

emphasis to drought preparation, but for this drought no level of preparation would have seen these farmers through. When dams are dry, sheep and cattle prices have fallen through the floor and people have not had decent rain for 12 months—I do not mean 10-12 millimetres, I mean many centimetres of rain—governments must assist.

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In those circumstances it is right and proper that governments step in to support the people who feed us. If it was not for the hard work of farmers, we—particularly those people who live in metropolitan areas—would not get to enjoy steak, milk, veggies and fruit. The farmers are in our thoughts. We hope the assistance packages at State and Federal levels help to ease the strain that they are experiencing at the moment. I commend the motion to the House.

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

**Motion agreed to.**

### **CRIMES AMENDMENT (INTOXICATION) BILL 2014**

**Bill introduced on motion by Mr Barry O'Farrell, read a first time and printed.**

#### **Second Reading**

**Mr BARRY O'FARRELL** (Ku-ring-gai—Premier, and Minister for Western Sydney) [4.00 p.m.]: I move:

That this bill be now read a second time.

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 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 or taking of alcohol or 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.

**Debate adjourned on motion by Mr Paul Lynch and set down as an order of the day for a future day.**

## **BAIL (CONSEQUENTIAL AMENDMENTS) BILL 2013**

### **Second Reading**

**Debated resumed from 20 November 2013.**

**Mr PAUL LYNCH** (Liverpool) [4.06 p.m.]: I lead for the Opposition on the Bail (Consequential Amendments) Bill 2013. The Opposition does not oppose the bill. The objects of the bill are to make it clear that a bail authority can decide who is an acceptable person to provide security for the grant of bail, in the same way as the bail authority can decide who is an acceptable person to give a character acknowledgement, and to expand the regulation-making powers conferred by the Act. There are other minor amendments that are expressed to be in terms of statutory law revision. In addition, there are inevitably amendments to a range of other legislation. The amendments are to the new Bail Act that dates from last year. It is, of course, proposed by the Government that the 2013 legislation will come into force in May this year. The amendments provided in this bill are presented by the Government as minor amendments. On the face of it, they are precisely that. Essentially they are the bits that got left out of the bill in 2013. People have worked out what should have been included and that is where the bill has come from. They do not deal with any of the substantive issues missing from the bill to which I drew attention in the second reading debate last year.

Apart from minor drafting issues, the bill is extended to all circumstances where bail must be determined and not just for the more obvious cases where someone has been charged with a criminal offence. The amendments include provisions relating to acceptable persons who provide security pursuant to a bail condition, the information provided to a bail condition, the information provided in a bail acknowledgment, the