence and assaults on our streets is quite properly a matter for public debate. The Greens are concerned that the debate that has taken place over the past few months has created widespread moral panic. In the face of evidence that showed substantial ongoing reductions across the State in the classes of violence in which this Parliament is now moving to impose mandatory sentencing—consistent statewide reductions in alcohol-related violence, assaults in licensed premises and in known entertainment precincts—a campaign was run that there was a pressing and urgent need to deal with what was seen as a crisis. The Leader of the Opposition repeatedly called for the return of Parliament during the summer recess.

A series of individual tragedies do not on a statewide basis produce a crisis. They were deeply tragic events and they require a considered policy response, not a kneejerk reaction. What did we get? In that pressure cooker environment we got a kneejerk reaction and what appears in hindsight to be a deeply embarrassing one for the Premier. On 21 January the Premier announced a raft of new mandatory sentences: eight years jail for one-punch laws; two years jail as a mandatory minimum sentence for assault occasioning actual bodily harm by an intoxicated person; a mandatory minimum sentence of two years for assaulting police by anyone who is intoxicated and an additional one or two years for assaults in company.

The Premier beat his chest, briefed the public and handed out the table of offences for the new mandatory minimum sentences and said that this was what the Government was going to do. It is clear the Premier had no idea what he was talking about. Nobody had sat down with him and given him the most basic briefing regarding the number of offences and individuals who would be roped in by that announcement. I see the Minister for Police and Emergency Services in the House and I wonder what, if anything, he said to the Premier across the Cabinet table while the Premier was ticking off this harebrained proposal he announced on 21 January: "Don't worry, Premier, it's all right, my mates on the Right wing will protect you on this, we've got your wing. We'll cover you, don't you worry; it will all be good. Don't worry about the numbers, don't ask the Treasury, Mr Premier, don't talk to the Attorney, he will mislead you like he always does."

The Hon. Adam Searle: The current Attorney.

Mr DAVID SHOEBRIDGE: I note that interjection. "Don't go worrying about this, we'll protect you, Mr Premier; you make the announcements and we will be right there behind you." Of course they were right there behind him; they were not making any of these silly pronouncements—they pushed the Premier out. He said he would bring forward this raft of mandatory offences. Suddenly, the community, the Bar Association and the Law Society looked into the proposal and my office crunched the numbers. It was quite apparent that far from the reassurance that the Minister for Police and Emergency Services no doubt gave the Premier in Cabinet, if the Government had legislated for the Premier's harebrained scheme announced in January there would have been a 50 per cent increase in the prison population. The Government would have had to build six new Juncie prisons to deal with the Premier's thought bubble. The policy would have cost the State billions of dollars in infrastructure, additional court time, judges, and ongoing expenditure.

After those comfortable assurances were given to the Premier in Cabinet, suddenly the proposal came to Treasury and no doubt someone in Treasury looked at the policy and phoned up someone in the Department of Attorney General and Justice and said, "How many people are we talking about?" Then the department might have phoned the Bureau of Crime Statistics and Research and asked for the numbers, given them to the Attorney General or the Minister for Police and Emergency Services, who would give them to the Treasury who would then send a memo to the Premier saying, "I am terribly sorry but the announcement you just made will cost the State \$2 billion in the first year. We don't have enough prisons; you will have to build a whole bunch of new prisons. Put off that silly infrastructure you have been talking about because the Minister's new prisons will cost \$2 billion."

The Hon. Robert Borsak: That is infrastructure.

Mr DAVID SHOEBRIDGE: I hear the interjection from the Hon. Robert Borsak. That would have been the only infrastructure project the New South Wales Government would have committed to. The only regional jobs would have been—

The Hon. Robert Borsak: WestConnex straight to the new jail.

Mr DAVID SHOEBRIDGE: That is right, a motorway to the new jail at Juneee. That would have been the only infrastructure that this Government would have been able to afford. After the thought bubble got popped by the brutal winds of reality the Government then backed down but you will not hear them talking about it being a backdown; you will hear them continuing to beat their chest about mandatory sentencing and putting forward the proposition that mandatory sentencing in some way is a rational policy response to violence on our streets; and it is not. Wherever mandatory sentencing has been tried it has failed to deter crime. In the Northern Territory a raft of new mandatory sentencing laws were brought forward and not only did they not deter crime but the classes of crime for which mandatory sentences were imposed in the Northern Territory actually increased. The position was the same in Western Australia after mandatory sentencing was rolled out; crime increased for those classes of offences compared with general offences.

In the United States, state and federal jurisdictions have time after time rolled out mandatory sentencing for drug laws and violent crimes—the "three strikes and you are in" laws. It has failed absolutely to deter crime in the United States. In fact, in the face of mandatory sentencing crime in many areas initially increased. Not only did crime increase, some states, particularly in the south, had to come to grips with the kind of policy and budgetary outcomes that I mentioned earlier in this contribution. The budgets of those states are crippled by their corrective services budget. They do not have money to build roads or build and staff the schools because a vast proportion of their budget is spent in incarcerating their fellow citizens. Even those redneck states which are to the far right of this Coalition Government are reviewing their mandatory sentencing laws and removing a number of them because not only do they not work, they cannot afford them.

This bill proposes a thankfully more limited but still offensively large range of mandatory sentencing provisions in the Crimes Act. It proposes to insert a series of new provisions after section 35 dealing with reckless grievous bodily harm or wounding when the assailant is intoxicated and new provisions in sections 59 and 60 dealing with assault and other actions against police when the assailant is intoxicated. The mandatory minimum sentences start at three years and increase to five years, depending upon the severity of those offences. The mandatory sentences will of course apply only where the offence is committed in a public place by an adult who is intoxicated. A new section 8A is proposed to be inserted into the Act that defines intoxication for the purpose of these offences and it includes the kind of wording that looks like it comes straight out of a 1970s cop show. It says that a person is intoxicated if:

- (a) the person's speech, balance, co-ordination or behaviour is noticeably affected as the result of the consumption or taking of alcohol or a narcotic drug (or any other intoxicating substance in conjunction with alcohol or a narcotic drug), or
- (b) there was present in the person's breath or blood the prescribed concentration of alcohol.

So if the person registers 0.15 or above the person is presumed to be intoxicated but otherwise it is whether or not the attending police said, "Well your Honour, he looked pretty pissed to me; his speech appeared to be slurred, it was late at night, and he seemed to be walking with an uneven gait." We are going straight back to a pre-Wran administration. It is the verbal reports of police that lead to people being put in jail for three, four or five years. It is deeply troubling to propose that somebody's liberty will be taken away for five years based on whether or not a couple of police recounting the offence they saw late at night, often on a dark street, believe that in their eyes that person's speech, balance, coordination or behaviour was noticeably affected as a result of the consumption or taking of alcohol or a narcotic drug.

It may well be that the courts take a very tough view of that by saying that the police observation is only the first part and it is necessary to have a strong forensic case to prove not just on the balance of probabilities but beyond reasonable doubt that whatever the police observed was, as the proposed law says, "the result of the consumption or taking of alcohol". People I have spoken to who regularly defend criminal matters are very concerned that the verbal reports of the police will determine whether somebody facing three or five years in jail as a mandatory minimum will have a fair sentencing hearing before a judge with some judicial discretion. A power is created for the police to require a breath test or urine sample after they have arrested a person for an aggravated intoxication offence. Also, there is a series of offences in relation to anyone who in the following 12 hours consumes something that in any way changes their blood-alcohol reading.

We know a couple of things about mandatory sentencing. We know it does not work to deter crime and we know absolutely it has a statistically unfair impact on vulnerable members of the community. If we get mandatory sentencing through this bill, even as amended, we know who will be most impacted: the most vulnerable people in this community. It is most likely to be applied against Aboriginal members of the community, against the homeless, against the mentally ill and against young people. We know that because in every jurisdiction where it has been tried, it most impacts on people of colour, on homeless people, on the

mentally ill and on young people. There is no reason at all to think it will be any different in New South Wales. A series of submissions has been made, and I am sure all members have received them. It is unfortunate that the Government has not read those submissions. I note that the Law Society in its submission of 4 March 2013 said:

The Committees submit that the broad definition of intoxication is likely to have a particularly severe impact on Indigenous people, given their complicated relationship with the police and will likely greater disadvantage their ability to test the evidence (particularly at a time when the Aboriginal Legal Service is facing funding cuts). The Committees' further view is that the focus on intoxication "in public" will also impact more harshly on Indigenous people, amongst other vulnerable groups. Consorting laws are a good example of how Parliament's intent can differ significantly from the effect of the legislation. Recent statistics from the NSW Ombudsman showed that in around 70% of the cases sampled, consorting provisions were used by frontline police against Aboriginal people, and not to break up organised crime associations. The proposed bill is not consistent with efforts to reduce the incarceration rate of Indigenous peoples.

I note and endorse those comments from the Law Society. The Bar Association has made a series of submissions to parliamentarians, hoping to get some kind of rational response from elected representatives. I note one part of the association's third briefing note, which was provided on 27 February.

The Association has always strongly objected to mandatory minimum sentences and does not consider such sentences to be an effective way of addressing drug and alcohol-related violence. A briefing note was circulated in January setting up the Association's position. An additional briefing note expanded on some of those points using the offences of assault occasioning actual bodily harm and assault against a police officer in the execution of duty as examples.

Mandatory minimum sentences always carry a real risk that unjust sentences will be handed down, and this is particularly the case with mandatory sentences of imprisonment for what may in fact be comparatively minor offences.

Take the example of reckless infliction of grievous bodily harm or wounding to a police officer in the execution of the officer's duty where the offender was intoxicated in public ... The mandatory minimum sentence is 5 years imprisonment.

To constitute a 'wounding', it is sufficient that there is an injury by which the interior of the skin is broken. No instrument or weapon need be used, so that a split lip inflicted by a punch is a 'wounding'.

This Government is proposing that people go to jail for a mandatory minimum of three years if they give someone a split lip when intoxicated in public. Again, no thought seems to have gone into the drafting of this legislation and the real-life impacts of this legislation. This legislation has been pushed forward by the Premier as a result of his thought bubble. The impacts of this bill, even if it is amended—and I note that Labor is putting forward some amendments, which would be an improvement on what is otherwise an absolutely disastrous piece of legislation—will be far reaching. It is intended, for those in the Government who support mandatory sentencing, to be, as the one-punch laws were, the thin end of the wedge on mandatory sentencing. They got it in one of the first bills that came before this Parliament, about the death of a police officer on duty. They then got it on one-punch laws and they can expand it into other violence offences occurring on the street.

Reverend the Hon. Fred Nile: Child sexual abuse.

Mr DAVID SHOEBRIDGE: I hear the interjection about child sexual abuse. Almost certainly the proponents will push to expand it into other areas, and that would have to be one of the likely candidates. Mandatory sentencing is wrong in principle. It does not depend upon the nature of the offence, whether it is the appalling crime of murder or the appalling crime of child sexual offences. It is wrong in principle, because it messes with the separation of powers and it fetters the very reasonable discretion of our judicial members.

The Hon. AMANDA FAZIO [3.46 p.m.]: I speak in the debate on the Crimes Amendment (Intoxication) Bill 2014. I will not go through the elements of the bill in detail, as my colleague the Deputy Leader of the Opposition has done that. I believe that this legislation was drafted and presented in haste. It has so many major loopholes that the decent thing for the Government to do would be to withdraw the bill altogether. Knowing it will not do that, I urge members to support the amendments to be put forward by the Opposition, which I believe will improve this bill.

We have heard that many organisations, including the Bar Association and the Law Society, have raised issues with elements of this bill. I am particularly interested in the concerns raised by the New South Wales Council for Civil Liberties. One question has been asked by many members of the public in relation to this legislation, and it is one that the bill does not address and the Government has never attempted to address. It is a question that cannot be ignored as we are instituting a regime of penalties for people who are intoxicated when they assault someone that are far greater than the range of penalties applying to a person who is stone cold sober and in a premeditated way assaults someone and causes physical harm. To me that is irrational, because

somebody who is intoxicated or under the influence of drugs is often more easily provoked as they may not have a clear understanding of the circumstances and they may take offence at something said to them to a greater extent than somebody who is sober.

We should be concerned about the way that this legislation approaches this issue. I am more concerned about people who in a sober and rational manner assault people and even kill them than I am about offences committed by intoxicated people, because the person who offends when sober is likely to repeat that offence time and time again, whereas people who get drunk and punch somebody so causing either serious injury or death, in many instances do not repeat the offence. That should be addressed in debate on this issue. Secondly, we need to look at some of the problems this legislation will create. One problem is the lack of a clear legislative definition or a regulated definition of what constitutes "intoxicated".

If a person is charged with a drink-driving offence a range of prescribed concentration of alcohol in their blood is applied to determine whether that person will lose certain points on their licence or will receive a fine: the concentration of alcohol in the blood will be taken into account by the judge on sentencing. No such thing exists in this legislation. The definitions in the bill are unclear. The establishment of an offence will be based on observations by police officers as to whether they believe somebody is intoxicated or not and the extent to which they are intoxicated. That is not a rational or a scientific way to determine how people are to be dealt with under this legislation and it does not create a level playing field.

There is also a problem of what constitutes a public place. The penalties for being drunk and punching somebody causing harm in a public place are going to be far greater than being drunk and punching somebody in their home. We know that the majority of people who are assaulted in their home in that manner are women; therefore, the issue about the penalties under this legislation being far greater than for somebody who is drunk in the home and commits domestic violence should be of major concern to us. There is no doubt that the community was very concerned about the circumstances surrounding the deaths of the two young men in Kings Cross who were killed as a result of one punch and that the Government was under pressure from the public and the media to respond. But I think the Government's response—the dramatic recalling of Parliament in January—was nothing more than a stunt.

The Government came to the Parliament with poorly drafted legislation. The Government did not even have a whole package of measures because it had not done its homework and did not have the measures ready, and it put through the legislation on the same day with no opportunity for consultation or real discussion. We are now seeing the problems that the legislation will cause. Legislate quickly and repent at leisure. In my time in this House this is not the only piece of legislation I have seen brought in with no real thought given to the consequences. One of the reports of General Purpose Standing Committee No. 3 when I was the chair is another example of why due consideration should be given to bills before they are brought before the House.

The amendments that the Opposition is going to bring forward would vastly improve this bill but, as I said, I believe the only decent thing to do would be to withdraw it and start again. We have had no announcements from this Government about what it intends to do to try to alleviate the attitudinal problems that develop in people to the extent where they think it is okay to go out and get drunk and punch somebody for a perceived slight. Cracking down on licensing goes towards limiting people's intake of alcohol but it still does not cover the issue of how you change attitudes and behaviour so that people do not think it is acceptable to go out and get absolutely hammered and then punch somebody. There has been no attempt to do that in this legislation and that is a real deficiency. I will now turn to the issues raised by the New South Wales Council for Civil Liberties in its commentary on this legislation. The council is vehemently opposed to the legislation; it does not support mandatory minimum sentencing. The council states:

This is hastily conceived, inadequately thought-through, bad policy.

The council urges the Government to withdraw the legislation and, failing that, it urges the New South Wales Parliament to act in the public interest and block the legislation if the Government proceeds with it. The council states:

The reasons for widespread opposition to this legislation—both principled and pragmatic—have been thoroughly canvassed in the public arena [since the legislation was introduced at the end of January]. In summary: Mandatory minimum sentencing will inevitably lead to inappropriate and unjust outcomes for individuals. This is the most important reason for opposing the Bill.

The council continues:

The disadvantaged and in particular indigenous and homeless people will be disproportionately impacted by the resulting inappropriate and unjust mandatory sentences.

The Bill will lead to irrational and indefensible anomalies in sentencing outcomes.

It will not achieve the goal of a reduction in the targeted violent behaviour.

The council also believes that the intoxication definition is open to misuse. It states:

A person can be declared intoxicated on the basis of observation that "speech, balance, coordination or behaviour is noticeably affected". These are not objective criteria for proof of intoxication and can be easily misused—deliberately or otherwise. This "test" can replace the more objective—but also flawed—criterion of a set concentration of alcohol in a person's breath or blood.

There is a larger issue of the very real potential for the key decisions about eventual sentencing outcomes to be made by police and prosecutors before the courts become involved.

We should be concerned about that issue because it is undermining the role of the courts in this country and it is giving the decision on sentencing to the police by way of the charges that will be laid, and that is not the appropriate role for the police. The Council for Civil Liberties states:

This discretion can be used to advantage or disadvantage a charged person.

We should be very concerned about putting in place legislation that can allow for major inequalities before the law, in that it would depend on a whole range of issues, such as the ethnicity or Aboriginality of the person, their socio-economic background, and their friendship or family relationships with members of the Police Force. Imagine how this legislation would work in a country town. I am sure that the children or nephews of police officers would not be getting charged with the same serious offences as young Indigenous people. The New South Wales Council for Civil Liberties also believes that the mandatory minimum sentencing concept is flawed. The council states:

It is widely and vehemently opposed because it offends against very important principles of our justice system. It has a bundle of major operational problems and will carry major financial consequences to the State. There are indications that community opposition is growing, with one newspaper [the Sun-Herald] reporting 58% of voters and 78% of 18- 24 year olds expressing opposition.

The "One Punch" legislation was forced through both houses of Parliament on the same day it was introduced with disgraceful disregard for reasonable parliamentary discussion or scrutiny of such radical legislation.

As the council has said, and I concur:

All public indications are that it was conceived and drafted with similar undue haste. Not surprisingly the result was flawed legislation which is already being amended in this current Bill.

The Government should withdraw this bill and start afresh, but I know that the Government will not do that. The House should support the Opposition's amendments because we want to see people treated equally before the law. Whether their father is the head of the Chamber of Commerce or whether they live in a shanty on the outskirts of a country town; whether their father is a barrister or whether their father is unemployed, they should all be treated equally before the law. Giving such discretion to the police in determining whether a person is intoxicated will not guarantee that—in fact, it is almost guaranteed not to do that. I therefore urge the House to support the amendments.

The Hon. MARIE FICARRA (Parliamentary Secretary) [3.58 p.m.]: I support the Crimes Amendment (Intoxication) Bill 2014. In the past year we have seen a spate of horrific incidents of drug and alcohol-fuelled street violence in Sydney and in other parts of New South Wales that have shocked the community. Since these serious and, sadly, fatal episodes in the Sydney entertainment district in particular, the community has called for strong leadership and firm action by the Government to address the issue. Members can get up in this place and bleat as much as they like, but we are here to represent community feelings. Of course, relevant consultation and advice is taken. Nothing was hurried or rushed through; these measures were carefully considered. We listened to what the people who elect us have had to say. We will be ready to be judged come next March on what they believe our progress has been to date on this important issue and many others. The Government responded to the concerns of the community by introducing mandatory minimum sentences for serious drug- and alcohol-fuelled assaults.

The New South Wales Government will continue to address drug- and alcohol-fuelled attacks on our streets and the increase in violence that has accompanied those attacks. We make no apologies for the legislation before the House. We absolutely support it. We will continue to monitor its operation and fine-tune the law, and we will continue to introduce any laws that we believe are necessary to address this violence on our streets and to make families feel safer. The response to date includes a broad range of tough measures to tackle alcohol- and drug-related crime and antisocial behaviour in the Sydney central business district and precinct and across New South Wales.

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

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

QUESTIONS WITHOUT NOTICE

TAXI SAFETY INSPECTIONS

The Hon. LUKE FOLEY: My question without notice is directed to the Minister for Roads and Ports. Given concerns raised by taxi drivers, the NRMA and the Transport Workers Union about the safety of taxis in New South Wales, will the Minister insist that checks of brakes, steering, LPG and suspension are part of the inspection regime for taxis through the authorised taxi inspection stations and in Roads and Maritime Services spot checks?

