

# LEGISLATIVE ASSEMBLY

Tuesday 3 April 2012

**The Speaker (The Hon. Shelley Elizabeth Hancock)** took the chair at 10.00 a.m.

**The Speaker** read the Prayer and acknowledgement of country.

## CENTENNIAL PARK AND MOORE PARK TRUST AMENDMENT BILL 2012

**Message received from the Legislative Council returning the bill without amendment.**

### BUSINESS OF THE HOUSE

#### Notices of Motions

**General Business Notices of Motions (General Notices) given.**

## ROAD TRANSPORT LEGISLATION AMENDMENT (OFFENDER NOMINATION) BILL 2012

### Agreement in Principle

**Debate resumed from Wednesday 28 March 2012.**

**Mr STEPHEN BROMHEAD** (Myall Lakes) [10.05 a.m.]: I support of the Road Transport Legislation Amendment (Offender Nomination) Bill 2012. It is great that these provisions are finally before the House after years of waiting while members opposite were looking after their corporate high-flying mates.

**The SPEAKER:** Order! Members will resume their seats and stop wandering around like Brown's cows. The member for Myall Lakes might be heard in silence if he refrained from inciting Opposition members.

**Mr STEPHEN BROMHEAD:** Finally we have a bill that will plug a loophole in the current Act to make companies liable for the offences of those who drive their vehicles and to require companies to nominate those who commit traffic offences while driving cars owned by them. Obviously, offending drivers do not want to be identified because that would result in the loss of points from their licence; that is what motivates them to avoid identification. This proposed legislation will plug that hole. The stated objects of this bill are:

- (a) to amend the *Road Transport (General) Act 2005*:
  - (i) to increase the maximum monetary penalty that a corporation will be liable to pay for a certain kind of camera recorded traffic offence under section 179 of that Act when the corporation is liable for the offence because of a failure to nominate the actual offender, and
  - (ii) to enable an authorised officer or prosecutor to obtain additional information concerning the identity of an actual offender nominated under section 179 of that Act, and
  - (iii) to reduce the time when a penalty notice served by post on a responsible person under section 179 of that Act is taken to have been served, and
  - (iv) to enable a single nomination to be made under section 179 of that Act where more than one camera recorded traffic offence was detected by the same camera at approximately the same time.

The bill is a joint proposal by Roads and Maritime Services and the State Debt Recovery Office following consultation with the Department of Attorney General and Justice and the Ministry for Police and Emergency Services. We have a great Minister for Roads and Ports. The Hon. Duncan Gay is doing a fantastic job and is highly regarded in the industry. His efforts and this bill are further evidence of this Government working extremely hard to introduce legislation to repair the damage done by 16 years of Labor government in this State. The Legislation Review Digest states:

Where a camera-recorded public transport lane, traffic light or speeding offence is committed, the responsible person for the vehicle is taken to have committed the offence. In circumstances where the responsible person for the vehicle is a company responsibility for the offence is not assigned to a real person unless the company nominates a real person.

**Mr Craig Baumann:** That is the nub.

**Mr STEPHEN BROMHEAD:** Indeed, that is the nub of this bill, and it will rectify that situation. The Legislation Review Digest states further:

This bill is designed to encourage companies to nominate the offending driver by introducing a number of measures, including the increase of the maximum court fines to \$11,000 and the extension of the period of time in which a person may be prosecuted for falsely nominating a driver from six months to 12 months.

The bill introduces a requirement that the person who has completed a relevant nomination document that nominates an offending driver if directed by the authorised officer in the case of a penalty notice, or the informant in the case of a court attendant notice, must attend and/or provide such additional information, including a statement in writing, that it is in the person's power to give and that may lead to the identification of the driver. A maximum penalty of 20 penalty units applies for noncompliance with such direction. The type of information that may be requested includes a driver's licence number, State of issue, date of birth, work address, phone number or email address. It introduces efficiencies in the penalty notice life cycle by aligning the deemed service period of a penalty notice, currently 21 days, to that applying to a penalty reminder notice, and that is currently seven days.

The bill provides administrative efficiencies and also relieves the person responsible for a vehicle who is nominating an offender from the burden of having to provide multiple declarations where multiple offences are detected in the one camera image. One nomination document will be acceptable for all offences in the single image. The opportunity is being taken in the bill to rectify an oversight that incorrectly empowers police to seize vehicles for burnout offences. The bill will amend the Fines Act 1996 to mirror the amendments to the Road Transport (General) Act 2005 relating to the type of information that is provided in a nomination document and for the provision of a single nomination document for multiple offences detected in the single camera image.

It will amend the Road Transport Safety and Traffic Management Act 1999 to correct an oversight that will confirm that novice drivers whose licences have expired can be arrested and charged with special range prescribed concentration of alcohol offences in the same way as licensed novice drivers. The bill also includes regulation amendments to provide that the penalty notice for a fine for a camera-recorded offence that is in the name of a corporation is five times the amount of a fine that applies to an individual. The consequential amendment to the Road Transport (General) Act will also be required to provide the maximum court fine for a corporation of five times higher than that which applies for an individual. That will be a strong factor to motivate a company to nominate the offending driver.

The incentive for the company to nominate the driver is avoidance of a much larger fine, and the nominated person pays a much smaller fine. We still have the problem of the points, of course, and the wealth of the company driver. Obviously, Labor was never concerned about this while in government, otherwise it would have introduced this legislation during its long term in office. However, it did not. Members opposite were concerned only to protect their buddies. The bill will increase fines significantly. The fine for a company when one of its heavy vehicle exceeds the speed limit by more than 45 kilometres an hour in a school zone is a huge \$15,745 compared with a fine of \$3,000 for an individual. There are big fines and incentives in the bill, and I commend it to the House.

**Mr ROBERT FUROLO** (Lakemba) [10.12 a.m.]: I lead for the Opposition on the Road Transport Legislation Amendment (Offender Nomination) Bill 2012. I was pleased that the member for Myall Lakes spoke so glowingly about the contents of this bill, primarily because its objectives have been policy and efforts of the previous Labor Government for some time. It is clear that this bill carries on the reform agenda of the former Government and clarifies some of the steps that were put in place by Labor roads Ministers of the former Government. So of course the Opposition supports the Road Transport Legislation Amendment (Offender Nomination) Bill 2012, the main purpose of which is to increase fines—both the maximum court fines and penalty notice fines—for camera-detected offences when the offence is in a company's name and the company has not nominated the offender. The bill makes a number of other changes in relation to the administration of penalty fines, the blood-alcohol limit applying to those with an expired licence and the confiscation of vehicles involved in burnout offences.

Members in this place will be familiar with events that occurred in March and April 2010 involving the celebrity agent Max Markson and a vehicle registered to his agency Markson Sparks. The vehicle was the subject of numerous infringement notices for camera-detected offences including speeding. It became apparent that rather than identify the responsible driver and allow that driver to incur the penalties and loss of points for

the offences the company paid the infringement notices as well as the penalties for not identifying the responsible driver. By doing so demerit points could not be apportioned to an individual driver and nobody was held accountable for the offences. A police investigation at the time was not able to find an offence.

While we all complain about the road rules and the cost and inconvenience of obtaining and renewing our licences, I think most of us would accept that there are good reasons for those rules and regulations. We on this side of the House recognise that speed limits are imposed not to raise revenue but to ensure a safer environment for all road users, drivers and pedestrians. If drivers break those rules they should be subject to penalties. If they choose to break those rules over and over again and have demonstrated that they cannot use our roads in a safe and responsible manner they should lose the privilege of sharing the roads. The rules should apply to all drivers equally and no-one is above the law. It is an affront to the community's sense of fairness that drivers can avoid demerit points or avoid losing their licence because they have the financial means to pay the fine and hide behind the cover of a corporation.

The New South Wales Labor Opposition supports this bill. It enacts reforms that the Labor Government started in 2010, when the previous Labor Government initiated a number of measures to encourage companies to do the right thing and nominate the offending driver at the time of the offence. The penalty for failing to nominate the driver was doubled to \$5,500 for an individual and increased to \$11,000 for a company. These are the same values of offences to which we are referring in this bill and which drew congratulation from the member for Myall Lakes. In addition, the Labor Government commissioned a working group comprising officers of the former Roads and Traffic Authority, the State Debt Recovery Office and the Department of Justice and Attorney General to consider ways to further strengthen the provisions to nominate responsible drivers. The bill before us today is the result of the efforts of the working group that was set up by the former Government.

While the members of the Government want to pat themselves on the back, and we all support the legislation, they have to give due credit to those who started this process, members of the former Government. I am pleased that the Minister has acknowledged and thanked these agencies for their work on developing this bill. I join with him and members of this House to acknowledge and thank them for their efforts. The bill's main reform—to increase the offence penalties by five times if the driver is not nominated—was announced by the former Labor Government in late 2010. We congratulate the Coalition Government on introducing a Labor Government policy, even though it has taken it a year to do it, despite the fact that most of the work had been done by the previous Labor Government.

**The SPEAKER:** Order! Government members will come to order.

**Mr ROBERT FUROLO:** The bill makes a number of changes in relation to the processing of penalties. Currently a penalty notice is deemed to have been received after 21 days. The bill reduces this time to seven days, and that is consistent with the penalty reminder notices. The rationale given for this change is that it has been known that unscrupulous people use the 21 day period to delay processing of penalties beyond the 12-month statutory limitation period for prosecution for falsely nominating a driver. The Labor Opposition does not oppose this proposal as there will still be a 21-day period to deal with the penalty notice.

The bill proposes also to allow the registered operator of a vehicle to provide one statutory declaration when nominating the same driver for more than one offence if detected by a single camera. This will mean that if a driver is caught speeding and going through a red light the person responsible for that car within that company will not need to fill out two statutory declarations; they can fill in one declaration and nominate the same driver for the two offences. This change brings the process up-to-date with new technologies that allow a camera to capture more than once offence at the same time. This new technology—such as the safety camera that can catch vehicles running a red light as well as speeding—was introduced by the Labor Government.

The bill allows an authorised person or a prosecutor to direct a person to provide additional information to help identify an offending driver or to appear before the authorised person or prosecutor in order to provide additional information. The rationale given for these new powers is that a stronger prosecution case can be made with the additional information, where it is believed a false nomination has been made. The bill seeks to address so-called oversights during the term of the previous Government. I suggest that such oversights are forgiven when we consider the significant reform and legislative agenda of the Labor Government as opposed to the somewhat lightweight legislative reform program of the current Government.

The bill will amend the burnout offences in section 41 of the Road Transport (Safety and Traffic Management) Act 1999. It will implement the intention of the former Government in 2008 for police to seize

vehicles involved in aggravated burnout offences. The bill also seeks to reduce the permissible blood-alcohol limit for drivers with an expired licence from the current 0.05 per cent to 0.02 per cent. The Opposition has some concerns about this amendment. We do not question that drivers who have had their licence cancelled or suspended should be subject to lower blood-alcohol limits; after all, they are responsible for offences that were serious enough to require their licences to be cancelled or suspended. However, when a licence expires, it may well be due to circumstances beyond the control of the licence holder. Maybe the licence holder was in the middle of moving house, or was travelling overseas, and was not aware that the licence had expired.

It would be unfortunate if, as a result of changes proposed by this bill, a licence holder caught driving with in excess of the permissible limit of blood-alcohol concentration in fact thought he or she was complying with the law. I am pleased to say that the Opposition has discussed this matter with the Minister and his office and that, once we identified our concerns with the amendment, he agreed to move an amendment to address the issue. We were able to secure from the Government an amendment to allow a period of six months after the expiry of a drivers licence before the reduced alcohol limit applies. I put on record my appreciation that the Minister, his staff and his department recognised that the bill could be improved by working with and taking on board the views of the Opposition. Given that the reforms proposed by the bill implement the reforms started by the Labor Government, we support the bill and commend it to the House.

**Mr KEVIN CONOLLY** (Riverstone) [10.21 a.m.]: That seventeenth year was going to be a beauty, wasn't it? After 16 years of famine, neglect, inactivity, introspection and infighting among Labor all manner of bounty was about to descend on New South Wales in that seventeenth year—if only they had had the chance. They were going to do this, they were going to that, and they were going to do the other.

**Mr Robert Furolo**: Point of order: I do not understand what this has to do with the bill.

**The SPEAKER**: Order! What is the member's point of order?

**Mr Robert Furolo**: It is relevance: the member's remarks are unrelated to the debate.

**The SPEAKER**: Order! I trust that the member will return to the bill. At this stage he seems to be making introductory comments, as is normal in broad-ranging debate on a bill.

**Mr KEVIN CONOLLY**: Yes, I will return to the bill, because we are being told once again that in government Labor, now in opposition, was going to do this: that they started the process.

**Dr Geoff Lee**: Gunna boys.

**Mr KEVIN CONOLLY**: Gunna boys, indeed. We are being told that this was something they were going to do. Well, they did not do it. Like many things that could have been done around New South Wales, they did not do it. They would like to take credit for the actions of this Government but that is not how it works. It is the O'Farrell Government that is introducing this legislation—after those on the other side had their chance over 16 years. Many members will be aware of media attention given to what has been perceived as a loophole in traffic laws that allows drivers of vehicles in corporate ownership to escape the loss of demerit points by having the corporate owner fail to lodge a declaration relating to who was driving the vehicle at the time of an offence.

This loophole exists because the penalties for failing to make that declaration have been, until the introduction of this bill, too lenient. Respect for the law and the legitimacy of the law demands the fair application of the law to all in the community, and that is the basis on which this Government operates. The law must be applied fairly and evenly to all, so that people have respect for the law. It is in the public interest to do that, so that compliance with the law is enhanced. Corporate entities failing to declare who was actually at the wheel at the time an offence was committed could now pay an elevated fine under this bill. Previously, their failure to declare who was driving allowed the drivers to continue to offend without attracting demerit points when, had they been correctly identified and given, for example, a pattern of infringement notices issued against the same vehicle month in and month out, they would have lost their licence several times over.

This risked creating a special category of driver: one who can infringe road rules with relative impunity. Our roads would be far less safe as a result. The Government has been receptive to the claim that this circumstance is inconsistent and unfair, and especially the claim that the law as it stands would allow someone with deep pockets to continually "get off", when more honest motorists cop it on the chin—a result that would

leave us all less safe. The bill closes that odious loophole and cleans up a number of other inconsistencies in traffic law at the same time. It builds on reform, already agreed to, which has increased to \$11,000 the penalty for falsely declaring a responsible driver. The proposed legislation closes the loophole where a driver nomination form is incomplete or not sufficiently clear to permit a new infringement notice to be issued. The nominator, for the first time, can now be required to appear before an authorised person or prosecutor to furnish further details that would allow the identification of the driver.

It is noted that existing laws already require those who allow their vehicle to be driven by others to sight the licence of the driver. The logging of any vehicle use in corporate ownership is already universal, or ought to be in any well-run business, for tax, insurance liability and accounting purposes. These records leave corporate entities little excuse to avoid nominating any driver at the time of an offence, and the more stringent penalties this legislation applies to a failure to nominate are a reflection of this expectation. For example, if a heavy vehicle is found travelling at more than 45 kilometres an hour over the limit a failure to nominate the driver will attract a maximum penalty of \$16,500. Although this example is at the far end of likely circumstances, it shows that this Government is resolved to provide companies with a significant incentive to nominate offending drivers and not to abuse the law.

The bill assumes that an entity has been served after one week of dispatch of an infringement—a reasonable assumption. It also allows for a single statutory declaration to cover multiple offences if those offences were incurred proximately. Other parts of the bill clear up some anomalies in the law that unfortunately reflect a sloppy approach on the part of the previous Government. One purpose of the 2008 amendment was to confer on police the right to seize and impound the vehicle of an offender performing burnouts or street racing only if the offence was at the aggravated end of infringing behaviour. This amending legislation corrects an oversight in wording that makes the Government's intentions clearer. Another correction relates to the enforcement of blood-alcohol limits for novice drivers who hold an expired licence.

As it stands, a learner driver holding a valid permit is treated more stringently—with a zero blood-alcohol limit—than a novice driver booked for having up to a 0.02 blood-alcohol concentration and whose permit has expired or is invalidated. As it stands, a novice driver whose licence is expired and who has alcohol in their system could not be arrested or be subjected to secondary testing even though a licensed driver could. This was an avoidable oversight, pure and simple. It is now being corrected. The safety of young drivers, the consistency with which the law is exercised, sending a clear signal that safe driving behaviour must be upheld, are priorities for this Government. Similarly, laws that demonstrate that loopholes for the rich that permit serial reoffending for traffic infringements without individual responsibility being taken are just as important. I commend the bill to the House.

**Mr GUY ZANGARI** (Fairfield) [10.26 a.m.]: The Road Transport Legislation Amendment (Offender Nomination) Bill 2012 seeks to implement a variety of amendments to the Road Transport (General) Act 2005 and to other incidental legislation, notably the Fines Act 1996. I note that the meat of this legislation attempts to close a loophole created by the implementation of the Road Transport Legislation (General) Act 2005, brought about by the failure or refusal of some corporations to properly nominate individuals who are responsible for incurring traffic infringements while driving a vehicle registered under a corporation's name. Because of the failure by corporations to properly nominate the individual responsible demerit points are not properly transferred to the driver responsible for an offence. It is hoped that by closing this loophole individuals will be properly penalised for breaking the law.

As pointed out by the Minister with the carriage of this legislation, the Hon. Duncan Gay, during the debate on the second reading of the bill in the Legislative Council this bill attempts to build on the reforms introduced by the previous Labor Government. Those reforms include increasing the maximum financial penalty imposable on companies if a matter reaches the courts because of their failure to nominate the offending driver to 100 penalty units, or \$11,000. The Minister also stated that such reforms introduced under the Labor Government have been successful in encouraging greater compliance with penalty notices. The amendments essentially attempt to provide a greater incentive for corporations that still choose to pay the financial penalty and not identify the individual responsible for the infringement. The instrument aspect of this legislation seeks to amend certain provisions of section 179 of the Road Transport (General) Act 2005. Item [1] of the schedule to the bill inserts section (1A) after section 179 (1) of the Road Transport (General) Act. This amends or increases the maximum penalty for corporations guilty of a camera-recorded offence to five times that of an individual where a driver has not been nominated.

Essentially, it increases the financial incentive of the remaining corporations that choose not to disclose the name of offending drivers to obey the law and identify the responsible driver. Item [2] reduces the period

from 21 days to seven days when a penalty is considered to have been served by mail to the individual or the company to which the offending vehicle is registered. According to the Minister, the Hon. Duncan Day, this will reduce the amount of time offending individuals or corporations have to escape penalties. Item [3] seeks to create further steps that law enforcement officers can take to ascertain the identity of the offending driver. Item [4] inserts proposed subsections (10B) to (10D) in section 179 of the Road Transport (General) Act. This will allow an authorised officer or prosecutor to take a series of steps to help obtain information. This includes giving a prosecutor or authorised officer the power to compel representatives of the corporation to appear before them.

Proposed schedule 2 seeks to amend the Fines Act 1996 to enable a single nomination to be valid where one camera detects more than one offence at the same time. I note that this requirement is a result of the introduction of new technology, specifically safety cameras—again introduced by the Labor Government. Safety cameras can capture instances where a driver has driven through a red light and, among other things, also capture the driver if he or she crosses the intersection while speeding. This amendment aims to remove the requirement to make multiple nominations for multiple breaches captured on one occasion. These changes are a natural progression that builds upon effective legislation introduced by the Labor Government. I am pleased to see that instead of reinventing the wheel on this occasion the Government has chosen to smooth out any rough patches along the way.

This bill also seeks to refine the Road Transport (Safety and Traffic Management) Act 1999 and, in particular, sections 41 (1) and (2). These were introduced by the Minister for Ports and Roads, the Hon. Duncan Gay, in August 2011. This amendment deals with the more serious offence of engaging in aggravated burnouts. Burnouts are dangerous because apart from the immediate environmental impact of noise and fumes, they also put at risk the lives of other road users and innocent bystanders. This legislation seeks to correct what the Minister terms as an oversight in the amendments he introduced under the Transport Legislation Amendment Act 2011 that dealt with aggravated burnouts. It seeks to limit the ability of police to seize vehicles that are involved in burnouts.

Police will have the power to seize cars only in the event of an aggravated burnout. In other words, the bill attempts to ensure that the penalty imposed, which is the seizure of one's vehicle, occurs only if the act involved is of such a serious nature that it warrants such a penalty. Finally, the bill seeks to close a possible loophole in the Road Transport (Safety and Traffic Management) Act 1999. It will ensure that novice drivers who have expired licences are subject to a blood-alcohol level of zero. It removes the possibility of drivers who have an expired licence—that being a learners or provisional drivers licence—escaping appropriate penalties because of the manner in which the original legislation was worded. I support the bill.

**Mr CHRIS PATTERSON** (Camden) [10.35 a.m.]: I support the Road Transport Legislation Amendment (Offender Nomination) Bill 2012. The main purpose of the bill is to amend road transport and fine enforcement legislation to provide for efficiencies in the process of the penalty notice lifecycle. Other measures in the bill are directed at corporations that do not do the right thing and attempt to shield their drivers from the allocation of demerit points and possible licence suspension. The amendments in this bill are a joint proposal by Roads and Maritime Services and the State Debt Recovery Office. In general, when a camera-recorded public transport lane traffic light or speeding offence is committed the person responsible is considered to be the registered owner of the vehicle.

If it turns out that that is not the case, for example, if a person other than the registered owner was driving the car, the current law enables the registered owner who received the penalty notice to nominate someone else as the offender, thereby avoiding demerit points to be incurred against their licence. The offending driver is then held responsible for the offence and all the penalties relating to the offence. I acknowledge the support of members opposite for this bill and the credit given to the Minister and the Government for finalising the bill and bringing it back to the House for ratification. The bill aims to address companies that continue to choose to shield the offending driver by not nominating the designated driver by strengthening the current penalties imposed on companies that are guilty of failing to nominate a driver.

Those who think about falsely nominating another person may consider doing so in the knowledge that they may be required to attend and give additional information over and above the name and address information that is required in the statutory declaration. Some companies choose to pay the fine for the offence and for not nominating the offender. An encouragement to companies to comply and nominate the offending driver is an increase in the monetary penalties applying to the camera-detected offences where the offence remains in the company name. For companies to continue to shield bad driver behaviour is not acceptable

because the offending driver will not be deterred from behaving badly on our roads and will run the risk of causing major accidents or even death to themselves, innocent motorists, passengers or pedestrians. Road safety is a priority for this Government and through this bill it is targeting habitual bad drivers and non-cooperative companies. It will ensure that drivers who break the law and the companies that protect them are held accountable and receive a fine that is more reflective of their lack of respect for the law and the lives of our citizens.

If it were the offender's wife, husband, son, daughter, mother or father who was killed by a driver who should have long ago been put before the court and potentially taken off the road but who was allowed to recklessly kill their family member so that a corporation may avoid losing a driver, would it be acceptable behaviour? We know the answer is clearly no. I make no apology for my belief that no job is worth risking a life. This bill proposes that corporations will face maximum court fines five times greater than those that apply to an individual. Currently the maximum court fine for an offence under the regulations is 30 penalty units. Under this bill the maximum court fine will be \$16,500. This will make businesses stand up and take notice and diminish the incentive to shield an offending driver.

This bill is important because it puts companies on notice that if they do the wrong thing and fail to nominate a driver they will face increased fines: they will be held responsible for their lack of respect for fellow road users. Unfortunately, we are in tough economic times and, hopefully, this will be the fastest way to get the attention of those corporations and convey to them how serious this Government is about road safety. These penalties will show those who think they are above the law that they are not and that they will be caught and will receive severe penalties that in the long term could cause them major economic inconvenience by putting them and their employees out of a job. This bill clearly outlines the penalties, it provides for administrative efficiencies and it even goes so far as simplifying the process of nominating an offender by removing the burden of having to provide multiple declarations when multiple offences are detected in the one camera image.

The bill will make it a requirement to provide only one nomination document for all of the offences in the single image. It is important that we do everything we can to improve safety on our roads and to hold the lawbreakers responsible for their actions before it is too late and someone is killed. Not supporting this bill indicates to corporations that they have a right to blatantly disobey the law and that they or their employees do not have to uphold the same standards as individual drivers. As I asked before, would the employers or the directors of these corporations feel the same if it was one of their family members who was impacted by a reckless driver that had been protected by a company that had not been brought before the courts?

I listened to the contribution of the member for Lakemba, the shadow Minister for Roads, and I commend him for his support of this bill. I acknowledge and note the amount of time he spends standing on Narellan Road in my electorate. It is not unusual to see him standing on the side of the road with Labor's mouthpiece of my area, the current mayor, Greg Warren. It is great to see him there. If the next time the shadow Minister is going to be there he lets me know I will stand with him, hands on hips, in solidarity. After every sitting week in the House I inform my electorate of what the Government is doing for them. I commend the Minister for Roads for the work he has done and I commend the commitment of the Government to upgrade Camden Valley Way by 2016—something sorely needed and neglected by the former Government, which left Camden Valley Way as a goat track.

Not a week goes by when I do not liaise with the Minister for Roads or his extremely hardworking staff, led by JBR, and the other wonderful people in the Minister's office. They know how important Narellan Road is to my electorate. When I stand on the side of the road in the not-too-distant future and we make a major announcement the shadow Minister will know what great work this Government is doing. I look forward to the Opposition's applause in congratulating the Government on the wonderful job it is doing for the people of my area. I thank the shadow Minister for Roads for the time he spends in the electorate. He is welcome to come out at any time, to have a cup of tea and to talk about the issues. I will show him what our Government is doing to rectify those issues.

**Mr NICK LALICH** (Cabramatta) [10.43 a.m.]: That was a very passionate speech by the member for Camden on the Road Transport Legislation Amendment (Offender Nomination) Bill 2012. The member for Camden and the member for Riverstone said that nothing was done for 16 years. The need for this legislation emanated from the high-profile case some time ago of a celebrity manager who used his company on numerous occasions to pay fines and he would not nominate the driver of the car involved. That loophole had to be closed and the legislation to do that began in 2010 under the Attorney General's department at the time when it was brought to the attention of the former Government that these sorts of things were going on.

The member for Camden says that Camden Valley Way is a goat track and that Labor has done nothing to fix it. Former Minister Carl Scully of the former Labor Government provided funds for Cowpasture Road right down into Camden Valley Way and, as a result, quite a fair bit of Camden Valley Way was fixed up. The member for Camden said that Labor left it as a goat track, but it has been a goat track for many, many years and nothing was done under the Greiner Liberal Government. Labor escalated funding to the roads of the western suburbs, and former Minister Carl Scully provided funding for the M7, Camden Valley Way and Cowpasture Road. To say that nothing was done for 16 years under Labor is just not true.

This bill amends section 179 of the Road Transport (General) Act 2005 to increase the maximum penalty for corporations guilty of a camera-recorded offence to five times that of an individual where a driver has not been nominated; to reduce the time when a penalty notice is considered to be served by post from 21 days to 7 days; to allow an authorised officer or prosecutor to obtain additional information about the identity of the offender, including appearing before the authorised officer or the prosecutor; and to enable a single nomination to be valid where one camera detects more than one offence at the same time. The bill further amends the Road Transport (Safety and Traffic Management) Act 1999 to clarify the ability of police to seize vehicles for aggravated burn-out offences, and to ensure that drivers who have expired licences are subject to a blood alcohol limit of zero.

Our roads can be dangerous places and we all know the slogan "Speed kills." As lawmakers we must do everything in our power to protect innocent drivers and civilians from those who insist on breaking the law and putting other people's lives at risk. If loopholes exist they must be closed; it is as simple as that. This legislation, as I have mentioned, will increase the penalties for corporations that choose not to nominate drivers caught speeding in their company vehicles. Everyone should understand that road laws are put in place to protect drivers and to save lives. The laws of the road and the speed limits should be obeyed by everyone, with no exceptions. Just because someone is driving a company car and not his or her private vehicle is absolutely no excuse for breaking the speed limit and placing other people's lives in jeopardy.

It is sneaky, unscrupulous and irresponsible for companies not to nominate their offending drivers and instead choose to pay a monetary fine. The roads are there for everyone to share safely, not for speed limits to be broken and lives to be endangered. Reducing the time a penalty is considered to be served via post from 21 days to 7 days will ensure that those who unscrupulously try to delay the process are not able to slip beyond the 12-month statutory limitation period for prosecution. Deterrents must be put in place so that irresponsible behaviour on our roads is stopped. Loopholes that are used so that individuals can protect the points on their licence will be progressively closed. We have all witnessed enough carnage on our roads to know that the community has had enough. Reckless, irresponsible and stupid behaviour has no place on our roads. The Opposition does not oppose this bill.

**Mrs ROZA SAGE** (Blue Mountains) [10.48 a.m.]: I make a contribution to debate on the Road Transport Legislation (Offender Nomination) Bill 2012. This bill seeks to make amendments to the Road Transport (General) Act 2005, the Fines Act 1996 and the Road Transport (Safety and Traffic Management) Act 1999. First, amendments to the Road Transport (General) Act 2005 provide that the person who has completed a nomination form nominating an offending driver may be directed by the authorised officer in the case of a penalty notice to give further information to identify the offending driver. There are sometimes cases where not enough information has been given by the informant to collectively identify the offender, whether accidental or deliberate.

If a direction by an authorised officer to provide additional information to identify an offending driver—which includes a statement in writing—is disobeyed and it is within the person's power to supply that information a maximum of 20 penalty units will apply. The type of information that may be requested may include the offending driver's licence number; the date of issue of the licence; and the offending driver's date of birth, work address, phone number or email address. Section 179 of the Road Transport (General) Act 2005 requires that when a designated offence is committed—that is, a camera-recorded offence such as speeding, running a red traffic light or driving in a public transport lane—the owner of the vehicle or the responsible person for the vehicle is taken to have committed the offence.

By necessity the traffic fine is sent to the vehicle's owner because only the vehicle can be identified by the traffic camera. The driver committing the offence is not identified by the camera. The law requires that if the owner of the vehicle who is issued a penalty notice was not the driver then the driver who committed the offence be nominated. The offence may require the payment of a fine and/or the imposition of demerit points. As disclosure of the offending driver is a legal requirement, penalties apply to the owner of the vehicle or

responsible person for failing to nominate the driver or for falsely nominating a driver. The responsible person can be either a corporation or a person. In general, where the owner or registered operator is a real person there is no problem assigning responsibility to the offending driver.

Problems can arise when the owner or registered operator is a company and it is up to the company to nominate the offending driver. We have seen in the media in the last few days reports of some road trucking companies tampering with truck speed limiters and log books. These are the companies that give the trucking industry and truck drivers a bad name. It is these companies that are most likely to shield their drivers by failing to nominate them for camera offences. Where offending drivers are not correctly identified demerit points, fines or driver suspensions cannot be applied. During the last few years legislative measures have been taken to encourage greater compliance with the Road Transport (General) Act 2005. In the main, these measures have been successful. These changes have included increased fines for failure to nominate offences and registration suspension action against companies that failed to nominate on two or more occasions.

Despite these changes some registered operators, particularly companies, are still prepared to absorb the increased fine in order to protect the offending driver. In my electorate of the Blue Mountains one of the issues that I have the most complaints about from the community is speeding trucks, in particular large trucks along the Great Western Highway. We have had Highway Patrol police blitzes to address the issue but they seem to be only a temporary deterrent. Speeding trucks are a menace on the Great Western Highway—a road that caters for freight, local and tourist traffic. Of course, many truck drivers keep to the speed limit and do the right thing by motorists but there is the perception that speeding drivers are increasing in number on the Great Western Highway. I would hate to think that there are companies trying to shield offenders.

It is a dangerous situation, especially when big, intimidating trucks come up behind people on roads that have bends and hills. The amendments in this bill will see the introduction of penalty notices, fines and maximum court-imposed fines for offending companies. The fines are five times higher than those that apply to an individual person committing the same offence. If the company nominates the offender the increased penalties will not apply; a penalty notice for the lesser amount will then be sent to the driver nominated. Other proposed amendments relate to the improved operation of fine enforcement. This will allow a single statutory declaration to be accepted where multiple offences have been identified on a single camera image instead of multiple statutory declarations as required at the moment.

There will also be a reduction from 21 to seven days in the time the penalty notice is deemed to be served. This will align with similar provisions that apply to penalty notice reminder letters. This bill will make some minor corrections to road transport legislation, including the removal of the reference to a burnout offence as a relevant offence for which vehicle sanctions may be imposed. A further amendment will ensure that novice drivers will continue to be subject to lower blood alcohol provisions, regardless of the status of their licence. The Road Transport Legislation Amendment (Offender Nomination) Bill 2012 is an important bill with minor but important changes. Those changes will ensure that New South Wales will have continued and maximised safety on its roads. I commend the bill to the House.

**Mr ANDREW GEE** (Orange) [10.55 a.m.]: I support the Road Transport Legislation Amendment (Offender Nomination) Bill 2012. The bill amends the Road Transport (General) Act 2005 and also closes a glaring loophole that currently exists in the law with respect to driving offences. At the moment when camera-recorded speeding offences are committed and the registered owner is an individual, the fine and demerit points are assigned to the registered owner unless another person is nominated. However, as we all know, where the registered owner of the vehicle is a company and if no person is nominated, responsibility for the offence cannot be sheeted home to an individual. A lot of publicity has been generated in the past with respect to this loophole. It allows individuals to avoid fines, demerit points and possible loss of a licence. Unfortunately, this legislation has become necessary because the practice of shielding offending drivers in this way has persisted. That practice has prompted the Government to take this commendable action. The bill provides that a person who nominates another as the offending driver can be directed to appear before an authorised person to provide further information. In particular, I note that item [4] of schedule 1 provides that:

An authorised officer or prosecutor to whom a relevant nomination document is supplied for the purpose of subsection (3) or (4) may, by written notice served on the nomination information provider, require the provider to do one or both of the following:

- (a) provide such relevant identity information that is in the provider's power to provide (including, if so required, by means of a written statement signed by the provider), as may be specified in the notice, within the period specified in the notice,
- (b) appear before the authorised officer or prosecutor at a specified time and place and provide (either orally or in writing) such relevant identity information that is in the provider's power to provide as may be specified in the notice.

I think that that provision will add a deterrent to those who are considering falsely nominating another person. It also will provide a stronger prosecution case in circumstances where a false nomination has been made. So it will provide a deterrent and also provide a stronger tool for prosecution, should one be necessary, in view of a false nomination. I also note that the bill proposes to reduce the amount of time in which a penalty notice is deemed to be served when served by post. The reduction will be from 21 days to seven days. The reduction is because in the past the 21-day period has been used to assist in avoiding or battling out the expiry of the statutory time limit in relation to driving offences. Another feature of the bill is that it allows a single statutory declaration to be sworn in relation to multiple offences detected during single camera incidents. This is an eminently sensible amendment. Another feature of the bill is that it increases penalties for corporations.

I note that currently a single maximum court fine exists irrespective of whether the offender is an individual or a corporation. For the majority of the camera-recorded offences the maximum court fine is 20 penalty units or \$2,200. In the case of heavy vehicles speeding more than 45 kilometres an hour over the limit the maximum court fine is 30 penalty units or \$3,300. The fines for individuals will remain at those levels; however, the bill proposes to increase the maximum fines for corporations to five times those amounts. That will mean, for example, that in the case of heavy vehicles speeding at more than 45 kilometres an hour over the limit, the maximum court fine applicable to a corporation will be 150 penalty units or \$16,500. For any other camera-detected offence the maximum court fine will be 100 penalty units or \$11,000.