The Hon. DUNCAN GAY: I thank the member for that question on taxi maintenance. I draw the member's attention to the fact that among the groups that he suggested are concerned about safety are taxi drivers. Honourable members would recall that last year I had to fight tooth and nail to get the taxi drivers to wear seat belts, to protect not only themselves but also their passengers. The matters raised in the question lie almost entirely within the purview of my colleague the Minister for Transport, who oversees taxi matters. I will take the question on notice and refer it to my colleague.

FIRE AND EMERGENCY SERVICES AUSTRALIA DAY HONOURS RECIPIENTS

The Hon. NATASHA MACLAREN-JONES: My question is directed to the Minister for Police and Emergency Services. Will the Minister update the House on recipients of Australia Day honours in the fields of fire and emergency services?

The Hon. MICHAEL GALLACHER: I certainly will, and I thank the member for her question. Thirteen of the State's fire and emergency services personnel were recognised in the 2014 Australia Day honours. The Australian Fire Service Medal recognises distinguished service by members of Australian fire services, both paid and volunteer. Ten firefighters from Fire and Rescue NSW and the Rural Fire Service were honoured.

Chief Superintendent Gerard Byrne, Fire and Rescue's Metropolitan South Area Commander, is responsible for 43 fire stations and nearly 660 firefighters. He has been recognised for developing excellent working relationships amongst emergency services within New South Wales. With 52 years of firefighting experience, Station Officer Bill King, from Mosman, is one of Australia's longest-serving firefighters and is renowned as a regular Seniors Week Ambassador, in which role he actively encourages elderly citizens to adopt good fire safety behaviours together with a healthy lifestyle. In 2012 he participated in the World Firefighter Games in Sydney and was a medallist at the 2013 World Police and Fire Games in Dublin.

Acting Captain Gregory Fredericks has been a retained part-time firefighter in Balgownie for more than 40 years. He has been recognised for his dedication in enhancing the firefighting skills of countless volunteers and retained firefighters, contributing to the safety of communities right across this State. Appointed the Balgownie Fire Brigade Deputy Captain in 2012, he is currently the acting captain. Ms Gail Butt has provided over 40 years of dedicated service and is currently a member of the Monteagle Rural Fire Brigade. Mr Charles May has provided almost 50 years of dedicated service to the Rural Fire Service. He was integral in equipping the Nundle brigade with a modern fleet of diesel tankers. Mr Sean McArdle joined the Rural Fire Service in 1990. He has been particularly committed to providing professional training and development within the Rural Fire Service.

Retired Group Captain Noel Scales has provided more than 50 years of dedicated service to the Rural Fire Service, serving as a frontline firefighter and senior field officer at a number of brigades. Group Captain Graham White joined the Rural Fire Service in 1974. He has committed many hours to the training of Rural Fire Service personnel across the Riverina zone. Captain Christopher Wilhelm joined the NSW Rural Fire Service in 1977. He has held the position of Captain of Little Topar Rural Fire Brigade since 2001 and has been closely involved with the West Darling Bush Fire Prevention Scheme, being elected president of the scheme in 2007. Captain Peter Williams joined the Rural Fire Service in 1979. He has made a significant contribution to the Lower Hunter Bush Fire Management Committee and was the driving force behind their risk management plan, imparting his expertise and local knowledge regarding critical State infrastructure, isolated communities and other assets, threats and hazards.

Three New South Wales residents received the Australian Emergency Services Medal, recognising distinguished volunteer service by those members, and for those involved in emergency management, training

or education. Those people are Ms Gina Mammone, who has been the NSW State Emergency Service Manager of Critical Incident and Counselling Services since 2008. Joining the State Emergency Service in 1990, she is the driving force behind the NSW State Emergency Service Critical Incident Support Program, which has become a best practice model for other Australian jurisdictions.

Mr Charlie Moir—who is known to many members of this Chamber—was instrumental in the planning and development of the new Inverell unit headquarters and a region training centre. He has also made a significant contribution to the NSW State Emergency Service Volunteers Association. Mr Raymond Willett has held all management positions within the squad and was given life membership of the NSW Volunteer Rescue Association in 2011. In 2012 he was elected to the position of Director of Operations, Regional New South Wales, of the State association. On behalf of not only the House but also the New South Wales and Australian community, I thank all of those people for the work that they do.

CENTRAL COAST HOSPITALS FUNDING

The Hon. ADAM SEARLE: My question is directed to the Minister for Police and Emergency Services, in his capacity as Minister for the Central Coast. Given that at Wyong Hospital waiting times for hip replacements have blown out from 97 to 329 days and ophthalmology has blown out from 52 to 213 days, and that Gosford Hospital waiting times for hip and knee replacements is now a year, what action has the Minister taken to ensure Central Coast hospitals get their fair share of health funding?

The Hon. MICHAEL GALLACHER: I am not in a position to verify or otherwise the veracity of the statistics that the member put forward. But rest assured, I will seek the advice of the Minister for Health, who most certainly would be across not only the issues in Wyong Hospital but issues across New South Wales that come within the Health portfolio.

CENTRAL COAST WATER CATCHMENTS PROTECTION BILL 2014

The Hon. JAN BARHAM: My question without notice is directed to the Hon. Jeremy Buckingham and relates to Private Members' Business item No. 1683 outside the Order of Precedence on the *Notice Paper*, the Central Coast Water Catchments Protection Bill 2014. Will the Hon. Jeremy Buckingham update the House on the intended timeframe for the resumption of debate on the bill?

The Hon. JEREMY BUCKINGHAM: I thank the Hon. Jan Barham for this excellent question. I note the member's interest in this area over many years. The timing of the resumption of the debate on this bill is very important. People across New South Wales are concerned about the substance of the bill and would like the debate to be resumed this Thursday. The key part to the bill is discussion about Central Coast water catchments and the implications of those catchments for the 300,000 people on the Central Coast. I think the debate should resume as early as possible—namely, this Thursday. Principally debate should be continued and finalised so that, hopefully, the bill can pass and be transmitted to the other House, where the Premier will have the opportunity to vote on the bill. The timing of the resumption of debate on this bill is very important.

The Hon. Duncan Gay: Point of order: My point of order is relevance. The answer is totally irrelevant to the question that was asked.

The PRESIDENT: Order! The question is in order. I am sure that the Hon. Jeremy Buckingham was trying to stay within precedent. I have ruled on this matter previously. I will read that ruling:

Questions to private members should be related to the timing or progression of a bill—

which it did—

or a motion on the Notice Paper of which the member has charge. While Standing Order 64 (4) allows discussion of an item ... outside the Order of Precedence, if the answer to a question would require the member to anticipate what he or she might say in a speech on the matter, the question anticipating debate would be out of order.

However, this was not. But if the Hon. Jeremy Buckingham starts to discuss the substance of the bill in any way other than just the issue of timing then the member will be ruled out of order. There are very narrow limits as to what he can say.

The Hon. JEREMY BUCKINGHAM: The timing is absolutely essential. I think this bill should come back on for debate. This bill is of interest to a lot of people and they are hoping that the debate—

The PRESIDENT: Order! The Hon. Jeremy Buckingham is now starting to transgress because he is starting to talk about why debate should be resumed rather than when it will be resumed.

The Hon. JEREMY BUCKINGHAM: The debate should and will come back on on Wednesday because it is of enormous interest to the people of the Central Coast.

The PRESIDENT: Order! The Hon. Jeremy Buckingham is not observing the ruling that I have made and the conventions of the House in this regard.

The Hon. JEREMY BUCKINGHAM: The bill is due to be debated on Thursday.

The Hon. Michael Gallacher: You have changed your mind: you said Wednesday.

The Hon. JEREMY BUCKINGHAM: Did I say Wednesday? I was rudely interrupted.

The Hon. Matthew Mason-Cox: He is misleading the House.

The Hon. Michael Gallacher: He is misleading the House.

The PRESIDENT: Order! Is any Government member taking a point of order or are they just engaging in theatricals? If they are not, then the Hon. Jeremy Buckingham has the call.

The Hon. JEREMY BUCKINGHAM: The bill will be debated this Thursday. It is absolutely essential to debate it at that time. The Planning and Assessment Commission decision on the—

The Hon. Catherine Cusack: Point of order: The Hon. Jeremy Buckingham is giving a speech.

The PRESIDENT: Order! The Hon. Jeremy Buckingham is now starting to talk about the Planning and Assessment Commission, which clearly has nothing to do with the time that this bill will be debated. Unless the Hon. Jeremy Buckingham has something relevant to say as to the timing of debate on the bill, he should resume his seat.

The Hon. JEREMY BUCKINGHAM: I do. I have other relevant matters to add. I will come back to them later. [*Time expired.*]

NORTHCONNEX MOTORWAY

The Hon. DAVID CLARKE: My question is addressed to the Minister for Roads and Ports. Will the Minister update the House on the missing link between the M1 and M2 called NorthConnex?

The Hon. DUNCAN GAY: I am delighted to inform the House that last Sunday, along with the Prime Minister and the Premier, I announced that the New South Wales Government had reached an agreement with Transurban and the shareholders of the M7 to build NorthConnex.

The Hon. Walt Secord: It was a re-announcement.

The Hon. DUNCAN GAY: It is interesting that the Government signed the agreements the day before, so how could it be a re-announcement? Subject to planning approval for the twin nine-kilometre tunnels, construction on yet another of Sydney's missing links could start within 12 months and be completed by 2019. Labor members had 16 years and did nothing, and they are jealous of what we are doing. This project has been talked about for decades by those opposite and it has taken grown-up governments both in New South Wales and Canberra to get it off the ground.

NorthConnex will significantly ease congestion in Sydney by taking up to 5,000 trucks a day off Pennant Hills Road, putting them underground and returning local streets to local communities. It will also allow motorists to bypass 21 sets of traffic lights, increasing traffic flow and saving motorists up to 15 minutes in travel times. NorthConnex is expected to take 30 per cent of the estimated 80,000 vehicles a day off Pennant Hills Road. Not only is NorthConnex good news for everyday motorists, but it will also greatly improve the movement of freight across Sydney. The more efficient movement of freight will deliver major benefits to both the New South Wales and Australian economies, and the environment.

NorthConnex will make it possible to travel from the Hunter and Central Coast to Canberra or Melbourne without hitting a single set of traffic lights. The go ahead for NorthConnex proves that this Government is getting on with the job of delivering the infrastructure this State so desperately needs. NorthConnex, along with WestConnex, the widening of the M5 West, construction of the North West Rail Link and South West Rail Link, and the CBD Light Rail and South East Light Rail, shows the Liberal-Nationals Government is serious about delivering the vital infrastructure that was ignored for so long by those opposite.

The PRESIDENT: Order!

The Hon. DUNCAN GAY: Thank you, Mr President, for bringing this rabble back to order—a rabble that did nothing in its time and is jealous of anyone else who builds things. The \$3 billion project, consisting of a construction budget of \$2.65 billion in addition to land and project delivery costs, will be funded through toll charges with a contribution from the New South Wales and Australian governments of up to \$405 million each. Car and truck tolls for NorthConnex will be aligned with the M2. The tunnel will be built for three lanes in each direction but will be marked for two with a breakdown lane. Following a competitive process, a preferred tenderer Lend Lease Bouygues has been chosen to deliver the project, which should be completed in 2019. This project is future proof. It is taller, wider, longer and better than anything that they could have dreamed in one of their glossy brochures. It is real time good work. [*Time expired.*]

PUBLIC SECTOR ENGINEERS

Dr MEHREEN FARUQI: My question is directed to the Minister for Roads and Ports. For some years now there has been a trend of de-engineering the public services of New South Wales across the sector in Sydney Water, Transport for NSW, and more recently in Roads and Maritime Services—

The Hon. Duncan Gay: Point of order: Question time is about asking questions, not making statements.

The PRESIDENT: Order! The question of Dr Mehreen Faruqi does contain considerable argument. She should rephrase it and ask it again later in question time.

TAXI SAFETY INSPECTIONS

The Hon. HELEN WESTWOOD: My question is directed to the Minister for Roads and Ports.

The Hon. Michael Gallacher: Not your sweet voice this time, though.

The Hon. HELEN WESTWOOD: I think it is a very sweet voice.

The PRESIDENT: Order! Question time is not a time for members to have conversations across the Chamber. Members will listen to the question in silence.

The Hon. HELEN WESTWOOD: Given changes to the public passenger services section within Roads and Maritime Services, and an increasing number of taxis, will the Minister guarantee that Roads and Maritime Services is resourced adequately to ensure proper compliance with taxi regulatory requirements?

The Hon. DUNCAN GAY: I answered this question earlier. With regard to compliance of any vehicle, I assure the honourable member that Roads and Maritime Services has the proper number of personnel. Absolutely. In fact, we have told this House time and again that in relation to compliance the cuts that they have been talking about simply are not there. Once again, there is a whole list of matters from the Labor Party that are just wrong. There have been no cuts to checking compliance and registration. Can I give a guarantee that they will be properly resourced? Of course I can, because they are already resourced.

STOCKTON RESIDENTIAL CENTRE

The Hon. SARAH MITCHELL: My question is addressed to the Minister for Ageing, and Minister for Disability Services. Will the Minister update the House on the redevelopment of the Stockton Residential Centre?

The Hon. JOHN AJAKA: I update the House on a matter that is close to my heart, one that has been misunderstood by some and, sadly, misused by others. Over the last six months I have explained at length why the New South Wales Government is proceeding with the redevelopment of large residential centres. Recently the Ombudsman wrote to me. He stated:

The failure to close LRCs can be seen as a breach of Australia's obligations as a signatory to the United Nations' Convention on the Rights of Persons with Disability.

We have an obligation to move people with disabilities out of large institutions so that they may finally live within the community. I quote the following statement with which I full concur:

The NSW Government is committed to the phased closure of all large residential centres like the Stockton Centre which are old and unsuitable and cannot conform to the requirements of the Disability Services Act, 1993.

The statement was made by a former disability services Minister, the Hon. Carmel Tebbutt, on 5 June 2001. Later, on 25 May 2005, the then Minister, the Hon. John Della Bosca, stated that since this decision 271 people had been moved into community-based accommodation options, resulting in the closure of seven institutions. Later again, on 10 November 2010, the then Minister, the Hon. Peter Primrose, told this House:

The New South Wales Government is moving ahead across New South Wales in the complex process of reforming large residential centres.

I welcome this bipartisanship and wish to acknowledge the consistency of support for this position of former Ministers Andrew Constance, Peter Primrose, Paul Lynch, Kristina Keneally, John Della Bosca, Carmel Tebbutt and, of course, Faye Lo Po'. In response to concerns of family members of Stockton residents about the future of the site, I met twice with them to explain the decision and, more importantly, what the process of transition would look like. My agency, Ageing Disability and Home Care, has an excellent track record of transitioning our clients out of large residential centres and 180 people have moved from Peat Island, the Lachlan Centre and the Grosvenor Centre into new accommodation while 350 more are currently doing so at Orange, Westmead and Rydalmere.

Residents are usually moved into new accommodation in locations of their choice, closer to their families. I can personally attest to the pride and excitement these residents experience when I turned the first sod of a group home in Miranda that will be among the first to accommodate a resident from Stockton. This is why it was a surprise to me that there is opposition to this policy. I can empathise with families who currently oppose this decision, as many have sons and daughters who have lived at Stockton for up to 40 years. They do so because they care and this is all they know. My agency and I are doing all we can to work with those families.

To address concerns held by some staff, I have met with representatives from the Stockton branches of the New South Wales Nurses Association and the Public Service Association and I reiterate that this Government will provide continuing employment for all those who want it. We still need 25,000 additional staff for the National Disability Insurance Scheme by 2018. I have assured them that my agency will continue to work with Unions New South Wales as part of a formal consultative forum to address staff transition matters. But recently some have used Stockton to advance their political arguments and they have been slapped down by the advocates of people with a disability. [*Extension of time agreed to.*]

These are people like Samantha Conner, a woman with disability and a parent, who said:

This week, disability advocates were horrified to discover that the Newcastle Greens, together with the New South Wales Nurses and Midwives Association, were advocating against the closure of institutions. But what of the voices of the people who are shut away from the world? The voice of people with disability?

I advise the House that the Stockton redevelopment is proceeding as a priority and numerous meetings have been held with families of residents. Staff have been briefed comprehensively on transition arrangements. I am advised that a good number of families have already expressed their interest in their relatives moving out of Stockton. I call upon all political parties and unions not to use our clients as weapons in a political battle over staff conditions.

NATIONAL SUMMIT ON FEMALE GENITAL MUTILATION

Reverend the Hon. FRED NILE: I ask the Hon. Michael Gallacher, representing the Minister for Health, a question without notice. Is the Government aware that last year's National Summit on Female Genital Mutilation agreed to work together and cooperatively to ensure that female genital mutilation is abandoned as a practice by all Australian residents and that women and girls affected by or at risk of female genital mutilation have access to services and support? Is the Government aware that Australia recognises that the practice of female genital mutilation is a violation of the human rights of girls and women? Does the Government agree that female genital mutilation can have significant health implications, including death and long-term and life-threatening complications, and is therefore legally and ethically unacceptable in our society? Can the Minister report on what advances New South Wales has made in addressing female genital mutilation in our community?

The Hon. MICHAEL GALLACHER: As the member has requested, I will refer the question to the Minister for Health for a response.

LOCAL LAND SERVICES

The Hon. STEVE WHAN: My question is directed to the Minister for Roads and Ports, representing the Minister for Primary Industries. In light of reports that more than 90 per cent of landowners who were eligible to vote in the recent Local Land Services election did not either enrol or vote, what action is the Government undertaking to ascertain the reasons for the failure of the election process and the low enrolment, and to determine whether the election should be declared void?

The Hon. DUNCAN GAY: I thank the member for his question, but as he has given his version of statistics and labelled them as facts—

The Hon. Melinda Pavey: I wouldn't trust him.

The Hon. DUNCAN GAY: And as my colleague says, he has not been very trustworthy in this area in the past, so we will do our own research. I will refer the matter to the Minister for a detailed, thorough and erudite answer.

The Hon. STEVE WHAN: I ask a supplementary question. Will the Minister elucidate his answer about wanting to verify the statistics for the enrolments and voting in the election? Also, will the Minister commit to releasing the voting statistics for the election?

The PRESIDENT: Order! I rule that that is a new question.

NSW POLICE FORCE AUSTRALIA DAY HONOURS

The Hon. TREVOR KHAN: My question is addressed to the Minister for Police and Emergency Services. Will the Minister update the House on recipients of the Australia Day honours in the field of policing?

The Hon. MICHAEL GALLACHER: I am pleased to inform the House that nine officers from the NSW Police Force were recognised in the 2014 Australia Day honours. The Australian Police Medal was awarded for distinguished service by a member of an Australian police force and the recipients demonstrate this clearly. Inspector Lynette Kaesler joined the NSW Police Force and attested as a probationary constable in 1985. She served at a number of local area commands with a focus on teams addressing theft and street level drug crime. Her involvement with the Women in Policing group has seen her take on the roles of treasurer and chairperson, working to develop the capabilities and competence of women in the NSW Police Force.

Sergeant Robert—Bob—Minns joined the NSW Police Force and attested as a probationary constable in 1985. In 2008 he was awarded the Commissioner's Unit Citation for outstanding bravery. He is on the board of directors of Police Legacy and was the winner of the 2013 Rotary Police Officer of the Year Community Award. Sergeant Minns has provided invaluable assistance and support to injured and sick officers and to the dependents of members who have passed away. He does a brilliant job in the Illawarra.

Detective Sergeant John Maricic joined the NSW Police Force and attested in 1979 and he was initially stationed at Gosford. John performed criminal investigative duties at Hornsby, Gosford and Kings Cross, and is also a former Drug Enforcement Agency member. He was promoted to Crime Manager of Rose Bay Local Area Command in 2008 and in 2011 he moved to his current role of Crime Manager of Sydney City Local Area Command. John has performed outstanding work. Sergeant Glenn Griffiths joined the NSW Police Force as a probationary constable in 1971. In his 42 years of dedicated service Sergeant Griffiths has provided leadership, guidance and training to a large number of police who have passed through Bankstown Local Area Command.

Detective Inspector Christopher Olen attested in 1979 and was initially stationed at Waverley. He has performed criminal investigation duties at Maroubra and Waverley, and in 1993 he was awarded the Commissioner's Commendation for Service. Detective Inspector Olen is a coordinator at the Homicide Squad, where he is responsible for criminal investigations in homicide-related offences in New South Wales. He has led a number of major investigations including into the murders of the Lin family and the murder of Senior Constable David Rixon, VA.

Inspector Richard Steinborn, known as Rick Steinborn, joined the Police Force in 1980 and was initially stationed at Darlinghurst. Inspector Steinborn has been involved in tactical policing since 1984 and has been the Commander of the Police Armoury since 2011. Rick has been decorated on a number of occasions,

including receiving the Commissioner's Commendation for Courage, the Commissioner's Unit Citation and the United Nations Medal East Timor. Detective Sergeant Andrew Marks joined the NSW Police Force in 1988 and was stationed at Campsie initially. He is currently the team leader, Robbery and Serious Crime Squad, and has been involved in a number of major investigations, including into the tragic murder of Keisha Weippeart.

Sergeant Karen Owen joined the NSW Police Force in 1982 and was initially stationed at Darlinghurst. She has worked at the Police Mounted Unit for 30 years. In 1997 she was the first female officer to attain the rank of sergeant in the Police Mounted Unit's 185-year history. In 2008 she was awarded the Commissioner's Unit Citation for outstanding bravery and dedication to duty during a civil disorder, and represented the NSW Police Force at the Edinburgh Military Tattoo in 2010 and 2012. Sergeant Owen shows real dedication. She travels hours from her home in country New South Wales to the Police Mounted Unit to perform her job and returns home at the end of her duties. She is an outstanding officer.

Superintendent Wayne Starling attested in 1979 and was initially stationed at Darlinghurst. Superintendent Starling has been an operational police officer throughout his entire career. He has been Commander at Barwon Local Area Command and Shoalhaven Local Area Command, and he has been based at Lake Illawarra Local Area Command since 2011. In 2012 Superintendent Starling, or Sparrow as he is known, was named Leader of the Year in the Commissioner's Customer Service Excellence Awards. I congratulate all award recipients on their service to the people of New South Wales.

PUBLIC SECTOR ENGINEERS

Dr MEHREEN FARUQI: My question is directed to the Minister for Roads and Ports. Will the Minister explain to the Chamber how, given the vital importance of professional engineers in delivering twenty-first century infrastructure, the Government plans to build rather than decimate professional engineering capacity in the public sector including Roads and Maritime Services?

The Hon. DUNCAN GAY: I thank the honourable member for her question. Roads and Maritime Services has a long history of supporting the development of professional engineers, including affiliations with Engineers Australia and sponsorship of a number of external postgraduate qualifications programs. In fact, one cannot go far in the old Roads and Traffic Authority or the new Roads and Maritime Services without scratching a few engineers along the way. That is how we do things. Roads and Maritime Services is looking to consolidate, simplify and modernise various industrial instruments that govern the conditions of employment of its award-based salary employees. The agency has met with Professionals Australia a number of times to discuss the consolidation of salaried awards to avoid duplication and ensure more efficient delivery. The common award maintains existing conditions and pay scale for Roads and Maritime Services professional engineers.

The Hon. Walt Secord: You got rid of 20 per cent of them.

The Hon. DUNCAN GAY: I heard whimpering from the Hon. Walt Secord on the other side of the Chamber. I emphasise that the common award maintains existing conditions and pay scale for Roads and Maritime Services professional engineers. Those specific clauses relating only to engineers are to be included in a separate part of the common award. The conditions and rates of pay of professional engineers will not change, and the new award will have no impact on safety, reliability and community service or staffing levels. Roads and Maritime Services remains committed to the ongoing development of professional engineers. Government members can see that those opposite were broken over the weekend by the people of Tasmania, yet The Greens and the Labor alliance is brought back into this House in a dubious attempt—

Dr John Kaye: Point of order: My point of order is to relevance. The two members of The Greens in this Chamber are professional engineers. The Minister has no right—

The PRESIDENT: Order! The member will resume his seat.

The Hon. DUNCAN GAY: Mr President—

The PRESIDENT: Order! I have not ruled on the point of order. The Minister was starting to stray well away from the question. The Minister should be relevant in his answers.

The Hon. DUNCAN GAY: At no stage was I critical of engineers, but I was critical of the Labor Party and The Greens trying to spread mistruths in this House.

Dr John Kaye: Point of order—

The Hon. DUNCAN GAY: Here he is, Special K, up again.

The PRESIDENT: Order! The Minister will resume his seat.

Dr John Kaye: The Minister is canvassing your ruling by talking about the Labor Party and The Greens, and not talking about professional engineers.

The PRESIDENT: Order! The Minister was not canvassing my ruling. The Minister has the call.

The Hon. DUNCAN GAY: I can understand why each of The Greens members present in the Chamber is a little sensitive today to any conversation about the Labor Party and The Greens in a coalition of any sort. Saturday's election result in Tasmania would have been quite disconcerting as The Greens sat in the commune, the Prius parked outside, the dung fire lit up and the Labor Party vanquished to the outside. It would have been pretty tough for the Hon. Walt Secord in inner Sydney with The Greens on his doorstep about to take over his duty electorate as well. I can understand the concern— *[Time expired.]*

ROADS AND MARITIME SERVICES KEY PERFORMANCE INDICATORS

The Hon. WALT SECORD: My question is directed to the Minister for Roads and Ports. At 8.34 a.m. on 17 March on ABC Sydney radio the Minister told Linda Mottram that the Premier had set key performance indicators for him, including doubling the amount of freight going to Port Botany.

The PRESIDENT: Order! Government members will come to order.

The Hon. WALT SECORD: Will the Minister inform the House of the other key performance indicators set for him and for Roads and Maritime Services?

The Hon. DUNCAN GAY: The short answer is, no. That is between the Premier and me.

The Hon. Greg Donnelly: Tell us one.

The Hon. DUNCAN GAY: I have already made public that I have a key performance indicator to double the amount of freight going into Port Botany, unlike what happened during the Opposition's time in government when it went down, down, down; it was like a Coles advertisement—down, down, down. As the member has asked me a question about a radio interview, I mention that on 30 January this year the Hon. Walt Secord told Sydney radio—

The Hon. Walt Secord: Point of order: My point of order is relevance. My question concerned key performance indicators.

The PRESIDENT: Order! The Hon. Walt Secord was a bit quick with his point of order. It was too early for me to judge whether the Minister was about to refer to key performance indicators in the answer he was giving. There is no point of order.

The Hon. DUNCAN GAY: I would expect that the Leader of the Opposition would have a key performance indicator for his shadow Ministers: to get it right, to tell the truth and to not distort information. On 30 January this year the Hon. Walt Secord told Sydney radio, "It is tragic—"

The Hon. Walt Secord: Point of order: The Minister is flouting your ruling.

The PRESIDENT: Order! Members will come to order.

The Hon. Walt Secord: My point of order goes to relevance. There was no reference to key performance indicators in the answer the Minister was giving.

The PRESIDENT: Order! The Hon. Walt Secord has again taken a point of order at exactly the point that makes it impossible for me to determine the relevance of the radio report. I will hear further from the Minister.

The Hon. Walt Secord: Further to the point of order—

The PRESIDENT: Order! If it is further to the point of order then the honourable member is canvassing my ruling. If the member has a new point of order I will listen to him.

The Hon. Walt Secord: I withdraw the point of order.

The PRESIDENT: Order! The Minister has the call.

The Hon. DUNCAN GAY: He said—and this is a key performance indicator on getting it right and telling the truth—"It is tragic to know this month we had more fatalities on the roads than the entire 2013." I can inform the House that we had 34 in that month and 339 the year before. He was wrong by 897 per cent.

The PRESIDENT: Order! The Minister will resume his seat. The Leader of the Opposition wishes to take a point of order.

The Hon. Luke Foley: Point of order: My point of order is relevance. The Minister was asked a question about his key performance indicators and he is taking the opportunity to launch an attack on the questioner. If he wants to raise those matters he should arrange for a question to be asked on those matters.

The PRESIDENT: Order! The Minister was clearly moving away from matters that were relevant to the question asked. If the Minister has anything else that is relevant he should conclude his answer.

The Hon. DUNCAN GAY: The Premier has given me other key performance indicators: to out Opposition members when they don't tell the truth and when they distort the truth. An 897 per cent distortion from the Hon. Walt Secord is plain dishonest. We have more to come. It is all your own work.

NORTHCONNEX MOTORWAY

The Hon. CATHERINE CUSACK: My question is directed to the Minister for Roads and Ports. Will the Minister update the House on the partnership between the Australian and New South Wales governments to deliver NorthConnex?

The Hon. DUNCAN GAY: I thank the honourable member for her question. We were so excited, as my colleague said. It is a good question. It gives me the opportunity to correct the record and make it clear who is truly responsible for getting this great project underway. Anthony Albanese, who used to be good, has been running around telling everyone who will listen that he was responsible for the project. Let me set the record straight. Last year I secured a funding offer from the Federal Labor Government.

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

The Hon. DUNCAN GAY: But that is all it was, an offer contingent on our being able to make a deal happen.

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

The Hon. DUNCAN GAY: At the same time I went to the Abbott Opposition—because anyone could tell who was going to become the Government—and secured a commitment from them to back us if we could strike a deal. The now Prime Minister did not hesitate then and he has not hesitated now because he knows we could deliver when those opposite could not. At the time of the funding deal we had neither a preferred scheme nor a tenderer. Mr Albanese, Mr Robertson and the Hon. Walt Secord are obviously clueless about the agreement Labor signed up to, which clearly stated a final decision was yet to be made and it was a long way down the track. Mr Albanese's own media release in June last year stated that the project—members should listen to this; it is important—would be a 7.7-kilometre tunnel beneath Pennant Hills Road. The reality, as the community found out on Sunday, is that it will be a twin nine-kilometre tunnel. He is hoisted on his own petard.

A handshake in front of the cameras with one of the tenderers for a potential project is years away from striking a deal—dotting the i's and crossing the t's—on a real project. Since that handshake we have been through a competitive bidding process and have cleared many of the hurdles of design and finance. The vast

majority of the hard work has been carried out over the past few months, and the deal was finally closed just last Friday. For Mr Albanese to claim otherwise is nothing more than him searching for relevance in a cul-de-sac of broken political dreams. If he spent as much time delivering infrastructure as he has spent on trying to correct or change history to make him some sort of latter-day hero he would still be the Minister, he would not be the Leader of the Opposition.

The Hon. Steve Whan: Are you opening the Hunter Expressway soon?

The Hon. DUNCAN GAY: I will talk about that debacle. Those opposite stopped it. John Howard started that project and the Labor Party stopped it. Labor has zero credibility when it comes to infrastructure projects and we remember the \$500 million Rozelle Metro.

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

The Hon. DUNCAN GAY: The Rozelle Metro that went nowhere and the \$500 million that went nowhere as well. Not a single inch of track was laid, and the Hon. Walt Secord was part of that. We all remember the photo opportunities of him and the Premier of the day. *[Time expired.]*

SENATOR ARTHUR SINODINOS LIBERAL PARTY MEMBERSHIP

Dr JOHN KAYE: My question without notice is directed to the Leader of the Government in this House, representing the Premier. What steps is the Premier taking to restore the integrity of the Government by standing Mr Sinodinos aside from Liberal Party membership?

The Hon. Dr Peter Phelps: Point of order: The question in no way relates to the portfolio responsibilities of the Minister.

The PRESIDENT: Order! I uphold the point of order.

SENIORS WEEK

The Hon. LYNDIA VOLTZ: My question is directed to the Minister for Ageing, and Minister for Disability Services. Given that Stephen Bromhead, the member for Myall Lakes, has stated in his newsletter that local seniors concerts are "supported by Club Taree, Family and Community Services, Great Lakes Council, Club Forster and the National Party", will he inform the House what support The Nationals has provided and whether it has had involvement in funding other events for seniors?

The Hon. JOHN AJAKA: I thank the honourable member for that wonderful question. I am really surprised that the honourable member would ask a question today in that negative fashion, when today, of course—

The Hon. Steve Whan: Point of order: The Minister is debating the question. I ask you to direct him to respond to the question and not to debate the question.

The PRESIDENT: Order! I uphold the point of order. The Minister should answer the question and not debate it.

The Hon. JOHN AJAKA: I am thrilled to be talking about seniors concerts on the day that the first seniors concert was held, which was this morning.

The PRESIDENT: Order! I call the Hon. Walt Secord to order for the first time.

The Hon. Amanda Fazio: Point of order—

The Hon. Michael Gallacher: Didn't you get your tickets?

The Hon. Amanda Fazio: No, Duncan took them. My point of order is relevance. The question is specifically about comments made by Mr Stephen Bromhead in his newsletter relating to the funding of seniors concerts.

The PRESIDENT: Order! There is no point of order and the honourable member knows it. The honourable member will resume her seat.

The Hon. JOHN AJAKA: Why are those opposite against the seniors concert? Shame on them for being against the seniors concert.

The Hon. Lynda Voltz: Point of order: My point of order is relevance. My question relates to Mr Stephen Bromhead's newsletter saying that The Nationals had provided support—

The PRESIDENT: Order! The honourable member will resume her seat. The Minister was being generally relevant in his answer.

The Hon. JOHN AJAKA: Hopefully I can get past the first three words this time. It is Seniors Week. I was very proud to announce, as those on the other side know, that this year for the first time attendance at the Premier's Seniors Week Gala Concerts increased from 30,000 to 50,000, which is an increase of 20,000 tickets. We were able to do that by increasing the number of concerts from three to five. What headline act did we have? We had Leo Sayer. Many across—

The Hon. Luke Foley: Point of order: Although the Minister's answer is entertaining, it is not addressing the question, which asked him to inform the House of what support The Nationals has provided for these concerts.

The PRESIDENT: Order! I uphold the point of order.

The Hon. JOHN AJAKA: Seniors Week is an ongoing initiative, highlighting the New South Wales Ageing Strategy that supports individuals to take responsibility for their futures and guides the New South Wales Government's aim to harness the contribution of seniors and remove barriers to participation in our communities.

The Hon. Luke Foley: Point of order: Again, my point of order is relevance. The question was specific, and it asked about the participation of The Nationals in the organisation of these concerts. It was not an invitation to the Minister to advertise the concerts.

The PRESIDENT: Order! The Minister's reply was well and truly stretching the limits of what is generally relevant. As the Minister's time has expired, we shall move on.

SENIORS WEEK

Mr SCOT MacDONALD: My question is directed to the Minister for Ageing, and Minister for Disability Services. Will the Minister update the House on what the New South Wales Government is doing to support and celebrate older people through the 2014 New South Wales Seniors Week campaign?

The Hon. JOHN AJAKA: I thank the honourable member for his question. This morning was the first of the five Premier's Seniors Week gala concerts the New South Wales Government will hold this week. What a wonderful sight it was to see so many people coming together to celebrate their contribution to our society at the Qantas Credit Union Arena. Every year one of the more high-profile elements of New South Wales Seniors Week is the ambassador program. This year, among the 11 New South Wales Seniors Week ambassadors is the New South Wales Senior Australian of the Year, the inspirational Peter Ford. Our 11 ambassadors for 2014 span more than 30 years in age between them—from someone I struggle to think of as a senior, the dynamic rock and pop performer, Shauna Jensen, to one of our most experienced and generous seniors, Gladys Smit, who is in her nineties and still contributes through her community work and as an author. Someone recently said to me—mind you, at the time he was only 23-years-old—why would you celebrate being a senior? It is an interesting question—

The Hon. Walt Secord: What did you say?

The Hon. JOHN AJAKA: The Hon. Walt Secord should listen to this; he is just about there. Perhaps a generation or two ago he would have been right. Being a senior was not acknowledged nor celebrated then. It was believed that anyone over 60 was on the downhill slide. Thankfully, attitudes have changed. Seniors today are younger, more energetic, more dynamic and more resourceful than any generation that preceded them—just

look at the Minister for Roads and Ports. They have created a far broader life for themselves. They do not think of themselves as being older because age and ageing have become irrelevant. Their age does not tie them down. They are savvy—they surf the net, they shop online. They remain the backbone of their families' lives, just as they were; and many still are the backbone of our nation's industry and wealth. This generation of seniors was the generation of high achievement that created the wealth of this nation through sheer tenacity and industry. Through imagination and passions, they saw a gap and they filled it. They took ideas and developed them into opportunities.

The Hon. Greg Donnelly: What about Leo?

The Hon. JOHN AJAKA: I will come to Leo. Growing older does not deter them, because it is less of a barrier to having a good life than ever before. The seniors of today are the people who have delivered to Australia the wealth and opportunity that are the envy of the world. The community that gave business enterprise is now giving social enterprise, and I thank them for that. It is for this reason that the Premier's gala concerts are held each year. It is for this reason that we give our seniors the opportunity to participate, the opportunity to live healthy lifestyles and the opportunity to be part of some great concerts. The headline entertainer, Leo Sayer, is 66 years young.

The Hon. Michael Gallacher: Has he still got that curly hair?

The Hon. JOHN AJAKA: Yes, he still has a huge amount of hair. I was thrilled to give the opening address at the first concert today in front of more than 9,000 seniors. They had an opportunity to meet and greet the Premier before the concert. The Premier thanked them for their great contribution. We have four more concerts to go. I invite all those who do not have a ticket to see me. I would be more than happy to provide them with a ticket so that they can witness firsthand this Government saying thank you to our seniors.

PAEDOPHILES

The Hon. PAUL GREEN: My question without notice is directed to the Minister for Disability Services, representing the Minister for Family and Community Services. A recent media report stated that organised gangs of Victorian paedophiles are grooming State wards as young as 12 for prostitution. Does the Government have any evidence that this is occurring in New South Wales? If so, what actions is the Government taking to deal with this most serious issue?

The Hon. JOHN AJAKA: I thank the honourable member for what is clearly a very serious question. I will refer the question to the Minister for Community Services, the Hon. Pru Goward. I will seek a detailed response from her and I will get back to the member.

REDFERN STATION LIFT ACCESS

The Hon. PENNY SHARPE: My question is to the Minister for Roads and Ports, representing the Minister for Transport. Given the Minister for Transport has announced two more lifts for Circular Quay Station, when will work begin on the lift for platforms six and seven at Redfern Station?

The Hon. DUNCAN GAY: Sixteen years after it should have.

The Hon. PENNY SHARPE: I ask a supplementary question: Will the Minister elucidate on whether he will take this question on notice and get an appropriate answer from the Minister for Transport, to whom the question is directed.

The PRESIDENT: Order! The question is allowed and the Minister has responded.

PROJECT BOWEN

The Hon. MATTHEW MASON-COX: My question without notice is directed to the Minister for Police and Emergency Services. Will the Minister inform the House about Project Bowen.