These changes reflect the community's concerns about the loophole with respect to camera-detected offences and corporate owners. Not only are maximum penalties for corporations increased, but penalty notice fines are five times higher for corporations. For example, an individual speeding at more than 20 kilometres over the limit currently faces a fine of \$317. For corporations, the penalty notice fine will be \$1,855. This will be a substantial incentive for companies to nominate an individual. The message will be that the cost to corporations that do the wrong thing and attempt to shield drivers will be substantial. The community will welcome the tougher penalties and the transparency that this bill provides. When individuals are caught for speeding offences most do the right thing and expect others to do as well. The community is rightly concerned when corporations are able to slip through a loophole and potentially shield officers or employees of a company from sanctions for driving offences. I commend the bill to the House.

**Debate adjourned on motion by Mr John Sidoti and set down as an order of the day for a later hour.**

## **LOCAL GOVERNMENT AMENDMENT (MEMBERS OF PARLIAMENT) BILL 2012**

### **Agreement in Principle**

**Debate resumed from 27 March 2012.**

**Mrs BARBARA PERRY** (Auburn) [11.02 a.m.]: The Opposition opposes the Local Government Amendment (Members of Parliament) Bill 2012. I will set out the reasons for that opposition. The objective of the bill is to amend the Local Government Act 1993 to prevent a person holding dual roles as a member of the Parliament of New South Wales and as a councillor or mayor of a council. Despite that objective, the bill provides for two exemptions to this intended prohibition. First, the bill will allow a current member of Parliament who is also a councillor or mayor, or a councillor or mayor who is elected as a member of Parliament in the future, to continue to hold the office of councillor or mayor until the next ordinary election of councillors or for the period of two years, whichever period is shorter. Secondly, the bill allows a member of Parliament to be nominated for or be elected as a councillor or mayor without first resigning from Parliament. If elected, the person will need to resign from Parliament before the first meeting of the council after the election.

The bill sets out to make a widely observed practice and convention a legal requirement. This bill will have no material effect on The Nationals, Liberal or Labor members of Parliament. As all members of this House are aware, it is already the practice, particularly within the major parties, that when a councillor is elected to State Parliament that person will complete their term on council to avoid the need for a costly and burdensome by-election. That person then will not contest the following local government elections but will instead focus on their duties as a State member of Parliament.

For the major parties this bill is nothing new because it only sets out to make what already happens into a law. I will give a few examples from the Labor side of politics. In 2005 Michael Daley was elected as the State member for Maroubra. At the time he was a councillor on Randwick City Council. He completed his term as a

councillor and did not seek re-election to council in 2008. In 2007 Sonia Hornery was elected as the State member for Wallsend. At the time she was a councillor on Newcastle City Council. She completed her term as a councillor and did not seek re-election to council in 2008. In 2008 Robert Furolo was elected as the State member for Lakemba. At the time he was the Mayor of Canterbury. Following amendments to the Local Government Act in June 2011 he stepped down to focus on his role as a State member of Parliament and shadow Minister, which he was able to do without causing a by-election.

This is a widely established pattern across the major parties. Labor members recognise that local councillors can make excellent members of State Parliament, but we also recognise that as individuals they should not hold both roles longer than is necessary to avoid the cost and hassle caused by holding a by-election. This bill will do nothing to affect the existing practice among Coalition and Labor members of Parliament, except to make a convention into a legal requirement. This bill is not aimed at changing anything to do with Coalition or Labor members of Parliament; this bill is entirely about the member for Sydney and stopping her from holding her roles as a State member of Parliament and as Lord Mayor of Sydney. On this basis, the bill is undemocratic and represents an arrogant grab for power by the Liberal Party.

In 1988 the member for Sydney was elected to this place as the member for Bligh. The member for Sydney has served in this place continuously since 1988 and has been re-elected six times: in 1991, 1995, 1999, 2003, 2007 and 2011. The member for Sydney first stood for the position of Lord Mayor of Sydney in 2004 and she was re-elected to that position in 2008. That means simply that the voters of Sydney have had four opportunities to reject this dual role arrangement. They could have voted against the member for Sydney becoming Lord Mayor in 2004. They could have voted against her continuing to serve as their State member of Parliament in 2007. They also could have voted against her in either 2008 or 2011, when it was well and truly established that the member for Sydney intended to hold both roles concurrently. She made no secret of that.

Labor ran candidates against the member for Sydney at all these elections. Labor lost. Members of the Labor Party were not happy about that but we did not use our power when we were in government to move legislation to oust the member for Sydney from one of her roles. That is what the O'Farrell Government is now shamelessly seeking to do. Labor accepted the people's choice; the Coalition is seeking to make that choice unlawful. This bill represents an undemocratic, partisan power grab by the Coalition. In 2011 the Coalition was elected after promising to deliver more train services, build new roads and improve hospitals. Coalition members in their first year in office have failed to do any of those things, but they have wasted no time working out clever little schemes to try to take even more power for themselves. They have already worked with The Greens to pass sweeping changes to campaign finance laws, which undermine the rights of working people to organise and take political action.

Now they have looked at the last election results for the seat of Sydney. They have seen that the Liberal Party might be in with a shot and so they have introduced this bill to do by way of legislation what they were unable to do at the ballot box. This is a fundamentally undemocratic piece of legislation. It is utterly contrary to the promise made repeatedly by the Premier before the last election that he would return power to local communities. Of course, as a member of the Labor Party, I would rather have someone who shares my progressive values serving as the Lord Mayor of Sydney and as the State member for Sydney; but the Labor Party has not, and will not, put its own partisan interests above a deeper, fundamental belief in democracy. The Labor Party believes in local democracy. That is why this year we are trialling community preselection in the City of Sydney.

**Mr Andrew Gee:** Point of order—

**ACTING-SPEAKER (Ms Sonia Hornery):** Order! What is the member's point of order?

**Mr Andrew Gee:** Relevance. It is all very interesting hearing about what the Labor Party has in store.

**ACTING-SPEAKER (Ms Sonia Hornery):** Order! This is an agreement in principle debate during which contributions are broad ranging. I do not uphold the point of order.

**Mrs BARBARA PERRY:** I will continue and explain the relevance for the member for Orange in approximately 20 seconds. This means we will open the choice of who will be the Labor candidate for the Lord Mayor of Sydney to all 90,000 voters in Sydney. In a ballot the votes of residents will receive 50 per cent weighting against those of party members. The ballot will be conducted online on a weekend in June when

polling booths will be set up around the council area. This is what Labor is doing in the Sydney area: We are giving people more choices and more opportunities to have their say. Meanwhile, members of the Liberal Party are passing laws to attempt to prescribe a result.

I emphasise that this bill is an attempt to prescribe a result. I believe, and so do my colleagues, that the Liberal Party is arrogantly treating the people of Sydney with contempt. I will not go into this in great detail at this point, but dare I mention the dual roles held by many Government members? I am not talking about council representation, but certainly they have other professional roles at this stage. I will leave that for members to discuss later. This bill is disrespectful to the choice that ultimately the people of Sydney have made. It sets out to tell them who they can or cannot elect. This bill is an absolute affront to democracy. Labor opposes it in the strongest of terms.

**Mr JOHN SIDOTI** (Drummoyne) [11.12 a.m.]: I commend the Local Government Amendment (Members of Parliament) Bill 2012 to the House. While I acknowledge and recognise the contribution made by the member for Auburn, who has an extensive background in local government, there was no mention whatsoever of the effectiveness of performing the roles of councillor and of State member of Parliament simultaneously. All I heard about was by-elections and the cost of a by-election; there was nothing about the effectiveness of performing the duties and role of councillor or mayor while serving as a member of State Parliament.

It is important to mention that this legislation brings New South Wales into line with other States such as Queensland, Victoria, South Australia and Western Australia. The bill proposes to amend the 1993 Local Government Act to disqualify a person who is a member of the New South Wales Parliament from being at the same time a mayor or councillor of a local council. The current framework is quite messy and severely disadvantages constituents. During my campaign prior to last year's State election, a number of concerned constituents asked me whether I would continue in my role as mayor if I were elected to State Parliament, and rightly so. It is about being able to provide effective representation and give ratepayers value for money, not about double dipping. This is particularly relevant when a mayoral decision impacts negatively upon a constituent who seeks representation from their State member when the representative is both the mayor and the State member.

I will cite a classic example. Mr Alfredo Bovier has run a successful restaurant in Bulletin Place in the city for the past 19 years. In that time he has built a successful business with a loyal clientele. Over the past two years the council of the City of Sydney has done everything in its power to destroy Mr Bovier's business. He cannot complain to his State member of Parliament because she also happens to be the Lord Mayor of Sydney. For the information of members who may not know Bulletin Place, I point out it is a small laneway that links Pitt Street and Macquarie Place. It is a walkway with an average of approximately 15 pedestrians a day. It is not what would be referred to as a high-traffic area, yet in the council's latest move to destroy Mr Bovier's business it has decided to rip up the existing pavers and resurface the entire laneway. Despite being the only business owner in Bulletin Place, Mr Bovier was not consulted about the proposal. He learnt of it only when he noticed council workers taking photographs and measurements of the laneway.

**Ms Clover Moore:** That is so pathetic.

**Mr JOHN SIDOTI:** No. The work will take at least five months. Mr Bovier believes he will lose up to 60 per cent of his business. He told me that no-one will want to dine in his restaurant when there are ear-piercing jackhammers just outside and when clouds of dust fill the interior. In addition, access to the restaurant will be compromised and food deliveries will be more difficult.

**Ms Clover Moore:** That is so pathetic.

**Mr JOHN SIDOTI:** It is not pathetic. It is the responsibility of the member for Sydney and it shows that she should not be juggling two roles. I am referring in this debate to Mr Bovier's dilemma in order to highlight the issues that many business people in the city face. They face a dead-end when it comes to seeking State representation from a member who is not only the Lord Mayor of Sydney but also a person who seems hell-bent on destroying those businesses. Prior to Mr Bovier's latest problem with the City of Sydney there were other instances when his business was adversely impacted by the council's lack of consultation. Two years ago the Lord Mayor of Sydney gave the go-ahead to hold a series of concerts in Bulletin Place. For four weeks the laneway was blocked off. Despite Mr Bovier's objections, the council proceeded with its plans. That little exercise was not cheap for the ratepayers of the City of Sydney. The council spent \$2 million to stage the event, which included 24-hour security.

**ACTING-SPEAKER (Ms Sonia Horner):** Order! Opposition members will remain silent.

**Mr JOHN SIDOTI:** It was all for an event that received poor attendance. According to Mr Bovier, the noise in the restaurant was so loud that it turned patrons away. In addition, the event encouraged people to urinate in the street and smoke dope—not the sort of backdrop one would choose for a pleasant dining experience. Yet Mr Bovier's hands were tied. Despite his objections, the council denied the negative impacts of the event and insisted that he was wrong. Any representation he made to his local member of Parliament, Clover Moore, would have been met with a similar response. Mr Bovier estimates that over that period he was never contacted by the council to inquire about the impact of the event on his business. Members opposite will jump up and start screaming that the world will come to an end and the roof will fall in on our heads as a result of this bill.

**ACTING-SPEAKER (Ms Sonia Horner):** Order! Opposition members will remain silent.

**Mr JOHN SIDOTI:** The issue is quite simple: To be an effective member of Parliament and to be an effective mayor or local councillor, members must devote their full attention and resources to their constituents. That cannot possibly happen when one person holds two representative roles. When I was a local mayor and someone rang, I would answer my phone straightaway.

**Ms Kristina Keneally:** This is ridiculous.

**Mr JOHN SIDOTI:** That is what people expect, 24/7. When I ring my local member, I expect my local member to answer the phone.

**ACTING-SPEAKER (Ms Sonia Horner):** Order! Opposition members will remain silent.

**Mr JOHN SIDOTI:** Opposition members just rely on their staff to do all the work for them.

**Ms Clover Moore:** Oh!

**Mr JOHN SIDOTI:** That is spot-on.

**Ms Kristina Keneally:** Is that what you do?

**Mr JOHN SIDOTI:** No, it is not. That is what people expect—efficiency—and they expect their member to devote the time to attend to them.

**ACTING-SPEAKER (Ms Sonia Horner):** Order! Opposition members will remain silent. The member for Cabramatta will come to order.

**Mr JOHN SIDOTI:** I speak from experience.

**ACTING-SPEAKER (Ms Sonia Horner):** Order! Visitors in the public gallery are not permitted to interrupt proceedings. Visitors in the public gallery who continue to interrupt proceedings will be removed from the public gallery. Visitors are welcome here, but they are not permitted to interrupt proceedings.

**Mr JOHN SIDOTI:** This bill will go a long way towards ensuring that the community gets maximum effort from their councillors and members of Parliament. It will also bring us into line with other States. I strongly commend the bill to the House.

**ACTING-SPEAKER (Ms Sonia Horner):** Order! I appreciate that visitors in the public gallery are enthusiastic but again I ask them to remain silent. They are welcome but they must remain silent.

**Ms CLOVER MOORE (Sydney) [11.19 a.m.]:** The Local Government Amendment (Members of Parliament) Bill 2012 will remove long-held democratic rights from New South Wales voters by banning a person holding both elected positions of local councillor and State member. Voters have had this right to choose the same representative at both State and local government levels since 1856, the beginning of representative government in New South Wales. The Government has no mandate to pursue this change—it did not raise the issue before the 2011 State election. In fact, in the lead-up to the election the Government actively campaigned for candidates who were councillors, leading the community to believe they could choose a representative who

held both roles. Concern about dual roles came not from the community but from bullying articles attacking me in the *Sunday Telegraph* and the *Daily Telegraph* for being both member for Sydney and Lord Mayor of Sydney.

These articles were run after the election and Premier O'Farrell leapt into the fray and promised to legislate. His action goes against the will of the majority of voters who elected me, and my constituents are angry. What we have is government of the people by the shock-jock media for the Liberal and National parties. The only community involvement was a short departmental discussion paper put on exhibition over Christmas. Submissions have not been released and there has been no official government response or independent assessment. What arguments has the Government used for this hijacking of democracy? The Premier says that dual roles create a conflict of duties. Yet both my roles are about public service to the Sydney community. What can be a conflict is when a private interest interferes with public duty. So what is the Premier doing about the 60 members of Parliament who have private interests, including investment property ownership, shares in property development companies, private business ownership, and financial membership of clubs?

**ACTING-SPEAKER (Ms Sonia Hornery):** Order! The member for Keira will remain silent.

**Ms CLOVER MOORE:** Several members of Parliament are company directors and lawyers, and there is a medical practitioner. The Premier needs to explain what he is doing about this significant issue if he is generally concerned about conflicts of interest. Another spurious government argument is the claim that dual roles make it difficult to know who to complain to about a council if someone cannot complain to his or her local member. We just heard a really pathetic contribution from the member for Drummoyne. Yet a local member of Parliament can only make a representation to council—the member has no control over council—and is not necessarily the most effective avenue of complaint. Residents can raise concerns about councils with any councillor, with general managers, with duty members of the Legislative Council, with Federal members, with government departments and with independent authorities. Serious complaints about corruption, maladministration or discrimination should go to the Ombudsman or to the Independent Commission Against Corruption. What a pathetic reason that is.

The Government talks about time conflicts. I am expecting a line-up of eager-to-please, dual-role government backbenchers who will claim that it is too hard to do both roles. But the time demands are comparable to members of Parliament who are also Ministers. Yet for a member who is also a councillor there are more synergies—working on the same issues for the same people. In relation to attendance, the major parties have institutionalised absenteeism from Parliament by creating the pairs system on a no-questions-asked basis. The system is not available to Independents and smaller parties. I believe strongly that we are not elected to this place to attend and put up our hands at the right time; we are here to get outcomes for our community. I am happy for my record to be judged against that of any other backbench member. Last year I spoke 53 times—more than all but eight Coalition members. On average, I made one private member's statement every week—the Premier did not make any. I asked 104 written questions, which is more than the number of questions asked by all 69 Coalition members combined. I also introduced three private member's bills—more than any non-Government member—and one is already law.

Another argument the Minister for Local Government puts is that the bill is about bringing New South Wales into line with other States. Will the Government follow the lead of the other States by abolishing the upper House, introducing container deposit legislation, offering public transport concessions to international students or increasing public dental care funding? When have we heard in this House that we must have legislation so we are in accord with all the other States? Never—not in 24 years—have I heard that. Furthermore, this legislation differs fundamentally from dual-roles laws elsewhere. Unlike in other States, under this legislation councillors elected to the New South Wales Parliament will be able to see out their term on councils until the next local government election. Their dual roles will continue for almost half their parliamentary term.

**ACTING-SPEAKER (Ms Sonia Hornery):** Order! Opposition members will remain silent. Government members are sitting quietly; Opposition members will do the same.

**Ms CLOVER MOORE:** But State members elected to local government will not have the same option to see out their parliamentary term and will have to resign prior to the first council meeting. You can bet that by-election will not be paid for by the Coalition. It will be paid for by the taxpayers, who have already elected their member to serve that four-year term. How unfair is that and how politically targeted? All major parties regularly endorse councillors as State candidates and voters regularly endorse dual roles. The 2011 State

election results demonstrate the public's support for this, with 29 councillors—including 11 mayors—elected to Parliament. In my case, the Sydney community has endorsed me as its Lord Mayor and member of Parliament in all four elections since March 2004.

In the 2008 council elections I was re-elected with a primary vote of more than 56 per cent and a preferred vote of 72 per cent. Similarly, voters have twice re-elected me as their member of Parliament while I have been serving as Lord Mayor, in 2007 and 2011. This is a rigorous endorsement by the people. I donate my lord mayoral salary to charity—over \$1 million has funded projects to help disadvantaged people, promote animal welfare, and community and environmental initiatives over the past eight years. I believe the primary role of a member of Parliament and a councillor is to represent the interests of the community. Serving in both roles encourages more effective representation where a councillor can directly take problems identified at the grassroots level to State decision-makers in Parliament or force votes on important issues.

I have served largely the same people at both levels since 2004 and the synergies between the two roles have enabled me to be more effective. There is a large overlap in my constituencies. In Parliament I also represent city communities that are not in my State seat, whether they are Green Square, Erskineville, Glebe or Redfern. Changes to the liquor laws allowing small bars, giving powers to local government to prevent residential streets turning into car saleyards, achieving a liquor licence freeze on inner-city hotspots to reduce violence, calling for integrated transport planning and strata and boarding house reform demonstrate the confluence between my two roles. The city of Sydney as Australia's only global city benefits from State-city cooperation.

This cooperation is critical on issues ranging from urban policy, planning, commerce, development, transport, tourism and culture, and shared social programs. There are substantial benefits for the city and the State from having the Lord Mayor in Parliament. With almost eight years experience in both roles, I have found that there are many opportunities to work with Ministers for the mutual benefit of the city and the State, with a flow-on to people and communities. It is up to the local communities at the ballot box to decide whether to terminate an individual's service, not the Government's fiat using its majority in the lower House—and, if it goes through, it will receive the support of the Shooters and Fishers Party and Fred Nile in the upper House.

Despite a massive swing to the Coalition at the State election in 2011, the Sydney electorate again voted me back to represent it in this Parliament. This bill is an attempt to secure an outcome that the Government could not achieve democratically. The most important thing in a democracy is to let the will of the voters prevail. Many people in my constituency are rightly angered by what is happening here today, and have contacted me. I will refer to a few of those messages. Keith Johnson says:

Electors must be allowed to make up their own minds on who should represent them and politicians, in particular, should not set themselves up as gatekeepers to determine who should be a politician.

Noel said:

In a democracy we have the right to elect whomsoever we choose to represent us, provided they do not have a criminal background. If we think a person who is a local mayor and as well as the local member is the best person to fulfil both those roles, we should have the right to express that at the ballot box and not have this right denied us by government legislation.

Maurice Thibaux said:

In a democracy, it is up to the people to decide who they want to represent them. We cannot afford having second-best by default simply because one party in power cannot beat the best candidate. The voters would not stand for it.

**ACTING-SPEAKER (Ms Sonia Horner):** Order! Again I ask visitors in the public gallery to remain silent.

**Ms CLOVER MOORE:** The Government promised openness and accountability and to get on with the urgent State building it was elected to do. What we are getting is secrecy, media-driven policy and political payback. I believe this is outrageous, and I condemn the bill. It is the worst bill I have seen in 24 years.

**Mr RICHARD TORBAY** (Northern Tablelands) [11.29 a.m.]: I oppose the Local Government Amendment (Members of Parliament) Bill 2012. The purpose of the bill, according to the Government, is to remove the potential for conflicts of interest by ensuring that a person can serve in only one elected position at any time, be that as a member of the New South Wales Parliament or as a member of local council. In his contribution today the member for Drummoyne made it very clear that this is a "get Clover Moore" bill. The

process of allowing electors to decide their representatives has served us well for more than 150 years. The changes proposed in this bill have never been seen. This bill is politically motivated to remove Clover Moore, something governments of both persuasions have been unable to do during her very successful tenures as the member for Sydney and, indeed, as the Lord Mayor of Sydney.

This legislation is not necessary because the issue is democracy and disclosure. If a candidate fully discloses the details of his or her decision to stand for dual positions, the voters' decision should be adhered to. Full disclosure means that the incumbent candidate must declare his or her intentions to serve in both roles and indicate how he or she would serve the community in each of those roles. As I said, the community, fully armed with that information, would make its decision. I served as both mayor and a member of Parliament for almost a year. In 1999 when I was first elected as a member of Parliament I indicated to the community clearly that I would not recontest the local government election. But because I did not want to put the community to the cost or inconvenience of a by-election I said that I would maintain both roles. I remember writing to myself on numerous occasions starting the letter with, "Dear Richard, you're doing a fabulous job as the local member" and I would write back to myself saying, "Richard, I commend you on your work as mayor."

**Ms Kristina Keneally:** You're meant to be helping.

**Mr RICHARD TORBAY:** I am meant to be helping.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! The member for Northern Tablelands has the call.

**Mr RICHARD TORBAY:** The community would not accept my dual roles if I disclosed the circumstances. I make this point and hope the Minister is listening. The Northern Tablelands has eight local government areas, not one. The community would think that it was not only unacceptable for me to serve on council but also that it was politically silly for me to prefer one council over seven others. I disclosed those issues and the community made its decision on the merits of the case. For 150 years the community has been smart enough to make that decision. On multiple occasions my colleague the member for Sydney has been elected to both positions by her very supportive community. She has disclosed all issues to her electorate, and the electorate responded by supporting and endorsing her in both positions.

The constituents of the electorate of Sydney believe the electorate has similar boundaries to that of the City of Sydney and that the responsibilities of the Lord Mayor complement the interests of the member for Sydney. The member for Sydney fully disclosed all the details associated with her two positions and the community accepted that disclosure at multiple elections. Nothing could be fairer than that. This bill will make members of Parliament more accountable than members who become Ministers after an election. Constituents usually do not know that their member may become a Minister until portfolio responsibilities have been allocated, which is after the election.

The member for Sydney has delivered far more accountability and provided much more disclosure to her electorate than any Minister in this place has ever done. Not one Minister in this place would have said to his or her community prior to the election, "If I'm elected I'm going to become a Minister, which will impact on my time. What do you think of that?" That is the standard this bill requires the member for Sydney to uphold. It is absolute hypocrisy to suggest that dual roles in these circumstances are not about the member for Sydney when this bill is directed clearly at her. I have been a member of this place for just over 13 years in which time there has been a lot of hypocrisy in this place. However, this bill strikes at the very heart of democracy.

Because this Government could not achieve an electoral outcome, it will move to legislate out of office someone who was democratically elected after full disclosure to the community. I have supported a number of reforms by this Government that are in the State's interests. This proposal cannot be hidden from its true purpose. I have a high regard for Minister Page, but if he were fair dinkum he would say, "It is not appropriate to introduce this bill with retrospectivity during this term. The Government will exempt this Parliament." If the argument that this bill is not about the member for Sydney had any credibility the Minister would say, "Given that the people voted under the law of the land at the time, all issues were fully disclosed and the people made their decision, we should respect and honour that vote."

If the Minister and the Government had any credibility when saying that this bill is not about any one person or about a punitive or retrospective change, they would exempt current members during this term of Parliament and apply the reforms to new members of Parliament. The bill might then have some credibility. The

Premier and many Ministers have said in this place that the Federal Government does not have a mandate to introduce the carbon tax; it did not put it to the people. Time and again I hear about the mandate, the people and the view of the constituency. But what does the Government do to suit its purpose? It says, "Look, we don't really want to seek the view of the people on this matter. We want to adopt the position that retrospectively terminates the position of the democratically elected member for Sydney."

The Minister and the Government know that the electors voted for the member for Sydney and they were aware that she was taking on dual roles. This legislation does nothing to help the Government. The only salvation would be for the Minister, who is a decent person, to say in this place, "We intend to defer the bill and make sure that it is not retrospective" and respect the rights of the people who were democratically voted into this place. Regardless of whether one supports the member for Sydney, her constituents voted for her quite significantly, supporting and acknowledging her contribution to the electorate and her role as the member for Sydney. Any proposal to take away that vote is undemocratic and should be rejected.

The Minister and the Premier have the opportunity to match their rhetoric that this bill is not about individuals. I urge them to postpone the implementation of this bill until the next Parliament. Such a move would at least give people the opportunity to vote with full knowledge that the proposal is not directed at a single person—in this case, the member for Sydney. We should reject this bill because it could affect any member when a government with a massive majority feels the need to take democracy out of the hands of the people and place it into their own hands. I reject this bill. I urge the Minister and the Government to take a view that respects the outcomes of democratic elections. I oppose this bill.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! I remind visitors in the public gallery that clapping is not allowed. If it happens again visitors will be removed from the public gallery.

**Mr GREG PIPER** (Lake Macquarie) [11.39 a.m.]: The Local Government Amendment (Members of Parliament) Bill 2012, which I will refer to as "Clover's law" and which has commonly been referred to as the "get Clover" bill, is the most transparently cynical legislation that I have seen during my time in Parliament. As I am one of those who holds two roles it might not be surprising that I reject the arguments for these changes. I do so not out of self-interest, other than perhaps to defend my record, because I had decided and declared, well before this matter was raised, that I would not contest the local government elections in September this year. Last year the Government appeared to act by triggering a discussion paper on the issue after a particularly strident attack on the Lord Mayor of Sydney by a number of media outlets. A cynic might draw the conclusion that the new Government was pandering to the media.

I am often asked how I can perform both roles. Members have heard from other Coalition members who have spoken about how difficult it is to manage two roles. I have to say that I got the distinct impression that most of the members did not believe the rhetoric about how difficult it was and believed it genuinely worked for them. In reality it works very well, except perhaps for one's private life—certainly not for mine. I believe it works for the City of Lake Macquarie and the State electorate of Lake Macquarie. There is a great deal of commonality in the roles and I would argue it exposes me to a larger range of issues affecting the area. As to practicality and time restraints, I know many people work equally as hard, if not harder, out of necessity or because of their drive and passion.

When the Minister first discussed this matter with me, and without being flippant about an important role, I found it ironic that a Minister with wide-ranging responsibilities to an electorate, Parliament and a portfolio would argue that the roles of State member and councillor or mayor were too onerous. It might not work in all cases but for the City of Lake Macquarie, regardless of the hat members are wearing, they are invariably in their electorate—not so a Minister. Another argument put forward is that there is a conflict of interest and the local council or mayor that a person may wish to complain about may also be the person to whom someone complains.

The member for Sydney dealt with this very well. As I stated in my submission to the discussion paper, there is no shortage of avenues for complaint against State members or councillors. Historically there appears to be a low incidence of such complaints, but complaints can be made to the general manager of a council, to other councillors, to the division of local government, to nearby members of Parliament, to the Independent Commission Against Corruption, to the New South Wales Ombudsman, direct to the Minister or Premier or, more likely, to the media. Complaints against a State member can likewise be dealt with in numerous ways.

Something that has been lost in the debate is the fact that the voters generally get it right. If a member does not perform in his or her elected role then he or she will be removed via the ballot box. I have been to the

electors for a second time in each of my two roles and I was grateful for the vote of confidence given me upon my re-election and with significantly increased margins each time. I was saying to the member for Sydney that the Opposition has sat here and endured nonsense from the new Government each time one of its new members got up to speak such as, "Tell us the margin." Government members have informed the House about their magnificent margins. If members look at the record of the member for Sydney and, with some humility, my own they will see the margins increased significantly over time. The member for Sydney has also been strongly supported by the voters since becoming Lord Mayor in 2004.

Of course, there is what should be the killer argument for the Government: these changes will align New South Wales with all other mainland States. This is a selective and self-serving argument, as there is no equal push to enhance the role of local government councillors or mayors. Queensland, for example, pays councillors at a level commensurate with a full-time role, while New South Wales does not because the Local Government Act does not recognise the roles as full time. As I stated earlier, while there have been claims of conflict between the roles, no substantial or sustainable examples have been provided in this debate. Indeed, there are historic examples of persons successfully performing both roles and being supported by the electorate. Why? Because it is far more likely that there is a synergy between the two roles. Someone's ability to do both roles should be judged by the electors—that is a cornerstone of democracy. Clearly, some people have the ability to do both jobs while others barely manage to do one. That is fair enough. Let the electors make their judgement on those persons.

**Mr Richard Torbay:** Name them.

**Mr GREG PIPER:** Can I? No, I will not name them. There are just so many other things that are more important to our community, and particularly for local government, than this bill. Would this effort not have been better directed towards addressing matters raised at the Destination 2036 conference in Dubbo last year? The Minister has cited this conference, but I am sure that all attendees would attest that this matter was not on the conference radar. I am certain that they would have appreciated this effort going towards a bill addressing the financial sustainability of councils in New South Wales, which is a pressing issue for local government. This bill marks a sad day in New South Wales as the Government moves to remove from our democratic system, for political reasons, an option that has existed without any significant problem, and presumably with benefits to the electorate, for many years. I oppose the bill.

**Mr STEPHEN BROMHEAD** (Myall Lakes) [11.46 a.m.]: I support the Local Government Amendment (Members of Parliament) Bill 2012, which will prohibit a person from holding the dual roles of a member of Parliament and a councillor or mayor of a council. I support this because when I was in council I had experience dealing with both local government and State issues. As a local member I do my electorate tours, but unlike Sydney, where lot of electorates are 10 or 12 square kilometres, my electorate is several thousand square kilometres. A lot of the issues raised with me are local government issues.

As the State member you can help with some issues. If it is a road issue usually the local member is part of or has a representative on the roads committee of council. If it is an education issue the local member is part of or has a representative on the education committee. Other complaints I receive are about the council not doing its duty, which is an example of a very definite conflict of interest. People who have a conflict of interest often do not see it. If you have a councillor who has a duty to his local government area and at the same time he is a member of Parliament who has a duty to his constituents and the entirety of the electorate there can be, and often is, a conflict of interest.

**Ms Clover Moore:** In what way?

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! The member for Sydney will come to order.

**Mr STEPHEN BROMHEAD:** I heard the member for Northern Tablelands talk about a mandate and the carbon tax. But this is a little different because the Federal Labor Government said: There will be no carbon tax under a Labor Government. Once Labor was elected the Government introduced the legislation. That is entirely different. On 26 March last year—

**Ms Clover Moore:** What is the mandate for this?

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! The member for Sydney will cease interjecting. The member for Myall Lakes has the call.

**Mr STEPHEN BROMHEAD:**—we were voted in by the people of New South Wales to represent the people of New South Wales and to bring in legislation for the good governance of the people of New South Wales. That is the mandate. It is impossible to declare every piece of legislation in an election campaign. The people voted for this Government because they have confidence that it will deliver legislation for the good governance of New South Wales. The member for Auburn spoke about the number of election wins by an individual, but the bill is not about an individual. The bill will bring New South Wales into line with other States. Opposition members' contributions seem to be fixated on the effects of the bill for the member for Sydney; that member is not the only person that the bill will affect, now or in the future. This is not the only harmonising legislation that has brought or is bringing New South Wales into line with other States.

For example, the biosecurity legislation brings New South Wales into line with other States. The cooperatives legislation will bring New South Wales into line with other States. In the past New South Wales adopted the Corporations Law and the Marriage Act. This Parliament has passed a number of Acts to bring New South Wales into line with other States. That is what this bill will do. From my experience, in regional areas of the State there is very often a conflict of interest in dual representation; but a perception of conflict of interest also affects people in regional areas. The previous speaker referred to a donation of money to charity. The community expects a member to do the job. It was suggested that somehow donating the money to charity resolved the problem. The New South Wales community does not elect a member in the expectation that the member will donate an honorarium to charity; they want the member to do the job for them.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! The member for Heffron will have her opportunity to speak in the debate. She should refrain from interjecting. The member for Myall Lakes has the call.

**Mr STEPHEN BROMHEAD:** It was also said that exemption should be provided in the bill for one person. That would mean that this legislation is all about one person. This bill is not about a denial of democracy. It is not an attack on one particular person. This legislation is good for New South Wales, and that is why I support it. I urge the House to support the bill.

**Ms KRISTINA KENEALLY (Heffron) [11.51 a.m.]:** "I do not agree with what you say, but I will defend your right to say it." That statement, often mistakenly attributed to Voltaire, was in fact made by his biographer. However, the bill before the House today puts me in a Voltaire-ish frame of mind. That great defender of democracy, Voltaire, would be appalled by legislation of the type being debated in this House today. That quote also puts me in this frame of mind today, because quite frankly I have never supported the member for Sydney in a campaign; in fact, I have supported candidates against her in local council and State elections—and I will do so again.

Just as Voltaire's biographer said, "I do not agree with what you say, but I will defend your right to say it," I do not agree with much of what the member for Sydney might argue for. But there are some things that I do agree with; in fact, there are some things on which we have cooperated. I do not necessarily agree with everything the member argues for in this place. But I absolutely recognise and respect the mandate that the member has from her community to represent them at both the State and local levels. This person has been elected by her community, at State and local level, time and again since 2004, to represent them at town hall as their Lord Mayor and to represent them in this Chamber as the member for Sydney.

Make no mistake: the Local Government (Members of Parliament) Bill 2012 will undo a democratic decision of the people of the City of Sydney and of the constituents in the State electorate of Sydney. This Government is led by a Premier who said before the election—if he said it once, he said it a hundred times—"We in the Liberal and National parties trust local communities; we trust local people to get it right; we trust people to make decisions for themselves." How has that trust been repaid? How is that trust expressed? How is that trust demonstrated by the O'Farrell Government? It brings into this House legislation that will undo a democratic decision taken by the people of the City of Sydney and by the people of the State electorate of Sydney.

This is an appalling piece of legislation. What it says to the people, not just of Sydney but of New South Wales, is that they can no longer have confidence that their opinion, their verdict, their will expressed through the ballot box will be upheld by the laws of this State. This Parliament is asked to do what I have not seen in my nine years in this place: in an affront to democracy, it will overturn a result rendered by the people. Voltaire spoke of respect for democracy. We are a democratic society: we uphold freedom of speech; we uphold freedom of assembly; we uphold freedom of expression; and we uphold the freedom of the people to choose their representatives—until today. Today, that right ends. Today, the right of the people to have their will expressed at the ballot box is overturned. This is a sham. It is a shame.