The Hon. MICHAEL GALLACHER: I thank the honourable member for his question. Project Bowen is a police-led, community-supported project that is currently underway in Wantabadgery near Wagga Wagga. Project Bowen aims to recognise the community sacrifice shown by Senior Constable Edward Bowen.

Senior Constable Bowen was shot and killed in a battle with bushrangers, the Captain Moonlite gang, in November 1879 in Wantabadgery. The battle began after Captain Moonlite—real name, Andrew George Scott—and his gang, including James Nesbitt, Thomas Rogan, Thomas Williams, Gus Wreneckie and Graham Bennett, took at least 30 people hostage at Wantabadgery station. The gang took the people hostage after being refused work, shelter and food. When police arrived to rescue the hostages, they were forced into battle with the bushrangers. Senior Constable Bowen was fatally wounded during the exchange of gunfire. Following his death, Senior Constable Bowen was buried with honours in Gundagai.

Wagga Wagga Local Area Command is now leading the call for the community to participate in Project Bowen and be part of history. Project Bowen began on Saturday 15 March when archaeologists and volunteers from the local community conducted a survey of the site where Constable Bowen was shot during the fight with Captain Moonlite. The dig was led by archaeologist Lyle Radford. The next phase of Project Bowen involves an art competition and exhibition on the siege of Wantabadgery. The exhibition will focus on doing the right thing rather than doing the wrong thing with excuses. The theme of the exhibition was highlighted by the actions of Senior Constable Bowen and Captain Moonlite during the Wantabadgery siege. Wagga Wagga Local Area Command and the Wantabadgery community are raising money to build a life-size monument of Senior Constable Bowen, as well as park facilities at Wantabadgery.

I encourage all members of the Wantabadgery and surrounding communities to get involved in Project Bowen and contribute to the preservation of history in their local area. Project Bowen is an important step towards remembering the real heroes in history—the people who defended their community and kept the residents safe. The project aims to take the focus off bushrangers, who have been romanticised over time, with their crimes sometimes incorrectly seen as victimless.

The NSW Police Honour Roll commemorates those officers of the NSW Police Force who made the ultimate sacrifice in the execution of their duty. Twelve officers, including Senior Constable Bowen, are listed on the NSW Police Honour Roll as having been shot and killed by bushrangers whilst on duty in the nineteenth century. They deserve to be recognised as having made the ultimate sacrifice whilst protecting the community from common criminals. I commend the Wagga Wagga Local Area Command for leading this historical project to deliver the message to do the right thing.

BARANGAROO DEVELOPMENT

Mr DAVID SHOEBRIDGE: My question is directed to the Minister for Police and Emergency Services, representing the Minister for Planning and Infrastructure. Will the Minister guarantee that any decision on a development application for the proposed casino development at Barangaroo will be decided by the Planning Assessment Commission and not the Minister for Planning and Infrastructure, with full appeal rights to the Land and Environment Court?

The Hon. MICHAEL GALLACHER: As the member has requested, I will take that question on notice on behalf of the Minister for Planning and Infrastructure and obtain a suitable response.

The time for questions has now expired. If members have further questions they should place them on notice.

Questions without notice concluded.

DEATH OF CECIL ABBOTT, AO, QPM

Ministerial Statement

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Central Coast, and Vice-President of the Executive Council) [5.01 p.m.]: Today I recognise the recent passing of former commissioner of the NSW Police Force Cecil Abbott, AO, QPM, at the age of 89. On 12 March 2014, Cec Abbott, as he was known, passed away at St George Hospital. Mr Abbott had a proud and distinguished 43-year career in the NSW Police Force, for which he received various honours recognising his dedication, commitment and leadership in policing.

Mr Abbott was responsible for developing innovative and revolutionary methods for police to tackle drug crime in a period when such crime was just beginning to reach its peak. Mr Abbott earned wide acclaim

from law enforcement agencies around the world for his commitment to tackling drug-related crime in New South Wales. Similarly, his position as a leader who worked cooperatively and earnestly between the police and the community forged a relationship of respect among the public and his colleagues alike.

As a former police officer who served under his leadership I can say that one could not find a truer gentleman and I am honoured to have known him. On behalf of the Government and all members of this House I extend my deepest condolences and sympathy to his wife and son as well as to his friends, family and former colleagues. Cec Abbott—job well done.

The Hon. LUKE FOLEY (Leader of the Opposition) [5.02 p.m.]: On behalf of the Labor Opposition I join the Minister in extending our condolences to the family of the late Cec Abbott. The office of police commissioner is one of the most important offices within the government of New South Wales. It is appropriate that this House and this Parliament recognise the passing of a distinguished former occupant of the police commissioner's office. On behalf of all Labor members I extend condolences to Mr Cec Abbott's widow and son and to all of those who served with him in his long and distinguished career with the Police Force.

TABLING OF PAPERS

The Hon. David Clarke tabled, pursuant to the Victims Support and Rehabilitation Act 1996, the chairperson's Report of the Victims Compensation Tribunal for the period 1 July 2012 to 2 June 2013.

Ordered to be printed on motion by the Hon. David Clarke.

JOINT STANDING COMMITTEE ON ROAD SAFETY

Report: Report on Non-registered Motorised Vehicles

The Hon. Rick Colless tabled report No. 3/55 of the Joint Standing Committee on Road Safety (Staysafe) entitled "Report on Non-registered Motorised Vehicles", dated March 2014.

Ordered to be printed on motion by the Hon. Rick Colless.

The Hon. RICK COLLESS [5.04 p.m.]: I move:

That the House take note of the report.

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

Pursuant to sessional orders debate on committee reports proceeded with.

GENERAL PURPOSE STANDING COMMITTEE NO. 2

Report: Drug and Alcohol Treatment

Debate resumed from 4 March 2014.

The Hon. DAVID CLARKE (Parliamentary Secretary) [5.05 p.m.]: When my speech was interrupted pursuant to sessional orders on 4 March 2014, I was speaking in support of recommendation 4 of the report, calling upon the New South Wales Government to fund a randomised, controlled trial of naltrexone implants, subject to certain conditions. I find it of concern that some clinicians who are most reluctant to pursue naltrexone implant options are also amongst the most prominent advocates of decriminalising drug use. I endorse the stand of Drug Free Australia and like-minded advocates in opposing decriminalisation. Decriminalisation is not a solution to drug dependency; it is a capitulation to it.

Recommendation 7 of the committee's report, urging additional funding to Life Education NSW and other providers to ensure that all students are given the opportunity to participate in such programs, is a reaffirmation of the irrefutable view that prevention is better than cure. Whilst our committee had a strong focus on rehabilitation—a focus made clearer by seeing the effects on those affected by drug and alcohol abuse—prevention is clearly the ultimate defence.

I note that the Premier has responded to our report by giving Government support to all seven recommendations proposed by the committee. I am proud to be part of a government that so wholeheartedly supported the establishment of the inquiry and has now given its support to all of its recommendations. I particularly pay tribute to the committee's chair, the Hon. Marie Ficarra, for her able, energising and knowledgeable chairmanship of our deliberations. Her overall direction of our inquiry helped to foster a collaborative approach and greatly assisted the committee in formulating recommendations of substance and meaning.

I pay tribute also to the secretariat staff, who, as usual, did a magnificent job in giving the support and backup for which they have such an illustrious reputation. It helped to make our job so much easier. I offer special thanks to Reverend the Hon. Fred Nile for suggesting and encouraging this inquiry and for helping to motivate—certainly in my case—lines of possible action that the committee could recommend. Finally, I place on record that whilst there were differences of approach on some issues, each committee member worked in a cooperative and productive manner with a genuine desire to produce recommendations that could give more effectiveness to current alcohol and drug policies and provide possible alternative approaches. I wholeheartedly support the motion.

The Hon. HELEN WESTWOOD [5.08 p.m.]: I speak to the report of the inquiry of General Purpose Standing Committee No. 2 on drug and alcohol treatment. It has been quite some time since we carried out this inquiry and tabled the report. It has been so long that, as the Hon. David Clarke said, the Government has responded to the committee's report and its recommendations. Given that it has been so long I will not take up the time of the House, but I will make a couple of points about the inquiry and our report, particularly as my colleague the Hon. Shaoquett Moselmane and I made a dissenting statement. We found ourselves unable to support some of the recommendations of the committee, although we were able to support most of them.

I think it important to say that in hearings and most of the submissions received, as well as in the service visits that the committee made, much of the deliberation related to drug treatment, indeed illicit drug treatment. I need to make the point—as was made by a number of witnesses who came before the committee and in some submissions—that the drug that causes most harm in society in New South Wales and Australia is alcohol. The House has been dealing with those issues over the past few sitting weeks. Again, earlier today we were discussing legislation aimed at tackling alcohol-fuelled violence, a focus of much media attention over the past few months. Though the substances that have resulted in most harm to our society have been first tobacco and then alcohol, most of the committee's energy focused on illicit drug use.

It is important to note that a range of treatments already exist. Many of those treatments are successful, some to a lesser degree than others. What was made very clear from the evidence that was given to the committee was that treatment programs need to take into account the circumstances of the users. Those could be their social or financial circumstances. Indeed, their overall health needs to be considered when designing any programs to assist individuals to overcome their addictions. The fact is that naltrexone implants represent a very small proportion of options that are available for the treatment of drug and alcohol addiction. However, naltrexone implants seem to have taken up an awful lot of the committee's time.

I think we should have spent more time looking at the efficacy of many other treatments that are currently available and working well in our community. The focus on prevention of drug and alcohol abuse is important. As other members who have spoken in this debate said, we must educate our community. Obviously, we need to start by educating young people about the dangers of drug use and abuse and the cost they will bear if they get involved with drugs. Often it seems young people have difficulty thinking of themselves as growing older, but the reality for drug users is that the older they get the greater will be the toll on their health. It is important that, wherever possible, we aim to educate young people about the dangers of drug and alcohol addiction.

I am concerned about recommendation 4 of the committee and I do not support it. It suggests that the New South Wales Government should be funding random naltrexone implant trials. I have grave concerns about the use of naltrexone implants that committee members observed in the Perth clinic. The way those implants are being used concerns me greatly. I do not think the committee was given any evidence of their efficacy, either in the short or long term. In fact, in March 2014 the Australian Professional Society on Alcohol and Other Drugs published a report entitled "A systematic review and meta-analysis of naltrexone implants for the treatment of opioid dependence". That report looked at current available research.

The Hon. Marie Ficarra: There have not been any implants. What are you talking about?

The Hon. HELEN WESTWOOD: I would refer the member—

The Hon. Marie Ficarra: They were not implants; they were oral and muscular injections.

The Hon. HELEN WESTWOOD: I would refer the member to this article.

The Hon. Marie Ficarra: It is not a reputable medical journal; it is mickey mouse.

The Hon. HELEN WESTWOOD: There is a report.

DEPUTY-PRESIDENT (The Hon. Jan Barham): Order! Members will refrain from interjecting. The member will be heard in silence.

The Hon. HELEN WESTWOOD: I acknowledge the interjections from the committee chair because they go to my point.

The Hon. Lynda Voltz: Point of order: There is far too much noise in the Chamber.

DEPUTY-PRESIDENT (The Hon. Jan Barham): Order! I agree with the honourable member. My apologies; when I spoke my microphone was not turned on.

The Hon. HELEN WESTWOOD: I acknowledge the interjection of the chair of the committee, because it demonstrates the bias that I think was apparent throughout the inquiry, particularly on the part of the chair. Incredibly impressive witnesses who came before the committee—addiction specialists who treat patients with addictions—gave some brilliant evidence to sittings in both the regions and in the city. They told us of their experiences and what addiction means for their patients. Yet we had these biases from the chair and other members who rejected out of hand the experiences related by those professionals. Those professionals are practitioners, and they are the people that we should be listening to, not evangelists.

Unfortunately, we had an evangelical approach to this issue, not a scientific one. Quite frankly, the committee should revisit this matter. The Drug and Alcohol Review of the Australian Professional Society on Alcohol and Other Drugs refers to a number of research projects that look at the efficacy of implants. Surprise, surprise! All of their reviews—and there are a number of them—do not include those of Dr O'Neil, who is being held out by members of the committee as an expert in the field of drug treatment involving naltrexone implants. I would encourage a scientific approach, not an evangelical one, to this very important health issue.

Dr JOHN KAYE [5.17 p.m.]: Madam Deputy-President—

The Hon. Marie Ficarra: Dr Kaye has spoken before. Madam Deputy-President, can I seek clarification on that?

Dr JOHN KAYE: If I have, I did it in my sleep. It would have been a great speech, I am sure. But I have not spoken previously.

The Hon. Marie Ficarra: I assumed you had.

DEPUTY-PRESIDENT (The Hon. Jan Barham): Order! Dr John Kaye has the call.

Dr JOHN KAYE: I address the drug and alcohol treatment report of General Purpose Standing Committee No. 2. I congratulate the committee on the vast majority of its findings. It is an important area and the committee made some interesting headway. However, I have major concerns about chapter 4 and recommendation 4. I am also concerned about the final recommendation in chapter 7. Chapter 4 deals largely with the issue of naltrexone and other opioid treatments. It makes a distinction between antagonist treatments and substitution treatments.

Substitution treatments are largely those that relate to substances such as methadone and buprenorphine, which are basically designed to distract, in layman's terms, people who have addiction problems and abuse problems with opioids, particularly heroin. Antagonist treatments, mostly naltrexone, are designed to block the effect of opioids and remove their action. I say from the outset that opioid addiction and opioid abuse

is extremely serious. The use of heroin kills between 1 per cent and 2 per cent of users each year and it decimates the lives of a large percentage of others. It is a drug that we would be far better off without. It would be wonderful if we could achieve the eradication of heroin.

I am of an age where I recall the flood of drugs into the University of Melbourne. I personally lost three friends to heroin: one through a needle-borne injection, one to an overdose and one to a criminal episode related to the supply of heroin. It is a toxin not just to the body and soul but to our society. The questions quite sensibly addressed in this report are: How do we treat that? What are the best modalities for treatment? How do we deal with people who are severely addicted? The strong expert evidence in this report from NSW Ministry of Health was:

Those in opioid substitution treatment significantly reduce illicit opioid use and criminal behaviour—the rate of each approximately halves with each year that a patient remains in treatment ... participation in an opioid treatment program results in major improvements in a patient's social, personal and physical functioning. This is reflected in stabilisation of social relationships, work and other activities.

In short, the NSW Ministry of Health said that opioid replacement substitution treatment, particularly the use of methadone, works. It produces the health, social and psychological outcomes for which we would all hope. That evidence was backed up by, for example, Dr Alex Wodak, who referred to methadone as the gold standard treatment. He said:

These are well tried and true treatments endorsed by the World Health Organization, the United Nations Office on Drugs and Crime and the Joint United Nations Programme on HIV/AIDS and other medical and scientific bodies.

It is clear that the World Health Organization backs the use of methadone and other opioid replacements. It is also clear that there always has been a lot of politics around methadone. Submissions from political parties on matters of drug treatment are always interesting but should always be treated with some degree of suspicion. Submissions from the Christian Democratic Party, Family Voice Australia, Major Brian Watters from Drug Free Australia—

The Hon. Dr Peter Phelps: What about The Greens' submissions? Are they suspicious too?

Dr JOHN KAYE: We did not make a submission.

The Hon. Dr Peter Phelps: That's even more suspicious.

Dr JOHN KAYE: For once in your life, just listen. Can you keep your mouth shut for one minute and engage your brain first? As I said before I was verbalised by the Government Whip, they should be treated with suspicion. The report then talks about the antagonist treatments, specifically naltrexone implants. The report raises some serious questions about the way naltrexone has been implemented particularly by Dr George O'Neil and the Fresh Start Recovery Programme. In Subiaco, Western Australia, it appears that Dr O'Neil is relying upon category A patients exemption within the special access scheme. Category A patients are "persons who are seriously ill with a condition from which death is reasonably likely to occur within a matter of months, or from which premature death is reasonably likely to occur in the absence of early treatment".

As Dr Alex Wodak points out, that is an inappropriate application of special access to the Therapeutic Goods Administration [TGA] given that only about 1 per cent to 2 per cent of people who are dependent on heroin die annually. I am not trying to belittle the 1 per cent to 2 per cent—we should be doing everything we can to reduce that figure to zero and reduce the rate of heroin dependency. There is no question about that. But to be absolutely clear, the data shows it was an inappropriate application and that the category A gateway into the Therapeutic Goods Administration use under the special access scheme is entirely inappropriate. Issues have also been raised about manufacture. Dr O'Neil has his own manufacturing organisation which supplies his clinics and in some cases other clinics. I refer to an earlier interjection by the Hon. Marie Ficarra to the Hon. Helen Westwood. Page 42 of the report states:

Between 2001 and 2008, the Fresh Start Recovery Programme treated 2,211 opioid dependent individuals with naltrexone implants.

It is being used under the Therapeutic Goods Administration scheme, but the real issue is the absence of data to support that use. Dr Alex Wodak points out quite correctly that the Cochrane Collaboration also does not rate the evidence for naltrexone implants or injections highly on the basis of the evidence so far presented. In fact, there is a dearth of evidence in the literature. The question goes to two issues. First, the bill introduced by

Reverend the Hon. Fred Nile includes involuntary treatment using naltrexone. Would it be appropriate for this Parliament to pass legislation for involuntary treatment—that is, where a patient does not have a choice as to whether they get it or not—in the case of severe substance dependence, given that there is an absence of information about that drug and its efficacy in treating that clinical problem?

The second issue is whether it makes sense for the New South Wales Government to fund a randomised, controlled trial. That comes down to cost-effectiveness. Given that we have evidence that methadone does provide an effective treatment and we do not have access to drug treatment programs nearly proportionate to the need for those programs, is there any evidence that this is a cost-effective use of public health money? The answer, based on the evidence presented within this report by the National Health and Medical Research Council and the views of the World Health Organization and the Cochrane Collaboration, is that there is not sufficient weight of evidence to justify spending money on this treatment.

If there are those out there who feel it is important then perhaps they should, as is commonly done, raise the finances themselves and make an investment. But to divert public funds from drug treatments, as recommendation 4 suggests, and put them into a program that is not accepted by the World Health Organization and not supported by the evidence reviewed by the Cochrane Collaboration, and where safety is somewhat questionable, is bad public policy, bad science and bad medicine. Recommendation 4 should be rejected.

The Hon. MARIE FICARRA (Parliamentary Secretary) [5.29 p.m.], in reply: I thank all contributors to this debate—Reverend the Hon. Fred Nile, the Hon. Shaoquett Moselmane, the Hon. Paul Green, the Hon. Jennifer Gardiner, Dr John Kaye, the Hon. Lynda Voltz, the Hon. Jan Barham, the Hon. Amanda Fazio, the Hon. David Clarke and the Hon. Helen Westwood. It was pleasing to hear all their contributions. In particular, I thank the Premier and the Minister for Health for their support in approving all the committee's seven recommendations. The Government response was quite detailed on each of the recommendations. I make it clear that for the clinical trial to commence, whether it is funded by the National Health and Medical Research Council or the New South Wales Government, the standard required for approval by the Therapeutic Goods Administration is good manufacturing practice. Once this is achieved, notification can be assigned and then a clinical trial can proceed, with input from our many addiction specialists.

The committee received considerable evidence from addiction physicians, some for and some against the trial; they had very strong views, but all agreed that more evidence-based decision-making was needed in this very important area. As result of the committee's recommendations New South Wales, along with other supportive State health departments, will be able to collect vital evidence-based addiction medicine data in a reliable but efficient manner. If the evidence stacks up for the much-needed expansion of pharmacokinetic options for addiction medicine specialists to better treat the range of patients they see every day and over many years, then the world will benefit, along with our own community, and proudly it will be based on sound Australian collaborative level 1 and level 2 health research—the highest level possible. With respect to recommendation 4 relating to the trial, the Government response stated:

The Government is committed to ensuring that there are effective services in place to respond to the needs of individuals seeking drug and alcohol treatment and support. For this reason, the Government is supportive of efforts to undertake further naltrexone implant clinical trials ...

... the Government will encourage the NHMRC to prioritise the funding of research in this area. If necessary, the Government will seek to secure private funding for a limited local trial, including encouraging the participation of other Australian jurisdictions.

I turn now to recommendation 1 on the report of the New South Wales Auditor-General entitled "Cost of alcohol abuse to the NSW Government". Other speakers have noted that the problem of alcohol abuse in this State and Australia is monumental. Recommendation 1 of the Government response stated:

The Government has already requested that existing inter-governmental fora prioritise consideration of alcohol abuse and alcohol-related violence. In addition, the Government believes there is a role for NSW in instigating and supporting national efforts to tackle alcohol abuse, and it will approach the Commonwealth Government about the best way to bring together the Commonwealth and State and Territory governments to develop a national approach to alcohol policy issues.

Some previous speakers seemed to think that the committee put a lot of emphasis on naltrexone. That is true. There might have been only 2 per cent of drug deaths but incredible hurt is being experienced in the community through people being on methadone, with and without buprenorphine, sometimes for up to 30 years, leading quite a miserable life. Some of them believe they are leading an okay sort of life, but when one talks to the

specialists and healthcare workers who have to deal with them one finds that the life of an addict is miserable. An addict not addicted to heroin or other form of addictive drug is addicted to methadone or buprenorphine and I would not wish that upon anyone.

I highlight the recently published paper by Dr Kunøe and Dr Lobmaier from the Norwegian Centre for Addiction Research at the University of Oslo, along with Professor Gary Hulse and Dr Hahn from the University of Western Australia School of Psychiatry and Clinical Neuroscience's Unit for Research and Education in Drugs and Alcohol. Basically the conclusion was that reliable sustained release naltrexone [SRX] formulations have become available for clinical use and research. The available literature to date supports this sustained release formulation as a feasible and effective option for assisting abstinence efforts in heroin addiction. The paper stated:

While a Cochrane review in 2008 concluded that there were too few studies to conduct any meaningful assessment of SRX in heroin users, the amount of research published on SRX has steadily increased to the point where this conclusion no longer seems warranted. SRX is showing promising, consistent effects across studies in supporting heroin users' efforts to achieve abstinence. The SRX formulations that have been the subject of the majority of research articles appear to have a satisfactory rate of consistency in naltrexone release and an acceptable adverse effects profile. The literature for SRX for heroin dependence still needs more studies in order to confirm initial findings on effects. There is a particular need for more comparisons of SRX with current standard treatments, the use of SRX during pregnancy as an alternative to existing treatment, and the combination of SRX with other interventions in order to maximise the impact on RECOVERY!

The committee had limited time to review overseas drug and alcohol treatment programs. However, we noted that Sweden, since the 1960s, has adopted various points in the spectrum of harm minimisation and has since applied evidence-based assessments to change its approach to harm reduction via methadone, making it available to recidivist drug users while putting increased resources into adequately funded mandatory rehabilitation. This approach had 95 per cent public support in recent Swedish polling and has cross-party political support, especially when it comes to funding. The result has been that Sweden has moved from having the highest levels of drug use in Europe in the 1960s and 1970s to having the lowest drug use in OECD countries at the end of the 1990s, when reliable world comparisons began.

For Australian governments to ignore such health findings and likewise reduced crime statistics is irresponsible, and to say, "Well, that may work in Sweden but Australians are very different people," is, likewise, foolish and reckless in terms of public resourcing and public health policies. Alarmingly for this nation, in the United Nations 2004 report detailing illicit drug use in OECD nations, Australia had the highest per capita rate, with Sweden the lowest out of the 24 developed societies. Likewise, a change in policy in the United Kingdom in 2010 has led to an emphasis on supporting people to achieve lives free from drug and alcohol dependence.

Drug treatment outcomes are now improving, with an 18 per cent increase in the number of people leaving treatment free of dependence in 2010-11. Importantly, it was noted that to maintain short waiting times, adequate government funding and staffing are required and it would appear that the United Kingdom Government has stepped up to the mark. More recent statistics show this trend to be continuing and resources are being put into following up these people over five years post-treatment with appropriate resourcing of support services, including housing, employment and general health all playing a part in their improving outcomes. Surely it is time to acknowledge that we can do better for the sake of future generations. A holistic approach is required and much more appropriate funding to ensure evidence-based approaches to improved drug and alcohol treatment are considered in a genuine manner by governments and the authorities they support to carry out their policies in this vital sector.

In the limited time I have available, I draw attention to Food and Drug Administration warnings on methadone with regard to depressed respiratory reflex in infants born to mothers being treated on methadone. This patient information should be broadcast to all young women and men. Knowledge of the respiratory struggles that they will subject their children to, possibly for life, could be a reason for them wanting to get off drugs. More public health information should be given to drug users about the adverse risk of cardiac arrhythmias, in particular ventricular tachycardia, a cause of sudden death, resulting from medium- to long-term methadone usage in at-risk users. As chair of this inquiry I express the hope of all committee members that our report and its recommendations will benefit those dependent on illicit drugs or who suffer from abuse of alcohol so that they may be given the chance to enjoy their lives without substance abuse.

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

Motion agreed to.

**COMMITTEE ON THE OMBUDSMAN, THE POLICE INTEGRITY COMMISSION AND THE
CRIME COMMISSION**

Report: 2013 General Meetings with the Police Integrity Commission, the Inspector of the Police Integrity Commission, the NSW Crime Commission, the Information and Privacy Commission, the NSW Ombudsman and the Child Death Review Team

Debate resumed from 17 October 2013.

The Hon. CATHERINE CUSACK [5.40 p.m.]: As Chair of the Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission I am pleased to have the opportunity to comment on report No. 7/55 entitled "2013 General Meetings with the Police Integrity Commission, the Inspector of the Police Integrity Commission, the NSW Crime Commission, the Information and Privacy Commission, the NSW Ombudsman and the Child Death Review Team", tabled on 17 October 2013. This report contains the annual report reviews for all the bodies that the committee oversees: The Police Integrity Commission, the Inspector of the Police Integrity Commission, the NSW Crime Commission, the Information and Privacy Commission, the Ombudsman, and the Child Death Review Team.

The committee is a joint statutory committee established on 4 December 1990 and re-established on 22 June 2011. The committee's statutory oversight duty of these bodies requires it to monitor and review the work conducted by these bodies, which it does through the review of annual reports and other publications as well as through general meetings. It is an absolute privilege to chair this important committee and I acknowledge the experience and dedication of my parliamentary colleagues who serve on this committee. Membership of this committee is sought after in Parliament and as a result there are very senior members from both sides of the House serving on the committee. It necessitates a commitment of time by members from already busy schedules to participate fully in the committee. I appreciate the contribution made by individual members and the collaborative way the committee operates. It justifies their faith in and commitment to membership of that committee.

The agencies overseen by the committee have total financial resources worth \$71.15 million and include 463 staff. This includes \$19.285 million allocated to the operational work carried out by the Crime Commission, with its 108 staff. These figures highlight the importance of the contribution made by the agencies the committee oversees in maintaining the integrity of the New South Wales public sector. I might add that this is the first year in which the committee has sought budgetary figures from individual agencies and globalised those figures in order to inform Parliament what resources are being allocated. It will establish a benchmark so those figures can be monitored and trended by the Parliament in future annual reports. This is an initiative by the committee and I thank members for supporting that initiative.

This is the first year that the committee has combined all the individual reports into one volume, which has allowed the committee to identify overlapping themes and common issues more easily. Some of the themes discussed by the committee over the course of the meetings with each agency are the obligations of compliance, how complaints are handled, the management of relationships between agencies and the challenges presented by information technology. These agencies have massive client interaction, they are dealing with complaints from everybody concerning the public sector and they are small agencies so the information technology component is particularly important.

The committee was particularly interested in how complaints were assessed by the Police Integrity Commission and took the opportunity at its general meeting to discuss the internal Police Integrity Commission procedures for doing so in more detail. Understanding the nature of complaints, especially those by police against police, and the manner in which those complaints are dealt with can provide valuable information about trends and complaint outcomes. The committee discussed in some detail with officers from that agency the relationship between the Police Integrity Commission and the Crime Commission. In the past there have been some serious issues involving litigation and the committee is keen to see some guidance developed which would help avoid such issues in the future.

People want to see these agencies using their resources to fight crime and not to fight each other. To this end the committee has made recommendations around amending the Premier's guidelines as well as developing agency level protocols providing guidance for how to deal with certain situations. The committee thanked the commissioner and his executive officer for their time during the general meeting and commended them on the many achievements of their office. The committee had a worthwhile discussion with the Inspector of the Police

Integrity Commission as part of the general meetings and had the opportunity to discuss developments around Task Force Emblems in detail. The committee understands this is a significant and complex matter and is currently being referred by the inspector to the Ombudsman for more thorough investigation.

As part of his review of the Task Force Emblems matter the inspector recommended that section 217 of the Police Act 1990 be amended to prevent the police Minister making referrals to the inspector that are outside his jurisdiction. The committee supports this view and believes it is important that the independence of the inspectorate is maintained. The committee thanked the inspector for his time during the hearings.

With the commencement of the Crime Commission Act 2012 the committee gained oversight of the Crime Commission, its management committee and the Inspector of the Crime Commission. This was the first general meeting since the legislation was enacted. The committee met with the commissioner and assistant commissioner and discussed a range of issues around the structure and governance of the commission. The commissioner noted that the Crime Commission and the Police Integrity Commission intend to work in a positive light in the future and move on from the negative issues of past litigation. The committee thanked the commissioner and assistant commissioner for their helpful overview and certainly look forward to a constructive relationship with them in the future.

The committee oversights the Information and Privacy Commission and met with both the privacy and information commissioners. They outlined for the committee a number of challenges they are facing since the Office of the Information Commissioner and the Office of the Privacy Commissioner were merged in 2011. These include the challenge of effectively integrating its systems in order to provide a uniform approach to the policies and work and a review of the agency's organisational structure. The commission mentioned the privacy challenges posed by new technology and there were some interesting discussions concerning drones and privacy management for local councils.

In terms of internal issues the information and privacy commissioners highlighted the matter of implementing a new case management system as a considerable challenge. This was the last general meeting to be attended by Ms Deidre O'Donnell, who recently retired from the role of chief executive officer of the Information and Privacy Commission. The committee thanked her most sincerely for her efforts and wished her well in the future. We owe her a great debt for the good standing in which she has left the commission. She now resides in Victoria but I hope that she will remain in contact because I know that she is missed at the office. The committee also thanked the privacy commissioner for her input into the general meetings and looks forward to a constructive and positive year ahead with the new Information Commissioner, Elizabeth Tydd, and the new Privacy Commissioner, Dr Elizabeth Coombs.

The committee's role under part 4A of the Ombudsman Act 1974 includes monitoring and review of the exercise of the Ombudsman's legislative functions. The committee took the opportunity to discuss some of the Ombudsman's current work in detail, including Operation Prospect, which was established to examine the earlier report by the Police Force into Task Force Emblems. This is a very resource intensive and complicated investigation. The committee has an ongoing interest and looks forward to hearing of its progress. The committee discussed other areas of the Ombudsman's work including child protection issues, the use of tasers by the NSW Police Force and the management of asbestos.

The committee and the Ombudsman had a productive discussion regarding the proposed appointment of an Inspector of Custodial Services and the impact this could have on the current responsibilities of the Ombudsman. Since the general meetings an Inspector of Custodial Services has been appointed and the committee will have regard to issues raised by the Ombudsman as part of its work. The committee also oversights the Inspector of Custodial Services and was pleased to have the first meeting with the commissioner last month. It is looking forward to a positive relationship. There is very strong leadership in all of the accountability agencies that ensures the legislation works in a collaborative way and there is no duplication, intrusion or complication with each other's jobs. The committee was impressed by the positive attitude and effort being put into achieving that. The committee thanks the Ombudsman and his executive for their attendance at the general meeting and commends them for discharging their functions effectively over a wide variety of issues.

The committee also continued its practise of meeting separately with the Ombudsman in his capacity as the convenor of the Child Death Review Team. This meeting provided the opportunity to discuss the current work and future priorities of the Child Death Review Team as well as funding and resource allocation. The committee was pleased to hear the Ombudsman had been provided with the capital apportioned funds to develop

a critically needed database for the work of the Child Death Review Team. The committee was informed at an earlier meeting about the database, and to emphasise its importance I point out that it contains all the details gathered from the Coroner, police, relevant agencies, hospitals, and medical people connected with cases of child death, which is always treated appropriately as a major event by every service that interacts.

All of that information concerning each individual child's death, from the 1990s when it was formed, is contained on this massive database that was so unstable the Ombudsman was fearful it would collapse and all that information would be lost. I thank the Government and the Premier in particular for making the funds available to ensure that a more appropriate modernised platform was made available and we did not have to wait for a complete collapse and destruction of this amazing information. The committee thanks the Child Death Review Team for their time during the general meetings and commends them for their achievements over the past year.

I would like to particularly thank the committee staff who worked on the annual general reviews last year as well as this year. I am sure my colleagues will agree we have been absolutely blessed with outstanding service from the parliamentary staff. I know the Clerks would say that is not blessed, there is a very high expectation. Whatever their expectation I can only say they exceed it and each and every one of the committee members is very grateful and thank you for it. I also thank the members of the committee, the Hon. Adam Searle and the Hon. Sarah Mitchell, as well as those in the other place, Mr Lee Evans, Mr Kevin Anderson, the Hon. Paul Lynch and Mr Ryan Park. I commend the report to the House.

The Hon. SARAH MITCHELL [5.51 p.m.]: I am pleased to speak to the report of the Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission into the 2013 general meetings. I begin by passing on my thanks on behalf of the whole committee to the chair, the Hon. Catherine Cusack, for performing an outstanding job. It is often an interesting committee to chair and the meetings are worthwhile and frequent and she deserves acknowledgement for a job well done. I also thank the other members of the committee and the committee staff for their help and hard work, as the chair alluded to in her contribution to this debate. The members of this important committee have an excellent working relationship with each other and with the committee staff and secretariat and I am proud of the rapport we have developed with the agency representatives since 2011.

Over the course of the general meetings in February 2013 the committee heard of several challenges that were common throughout the various agencies including complaints handling, compliance obligations and technological issues. Specifically, the committee met with Hon. Bruce James, QC, Commissioner of the Police Integrity Commission, Mr Roy Cottam, Acting Director of Operations, Mr Allan Kearney, Director of Prevention and Information, and Ms Michelle O'Brien, Commission Solicitor. The committee also heard from Peter Hastings, QC, Commissioner of the Crime Commission and Peter Singleton, the Assistant Commissioner.

As part of the hearings, it became evident that there was a lack of clear protocol in relation to the management of complaints, especially between the Police Integrity Commission and the newly established measures for the oversight of the Crime Commission. The committee recognised that there is a need for a protocol to be developed between the two agencies in relation to managing complaints about the Crime Commission. Furthermore, it was determined that the committee did not wish to see the Police Integrity Commission and Crime Commission engage in protracted litigation in the future should disagreements arise. I agree with the comments made on this issue by the chair in her contribution. To that end, the committee recommended that the Police Integrity Commission and the Crime Commission jointly develop formal protocols to be followed in the future to efficiently manage litigation and promote quick resolutions.

The committee also took the step of recommending that the Premier review the Premier's guidelines for litigation involving government authorities with consideration given to developing a new guideline that meets the more complex circumstances of litigation associated with oversight agencies. It should be noted that the Commissioner of the Police Integrity Commission and Crime Commissioner both emphasised their desire for cooperation and consultation with their agency counterparts and that a clear protocol would be a logical step forward for both agencies.

This was also the first chance the committee had to conduct a general meeting with the New South Wales Crime Commission. In addition to the relationship with the Police Integrity Commission, the committee focused primarily on the commission's new structure under the modernised legislation. According to the commissioner, the previous structure was very much a "flat line" that was "influenced by the commissioner". Now however, the management is more akin to a hierarchy with the addition of an independent chair for the management committee. The committee were informed that the commission had established a new governance

unit, with responsibility for internal audits and risk management. The committee is looking forward to building a constructive relationship with the Crime Commission in the future and I thank the commissioner for his hard work over the past year.

The committee also met with the Hon. David Levine, Inspector of the Police Integrity Commission. At the time of the last general meeting, in May 2012, the inspector informed the committee that he had been asked by the Minister for Police and Emergency Services to review the Task Force Emblems report. However, the committee recognised that the referral of the Task Force Emblems matter to the inspectorate was outside the statutory functions of the agency. Therefore, it was recommended that the Minister for Police and Emergency Services introduce amendments to the Police Act 1990 to remove the scope for the Minister of Police and Emergency Services to ask the Inspector of the Police Integrity Commission to review matters outside the inspector's jurisdiction.

As part of the hearings, the committee also met with Ms Deirdre O'Donnell, the Information Commissioner and Chief Executive Officer of the Information and Privacy Commission and Dr Elizabeth Coombs, the Privacy Commissioner. The Information and Privacy Commission identified a number of issues it had faced since its merger with the Office of the Information Commissioner and the Office of the Privacy Commissioner. The committee was informed that the Information and Privacy Commission had been working to integrate its systems to create a unified approach to functions and responsibilities. The Information Commissioner identified that the government sector administrative record keeping and information management systems could be improved in relation to fulfilling the requirements of the Government Information (Public Access) Act 2009 NSW.

A further challenge the commission faced was the purchase of a new software program for case management. Unfortunately, the Information and Privacy Commission experienced significant delays in establishing the Resolve software which resulted in a less efficient system of processing complaints. The commission also advised that it was seeking to increase productivity by internal means rather than by seeking further funding; which should be congratulated. The committee welcomes the benefits and efficiencies that have come from the merging of the two agencies. In particular, the committee acknowledged Ms O'Donnell, who retired during 2013. All committee members would agree we had a very productive working relationship with Ms O'Donnell and we wish her well in her future endeavours and thank her for her dedication and perseverance in establishing the Information and Privacy Commission as a new and innovative agency.

The committee also conducted the eighteenth general meeting with the New South Wales Ombudsman. Issues were raised regarding the oversight of custodial environments, the use of tasers by the NSW Police Force, child protection and the management of asbestos. In addition to Mr Bruce Barbour, the Ombudsman, appearing at the hearings, Mr Steven Kimmond, Deputy Ombudsman and Community Disability Services Commissioner, provided information to the committee about discussions the office had with the Police Force including the use of police intelligence when working with children. The Ombudsman drew the committee's attention to the four reports that had recently been commissioned on the plan to tackle Aboriginal child sexual assault. The committee commends the NSW Ombudsman and his staff for the valuable work his office is doing across all areas.

The committee also met with the Ombudsman in his capacity as head of the Child Death Review Team as part of the second general meeting with the Child Death Review Team. As the Hon. Catherine Cusack mentioned, the committee was informed in the previous year that the team had faced technological difficulties with the 16 year old database system which was on the verge of collapse, which would have been catastrophic. The Ombudsman updated the committee on the various options for a new system. Like the Hon. Catherine Cusack I was pleased to see a capital appropriation in the last budget for the Ombudsman's office to have a reviewable death database, which would help the information to remain secure.