I want to speak about dual roles. I can speak from a fair bit of experience; I know what it is like to be a senior Minister and the local member; I know what it is like to be the Premier and the local member. Let me say for anyone on the Government side who does not understand: When you are a Minister and a local member you have dual roles, and sometimes they conflict. We had a ridiculous contribution by the member for Drummoyne who spoke about the supposed conflict in being the Lord Mayor and a local member. He shows his naivety by not understanding that sometimes your role as a Minister and your role as a local member conflict; sometimes your role as Premier and your role as a local member conflict.

Nonetheless, you are able to discharge those roles; you are able to manage those roles; and you can, as the member for Sydney has pointed out, use the efficiencies built into being a Minister and the local member to better serve the people of New South Wales. That is exactly what the member for Sydney and Lord Mayor is doing. I have yet to have anyone explain to me the difference between being the Minister for Local Government and the member for Ballina, and being the Lord Mayor of Sydney and the member for Sydney. I have yet to have anyone explain to me how those two sets of circumstances are different in demands on one's time and one's ability to work for one's electorate, or indeed the conflicts that that brings. I have yet to hear from any member of the Liberals and The Nationals any cogent argument as to why there is a difference.

I ask the House to reflect on this. I stand in this place as the member for Heffron. I recognise that my State electorate is covered by four local government areas: Randwick, Botany, Marrickville and the City of Sydney. The majority of the State electorate of Heffron is within the City of Sydney. The people of the City of Sydney, and therefore a large number of the people in the State electorate of Heffron, have cast their vote for Clover Moore to be their Lord Mayor; they have cast their vote for Clover Moore to represent them at town hall. It is my constituents who are seeing their democratic rights denied them. The people of Heffron are seeing in this bill the overturn of their decision that Clover Moore be their Lord Mayor.

Clover Moore has a proud and long history of representing South Sydney. She was first elected to South Sydney Council in 1980. To put that in context, when Clover Moore was elected a councillor New South Wales had not even had its first female Cabinet Minister; that was to come eight years later. Clover Moore, as a female politician, has stood up for her local community; she has stood up and represented South Sydney. Over the years, through various local boundary redistributions, Clover Moore and I have shared parts of the State electorates of Sydney and Heffron. At times, part of the Heffron electorate has been in Clover Moore's electorate. She has a long tradition of representing the people of Sydney, particularly South Sydney.

Although I may not have always agreed with Clover Moore, I have seen the work she has done as both Lord Mayor and as member for Sydney bring benefits to the people who live in my electorate. She has brought benefits in improved parks and facilities, and she has championed more equality and greater legal rights for people who are gay and lesbian. She has brought a change in the way government delivers services to some of the most vulnerable people in the community, particularly people with drug and alcohol addictions. In the two roles she holds the member for Sydney has effectively represented the people of Sydney and, particularly from my perspective, the people of South Sydney.

As we watch this Liberals-Nationals Government deny democracy and deny the will of the people as expressed at the ballot box—and overturn the will of the people as expressed at the ballot box—we see a dark day for democracy in this State. I have recently nominated the Lord Mayor to be the Heffron electorate's nominee for the Women's Honour Roll, introduced by the Minister for Women. Due to the quirks of boundary redistribution Clover Moore lives in the State seat of Heffron: I am her local member. I am very proud that we have in our electorate a woman who is a game-changing politician, a woman who was the first elected female Lord Mayor of the City of Sydney and a woman who has effectively earned the trust of the people of Sydney to represent them at both State and local levels. It is a sad day indeed to see that trust being broken by the O'Farrell Government. If this bill passes it condemns this House. It is a mockery of democracy and it should be opposed.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! I remind visitors in the public gallery that they are not permitted to clap or interject. The next time visitors in the public gallery interrupt proceedings they will be removed from the public gallery. This is my final warning.

**Mr NICK LALICH** (Cabramatta) [12.01 p.m.]: I speak on the Local Government Amendment (Members of Parliament) Bill 2012 as someone who for a time was both the Mayor of Fairfield City and the State member for Cabramatta. I share with the House my insights into the holding of dual roles. The object of the bill is to amend the Local Government Act 1993 to prohibit a person holding the dual roles of a member of the Parliament of New South Wales and a councillor or mayor of a council. Despite that prohibition the bill

allows a current member of Parliament who is also a councillor or mayor, or a councillor or mayor who is elected as a member of Parliament in future, to continue to hold the office of councillor or mayor until an extraordinary election of councillors or for a period of two years, whichever is the shorter period. It also allows a member of Parliament to nominate for and to be elected as a councillor or mayor without first resigning from Parliament. If elected, the person will need to resign from Parliament before the first meeting of the council after the election.

It is well documented that the true object of this bill is to excise Clover Moore from the State seat of Sydney or the mayorship of the City of Sydney. To attempt to extradite someone from the Parliament under the guise of legislation is another low for the O'Farrell Government. The Premier went to the election in 2011 telling everyone who would listen that he was going to give power back to the people. Giving power back to the people is not dictating to them who they can elect for public office. The Government is, by extension, dictating to the people of New South Wales who they can and cannot vote for. What kind of democracy is it that bars people from running for public office? This legislation is the latest tool of the Premier in his vendetta against the Lord Mayor of Sydney.

Over the weekend Burma held by-elections across the country, with first reports showing huge support for Aung San Suu Kyi. After more than 20 years of Aung San Suu Kyi's political imprisonment and house arrest Burma finally allowed democratic elections, and the results were obvious. That is what happens in a democracy: people who want to run in an election are not disallowed from doing so; it is the people's choice that is elected. I resigned as the Mayor of Fairfield City last month after holding the dual roles of mayor and State member for Cabramatta. The reason I did not resign as mayor after the 2008 election was to prevent the necessity for a by-election, which would have cost my local community \$400,000 to \$500,000. On the day I was elected as Mayor of Fairfield City the former member for Cabramatta resigned. I could not step down from my position as mayor even if I had wanted to.

On 18 October 2008 I was called upon to run for the State seat of Cabramatta. People in the electorate knew that I had been elected as the mayor only three or four weeks previously, but a month later they elected me as their State member. Many people came to the polls and said, "We only just voted for you. Why are we voting for you again?" I told them I was standing for the State seat of Cabramatta, and I was elected. In spite of a massive swing against Labor the people still voted for me knowing that three or four weeks previously I had been elected mayor. People are not stupid. They are not fooled. People do not forget that they went to an election three weeks previously and voted for a person. Despite everything that the Liberal Party threw at me, including the kitchen sink, and despite the massive amount of money the Liberal Party poured into Cabramatta, it did not win the election. People are extremely smart.

In 2011—only 2½ years later—I stood at the State election. Again, the Liberal Party mounted a massive campaign against me—the biggest campaign anywhere in New South Wales. With 2½ years of constant campaigning against me, with the Liberal Party coming to the council to rubbish me and to try and undermine me even at council meetings, they did not win. The people still voted for me to be their State member knowing quite well that I had dual roles. Some people may say that the tyranny of distance and time can cause a person not to be able to get back to their council meetings or to Parliament and vice versa. But that is not the case with Clover Moore, she can walk from this Parliament down to the Town Hall and back again—no problem at all. The tyranny of distance and time do not worry her in any way, nor should they. They should not worry any person who is elected by the people: the people elected us, not the Premier.

I undertook to perform both roles responsibly and honestly and to represent my community to the best of my ability, which I have done. That was an expectation of the public and an expectation that I am sure all local members in both Chambers of Parliament who hold local government positions, as mayors or councillors, uphold. By holding the dual roles I was able to assist local residents with local government issues and State government issues. By performing both roles I was able to cut down on red tape and was able to take issues directly to the relevant Minister. I was able to go to the Minister or his staff and ask questions related to council issues and I was able to get an answer back to council probably within a day or two when normally it can take weeks for a letter to get to a Minister from local government by the time it gets through the bureaucracy—if it ever reaches the Minister or his senior staff. It was great for the people of Cabramatta and Fairfield that I could go directly to the Minister on their behalf and get answers.

Even doing all that, I still attended community functions in my dual roles and was able to assist my community wherever I was able to. I attended all functions that I was asked to attend in both my roles, whereas previously the State member and I shared those responsibilities. When the dual roles fell upon me I attended

every function I could go to, every festival. The areas of Cabramatta and Fairfield are very diverse, with about 132 different nationalities residing in them. Fairfield City is the most multicultural city and many residents do not understand English but they still understood that one person was holding dual roles in government and they were not fooled into believing that one person could not do the job. The people accepted that I had dual roles and elected me on three occasions.

We do not and should not live in a dictatorship under a Premier who decides who can and who cannot run for office. The Premier went to the last State election stating that he would give people open and honest government, free from political interference, and that he would give decision-making back to the people of New South Wales. So much for that promise—along with all the other 200 promises that he has broken in the past 12 months. The people entrusted this Premier to take them forward, but he insists on taking them backwards and taking away their democratic rights. The people should decide who holds public office, not Mr O'Farrell. The Opposition vehemently opposes this bill.

**Mr RICHARD AMERY** (Mount Druitt) [12.09 p.m.]: I will make a few comments in relation to the calmly named Local Government Amendment (Members of Parliament) Bill 2012. That is a nice, simple title. The Government would like us to believe that this bill has innocent intentions of tidying up discrepancies in the way that constituents vote for members of Parliament and councillors. But, of course, it is not such a tame piece of legislation. The lack of Government members participating in this debate is a clear indication of how uncomfortable the genuine and real members of the Coalition feel about this bill. A Government which can bring up 40 members to speak on a library bill has struggled to get a few members to speak on a significant piece of legislation concerning the right of people to vote for their chosen representative at any level of government.

First I will debunk the argument put forward by the Minister in his agreement in principle speech. I agree with a previous speaker, who said that the Minister is a decent fellow. But the Minister said something in his speech which on any other day would have seen him censured for misleading the House: that this bill does not relate to any individual person; it relates to representation aspects and so on. If anyone believes that assertion by the Minister, or by the member for Myall Lakes, who repeated it, they should read the speech of the member for Drummoyne. He clearly spelt out what this bill is about and set the tone for this debate. This bill is about getting rid of the member for Sydney, or getting rid of her as the Lord Mayor of Sydney.

I urge anybody who does not believe that to be the intention of this bill to read the speech of the member for Drummoyne. Some might say there is some discrepancy in the law. For example, State members of Parliament cannot be Federal members of Parliament at the same time and Federal members of Parliament cannot be State members of Parliament. Why is that the case? That is simply because the Constitution recognises Federal Parliament and the State parliaments as parts of the Federation. Only a short time ago the people of this country were asked whether local government should be recognised independently in the Constitution. In other words, the people were asked whether local government should change from being virtually a statutory arm of State government and stand on its own in the Constitution.

Had the people of Australia voted to give local government that constitutional recognition I would say that this bill is appropriate. As a matter of fact, I think that Federal Parliament and State Parliament sitting under a Council of Australian Governments arrangement would have enacted complementary legislation to ratify that aspect of constitutional change. But the people of Australia rejected that question and local government is not constitutionally recognised on its own as part of our Federation, unlike the State parliaments and the Federal Parliament. Therefore, there is no constitutional reason why a member of a council cannot be a member of Parliament, and vice versa, and to say otherwise is a spurious argument.

A few things have been said about the member for Sydney. Quite frankly, the politician in me would say that this is a clever move by a very political Government and Premier. It is very clever. The Liberals have realised that they cannot beat this person. The Labor Party tried for many years and it could not beat her either. Some years ago I argued that we had better start diverting our resources elsewhere because, whatever we may think about this person, we are not going to beat her in the City of Sydney. The Labor Party was always confronted with that political reality. Liberal Party members have also been confronted with it but they are going to do something sinister about it: they are not going to wage a big campaign with a big budget and run a high profile candidate; they are going to change the goalposts and rules. That is what the Coalition is all about.

I am not surprised or shocked by this legislation. It is typical of this narrow-minded and small-minded Government. This Government that is now changing the rules to stop the member for Sydney serving in the

Parliament of New South Wales is the same Government that is so petty that it finds time to stop and discuss the travel passes and driver of a former Premier—despite being elected by a massive majority to implement a major reform agenda. That is the same sort of small-mindedness that led it to come into this place and find a new way of sacking public servants. That is its big reform—after 16 years in opposition, as it keeps reminding us.

I do not agree with many of the political decisions taken by the member for Sydney. I have always voted opposite to her on conscience votes. She has recently made speeches about same-sex marriages, which I would not vote for in a pink fit. She voted in favour of same-sex adoptions in the conscience vote in this House. That passed this Parliament by one vote, and that was probably the vote of the member for Sydney, because she was always committed. I did not vote for same-sex adoptions then and I would not vote for them in the future. My point is that I have no political reason to oppose this bill and look after the interests of the member for Sydney. Her politics and mine are vastly different. But for a Government to introduce a law to say that the constituents of Sydney cannot decide who their local member of Parliament is irrespective of whether that person is a councillor harks back to the narrow and small-minded nature of this newly elected Government, which is showing itself day by day to be a great disappointment to the community.

Has the conflict of interest affected the role of the member for Sydney as a State member or a councillor? I know the *Daily Telegraph* does not particularly like her as the Lord Mayor of Sydney and there are some people in this place who might not like her as the State member for Sydney, but it has not prevented her from doing her job. I was a Minister for eight years and a local member. I seemed to cope. The Hon. Donald Page, who is sitting at the table, has been a member of Parliament, a shadow Minister and a Minister. He seems to cope. A previous speaker in this debate was formerly the Premier of New South Wales and a local member. There was no conflict of interest.

This place has been full of people who have had dual roles, whether they be members, Premiers, Ministers or farmers. By the way, I have been here long enough to remember when The Nationals had farmers in the party. I have got everyone beat, because no-one else can remember that far back. The fact is that as the Whip I have dealt with members such as the member for Cabramatta and the member for Lakemba and we have balanced their roles in this place while they were mayors and councillors and we did it quite well. Their parliamentary records are as good as that of any member as far as asking questions on notice, making speeches and so on. The member for Sydney has asked approximately 138 written questions on notice, a figure bettered by only three or four Labor members of Parliament—and, of course, better than that of every Coalition member in this place.

Has being the Lord Mayor of Sydney stopped her from being an effective State member of Parliament? The answer is an emphatic no, of course it has not. Let us not gild the lily and come up with an argument that this bill is not about an individual. Saying that shows members opposite to be more dishonest than the public believe them to be. It is a shameful day when people cannot go to the polls and vote for whom they choose, whether or not that person is a State member or a councillor. They must be able to say, "I am voting for Clover Moore as the member for Sydney even though I know her to be the Lord Mayor of Sydney." They make that decision objectively and it is an informed decision which should be recognised by us all.

In conclusion, I ask the Government: How many times does the member for Sydney have to be elected to the Council of the City of Sydney and to the Parliament of New South Wales before it recognises the vote of the people who put her in this place and in the Sydney Town Hall? How many times does the member for Sydney have to be elected before the Government recognises that the people of Sydney have voted her into two roles—two roles that are similar to those that many members of the Government hold—except The Nationals, which does not have any farmers anymore? I oppose the bill.

**Mr CHRIS PATTERSON** (Camden) [12.19 p.m.]: I participate in debate on the Local Government Amendments (Members of Parliament) Bill 2012 as a member of Parliament who currently is a councillor on the Camden Council, having been first elected to the council in 2000. I have proudly represented my local community as a councillor and as mayor for five years and now as my community's local State member of Parliament. I do love local government and believe it plays a huge part in our community. I can say that, come September, I will miss that interaction. Some of my closest friends and most trusted colleagues are members of the Camden Council. Councillors David Funnell, Debby Dewbery and Lara Symkowiak are extremely hardworking and have my total support and respect. They represent their communities extremely well. However, having said that, being a State member of Parliament is my job. I am proud to have this job and I am extremely privileged to be the State member for Camden and represent the local people of Camden in this place.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! The member for Keira will come to order.

**Mr CHRIS PATTERSON:** I fully support this bill because I know firsthand, being a councillor and a member of the New South Wales Parliament, that it is almost impossible to do both jobs thoroughly. The community has such a high expectation, and rightly so, of elected representatives at all levels of government.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! I remind Opposition members that the member for Camden has the call.

**Mr CHRIS PATTERSON:** This bill is not aimed at any one member. Twenty-nine members, including me, from Liberal, Labor, The Greens and independents will have to make a choice in September—29, not one. When I was first elected to this House 12 months ago, I was the Mayor of Camden. Trying to be in two places at the same time was, at times, impossible. In June 2011 I chose to make the decision to step down as mayor to enable me to have more time to devote to my parliamentary work. I felt it was not fair to my constituency to not be able to do the job of mayor, which is a full-time job in Camden, and also attend Parliament and work in my electorate office. I am an elected member of Parliament, and that is my job. That is what I have been elected to do and I fully recognise and support the position I hold. Nobody can honestly say that they can keep up with two full-time jobs. The only people they are kidding are their constituents.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! The member for Bankstown and the member for Heffron will come to order.

**Mr CHRIS PATTERSON:** The member for Heffron suggested that being a local member and a Minister is the same as being a local member and a councillor. That is incorrect and simply misleading.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! I remind the member for Heffron that the member for Camden has the call.

**Mr CHRIS PATTERSON:** A local member and Minister is paid by the taxpayer and is expected to represent the taxpayer, which is one master. A local member and councillor is paid by the taxpayer and the ratepayer, and is expected to represent two masters.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! I call the member for Keira to order. I call the member for Bankstown to order. I remind the member for Bankstown and the member for Keira that they are on a call to order.

**Mr CHRIS PATTERSON:** There is a clear potential conflict of interest. The member for Mount Druitt claimed that there was no conflict in having dual roles. A local government representative and member of Parliament is paid by both the ratepayer and the taxpayer, which has clear potential for conflict of interest. There are times when a clear conflict of interest comes into play and when decisions need to be made by one person wearing two hats. That person has to decide what is in the best interests of their local government area or in the best interests of the State or the party they represent. Independents do not have that issue, reaffirming that this bill is aimed at the majority of the sitting 29 State dual-role members, not the Independents.

When the next council election comes around those 29 members will need to decide which job they really want to do. If the decision is difficult because they think they are entitled to do both jobs then they are not doing the right thing by their constituency. As a former mayor I can say that it was made even clearer for me and there was no way that I—and I speak for myself—could do both jobs to the standard that I and the community expected. Being a councillor and a mayor is more than turning up to the opening of an envelope: it is representing our community at all times with all levels of government to get the best outcomes for our community. The same can be said for being a State member. That is what is expected of me in my capacity as the State member for Camden. I support the bill. I commend the bill to the House.

**Mr RYAN PARK (Keira) [12.25 p.m.]:** Madam Acting-Speaker—

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! Before the member for Keira begins, the member for Lake Macquarie will come to order.

**Mr RYAN PARK:** The Local Government Amendment (Members of Parliament) Bill 2012 is a disgraceful bill. It should be read and debated in the way in which it has been presented, which is a disgraceful act by this Government. This bill is about attacking a woman whom the Government cannot get at any other way except by legislating to try to get rid of her. The Government is doing the same thing with the financial

support and donations laws. The Government has designed that legislation to attack the ability of people who donate through a union and support the political party of their choice. Coalition members did win the 2011 State election big time but they are not a dictatorship: they do not have the right to run this place as a dictatorship.

Let me discuss this bill in terms of some of the issues raised by Government members. They said, "Oh, we can't do both jobs." Look, that lot cannot do one job. With all due respect to them, they are struggling with one job. They have their speeches written. They have everything done for them. They are rolled in here, stand here and read the speech, page over page. They struggle to do one job. So, no, they could not do two jobs. I understand that they could not do two jobs. That is fine, but this lady, the member for Sydney, can. She has been elected by her community time and again, much to my frustration. We cannot get a Labor candidate up—and heaven forbid that the Government would try to get a Tory up—to beat her. Deal with it. Accept it. It is called democracy.

Coalition members struggle with the term "democracy"—I understand that—but they do not have the right in this place to determine preferences for people in her electorate. That is the voters' right. That is their choice. They make a decision whether she can do the job or not. They make a decision whether she is up to doing the job or not. They make the decision whether they agree with her policies or not, not the lot opposite. Let us talk about the claim, "We don't have time to do this because it's two roles." Explain this: Why are half you mob directors of some companies, lawyers, doctors, and why is that allowed? Why is that not considered? You are not full-time in this role. If any member is doing something else, they are not, in terms of the Government's argument, full-time in this role.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! I remind the member for Keira to direct his comments through the Chair.

**Mr RYAN PARK:** My question is this: Why not ban secondary employment for all of us? Ban secondary employment for the lot of us. Give up your dictatorship, give up your directorships, give up your ownership of businesses, give up your roles as lawyers, give up your roles as solicitors, and give up your roles as farmers. Give up all of that because you cannot do it full time. How can you? If someone comes to you with a concern about a local business and you are a member of the chamber of commerce or you operate a business there is a conflict—there must be. If you are a farmer and they come to you about farming policies there is a conflict, is there not? What a load of rubbish! Government members reading their speeches as though they believe what they are saying makes this place even more embarrassing than the Government already gives it credit for. It is a joke. It is an absolute embarrassment that half the Government would come into this Chamber and put that argument.

My very good friend the current Federal member for Gilmore—the wets on the Government side of the Chamber will know her—Jo Gash, is a moderate. We have a problem with Joanna Gash do we not? Joanna Gash is a Federal member of Parliament who will be running for the position of mayor in the Shoalhaven City Council. We have a problem. Why are we not legislating that Federal members of Parliament cannot run for local government positions? Before members say they cannot legislate against that I remind them they prescribe who runs for local government. So my question is: If those opposite are going to ban the member for Sydney, will they also ban their mate Joanna Gash? I assume they will but I hear deafening silence. We have a problem.

Government members cannot ban their mates—they want them to run—so they have conveniently excluded Federal members from this legislation. That is a joke. It strikes at the heart of what this bill is about. If the issue is truly the dual representation problem—if it is truly about not having time to do both jobs—how can those opposite justify a Federal member with a larger electorate, who must often travel more over longer distances and address a wider range of matters, running for local council? This legislation is not about the challenges of dual roles. It is about getting a woman the Coalition has not been able to get democratically, and that is a disgrace. Having been on the wrong end of an 18 per cent swing just over 12 months ago, I know that at times democracy hurts. I know that at times it is not pretty. But the people always get it right.

Government members need to understand that while they were elected with a big majority it does not give them the right to sit in the people's Parliament—the place to which communities have elected their representatives to fight for them—and determine the way that constituents vote and whom they vote for. That is the people's right. It is the right of the community that the member for Sydney represents. Do we always agree? Of course not, but that is democracy. And that is what every one of us in this place should hold near and dear to our hearts. As the member for Heffron said, while we do not always agree it is most important that we give people the chance to have their say. That is democracy at work.

Democracy is not about deciding who gets what when. Democracy is about listening to the people. It is about allowing people in our respective communities to decide who they think will best represent them in this place. For a long time that has been the member for Sydney. Some members have to deal with that because they cannot continue to come into this place, year in, year out, and attempt to destroy the very foundation of freedom of speech and freedom of choice and the democracy for which this Parliament should be the guiding light. The lower House is the place where people across New South Wales get to have their say through us, and they should decide who represents them.

It is a sad day when the Government singles out a person whom it has not been able to beat—has not been able to get a victory over—and legislates to try to get her. That is disgusting. This bill should be seen for what it is. The fact that the Government is not prepared to extend the law to Federal members of Parliament, who supposedly have larger electorates and face more demands and challenges, shows clearly it is not about separation or dual roles. It is about attacking someone through legislation—bringing down someone through legislation, belittling someone through legislation—whom it has not been able to get through the democratic process, the sacred process of the ballot box. It is a disgrace, and should be seen as such.

**ACTING-SPEAKER (Mr Gareth Ward):** Order! Visitors in the public gallery have been warned about their behaviour. I will not be as lenient as other occupants of the chair have been if visitors continue to disrupt the proceedings.

**Ms TANIA MIHAILUK** (Bankstown) [12.34 p.m.]: I speak in opposition to the Local Government Amendment (Members of Parliament) Bill 2012. I put on record that I am both a member of Parliament and a councillor on Bankstown City Council. I served as mayor from 2006 to 2011. I made it clear during the 2011 campaign that if elected I would step down as mayor, which I did in June. I also made it clear that I would not recontest the 2012 council election. This was a personal choice. Regardless of one's opinion of the politics of the member for Sydney, this bill is a shameful attempt to do through legislation what the Liberal Party believes it cannot achieve on its own.

If this bill was really about conflict of interest it would have been part of the Liberal Party's much-abused contract with New South Wales. But this proposal did not appear in the Liberal Party's 2011 campaign material. This means one of two things: either the bill was sitting in the bottom draw, along with selling off the electricity generators and ripping off our public servants, or the idea was generated after the election. If the latter is true it begs the question: Why is the Government so keen to remove Clover Moore? Could the Government's motivation be the member's opposition to its plans for Barangaroo? In his agreement in principle speech the Minister for Local Government said:

Members of the Parliament of New South Wales have a duty to give their full attention and effort to representing their constituents in Parliament.

On 19 March the Minister said:

We expect MPs, mayors and councillors to give 100 per cent to the job they're elected to and you can't do that if you have two jobs.

The Minister should ask the following members to give 100 per cent to their role as members of Parliament. Minister Victor Dominello serves as a company director. Minister Pru Goward is a partner in her beef cattle production business. Minister Chris Hartcher is a director of a property investment company. Minister Katrina Hodgkinson is a director of her cattle grazing company. Kevin Anderson, the member for Tamworth, is the principal owner of Centreboard Media, which provides advertising and marketing services.

**Mr Kevin Anderson:** Point of order: That is totally incorrect.

**ACTING-SPEAKER (Mr Gareth Ward):** Order! Unless the member for Tamworth can cite a standing order he will resume his seat.

**Mr Kevin Anderson:** I ask the member to withdraw that comment.

**ACTING-SPEAKER (Mr Gareth Ward):** Order! I can ask the member to withdraw the comment, but I cannot direct her to do so. The member for Bankstown has been asked to withdraw that comment. Will she withdraw?

**Ms TANIA MIHAILUK:** I understand from his pecuniary interest forms that at some point the member for Tamworth was the principal owner of Centreboard Media—while he was a member of this House. Stephen Bromhead, the member for Myall Lakes, works as a solicitor. Here is an interesting one. Glenn Brookes, the member for East Hills, is director and owner of three companies. According to his website, he has been the managing director of Sydney Signs since 1983 and continues in that role. He is also director of Sydney Build and Maintenance and Advanced Communication Services.

**ACTING-SPEAKER (Mr Gareth Ward):** Order! The member for Baulkham Hills will come to order.

**Ms TANIA MIHAILUK:** He is managing director, not just an ordinary director, of three companies. Andrew Cornwell, the member for Charlestown, is a partner at Cardiff Veterinary Hospital. Mark Coure, the member for Oatley, is director and company secretary of financial services company Belgrave Waltara Associates. Lee Evans, the member for Heathcote, is the owner of Gourmet Food Distributor. John Flowers, the member for Rockdale, is director and secretary of Bell Oakes Pty Ltd. The truth must hurt. Tony Issa, the member for Granville, is a partner in Issa Holding and Camel Building construction companies. That is a conflict of interest. Matt Kean, the member for Hornsby, is director of a business consulting company. Geoff Lee, the member for Parramatta, is director of a consulting and management services company. Tim Owen, the member for Newcastle, is director of Timothy Owen Consultancy Services and Echo Point Investment. Christopher Patterson, the member for Camden, is director of his own chiropractic business.

Andrew Rohan, the member for Smithfield, owns his own printing company. Roza Sage, the member for Blue Mountains, owns her dental practice. Many people are aware that Mark Speakman, the member for Cronulla, is a barrister. Paul Toole, the member for Bathurst, is a director of Killoola Pastoral Company. Gabrielle Upton, the member for Vacluse, is a director of two companies. Leslie Williams, the member for Port Macquarie, is a director and secretary of Axelle Pty Ltd. Craig Baumann, the member for Port Stephens, is particularly busy, serving as a director of nine companies that provide building investment services and superannuation services. I put to the Premier and the Minister for Local Government that if working as a member of Parliament and a councillor is a conflict of interest, then working in the private sector while serving as a member of Parliament is also a conflict of interest. The Minister also said in his agreement in principle speech:

Conversely, mayors and councillors of local councils have a duty to devote their full attention and efforts to representing their local communities at the council.

**ACTING-SPEAKER (Mr Gareth Ward):** Order! Members will come to order. The member for Bankstown will be heard in silence.

**Ms TANIA MIHAILUK:** The speech continued:

Their time and attention should not be distracted by the responsibilities that are attendant upon members of the New South Wales Parliament.

**ACTING-SPEAKER (Mr Gareth Ward):** Order! I call the member for Baulkham Hills to order.

**Ms TANIA MIHAILUK:** Many members of this place presently serve as councillors. They are well aware that the limited remuneration provided to councillors means they often have to work full time. One would be hard-pressed to find councillors and most mayors in New South Wales who live on their council allowance alone. No doubt they rely on alternative income sources to pay their bills. The Local Government Amendment (Members of Parliament) Bill 2012 represents the underhanded politics of the O'Farrell Government. The New South Wales Opposition will not support it.

**Mr ROBERT FUROLO** (Lakemba) [12.41 p.m.]: I shall make a brief contribution to debate on the Local Government Amendment (Members of Parliament) Bill 2012 by reading some comments that may be a little instructive:

A government's only role is to serve the people.

Having a say in decisions that affect people and communities is fundamental to liberty and trust.

In other words, giving power to the people to make decisions and take responsibility for the decisions they make.

... (we) believe that decisions are best made by the people they affect and as close as possible to the places where they will have an impact.

... (we) trust people to make good decisions about issues that affect them.

We know that personal responsibility is one of the most valuable forms of leadership in our civil society, and the more it is encouraged and valued, the more we prevent difficult problems developing among us.

These laudable and well-written words are not mine. Unfortunately, the people who wrote them do not believe them. Of course, these comments are from the Liberal-Nationals 2010 manifesto "Start the Change". If Coalition members believed those words, this bill would not have been introduced in its current form. It is disgraceful that we are debating a bill that removes democratic decisions and rights from people in our community. Like many members in this Chamber, I speak with some experience on the roles of mayors and members of Parliament. As members know, I had the privilege of serving my community as a councillor from 1999 until 2011, which included the privilege also of serving as mayor from 2004 until the end of October 2011.

Challenges to members of Parliament who serve as councillors and mayors are not unknown to me. Many challenges fall to those who work in both roles. The task is extraordinarily difficult and involves a range of challenges to meet community needs while serving in both roles. But the truth is that it can be done. As the member for Heffron and former Premier of New South Wales outlined, many members of Parliament who serve as Ministers or in the high office of Premier have faced the difficulties of splitting their time between their role as a member of Parliament representing an electorate and their duty as a Minister to the whole of the State or, indeed for the member for Heffron, as the Premier of New South Wales serving the interests of the whole State. Those challenges can be met with goodwill, commitment and dedication to the task.

Conflicts can be dealt with. To suggest that we need this rule to deal with potential conflicts of interest implies that members in this place do not know how to deal with such conflicts. Of course we do; we do it every day. We face challenges about conflicts in our roles as mayors or members of Parliament and meet them by using the systems and procedures that are in place to identify potential conflicts, and by declaring and discharging our duties. Suggesting that one cannot undertake the dual role of mayor and member of Parliament because the role of a member of Parliament requires 100 per cent commitment to the job ignores the reality that members of Parliament who serve as Ministers face time conflicts as much as any other conflicts. To suggest that a Minister cannot discharge his or her duties as a member of Parliament is selling members short. I am sure the Minister for Local Government would acknowledge that as a member of Parliament and a Minister he can discharge both duties effectively. I am sure that his community will continue to support him in those roles.

This bill is not about improving democracy, or about reducing or minimising the conflicts of interest inherent in the roles of members of Parliament and councillors. Unfortunately, this bill is about denying the democratic rights of the people of the electorate of Sydney and of the council of the City of Sydney. We need to be honest about this bill. We have debated many bills in this place and we have to consider their motivation to understand why we should support or oppose them. The people of the City of Sydney and the electors of the electorate of Sydney make a conscious decision about who they wish to represent them, as electors did for the member for Cabramatta at the last State election knowing that he was also the mayor, and as they did in Lakemba knowing that I was the mayor when they voted for me at the last election. The fundamental tenet of our democracy is to give our communities the opportunity to choose the candidates they want to represent them.

Based on the reasons espoused in the bill and the Minister's agreement in principle speech, I am unclear why the Government feels the need to usurp the role of our communities and take away their opportunity to elect the people they believe should represent them. I can only assume that the reasons have not been articulated in the bill or in the agreement in principle speech. I do not put much weight in conspiracy theories, but I have heard the conspiracy theories of revenge for Kathryn Greiner not being elected or seeking to take control of Barangaroo because someone did not get their own way and they are tired of the destructive influence of the member for Sydney and the Lord Mayor—they want to cut her out of the process. It would be a travesty if that were the case.

Regardless of the motivation or reasons at the heart of this bill, the reality is quite simple and disappointing. This bill is an attack on democracy and on the rights of people to choose who they wish to represent them. I cannot see any other explanation for the Government's introducing such a bill. Does it no longer have regard for the institutions that got us to this place? Earlier I read the comments in the "Start the Change" document, where the Coalition puts in writing that the Liberal Party and The Nationals believe decisions are best made by the people whom they affect. I would have thought that people are affected by the mayor or councillor and the member of Parliament they choose to represent them.

Surely they are best able to make the decision about who that person should be. I am disappointed that Opposition members must stand in this House today and defend democracy. I would have thought that in 2012, with all the challenges facing the people of New South Wales, there would be more interesting and relevant issues to debate today. I suspect this means that the Government has lost its way again. It has moved away from the issues important to the people of New South Wales and decided to use this Chamber—this House, this forum—to attack democracy instead. I think it is a shame.

**Mr MARK COURE** (Oatley) [12.50 p.m.]: I am pleased to support the Local Government Amendment (Members of Parliament) Bill 2012. In particular, I commend the Government for taking a strong position on the issue of dual roles given the considered views expressed during the public consultation for and against the proposals. Following the March 2011 State election there are 29 councillors from 24 councils in New South Wales who have held dual roles in local and State government. Let us be completely honest: This bill is not about any individual, as proposed in debate by Opposition members. All Opposition members have mentioned potential conflict of interest, referring to the roles of Minister, Premier and member of Parliament. But it is the same jurisdiction; those roles are responsible for the same issues. There is a key difference between the responsibilities of councillors and mayors and members of Parliament. The member for Heffron claimed this bill is the greatest affront to democracy she has ever seen. What about her installation as Premier by the faceless men of the Australian Labor Party?

This bill is long overdue. It will amend the Local Government Act 1993 to prevent a person who is serving in the New South Wales Parliament from serving as a councillor or mayor at the same time. It will bring New South Wales in line with other Australian States, including Queensland, Victoria, South Australia and Western Australia, all of which prevent a State member of Parliament from serving as a councillor or mayor. The bill will not prevent a councillor or mayor from running for the New South Wales Parliament and, if successful, the councillor or mayor will be able to serve in that role for a period of no longer than two years, as outlined in the bill. This will prevent unnecessary by-elections and financial burdens on ratepayers as a vacancy arising within 18 months of a local government election will not trigger a by-election—which would cost some councils up to \$250,000. The proposed reforms are of benefit to the community. I note that the Labor Party's opposition is all about jobs for the boys.