Under the leadership of the chair the committee has consistently reviewed its effectiveness and in 2013 the committee focused on how it can improve its own reporting to Parliament. The main changes include consolidating six separate reports into a single report and, for the first time, the committee is reporting on individual and consolidated budget allocations across the agencies it oversees, which is a very productive change. I once again congratulate the chair and the other committee members and thank the committee staff for their hard work.

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

Motion agreed to.

GENERAL PURPOSE STANDING COMMITTEE NO. 2**Report: Budget Estimates 2013-2014****Debate resumed from 23 October 2013.**

The Hon. MARIE FICARRA (Parliamentary Secretary) [6.00 p.m.]: It gives me great pleasure to speak on the budget estimates report of General Purpose Standing Committee No. 2, which looked at a number of portfolios. I will concentrate on the Health portfolio because of its importance to the Hon. Paul Green and the constituents of New South Wales. I am very happy to have read that, according to the latest Bureau of Health Information quarterly report for October to December 2013, our hospital performance continues to hit record highs, with quality care being delivered to patients quicker than it has been previously. Under the Liberals and Nationals Government we have seen improvements in New South Wales elective surgery waiting times, with 99 per cent of urgent cases being seen within 30 days, 97 per cent of semi-urgent cases being seen within 90 days and 95 per cent of non-urgent cases being seen within 365 days.

New South Wales hospitals have achieved the highest percentage of patients being treated and leaving emergency departments within four hours than it has at any previous time. The Bureau of Health Information report shows hospitals are starting treatment earlier across all emergency categories, despite a 3 per cent growth in patient demand—and we expected an increase in patient demand. The boost in performance came despite there being 14,600 additional emergency department presentations compared to the same quarter last year. I believe this is an incredible achievement by the hardworking staff of our hospitals. The average time required to transfer patients from ambulance care to emergency department care improved by 4 per cent on the previous quarter; 87 per cent of patients were transferred within 30 minutes. Whilst there is always room for improvement, this recent trend is very encouraging.

The New South Wales Government's 2013-14 Health budget is a record \$17.9 billion, up 5.2 per cent. The increase will provide for an extra 69,000 emergency department attendances and an additional 34,000 hospital admissions, as well as elective surgery for an extra 3,000 patients. This is the sort of gearing-up required in the forward planning for budget estimates, because we have an ageing community with constantly increasing needs. Additionally, the New South Wales Government committed nearly \$5 billion in its first four-year term to rebuilding hospitals that were neglected under the former Labor Government. The results reported by the Bureau of Health Information reflect the Government's record investment in Health, which includes employing an additional 4,100 nurses—that is, 2,800 full-time equivalents—and an extra 1,400 full-time equivalent doctors since the March 2011 election. The aim of this Liberal-National Government is an investment in both staff and infrastructure to ensure that we can provide quality care to more patients faster than ever before.

I note a number of other expenditures in the budget, including an additional \$45.9 million that was announced for Parkes and Forbes hospitals, increasing the total budget of the Lachlan Health Services project to \$113.4 million. This Government committed \$67.5 million to the redevelopment of these two hospitals in 2011, and funding will be increased to \$72.5 million for Parkes Hospital and \$40.9 million for Forbes Hospital, areas of need in rural and regional New South Wales. Parkes Hospital will be redeveloped on a new site, while Forbes Hospital will be refurbished. Areas to be upgraded include the emergency department, the inpatient ward and the ambulatory care treatment area. Of the 1,800 graduate nurses and midwives who started work this year in 123 hospitals across New South Wales, 630 joined hospitals in rural and regional hospitals. That is a pleasing figure for the State.

The Government is on track to make 1,319 additional beds available by March 2015, as per our pre-election commitment. As at December last year, 865 beds had been made available and this number continues to grow. We believe there is a need to invest in growing our bed capacity while keeping up with modern health trends by looking at new ways of treating patients, both in hospitals and in the community. This is reflected in the \$4.7 billion Hospital Redevelopment Program. The New South Wales Government is also getting on with the job of improving access to some of the State's busiest hospitals for staff, patients and families. I praise the Minister for Health for her commitment to the new multistorey car park at Sutherland Hospital, which will deliver an additional 300 places for staff and the public. This has been an area of concern for some time.

Shire residents are very happy with this development, including me—I have a conflict of interest, I will admit. We will spend more than \$115 million on major capital works and car park projects across the State,

adding some 3,000 car spaces for staff, patients and families. It is very important that hardworking staff have access to safe and convenient car parking. We made an announcement in October about \$400,000 to be spent on a major redevelopment of Sutherland Hospital, which will include a 260 inpatient beds and a refurbishment of the emergency department. Apart from Sutherland Hospital, work is continuing on hospital car park projects at Blacktown Hospital where \$24.2 million is being spent on 600 spaces, and Wollongong where the Government is spending \$27.8 million for 700 spaces. Other major car park projects have been completed at Nepean Hospital with \$23.1 million spent on 650 spaces, and Liverpool Hospital with \$29 million spent on more than 900 additional spaces.

These major capital projects are in addition to car park expansions underway or complete in hospitals, including Campbelltown, Wagga Wagga, Shoalhaven and Dubbo. The New South Wales Government has allocated money for the planning of new car parks at Westmead Hospital and Coffs Harbour Hospital. I congratulate the Minister on the next stage of the St George Hospital redevelopment. The Government will spend \$800,000 to allow planning for a major redevelopment—the next step after the \$39 million emergency department was delivered as promised by this Government. I know that St George Hospital was forgotten by Labor in its 16 years in government, although it is a major teaching hospital of the south and a very important hospital for residents of the St George and Sutherland shire.

The redevelopment of St George Hospital will accommodate an expansion of high-priority clinical services such as intensive care, high dependency and cardiac care, as well as new operating theatres. There will also be significant enhancement of the inpatient wards. An area that is very important to me, and to many other members, is palliative care. I was delighted to see the Minister for Health announce the rollout of \$35 million for community-based palliative care services across New South Wales. Whilst 70 per cent of Australians say they want to die at home, only 16 per cent actually do. More than half of Australians die in hospitals, 20 per cent die in hospices and 10 per cent die in nursing homes. The expansion of palliative care services will enable people to die peacefully in the places they want to die, whether that is their home, a hospice, a hospital or a nursing home.

A \$35 million suite of community-based palliative care included support packages for people dying at home—up to 1,545 packages of home support building to 2,863 packages in 2015-16. Rapid access to home support services is designed to ensure safe and comfortable end-of-life care at home. There are also support services for dying children and their families. A pop-up model of care will mobilise clinical expertise and support around a dying child as close to home as possible. It is a very sensitive and relevant approach that provides support to clinicians caring for children at home, including general practitioners, nurses and care workers; targeted training to support professionals; and ongoing access to paediatric palliative care expertise for families and clinicians by telephone, e-health and other communication strategies.

Also in the package was funding for palliative care volunteer support services because we realise that they play a very important part in delivering personal care for patients, their families and carers. This may take the form of companionship, practical assistance or respite for carers and it is important that it is supported. An after-hours telephone support service has been introduced to complement existing specialist palliative care services provided during the day to ensure that after-hours access to support and assistance continues. As part of this enhanced funding for palliative care, an extra 30 clinical nurse specialists and clinical nurse educators in end-of-life palliative care will commence work across New South Wales in 2013-14.

The \$35 million suite of community-based services is in addition to the \$86 million provided annually to New South Wales for specialist palliative care, with millions more spent each year in providing palliation for patients in general hospital wards. This Government is committed to working towards a state where those living with a terminal condition receive adequate palliative care and support. I also mention the Missenden Mental Health Unit milestone. We have now delivered \$67 million for that mental health unit at Royal Prince Alfred Hospital, with construction reaching its highest point. When completed this year the new Missenden unit will provide greatly increased mental health services for the Sydney community as well as improved outcomes for patients and their families. The 53-bed facility includes six new short-stay beds and, for the first time in Australia, seven dedicated research beds.

There is much more good news regarding nurses, midwives and so many projects, whether it be the \$120 million Hornsby Ku-ring-Gai Hospital redevelopment—very much needed in the north-west of Sydney—or whether it be the Northern Beaches Hospital, which has reached a very important milestone in planning and project design for the ultimate 423-bed hospital in the northern beaches with the most modern technology. That hospital is long overdue for the people of Manly, the northern beaches and the northern suburbs of Sydney and it

is very much supported by the local community and councils. I congratulate the Minister for Health. I could have spoken about many portfolios but I chose the Health portfolio because of its great importance to constituents.

The Hon. LYNDIA VOLTZ [6.16 p.m.]: That was an interesting contribution by the Hon. Marie Ficarra because it failed to address issues such as the funding cut to the visiting paediatrician at Broken Hill who specialised in helping children with autism spectrum disorders and foetal alcohol syndrome; it did not mention the effective closure of the paediatric ward at Murwillumbah Hospital, where paediatric nurses are not rostered on; and we again got no information on Bulahdelah Hospital, where the visiting medical officer has been taken away, although 93 per cent of urgent cases have been treated on time compared with the national average of 66 per cent and 98 per cent of semi-urgent cases have been treated on time compared with the national average of 70 per cent. That will no longer happen because there is no emergency department at the hospital because this Government has abolished that visiting medical officer position.

However, I am going to speak on Sport and Recreation, which is the portfolio I have been responsible for during the past three years. In particular, members will be aware that I have pursued combat sport and the death of Mark Fowler. The Hon. Paul Green and Reverend the Hon. Fred Nile have also had a keen interest in combat sport and the Combat Sports Bill 2013. I consistently asked the former Minister, Graham Annesley, how a licence was issued for the Muay Thai kickboxing event in which Mr Fowler took part. The former Minister said on 10 October 2012 that a permit was granted and that Mr Favuzzi had applied for a professional permit, which had been refused, and that he had then applied for an amateur permit. No such thing happened.

On 21 October 2013 in budget estimates I asked whether the application for the permit for the particular bout was in the approved form as required by the Act and I gave the Minister a copy of Mr Favuzzi's application that I had obtained under freedom of information. Former Minister Annesley took that question on notice. The current Minister for Sport and Recreation, Gabrielle Upton, responded that I could find that information on the website of the Department of Sport and Recreation. That is not true: The website contains no reference to whether this permit was issued under the Act. We know it was not issued under the Act because, despite their claim of transparency, former Minister Annesley and Minister Upton were aware there had been huge breaches of the Act. They had undertaken an internal report, which was not released to members of this Chamber prior to the Combat Sports Bill 2013 being introduced into this House, and my having identified huge breaches by the Department of Sport and Recreation.

David Hunt's report in late 2011 found that Sport and Recreation has a longstanding practice of granting amateur promoter permits to amateur combat sport sanctioning bodies rather than to promoters of amateur combat sport contests. This approach does not comply with the Act and undermines its objectives. His review identified a number of other breaches of the Act. Those included that the authority and its predecessor, the Boxing Authority, routinely granted permits for professional combat sport contests in prohibited venues; that combatants are applying for registration at weigh-in, making it impractical to assess their applications before they participate in a professional sport contest; that combatants have been permitted to compete in professional combat sport contests before their registration is granted; and that combatants have been permitted to compete in professional combat sport contests without having submitted required proof of identification.

David Hunt's review also found that decisions about registration are sometimes made by casual combat sports inspectors who have no authority to make such decisions; that fit and proper person requirements have been in place since 1986 but have never been applied, with police having expressed concerns about the involvement of outlaw motorcycle gangs in the combat sports industry; that there has been a failure to enforce a 21-day timeframe for lodging applications for professional and amateur promoter permits; and that there had been a failure to require registration and permit fees to be provided with registration and permit applications, sometimes with application forms being received by inspectors at weigh-ins or contests, noting that requiring payment to be made in those circumstances poses unacceptable corruption and health and safety risks.

The review also found that the grant of the permit to the NSW World Muay Thai Council for the 13 August 2011 contests was not appropriate due to defects in the application and grant process—the very question that we again and again asked the Minister. David Hunt found that Sport and Recreation granted a permit in response to an application that was not in or to the effect of the approved form—again a question we constantly put to the Minister. David Hunt also found that the sport and recreation officer who granted the permit had no authority to grant the permit. That was for the fight in which Mark Fowler died. There was no authority to issue the permit. It was issued contrary to the Act. We have repeatedly asked the Minister this question. He has refused to answer it—as has Gabrielle Upton. We now know why: because an internal review showed a huge number of breaches by the department.

The following is the trail regarding Mark Fowler, according to David Hunt's report. On 21 February 2011 an amateur permit was issued to Mr Favuzzi to hold the tournament on 19 March 2011 and a professional permit was issued to Jason Lapin for the same event. On 18 February 2011 the promoter provided a card for a professional bout; Mark Fowler's name was not listed on that card. On 17 March 2011 Mark Fowler signed an application for registration as a combatant disclosing previous participation in six events, in three of which no permit of any kind had been granted. On 25 March 2011 Sport and Recreation advised that it is probable that Mark Fowler and Cheyne Rees—both involved in the contest in which Mark Fowler died—submitted applications for registration to a casual combat sports inspector at the 25 March weigh-in for the contest on 26 March. On 31 March 2011 Sport and Recreation received Mark Fowler's application for registration from a casual combat sports inspection who attended the 26 March 2011 contest. That is, Sport and Recreation received the application five days after the event was held.

On 6 June 2011 Sport and Recreation received an anonymous call alleging that the 21 May event involved registered professionals fighting amateurs, amateurs being paid, and that there were no medical books for amateurs. Sport and Recreation wrote to Mr Favuzzi advising him of the allegations and stating that "no further amateur permits will be issued to the WMC until such time as these concerns are rectified." Mr Favuzzi responded to those allegations, acknowledging some of the breaches. On 27 June 2011 Sport and Recreation wrote to Mr Favuzzi acknowledging action taken. The letter attached copies of a newly developed amateur promoter permit application form. That is the application form that the Department of Sport and Recreation has told us and also told journalists does not exist. But before that bout they actually sent it to the promoter. Despite that letter on 27 June, the department still issued a permit for the bout in which Mark Fowler died—without receiving the form required by the Act.

On 6 July the Minister for Sport and Recreation raised the level of delegation for granting amateur promoter permits to the General Manager, Sport and Recreation. In July 2011 the department cannot tell us why Mr Favuzzi applied for both an amateur Muay Thai promoter permit and a professional Muay Thai permit—on the one piece of paper—for the event held on 18 August at Liverpool. On 26 July Sport and Recreation granted the permit to Mr Favuzzi to promote an amateur Muay Thai tournament. On 9 August promotional material appears for the event on 13 August 2011 promoted by Taipan Promotions. The promotional material prominently displays a photograph of Mark Fowler—a professional fighter. On 13 August the Muay Thai contest takes place, Mark Fowler collapses after the fight and is taken to Liverpool hospital, where he subsequently dies. This report has information that we have been seeking from the Minister in questions asked at budget estimates hearings.

The Minister knew the answer to those questions because in late 2011 he had the report that clearly identified the breaches, that clearly identified that the permit should not have been issued, that clearly identified that they knew there were professional fighters involved, and clearly identified that the person who issued that permit did not have the delegated authority to do so. In fact, after an anonymous call was received by the department, and they changed the delegation and that officer was informed not to issue those permits, the permits were still issued. Despite the department writing to them and saying they must comply with the Act and fill in the approved forms and give the names of the fighters, they did not do so. There is absolutely no point in this House holding Ministers to some degree of integrity in estimates when they know they hold information that we are asking for and they refuse to give it to us. We find out later, after this House changed an Act, that vital information that would have provided a different view on the combat sports Act amendment in 2013 has been withheld from us, and that other information is withheld from us. Quite frankly, it is a disgrace.

The Hon. PAUL GREEN [6.26 p.m.]: I speak briefly to Report No. 41 of General Purpose Standing Committee No. 2 entitled "Budget Estimates 2013-14". The budget estimates process ensures parliamentary oversight of the budget and provides an important mechanism for accountability of the Executive Government to the Council. First and foremost, I thank the committee secretariat, who always does an exceptional job at organising budget estimates. I also thank the chair, the Hon. Marie Ficarra, and fellow committee members and non-substantive members for their participation and input. Finally, I extend my thanks to the Ministers and their staff who assisted the committee in this inquiry.

I note the points mentioned by the Hon. Marie Ficarra focussed a little more on health and medical research; I was going to do the same. On interviewing the Minister about the initiatives of the Government, I note that cancer care centres were probably one of the best delivered outcomes of the Government. The Central Coast Cancer Care Centre was completed and opened in March this year. The Commonwealth Government provided about \$28.6 million, and the State Government provided \$10 million for recurrent costs. The Illawarra Cancer Care Centre was completed in June this year, as was the wonderful facility in the Shoalhaven. Sadly,

among the first of the persons to use the services of the Shoalhaven Regional Cancer Care Centre was a hardworking community member who time and time again gave of her time to get that centre operating, using her corporate contacts.

While that is sad, it is great that the people of the Shoalhaven will not have to go all the way by bus to Wollongong, wait for everyone to have their treatments, second-guess why people are not on that bus, then make the long return trip—doing that for about six weeks, day in and day out. That fantastic facility, beside the Shoalhaven Hospital, overlooks the beautiful Shoalhaven River. Well done all round to those involved in getting that facility up and running. As I said as a former mayor, it is a gift that will keep giving to many people in the Shoalhaven and beyond; they will not have to put plans in place for the family, for dinners, for housekeeping and jobs. Their treatment will be available just up the road, enabling them to have their treatment and by the end of the day be back home with their families and sleeping in their own beds. That is a fantastic outcome.

Reduction in local services in the local health district was mentioned. The budget of the Illawarra Shoalhaven Local Health District was increased to accommodate increased patient demand whether in emergency, overnight stays in acute beds or elective services including some of the community-based services. The local health district wants to ensure that it has a spread of services across the district, which brings me to my next point. I know the Government has to weigh up its dollars but the Shoalhaven had a fracture clinic that has gone north back to Wollongong. People in the Shoalhaven have to drive their children to the fracture clinic at Wollongong, which is unfortunate. We are working with the Government to make sure that the fracture clinic at the Shoalhaven hospital is restored. I am sure the Minister is keen to secure an orthopaedic surgeon for this important service in the Shoalhaven. Many people in the Shoalhaven, the aged in particular, do not want to travel all the way to Wollongong for treatment.

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

Pursuant to sessional orders debate on budget estimates proceeded with.

BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 2013-2014

Debate resumed from 4 March 2014.

The Hon. NATASHA MACLAREN-JONES [6.30 p.m.]: The New South Wales 2013-2014 budget reflects our tripartite plan to secure the future of New South Wales first by getting the budget back on track to a surplus, which has meant living within our means and reducing debt. The second pillar of our plan is to build for the future with a massive investment in infrastructure. The final element is to improve services for the people of New South Wales. We understand that governments have to live within their means, just like the hardworking families and businesses within our State. The Government's number one priority is to restore economic growth and establish New South Wales as the first place in Australia to do business. To do this requires responsible economic management and cutting unproductive spending. We must continue to do everything we can to unshackle the burdens for the private sector to reduce red tape, improve productivity and prosperity and create more jobs.

The New South Wales budget builds on the firm foundations laid for a sustainable economy and jobs creation across New South Wales. We are driving trade and investment and research and innovation outcomes to support future competitiveness in key industries. The 2013-2014 budget continues our focus on delivering the infrastructure that communities across our State desperately need. The New South Wales Government is committed to spending a total of \$59.7 billion on infrastructure during the four years to 2016-2017. We are enhancing the Building the State package announced in last year's budget by delivering more than \$300 million to provide priority infrastructure for new housing and extending the State's generous first homebuyers scheme to further boost supply.