As a councillor and a State member of Parliament, I know from experience that a number of ratepayers and constituents are concerned or confused as to who represents them or is responsible for different jurisdictions. This bill will enhance local government and State Parliament and ensure that ratepayers and constituents are represented appropriately. The reforms also reduce the possibility of conflict of interest. Constituents whose mayor is also the State member of Parliament have nowhere to turn; they may feel intimidated and unsure about who to go to. This bill reduces the risk or perception of inappropriate use of different roles. It ensures fairness and maximises the potential of councillors, mayors and members of Parliament in their respective roles. The bill increasingly moves towards promoting professionalism in local government across the country with discussion and formal recognition of that sector, as some speakers have mentioned.

In conclusion, the bill seeks to professionalise local government in New South Wales by creating a clear separation to ensure that the community gets maximum efforts from their councillors and members of Parliament in New South Wales. By preventing members of Parliament from being councillors New South Wales falls into line with Victoria, Queensland, South Australia and Western Australia. You cannot be in two places at once in two different tiers of government: For example, a member cannot attend Parliament and council meetings simultaneously. State members of Parliament should devote themselves to the role of member of Parliament in a full-time capacity—unlike some Opposition members who have been out to lunch since the March 2011 election. It is about having a framework that ensures optimum governance. This bill produces the best possible representation in each tier of government. I support the bill.

**Mr JAMIE PARKER** (Balmain) [12.55 p.m.]: Today we have an extraordinary bill before the House. The Local Government Amendment (Members of Parliament) Bill 2012 will, in effect, overturn the democratic decision that was made just over one year ago by the people of the electorate of Sydney. It will do what the Coalition parties could never do at the ballot box: ensure that the member for Sydney is not able to continue in her roles as both the member for Sydney and the Lord Mayor of Sydney as determined by the voters at election. In my view, and in the view of The Greens—who will strongly oppose the bill both here and in the other place—it strikes at the heart of what democracy means. The issue is clear: The democratic rights of the people of New South Wales must be respected and the bill represents significant political interference in the democratic process and thus must be opposed strongly.

The Greens are often in dispute with the Liberal Party, the Labor Party and the Independents, and we compete against the incumbent Lord Mayor of Sydney and in the State electorate of Sydney at election. We respect the outcome of that ballot—but not this Government. This Government does not respect the outcome of the ballot. It seeks to interfere in the results of the election to ensure that it decides who represents the local community, not local voters. The Government claims that the legislation is not aimed at Clover Moore but clearly it knows its effect: It is a direct attack on the member for Sydney but, more importantly, on voters in the electorate of Sydney. The member of Sydney has served in State Parliament continuously since 1988, and in 2004 was popularly elected as Lord Mayor and then re-elected in 2008. The voters have chosen the member for Sydney to assume the role of Lord Mayor on four separate occasions.

It was not a secret; it was fully disclosed to the electorate. The constituents realise that the member for Sydney has been totally transparent. At the State election a little over a year ago the member was the incumbent mayor and constituents gave her a strong vote of confidence. The Coalition should respect that outcome but it is now seeking to overturn that democratic decision in one autocratic swoop. It is another example of this Government pushing an agenda that it did not take to the community prior to the election. If the Government had only a small mandate and little business to get on with after 16 years of Labor Government I could understand why it would introduce this bill. The fact is that there is an incredible amount of work to be done, and it is a disgrace that we are wasting time in this House debating a bill that seeks to knock out an elected member of Parliament instead of delivering on public transport, the environment and health.

I will address a few of the flimsy arguments that have been bandied about. The first is a potential conflict of interest. That is a fundamental misunderstanding of what conflict of interest means. We know that a conflict of interest exists when an individual or corporation is in a position to exploit their professional or official capacity in some way for personal or corporate benefit. There is no conflict of interest here. There is one interest in this case: the interests of the people of the electorate of Sydney. The conflict is caused by this bill, not by the member for Sydney. If the Government is serious about conflicts of interest why does it not tackle the directorships issue? What about the fact that, according to the Government's spurious claims, members of Parliament must be full time yet a member can be the director of up to eight companies? Does the Government not consider that to be a conflict of interest?

Mention has been made of Joanna Gash, the Federal member for Gilmore, and the Government's attempts to parachute her into the role of mayor. But it does not seek to apply the same rules to that situation; the rules apply only in this case. Why? It is because the Government wants to jump on the bandwagon of the shock jocks and the right-wing press—the News Ltd *Sunday Telegraph* and *Daily Telegraph* angle. This Government wants to follow up the disingenuous attacks on cycleways, claiming traffic interference when lanes were never taken from traffic. There were lots of parked cars in those lanes but never traffic. They want to jump on the bandwagon. They think, "We will knock out the member for Sydney, and we will be better for it."

The bill is a classic example of overreach by this Government, and it should be opposed. We heard the argument that if the State member is a local mayor or councillor, residents have no-one to complain to. What a load of rubbish. They can complain to the member for Drummoyne; he spoke in his contribution about someone complaining to him about the issue. Residents can complain to other councillors of the council, the general manager of the council, the Ombudsman, the Department of Local Government or other members of Parliament. One can do a whole raft of things to make sure the community is heard. That argument is the thin and flimsy joke on which this bill is founded.

We have heard also that workloads make the dual roles of Lord Mayor and member for Sydney impractical. While it may be that having two roles means carrying a heavy burden, it does not follow that we should ban members from having those roles. Though backbenchers may take on roles as Ministers or even Premier, and we regard that as acceptable, that a member would take on synergistic roles of popularly elected Lord Mayor and popularly elected member of Parliament is inappropriate, according to this Government. Even if the Government were uncomfortable with a member having such dual roles, the people of the electorate of Sydney voted to return the member to both offices, overwhelmingly and repeatedly. That is why this House should support the approach taken by the member for Sydney and those on this side; that is why the Government's thinly veiled attempts to knock out a popular member of Parliament should be resisted.

The arguments of Government members seem to imply that voters just do not understand the nature of State and local government; that the people are silly, that they have no idea, that they do not know, and therefore we will pat them on the head while we knock out a member of Parliament, against the wishes of the people. The voters in the electorate of Sydney know what is going on, and that is why they voted for the member for Sydney.

If the electors decide to choose the same person for both jobs, this Parliament must defend their decision because that has been the nature of democracy in New South Wales since 1856. It is not for this Premier to overturn this long-held right; it is a question for the voters.

I draw the attention of the Government to the fact that a by-election will cost probably more than \$300,000. Spending \$300,000 on a by-election is a nonsense when communities are struggling under the weight of costs, when the State has poor infrastructure, and when community groups and residents in my electorate are in need of significant repair of their public housing dwellings. Yet this Government is prepared to pour \$300,000 down the drain, for a by-election—when the people of Sydney spoke just 12 months ago to elect the member for Sydney. When it was demonstrated that government had overreached on the Solar Bonus Scheme, and overreached on the foster care issue, the Government changed its position.

This is an opportunity for the Premier to recognise that he is overreaching in his attack on the democratic nature of our local community and our State. It is up to him to listen to the community and hear the voice of the community that this dictatorial overreach should not proceed. It should be rejected. As the member for Northern Tablelands said, if the Government is serious about this bill not adversely impacting the member for Sydney, it should exempt members of the current Parliament from the provisions of this bill. That could be done very simply. But it will not do that. Why? It is because the Government is targeting the member for Sydney. That demonstrates how effective the member has been in organising her community and working for the electorate of Sydney and for the City of Sydney.

I conclude by saying that this is a clear and open attack on independent voices. That is evidenced by how effective the Lord Mayor and member for Sydney has been in discharging her two roles. We oppose this bill. There is no conflict of interest. There is adequate time for a member of Parliament to perform both roles. There is clearly very strong support for the member from the community. Even if we agreed with every flimsy argument that the Coalition parties have put forward in this debate, this Parliament should respect the will of the people. This, I fear, is the beginning of a very treacherous path that this Government is taking. If it does not respect the will of the people, if it thinks that voters are ignorant and ill-informed, that is the beginning of the arrogance that tips governments out. I call on the House to reject this bill and vote to support the wishes of members of the community in the electorate of Sydney.

**Dr ANDREW McDONALD** (Macquarie Fields) [1.04 p.m.]: Today is a day of shame for the Parliament of New South Wales. I hear the groans of members opposite; clearly they do not get it. The Local Government Amendment (Members of Parliament) Bill 2012 will go down in history as Clover's law. Government members are ashamed; their silence in not speaking to the bill says volumes. Only seven of the 69 Government members are in the Chamber and listening to the debate on this bill, even though the bill deals with one of the most important principles of the governance of New South Wales: the democratic right of the electorate to choose their elected representatives. This is a BS bill. It is a disgrace. It should never have seen the light of day. Was this part of Liberal Party policy prior to the last election? As with last night's debate on the retail trading legislation, we see the real aims of the Government in this bill.

This bill is about the big end of town. The big end of town has come to stay. The big end of town, though small in number, is loud in its voice; it now runs the agenda for the rest of the seven million people in New South Wales. The Chinese have a proverb that says, "If you sit by the river long enough you will see the body of your enemy float by." This is the revenge of Nick Greiner for what happened in his hung Parliament. Everyone close to the Liberal Party knows that. This is payback. If this Government cannot get the electorate to do its will, this is the payback. The powerful few, the editors of the *Daily Telegraph* and Alan Jones, are trumping the wishes of the people who elected Clover Moore as both Lord Mayor and the State member for Sydney. That this can be allowed, with groans and derision from those opposite, beggars belief. As Winston Churchill said:

The truth is incontrovertible. Malice may attack it, ignorance may deride it, but in the end, there it is.

Government members have shown malice and ignorance. They ignore the truth that this member was elected democratically by the people of the electorate of Sydney and the community of the City of Sydney. No-one has the right to overturn that democratic process. The big end of town is here to stay. The results of consultation on this bill have not been published. Why is that? It is because that consultation will confirm the actions of the people of the central business district of Sydney. Members who do not believe me should ask the people of Sydney. This is all about silencing the voices of the many for the powerful few.

The last Liberal Lord Mayor of Sydney, Jeremy Bingham, spent 40 years of his legal practice as a partner of Deacons, specialising in local government, development and town planning. The lord mayoral car travelled the streets of Killara to pick him up from his home and take him into the city. That is why we had the

rise of local Independents such as Clover Moore—because they represent the wishes of the people and share their lives with the people. This bill will see a return to the past. We will see the Premier of this State and Jamie Packer wandering the Elysian fields of Barangaroo knowing that they can make any deal they like about a casino without a pesky Lord Mayor raising questions about the probity of using public land as private property. The Lord Mayor has asked 138 questions on notice, more than the combined numbers of the 69 members opposite. This Government hates the fact that they have a minister for central Sydney who sits outside the Cabinet process.

**Mr John Williams:** We're not allowed to ask questions.

**Dr ANDREW McDONALD:** The member for Murray-Darling interjected, "We're not allowed to ask questions." I agree; that seems to be so. I recommend that he do so. One never knows; he may get an answer. This bill is yet another example of those in government saying one thing and doing another. If they really believed what they say, Joanna Gash would not be standing for Mayor of Shoalhaven. I hope that, in the words of the member for Camden, gets put on a corflute when she says that someone can do two jobs. Since the day I was elected I have been able to work one day a week in a pro bono medical practice. It can be done; it is taxing but it is doable. I was elected by my constituents who knew I would be doing that and that I would continue to do that. Those who elect us have a right to make a choice about their local members. This bill is all about the Government destroying that choice.

I note that very few Government members spoke in debate on this bill. They already have at least two jobs so I can understand why so few of them spoke—they are probably too busy doing their other jobs. This is a mean-spirited, sinister and cynical bill, and this is narrow-minded and petty behaviour by a Government that is burning through its political capital at a rate of knots. This bill should be opposed by all fair-thinking members of Parliament, some of whom will, like the sheep that they are, follow the party line. The people of New South Wales oppose this abrogation of principle and I am proud to oppose this bill.

**Mr DONALD PAGE** (Ballina—Minister for Local Government, and Minister for the North Coast) [1.10 p.m.], in reply: I thank all those members who participated in debate on the Local Government Amendment (Members of Parliament) Bill 2012—the member for Auburn, the member for Drummoyne, the member for Sydney, the member for Northern Tablelands, the member for Lake Macquarie, the member for Myall Lakes, the member for Heffron, the member for Cabramatta, the member for Mount Druitt, the member for Camden, the member for Keira, the member for Bankstown, the member for Lakemba, the member for Oatley, the member for Balmain and the member for Macquarie Fields.

I state at the outset—and I know the member for Sydney does not believe this—that this bill is not about her. The Government introduced this legislation because after the last election we found that 29 members of Parliament were doubling either as mayors or as councillors. The Premier asked me to look at that issue and to see what the other States did. As part of a public consultation process the Division of Local Government put together a discussion paper.

**Ms Clover Moore:** We haven't seen the results.

**Mr DONALD PAGE:** I think it was a pretty fair discussion paper; it outlined all the arguments for and all the arguments against.

**Ms Clover Moore:** What are the results of that?

**Mr Greg Piper:** It was a discussion with you.

**Mr DONALD PAGE:** I will come to that in a moment. People had an opportunity to comment on the issue. From memory, I think there were 452 submissions.

**Ms Clover Moore:** Make them count them.

**Mr DONALD PAGE:** Fifty-three per cent of the submissions were from the electorate of the member for Sydney, which is interesting and, by the way, they were not all one way—they were reasonably evenly balanced.

**Mr Greg Piper:** Let's have a look at them.

**Mr DONALD PAGE:** I heard Opposition members in silence and I would like them to give me an opportunity to get the facts on the record. This legislation is not about the member for Sydney; it is about the principle of whether the same person should serve at two different levels of government at the same time. Someone cannot be a Federal member and a State member at the same time.

**Ms Clover Moore:** What about the 60 members who have private businesses?

**Mr DONALD PAGE:** I have a long list of things to get through in the time that is available to me. I will get to that issue.

**Ms Clover Moore:** Make sure you come to the 60 members who have got private businesses.

**Mr DONALD PAGE:** The rationale for this legislation is that we have a record number of State members of Parliament who are also councillors and mayors. We put out a discussion paper in the community and we received feedback. It is true that we did not have a mandate to do this at the last election but we did not know that this was an issue until after the election. In March last year we found that 29 members of Parliament were performing dual roles, which is why it became an issue. As a number of issues have been raised I think the best way for me to approach them would be to deal first with what I believe is the most substantive issue, that is, the issue of State members of Parliament having secondary employment.

That issue should be addressed as the member for Sydney, the member for Lake Macquarie and a number of other members raised it. Essentially, this legislation is about optimal governance; it is about the separation of two distinct levels of government—State and local government. The aim of this legislation is to ensure clearly defined segregation between the three tiers of government in our political system, like all other mainland States. It is not simply about the capacity of a person to hold down two different jobs. There are many people who, through choice or necessity, have two jobs.

**Ms Clover Moore:** That's doublespeak.

**Mr DONALD PAGE:** This legislation is about a clear separation of roles at different levels of government. The question relating to secondary employment is totally different. A second job is completely different to holding two elected positions.

**Ms Clover Moore:** Why?

**Mr DONALD PAGE:** Local councillors commonly have another job. State and Federal politicians are able also to have a second job which is subject to a range of checks and balances through the code of conduct and the interest disclosure made by members of Parliament. People with a second job do not have a responsibility that involves two distinct tiers of government. Of course, that applies also to Ministers who have responsibilities at the same tier of government. Claims that one person can represent at both the State and local levels of government devalue the importance of both those important elected roles.

**Ms Clover Moore:** It's been there since 1856.

**Mr DONALD PAGE:** Effectively, each job ends up being part time at best. As the member for Sydney keeps interjecting, it is relevant for me to respond to her interjections. In 2003, before the member for Sydney became Lord Mayor, she indicated in a submission to the Independent Commission Against Corruption in relation to this very point of dual roles—

**Ms Clover Moore:** No, not dual roles; secondary—

**Mr DONALD PAGE:** The member for Sydney does not like it but I will quote what she had to say:

I strongly believe that being a member of Parliament is a full-time job. The demands of the job require the full commitment of the member's time, energy, effort and intellect ... I also believe that the citizens of NSW expect their members to be full-time members.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! I remind visitors in the public gallery that they are not permitted to interject. The Minister has the call.

**Ms Clover Moore:** And you misquoted me.

**Mr DONALD PAGE:** Local government wants to be seen as an effective, independent and legitimate third tier of government. In fact, there is a strong push, for instance, for the constitutional recognition of local government. Also, an outcome of Destination 2036 was that we need to clarify the different roles and responsibilities of local government and State government, and that is one of the reasons why the government is currently reviewing the intergovernmental agreement, to make it clear that there are differences between State and Federal government. The downgrading of local government representation to, effectively, a part-time role to be juggled with a State parliamentary career weakens, and even demeans—

**Ms Clover Moore:** It is a part-time role.

**Mr DONALD PAGE:** —the value of both local and State representation. What we want to stop is any actual or perceived conflict of interest when one person concurrently represents two levels of government. This is a conclusion reached long ago in all other mainland States. In Queensland, Victoria, South Australia and Western Australia local councillors cannot be members of the State Legislature. If a person serves in two elected roles it is inevitable that there will be occasions when he or she has to make a choice between being available in one role or the other; that person cannot simply be in two places at once. Sometimes the interests of the two electorates may coincide, but there are occasions when members will have to choose between serving the conflicting interests of their council ratepayers and their State electorate, and that is not democracy.

**Ms Clover Moore:** What about a Minister in office?

**Mr DONALD PAGE:** Whilst it could be argued that missing the occasional council meeting or parliamentary sitting is acceptable, what happens when the stakes are considerably higher? What if there are problems with a council and the people ask their State member to take action on their behalf?

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! The member for Sydney will come to order. If she continues to interject I will place her on a call to order.

**Mr DONALD PAGE:** Can the State member truly make an impartial, reasoned decision if he or she is also a councillor or mayor of the local council? There is, of course, a long history of individuals moving from one of the three tiers of government to another and we do not seek to end that practice. I will refer briefly to some of the other points that have been made. The member for Auburn said that she supports the convention that, if persons are elected to this place, they should not run for local council at the next election. However, the member for Auburn then opposed the formalisation of that arrangement, which clearly is illogical.

I remind the member for Auburn that almost identical legislation was introduced recently by the Labor Government in Victoria. To address the issue of the mandate, that became a problem only after the last election. The member for Mount Druitt said that local government was not recognised constitutionally. I point out to him that local government is recognised under the State Constitution Act. The issue of by-elections which was raised by a number of members has been addressed by legislation previously introduced in this Parliament. As a result of all those arguments, and no doubt additional arguments that will be raised when the bill is debated in the upper House, I conclude this debate and commend the bill to the House.

**Question—That this bill be now agreed to in principle—put.**

**The House divided.**

**Ayes, 62**

Mr Anderson	Mr George	Mr Roberts
Mr Annesley	Ms Gibbons	Mr Rohan
Mr Aplin	Ms Goward	Mr Rowell
Mr Ayres	Mr Grant	Mrs Sage
Mr Barilaro	Mr Gulaptis	Mr Sidoti
Mr Bassett	Mr Hartcher	Mrs Skinner
Mr Baumann	Mr Hazzard	Mr Smith
Ms Berejklian	Ms Hodgkinson	Mr Souris
Mr Bromhead	Mr Holstein	Mr Speakman
Mr Brookes	Mr Humphries	Mr Spence
Mr Casuscelli	Mr Issa	Mr Stokes
Mr Conolly	Mr Kean	Mr Stoner
Mr Cornwell	Dr Lee	Mr Toole
Mr Couré	Mr Notley-Smith	Ms Upton
Mrs Davies	Mr O'Dea	Mr Ward
Mr Doyle	Mr Owen	Mr Webber
Mr Elliott	Mr Page	Mr R. C. Williams
Mr Evans	Ms Parker	Mrs Williams
Mr Flowers	Mr Patterson	<i>Tellers,</i>
Mr Fraser	Mr Perrottet	Mr Maguire
Mr Gee	Mr Provost	Mr J. D. Williams

**Noes, 23**

Mr Barr	Mr Lynch	Mr Robertson
Ms Burney	Dr McDonald	Ms Tebbutt
Ms Burton	Ms Mihailuk	Mr Torbay
Mr Daley	Ms Moore	Ms Watson
Mr Furolo	Mr Parker	Mr Zangari
Ms Hornery	Mrs Perry	<i>Tellers,</i>
Ms Keneally	Mr Piper	Mr Amery
Mr Lalich	Mr Rees	Mr Park

**Pair**

Mr Edwards

Ms Hay

**Question resolved in the affirmative.****Motion agreed to.****Bill agreed to in principle.****Passing of the Bill****Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.***[The Speaker left the chair at 1.28 p.m. The House resumed at 2.15 p.m.]***DISTINGUISHED VISITORS****The SPEAKER:** I very warmly welcome to the gallery the Hon. Michael Polley, MP, Speaker of the Tasmanian House of Assembly, and Mr Peter Alcock, Clerk of the Tasmanian House of Assembly, who are guests of the Speaker, and hope they have enjoyed their visit to the New South Wales Parliament.**DEPUTY SERJEANT-AT-ARMS****The SPEAKER:** Without wishing to create a precedent, I ask members to acknowledge a very significant occasion—the birthday of the Deputy Serjeant-at-Arms, Greg Kelly.**USE OF ELECTRONIC DEVICES IN THE LEGISLATIVE ASSEMBLY****The SPEAKER:** As a result of a number of members and Temporary Speakers raising the use of mobile phones with me, I wish to make a statement about their use in the Chamber by members. It has been a longstanding practice of the House that members are permitted to use mobile phones and other devices only in silent mode so that their use does not interfere with proceedings of the House. However, a trend has developed whereby members are speaking on their mobile phones when entering the Chamber or in the area behind the Speaker's chair. I advise members and officers that this is unacceptable behaviour and that any such conversations should be brought to an end well before members enter the Chamber. I also take this opportunity to remind members that tweeting about proceedings, either while the House or its committees are in session, is out of order.**STANDING ORDERS AND PROCEDURE COMMITTEE****Report****The Speaker** tabled report No. 2/55 entitled "Amendments to Standing and Sessional Orders", dated April 2012.**Ordered to be printed.**

**REPRESENTATION OF MINISTER ABSENT DURING QUESTIONS**

**Mr BARRY O'FARRELL:** I advise the House that in the absence of the Treasurer, who is today meeting with the Federal Treasurer in Canberra, the Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services will answer questions on his behalf.

**QUESTION TIME**

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*[Question time commenced at 2.23 p.m.]*

**THE STAR CASINO AND PETER GRIMSHAW**

**Mr JOHN ROBERTSON:** My question is directed to the Premier. Was the Premier so upset and angry at The Star casino for forcing out his long-time friend and close confidant Peter Grimshaw that he wanted to "Smash the Star"?

**Mr BARRY O'FARRELL:** For the benefit of the students from St Joseph's who are in the gallery today, I make it clear that I am not wearing a Riverview tie. I did not have the benefit of going to a great school like Riverview or St Joseph's. The member for Lane Cove did not go to St Joseph's either; unfortunately he went to that other school across the hill called Riverview. So, you might forgive him. I appreciate this question from the Leader of the Opposition, the answer to which is no. I think the action of the Government in office demonstrates that because, despite the fact that the Opposition has been pursuing questions on this issue for two months, it has not unearthed a single fact, a single decision or a single action taken by me or my Government that has been adverse to The Star casino, save one.

**The SPEAKER:** Order! The Leader of the Opposition will come to order.

**Mr BARRY O'FARRELL:** And that one was, as I have said time and again here, that I failed to attend the opening of The Star casino because I was at an event that Mark Scott—

**Mr John Robertson:** Tell us why.

**Mr BARRY O'FARRELL:** I will tell you why. Because three weeks earlier the managing director of the ABC, a small organisation we all have great thoughts for, invited me to the national radio awards, where I got to present an award.

**The SPEAKER:** Order! The Deputy Leader of the Opposition will come to order.

**Mr BARRY O'FARRELL:** I stand by my comments made in the House yesterday. I do not recall any conversation I had with Mr Grimshaw about those matters. As I said, I stand by my record in government.

**The SPEAKER:** Order! I call the member for Keira to order.

**Mr BARRY O'FARRELL:** When we put our minds to it we have shown we can smash people. In the more than 12 months we have been in office we have not taken a single adverse decision about The Star casino. The only decision about The Star casino was one undertaken by the Independent Liquor and Gaming Authority that resulted in the casino's licence being renewed. So much for conspiracies. Despite the fact that the Opposition has asked dozens of questions it cannot point to a single decision taken by me that impacts on the casino, because there is not one. As I said, the only one I have made was in relation to a function that I attended.

**The SPEAKER:** Order! I call the Deputy Leader of the Opposition to order.

**Mr BARRY O'FARRELL:** The Minister for Tourism, Major Events, Hospitality and Racing represented the Government at that opening more than ably. Shortly before question time today I had a telephone conversation with Peter Grimshaw in which he offered his resignation—a resignation I accepted with regret. I should advise the House, as I did last Thursday, that on 20 March the Director General of the Department of Premier and Cabinet gave me a report in relation to Peter Grimshaw. It was a report that was then held up because of advice from the Independent Liquor and Gaming Authority that it wanted to put more information to it. That report into whether the code applicable to ministerial staff had been breached said, in

part, that the breach of the code was unambiguous, material and serious. Members will recall that I also asked the director general to provide me with advice as to what ramifications there would be should a breach of the code be found. The director general said:

In my view the options available are either to terminate Mr Grimshaw's employment or a first and final warning that a further breach will result in termination.

While I am disappointed, I appreciate that Mr Grimshaw has done the right thing. I make the point that the only reason this report was not acted on earlier was advice from the Director General of the Department of Premier and Cabinet, acting after contact from the Independent Liquor and Gaming Authority inquiry that it should be held off until this week's hearings. I make it clear that the action of Mr Grimshaw today and the action of releasing this report provided by the Director General of the Department of Premier and Cabinet should have no bearing on the inquiry currently being held by the Independent Liquor and Gaming Authority. I continue to have the utmost confidence in that inquiry, which is more than those opposite did when time and again in this place they sought to pretend that the Independent Liquor and Gaming Authority inquiry was a whitewash.

### FAMILY ENERGY REBATE

**Mr CHRIS SPENCE:** My question is addressed to the Premier. How is the Government assisting families to pay their electricity bills?

**The SPEAKER:** Order! The member for Fairfield will come to order. The Leader of the Opposition will come to order.

**Mr BARRY O'FARRELL:** I am proud to announce the delivery of yet another election commitment. I am delighted to confirm that the Family Energy Rebate will begin on 1 July to help low-income families pay their power bills. The rebate will start at \$75 this year, rising to \$125 on 1 July next year and to \$150 by 1 July 2014. This rebate will provide real assistance to around 540,000 families across New South Wales. Those who receive the Federal Government's Family Tax Benefit will be eligible to receive this rebate. I appreciate, as do all my colleagues, that cost of living is a key concern to families, particularly those in regions like western Sydney and across New South Wales. Power bills are one of the necessities of life. Many people have done all they can to keep their bills as low as possible, whether by being more diligent about turning off lights or grabbing a rug instead of turning on the heater.

The Family Energy Rebate is recognition that my Government hears families' concerns and is acting to help. The rebate is expected to cost \$76 million over four years. The funds will come from the savings generated by the network merger announced a week ago. Those savings will go towards assisting families across New South Wales. This is all part of the State Government's efforts and plans to keep electricity prices as low as possible. In addition to introducing the Family Energy Rebate, we are increasing the existing Low Income Household Rebate, we have frozen energy company dividends to the levels set by the former Government, we are selling the State's generators and we are opposing Labor's carbon tax, which will see power bills go through the roof. That is why we are forcing energy companies to reveal on power bills after 1 July the costs of Labor's carbon tax. While we are doing everything possible on this side of the House to ease the cost-of-living pressures on families and seniors, those opposite do not seem to care.

Those opposite are backing their Federal Labor colleagues on a carbon tax that will hurt families and small businesses across the State. They oppose the merger of the energy companies to pay for increased family and low-income assistance for power bills. They also did not lift a single finger to ask their Canberra colleagues to stop charging us for access to the Centrelink database to allow the payment of this rebate. Julia Gillard and her Labor colleagues in Canberra are forcing New South Wales taxpayers to cough up \$600,000 to access data that the Federal Government has already. This is an example of blatant politicking by the Federal Labor Government just for the sake of it. When *Nine News* revealed what was happening, did the Leader of the Opposition pick up the phone to Julia Gillard? No. Did he rush out the back to hold a press conference calling on the Federal Government to finally do something to assist New South Wales families? No. I thought he was going to be the hardest working Opposition leader in the State's history.

**The SPEAKER:** Order! The Leader of the Opposition will come to order.

**Mr BARRY O'FARRELL:** Obviously, there is a part of the definition of "hard work" that he has never understood.

### BARANGAROO DEVELOPMENT

**Mr JOHN ROBERTSON:** My question without notice is directed to the Premier. Was the Premier's decision to back James Packer's proposal for a new casino at Barangaroo motivated by a desire to give The Star a wake-up call?

**Mr BARRY O'FARRELL:** The answer is no. I refer the member to a report in the *Sydney Morning Herald* on the Monday after Mr Packer made his comments about a hotel for Barangaroo. I believe Matthew Moore reported my comments on that occasion that certainly an international world-class hotel would add life to Barangaroo. But I said that the proposal would have to go through independent regulatory and planning approvals.

**The SPEAKER:** Order! The member for Canterbury, the member for Maroubra and the Leader of the Opposition will come to order.

**Mr BARRY O'FARRELL:** They do not like it. I am delighted that the *Sydney Morning Herald* reported me accurately for a change. I said that it would have to go through appropriate and independent regulatory and planning approvals before it proceeded. That is precisely what I told James Packer when he came to see me to put the proposal to me.

### HEALTH INFRASTRUCTURE

**Mr JAI ROWELL:** My question is addressed to the Minister for Health, and Minister for Medical Research. How is the Government involving clinicians and their teams to rebuild hospitals and health infrastructure in New South Wales?

**Mrs JILLIAN SKINNER:** I thank the member for Wollondilly for his question and commend him for his interest in hospitals—an interest that is shared by all members on this side of the Chamber. By listening to front-line staff running our hospitals, that is, the doctors, nurses, allied health professionals and all who help them, we are designing and building hospitals that are needed to deliver high-quality health care.

**The SPEAKER:** Order! The member for Macquarie Fields will come to order.

**Mrs JILLIAN SKINNER:** By listening to clinicians we are getting our priorities right. It means that we are delivering more than our promises. We are getting on with the job of delivering health infrastructure that our experienced clinicians know will help them deliver better outcomes. Listening is important. As the shadow Minister for Health I was stunned when I was told by clinicians across the system that they were being ignored by members in the previous Government. They were not listened to about the design of our hospitals. That is why Bathurst hospital ended up with operating theatres too small—

**The SPEAKER:** Order! The member for Macquarie Fields will come to order.

**Mrs JILLIAN SKINNER:** —a resuscitation bay that was not big enough to resuscitate patients and equipment too large for the rooms in which it was to be placed. That is why the first design for Royal North Shore Hospital had to be modified. Doctors protested about theatres that were too small and too few. There was also the nonsense of the helipad being placed on the wrong building. That was addressed only after it was made public. The helipad was planned for a building, access to which required patients to go down in a lift, cross a walkway and take another lift up to the helipad. What nonsense. The helipad now has been moved to an appropriate building.

We listened and now doctors are saying that we are on the road to restructure. Dr Tony Joseph, who joined me today at Royal North Shore Hospital, has long protested about the inadequacies of the former design of the Royal North Shore Hospital. Today I was pleased to be joined by him to announce the tender for the clinical design of the new clinical services block, which has two extra floors and 60 extra beds that I promised as shadow Minister we would deliver. That has been delivered with \$55 million additional funding. Last Friday I visited Westmead hospital with the member for Parramatta to announce the redesign of the emergency department at that hospital. Dr Matthew Vukosevic, who has been the fantastic director of the Westmead Emergency Department for four years—

**Dr Andrew McDonald:** Point of order: The Minister is misleading the House. The doctor's name is—

**The SPEAKER:** Order! That is not a point of order. The member will resume his seat.

**Mrs JILLIAN SKINNER:** This fabulous doctor said, "Thank you Minister for listening. Thank you for coming here four years ago to listen to the plans I had to transform the emergency department at Westmead." We are providing \$5 million to provide a new fast-track zone. In the past 12 months he has been implementing his new designs, which have resulted in a 20 per cent improvement in times for triage three and four, and 50 per cent faster times for patients in the waiting room. In August 2011 I met with the Blacktown medical staff council. Last month I met with the Mount Druitt medical staff council and announced a \$300 million redevelopment—more than double our election promise. I visited Campbelltown, accompanied by the member for Wollondilly, the member for Camden and the member for Campbelltown, to announce a \$139 million redevelopment of Campbelltown hospital—more than triple our election promise.

**The SPEAKER:** Order! I call the member for Macquarie Fields to order.

**Mrs JILLIAN SKINNER:** Last month we released tenders for early works.

**The SPEAKER:** Order! I call the member for Macquarie Fields to order for the second time. The member for Macquarie Fields will cease interjecting.

**Mrs JILLIAN SKINNER:** The member for Dubbo joined me in April 2011 on my first visit to Dubbo hospital. After we heard what the medical staff council and clinicians had to say we upped the ante and provided much more to get priorities right by delivering the hospitals that doctors, nurses and clinicians have said they need to do their jobs. The shadow Minister protests because he did not listen when he was in government. We have listened and we are delivering.

**The SPEAKER:** Order! I have been advised that, despite my statement at the beginning of question time that tweeting was disorderly, members have been tweeting during question time. I will not name the members involved. I do not believe it is the member for Heffron but I request members refrain from tweeting during question time.

#### **MINISTER FOR TOURISM, MAJOR EVENTS, HOSPITALITY AND RACING**

**Mr JOHN ROBERTSON:** My question is to the Premier. Now that the Premier has had time to examine yesterday's Independent Liquor and Gaming Authority inquiry transcript, could he inform the House if it is appropriate that the Minister for Tourism was advised of the detail of alleged sexual harassment at The Star casino in early to mid January and failed to advise the Independent Liquor and Gaming Authority, the Premier or his office?

**Mr BARRY O'FARRELL:** I am sorry to disappoint the Leader of the Opposition. I have not examined the transcript of the Independent Liquor and Gaming Authority, I have been getting on with the business of running Government. I attended a wonderful Anzac Day ceremony down at the Anzac memorial where we heard a magnificent Anzac address from Alexander Polden of Smiths Hill public school, which is in the great city of Wollongong. It was about the rights that people died for and the importance of Anzac Day, which is our most sacred day. I have not examined the transcript of yesterday's Independent Liquor and Gaming Authority inquiry. As I said in answer to an earlier question, I have always had confidence in the Independent Liquor and Gaming Authority, even when those opposite and members of the media suggested it was not independent.

**The SPEAKER:** Order! I call the member for Maroubra to order.

**Mr BARRY O'FARRELL:** I rejected claims by those opposite that what the Independent Liquor and Gaming Authority or the Director General of the Department of Premier and Cabinet were engaging in was a whitewash.

**The SPEAKER:** Order! I call the Leader of the Opposition to order.

**Mr BARRY O'FARRELL:** Having had confidence in the Independent Liquor and Gaming Authority and Ms Gale Furness, who has the powers of a Royal Commissioner, I would assume that if Ms Furness has any concerns about any matters raised in yesterday's evidence she will take that into account as part of her inquiry.