We have also allocated a record \$14.6 billion for infrastructure and services in public transport and roads. This includes \$4.1 billion for the North West Rail Link over four years and \$353 million for the continuation of works for the South West Rail Link. Our ongoing investment in education also forms a key part of this budget, with \$13.95 billion allocated. This is an increase of \$524 million on last year. This year's Education budget also includes an allocation of \$530 million for new capital works including five new schools,

along with the upgrade of 13 schools and TAFE colleges. Furthermore, we have allocated \$2.76 billion to Ageing and Disability Services, including \$440 million to deliver the third year of Stronger Together 2 and \$585 million over three years for the launch of the National Disability Insurance Scheme to secure the future of disabled people, families and their carers.

The State budget is great news across all portfolios, particularly in Health with more funds allocated for infrastructure development and hospital upgrades in regional communities. We understand that hospitals and health services are a priority to deal with the hospital capital works backlog that was left by the former Labor Government. NSW Health is one of the best healthcare systems in the world. We employ more than 125,000 people and last year a record 1.74 million patients were admitted to our 230 public hospitals. That is 60,000 more patients than were admitted the year before. The number of people who attended our emergency departments was 2.6 million and 314,000 patients underwent operations in our hospitals.

Our total NSW Health budget is \$19 billion annually and is the largest single component of the New South Wales State expenditure, accounting for 28 per cent of the budget. That is a spending rate of approximately \$50 million a day. The population of New South Wales is projected to increase from 7.2 million to 8.4 million by 2026. An ageing and growing population and an increase in community expectations means our health system will experience a surge in demand for services. It is vital we use resources effectively. That entails cutting the waste as we maintain our focus on delivering a sustainable budget. The New South Wales Government is investing more than \$1 billion each year in health infrastructure, capital projects and initiatives.

We understand that to manage an increase in lifestyle-related chronic disease and the availability of new healthcare technologies we must explore innovative ways to increase private sector investment in health infrastructure both as a supplier of these infrastructure projects and as a partner working alongside government to deliver services directly to patients. Boosting infrastructure investment across the State requires careful management of expenditure as well as careful management of resources.

Over the past year the New South Wales Government has announced a number of significant infrastructure projects across the health sector. These include: the new Northern Beaches Hospital at Frenchs Forest; Wagga Wagga hospital; Blacktown Mount Druitt Hospital; Campbelltown Hospital; Lismore hospital; Kempsey hospital; Dubbo hospital; and Parkes and Forbes hospitals. The delivery of most of these major capital works will be managed by NSW Health Infrastructure, which is a conduit between government and private sector consulting and construction firms that undertake delivery of Health capital works programs. In some cases, it is the private or community sectors that have access to capital, technologies and skills that are more flexible and innovative.

Investments in support infrastructure such as eHealth are crucial to our health system and are a means of tackling the surge in demand for health services. The New South Wales Government has committed to spend nearly \$400 million on new information and communication technology over the next four years, including: \$170 million for a new electronic medications management system to reduce adverse drug events; \$85 million on electronic medical records systems to integrate with the National Personally Controlled Electronic Health Record and to improve clinical documentation, scheduling and reporting; \$43 million on a new intensive care unit clinical information system to provide a single point that collates all relevant data to assist clinicians in intensive care units; and investing more than \$90 million to upgrade our corporate systems and to build new networks, data centres and messaging solutions that will connect all staff in all areas of NSW Health.

When we restructured the New South Wales health system in 2011, we developed a whole-of-health approach to eHealth. Last year we announced eHealth NSW, which is a system leader for NSW Health's information strategy. eHealth NSW encompasses a number of innovative programs already underway across the State that support new models of care, such as telehealth and Connecting Care, that deliver high-quality in-home health services in regional New South Wales to improve the health outcomes of older people with chronic conditions. These services can include home-based remote monitoring by a care coordinator; remote clinical consultation and case conferencing; patient care coordination via videoconferencing; and video-based group education for patients and carers.

We are committed to building and developing eHealth capacity and connectivity and are developing: new clinical care initiatives such as the introduction of community health and outpatient care to integrate clinical and electronic record systems, upgrading electronic medical records, adding voice recognition capacity, electronic medication management and intensive care clinical information system; new business solutions, which include rostering, incident information management systems and asset and facilities management performance; and infrastructure upgrades, such as boosting broadband capacity country areas.

We have focused on clinical care—putting patients first when rolling out critical clinical eHealth systems, which include electronic medical records that cover 142 of our hospitals, or up to 80 per cent of our bed base, allowing doctors to order tests, schedule surgery and prepare electronic discharge summaries. Every day in New South Wales, over 23,000 clinicians log on and open 212,000 charts, order 136,000 tests and book 17,000 appointments electronically. We have also focused on medical imaging, with New South Wales now leading Australia through a system that digitises and stores radiology images to allow rapid access for clinicians across sites.

Furthermore, we are upgrading information technology infrastructure, in particular, boosting broadband capacity in regional New South Wales and the mature HealtheNet, which is being trialled in Western Sydney Local Health District, the Nepean-Blue Mountains Local Health District and the Children's Hospital network. HealtheNet is the system that NSW Health has developed to connect our public hospital and community services electronic medical records with the National eHealth Record, which is known as the personally controlled electronic health record. HealtheNet allows public hospital clinicians to view the following patient records from other sources: electronic discharge summaries from private hospitals; general practitioner and specialist e-referrals; shared health summaries; Pharmaceutical Benefit Scheme information; Australian Organ Donor Register information; Australian Childhood Immunisation Register; Medicare Benefits Schedule procedural information; Medicare-Department of Veterans Affairs benefits information and Advanced Care Directive records.

This is an important step in supporting integrated care for patients with complex and chronic conditions that require care by multiple clinicians across a range of settings. We understand that strong communities require a strong economy with an innovative and profitable private sector. We need to do everything we can to foster businesses to grow and prosper and to employ more people. By opening up the health market to greater competition we are adding value to our economy and maximising efficiencies between service providers. I am proud of the fact the Government is working to cut the red tape that has been holding business back.

As healthcare demands rise, the non-government sector has the opportunity and capacity to do more, particularly in the area of research. One of the important ways in which the New South Wales Government is supporting innovative businesses and tapping into their creative solutions is through the NSW Medical Devices Fund. Last year, in its inaugural year, the fund awarded a total of \$10.3 million to five outstanding medical technologies. This funding will help turn technological innovation into commercial reality. Finally, I say to those opposite who are void of a coherent economic policy platform that the O'Farrell-Stoner Government has a plan—a plan that has begun and that will secure the future of New South Wales.

The Hon. CHARLIE LYNN (Parliamentary Secretary) [6.42 p.m.]: I congratulate the Treasurer on the 2013-2014 budget, which delivers the trifecta in financial management—slower expense growth, accelerated spending on infrastructure and a reduction in net debt. Standard and Poor's confirmation of New South Wales' triple-A credit rating is a vote of confidence in Treasurer Mike Baird. The financial challenges we face in meeting community expectations for the delivery of services and planning for the restoration of essential infrastructure to meet our future growth needs could not be in a safer pair of hands. This assessment is shared by Standard and Poor's, which reported that New South Wales financial management is positive in an international context, supported by institutional settings and the State's tightened management of its operating expenditure and government businesses.

The positive impact of the budget has been well canvassed by other members in their contributions to the debate. I will not repeat them and will restrict my contribution to the issue that affects most people on a daily basis in the region with which I am most familiar, the Macarthur region in south-western Sydney. That issue is transport. No other area impacts on our quality of life in south-western Sydney and the Macarthur region more than this issue. Every morning on the M5 and the M4, parents—the father, mother or sometimes both—have not been able to say goodbye to their young children because they have had to leave too early and they could not disturb them. Some arrive home after their children have been put to bed. They do this every working day because the parlous state of our infrastructure requires them to spend three to five hours each and every day getting to and from work.

They are victims of short-term, self-interested political decision-making over decades since the County of Cumberland Planning Scheme was inaugurated by the New South Wales Parliament to prepare for the guidance and control of growth in the country. The following decades saw the growth in planning but private and public transport infrastructure consistently outstripped demand, demand that was obvious to all but the short-sighted, self-serving political pygmies of that time. The Federal Government at the time took a lead role

when the then Minister for Transport, Peter Nixon, allocated land to the State for the development of transport corridors. I know that because I have had long discussions on this issue with Peter Nixon, who comes from my home town of Orbst.

This visionary gift to the people of New South Wales was sold out by a disgraceful act of petty, self-serving political expediency by former State Premier Neville Wran, who sold the corridors to developers for housing. I have often wondered why Neville Wran was the only living Premier to have a bronze bust of himself in the Parliament. In view of the long-term impact of his short-term decision, I would like to propose that a bronze pigeon be placed above his head. In fact, we should consider putting a flock of pigeons around the foyer for the placement of busts of political pygmies who have placed self-interest above public interest.

[Interruption]

It is all right for members who live in the inner city. We live west of Glebe and Newtown; it impacts us on a daily basis so I speak tonight on behalf of those impacted. We should have a political pigeon award at the end of each term of government and perhaps accept nominations for induction into the political pigeon hall of shame. My first nomination would be former Premier Bob Carr for his role in building the M5 East tunnel in such a way that it was already at capacity when it was constructed. Working families from the Macarthur region have suffered ever since. This major infrastructure project on Bob Carr's watch is a planning disaster. I was told at the time by a senior Minister in the Carr Government that the developers of the tunnel advised that they could build a third lane in the tunnel for an additional \$80 million. According to my source Bob Carr rejected the proposal because the major threat to his leadership at the time was his ambitious transport Minister, Carl Scully. Scully was a master self-promoter and Carr was not going to give him any oxygen.

The Hon. Rick Colless: His nickname was Sparkles.

The Hon. CHARLIE LYNN: Sparkles. To add insult to injury the Carr Government installed speed cameras in the tunnel when movement detectors would have been a far better option. This budget provides an amount of \$1.8 billion to commence the WestConnex project. Tony Abbott has committed a further \$1.5 billion to the project with no strings attached. This project will be of vital importance to linking our Western Sydney motorways with the central business district, the airport and Port Botany, and to ending traffic congestion. This will be the greatest job generator of our time but not if the Labor-Greens alliance, which created the mess we experience with the M4 and M5 every day, is successful in its attempt to sabotage it.

According to Brendan Lyon, the chief executive of Infrastructure Partnerships Australia, the short-sighted decision by Bob Carr not to build the extra lane when it was offered to him for \$80 million will now cost New South Wales taxpayers \$5.7 billion to fix because we now need a completely new tunnel. I believe that qualifies Bob Carr for induction into the political pigeon hall of shame. I am pleased to report that Premier Barry O'Farrell is determined to avoid a nomination for induction, which is obvious from his commitment to WestConnex. This visionary project will finally give hope to the long-suffering commuters of Western Sydney, who have been ignored by successive governments for so long.

Closer to home, I am pleased to note the Government's commitment to upgrading Narellan Road. When I was first elected to Parliament, Narellan Road was a carriageway with two lanes in each direction with a speed limit of 100 kilometres an hour. It was an efficient link between the growing cities of Campbelltown and Camden. At the time I would marvel at the vision of transport planners who put that infrastructure in place. Rather than looking to future development of Narellan, Currans Hill and Mount Annan and constructing on ramps and off ramps to maintain the integrity of that high-speed link between the two cities, three sets of traffic lights have been installed, reducing average speed during peak hours from 100 kilometres an hour to 20 kilometres an hour every morning and every afternoon.

The upgrade of Narellan Road, which involved a third lane being constructed along a short stretch of road and which the Labor Government committed to build during its last term in government, took longer to build than it took the Howard Government to build the entire M7. Even when the upgrade was completed, the roadway went from three lanes to two lanes approximately 150 metres short of the on ramp to the M5. As a result of that short-sighted decision, every morning thousands of commuters have no alternative route to travel to the Campbelltown station or to the city and daily are locked into severe congestion. The Camden Bypass has two lanes in each direction in an area of new housing developments.

Rather than constructing an on ramp and an off ramp, the possible installation of traffic lights looms large, and it would be a great shame if the bypass became another bottleneck like the one at Narellan Road.

I urge the Government and the Minister to closely examine the Camden Bypass to ensure that residents of the district are not further isolated from access to the city. The Macarthur Bridge, which provides flood-free access to Camden, was opened by Sir Roden Cutler on 26 March 1973, which is 41 years ago. I suggest that the volume of traffic carried by the bridge now is many times what it was in 1973, and I urge the Minister to plan ahead to avoid residents in the surrounding areas being landlocked or choked off by bottlenecks.

I congratulate the Minister for Roads and Ports on his commitment to renewing our road infrastructure. I also congratulate the Minister for Police and Emergency Services, the Hon. Michael Gallacher, on his commitment to remobilising the Highway Patrol to keep commuters safe. I offer both ministers a little advice about their ongoing commitment to the areas I have mentioned. I believe I could double the capacity of the M5 if I engaged the Highway Patrol to keep road hogs out of the right-hand lane. When we had two lanes, road hogs would travel in the right-hand lane at the same speed as a vehicle in the left-hand lane, and the problem is replicated irrespective of the number of lanes available. It is a problem that causes major traffic congestion and major frustration. I do not know why the police do not free up the overtaking lane. After all, it is an overtaking lane, not a commuting lane. People who travel within the speed limit but more efficiently should not be prevented from using the right-hand lane.

I also congratulate the Minister for Roads and Ports on recently allowing motorcyclists to move in and out of traffic. New South Wales has the best weather in the world for motorcycles and motor scooters, but we need to become the world's friendliest city for motorcyclists and motor scooter riders. We should encourage people to use motorbikes and motor scooters to commute. There is no reason that they cannot and they should be encouraged by, perhaps, halving the tolls or basing the tolls on the number of wheels on a vehicle. That may encourage commuters to travel by motorbike or motor scooter instead of using their cars, which usually have three or four vacant seats during peak hours. In frequently congested areas, we could perhaps allow them to use the breakdown lane with a speed limit of 30 or 40 kilometres an hour, which would free up the road system tremendously.

I understand from the Minister that objections have been raised by emergency services, but they allowed road tunnels to be constructed without the provision of a bike lane, which resulted in the congestion and delays that commuters endure daily. I also believe that any tunnels constructed in the future should provide a half-lane for bikes. The measures I have suggested are designed to get people out of their cars and into more efficient modes of transport. People who do not have access to public transport should be encouraged to use a means of transport that is more effective and more efficient than travelling by car. I commend the budget to the House. I congratulate the Premier on his vision in relation to WestConnex and other major infrastructure projects that are in the pipeline. I commend the Treasurer and I commend the budget to the House.

The Hon. LYNDIA VOLTZ [6.56 p.m.]: I will address a number of the smaller issues that are not raised during budget discussions but which affect local people. During our previous debate on the report on the health sector by General Purpose Standing Committee No. 2, Government members referred to 14,000 additional people attending emergency departments. As we know, approximately 250,000 people attend emergency departments, and emergency departments are one of the biggest imposts on the Health budget. The population of New South Wales increases by approximately 1,000 each week, and that naturally means more people attending emergency departments, and 14,000 additional people attending emergency departments is not surprising. Governments should always plan for those types of services to have ever-increasing visitations.

The problem is that when the Government makes a decision to change the way hospitals operate, that places greater pressure on our emergency departments. I have raised the issue of the Bulahdelah Hospital, which is a perfect example of the problem. The hospital still advertises that it has an emergency department, but it does not. It does not have a visiting medical officer. The hospital has achieved very good clearance rates for emergencies, urgent and semi-urgent cases—in approximately the high nineties as opposed to the mid-sixties for a major hospital. However, the removal of the visiting medical officer from that hospital has resulted in patients who turn up with chest pain or a similar emergency, and who expect what is advertised on the New South Wales Department of Health's website as a place with an emergency department, being put into an ambulance and sent to Taree. Without a visiting medical officer, people automatically are taken by ambulance to Taree—if an ambulance is available in Bulahdelah. As a result of cuts to the Ambulance Service of NSW, an ambulance is often not available because no-one is on call.

People are being sent to Taree in the middle of the night, which involves travel in two ambulances, one from Raymond Terrace to Bulahdelah and another to Taree—a distance of more than 100 kilometres. They then may wait for a short period. More often than not, the ambulance leaves and an elderly patient is left at Taree

hospital where other transport has to be arranged to get them back to their home at Bulahdelah in the early hours of the morning. A visiting medical officer would have assessed the chest pain on site and what would have been a half an hour at the hospital now becomes several hours with up to six people being taken out of the health system to transport people from hospital to hospital. There are arguments concerning economies of scale that are effective for hospitals in major cities, but those economies of scale do not transfer to regional and rural areas. Providing appropriate medical services in regional and rural communities has a greater efficacy and a better bottom line for the budget than the program implemented by this Government, which effectively abolishes those services.

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

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

ADJOURNMENT

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [7.00 p.m.]: I move:

That this House do now adjourn.

REVIEW INTO AGRICULTURAL EDUCATION AND TRAINING IN NEW SOUTH WALES

The Hon. NIALL BLAIR [7.00 p.m.]: It is my pleasure to talk this evening about the Review into Agricultural Education and Training in New South Wales conducted by Professor Jim Pratley of Charles Sturt University. Agricultural education has been an issue close to my heart for some time. I undertook my undergraduate studies in horticultural science at Hawkesbury Agricultural College and began my working life in that sector. One of the sobering findings of the review for me was the fact that degrees such as mine have disappeared from all but one Australian university.

The review is a comprehensive investigation into the steps that can be taken to approach the agricultural education challenges of the future. The review makes recommendations for both government and industry. It identifies incremental actions that together have the potential to deliver transformational change to agricultural education and training in New South Wales. Indeed, the review makes clear the importance of continued innovation in and attention to the agricultural industry. More than 90 per cent of the fresh food consumed by Australians comes from local production. The industry provides one in six Australian jobs and is the lifeblood of many regional towns. The agriculture sector manages about 60 per cent of the national landscape on behalf of the nation. Agricultural production contributes over \$40 billion to the Australian economy, generates about 10 per cent of export revenue and is the mainstay of many rural communities.

The review's prescribed reforms include: improving agricultural careers advice given in schools and consideration of establishing an agriculture and food week during the school year; ensuring primary teacher training and professional development provides the necessary expertise to deliver teaching about agriculture and food through science and the broader primary curriculum; including agriculture, food and fibre as the basis of at least one content area in year 7 and year 8 technology studies; agricultural high schools working more closely together as a forum for professional development, to share equipment, and to be a contact agency for former students; Aboriginal students being better supported to take up opportunities for employment and further education and training in agriculture; and consideration being given to re-establishing the Murrumbidgee College of Agriculture in Yanco.

I am proud to be a member of a government which not only instigated such a review but which also supports its findings. Twenty-six of the 27 recommendations made in the review have been supported by the New South Wales Government. The Government does not support one recommendation because it has already been done. Unlike the Labor Government, which excelled solely in producing glossy brochures, this Government has instigated the compilation of this substantial report which, once implemented, will achieve significant positive outcomes for the agricultural sector. At the end of the day, we can ill afford to neglect the agricultural sector, which contributes \$9 billion to the New South Wales economy alone. For the five years up to and including 2012, there have been at least five jobs available per university graduate in the agricultural sector.

It is time to take seriously the issues facing the agricultural sector. Now is the time to lay down the educational infrastructure for New South Wales to compete on an international scale and to make the most of

our comparative advantages. That is what the Pratley review is about and that is what this Government is about. I commend the Government and the Minister for Education, who was instrumental in requesting the review. The Minister is committed to this sector and to ensuring that this State takes the opportunities offered to support its vision for the future.