**The SPEAKER:** Order! I call the Leader of the Opposition to order for the second time.

**Mr BARRY O'FARRELL:** Ms Furness will summons witnesses if it is appropriate and if it is not appropriate she will not take action.

**The SPEAKER:** Order! I call the Leader of the Opposition to order for the third time.

**Mr Michael Daley:** Point of order—

**The SPEAKER:** Order! The Premier has completed his answer. The member will resume his seat.

### DISABILITY SERVICES

**Mr BRUCE NOTLEY-SMITH:** My question is to the Minister for Ageing, and Minister for Disability Services. What action has the Government taken to give people with disabilities control over their own lives?

**Mr ANDREW CONSTANCE:** I thank the member for Coogee for his question. It is vitally important and it is time to update the House on the changes happening in disability services today and what those changes mean for people with disabilities. I note that those opposite are interjecting. Those opposite have had 12 months to ask a question of my portfolio, but they have not. Keep it up. On Saturday afternoon I had the real privilege of meeting three young adults with disabilities—

**Mr John Robertson:** Did you see *Media Watch* last night?

**Mr ANDREW CONSTANCE:** No, I did not join the five members of the Labor Party who watched it.

**Ms Linda Burney:** Point of order—

**The SPEAKER:** Order! The Minister will resume his seat and members will remain silent so I can hear the point of order.

**Ms Linda Burney:** My point of order is under Standing Order 129. That is not what the carers will say.

**The SPEAKER:** Order! That is not a point of order. The Minister has the call.

**Mr ANDREW CONSTANCE:** I am only too happy to return to the question because of the seriousness of the issue that the member for Coogee asked about. The O'Farrell Government is transforming lives. Adults with disabilities are in control of their funding and making decision about their own lives without the parameters of a disability system that dictates what services they can have and when. Adults with disabilities are operating in an environment in which they are in control of the services and supports they need. I met three young adults on Saturday afternoon—

**Mr Michael Daley:** Wow.

**The SPEAKER:** Order! I advise Opposition members to be circumspect with their interjections.

**Mr ANDREW CONSTANCE:** Those opposite should grow up. These three young adults, who have been funded through the Department of Ageing, Disability and Home Care, have pooled their funding, rented accommodation and started to learn about life skills and social interaction from each other. For the first time some of these individuals are doing things that many of us take for granted, for example, catching a bus, barbecuing some food, washing their own clothes, living with independence and enjoying social interaction within a community that many of us take for granted. Whilst those opposite see it as trivial, this side of the House does not. This Government is about empowering people through a human rights framework that ensures people are in a position to make choices in their own right.

Last week I saw another example of this. Three families in St Ives have partnered with the Sylvanvale Foundation. They have rented accommodation and for four nights a week those children, some of whom suffer the most difficult disabilities known to human kind, like Sanfilippo syndrome, are in an environment where parents can be part of the caring environment. They then enjoy the opportunity of having their children home for the remaining three nights a week. Vanita Connery is the mother of eight-year-old Jordan who has Sanfilippo

syndrome. She has made it clear that this process, which provides opportunities to regain some control over your life, cannot be underestimated. Instead of saying to families, "This is what you have to have through a program", this Government is enabling the families and children with disabilities to come together, pool resources and talk about what they need.

**The SPEAKER:** Order! I call the member for Macquarie Fields to order for the third time.

**Mr ANDREW CONSTANCE:** If those opposite want to continue to interject and continue to support the institutionalisation of 340 people with disabilities at Rydalmere and Westmead then they are a disgrace. Those opposite should talk to their shadow Minister and the three members opposite who have been Ministers for disability services and have tackled the issues around devolution. Members opposite should be quiet and let me get on with answering the question. The Ryde Area Supported Accommodation for Intellectually Disabled [RASAIID] is an ongoing program delivered by individualised funding. The member for Ryde and the Minister for Family and Community Services, and Minister for Women know only too well about the efforts of 15 families in Ryde who have come together and pooled their individual funding to start building supported accommodation and provide the services their adult children will need to integrate into the community in years ahead. [*Extension of time granted.*]

These families have identified their aspirations and plans, and the aspirations and plans of their adult children. It was pleasing that the O'Farrell Government was able to allocate \$3 million to this project. By working constructively with the Commonwealth I am pleased to inform the House that the organisation was allocated another \$3.7 million today through the Supported Accommodation Innovation Fund. That funding will enable those families to push ahead, without the interference of Government, to build and provide the type of supported accommodation and services they need. That is the exciting thing about what the O'Farrell Government is doing. It is not waiting for deadlines or setting policies that are in the never-never, it is getting on with it now. As part of this change we are continuing to consult broadly with the entire disability sector because we are transforming the whole system. By July 2014 New South Wales will be the leading State when it comes to self-directed supports. We are getting on with transforming lives by giving people opportunities.

We will complete the consultation mid-year. We will then get on with the technical development of the scheme. At the same time we are rolling out another program, called the Supported Living Fund, under which 100 packages will go out. The families and individuals involved are in essence pioneering individualised funding, and the opportunities that exist, by pooling those resources. This is totally portable funding. It is not saying you have to take it or leave it; it is putting people in control. This is where the O'Farrell Government is heading in terms of disability services in New South Wales.

#### **PETER GRIMSHAW RESIGNATION**

**Mr JOHN ROBERTSON:** My question without notice is to the Premier. Will Peter Grimshaw receive a payout based on his resignation today?

**Mr BARRY O'FARRELL:** He will get the usual entitlements, as determined by the Department of Premier and Cabinet, which have not changed between any change of government.

#### **ASSISTED SCHOOL TRAVEL PROGRAM**

**Mr GEOFF PROVEST:** My question is directed to the Minister for Education.

**The SPEAKER:** Order! I remind the Leader of the Opposition that he is already on three calls to order. The member for Tweed has the call.

**Mr GEOFF PROVEST:** How is the Government implementing the Boston report recommendations on the Assisted School Travel Program?

**Mr ADRIAN PICCOLI:** I thank the member for Tweed for his question. Before I answer it, I acknowledge the presence in the gallery of West Wyalong High School students and teachers—proud constituents of the Murrumbidgee electorate. It is great to see them in Parliament House. To the boys from Joeys: I know that quite a few fine young men from the Riverina also attend St Joseph's in Hunter Hill. On 31 January 2012 Dr Ken Boston was commissioned by the Director General of the Department of Premier and

Cabinet to conduct a review on his behalf, inquiring into and reporting on the circumstances by which transportation under the Assisted School Travel program was not available to some eligible students on and from the first day of the 2012 school year.

I apologise unreservedly to all parents and students who were affected at the beginning of this term. The report made a number of recommendations. The New South Wales Government accepted all of those recommendations. Former Deputy Director General of the Department of Premier and Cabinet, Mr Chris Raper, was appointed by the Director General of the Department Education and Communities to drive the implementation of those recommendations. Recommendations 1 and 2 recommended the establishment of a new rates schedule for Assisted School Travel program contractors, and market testing of those rates. Mr Raper consulted with a wide cross-section of operators to discuss their concerns. PricewaterhouseCoopers was engaged to assist in developing rates options, and to market test with groups of operators.

This market testing has taken place to ensure proposed payment rates represent value for money and provide a fair fee for the services provided. The market testing was conducted with six focus groups of randomly selected operators. Focus groups were held in Orange, Liverpool, Ryde and Newcastle, as well as via two telephone conferences. There was a short time frame in which to market test these rates; they need to be in place by term 2. I can advise the House that Cabinet endorsed the new schedule of rates yesterday. I am pleased to announce today that the New South Wales Government will substantially increase total annual funding for the Assisted School Travel program by nearly 57 per cent. The new rates are a significant increase on the previous rates. They firmly establish a 30-kilometre minimum payment for all runs. This minimum payment has been substantially increased.

They establish increases for all vehicle classes. Increases vary from approximately 18 per cent to 36 per cent. In addition to the increases outlined, for all runs where a travel support officer is required, an additional 15 per cent loading will be paid. We are advised, based on the market testing, that these rates are fair and reasonable, and that they take into account the views expressed by operators in focus groups. The department has commenced notifying operators of the new rates today. These new rates will be effective as of 1 May 2012. Once these rates are accepted by operators, they will provide certainty and stability in the daily routine for parents, students, carers and schools. During considerations, it was identified that it would be more appropriate to classify the travel support officers as employees than as contractors.

Therefore, the department is looking at arrangements to offer the travel support officers more certainty and increase their rates of pay. This is the right thing to do for the carers who accompany the children to and from school. During the consultation process operators raised a range of operational issues. These issues have been referred to the department for consideration and appropriate action. The New South Wales Government recognises that this was a significant problem, and we are dealing with it by implementing Dr Boston's recommendations, including by increasing the rates for all operators. Those were the key recommendations of the Boston report, but I would like to take this opportunity to update the House on the progress of implementing other recommendations made by Dr Boston in the report that was handed to the Premier. [*Extension of time granted.*]

The member for Tweed recognises that this Government has responded, as it should have, appropriately to the Boston report. But I update the House on the implementation of other recommendations. Recommendation 3 was about the risk management of the Assisted School Travel program. This is well advanced. A risk management team is assessing and managing the risks associated with the program. Recommendation 4 was about the consideration of disciplinary action against two officers of the department. These officers have been stood down until the disciplinary process under the Public Sector Employment and Management Act is finalised. The investigation is being conducted by the New South Wales Government's Internal Audit Bureau. Recommendation 5 was about customer service. That is well underway. The department has identified a customer service training provider to deliver a program to enhance the customer service and communications skills of staff.

Recommendation 6 was completed by 22 February 2012, when all government school principals had advised the department that the special requirements of children had been clarified and communicated with parents. Recommendation 7 was about the payment functionality of the finance system, the Student Transport Management System. The key changes have been implemented successfully. Recommendation 8 was about ensuring a contingency plan for the payment functionality of the Student Transport Management System. The department has ensured that there is a contingency plan for alternative payment arrangements should there be any issues with the system. Furthermore, I am advised that payments to date have been made in line with

contractual obligations. The O'Farrell-Stoner Government took this matter very seriously. We are in the process of implementing all of those recommendations, which I am very pleased about as they will be able to fully support children when they start the second term. [*Time expired.*]

### STRATEGIC REGIONAL LAND USE PLAN

**Mr RICHARD TORBAY:** My question is to the Minister for Resources and Energy. Will the Minister publish details, commit to community consultation and also highlight any conflicts with the Strategic Land Use Plan regarding the application for a petroleum special prospecting authority in the Northern Tablelands?

**Mr CHRIS HARTCHER:** In thanking the member for Northern Tablelands for his question, I point out that there are some big issues in this State. The Premier has already answered a question about electricity prices and their impact on the people of this State—but there was not one question from the Opposition. Coal seam gas is a big issue in New South Wales—but not a question came from the Opposition. Uranium exploration is a big issue in New South Wales—not one question from the Opposition. One wonders what are the priorities of this State. We can be grateful that we have a crossbench—other than the member for Balmain—that takes an interest in the major issues facing New South Wales. He is too busy tweeting. If you check, he is tweeting right now.

In response to the question asked by the member for Northern Tablelands, I point out that we are absolutely committed to consulting with communities on mining activities. We are currently undertaking extensive consultation as part of the Strategic Regional Land Use Plan. The Minister for Planning and the Minister for Western New South Wales have attended meetings at Moree and Gunnedah. I and the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts, and the Minister for Planning will be attending a major meeting at Singleton. I am also attending, with the Minister for Community Services, meetings in the Southern Highlands. We are prepared to meet and discuss the implications of our Strategic Regional Land Use Plan right across New South Wales. We have had town hall meetings and community information sessions where local communities have the opportunity to have their say.

I acknowledge the interest the member for Northern Tablelands has taken in this issue. Not a word has been spoken by members opposite about this major policy. They have not asked one question. Applicants are required to advertise their application and they will be open for public comment. Any authority granted will include a community consultation condition. An authority provides the exclusive right to conduct speculative surveys or desktop investigations for a period of 12 months. These types of authorities are used for low-impact exploration purposes; drilling cannot take place under this authority. This type of low-impact work does not conflict with the draft Strategic Regional Land Use Plan, which recommends the gateway process for mining and petroleum production proposals. In relation to the status of the proposal the member for Northern Tablelands refers to, I can advise the House that the New South Wales Aboriginal Land Council has lodged an application.

That application is being assessed, but no determination has been made. Any authority would be subject to the Government's draft code of practice, which ensures strong standards are set out for industry during exploration. The Government expects industry to comply fully with best practice. It is a clear statement on an application lodged by a land council. How wonderful that the Minister for Aboriginal Affairs takes an interest in Aboriginal land councils now lodging these types of applications for development and investment in New South Wales. I cannot prejudge the application, but the land council is to be congratulated on the interest it has shown. On the subject of coal seam gas, I draw to the attention of the House something the member for Blacktown would like everybody to know. In correspondence to his constituents the member for Blacktown wrote that "Blacktown is under threat from coal seam gas mining". The member for Blacktown further stated to his constituents:

Blacktown currently has coal seam gas licences in place in Eastern Creek and at Schofields.

One was issued by Ian Macdonald and the other was renewed by both Eddie Obeid and Ian Macdonald.

### PUBLIC TRANSPORT SECURITY

**Ms GABRIELLE UPTON:** My question is directed to the Minister for Transport. How is the Government acting to make the public transport network safer for commuters?

**Ms GLADYS BEREJIKLIAN:** I thank the member for this excellent question. I am pleased to remind the House that on 14 February this year the Premier, the Minister for Police and Emergency Services and I announced that the NSW Police Force would take over security across the entire public transport network under a new dedicated Police Transport Command. That means that 610 dedicated police officers will patrol trains, buses and ferries. More police on trains and buses with a more visible presence will serve as a deterrent against crime. This will increase the safety of customers across our public transport network, and it is a very welcome move. I am pleased to say that police are already taking the lead when it comes to safety on our public transport network.

Between 7.00 a.m. on Friday 30 March and 3.00 a.m. on Saturday 31 March, New South Wales police held a joint operation with RailCorp and the State Transit Authority targeting crime and antisocial behaviour across the public transport network. The operation had some very astounding results. I am pleased to report that Operation Merge, as it was called, resulted in the arrest of 37 people, with 26 charges being laid. Police also issued 198 transport infringement notices. Operation Merge also involved officers from the Dog Squad as well as police officers who are in transition to the new Police Transport Command. They were great results. RailCorp transit officers and State Transit Authority officers were deployed throughout the transport network to complement police and help deal with fare evasion and other infringements.

The areas covered during the operation included train stations at Central, Lidcombe, Strathfield, Parramatta, Blacktown, Granville, Liverpool, Campbelltown, Miranda and Newcastle. In addition to train stations, bus stops were also targeted, particularly in Dee Why, Narrabeen and Central railway station. Police and drug detection dogs conducted 201 searches and identified 31 people allegedly in possession of illicit drugs. One person was also found carrying a knife. Officers confiscated 40 bottles and cans of alcohol from commuters. Violence and antisocial behaviour on our public transport network is unacceptable. The Police Transport Command will tackle these problems and protect commuters.

We are making sure that offenders will be brought to justice, and the new Police Transport Command will be patrolling regularly to prevent violence where it can. I congratulate the police and the teams from RailCorp and the State Transit Authority on this very successful blitz. Unfortunately, those opposite seem to be confused: some of them do not want the police patrolling public transport. The Leader of the Opposition welcomed the announcement of the Police Transport Command, as he should, because it is good policy. But well may we ask why he did not do it when he was the Minister for Transport. Unfortunately, notwithstanding the Leader of the Opposition's begrudging support, some members on his side of the House still want to play politics with public safety.

Some Labor members are trying to score cheap political points by not backing police in their efforts to do their job. That is shameful. I refer to the shadow Transport Minister in the other place, who said that the new arrangement "does not equal a better outcome". How can more police not be a better outcome? I turn my attention to the member for Fairfield, who told the *Fairfield City Champion* that police patrolling public transport would mean "passengers' safety would be at risk". Let us get this straight: The member for Fairfield thinks that more police on our public transport network puts passengers at risk. He was ably supported by the member for Cabramatta, who told the same newspaper that "the safety of commuters would be compromised" by having police on the public transport network. [*Extension of time granted.*]

The member for Wollongong said having more police on trains, buses and ferries "undervalues the role of the police". Those opposite clearly do not understand that police are there to protect the public no matter where they are. Most members on the opposite side of the House do not want police on our public transport network; however, one of them was supportive of this even before we announced it. The member for Keira told Parliament last year:

If we are to reduce crime in our community we need a robust, well-resourced and well-trained commuter crime unit centred on the Police Force.

That is exactly what we have done. His Labor colleagues should take heed of that comment. The member for Keira may not have covered himself in glory while he was the deputy director of transport or when he was chief of staff to one of my predecessors, but he was on the money on this issue. I am pleased to inform the House that joint operations will continue to act as a deterrent to anyone thinking of misbehaving or conducting criminal activities on our public transport network. As I stated at the outset, this announcement and the subsequent blitzes have been warmly received by the community, the travelling public and by the Police Association. At the time

we made the announcement the Police Association said that police officers are better trained and better equipped to deal with crime on the public transport network. That is why members opposite need to get on board this excellent public transport initiative.

**Question time concluded at 3.11 p.m.**

## **DEATH OF JAMES OSWALD "JIMMY" LITTLE, AO**

### **Ministerial Statement**

**Mr BARRY O'FARRELL** (Ku-ring-gai—Premier, and Minister for Western Sydney) [3.12 p.m.]: I wish to make a ministerial statement in respect of James Oswald "Jimmy" Little, AO. I pay tribute to musician, songwriter and singer Jimmy Little who passed away yesterday after a long illness. Jimmy was a legend of the music industry and I extend my condolences to his family and to all those who were close to him. Jimmy was an extraordinary Aboriginal Australian who made a significant contribution. His best known song was *Royal Telephone*, released in 1963. As I quipped yesterday, he will no longer need that to make those calls, or at least they will now be local calls.

Jimmy started his music career in 1956. In 1959 he signed with Festival Records, which the member for Mount Druitt will remember. He stayed with that record company, which became Festival Mushroom, for the remainder of his life. *Royal Telephone* peaked at number one, as the Minister for Sport and Recreation knows well. It was a triple gold record that sold 75,000 copies. Jimmy's other notable singles included *One Road*, which was written by someone called Barry Gibb of Bee Gees fame, *Danny Boy* and *Baby Blue*.

Jimmy Little's musical talents were recognised by his peers. He was inducted into Tamworth's Country Music Roll of Renown, awarded an Australian Record Industry Association [ARIA] award in 2004 for his album *Messenger* and was inducted into that association's hall of fame in the same year. Jimmy Little was the first Indigenous Australian to receive mainstream success in the music industry. That speaks volumes about how far this country has come over the past 50 years. In 2010 he was awarded the Australasian Performing Rights Association [APRA] Ted Albert Award for outstanding service to Australian music.

Jimmy Little made a number of contributions more widely across the community. In 2004 he was made an Officer of the Order of Australia for his services to the entertainment industry as a singer, recording artist and songwriter and to the community through reconciliation and as an ambassador for Indigenous culture. In 2002 he was also appointed by the former Federal Minister for Education, Science and Training, Dr Brendan Nelson, as the Federal Government's ambassador for literacy and numeracy. The Minister for Education and the Minister for Aboriginal Affairs know that is an ongoing issue for Indigenous communities across New South Wales and the whole of Australia. In 2004 Jimmy Little not surprisingly was voted and named a national living treasure by the National Trust. In 2006 the Jimmy Little Foundation was established to facilitate nutritional education and to advocate for better health services for Indigenous Australians and their communities. Mr Little was a patron of the Indigenous Doctors Association of Australia and worked with the Fred Hollows Foundation and Kidney Health Australia.

As I said yesterday, I last saw Jimmy Little last year at the Country Music Awards with the now member for Tamworth. Rosemary and I were privileged to sit beside his wife. Unfortunately, Jimmy, who was to accept the lifetime achievement award that evening, could not attend because he had taken ill after his first concert in Tamworth during the festival. But along with the Governor, Sir Nicholas Shehadie and Dr Michael Spence, the vice-chancellor of the University of Sydney, during last year's Sydney Festival—always an issue for the Leader of the Opposition—I had the privilege of being in the quadrangle of the University of Sydney and watching a wonderful movie with a soundtrack that was in part provided by Jimmy Little playing live at that wonderful occasion. I say again that I wish his family, all of his friends, and indeed the entire community of this proud Indigenous Australian great condolences on the loss of a fantastic man.

**Ms LINDA BURNEY** (Canterbury) [3.15 p.m.]: On behalf of the Opposition I join with the Premier in recognising the life of Jimmy Little, or James Oswald Little. First I recognise country and the people of the Yorta Yorta nation on the Murray River near Barmah. Jimmy Little was born and grew up on Cummeragunja Mission. Of course Cummeragunja Mission holds a special place in the Australian story. In 1939 Jack Patten, the great Aboriginal leader, was arrested and removed from that mission for trying to address the local people. As a result of that 200 residents of Cummeragunja did something that had never happened in this country: they walked off over the river into Victoria as a protest against their living conditions. That was in 1939 and Jimmy Little was born in 1937, so he would have been a toddler at the time.

Jimmy was from an era when he and other Indigenous people had every reason to be angry, hurt and completely unable to operate in society because of the way they had been treated by the Aboriginal Protection Board. But, like so many people of that era, he was not at all like that; he was generous, kind and, as the *Australian* rightly said today, he was a gentleman. So many Aboriginal people from that era somehow have come out well at the other end. I see many members nodding in agreement. Of course, culturally I should refer to Jimmy Little as uncle. I know his daughter, Frances Peters Little, very well. He is also the grandfather of James Henry, whom he adored.

I remember running into them many years ago at the supermarket in Newtown. I think they were buying school pencils. It was easy to see the love that Jimmy had for his grandson. I will not go through all of his awards; the Premier has done that sensitively and thoroughly. I will say that this House is robust sometimes but there are other times when we come together to recognise the contributions of great Australians. That is one of the good things we do here. Jimmy Little was a great man of first nations, of the Yorta Yorta people, but he was also a great Australian. That combination of course is so important.

In 2004 Jimmy Little was diagnosed with kidney failure. In 2006 he received a kidney transplant, and that was also when his foundation was launched. I know his foundation well. It advocates healthy living and educates people about what leads to long life. It is generous and ironic that this foundation is a legacy of Jimmy Little. He was married for 55 years to Marjorie, who died a little over a year ago. It is so often the situation that when people have spent a lifetime together we see them joining each other quite quickly. I note that Jimmy Little joined up with many musical greats of Australia. He broke down so many barriers for young Aboriginal people and he was a great role model to all of us.

The song, *Royal Telephone*, was released in 1963, but I guarantee that most of the slightly older members in this Chamber could sing the words. I think about some of those wonderful songs he sang, *Danny Boy* and *El Paso*, which we all know well, but it was really wonderful to be at the Opera House when he received two awards at the Deadlys, for Best Male Artist of the Year and Best Single Release of the Year, and also wonderful when he won the Australian Recording Industry Association [ARIA] award for the Best Adult Contemporary Album for *Messenger*. I remember the speech he made at the Opera House and the standing ovation he received. The Premier has listed his many achievements throughout his life, so I will conclude by saying we all know the words to his songs, and the song, *Royal Telephone*, began:

*Telephone to glory  
Oh, what joy divine ...*

But the next line was:

*I can feel the current moving on the line ...*

The current of Uncle Jimmy Little and his legacy will move down the line for a long time.

## PETITIONS

**The Clerk announced that the following petitions signed by fewer than 500 persons were lodged for presentation:**

### **Armidale Rural Referral Hospital Upgrade**

Petition requesting support for funding for the major upgrade of Armidale Rural Referral Hospital, received from **Mr Richard Torbay**.

### **Walsh Bay Precinct Public Transport**

Petition requesting improved bus services for the Walsh Bay precinct, and ferry services for the new wharf at pier 2/3, received from **Ms Clover Moore**.

### **Pets on Public Transport**

Petition requesting that pets be allowed on public transport, received from **Ms Clover Moore**.

### **Container Deposit Levy**

Petition requesting the Government introduce a container deposit levy to reduce litter and increase recycling rates of drink containers, received from **Ms Clover Moore**.

### **Pet Shops**

Petition opposing the sale of animals in pet shops, received from **Ms Clover Moore**.

### **Animals Performing in Circuses**

Petition requesting a ban on exotic animals performing in circuses, received from **Ms Clover Moore**.

**The Clerk announced that the following petition signed by more than 500 persons was lodged for presentation:**

### **Neonatal Pup Tail Banding**

Petition requesting the repeal of the 2007 amendment to the Prevention of Cruelty to Animals Act and the introduction of legislation similar to the New Zealand model to allow veterinarians to legally perform the procedure of banding tails of neonatal pups by ligature, received from **Mr Troy Grant**.

## **BUSINESS OF THE HOUSE**

### **Suspension of Standing and Sessional Orders: Motion of Censure**

**Mr BRAD HAZZARD** (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.21 p.m.]: I move:

That standing and sessional orders be suspended to:

- (1) Permit the consideration forthwith of the motion of censure of the Premier, and Minister for Western Sydney, notice of which was given this day.
- (2) Provide for the following time limits to apply to the debate:
  - (a) Mover—5 minutes;
  - (b) Premier—5 minutes;
  - (c) Two other members—5 minutes each; and
  - (d) Mover in reply—5 minutes.
- (3) Permit the determination and consideration of the motion accorded priority prior to the commencement of government business.

**The SPEAKER:** The question is: That the motion moved by the Leader of the House be agreed to. All those in favour say "Aye", to the contrary, "No."

**Mr John Robertson:** No.

**Mr Andrew Stoner:** You brought it on, you dill.

**Mr MICHAEL DALEY:** Madam Speaker—

**The SPEAKER:** The member for Maroubra should have drawn my attention earlier to wanting the call. He did not do so, but he may have the call.

**Mr John Barilaro:** Are you withdrawing?

**Mr Andrew Stoner:** Aren't you ready? Withdraw the motion.

**Mr MICHAEL DALEY** (Maroubra) [3.22 p.m.]: We are ready.

**The SPEAKER:** Order! The member for Maroubra has the call and is entitled to speak for five minutes.

**Mr MICHAEL DALEY:** What is obvious is that once again the Government is trying to duck and hide from this issue.

**Mr Barry O'Farrell:** We want to debate.

**Mr MICHAEL DALEY:** If the Government wants to put on a debate why not stick to the original times for speeches?

**The SPEAKER:** Order! Government members will come to order.

**Mr MICHAEL DALEY:** The Premier is hereby telling us, the media, all of his backbenchers who are wondering how he got himself into this predicament, and all the people who were reading the newspapers this morning or were watching the news last night that he wants to restrict the Leader of the Opposition to speaking for five minutes on a motion of censure. There is no more important matter that can be brought before the House than the censure of the Premier. The Opposition is ready to go. We want to know why the Government wants to truncate speaking times from ten minutes to five minutes. This is a disgrace.

**The SPEAKER:** Order! Government members will come to order.

**Mr MICHAEL DALEY:** From the day the Premier was elected, we have seen that he will not come clean with the people of New South Wales and the Parliament until he is caught with his hand in the cookie jar. I thank the Opposition Whip for his assistance by showing me that, under the standing orders, a mover of a motion for censure is allocated 15 minutes and the member named is allocated 15 minutes. But the Leader of the House wishes to truncate speaking times to five minutes. Speaking time is to be cut by two-thirds. That is how importantly the Premier regards scrutiny in Parliament. The Premier was elected, as he said, on restoring parliamentary standards. This is a Premier who was going to restore transparency and honesty in government.

**The SPEAKER:** Order! There are too many interjections and too much conversation in the Chamber.

**Mr MICHAEL DALEY:** Yet on the first occasion on which he faces a censure motion in this place his response is not to take the criticism of the Leader of the Opposition for 15 minutes but to truncate the speech to five minutes. The Premier is reducing the importance of this matter that goes to the very heart of the honesty of the Premier. Debate on the motion of censure has been reduced to the same level of significance as a private member's statement.

When we congratulate someone from the local parents and citizens association our speeches are allocated five minutes, but when the Leader of the Opposition—on the back of media reports that led all the nightly news bulletins last night and against the backdrop of this issue being the leading story of every major newspaper in the State—wants to censure the Premier and ask questions about the most serious matter that goes to the heart of government in this State, which is the honesty and integrity of the man who leads the Government, the Premier ducks, hides, runs and squibs it by reducing the speech by the Leader of the Opposition to five minutes. A couple of weeks ago the Premier wanted to hide and shield and squib it for the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts, who has been very silent on this issue. What is the Premier doing today? He is asking his 68 colleagues to vote for truncation of debate on the motion of censure so that the numbers in this place can be used to shield him from this motion of censure.

**The SPEAKER:** Order! The member for Hawkesbury and the member for Newcastle will come to order. The member for Wyong and the member for Monaro will come to order.

**Mr MICHAEL DALEY:** At best, this whole episode is about an appalling lack of judgement by the Premier, who has refused to accept responsibility until today, when, with the tabling of the reports, he has been caught red-handed. He walks into this Chamber flying the white flag and saying that he does not want to stand in front of the Leader of the Opposition for 15 minutes and hear what he has to say. It is as though the Premier of New South Wales, who is submerged in a quagmire of his own making, is not prepared to stand in this Chamber for 15 minutes and take the heat. Barry, you can talk the talk, but you cannot walk the walk. That is your problem. Yesterday two versions of a story were told: One was told down the road, under oath, and the other one was told in this House, under privilege. One was designed to elicit the truth; the other one was designed to protect the speaker. The mechanism the Premier is using today to protect himself is to vote the Leader of the Opposition into a truncated debate. Barry O'Farrell, you are a coward. [*Time expired.*]

**The SPEAKER:** Order! Government members will come to order. The behaviour of Government members is unacceptable.

**Mr BRAD HAZZARD** (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.28 p.m.], in reply: The simple situation is that the Opposition has given notice of an intention to move a motion of censure. The Government, at the earliest possible convenience, has allowed the Opposition to debate the motion.

**Mr John Robertson:** We are not arguing about the timing. What about the times for speeches?

**Mr BRAD HAZZARD:** The Leader of the Opposition voted no. He does not want to bring on the motion. That is what he indicated. At the first available opportunity the Government has done the right thing and allowed the motion for censure to come on and to be debated.

**Mr John Robertson:** I am ready to go.

**Mr BRAD HAZZARD:** We are very keen.

**The SPEAKER:** Order! Members will come to order.

**Mr BRAD HAZZARD:** We are very keen to hear the words of wisdom from the Leader of the Opposition. Up until today the Leader of the Opposition has asked 37 questions with five-minute answers, which makes three hours of absolute—

**Mr Tim Owen:** Rubbish.

**Mr BRAD HAZZARD:** This has been debated for three hours already, and there is not one iota of information that indicates that the Leader of the Opposition has one ounce of credibility. He should remember what Paul Keating said about him.

**The SPEAKER: Order!** I remind the Leader of the Opposition that he is already on three calls to order.

**Mr BRAD HAZZARD:** He is digging the hole. We will have the debate. The Leader of the Opposition demanded the motion of censure be debated urgently and he got it. It is happening, here and now.

**Question—That the motion be agreed to—put.**

**The House divided.**

**Ayes, 66**

Mr Anderson	Mr George	Mr Roberts
Mr Annesley	Ms Gibbons	Mr Rohan
Mr Aplin	Ms Goward	Mr Rowell
Mr Ayres	Mr Grant	Mrs Sage
Mr Barilaro	Mr Gulaptis	Mr Sidoti
Mr Bassett	Mr Hartcher	Mrs Skinner
Mr Baumann	Mr Hazzard	Mr Smith
Ms Berejikian	Ms Hodgkinson	Mr Souris
Mr Bromhead	Mr Holstein	Mr Speakman
Mr Brookes	Mr Humphries	Mr Spence
Mr Casuscelli	Mr Issa	Mr Stokes
Mr Conolly	Mr Kean	Mr Stoner
Mr Constance	Dr Lee	Mr Toole
Mr Cornwell	Mr Notley-Smith	Ms Upton
Mr Coure	Mr O'Dea	Mr Ward
Mrs Davies	Mr O'Farrell	Mr Webber
Mr Dominello	Mr Owen	Mr R. C. Williams
Mr Doyle	Mr Page	Mrs Williams
Mr Elliott	Ms Parker	
Mr Evans	Mr Patterson	
Mr Flowers	Mr Perrottet	<i>Tellers,</i>
Mr Fraser	Mr Piccoli	Mr Maguire
Mr Gee	Mr Provest	Mr J. D. Williams

**Noes, 22**

Mr Barr	Mr Lynch	Mr Robertson
Ms Burney	Dr McDonald	Mr Torbay
Ms Burton	Ms Mihailuk	Ms Watson
Mr Daley	Ms Moore	Mr Zangari
Mr Furolo	Mr Parker	
Ms Hornery	Mrs Perry	<i>Tellers,</i>
Ms Keneally	Mr Piper	Mr Amery
Mr Lalich	Mr Rees	Mr Park

**Question resolved in the affirmative.**

**Motion agreed to.**

**PREMIER, AND MINISTER FOR WESTERN SYDNEY****Motion of Censure**

**Mr JOHN ROBERTSON** (Blacktown—Leader of the Opposition) [3.37 p.m.]: I move:

That this House censures the Premier, and Minister for Western Sydney, for misleading the Parliament and the people of New South Wales about his knowledge of, and involvement in, The Star casino affair.

Monday 2 April 2012 will go down in history as the day The Star casino affair blew up in the Premier's face. Several bombs went off yesterday across town at the Furness inquiry but, as usual, it is always the bodyguard who takes the fall. The Premier has accepted Peter Grimshaw's resignation today in a desperate bid to save himself. The Premier misled the House yesterday and, if our Westminster system of government means anything, that represents a hanging offence. I refer to the question asked of the Premier by the member for Toongabbie:

Peter Grimshaw told The Star casino inquiry today that prior to the date of any alleged sexual harassment he had formed the view that he did not like Sid Vaikunta and did not think he was the right person to run The Star. Will the Premier tell the House whether Mr Grimshaw discussed those views with him prior to December 2011?

The Premier replied, "No." Yet across town explosive text messages from Mr Grimshaw were being released that prove the Premier misled the House. A text message from Mr Grimshaw on 21 August 2010 stated:

I just told Barry what a dick Sid is ... he said we might all have to give Star a wake-up call when I leave.

A further text from Peter Grimshaw on 8 November 2010 stated:

Barry just texted me. He is at the Leonard Cohen concert. Not even sure why he texted ... just asked me if I was out yet. I think they are going to smash Star.

With these words the Premier's defence was blown out of the water. Let us be clear, the Premier misled Parliament about the conversations he had had with his communications director, Peter Grimshaw, relating to the casino. The Premier has known of Mr Grimshaw's personal vendetta against The Star since 2010 but did not put any measures in place to stop the resources of the office of the Premier and the public purse being exploited to conduct this campaign. For months, Peter Grimshaw abused his position at the apex of the Premier's office to pursue a personal vendetta against The Star casino—his former employer with whom he parted on bad terms and whose managing director he often referred to as "Sid Vicious" or "Mr Nasty". Mr Grimshaw even admitted to Gail Furness, SC, at the Independent Liquor and Gaming Authority inquiry in March 2011 that he was in a position to run a scorched-earth media campaign against the casino—all he had to do was pull the trigger.

If that had been the extent of the matter, we might shrug our shoulders and say, "Staffers are staffers", but we know today that it was not a solo frolic. Barry O'Farrell was in it up to his neck from the beginning. Yesterday's evidence is crystal clear on this point. It was Barry O'Farrell who colluded with Mr Grimshaw in his personal vendetta to smash The Star from at least the middle of 2010. Barry O'Farrell enthusiastically rode roughshod in the passenger's seat. It was Barry O'Farrell who showed a stunning lack of judgement in hitching his wagon and the prestige and resources of the premiership to that of a bitter man nursing a grudge. We know

this because Peter Grimshaw boasted about it to his partner. This scandal might have started small, but its tentacles now envelope the O'Farrell Government and the Premier. After two days of hearings a murky picture is coming into focus of the Premier, his communications director, the Minister for Tourism, Major Events, Hospitality and Racing, and his intimate adviser—Barry, Peter, George and Norm—riding over the horizon like the four horsemen of the Apocalypse, all bent on slaying Sid Vaikunta and bringing down the casino.

To outward appearances, Mr O'Farrell was a man living the high life, basking in the trappings of office, but behind that facade he was on a mission to smash the casino, always with an ear to the ground for gossip and texting more furiously than Shane Warne. The Premier treated this matter like a joke. It was only yesterday when the Premier was exposed for misleading the House that the cosy conspiracy was blown wide open. If the Premier still maintains that he has nothing to hide, he will come clean. I challenge him to the following: first, release all documentation and records of conversations, emails and texts between him, Mr Grimshaw, Mr Lipson and Mr Souris regarding The Star casino. [*Time expired.*]

**Mr MICHAEL DALEY** (Maroubra) [3.41 p.m.]: I move:

That the member for Blacktown be further heard.

**Question put.**

**The House divided.**

**Ayes, 22**

Mr Barr	Mr Lynch	Mr Robertson
Ms Burney	Dr McDonald	Mr Torbay
Ms Burton	Ms Mihailuk	Ms Watson
Mr Daley	Ms Moore	Mr Zangari
Mr Furolo	Mr Parker	
Ms Hornery	Mrs Perry	<i>Tellers,</i>
Ms Keneally	Mr Piper	Mr Amery
Mr Lalich	Mr Rees	Mr Park

**Noes, 65**

Mr Anderson	Mr Gee	Mr Provest
Mr Annesley	Ms Gibbons	Mr Roberts
Mr Aplin	Ms Goward	Mr Rohan
Mr Ayres	Mr Grant	Mr Rowell
Mr Barilaro	Mr Gulaptis	Mrs Sage
Mr Bassett	Mr Hartcher	Mr Sidoti
Mr Baumann	Mr Hazzard	Mrs Skinner
Ms Berejiklian	Ms Hodgkinson	Mr Smith
Mr Bromhead	Mr Holstein	Mr Souris
Mr Brookes	Mr Humphries	Mr Speakman
Mr Casuscelli	Mr Issa	Mr Spence
Mr Conolly	Mr Kean	Mr Stokes
Mr Constance	Dr Lee	Mr Stoner
Mr Cornwell	Mr Notley-Smith	Mr Toole
Mr Coure	Mr O'Dea	Ms Upton
Mrs Davies	Mr O'Farrell	Mr Ward
Mr Dominello	Mr Owen	Mr Webber
Mr Doyle	Mr Page	Mr R. C. Williams
Mr Elliott	Ms Parker	Mrs Williams
Mr Evans	Mr Patterson	<i>Tellers,</i>
Mr Flowers	Mr Perrottet	Mr Maguire
Mr Fraser	Mr Piccoli	Mr J. D. Williams

**Question resolved in the negative.**

**Motion negatived.**

**Mr BARRY O'FARRELL** (Ku-ring-gai—Premier, and Minister for Western Sydney) [3.50 p.m.]: Since Parliament resumed in February just about every question time in this place has been preoccupied by the so-called "Star matter". I say "matter" because if you inquire of those opposite they cannot tell you what it is about. They could not tell the press gallery what it was about when they referred the matter to the Independent Commission Against Corruption within days of the news breaking. The Independent Commission Against Corruption referral was rejected. Has the Minister for Ageing, and Minister for Disability Services been asked this week about his portfolio? Has the Government been asked about Staysafe, roads or transport?

**Government members:** No!

**Mr BARRY O'FARRELL:** Those opposite continue to preoccupy themselves in this place. They had asked 37 questions on the matter until the start of question time today and there were another four or five questions today. What facts or development have they shown initiated by me in government to substantiate their so-called conspiracy? Not a single fact. The member for Maroubra ought to be careful because at least his colleagues have been in the House every week since Parliament resumed, plodding away on this course of action without getting anything—but they did not take the Commonwealth Parliamentary Association junket and go overseas while the House was sitting. Not a single fact has been uncovered that would, for instance, substantiate any claim that the Government was going to smash The Star or that there was dissatisfaction with Sid Vaikunta. I say again: Sid Vaikunta was employed by Echo Entertainment and The Star. Sid Vaikunta was sacked by Echo Entertainment and The Star for what is now clear was an internal investigation relating to sexual harassment. It was an action taken by the Echo Entertainment Group and The Star, not an action taken by the Government.

**Ms Linda Burney:** This is about you misleading Parliament.

**Mr BARRY O'FARRELL:** I will get to that. Over the past 12 months the only substantive matter that has come before the Government that was not before the Government is the section 31 inquiry conducted by the Independent Liquor and Gaming Authority into the renewal of The Star's licence. That inquiry was last November. One of the reasons I have problems accepting facts from the Leader of the Opposition is he just told the House the inquiry was in March 2011. That is clearly untrue and goes to his veracity and his ability to tell the truth. That independent report, by the same person who is conducting the current inquiry, recommended that the casino's licence be renewed. Where is the so-called vendetta by the Government against The Star? Where is any action taken by me or my Government that has been adverse to The Star over the past 12 months? There is none. Zip. Not a single instance was put forward in 41 questions from those opposite over the past two months.

I stand by the comments I made in the House yesterday. I do not recall and I do not believe I had any conversation in 2010 in relation to either Mr Vaikunta or in relation to "smashing" The Star. I make the point that the quote was not a quote of mine. It is not a word I use. But I have smashed the odd star in my time—I will leave the member for Heffron out of this. If I had a vendetta and if I had said that presumably there would be some action to demonstrate it. So despite dozens of questions on two issues there is not a single decision the Opposition can point to that I have taken that adversely impacts on the casino. That is because there is not one.

As I have said on many occasions, the only decision I made was in relation to whether or not I went to the opening. I did not go. The Minister for Tourism, Major Events, Hospitality and Racing went, and I went to the ABC national local radio awards. Peter Grimshaw worked for me from January of last year. He was my communications director; he was not the policy adviser on casino matters. I never had a policy discussion with him about the casino, and there is nothing those opposite can point to. Despite their scepticism and trying to claim it was a whitewash, the Government is happy with the Independent Liquor and Gaming Authority inquiry. We have confidence in Gale Furness. If there are any other matters for her to address she will do so, and it will be in her report at the end of the month.

**Mr NATHAN REES** (Toongabbie) [3.55 p.m.]: It is clear that this censure motion needs to be supported. It is a sweet irony that the first bill the Premier spoke to upon taking over the government of New South Wales was the Lobbying of Government Officials Bill 2011. He said we have to have:

... honest, accountable government in New South Wales again ... We are determined that people understand that decisions are made on the basis of public interest.

Less than a year on, and we have a tawdry and arrogant Government and a Premier that has tolerated lobbying of Government by senior officials from within the Government's own ranks. The Premier's director of communications has run a vendetta-fuelled campaign against The Star from within the Premier's office. The

Premier has repeatedly denied knowledge of his activities or that his actions were inappropriate. Instead, we have this paper-thin defence and this confected insouciance from a Premier who is involved in this vindictive campaign up to his neck. His director of communications was actively working against The Star with the intention of damaging it—paid for by the taxpayer—and with the agreement of the Premier to "smash The Star." In March 2011 the director of communications wrote to the investigative authority asking to give testimony—testimony that he sought to support with documents he had covertly removed from The Star, the Barrington report, and stored in a secret location.

Late last year he planned media leaks against The Star—so-called teasers—which he has conceded occurred. This was not merely happening under the nose of the Premier; he was intimately involved in this conspiracy to smash The Star. The Premier and his communications chief worked hand in hand, in a vindictive conspiracy to undermine a legitimate business in New South Wales. I remind the House that this lobbyist was being paid by the taxpayers of New South Wales as the details of this sordid affair were dribbled out through the media, resulting in this fiasco that we have been witnessing over recent weeks that goes to the heart of probity in this State. Testimony was given yesterday under two circumstances: under oath by Mr Grimshaw and under privilege by the Premier of New South Wales.

They cannot both be telling the truth. This Premier has no mandate to deceive the Parliament of New South Wales or the people of New South Wales. The misleading of Parliament is a serious transgression of longstanding Westminster principles of accountability. We all recall the Premier's contract with the people in the run-up to the election. That is now revealed as bogus. He talked about transparency and accountability. Instead, what we have is Government tolerance of mendacity, shady practice and stonewalling that disrespects the people of New South Wales in a staggering fashion. On top of that, this Premier needs to be censured because he has tolerated a Minister who, despite all the serious allegations around The Star—including sexual harassment, loansharking, money laundering and dodgy lines of credit—has refused to act.

**Mr Brad Hazzard:** Point of order: I ask that you direct the member to return to the leave of the motion, which quite clearly contains an assertion about the Premier's knowledge of and involvement in the matter that is the subject of the motion. To this moment not one iota of evidence has been put forward by the member—more assertions, but no evidence.

**Mr NATHAN REES:** I refer the Minister to the section 31 report prepared by Gail Furness—which clearly outlined instances of loansharking, of money laundering and of suspected illicit drug use—that the Premier and/or his Minister should be reading.

**Mr Brad Hazzard:** Point of order: The member is now making wild, insane insertions, all of which he alleges to be within the leave of a motion that seeks to censure the Premier. If he is not asserting that the Premier had knowledge of these matters, he should not say what he has been saying. And if he does so assert, he should give evidence of it.

**Mr NATHAN REES:** Read the report, Brad. I am indeed asserting that the Premier had knowledge of it, because it was in the public domain.

**Mr Brad Hazzard:** Then give some evidence.

**Mr NATHAN REES:** I have done that—section 31. The Casino Control Act says that the Minister may give directions and furnish guidelines to the authority as to how the authority is to exercise any of its functions, but only if the Minister is of the opinion that the direction or guideline "is necessary or desirable to protect the integrity or apparent integrity of casino gaming" or "is otherwise in the public interest." This Government did nothing. Instead, the public interest was overridden by a Minister who put his mateship before the public interest. This Premier has no mandate to deceive either the people of New South Wales or this Parliament. [*Time expired.*]

**Mr ANDREW STONER** (Oxley—Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services) [4.00 p.m.]: This is an absurd censure motion, moved by a desperate Opposition leader, who remains unable to focus on the issues that matter to the people of New South Wales—the same people who dumped Labor so unceremoniously just over a year ago. As the Premier has told the Opposition ad nauseam, the only decision this Government has made in regard to The Star casino was one made by the Independent Liquor and Gaming Authority when it earlier this year determined to renew the casino's licence. The closest thing to an adverse decision being made towards The Star—

**Ms Linda Burney:** Point of order: Standing Order 129. This motion is about the Premier misleading the Parliament.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! That is not a point of order.

**Ms Linda Burney:** That is what the censure motion is about; it is about misleading Parliament. The Deputy Premier can say whatever he likes, but that is the basic issue here.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Canterbury will resume her seat.

**Mr ANDREW STONER:** The closest thing to an adverse decision made towards The Star was when the Premier decided not to attend the opening of its redevelopment, because he instead attended the ABC Local Radio Awards. Let us recap the context of this absurd and desperate censure motion. The Opposition referred this matter to the Independent Commission Against Corruption, which declined to investigate. Opposition members then continued to ask question after question in the Parliament, despite knowing that two other inquiries were taking place, one by the Independent Liquor and Gaming Authority and the other by the Director General of the Department of Premier and Cabinet. The Premier today tabled the report of his director general; and the Independent Liquor and Gaming Authority inquiry, where Mr Grimshaw has given extensive evidence, is ongoing. Today Mr Grimshaw tendered his resignation.

As the Premier has said from day one, this Government has cooperated fully with all inquiries taking place. We continue to have confidence in the Independent Liquor and Gaming Authority inquiry, and those hearings continue. In short, the Premier has at all times allowed due process to run its course, and so should the Opposition. This brings into question the judgement and the leadership of the member for Blacktown. Today he asked a question regarding a proposal put to the Premier by Crown Casino recently. Putting aside the merits of that particular proposal, which the Premier has rightly said will have to go through the usual rigorous approval processes, we should note the comments on this matter by the Leader of the Opposition—Mr 15 per cent over there—that were reported in the *Financial Review* of 9 March. He said:

We will not support the building of a casino and hotel on the location that is proposed. My view is it would desecrate the Keating vision for Barangaroo.

I am not endorsing the proposal or otherwise; it has to go through the proper processes. But I was very interested to note John Robertson's strong endorsement of Paul Keating's vision. Like John Howard, one might argue the years have been kind to Paul Keating, but it should be noted that he did indeed have another vision—for the New South Wales Labor Party. We got an insight into that vision when he wrote to the Leader of the Opposition and said this—

**Mr Michael Daley:** Point of order: It is under Standing Order 76. I have great regard for the Leader of the House so, following his lead, I ask—

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! What is the member's point of order?

**Mr Michael Daley:** It is under Standing Order 76, as I have already said. I ask you to direct the member speaking to comply with Standing Order 76.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! Standing Order 76 relates to relevance. I remind the Opposition that quite a few of its members are on three calls to order. The Deputy Premier has the call.

**Mr ANDREW STONER:** Mr Keating wrote to the Leader of the Opposition and said:

Let me tell you, if the Labor Party's stocks ever get so low as to require your services in its parliamentary leadership, it will itself have no future.

**Mr Richard Amery:** Point of order: Mr Deputy-Speaker, the member for Maroubra took a point of order based on relevance, and you did not rule on that point of order.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I ruled on the point of order. Any more time wasting by the Opposition will not be tolerated. The Deputy Premier has the call.

**Mr ANDREW STONER:** Mr Keating went on to say:

The people of New South Wales may have their problems, but they would be way better rattling through than turning to someone like you in some hope of redemption.

It is clear that the Leader of the Opposition himself is desecrating the Keating vision for New South Wales; and, judging by the recent polls, the people of this State agree.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Maroubra is already on three calls to order.

**Mr ANDREW STONER:** This goes to the heart of the judgement of the Leader of the Opposition in moving this absurd and desperate censure motion.

**Mr JOHN ROBERTSON** (Blacktown—Leader of the Opposition) [4.05 p.m.], in reply: What a tragic effort that was. Not at any point did the Premier or the Deputy Premier offer anything to refute the substance of the motion—absolutely nothing. I look upon the distorted face of the Deputy Premier, who has been caught out, just like the Premier has been caught out misleading this House. The Deputy Premier spoke for five minutes but did not say a thing or cite a single fact to refute the motion. Those on the other side, as did the Premier today, are seeking to rewrite history. Today the Premier told the House, "I don't recall a conversation." What he told the House yesterday was nothing like that; it was an emphatic no. It was not "I don't recall a conversation," or "I don't recall a text message," but an emphatic no.

I have listened to the Premier saying how pleased he is that this matter is before the Independent Liquor and Gaming Authority. I have a challenge for the Premier. If he has nothing to hide or worry about, if he does not think he has misled the people of New South Wales, and he is quite comfortable with his role in this matter, my challenge is: Go down and front up to the Furness inquiry; go and offer yourself up to rebut; go down there and say, "I want to be asked." What we have seen today is an appalling stunt from an arrogant, glass-jawed Premier. He truncated this debate from 70 minutes to 25 minutes, adding to the cynicism that the people of New South Wales already have about their elected representatives, and their lowering of the esteem of this Parliament.

This Government simply uses its numbers to stymie debate. It does not want a full 75-minute debate, because it cannot defend itself against the motion. Why is that? It is because the Premier cannot sustain an argument for 15 minutes to defend himself. He knows full well that these text messages put beyond doubt that he has been involved in this matter, and that yesterday he misled the Parliament. The Premier is seeking to hide under a rock, denying allegations about his best mate Peter Grimshaw. I might add that today it was confirmed by the media adviser of the Minister for Tourism, Major Events, Hospitality and Racing, Norm Lipson, that Peter Grimshaw was the go-to man in the Premier's office on matters relating to the casino.

**Mr Brad Hazzard:** Point of order: This is supposed to be the Leader of the Opposition's reply to the motion, not an opportunity to make unfounded assertions and allegations. The Leader of the Opposition must address the matters that have already been raised in the debate. What he is now raising is something new—equally as spurious, but new—and he should be brought back to the leave of the motion.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I uphold the point of order. I draw the Leader of the Opposition back to the leave of the motion.

**Mr JOHN ROBERTSON:** The Premier maintains he has clean hands in this whole affair and my challenge to him is to, one, release all the documents, all the records of conversations, emails and texts between him, Mr Grimshaw, Mr Lipscombe, Mr Souris and The Star casino; two, stand up and acknowledge that Mr Grimshaw's conduct while drawing a taxpayer salary to pursue a private vendetta was completely unacceptable in hindsight, even though he tolerated it and encouraged it at the time; and, three, appear before the Furness inquiry and tell Gail Furness exactly what he has been doing in relation to The Star in Opposition and in Government. While he is at it he could sack his Minister for Tourism, Major Events, Hospitality and Racing—a man who has been embroiled in his own mysterious personal arrangements with Mr Grimshaw. This is a Minister who has deeply compromised matters that were raised yesterday—

**Mr Brad Hazzard:** Point of order: The censure motion is quite clearly about the Premier; it does not make any reference to any other person, including the Minister that the Leader of the Opposition is now referring to. I ask that he be brought back to the leave of the motion.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I draw the Leader of the Opposition back to the leave of the motion.

**Mr JOHN ROBERTSON:** A Premier with nothing to hide should have nothing to fear from doing each of those things that I have just outlined. [*Time expired.*]

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The type of behaviour the Leader of the Opposition is displaying, especially when he is on three calls to order, will not be tolerated again.

**Question—That the motion be agreed to—put.**

**The House divided.**

**Ayes, 18**

Mr Barr	Mr Lalich	Ms Watson
Ms Burney	Mr Lynch	Mr Zangari
Ms Burton	Dr McDonald	
Mr Daley	Ms Mihailuk	
Mr Furolo	Mrs Perry	<i>Tellers,</i>
Ms Hornery	Mr Rees	Mr Amery
Ms Keneally	Mr Robertson	Mr Park

**Noes, 69**

Mr Anderson	Ms Goward	Mr Roberts
Mr Annesley	Mr Grant	Mr Rohan
Mr Aplin	Mr Gulaptis	Mr Rowell
Mr Ayres	Mr Hartcher	Mrs Sage
Mr Barilaro	Mr Hazzard	Mr Sidoti
Mr Bassett	Ms Hodgkinson	Mrs Skinner
Mr Baumann	Mr Holstein	Mr Smith
Ms Berejikian	Mr Humphries	Mr Souris
Mr Bromhead	Mr Issa	Mr Speakman
Mr Brookes	Mr Kean	Mr Spence
Mr Casuscelli	Dr Lee	Mr Stokes
Mr Conolly	Ms Moore	Mr Stoner
Mr Constance	Mr Notley-Smith	Mr Toole
Mr Cornwell	Mr O'Dea	Mr Torbay
Mr Coure	Mr O'Farrell	Ms Upton
Mrs Davies	Mr Owen	Mr Ward
Mr Dominello	Mr Page	Mr Webber
Mr Doyle	Mr Parker	Mr R. C. Williams
Mr Elliott	Ms Parker	Mrs Williams
Mr Evans	Mr Patterson	
Mr Flowers	Mr Perrottet	
Mr Fraser	Mr Piccoli	<i>Tellers,</i>
Mr Gee	Mr Piper	Mr Maguire
Ms Gibbons	Mr Provest	Mr J. D. Williams

**Pairs**

Ms Hay	Mr Baird
Ms Tebbutt	Mr Edwards

**Question resolved in the negative.**

**Motion negatived.**

**CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY****Federal Infrastructure Funding**

**Mr BART BASSETT** (Londonderry) [4.19 p.m.]: This motion deserves to be accorded priority and should not be opposed by any member because of the urgency of timing between now and the upcoming negotiations concerning the Federal budget, which will be delivered next month. We must keep reminding the Federal Government and the people of New South Wales that we are being ripped off to the tune of \$70 per person less than what every other man, woman and child receives in the other States. This inequitable imbalance must change in next month's budget. New South Wales must take a stand for a better deal. We must be united on this issue. As parliamentarians of this great State, we must speak in unison and give the Premier and the Treasurer the political and moral support and backing they need to take this fight right up to Prime Minister Julia Gillard and Treasurer Wayne Swan, where our Treasurer is today fighting on our behalf.

**The DEPUTY-SPEAKER (Mr Thomas George)**: Order! There is too much audible conversation in the Chamber, especially behind the Speaker's chair. If members wish to have private conversations they should do so outside the Chamber.

**Mr BART BASSETT**: We should not only take a bipartisan stance on the floor of the House, but I call on all those opposite to get on their phones to their mates in Canberra to fight hard for a better deal for those they seek to represent. If this motion is accorded priority and passed it would send a loud and clear message that the people of New South Wales are fed up. For too long we have had to put up with decaying infrastructure, clogged roads, and trains that are overcrowded and do not run on time. On the Richmond line in my electorate most train carriages are not heated in winter or air-conditioned in summer. There has been promise after promise of grand plans from the conga line of Premiers—Bob Carr, Morris Iemma, Nathan Rees and Kristina Kenneally—and, of course, the clearly regrettable but unforgettable former transport Minister, the one and only member for Blacktown. Every one of those people promised big ticket projects but failed completely to deliver them. There is little to show for all of those promises except a massive black hole as a result of billions of dollars wasted on projects that never happened. When Labor was in Government it— [*Time expired.*]

**Premier, and Minister for Western Sydney**

**Mr MICHAEL DALEY** (Maroubra) [4.22 p.m.]: If ever a motion deserved to be accorded priority this is it. Today the Premier asked the Leader of the House to rescue him from having to sit in this place and listen to the Leader of the Opposition for 15 minutes more than he should have. Those who know the standing orders will realise that the Premier was afforded 20 minutes to defend himself against the censure motion, but he chose to take only five of those minutes. If ever there was a self-indictment that no defence lies available to a person accused of inappropriate behaviour in this place, it happened today. A Premier who was accorded 20 minutes under the standing orders says, "I only want five minutes because I cannot defend myself." This motion sought to be accorded priority goes to the trust, credibility, and honesty of one particular member of this place: the leader of the State, the Premier of New South Wales. It goes to what a Government is supposed to do.

The Premier's actions today of truncating the debate served to highlight and punctuate that it also goes to what makes the Premier tick. He is motivated by politics, avarice and malice. He is always about politics and political dominance. He is never about a predetermined passion, idea or direction for this State. The Premier is embroiled in a quagmire of his own making. He should not have appointed a person like Peter Grimshaw to the role. When it became apparent that Peter Grimshaw was misbehaving, the Premier should have sacked him. He should not have appointed the Minister for the Upper Hunter to the ministry. When it became apparent, instead of shielding him he should have sacked him. This whole tawdry matter shows at best an appalling lack of judgement by the Premier on several fronts.

Yesterday the Premier stood in this place and said that he had never spoken to Peter Grimshaw about these matters. Today he retracted that. He reversed the truck and said, "I don't recall. Maybe I did, maybe I didn't. In any event, I am just going to stand here and talk to the boys from Joey's for five minutes before I answer the question." What a personification of arrogance. This motion goes to the credibility of the Premier. On 27 February he said of the idea of a second casino for Sydney, "I think it is an exciting proposal." Why is it an exciting proposal? It is exciting to him because he is titillated by political motives. It is not exciting because it is a good thing for Sydney or New South Wales; it is an exciting proposal because it goes some way down the road— [*Time expired.*]

**Question—That the motion of the member for Londonderry be accorded priority—put.**

**The House divided.****Ayes, 65**

Mr Anderson	Mr Gee	Mr Roberts
Mr Annesley	Ms Gibbons	Mr Rohan
Mr Aplin	Ms Goward	Mr Rowell
Mr Ayres	Mr Grant	Mrs Sage
Mr Barilaro	Mr Gulaptis	Mr Sidoti
Mr Bassett	Mr Hartcher	Mrs Skinner
Mr Baumann	Mr Hazzard	Mr Smith
Ms Berejikian	Ms Hodgkinson	Mr Souris
Mr Bromhead	Mr Holstein	Mr Speakman
Mr Brookes	Mr Humphries	Mr Spence
Mr Casuscelli	Mr Issa	Mr Stokes
Mr Conolly	Mr Kean	Mr Stoner
Mr Constance	Dr Lee	Mr Toole
Mr Cornwell	Mr Notley-Smith	Mr Torbay
Mr Coure	Mr O'Dea	Ms Upton
Mrs Davies	Mr Owen	Mr Ward
Mr Dominello	Mr Page	Mr Webber
Mr Doyle	Ms Parker	Mr R. C. Williams
Mr Elliott	Mr Patterson	Mrs Williams
Mr Evans	Mr Perrottet	<i>Tellers,</i>
Mr Flowers	Mr Piccoli	Mr Maguire
Mr Fraser	Mr Provest	Mr J. D. Williams

**Noes, 21**

Mr Barr	Mr Lynch	Mr Robertson
Ms Burney	Dr McDonald	Ms Watson
Ms Burton	Ms Mihailuk	Mr Zangari
Mr Daley	Ms Moore	
Mr Furolo	Mr Parker	
Ms Hornery	Mrs Perry	<i>Tellers,</i>
Ms Keneally	Mr Piper	Mr Amery
Mr Lalich	Mr Rees	Mr Park

**Pairs**

Mr Baird	Ms Hay
Mr Edwards	Ms Tebbutt

**Question resolved in the affirmative.****FEDERAL INFRASTRUCTURE FUNDING****Motion Accorded Priority**

**Mr BART BASSETT** (Londonderry) [4.34 p.m.]: I move:

That this House:

- (1) notes that New South Wales gets \$70 less per capita in funding for infrastructure from the Federal Government than the rest of the nation; and
- (2) calls on the Federal Government to provide its fair share of funding for New South Wales infrastructure.

I thank the majority of members, but not those on the Opposition side of the Chamber, for supporting priority for this motion. It is a shame that Labor members again have chosen to ignore the issue and ignore their communities who, over the past 16 years, have experienced erosion in the quality of their lives because of the former Government's failure to build new roads and railways, and to provide essential services.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! There is too much audible conversation in the Chamber.

**Mr BART BASSETT:** All that was ignored so that Labor members could protect their mates in Canberra—they are probably on the phone now, which is creating all the noise—rather than fighting for a better deal for the people of New South Wales. Earlier I suggested that State Labor members call on their Federal counterparts, but we know from past rejections and statements made by the current Federal Minister for Infrastructure and Transport, Anthony Albanese, that even the Federal Labor Party has no regard for the New South Wales Labor Opposition. They can put their phones away: Please do not call. I hope that the Federal Labor Government does not have the same arrogance as the New South Wales Labor Party had—and, unfortunately, still has.

The New South Wales Nationals-Liberals Government, led by Premier Barry O'Farrell and Deputy Premier Andrew Stoner received an emphatic mandate in March 2011 to clean up the mess left to us, and now the Labor Prime Minister seems to have recalibrated her position and is talking about a renewed spirit of cooperative federalism. Therefore the window is open for the Prime Minister to put money on the table to prove that she is genuine. Let me examine the sad litany of failures when it comes to New South Wales receiving its fair share of Commonwealth infrastructure funding. The basic fact is that every man, woman and child in New South Wales received \$70 less than a person in other States, and that amounts to \$500 million less for New South Wales.

There is no logical reason for that inequity. The money was simply being allocated recklessly. This is an all-too-familiar pattern that was established by a former New South Wales Premier and the now much-lauded, in Labor circles anyway, Minister for Foreign Affairs, Bob Carr. His specialty was making grand announcements with lots of colour and fanfare, and then wasting taxpayers' money on promoting the projects. Some work would commence—usually hiring expensive consultants to prepare reports—and a review would take place. Then, guess what? It would hit the fan and the project would be scrapped.

In 1997, that is how the Transport Action Plan 2010 unfolded. It promised 12 new railway lines, but only half a railway line was delivered and even then it cost \$1 billion more than the budgeted amount. I call on the men and women who represent New South Wales in the Federal Labor caucus to stand up for their State. One who should do so, if he is fair dinkum, is Senator Bob Carr—the newly minted Senator Carr whom this Parliament appointed to the Senate barely a month ago to fill a casual Senate vacancy. We call on him and the Federal Government to allocate to New South Wales the money that is needed and to stop the rhetoric. The simple fact is that the whole infrastructure funding arrangement is a shocking deal for New South Wales, regardless of where a person lives.

It is a shocking deal for Sydney in relation to projects such as the North West Rail Link and the South West Rail Link, the M4 East extension, the widening of the M5 and basic bread-and-butter projects, such as the Werrington Arterial, an upgrade of Richmond Road, and a new crossing at North Richmond—all projects that have just sat on shelves for years. It is also a shocking deal for regional country people in New South Wales. One only has to examine the details of the Pacific Highway debacle to see what a mess that is. It is important that we speak with a united voice for the people of New South Wales to obtain a better funding deal so that we can build better roads, provide better public transport and better hospitals, better schools and better basic services that people rely on every day.

Most importantly, people must be able to rely on governments that they elected to deliver for them. Let us get on with the job. The Federal Government should examine what is needed in New South Wales and what the people of New South Wales may reasonably expect to receive. The Federal Government should deliver that so that we can get on with projects such as the North West Rail Link and its future expansion to form the Sydney outer western regional rail line.

**Mr RYAN PARK (Keira) [4.39 p.m.]:** What a silly motion. It is basically quite stupid. Let us go through the accurate figures. Under Labor's Nation Building program the average annual Federal infrastructure spending in New South Wales—that relates to road, rail and public transport—is around \$278 per person, which is more than double what it was under the last six years of the former Howard Government. That is terrible news for Government members. In the Howard Government's last six years this spend was \$5.3 billion. In Labor's first six years it was \$12.2 billion. Somebody has stupidly given the backbencher the message to go out on this one today, distract from The Star casino affair—

**Mr Michael Daley:** What a hospital pass.

**Mr RYAN PARK:** Here is the hospital pass, we will give it to Bassett. He is a new kid on the block, he will take it and, bang, it has blown up in their faces. As a colleague, as a member of the backbench club, I do not think it is right to do that to a backbencher. Ministerial staff should not do that. Ministers should not do that. This guy needs a break too. He needs a fair run in this place. It is not right to give him these hospital passes.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Keira will refer to other members by their electorates.

**Mr RYAN PARK:** If we want to talk about infrastructure, let us talk about the national broadband network. The Liberal Party in the Illawarra is in an awful state about the national broadband network. The Liberal Shellharbour mayor has been screaming for the national broadband network, but that is not the infrastructure that Tony Abbott wants. He does not want the national broadband network. Local Liberals are calling on Federal Labor to deliver the national broadband network as quickly as possible. We are doing that. Federal and State Liberals are saying they do not want it. Do they want the infrastructure of the national broadband network? The national broadband network will go down as one of the key infrastructure projects ever delivered by government. Members on the other side of the House can complain that that is not what their colleagues are saying in the Illawarra. The Liberal Party in the Illawarra, led by the mayor of Shellharbour, is demanding the national broadband network should come to town.

Let us talk about another piece of infrastructure, the Maldon-Dumbarton line, the line that Nick Greiner—the so-called famous infrastructure expert—put a stop to. Federal Labor is doing a \$30 million final construction survey about how this will take place. That is a hell of a lot more than what this Government has done. We talk about infrastructure, we talk about education and we talk about the Building the Education Revolution scheme. Government members want to criticise the Building the Education Revolution scheme but when we visit our schools and see our principals they are very happy about the Building the Education Revolution scheme. Government members know that but they do not like to hear it.

**Mr CHRISTOPHER GULAPTIS (Clarence)** [4.44 p.m.]: I support the member for Londonderry on this priority motion. New South Wales does get \$70 less per capita in infrastructure funding from the Federal Government—\$70 less per person than the rest of the country. So why are members opposite not supporting New South Wales? They are members of New South Wales Parliament. With about 7.5 million people in New South Wales, that equates to losing about \$525 million. That means we do not get the infrastructure we deserve. That is already happening with the Pacific Highway. My electorate of Clarence will contain the last stretch of the Pacific Highway to be upgraded. I ask members on the other side to support the people of New South Wales and call on their Federal counterparts to call on Infrastructure Australia to raise the level of funding for New South Wales so that it equates to the funding spent in the rest of Australia.

The previous State Government entered into agreements on the Pacific Highway. In 2009 the funding split was 83:17. By 2011 the funding arrangement was 86:14. The New South Wales Liberal-Nationals Government allocated an additional \$468 million under the current agreement to make it an 80:20 split, and now the Federal Labor Government wants to cut it back to a 50:50 split. The entire Pacific Highway upgrade program generates a benefit to cost ratio of 3.2. It is a most important infrastructure project and that cost-benefit ratio tells us that. More importantly, the upgrade is predicted to avoid more than 8,000 crashes, save 565 lives and avoid over 4,200 injuries over a 30-year period.

We have told Federal Labor time and again that the upgrade of the Pacific Highway is a critical, significant piece of infrastructure and the agreement must be honoured. The Premier has written to the Prime Minister to express New South Wales concerns and to ask her to confirm that Federal Labor will meet its end of the deal. I call on members opposite to put aside politics and to take a bipartisan approach to important infrastructure that will save lives. The Pacific Highway is a substandard piece of infrastructure that deserves priority. It is used prolifically by heavy transport vehicles and their numbers are growing daily. [*Time expired.*]

**Mr CLAYTON BARR (Cessnock)** [4.47 p.m.]: Mugged by mathematics, blindsided and king hit are members on the Government side of the Chamber today. They do not understand basic concepts of mathematics. They do not understand that \$5.3 billion is a much smaller number than \$12.2 billion. They do not understand that \$131 per person under the Howard Government is much smaller than \$278 per person under the Labor Government. Members on the Government side should be saying "thank you" not "where is". Let us concentrate on Sydney alone. The Howard Government—champions of the people, so those on the Government side would say—managed to spend a total of \$350 million in Sydney to build a toll road.

What did Federal Labor spend since 2007—\$3.7 billion, consisting of \$840 million for the northern Sydney freight line, \$150 million for Port Botany, \$300 million for the Moorebank intermodal, \$116 million to

widen the F5, and \$200 million to upgrade the Great Western Highway, not to mention the \$2.1 billion for the Parramatta to Epping rail line that is sitting there. And all this Government has to do is ask. All of that is without mentioning the \$1.5 billion for the Hunter Expressway, which runs entirely through my electorate, despite the inaccuracies of the Premier.

Another \$30 million to help with the planning for the M4 east is sitting at Federal Parliament waiting for the State Government to ask. All Government members have to do is ask. The money is there. Government members should stop bemoaning the absence of funding and go to Canberra, ask for it and start getting something done. With a Federal election looming one would think that those opposite might be rubbing their hands together over the many promises and commitments they want from the Federal Government, thinking that a Federal Coalition Government might give them something better. Tony Abbott said:

If you want better public transport in Sydney, sure, ask the feds for more money, but basically you've got to change the state government.