During the parliamentary adjournment I had the pleasure to visit Murrumbidgee college in the Riverina. I saw firsthand the changes in the Murrumbidgee area and the significant increase in the amount of cotton produced this year compared to last year. There are plans to construct cotton gins in the Carrathool area and at Hay. There is also a new cotton gin at Whitton and a substantial hazelnut plantation has been established near Narrandera. There needs to be an up-skilling of the people not only within the Riverina but also throughout New South Wales to meet the demands of the growing agriculture and horticulture sectors in New South Wales. I congratulate Professor Jim Pratley on an outstanding review.

SOUTH EAST LIGHT RAIL PROJECT

The Hon. PENNY SHARPE [7.05 p.m.]: Tonight I raise significant concerns about the rollout of light rail from Central Station through Surry Hills. In December 2012, the Government announced a plan that would see a light rail route from Circular Quay to Central Station then travelling up Devonshire Street and on to Randwick and Kingsford streets. For residents in Surry Hills the announcement of light rail through their community was very much out of the blue. Unlike communities affected by other major transports projects such as the North West Rail Link, communities along the south east section of the light rail route, especially those in Surry Hills, have not had any inkling that light rail was coming through their suburb.

Residents at the end of Devonshire Street found out that their homes were going to be demolished on the six o'clock news. Since then there have been many glossy brochures, lots of information stalls and highly paid consultants but few real answers for residents or businesses. The residents and businesses affected by this project are not anti light rail, but they do have legitimate concerns—concerns that the process to date, including responses to their submissions on the environmental impact statement, have not been addressed. Their concerns have been fobbed off and in some cases treated with derision by the project team. Residents are asking legitimate questions about this project. Why was a narrow tree-lined street like Devonshire Street chosen as the route? The route will require the demolition of a block of units, the loss of 150 resident parking spaces, the loss of hundreds of trees, and the loss of green space in Eddie Ward Park—a park in the middle of high-density public housing where green space is a precious and very scarce resource.

Residents are also legitimately worried about noise and the impact of trams cutting their suburb in half at three-minute intervals. There are concerns about the safety of the route for pedestrians, especially children and older people. There are also concerns about how emergency vehicles will be able to access this densely populated and narrow street during and after construction. Last week a meeting with local businesses failed to answer any questions. The project team could not tell residents how long the construction phase would be or whether businesses and customers would have access to their properties during and after construction. The businesspeople at the meeting were accused of being "rent seekers" for asking whether there would be any compensation for their loss of business.

Members should not forget that these businesspeople have made decisions over many years about how to build their business and the first time they heard about this massive impact to their carefully developed businesses was 15 months ago. The attitude of the project team is insulting. People have questioned whether there is a faster, cheaper and more efficient light rail route for this project. The Government's refusal to engage effectively with the community led to a number of local residents banding together under the banner of People Unite Surry Hills to do their own research about the project. Together with a local engineer they have come up with an alternative route along Foveaux Street.

People Unite Surry Hills presented the Foveaux Street sub-surface route, including its economic feasibility, traffic impacts, park-and-ride options, and increased passenger volumes, at two community consultations last year. This presentation was also provided to the Minister for Transport. The Minister listened politely, but has failed to have this proposal properly assessed. The Minister has also failed to give People Unite Surry Hills a reason for her out-of-hand rejection of its proposal. If the proposal does not stack up, the Minister should explain why. Governments have important rights that allow them to acquire private property to build infrastructure projects like the central business district and south east light rail and with those rights come important responsibilities. It has a responsibility to treat people whose lives have been turned upside down with sympathy and respect and to use a clear, transparent, untainted and accepted method to acquire property.

It is clear that the O'Farrell Government is not living up to those responsibilities despite the Minister promising the residents of Olivia Gardens sympathetic treatment. I have met with some local residents who live in Olivia Gardens and I am horrified by the stories they have told me. In an uncertain time and in a housing price boom, residents have reported having things said to them by the acquisition team such as: "You do not want to be a drain on the public purse" or "compensation is not like winning the lottery". I have also been told of a vulnerable and anxious widowed owner being told, "You do not need a solicitor or valuer with you. We should just meet you face to face to discuss the purchase", which put her at a serious disadvantage during negotiations. The Government is justifying this treatment of residents by maintaining that the acquisition is not occurring under the Just Terms Act but that it is a negotiated process.

For anxious residents it means that the ability to come to agreed costings on the acquisition of their property is a slippery and ever-changing negotiation that is simply unfair. I have also heard serious concerns about the way that the independent valuations have been carried out for some of these properties. Tonight I call on the Minister for Transport to do two things: Firstly, to properly review the Foveaux Street route and to give feedback and information about why this proposal has been rejected; and secondly, to keep her promise and ensure that Transport for NSW treats the residents of Olivia Gardens with decency and respect. Light rail will be an important addition to Sydney and it is not too late to get it right.

WIND FARMS

Dr JOHN KAYE [7.10 p.m.]: Today the Australian Medical Association [AMA] released its position statement on Wind Farms and Health. To say that the peak body of doctors in Australia gave wind farms a clean bill of health is an understatement. The Australian Medical Association's position led with the statement that:

The available Australian and international evidence does not support the view that the infrasound or low frequency sound generated by wind farms, as they are currently regulated in Australia, causes adverse health effects on populations residing in their vicinity.

The association identified that the level of noise and low frequency sound is:

Well below the level where known health effects occur.

This finding comes on the back of the release of the National Health and Medical Research Council [NHMRC] draft consultation paper, which was based on a systematic review conducted by the University of Adelaide into the human health effects of wind farms. That review looked at 2,850 peer-reviewed papers and 506 additional documents, of which only 11 were capable of being used to support a meaningful and rigorous conclusion. The National Health and Medical Research Council came to the overwhelming conclusion that, as far as noise is concerned:

There is no reliable or consistent evidence that proximity to wind farms or wind farm noise directly causes health effects. There is consistent but poor quality evidence that proximity to wind farms is associated with annoyance and, less consistently, with sleep disturbance and poorer quality of life.

Similar findings with respect to shadow flicker and electromagnetic radiation clear wind farms in the eyes of the National Health and Medical Research Council, at least in terms of its draft consultation report. The conclusions of the Australian Medical Association and the National Health and Medical Research Council should be enough to clear wind farms entirely. The Australian Medical Association makes the observation that:

Individuals residing in the vicinity of wind farms who do experience adverse health or well-being, may do so as a consequence of their heightened anxiety or negative perceptions regarding wind farm developments in their area.

The nation's peak medical body identifies that the problem confronted by wind farm residents comes not from the wind farms themselves but from organisations like the Waubra Foundation, the Landscape Guardians and new organisations such as Stop These Things, which are raising alarm with respect to wind farms. The Australian Medical Association goes on to say:

The reporting of "health scares" and misinformation regarding wind farm developments may contribute to heightened anxiety and community division, and over-rigorous regulation of these developments by State Governments.

This is backed up by a study by Simon Chapman published earlier this year in which he studied complaints about noise and health effects from 51 wind farms in Australia. Thirty-three of these—including more than half with turbine sizes greater than 1 megawatt—have never attracted a single complaint about noise or health. These

33 farms have an estimated 21,633 residents living within five kilometres. From the estimated 32,789 people living within five kilometres of these 51 turbines, they found evidence of just 129 people having complaints. Seventy-three per cent of these complainants lived near just six of the 51 farms, those being farms most targeted by the anti-wind farm groups. However, it is not just these organisations that bear the blame. On 10 January the Abbott Government—despite the National Health and Medical Research Council being in the middle of a major consultation—instituted its own individual review, most likely in response to the ridiculous non-scientific statements of Morris Newman that wind farms are a danger to human health and his threats to sue a farmer for erecting wind turbines near the boundary of his property.

The O'Farrell Government's wind turbine guidelines, yet to be brought into action, are a fine example of playing to the small group of individuals who are stirring up trouble against wind farms. Those guidelines would mandate that some of the wind farm projects be reviewed by health experts when indeed there is now no medical evidence to support that requirement. The Australian Medical Association points out that the real health issue relates to greenhouse gas emissions and coal. The O'Farrell Government is undermining the best opportunity we have to move away from the health damage that is being caused by coal. It should focus on the real health issues—not on the phantom health issues being stirred up by a small group of malcontents.

FAIRFIELD CITY COUNCIL LAND RECLASSIFICATION

The Hon. CHARLIE LYNN (Parliamentary Secretary) [7.15 p.m.]: I acknowledge the great work of Dr Thomas Diep, President of the Cabramatta Business Association, his wife, Maria Diep, Mr Keith Hewlett, Honorary Secretary of the association, and the local business community of Cabramatta in bringing Fairfield City Council to account over the reclassification of the most valuable piece of land in the Cabramatta Central Business District, where the Dutton Lane Car Park is currently located.

It has recently come to light that this parcel of land was reclassified by Fairfield City Council in 2003 from "community land" to "operational land". Records show that Fairfield City Council had previously made unsuccessful attempts to reclassify the land as far back as June 1994. This was around the time the New South Wales Local Government Act 1993 was introduced, which empowered a council, by resolution within one year of commencement of the Act, to reclassify as community land or operational land any public land vested in it or under its control except if the subject land comprised "land subject to a trust for a public purpose".

I believe Mr John Mant is widely acknowledged as the architect of the New South Wales Local Government Act. In 2000, the Cabramatta Business Association raised its concerns over the then new draft of the Cabramatta Town Centre Development Control Plan, earmarking council's public-owned car parks in the Cabramatta Central Business District as "potential development sites". The association's concerns were supported by 350 letters of objection to council by individual community members. Clearly, Fairfield City Council was not listening because in 2003 it took steps to push through the reclassification of the Dutton Lane car park. This time round, council made sure it ticked all the boxes and dotted the i's and crossed the t's.

The council engaged the architect of the New South Wales Local Government Act, Mr John Mant, to assist them with this process. Mr Mant is now a councillor with the City of Sydney and has a background as an urban planning consultant, lawyer, adviser and administrator. He also had stints working for former Prime Minister Gough Whitlam, former Labor Minister Tom Uren; and former South Australian Labor Premier Don Dunstan. Mr Mant was also engaged by the Fairfield Labor Council prior to the reclassification to conduct strategic planning forums for the Cabramatta Centre in 2002-3 and was the same person who chaired these forums where lively debates with the local community discussed at length the future of the Cabramatta central business district. Mr Mant's curriculum vitae shows that he also consulted for Fairfield Labor council on its strategic planning during the period from 1997 to 2003 when the reclassification took place. He has also acted for developers in the past.

Mr Mant's political allegiance to Labor in the area begs the question of his suitability to be an impartial chairman for the public hearing that took place on 30 October 2003 for the reclassification of Dutton Lane. Council minutes of 11 May 2004 show the public hearing for this valuable piece of land was attended by only two people—the chairperson, Mr John Mant, and a council officer, Mr Gilbert de Chaligny. They concluded that no objection or submission had been received and "it would be in the council's best interest to proceed with the reclassification". It also begs the question why Mr John Mant did not question the lack of interest in the public hearing from the community when he saw firsthand the level of interest generated by the strategic planning forums he chaired for the Cabramatta Centre. The answer, I believe, is simple—no-one attended and no-one objected, because Fairfield City Council with guidance from Mr John Mant took steps to ensure it was done under the radar.

Yes, on paper they could prove there was a public exhibition and yes, a public hearing was conducted, but the real question is whether the community really understood the implications of the reclassification. Anyone with a modicum of common sense can see it is a pure and blatant process of deception by Fairfield City Council to take away community land that was set aside for public purposes and reclassified to operational land for council's interest. It was quietly taken from the community with little more than a stroke of the pen. It is sad to see hardworking people like Dr Diep, Keith Hewlett and local businesses being taken for a ride by the council using ratepayers' money to pay huge consultancy fees to take away community land.

This pattern of behaviour is no different today. Fairfield City Council has always been a Labor-controlled council which simply does not give a damn about Cabramatta because they know that they will always vote Labor. Now, having taken the Dutton Lane land with a sleight of hand reclassification, Labor wants to reduce the number of car spaces available in the Dutton Lane car park and allow council, as a developer, to put in more shops. More shops with fewer car spaces mean more congestion for Cabramatta to choke on. Cabramatta businesspeople had high hopes that Councillor Frank Carbone might clean up the council cesspit but they now realise he is just a new jockey on the same old Labor-developer horse. I now call on Councillor Carbone to support the community he was elected to represent by giving the community a say in the land that was earmarked for public purposes until it was taken away from them.

CONSTRUCTION INDUSTRY INSOLVENCY

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [7.20 p.m.]: I draw the attention of the House to the continuing failure of the O'Farrell Government to address the pressing issue of insolvencies in the construction industry. This has been a matter of widespread public interest since at least March 2012, when the Labor Opposition backed calls for an inquiry into security of payments legislation. This occurred at a time when construction companies such as Kell and Rigby were in the process of collapse, leaving subcontractors and workers in the lurch. We felt that subcontractors and other small businesses dependent on larger contractors deserved a fair go and that the legislation needed to be overhauled. We called on the O'Farrell Government to act to ensure that small businesses were not forced into bankruptcy as a result of the collapse of major construction firms such as Kell and Rigby. In that year we also introduced the small business protection legislation directed to the same end.

The response of the Government was not to support Labor's positive plan but to call an inquiry into the construction industry. This inquiry was headed by Mr Bruce Collins, QC. We backed that inquiry but we drew attention to the fact that we already had legislation that could address these concerns, and that the Government, if it was serious, should act with us immediately and not wait to see further damage done to small businesses in the construction industry. Of course, the Government did not take our offer of bipartisan support. From August 2012 until January 2013 the inquiry took place, and in January 2013 it made 44 recommendations for change. In April 2013 the former Minister for Finance and Services the Hon. Greg Pearce, MLC, indicated that the Government was going to embrace many of the changes proposed, including the creation of retention trusts in the construction industry as a way of avoiding insolvency.

The Government took no action until November 2013, when it put up legislation that in a half-hearted way approached implementing some of the reforms in the Collins inquiry. Principally what was missing was any provision for retention trusts. In the spirit of bipartisan cooperation, the Labor Opposition proposed an amendment giving the Government regulatory power to create by regulation those retention trusts. Over the objections of the Government, this House passed that amendment and the bill as amended passed both Houses of Parliament. This bill was assented to on 20 November last year. Four months later that legislation has not been proclaimed and the tools that it gave the Government to avoid insolvencies in the construction industry have not been made available.

Fast-forward to February 2014 when there was a further collapse in the industry involving a builder with five building sites in Lindfield, St Leonards, Roseville and Gordon. Steve Nolan Constructions had gone into administration owing subcontractors and suppliers an estimated \$30 million. One subcontractor was owed as much as \$2 million. This collapse affected 200 workers and their families who are set to lose wages and entitlements as a result of the failure of Steve Nolan Constructions to pay. It turned out that Steve Nolan Constructions was owed money by a head contractor that happened to be a donor to the Liberal Party of New South Wales. This donor had made a donation of \$200,000 to the Liberal Party, including \$150,000 directly to the New South Wales divisional branch. I am sure this is an inconvenient coincidence, but we ask: When is the Government going to get off its hands and proclaim the legislation and make a regulation that addresses the problem of head contractors retaining moneys on building contracts and not providing those moneys in a timely way to subcontractors?

ASSYRIAN AUTONOMOUS PROVINCE PROPOSAL

Reverend the Hon. FRED NILE [7.25 p.m.]: I draw to the attention of the House the proposed Nineveh Plain Assyrian Province in Iraq. Iraq's Council of Ministers, led by the Hon. Nouri Al Maliki, Prime Minister of Iraq, on Tuesday 20 January 2014 decided in principle to create three new provinces from contested parts of the country. A statement said the Cabinet had "agreed in principle to turn the areas of Tuz, Fallujah and the Nineveh Plain into provinces and the Cabinet will decide after the fulfilment of the necessary requirements". It did not give a reason for the decision. Assyrians have been demanding separate province status at Nineveh Plain for years. Today the Assyrian Christian nation is struggling to impress upon the international community the importance of being distinctly recognised as a nation in need of significant protection and, more importantly, a nation in pursuit of autonomy within the territorial boundaries of a centrally governed Iraq.

More than 750,000 Indigenous Assyrians were slaughtered by the Young Turks during World War I. The injustice continued and in 1932, within 15 months of the enactment of the Declaration of the Kingdom of Iraq—a declaration that guaranteed the rights of persons belonging to national ethnic or religious minorities—Arabs and Kurds were armed by the Iraqi Government and offered one pound for every Assyrian head. Eleven villages were summoned under the pretext of police protection. Assyrians were disarmed after being assured of the "good intentions" of the Government; the population was indiscriminately murdered; priests were tortured and killed; girls were raped; 65 out of 95 Assyrian villages were destroyed or burnt to the ground; thousands of Assyrians were removed from their homes; thousands were killed, and their killing denied by the Government; the Assyrian religious leaders were deported; a camp was set up, and the Iraqi Government was charged with the task of looking after thousands of Assyrian refugees, but instead they were left destitute and penniless causing death by famine and disease.

As a result of these massacres hundreds of Assyrian families crossed the border into Syria on 21 July 1933, in hope of receiving asylum from the French Mandate of Syria. Some 35 villages were established on both banks of the Khabur River between Hassaka and Qamishli to settle the flood of refugees. Today these people are facing the same fate as Syria and 70 per cent have fled Syria, devastated by the recent rebel attacks on their villages and churches. In similar conditions, more than 200 Assyrian villages were destroyed and their Assyrian population forced into internal and external displacement during Iraq's Saddam Hussein regime. Today Assyrian Churches are still being bombed and Assyrians are still being killed, kidnapped or assaulted. Assyrians have survived the adversities of history for thousands of years, but their hope, faith and determination cannot continue to sustain them from extinction. Without international cooperation and pressure, having serious regard to this fundamental crisis, their ancient nation will not survive.

The Assyrian Universal Alliance in Australia has lobbied the Australian Federal Government for years to endorse and support the Nineveh Plain province. Many members of the Federal Government spoke in support of this issue including Mr Chris Hayes, MP, Mr. Craig Kelly, MP, and the Hon. Chris Bowen, MP. Mr Bowen tabled a motion in the Federal Parliament focusing on the Assyrian demand for the establishment of an autonomous province in the heart of the Assyrian ancestral lands in the Nineveh Plains in northern Iraq. I propose to move the same motion in this House:

That this House considers and supports a resolution by the Australian Assyrians that demands the Iraqi Government to accord the new proposed Nineveh Plains Province an autonomous status (self-administrated region) to the Assyrians and other Christian minorities on the land of their ancestors in the north of Iraq (the territory located between the greater Zab and the river Tigris) and demonstrated in the newly created Assyrian region in the said territory shall be administrated and protected by the Assyrians, under the jurisdiction of the central national Government.

This will be absolutely necessary to the security and survival of the Assyrians in Iraq. The establishment of such an Assyrian region as promulgated under article 121 of the Iraqi constitution will allow greater local Assyrian control within the context of their integrated, sovereign Iraqi state. Furthermore, such an Assyrian area would allow for political, educational, linguistic, religious, and cultural protection. We also call on the Australian Federal Government to use our seat in the United Nations Security Council to adopt a similar motion supporting a new province for the Assyrians in Iraq at this critical time before the next Iraq national election.

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

Motion agreed to.

The House adjourned at 7.30 p.m. until Wednesday 19 March at 11.00 a.m.