**Mr Michael Daley:** Who said that?

**Mr CLAYTON BARR:** Tony Abbott. He is saying: Don't come down here to Canberra asking for more money because there won't be any. They are the comments of the Coalition's Federal leader. Government members say that Federal Labor should put in more money. Labor has put in more than twice the amount the Federal Liberal Government provided and has doubled the amount per person that the Federal Coalition has committed, yet the possible future Federal leader says: Don't come asking because you won't get any.

**Mr BART BASSETT** (Londonderry) [4.50 p.m.], in reply: I thank my colleagues for their contributions, especially the member for Clarence for pointing out some accurate statistics regarding Pacific Highway funding, which was first an 86:14 per cent Commonwealth-State split, followed by an 80:20 per cent split and then when the Coalition came to power in New South Wales it suddenly was a fifty-fifty split. Labor, as always, pays lip-service to upgrading the Pacific Highway saying it will do this and that but takes away the money whenever it can. I thank the member for Keira and the member for Cessnock for trying to stick up for me. I do not need a hospital pass. I am here saying that New South Wales is important and deserves its fair share of money. When our men, women and children receive \$70 less per head than the population of other States it is time we yelled out and said: We want our fair share. That is what we expect with the impending budget and from Infrastructure Australia.

The member for Cessnock said all we have to do is ask. I am sure he will be on the phone to remind his Federal colleagues that we have asked. But it is not just the New South Wales Coalition Government that has asked about the North West Rail Link; the mayors of Hornsby, The Hills and Hawkesbury councils all signed letters asking the Federal Government to allocate for the North West Rail Link the \$2 billion that had been allocated already for rail infrastructure. We went to the election saying that we were committed to the North West Rail Link. All we ask is that the \$2 billion allocated to other rail infrastructure by the previous Federal Government be allocated to build infrastructure in the community that voted for us. But that request continues to fall on deaf ears. The member for Cessnock should get on the phone. I would be happy to say, "Well done, Federal Government, you've handed over the \$2 billion so we can get on to this worthwhile project, the North West Rail Link."

Plenty of promises have been made over the years. The New South Wales Coalition came to power over a year ago and we are getting on with the job. Tenders have been let and works are happening. The Minister has been to the site a number of times. The great thing about the Minister for Transport is that in all those opposition years she spoke with the member for Hawkesbury and me when I was mayor of Hawkesbury about extending the rail line through to the Richmond line. What did those opposite do when they were in government? Did they even try to prepare a plan? No. The Minister and Premier announced recently two transport corridors and asked for input by the public on what they believe is the right plan. The right plan is for the corridor to run through to the Richmond line and beyond for future expansion to the western Sydney orbital rail network. Labor members should get their mates to give us the \$2 billion. [*Time expired.*]

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! If members directed their comments through the Chair they may receive fewer interjections.

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

**Motion agreed to.**

**PUBLIC SECTOR EMPLOYMENT AND MANAGEMENT AMENDMENT BILL 2012**

**Message received from the Legislative Council returning the bill without amendment.**

**BUSINESS OF THE HOUSE**

**Suspension of Standing and Sessional Orders: Divisions and Quorums**

**Motion by Mr Brad Hazzard agreed to:**

That standing and sessional orders be suspended to provide that for the remainder of the sitting no divisions or quorums be called.

By way of explanation, the debate on the State Revenue Legislation Amendment Bill will continue. As has been indicated by the member for Maroubra, the Opposition will not call for a division on the passage of the bill. Of course, any member of the House has the right to call for a division but the indications are that there will be no division. Whether there is or is not, after the conclusion of debate on the bill no divisions or quorums will occur for the remainder of the evening through to the rising of the House. Members may determine what they will from that. After passage of the State Revenue Legislation Amendment Bill the House will consider the Road Transport Legislation Amendment (Offender Nomination) Bill, debate on which will proceed for the balance of the evening.

**STATE REVENUE LEGISLATION AMENDMENT BILL 2012**

**Agreement in Principle**

**Debate resumed from 28 March 2012.**

**Mr MICHAEL DALEY** (Maroubra) [4.54 p.m.]: I lead for the Opposition on the State Revenue Legislation Amendment Bill 2012 and shall make a brief contribution. The bill makes amendments to three State taxation Acts: the Duties Act 1997, the Land Tax Management Act 1956 and the Payroll Tax Act 2007. The objects of the bill are:

- (a) to amend the *Duties Act 1997*:
  - (i) to limit a duty concession relating to transfers to self managed superannuation funds, and
  - (ii) to limit a duty concession relating to deceased estates, and
  - (iii) to establish a duty concession for transfers that are made in partial conformity with agreements that have already been charged with duty, and
  - (iv) to extend existing duty concessions relating to transfers between married couples and de facto partners and transfers following the break-up of marriages and de facto relationships, and
  - (v) to provide for further circumstances in which the acquisition of an interest in a private unit trust scheme or private company will be chargeable with duty, and
  - (vi) to establish a new exemption for corporate reconstruction and corporate consolidation transactions, and
  - (vii) to provide for further circumstances in which a transfer of business property between family members is exempt from duty, and
  - (viii) to provide for a duty exemption in respect of any Government initiative relating to the Sydney Desalination Plant, and
  - (ix) to make other minor and consequential amendments,
- (b) to amend the *Land Tax Management Act 1956*:
  - (i) to ensure that the tax free threshold can be claimed in respect of land held by self managed superannuation funds that are complying superannuation funds under Commonwealth legislation, and
  - (ii) to enable a special disability trust under the *Veterans' Entitlements Act 1986* of the Commonwealth to be treated as a concessional trust for land tax purposes,
- (c) to amend the *Payroll Tax Act 2007* to clarify an exemption from payroll tax for wages paid or payable in respect of maternity leave, paternity leave or adoption leave.

Many of these amendments are housekeeping and clarification measures. Indeed, when the Labor Government was in power it availed itself of many of the mechanisms inherent in the bill, albeit differently. However, one amendment deals with an amendment to the Duties Act. The inherent proposal in this bill is, to use the words of the Treasurer, to extend and simplify the exemption from duty for the restructuring of corporate groups. We do not object to that, but simply wish that the Treasurer had been as mindful about stamp duty for first home buyers in the budget handed down last year—a budget that we believe delivered the first of many deficits to people wanting to purchase their first home.

The latest Australian Bureau of Statistics figures show that the trend estimate for the total number of dwelling units approved in New South Wales fell by 3.9 per cent in February 2012 and it has now fallen for five months. The trend estimate for the number of private sector houses fell by 2 per cent in February and it has now fallen for 15 months. Public and private housing approvals are down by 177 a month, or 12 per cent, since March 2011 using seasonally adjusted figures. The State Treasurer was pretty quick with his budget to hop into first home buyers but with this bill does not mind simplification, extension and exemptions from duty for restructuring of corporate groups. In preparing the budget for this financial year the Treasurer, Premier and the Government need to examine that bad decision. This bill means that housing affordability for many thousands of people in New South Wales, particularly those in western Sydney, now is unfortunately and unjustifiably beyond them. The Opposition will not oppose the bill.

**Ms GABRIELLE UPTON** (Vaucluse—Parliamentary Secretary) [5.02 p.m.]: I welcome the comments from the member for Maroubra and note that the Opposition is not objecting to the State Revenue Legislation Amendment Bill 2012 in principle. The bill makes amendments to three State taxation Acts: the Duties Act 1997, the Land Tax Management Act 1956 and the Payroll Tax Act 2007. I note that the member for Maroubra said this bill is about housekeeping but there are some important amendments in the bill that extend and clarify the law. It does so in relation to various tax concessions and exemptions under the State taxation Acts. The bill reduces red tape, which the Government is determined to reduce, and there are targets in the State Plan to do that. It will make people's lives easier and facilitate companies taking the steps they need to grow their businesses. This side of the House is focused on making sure policy intention is reflected in the laws that impact on the community's personal and business dealings.

This requires constant monitoring of the operation of the law, including for anomalies. This is the least the Government can do so that the New South Wales community can get on with their lives and business dealings. It is not productive to be distracted by legal anomalies for which people have to engage lawyers and accountants for advice. The bill also strengthens some anti-avoidance measures. This is another thing that Governments should always keep an eye on. Anti-avoidance provisions play a very important role by ensuring that the law is guarded effectively against individuals and businesses that seek to avoid their obligations. Such provisions as are in this bill also ensure that the vast majority of people in the community who do the right thing are not disadvantaged by those trying to avoid their obligations. Many complex changes are made by the bill to the three Acts and I will now speak to a couple of those changes.

First, I turn to self-managed superannuation funds and the Duties Act. A self-managed superannuation fund is a trust where money and investments are held and managed on behalf of the members. The fund's purpose is to provide benefits to members on retirement or death. Under the bill the duty concession that applies to transfers to self-managed superannuation funds will apply to such funds that are yet to be confirmed as self-managed superannuation funds under Commonwealth legislation if the trustee of the fund is satisfied the fund will be so confirmed. The Chief Commissioner of State Revenue will also be able to reassess the duty payable in relation to transfer if he or she is satisfied the fund was not a complying superannuation fund when liability for duty arose.

A change will be made to the Land Tax Management Act 1956 to ensure that self-managed superannuation funds that comply with section 42A of the Commonwealth Superannuation Industry Supervision Act will not be treated as special trusts for land tax purposes and will have available to them the tax-free threshold on taxable land. Those are welcome changes for self-managed superannuation funds, which have had significant growth over the past decade. In 1998 approximately 12 per cent of Australia's superannuation was held in self-managed funds compared with over 32 per cent today. Those funds have advantages: they give people control over their superannuation and provide greater investment flexibility. I should say that this is when people have the time and skill to invest for themselves.

I now turn to corporate reconstructions. The main proposal is to extend and simplify the exemption from duty for corporate group reconstruction transactions or corporation consolidation transaction. There is no

doubt that New South Wales is open for business under the O'Farrell Government. What a breath of fresh air that is for the people of New South Wales and the business community. This Government wants to have a legal system that does not impede business working efficiently, maximising the value for shareholders, including families, institutions and superannuants whose retirement savings these days are more than ever invested in companies through superannuation. Corporate groups may need to restructure for many good reasons that are driven by the potential for good financial outcomes for their shareholders.

As a banking lawyer at Freehills I saw those reasons firsthand when I worked with banking clients and their portfolios. Often the ownership of company assets needs to change, or the structure of companies within a group. It could be for financing reasons, to have like businesses grouped together in a structure, or to facilitate the sale of assets. Transaction costs such as duty can be an impediment to companies and boards of directors making important decisions to restructure companies that are accreted to shareholder value. Government members are proud to be part of a Government that does not stand in the way of those transactions and allows those companies to take those steps. To be exempt under the current corporate reconstruction provision a transaction must be approved by the chief commissioner in line with the guidelines approved by the Treasurer. This is also the case if there is an acquisition of an interest in a landholder that is made as part of a corporate consolidation. This bill is going to remove the requirement for approval of those guidelines and incorporate those matters addressed by them into the new provisions.

The final provision I wanted to address is in relation to the Sydney desalination plant. The Government announced last year that the plant would be refinanced to free up essential funds for other much-needed infrastructure projects in New South Wales—infrastructure that the former Government had failed to plan for let alone deliver to the New South Wales people. Provisions in the bill give the Minister for Finance and Services, with the agreement of the Treasurer, authority to grant exemptions from duty in respect of any transaction or class of transaction connected with Government initiatives related to the sale of the plant. The exemption from duty of Government-owned commercial entity transactions is convention. I want it noted by the House that it is consistent with those granted in respect of the sale of NSW Lotteries and the TAB privatisation. The exemption maximises the benefit of the transaction to the New South Wales taxpayer and creates flexibility in the potential design of commercial transactions. It will also simplify the process around the desalination plant.

In summary, this is an important bill. Yes, there are housekeeping matters, but there are also matters to which this Government pays close attention. It will provide, extend and clarify various tax concessions and exemptions. It demonstrates further, as I said before, that New South Wales is open for business. We are all about reducing red tape and making the law work to reflect our policy intentions, thereby making people's lives easier in New South Wales. We are also about facilitating companies to take the steps they need to take to grow their businesses. These are all important and ongoing objectives of the New South Wales Coalition Government. I commend the bill to the House.

**Mr JOHN SIDOTI** (Drummoyne) [5.09 p.m.]: It is great to listen to a well-informed speech and be able to learn something from it. I commend the State Revenue Legislation Amendment Bill 2012. Since the O'Farrell Government's overwhelming election victory last year it has sought to make New South Wales a more attractive place to do business. This legislation supports that very aim. It recognises that current guidelines for duties exemption on corporate reconstructions restrict the ability of corporate groups to achieve more efficient group structures. In so doing it proposes amendments to three New South Wales Acts relating to taxation: the Duties Act 1997, the Land Tax Management Act 1956 and the Payroll Tax Act 2007.

This Government does not seek to use taxation law as a means of revenue raising; we believe applying prohibitive levels of duty on business transactions can only lead to a reduction in confidence in the business sector. The abolition of duty on shares and other marketable securities takes effect on 1 July. From that date stamp duties will no longer be payable on the purchase of the following business assets: goodwill, intellectual property such as trademarks, copyright and patents, plant and equipment, licences such as taxi and liquor licences, and the interest of a lessee in the lease of business premises or land in New South Wales. This will save businesses between 1.25 per cent and 5.5 per cent of the asset value, which is often a very significant transaction cost.

Unlike the Federal Labor Government, which has chosen to give business throughout Australia a kick in the guts with the commencement on the same day of the dreaded carbon tax, the O'Farrell Government has elected to give the business community a break. We want to get business going again in this State. We want to give business the confidence to employ more people. We want to encourage business to invest in projects that benefit the State as a whole, and we want to show business that when it comes to looking after the interests of

business this is a Government that you can trust. Doing away with this stamp duty will enable businesses to restructure their business group without additional and unnecessary costs. It also means that after 1 July the sale of a business asset may realise a higher price as the purchaser will no longer be burdened by this acquisition. The State Revenue Legislation Amendment Bill 2012 continues the aims of this initiative.

Provisions are expanded to include within the definition of a corporate group stapled entities, which are companies and unit trusts whose securities are stapled and traded as a single security. It is important to note that all provisions in the bill are the result of detailed consultation with relevant stakeholders. As the member for Vaucluse said, the bill also makes provision for the Sydney Desalination Plant. Under proposals announced last year the Government decided to refinance the \$1.9 billion asset. This was a decision made to ensure that much-needed funds would be freed up for myriad neglected infrastructure projects. Sadly, the previous Government allowed infrastructure in this State to almost disappear from the vernacular. I commend the bill to the House.

**Mr TONY ISSA** (Granville) [5.12 p.m.]: It gives me great pleasure to support the State Revenue Legislation Amendment Bill 2012. The primary purpose of the bill is to provide, extend and clarify various tax concessions and exemptions. The bill amends the Duties Act 1997 to extend and simplify the exemption from duty for the restructuring of corporate groups. It will also amend the Land Tax Management Act 1956 to apply the land tax threshold to a self-managed superannuation fund. It also amends the Payroll Tax Act 2007 to clarify the maternity and adoption leave exemption for part-time employees. The new exemption will not be subject to ministerial guidelines, but will be fully detailed in the Duties Act.

The new provisions have been developed following consultation by the Office of State Revenue over a considerable period. The end result is to a large extent consistent with a model proposed by the Property Council of Australia. Most elements of the scheme are substantially the same as those operating in most other States. The new provisions will reduce costs for businesses in complying with the requirements for exemption, but within a framework that protects the revenue from duty avoidance practices. The bill includes two anti-avoidance measures for duties. The first is a clarification of the concession for transfers of property of a deceased estate. The proposed amendment will ensure that the same duty is payable on similar transactions regardless of whether property is transferred to a beneficiary of the estate or the beneficiary makes a transmission application.

The second is for landholder duty, which applies to the acquisition of a significant interest in a company or unit trust scheme that holds land valued at \$2 million or more. Duty is imposed at the same rate as applies to a direct transfer of the land. The bill also contains two minor amendments relating to land tax. The first amendment confirms the land tax threshold entitlement for complying self-managed superannuation funds. The second amendment extends the concessional treatment to a special disability trust under the Commonwealth Veterans' Entitlements Act 1986 to bring it in line with those currently available to the special disability trusts under the Commonwealth Social Security Act 1991. This fulfils another commitment of the Government. This is a straightforward reform of the State Revenue Legislation Amendment Act in New South Wales. I commend the bill to the House.

**Mr STEPHEN BROMHEAD** (Myall Lakes) [5.16 p.m.]: I speak in support of the State Revenue Legislation Amendment Bill 2012. The bill amends three State taxation Acts: the Duties Act 1997, the Land Tax Management Act 1956 and the Payroll Tax Act 2007. It is great to speak to this legislation, which delivers on another election promise and is part of making New South Wales number one again. Earlier the member for Maroubra claimed that the legislation is trivial and does not mean much. The chairman of WorkCover said of the member for Maroubra when he had his hands on the levers:

Michael Daley left the scheme's finances in a parlous state.

He went on to say that the member was just not interested in addressing neglect, and ignored warnings. So this legislation is not about tinkering at the edges; it makes important amendments, including providing for the lease of the desalination plant, which was a very important pre-election commitment of the Government, enabling the raising of funds for infrastructure in New South Wales. The Duties Act 1997 is to be amended to extend the existing duty concessions relating to transfers between married couples and de facto partners, and transfers following the break-up of marriages and de facto relationships. The amendment also extends the exemption for transfers of family farming properties to include a wider family group, and extends duty concessions relating to transfers to family members.

This is an important amendment. Prior to becoming a member of this House one of my careers was that of a lawyer, and part of my work involved dealing with the breakdown of marriages and relationships, as well as

intergenerational transfer of properties of landholders and farmers. So the extension of these measures is important; it is good for the people of New South Wales to clarify the provisions to avoid misunderstandings involving the Office of State Revenue and causing more litigation than is absolutely necessary. That is a good thing for the people of New South Wales and a good thing for the State as a whole. As the Leader of the House has given me certain clear instructions not to speak for more than three minutes, I conclude by saying I commend the bill to the House.

**Mr MARK SPEAKMAN** (Cronulla) [5.19 p.m.]: I make a brief contribution to the debate on the State Revenue Legislation Amendment Bill 2012. The bill amends three Acts: the Duties Act 1997, the Land Tax Management Act 1956 and the Payroll Tax Act 2007. It provides, extends and clarifies tax concessions and exemptions under those Acts. With the amendment to the Duties Act, the main proposal is to extend and simplify the exemption from duty for the restructuring of corporate groups. A new exemption from landholder duty will be provided for corporate consolidations. The bill contains a new duties concession for transfers that are partially in conformity with agreements. The bill clarifies the duties concessions for transfers of property to self-managed superannuation funds.

Of particular significance to my electorate of Cronulla is that the final duties provision in the bill gives the Minister for Finance and Services authority to grant exemption from duties in respect of government initiatives relating to the Sydney Desalination Plant at Kurnell. The Government announced last year that it is refinancing the desalination plant to free up essential funds for other much-needed infrastructure projects in New South Wales. Transactions relating to government-owned commercial entities are commonly exempted from State taxes. The exemption will have no net effect on the proceeds received by the State. If stamp duty applies to transactions the price paid by the private sector will be reduced by the amount of duty.

The provision avoids costs to bidders in having to seek advice on whether duty is payable. It also simplifies the process as it is possible that duty will be levied at multiple points throughout the process. The exemption is consistent with those exemptions granted in special purpose legislation to facilitate previous transactions, such as the sale of NSW Lotteries and the sale of WSN Environmental Solutions. Exemptions from State tax have also been granted in previous transactions, including the TAB privatisation, the Freight Rail Corporation sale, the transfer of the Australian Rail Track Corporation to the Commonwealth, the merger of the Australian Jockey Club and the Sydney Turf Club and the AGL corporate conversion. This type of exemption provides flexibility in the design of commercial transactions to maximise benefit to the New South Wales taxpayer. I commend the bill to the House.

**Mr BRAD HAZZARD** (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [5.22 p.m.], in reply: I thank all members who have spoken in the debate on the State Revenue Legislation Amendment Bill 2012: the Treasurer, who made the agreement in principle speech; the member for Maroubra; the member for Vacluse; the member for Drummoyne; the member for Granville; the member for Myall Lakes; and the member for Cronulla. The Treasurer is unable to be here this evening so I represent him in replying to the debate. The bill contains ongoing improvements to State taxation legislation, particularly in the area of stamp duty. The improvements to the corporate reconstruction exemption will benefit business in New South Wales and are in line with a similar exemption in other major jurisdictions. The bill clarifies the stamp duty exemptions for principal place of residence, self-managed superannuation funds and relationship breakdowns. The bill strengthens anti-avoidance provisions for landholder duty. I commend the bill to the House.

**Question—That this bill be now agreed to in principle—put and resolved in the affirmative.**

**Motion agreed to.**

**Bill agreed to in principle.**

#### **Passing of the Bill**

**Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.**

**ROAD TRANSPORT LEGISLATION AMENDMENT (OFFENDER NOMINATION) BILL 2012****Agreement in Principle****Debate resumed from an earlier hour.**

**Mr GEOFF PROVEST** (Tweed—Parliamentary Secretary) [5.24 p.m.]: The Road Transport Legislation Amendment (Offender Nomination) Bill 2012 contains some fairly significant amendments. First, I will outline some of the background to this legislation. Section 179 of the Road Transport (General) Act 2005 provides that where a designated offence—that is, a camera-recorded offence of driving in a public transport lane, disobeying a traffic light and speeding—or a parking offence is committed, the responsible person for the vehicle is taken to have committed the offence. The "responsible person" is defined in the Act and includes the registered operator of a vehicle. The responsible person can be a natural person or a body corporate. The provision is necessary because the actual offender is not spoken to or identified at the time that these types of offences are committed.

If a person who is issued a penalty notice or a court attendance notice for a designated offence was not the driver, the law requires the person to nominate the person who was. If a nomination is made, the responsibility for the offence is transferred to the person nominated. This not only provides protection for the registered operator who was not the driver but ensures that the driver at the time of the offence is held accountable. Failing to nominate or falsely nominating the person in charge of the vehicle is an offence. The proposed legislation introduces the requirement that the person who has completed relevant nomination documentation that nominates an offending driver, if directed by the authorised officer in the case of a penalty notice or the informant in the case of a court attendance notice, is to attend and/or provide such additional information, including a statement in writing, that is in the person's power to give and that may lead to the identification of the driver, and that a maximum penalty of 20 penalty units apply for non-compliance with the direction. The type of information that may be requested includes a drivers licence number and State of issue, and the driver's date of birth.

The legislation will also provide administrative efficiencies and will relieve the responsible person for a vehicle who is nominating an offender from the burden of having to provide multiple declarations where multiple offences are detected in the one camera image. One nomination document will be acceptable for all offences in the single image. That is particularly significant to me because in my great electorate of the Tweed, which borders Queensland, many vehicles cross the border on a daily basis. Our local area has a number of speed cameras and, unfortunately, one on the main highway brings in well over \$1 million in revenue. Around 70,000 vehicles a day travel from the Gold Coast to the lovely areas of the Tweed. At times there is a great deal of confusion, and well over 2,000 outstanding traffic warrants are waiting to be served on Queensland drivers who are alleged to have committed offences in the Tweed electorate.

The bill will amend the Fines Act 1996 to mirror the amendments to the Road Transport (General) Act 2005 relating to the type of information that is to be provided in a nomination document and for the provision of a single nomination document for multiple offences detected in a single camera image. The bill will greatly increase the fines for companies. For example, for a camera offence of one to 45 kilometres an hour over the speed limit a company could be liable for a fine of up to \$11,000; for a camera offence of in excess of 45 kilometres an hour over the speed limit in a heavy vehicle a company could be liable for a fine of \$16,500. I note, Mr Assistant-Speaker, that in recent times your electorate of Coffs Harbour has suffered some significant tragedies on the Pacific Highway. I know that you have campaigned actively against the Federal Government in regard to its road funding ratios. We all stand behind you on that issue, because one life lost on our highways is one too many—particularly when it comes down to a lack of cooperation from the Federal Government. These speeding fines also apply to light and medium vehicles and are fairly significant. The penalty notice for speeding in excess of 45 kilometres in a light to medium vehicle in a school zone is \$10,205.

There are some significant issues here. I have been advised by a number of local residents that speeding drivers will pay the extra fine because the vehicle is registered through a company. A number of people in my community have alleged to me that that is an ongoing practice. This bill will also make it easier to deal with cross-border roads issues. As I have said in this place many times, the front door of Tweed is in Queensland and the back door is in New South Wales. Thirty per cent of Tweed residents work in Queensland and 15 per cent of their kids go to school in that State. Roughly the same applies in reverse. It would be remiss of me not to digress a little to reflect on an event affecting my neighbours across the border that I am sure will lead to much more

cross-border cooperation. I am of course referring to the Australian Labor Party's recent defeat in the Queensland election. It was a fairly significant defeat. I am sure that most people in this House are aware of it. Some take joy from it and perhaps others are not so joyful, but the people spoke.

There are a number of cross-border road transport issues. Deputy Premier Andrew Stoner and our newly appointed cross-border commissioner met recently to discuss differences in the States' road laws. This legislation mirrors similar legislation that is in force on the other side of the border. This has been an ongoing issue. About five years ago I introduced a private members' bill to address an anomaly in the Road Transport Act that meant novice drivers from Queensland were not required to abide by the laws for novice drivers in New South Wales. At that time the Act stated that novice drivers in New South Wales were authorised by the Roads and Traffic Authority. Of course, Queensland novice drivers are authorised not by the Roads and Traffic Authority but by the Queensland Department of Transport and Main Roads. Unfortunately, the previous Government decided to introduce its own legislation. The only difference from mine—and I was rather surprised by this—was that it applied also to novice drivers from overseas. I found that interesting. However, the legislation was passed, thus resolving another cross-border transport issue.

It behoves us all in this House to introduce legislation that attempts to make our roads safer. No-one likes to see carnage on the roads, particularly as loss of life has a multiplier effect in our local community. It has an emotional as well as an economic cost. As we know, our roads are getting busier. I mentioned that Sextons Hill is a number one black spot. Yesterday the new southbound lanes were opened. There has been argument about this issue but I will set the record straight. That project is about to be finished, at a total cost of \$359 million. The Federal Government contributed \$349 million and the New South Wales Government contributed \$10 million. That verifies previous arrangements. It may help that it is in a Federal marginal Labor electorate. I am sure that the Hon. Walt Secord is fully aware of the issues in the Tweed, as he regularly reminds me of them in the local media, for which I am thankful. I said that my contribution to this debate would be brief. So without further ado, I confirm that I am 100 per cent committed to the Tweed electorate and commend the bill to the House.

**Mr CHRISTOPHER GULAPTIS** (Clarence) [5.34 p.m.]: The main purpose of the Road Transport Legislation Amendment (Offender Nomination) Bill 2012 is to amend road transport and fine enforcement legislation to provide for efficiencies in the process of the penalty notice life cycle. Other measures in the bill are directed at corporations that do not do the right thing and attempt to shield their drivers from the allocation of demerit points and possible licence suspension. By way of background, section 179 of the Road Transport (General) Act 2005 provides that when a camera-recorded public transport lane, traffic light or speeding offence is committed the responsible person for the vehicle is taken to have committed the offence. The responsible person includes the registered operator of the vehicle.

The provision is necessary because the actual offender is not spoken to or identified at the time these camera offences are committed. Section 179 of the Road Transport (General) Act 2005 provides that the responsible person for a vehicle is deemed to have committed a camera-detected offence in the absence of the responsible person nominating another person as being the driver. This is also because the actual offender is not spoken to or identified at the time these camera offences are committed. A new range of penalties is being introduced to ensure that offenders are captured and dealt with accordingly. Where an offending driver is not identified correctly, demerit points and subsequent driver licence suspension cannot apply. In the past few years a number of amendments have been made to section 179 of the Act in an effort to combat this sometimes deliberate ploy to shield drivers.

These changes have included increased fines for failure to nominate offences and registration suspension action against companies that fail to nominate on two or more occasions. Despite these changes there have continued to be occasions where registered operators, particularly companies, have been prepared to absorb the increased fines in order to protect the offending driver. The bill before the House proposes to make further amendments to the Act to strengthen these provisions for companies that fail to nominate offenders and also to provide for administrative efficiencies in the processing of penalty notices and subsequent nominations. I have mentioned a number of times in this House that the stretch of the Pacific Highway through the Clarence electorate is the last to be completed. It is a substandard stretch of highway that is used by increasingly large numbers of trucks, semitrailers and B-doubles.

Those who do the wrong thing need to be captured. Heavy vehicle drivers are tailgating while sharing the road with mums and dads who are taking kids to school. We use the Pacific Highway of necessity; it has essentially become a local road. With trucks and other vehicles using the road for transport it has become

increasingly dangerous. This bill will assist in catching offenders and make the road safer. The most significant change will see the introduction of penalty notice fines and maximum court-imposed fines for companies that are five times higher than those that apply to an individual person where a camera-detected speeding, red light or public vehicle lane offence is committed. If the company does the right thing and nominates the offender these increased penalties will not apply as the penalty notice and lesser amount will then be sent to the person nominated.

For the majority of camera-recorded offences the maximum court fine is 20 penalty points or \$2,200. In the case of a heavy vehicle speeding at more than 45 kilometres an hour over the limit the maximum court fine is 30 penalty points or \$3,300. The fines for individuals remain at current levels. However, the bill proposes that corporations face maximum court fines of five times these amounts. In the case of heavy vehicles speeding at more than 45 kilometres an hour over the limit, the maximum court fine applicable to a corporation will be 150 penalty units, or \$16,500. For any other camera-detected offence, the maximum court fine will be 100 penalty points, or \$11,000. The prospect of facing the increased maximum court fine will be a further deterrent for those corporations that are prepared to incur the current fine levels, but continue to fail to nominate the offending driver. It is proposed to make a corresponding increase in the penalty notice fines for offences that are not prosecuted through the courts. The great majority of offences are dealt with by penalty notices.

The bill will introduce administrative efficiencies that will result in allowing an authorised officer to request additional information that is within the provider's power to give and will assist in identifying the nominated offender. The bill will allow a single statutory declaration to be accepted when multiple offences are captured by a single camera image and will reduce the time that a penalty notice is deemed to have been served from 21 to seven days to align with similar provisions applying to penalty notice reminder letters. The opportunity is also being taken to make some minor corrections to road transport legislation, which include removal of the reference to a burnout as a relevant offence for which vehicle sanctions may be imposed. It was intended that only aggravated offences would be included. A further amendment will ensure that novice drivers continue to be subject to lower blood alcohol content provisions, regardless of the status of their licence.

This important legislation puts companies on notice that, if they do the wrong thing and fail to nominate a driver, they will face increased fines. If companies do the right thing and nominate the offending driver, they will avoid facing additional penalties. These legislative measures are directed at companies that do not do the right thing, and we know who they are. These tough new penalties will make those who think they are above the law think twice. There is no reason why a company cannot put in place measures to identify who was driving a company vehicle at any time. Companies can avoid increased penalties by simply maintaining a record of a vehicle's use that will enable them to nominate the actual offender. The former Labor Government promised to introduce these reforms but, as in so many other instances, failed to deliver. I trust all members will lend their unreserved support to these sensible Government proposals. I commend the bill to the House.

**Mr TONY ISSA** (Granville) [5.42 p.m.]: I support the Road Legislation Amendment (Offender Nomination) Bill 2012, which is intended to further amend the Road Transport (General) Act to provide increased penalties for a company that fails to nominate an offending driver and to provide for administrative efficiency in processing penalty notices. The main purpose of the bill is to amend the road transport and fine enforcement legislation to improve efficiencies in the process of the penalty notice life cycle. Other measures in the bill are directed at corporations that do not do the right thing and attempt to shield their drivers from the imposition of demerit points and possible licence suspension.

Section 179 of the Road Transport (General) Act 2005 provides that when a designated offence, such as a camera-recorded offence or a parking offence, is committed, the person who is responsible for the vehicle is taken to have committed the offence. If the person who receives a penalty notice or court attendance notice for a designated offence is not the driver, the law requires that person to nominate the person who was the driver. If a nomination is made, the responsibility for the offence is transferred to the person who has been nominated. In cases in which the registered operator is a real person, such as a privately registered vehicle, there is generally no problem assigning responsibility for the offence to that person. However, when the registered operator is a company, responsibility for the offence cannot be assigned to a real person unless the company actually nominates the person.

In recent years a number of measures have been introduced to deter companies from failing to nominate. The proposed measures are to target companies that have a history of failing to nominate drivers. If a company does not nominate a driver, which results in the driving offence remaining in the name of the company, an increased monetary penalty applies. The current maximum court fine for an offence under the

regulations is 30 penalty units, or \$3,300. Measures that previously had been agreed by Parliament include increasing the maximum court fine for a company that falsely nominates or fails to nominate an offender to 100 penalty units, or \$11,000; extension of the period of time in which a person may be prosecuted for falsely nominating a driver from six months to 12 months; and allowing drivers to be nominated other than by a statutory declaration.

The new penalties provided by the bill will make those who think they are above the law think twice. There is no reason why a company cannot put in place measures that will identify who was driving a company vehicle at any point in time. Companies can avoid increased penalties by simply maintaining a record of a vehicle's use, which will enable them to nominate the actual offender. The former Labor Government promised to introduce those reforms, but, as in so many instances, it failed to deliver them. I trust all members will lend their support to the bill. I commend the bill to the House.

**The ASSISTANT-SPEAKER (Mr Andrew Fraser):** Order! I remind the member for Drummoyne of the requirement to maintain parliamentary decorum.

**Ms MELANIE GIBBONS (Menai) [5.46 p.m.]:** I support the Road Transport Legislation Amendment (Offender Nomination) Bill 2012, an important amending bill that will keep our roads safe. As a driver in Sydney, I know the traffic and the hustle and bustle of some of our major road networks. I also know what it is like to share the road with trucks of numerous sizes, work vehicles, motorbikes and cyclists. While all of that is going on, we have road rules to adhere to, traffic lights to stop at, and speed cameras and pedestrians to watch for. There is a lot going on when we get behind the wheel. We all do our best to do the right thing and we adhere to the road rules because we know that is what we are expected to do. If we do not, we are expected to face the consequences: usually a fine and possibly even some demerit points are taken as collateral. We know that this is the price we pay for breaking the rules. We also know that these rules exist to protect us, our fellow motorists and pedestrians. They are there to keep us safe.

When we see horrific traffic accidents, such as the recent tragic smash at Menangle, where a semitrailer killed a son and his elderly parents who were travelling in the other direction, we see the consequences. But today we will debate some changes to existing road transport legislation. This amending bill is just another step to make sure our road users are doing the right thing and, in turn, are keeping us all safe. When a person is issued a speeding fine or stopped for disobeying a traffic light, that person is issued with a nominated fine on the spot. But when a person receives a fine from a speed camera, or a parking offence, the penalty notice is left on the vehicle or mailed to the responsible person for the vehicle. In most cases, the responsible person is the same person who was in charge of the vehicle at the time of the offence. An issue emerges when the responsible person for the vehicle has to nominate someone else who was in charge of the vehicle when the infringement occurred.

Once the nomination has been made, the responsibility is transferred to the nominated person. That not only provides protection for the registered operator who was not the driver but also ensures that the driver at the time of the offence is held accountable. It becomes an offence when the person fails to nominate, or falsely nominates, the person in charge of the vehicle. The same applies to a business or corporation that receives a penalty notice. While the penalty is attributed to the company as an entity, it is up to the company to nominate the responsible driver. Currently, the offence cannot be assigned to a real person unless the company nominates. In many cases, to avoid someone losing demerit points or to avoid a driving record, the company foots the bill and cops the fine. In essence, it is able to shield the offender. This amendment will further deter companies from taking that option.

Previous attempts to increase the fines the companies must pay and tougher requirements for nominations have not curbed this practice. This Government is introducing even tougher penalties for corporations considering absorbing the fine themselves. The amendments outlined in this bill have been formulated as a joint proposal by the Roads and Maritime Services and the State Debt Recovery Office. Additional consultations were made with the officers of the Department of Attorney General and Justice and the Ministry of Police and Emergency Services. The previous Government tried a number of measures to deter companies from failing to nominate the driver responsible. These included increasing the maximum court fine, extending the period of time of prosecution from six to 12 months and allowing drivers to be nominated by means other than by way of statutory declaration. Each of these measures has been somewhat successful in encouraging greater compliance, but there are still a number of companies that are prepared to break the law.

I return to the matter of insufficient information being given to the State Debt Recovery Office making it difficult to reissue a penalty notice to the offender. The bill amends section 179 to provide that a person who

nominates another person as the offending driver in a relevant nomination document, if directed, is to appear before an authorised person or prosecutor for the purposes of interview or to provide additional information that it is in the person's power to give that may lead to the identification of the driver. Additional information can be provided in the form of a written statement, and should not be seen as an excessive measure to adhere to. It is already expected that the company has sighted its employees' drivers licences and approved them as drivers before operating a company vehicle.

It is also the company's responsibility to maintain a log of its vehicle's use. A record of each driver's full identity and address details of its drivers and their licence information should be kept by any company with work vehicles. Not only does it protect the company's liability, but the driver who incurred the penalty can be easily identified for nomination. Additionally, those who may think about falsely nominating another person may reconsider doing so in the knowledge that they may be required to attend and give additional information over and above the name and address information that is asked for in the statutory declaration.

The bill also proposes to reduce the period for presumed service of a penalty notice from 21 days to seven days. By reducing the time period, it will reduce the unnecessary delay in dealing with penalty notices and deter those hoping to thwart the system. These amendments will strengthen current measures and improve the efficiency of the processing of infringements—particularly, making sure that the system keeps pace with the new technologies involved with camera infringements. As our technology improves and more multi-offence cameras are installed, it has become necessary to update the corresponding process for infringement notices. With a single camera incident, such as a red light camera, the fine is issued and a single statutory declaration must be provided.

However, with the introduction of the safety cameras, which can detect both speed and a red light infringement, the default procedure issues a separate fine for each offence and requires a statutory declaration for each offence, despite it occurring at the same time. Not only is this onerous on the registered operator who is trying to do the right thing, but it also makes it possible for multiple people to be nominated for each offence, despite them occurring at the same time. These changes will only require a single statutory declaration for all offences detected in a single camera incident. As I mentioned earlier, a penalty notice for a camera offence will be sent in the first instance to the registered operator, which can also be a company. Some companies have adopted the practice of simply paying the fine for the camera offence and not nominating the offender.

To encourage companies to nominate offending drivers, the bill increases the monetary penalties applying to a camera-detected offence where the offence remains in the company name. The bill proposes that fines for individuals should stay the same, while corporations will face maximum court fines of five times these amounts. This equates to a maximum of \$16,500 for heavy vehicles or 150 penalty units. For any other camera-detected offence, the maximum court fine will be 100 penalty units or \$11,000. It is also proposed that a corresponding increase be made in the penalty notice fines for offences that are not prosecuted through the courts and bring consistency to current legislation. These fines are significantly higher and it is hoped that the prospect of facing such increased penalties will be a further deterrent to those planning not to nominate the offending driver.

This is ultimately a matter of accountability. As drivers, we expect to face a fine when we break the law and we accept responsibility. It is time that companies who continue to shield their employees from fines, face greater consequences for their actions. This Government is trying to close the loophole that currently enables companies to avoid nominating offending drivers. We must not forget that those who do the right thing and nominate the offending driver do not have to pay any of the fines. Instead, a new penalty notice is sent to the nominated driver, and it will attract the current lower fines. These changes do not apply to parking offences, due to the difficulties for enforcement officers at the roadside to determine whether a vehicle is registered in the name of a corporation and, therefore, which fine value to apply. Additionally, some other minor amendments will be made, including removing an incorrect reference to the burnout offence in section 218, incorrectly empowering police to seize vehicles.

The bill also rectifies the way novice drivers whose licences have expired are dealt with. For offences related to blood alcohol levels for novice drivers whose licences have expired, the changes confirm that they can be arrested and charged with special range prescribed concentration of alcohol offences in the same way as licensed novice drivers. I commend the Minister for Roads and Ports for his work on these amendments. I am pleased to support greater consequences for companies who fail to nominate the offending driver and the streamlining of the penalty notice process to match current technologies and improve former inefficiencies. I commend the bill to the House.

**Debate adjourned on motion by Mr John Sidoti and set down as an order of the day for a later hour.**

*[The Assistant-Speaker (Mr Andrew Fraser) left the chair at 5.57 p.m. The House resumed at 7.00 p.m.]*

## PRIVATE MEMBERS' STATEMENTS

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### BANKSTOWN RELAY FOR LIFE

**Mr GLENN BROOKES** (East Hills) [7.00 p.m.]: On Saturday 31 March I was honoured to attend the opening ceremony of the 2012 Bankstown Relay for Life, representing the Hon. Kevin Humphries in his capacity as the Minister for Healthy Lifestyles. Relay for Life gives the community the opportunity to celebrate cancer survivors and to remember and honour loved ones who have been lost to cancer. Bankstown Relay for Life has held its fun-filled overnight event each year for the past six years. Over that time hundreds of thousands of dollars have been raised for the Cancer Council. This year was no exception. When I last checked the website the Bankstown Relay for Life had not just reached its goal of raising \$60,000; it had exceeded it. Everyone who participated in the Bankstown Relay for Life should be very proud of their efforts. They all did a fantastic job and I am proud of each and every one of them.

Relay for Life is a special event for so many reasons not the least of which is that it brings together people from all walks of life with a common goal: to help those less fortunate than themselves, to help people who have been touched by cancer and to bring out the very best in our community. Relay for Life is a special event not just because of the reasons I have mentioned already, but because of the survivors who attend and participate. Survivors are an inspiration to us all and a reminder of why it is vital for everyone to support the important work of the Cancer Council. On Saturday for 25 hours, 500 members from the community walked around the Crest athletics complex. They walked an extra hour because daylight saving ended, but they did so gladly and with smiles on their faces. They walked for 25 hours with a great spirit of friendship and solidarity.

When I returned to the Crest complex on the morning of Sunday 1 April to participate in the closing ceremony, I was struck by how fresh the participants looked and how enthusiastic they were after so many hours of walking. I was struck also by their passion and eagerness. I took the opportunity then and I take it now to thank everyone who participated in the 2012 Bankstown Relay for Life. I acknowledge the extraordinary work of the organisers, who did an outstanding job in making sure that the relay was a success. I make special mention of an exceptional lady—Koula Thambyah.

Without the leadership of Koula, the 2012 Bankstown Relay for Life would not have been the event it was. Relay For Life represents hope: hope that those lost to cancer will never be forgotten, hope that those facing cancer will be supported and hope that one day cancer will be conquered. Relay For Life is an inspirational overnight event that honours cancer survivors and celebrates life. It is the biggest cancer event that makes the biggest difference. Relay for Life gives the community the opportunity to fight back against all cancers. I encourage everyone to get behind their local Relay for Life because even one member can make a difference.

### ASSYRIAN NEW YEAR FESTIVAL

**Mr GUY ZANGARI** (Fairfield) [7.05 p.m.]: On Sunday 1 April 2012 I attended the Assyrian New Year Festival at the Fairfield Showground to commemorate the beginning of the 6,762nd year in the Assyrian calendar. The Assyrian New Year Festival is a major event on the Fairfield calendar and is well attended not only by Assyrians, but also by the wider Fairfield community. To provide an indication of the magnitude of this event, the Fairfield showground was completely transformed with an Ancient Assyrian art exhibition; a massive staged area for musicians, singers and dancers; amusement rides; Assyrian food stalls; market stalls; a wrestling ring, which was a favourite of the kids and older kids at heart; and a dignitaries table, which seated 60 special guests. The spirituality of the Assyrian community was present with His Beatitude Mar Meelis Zaia AM, Metropolitan of Australia, New Zealand and Lebanon, leading the proceedings with an opening prayer offering thanks to the Lord and blessing the Assyrian community in Australia and around the world.

Fairfield festivals usually are big and the Assyrian New Year celebrations certainly lived up to that reputation. The Assyrian community is held in such regard that the festival was well attended by Federal, State and local government representatives. If I were to name all those representatives, I would have no more time remaining to speak in this private member's statement. The clear theme from the speeches of the dignitaries fortunate to address the large gathering brought to light the plight of Assyrians in the Middle East today, the human rights abuses towards Assyrians' diaspora and the conditions Assyrian refugees face in Syria, Turkey, Jordan and Egypt. The speeches touched also on the recognition of atrocities inflicted upon Assyrian people in

their ancient homelands early in the twentieth century. These events, which took place so many years ago, and the failure of governments to acknowledge the atrocities that were committed, shape the identity and plight of Assyrians today, including those who now call Australia home.

The ancient celebration of the new year is called Akitu by Assyrians and lasts 12 days. In the old Assyrian calendar the Assyrian year began on the vernal equinox, which falls on 21 March in the Gregorian calendar. April is the first month of the Assyrian year, which is called Nisan. Today's Assyrians mark 1 April as the beginning of the new year, and that is aligned with the Gregorian calendar. This tradition has survived the millennia and has been adopted by various cultures that have lived contemporaneously with Assyrians and by those who inherited the tradition of the ancient Assyrian homeland. During the opening ceremony two unique individuals were presented with community awards: Mrs Carmen Lazar and Mr Paul Azzo. Both were acknowledged for their tireless work raising awareness, promoting culture and organising school-based activities surrounding Assyrian traditions. Congratulations to Mrs Lazar and Mr Azzo on their community advocacy work.

Whilst there was much celebration, there was also a level of sadness for the sudden passing of Mr Nenos Nissan, the Assyrian Australian National Federation Secretary. Mr Nissan passed away in the early hours of Saturday morning 24 March. His passing has left a gaping hole in the community. Mr Nissan was a wonderful advocate for the Assyrian community here in Australia and abroad. It was a difficult week for the organisers leading up to the event as Mr Nissan was laid to rest on 28 March 2012.

On behalf of the Fairfield community and the members of this Chamber I extend sincere condolences to the Nissan family. Our prayers and thoughts are with them during this time of sorrow. I would like to express my gratitude to the Assyrian Australian National Federation and the Assyrian Universal Alliance for organising a great festival. In particular I would like to express my gratitude to Mr David David, Mr Hermiz Shahan and the wonderful committee that worked for months planning the festival. I am very proud of the Assyrian community in Fairfield and look forward to sharing many more achievements with them.

#### **BALLINA ELECTORATE**

**Mr DONALD PAGE** (Ballina—Minister for Local Government, and Minister for the North Coast) [7.10 p.m.]: Easter is almost upon us and I am sure all members are looking forward to some time off with family and friends. Perhaps some members will travel to the Ballina electorate for the East Coast Blues and Roots Festival at Byron Bay. It is one of the best festivals on the Australian music calendar and organisers are once again preparing for an influx of tourists to hear some of the best music the world has to offer. Typically around 20,000 people attend the five-day festival held every day at the Tyagarah site, just north of Byron Bay. I must declare an interest as I will attend the festival again this year, as I have in the past.

The Byron shire continues to be one of the most popular tourist destinations in Australia, despite the downturn in domestic tourism resulting from the strong Australian dollar. Figures released from Destination NSW and Tourism Research Australia show that over the last four years the Byron shire has received approximately 1,430,000 visitors a year. This is a staggering number for a small town in regional New South Wales. The tourism industry drives the economy of the Byron shire, generating around \$380 million a year. In the neighbouring Ballina shire tourists spend an average of \$149 million a year. As the member for Ballina, which includes Byron Bay, I understand why my electorate is so popular with tourists. We have beautiful beaches, rainforests and hinterland, a laid back atmosphere, fresh produce, clean air and the Richmond and Brunswick rivers.

**Mr Stephen Bromhead:** And a fine local member.

**Mr DONALD PAGE:** Thank you. In my opinion one of the best things that has happened in the last 20 years in my electorate is the growth of the Ballina Byron Gateway Airport. I remember when I was first elected as the member for Ballina in 1988 getting to Sydney was a major ordeal. First I had to catch a bus from Ballina to Casino, and that took approximately an hour and a half, and from there I would get a flight to Sydney. There was not much change from \$700 for a return ticket in those days. The Ballina Byron Gateway Airport has been a fantastic asset to the Ballina and Byron shires and the region as a whole. From humble beginnings in the 1960s the Ballina Byron Gateway Airport has grown to be one of the busiest airports in regional New South Wales, servicing 315,000 passengers last year, with plans to expand to half a million passengers by 2016.

From July this year there will be 21 jet services a week to Sydney, three jets to Melbourne and 20 Regional Express or Rex flights to Newcastle and Sydney. JetStar recently announced it would be boosting

its presence at the airport from July by introducing another seven services to Sydney. Rex will also be introducing a second daily service to Newcastle. The world has certainly become a smaller place since the Ballina Byron Gateway Airport opened and I have been fortunate to witness its growth firsthand. The fact that three airlines now utilise the airport has resulted in airfares being affordable for most people and the short flight of an hour from Sydney on a jet makes our region a desirable destination for a weekend.

Similarly, for people who need to travel to Sydney for work, the Ballina Byron Gateway Airport provides a good service. Air travel is now reasonably priced and we have a timetable that offers a range of options to suit passenger requirements. It is pleasing that the Ballina Byron Gateway Airport is a user-pays facility funded by airlines and customers, not subsidised by ratepayers. Visitor numbers to the region grew by 10 per cent last year. I am told this can be partly attributed to the Byron Naturally campaign organised by Byron United, the local chamber of commerce.

To cope with increase in demand there are now plans to overlay and strengthen the surface of the runway at a cost of around \$7 million. From July this year parking bays for jets and smaller aircraft, and taxiways, are to be increased. There are also long-term plans for an expansion of the terminal and associated facilities to cope with increased passenger numbers. I pay tribute to Ballina council and the airport's manager, Neil Weatherson. The New South Wales Government is mindful of the importance of tourism to the region and has this year made significant investments in tourism infrastructure in the Northern Rivers region, with \$350,000 being allocated to tourism operators to help them deliver new tourism products that have the potential to bring further economic benefits and increase visitor expenditure on the North Coast.

Some of the projects include the development of a day tour of the green cauldron and Nightcap National Park, featuring an Aboriginal cultural experience and local organic produce; new themed trails and itineraries featuring the best of Northern Rivers arts, creativity, markets, food and nature-based experiences; new cruises, farm stays, kayaking and cultural tours; and a new regional airport shuttle to operate between Lismore and Casino, connecting with existing shuttle services operating between Byron Bay and the Tweed coast, through to the Gold Coast and Brisbane airports. Supporting great ideas from local tourism businesses is important to the New South Wales Government's mission of growing regional tourism and increasing the numbers of overnight visitors to the State.

## HEPATITIS B

**Dr ANDREW McDONALD** (Macquarie Fields) [7.15 p.m.]: I recently met Dr Monica Robotin from the Cancer Council of New South Wales. Dr Robotin came to see me because of the incidence of hepatitis B in the community. It is an increasing problem in south-west Sydney, including in the electorate of Macquarie Fields. Hepatitis B affects about 180,000 people in Australia and 60,000 of those people are in New South Wales. It can be acquired at birth or during life. In New South Wales approximately 22,000 people have acquired the disease at birth. Those 22,000 people have a 25 per cent to 45 per cent chance of dying of their disease; usually as a result of liver cancer or liver failure due to cirrhosis. Only 60 per cent of those 22,000 people even know they have hepatitis B. That is because people born in countries where hepatitis B infection is common—where one in 12 adults are infected—are asymptomatic for decades.

For many of the 22,000 people who have acquired hepatitis B at birth premature death is preventable: Two of the drugs available for treatment are Interferon and Entecavir—both of which are available to patients on the pharmaceutical benefits scheme. The cost of treatment to the taxpayer is high but treatment is cost effective when compared to the treatment for cirrhosis or liver cancer. Liver cancer has a five-year survival rate of only 16 per cent. Liver cancer is usually due to a type of cancer known as hepatocellular cancer, and while it is uncommon in Australia, it is among the five most common cancers found in Australian males born in China, Indonesia, Korea, Hong Kong and Vietnam. In New South Wales about 70 per cent of all hepatocellular liver cancers—of which about 400 new cases are diagnosed and from which 310 sufferers die each year—are diagnosed in people born in countries with these very high rates of hepatitis B. This means that every year we lose about the same number of people in New South Wales from chronic hepatitis B infection as we do on our roads.

The highest disease rates occur in Bankstown, Fairfield and Liverpool local government areas. The incidences of liver cancer in these areas increased by 36 per cent in the past 10 years, and about 50 per cent of liver cancer sufferers are Asian-born. Sadly, three quarters of that number are diagnosed at a late stage, meaning that most patients survive for only five months after diagnosis. Liver cancer is increasing at a rate faster than

any other internal malignancy and because of the high mortality rate with liver cancer, on current trends the death rate from liver cancer may exceed that of breast cancer sometime in the next 20 years. Liver cancer rates will increase over the next two decades due to the amount of chronic hepatitis B in the population.

Where people are born in areas of low infection, such as in Australia, less than 1 in 1,000 adults become infected, usually through drug use or sexual transmission; but most of these patients clear the infection and become immune. However, for those who acquire the infection at birth, the infection lasts for life; and, as I said before, 25 to 40 per cent of those people will die from their hepatitis B infection. Treatment is very cost effective. It costs about \$16,000 per quality-adjusted life year saved—or QALY. This compares to \$10,000 a year for breast cancer screening, and similar costs for colorectal cancer screening. However, only about 3 per cent of people with chronic hepatitis B currently receive treatment.

NSW Health needs to take the lead on this issue. For this reason, today I asked a question of the Minister about the current status of the response of NSW Health to this increasing problem. I firmly believe this issue is urgent; it should also be above politics. Much of the treatment can be done in primary care with the general practitioner workforce. To do that, they need the support of NSW Health with education and diagnostic facilities. The low level of awareness of the disease among the at-risk population and its doctors is one of the major problems encountered in the management of this disease. The Cancer Council has the B Positive project, which is run from, among other places, the Cancer Council hub at Casula. I support their wonderful work.

### CHARLES STURT UNIVERSITY

**Mr PAUL TOOLE** (Bathurst—Parliamentary Secretary) [7.20 p.m.]: I am pleased tonight to be able to speak about a very important application being made on behalf of my electorate. The Federal Government has a region priorities round of education investment funding. At the end of last year the Federal Government announced it would invest \$480 million in regional and rural communities to address various workforce skills lacking in those communities. Charles Sturt University is making an application to the Federal Government. It has spent considerable time putting together a lengthy submission as part of that process. I want to highlight the wonderful work of Charles Sturt University. It is not only the electorate of Bathurst that benefits from the university; the electorate of my colleague the member for Orange also shares in the spoils of Charles Sturt University, as does the electorate of my colleague the member for Dubbo.

Charles Sturt University is a university that is about getting jobs for its students. It has courses that adopt a hands-on approach to training of its students for the future. There is considerable industry collaboration in the courses provided by the university, aimed at identifying future skills shortages and addressing those needs. The university delivers a high quality of education for the students at the university. These days, universities have more flexibility than they had in the past. The Charles Sturt University application seeks assistance to expand its health and human service programs to address chronic shortages of health professionals in rural and regional communities. The application being submitted seeks a \$63.6 million contribution from the Federal Government.

If successful, that funding will be used to deliver 12 new courses from the Charles Sturt University in Orange, and to build a world-leading paramedic education facility in Bathurst. The project is valued at more than \$84 million, with co-contributions from the Charles Sturt University of \$19 million, \$1.27 million from the New South Wales Government, \$200,000 from the Charles Sturt University Foundation Trust, and around \$60,000 from both the Bathurst and Orange city councils. If the application is successful, the funding will enable us to build a world-leading paramedic facility on the Bathurst campus, including outdoor simulation facilities, an emergency simulation unit and expanded laboratory infrastructure.

Charles Sturt University has been looking at ways to build this leading-edge facility for quite a number of years now, to ensure future paramedics are well prepared for the expanded roles they play at the front line of our health system. The infrastructure will also allow for further expansion of undergraduate nursing programs, and see the addition of new degrees in social work and social welfare in Bathurst. The university will more than double the number of health courses on offer, including medical imaging, radiation therapy, occupational therapy, podiatry and a range of postgraduate nursing degrees for nurse practitioners and mental health nurses. The project will see about 1,500 new full-time students at Orange and Bathurst. An economic impact analysis by the Western Research Institute found that the project will create 370 new full-time equivalent jobs, and generate \$41.4 million a year in the local economy.

It is well known that students who train in the bush tend to stay in the bush. Statistics of Charles Sturt University show that 70 per cent of those who do courses at the university end up staying in rural areas. Charles

Sturt University was praised last week by the New South Wales Minister for Health on a visit to Bathurst. I commend the Deputy Premier for his hard work over the past few weeks in meeting with Charles Sturt University and making sure there was a contribution from the New South Wales Government of \$1.27 million, demonstrating the Government's commitment to this project going forward. I state for the record that I am a product of Charles Sturt University, having studied there for my diploma in teaching a number of years ago. The courses that the university has delivered have been exemplary. Without saying more, I would implore the Federal Government to recognise that this is a much-needed project that is well worth funding.

### CHINESE AUSTRALIAN SERVICES SOCIETY

**Mr MARK COURE** (Oatley) [7.25 p.m.]: On 23 March 2012 I had the opportunity to represent the Minister for Citizenship and Communities at the launch of an important initiative by the Chinese Australian Services Society [CASS], which will be very important for my local community and the multicultural community more generally. My own community is very volunteer minded; I recognised the level of community commitment at my local awards last year. The Chinese Australian Services Society was founded in 1981 as a community-based not-for-profit organisation, particularly to provide welfare services to migrants and members of the Chinese community. These services are provided to seniors, youths and women as well as disadvantaged members of the community.

The Chinese Australian Services Society provides outstanding services to the Chinese community in my electorate of Oatley. It has been a real pleasure to work with the organisation since I became the local member a little more than a year ago, especially with individuals like Henry Pan, who works in the Hurstville area. Some 20 per cent of my community comes from mainland China and speak Mandarin as their first language. Therefore it is important that they are able to access community services in their native language and to deal with people who are familiar with cultural barriers or norms that may exist in seeking out such services. That is why I was so pleased to have the opportunity to attend the launch of this exciting initiative to encourage native speaking volunteers to get involved with community services.

The launch was of a project called Untapped Resource: Volunteers. It is a project run jointly by the NSW Multicultural Health Communication Service, the Council on the Ageing NSW and the Dementia Collaborative Research Centre of the University of New South Wales. The purpose of the project is to bring in Chinese, particularly Mandarin and Cantonese, as well as Italian speakers, especially as those communities face significant challenges of ageing and illnesses associated with ageing. Volunteering is important to building networks and friendships and encouraging people to remain active. Mental and physical activity can help reduce the likelihood of certain mental illnesses such as dementia. Volunteering is also critically important to non-government organisations and not-for-profit organisations that run on limited budgets. Indeed statistics from the Australian Bureau of Statistics indicate that the value of attributed volunteer hours in not-for-profit organisations in 2006-07 was more than \$14 million.

It is worth noting that goal 25 of the NSW 2021 Plan is "Increase opportunities for seniors in New South Wales to fully participate in community life". Unfortunately, communities in my electorate are less likely to volunteer, particularly as they age; this is an issue of concern that has not been fully explored or researched. It came up over the course of the media launch only two weeks ago in Chinatown. Therefore working to encourage that activity is important. I, for one, am involved through Meals on Wheels and the Mortdale community services and am active in the Pole Depot; over the years I have tried to encourage those organisations to get involved in multicultural communities in my electorate. They are doing just that at the moment. That is what is exciting about this new project: it uses the existing networks of organisations like the Chinese Australian Services Society [CASS] in order to reach out to the culturally and linguistically diverse community with an organisation they already know and trust. That way the Chinese Australian Services Society can guide volunteers to community groups such as Meals on Wheels, the Red Cross and St George Community Transport.

The other benefit is that these organisations can provide information to the community, especially on important issues of community health such as the correct use of medicines. I am aware that the Australian Diabetes Council, which I meet regularly, has also made use of a similar approach to promote diabetes awareness in the Chinese community. Diabetes is an issue of concern to me and one that I have been working on through the Parliamentary Diabetes Support Group. Diabetes has an alarmingly high prevalence in ethnic communities across New South Wales and there is much work to do within my own community. It was great to be involved in the launch of this project by the Chinese Australian Services Society and the other associated groups. I look forward to working with the Chinese Australian Services Society, the Minister and my community to explore the issues of volunteering throughout the multicultural community.

**Private members' statements concluded.**

**ROAD TRANSPORT LEGISLATION AMENDMENT (OFFENDER NOMINATION) BILL 2012****Agreement in Principle****Debate resumed from an earlier hour.**

**Mr CHRIS HOLSTEIN** (Gosford) [7.30 p.m.]: I support the Road Transport Legislation Amendment (Offender Nomination) Bill 2012. The bill is designed to amend road transport and fine enforcement legislation and it contains other measures directed at corporations that do not act as good corporate citizens and that attempt to shield some drivers from the allocation of demerit points and possible licence suspension. At present the Road Transport (General) Act 2005 provides that when a camera offence is committed the responsible person for the vehicle is deemed to have committed the offence. This provision is necessary as the actual offender is not spoken to or identified at the time these camera offences are committed.

Initially the penalty notice or court attendance notice is sent to the registered operator. If the registered operator was not the driver the law requires the registered operator to nominate the person who was and that person will be sent the penalty notice. If no-one is nominated or if somebody is falsely nominated that in itself is a further offence. Where the registered operator is a real person as opposed to a company and that operator does not nominate another driver it is generally no problem to assign responsibility for the offence, including any demerit points, to that registered operator. However, where the registered operator is a company responsibility for the offence cannot be assigned to a person unless the company nominates a driver. That unfortunately gives the company scope to shield offenders to avoid the allocation of demerit points and future loss of licence.

Currently a company that fails to nominate an offender or falsely nominates an offender can be fined a maximum of \$11,000 or incur 100 penalty units. The period in which a person may be prosecuted for falsely nominating a driver was increased from six to 12 months and drivers were allowed to be nominated other than by statutory declaration. The proposals in the bill enhance those measures. The bill amends section 179 to provide that a person who nominates another person in a nomination document, if directed, is to appear before an authorised person or prosecutor for interview to provide more information that may lead to the identification of the driver.

Notwithstanding the above, it is expected that companies will maintain a log of their vehicles' use and will maintain the full identity and address details of their drivers and their licence information which represents the person's authority and legitimacy to drive company vehicles. The bill proposes to reduce the time in which a penalty notice is deemed to be served, when served by post, from 21 days to seven days. To establish time frames for action by the responsible person the legislation contains provisions that presume delivery to have occurred. Evidence has shown that the 21-day period can assist unscrupulous persons to defeat prosecution of the real offender because the statutory time limit expires.

New technologies have enabled cameras to be used to detect multiple driving offences from a single camera incident. For example, a camera at an intersection with traffic lights is capable of detecting in the one camera image evidence of the driver committing a traffic light offence, crashing, speeding, committing a driving an unregistered vehicle offence or committing a driving an uninsured vehicle offence. Currently the operator is allowed to provide only one statutory declaration for a single offence, rendering it impractical for dealing with multiple offences within the single image. The operator would have to provide a statutory declaration for the same offending driver for each of the four offences used in the example. As well as being onerous on the responsible operator, it can also present the illogical scenario of a different person being nominated for each of the offences in the single camera image. It can also expose the registered operator to prosecution for failing to nominate where only one statutory declaration is received for multiple offences.

This bill cleans up all those problems by expanding the current provisions to enable a single statutory declaration to be provided for all offences detected in a single camera incident. Where the registered operator is a company, some companies have adopted the practice of simply paying the fine for the camera offence and not nominating the offender. In order to encourage companies to nominate drivers the bill increases the fine for camera-detected offences where the company elects to pay the fine by up to five times the current rate. For example, at current rates for the majority of camera-recorded offences the maximum court fine is 20 penalty units or \$2,200. This will increase to 100 penalty units or \$11,000. The prospect of these increased penalties will be a further deterrent to those remaining companies or corporations that have been prepared to incur the current fine levels rather than nominate offending drivers.

It is also proposed that the same fivefold increase will be applied to corporations for penalty notice fines for offences that are not prosecuted through the courts. Members will be aware that the vast majority of offences are dealt with in this way. For example, an individual would be fined \$371 for a camera-recorded offence of driving at 20 kilometres an hour over the speed limit in a light vehicle. The new penalty notice to a corporation for the same offence will be increased to \$1,855 or five times the individual fine. These increased monetary penalties for corporations introduce a substantial incentive for them to nominate the offending driver. Of course, if they behave properly and nominate the offending individual driver, as a corporation they do not have to pay the increased fines and the individual nominated attracts only the individual fine that is five times lower than that for the corporation.

The message is simple and clear: corporations that do not nominate drivers will incur a substantial cost but any corporation and individual doing the right thing will have nothing to fear from this bill. The bill also takes the opportunity to correct some oversights in previous reforms, such as the distinction between the offence of aggravated burnout, section 41 (2), and burnout, section 41 (1), of the Road Transport (Safety and Traffic Management) Act 1999, where the intention was that police could seize vehicles for the serious offence of aggravated burnout only. Another oversight to be cleared up in this bill relates to drink- and drug-driving offences. The intention in 2009 by those opposite was to amend the legislation so that a novice driver who was disqualified or whose licence had expired would be subject to a blood alcohol level of zero. Unfortunately, due to an oversight, that did not happen. This bill corrects that oversight. I commend the bill to the House.

**Mr JOHN SIDOTI** (Drummoyne) [7.38 p.m.]: I commend the Road Transport Legislation Amendment (Offender Nomination) Bill 2012. Do the crime, do the time, pay the fine. That is not a phrase that would apply to the current legislation for committing traffic offences caught on camera. These offences range from speeding, to driving an unregistered or uninsured vehicle. It is so easy to avoid being named and shamed under the current provisions. There is a desperate need to reverse that situation. It is important to note that this legislation has been drawn up in conjunction with Roads and Maritime Services and the State Debt Recovery Office. The Department of Attorney General and Justice and the Ministry for Police and Emergency Services also played a key role in the development of this bill. Section 179 of the Road Transport (General) Act 2005 needs changing and that will happen through the proposals in this bill.

There is no deterrent to bad driving behaviour in continuing to fine offending companies. Individuals break the law and individuals must be punished. This is fair and ensures that repeat offenders are made accountable for driving misdemeanours. Safety on the roads must be of prime importance if we are serious about reducing the road toll. We cannot claim to be serious about either of these objectives while it is still within the parameters of the law for offenders, no matter how many times they are caught, to continue to drive a vehicle and be in possession of a perfect driving record. That is ludicrous and does not offer any incentive to improve driver behaviour. It offers no deterrent to repeat offending and it guarantees that drivers who are a menace on the road go undetected. That is unacceptable and it is why this bill has been introduced. Under current provisions the camera only picks up a licence plate. That is where the problem lies. It is possible that the licence plate is owned by a company and the company is able to simply pay the fine without disclosing the identity of the driver committing the offence.

**Mr Ryan Park:** The Sidoti Corporation, for instance. That is just an example.

**Mr JOHN SIDOTI:** Shame on you.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! I call the member for Keira to order.

**Mr JOHN SIDOTI:** The new provisions will also allow for prosecution for any number of offences detected by a camera instead of the previous single offence. To encourage companies to nominate the offenders this legislation will increase the monetary penalties applying to a camera-detected offence when that offence remains in the name of the company. This is an extremely important piece of legislation because its basic aim is to reduce road fatalities across this great State. It is sad fact that for every law there is bound to be a loophole. In this case corporations could get around the law by protecting their drivers—and some of them may have been driving in a dangerous manner—from accumulating demerit points by nominating another party. The principal aim of this bill is to shut down that loophole. The frightening part of this loophole is that dangerous drivers could continue to threaten public safety by endangering other drivers and/or pedestrians. A large proportion of company vehicles on the roads are trucks and we are only too well aware of the number of serious or fatal road accidents involving trucks.

Current laws prescribe that where the registered owner of a vehicle is a company that company can nominate whomever it likes as being the person responsible for the offence. It is not so easy in the case of privately registered vehicles. Measures involving heftier fines have already been introduced as a way of deterring companies from failure to nominate the correct offending driver. Those measures include an \$11,000 fine and extending the time in which a person may be prosecuted for falsely nominating a driver from 6 to 12 months. Measures have also included providing alternative means for a person to nominate the offending driver other than by statutory declaration.

Despite these measures there are still companies prepared to shield drivers even though they may risk prosecution. I wholeheartedly support the provisions in this bill because they address the anomalies of the previous legislation in practical and efficient ways. This bill makes it much more difficult for companies that operate a fleet of vehicles to hide the true identity of offending drivers caught on camera. Amendments in this bill applying to section 179 give powers to the existing law to demand that the person who nominates the offending driver as the person responsible for the infringement must provide a statement in writing to establish the identity of the driver.

A penalty notice for a camera offence will be sent in the first instance to the registered operator. This can also be a company. Currently a single maximum court fine exists irrespective of whether the offender is an individual or a corporation. The maximum court fine is 20 penalty units or \$2,200, as the previous speaker said. Drivers of heavy vehicles caught speeding at more than 45 kilometres an hour over the limit face a fine of up to 30 penalty units or \$3,300. This bill proposes that in cases of heavy vehicle speeding if the company decides to cop responsibility for the offence that company may face maximum court fines of 150 penalty units or \$16,500. These increased penalties are aimed at deterring corporations from shielding employees from facing the music on their own. It is envisaged that in the future they will be more likely to nominate the offending driver.

We are all aware of the high number of fatalities involving speeding trucks. A number of media reports have shown that the practice of speed limiter tampering is alive and well. But that is a matter for another debate on another day. This Government has also introduced legislation entitled the Road Transport (General) Amendment (Vehicle Sanctions) Bill 2012, the aim of which is to severely penalise speeding drivers. It will give police the authority to confiscate licence plates as an alternative to impounding a vehicle. Speeding is by far the biggest killer on the roads. This Government is committed to introducing legislation that will reverse that trend. In New South Wales speeding is a factor in over 40 per cent of road deaths.

Nearly 200 people die each year in speed-related crashes. Speed was a factor in the deaths of 886 people over the five years between 2005 and 2009. In addition to those killed, over 4,200 people are injured in speed-related crashes each year. The lives of those people and their families are changed forever. In addition to the human tragedy, other factors are at play. Speed-related crashes cost the community about \$1.7 billion each year. Those costs include emergency services, hospital and health care costs and loss of productivity in the workplace. Through this bill the Government has displayed its ongoing commitment not only to increase penalties for driving offences but also to reduce the road toll. I commend the bill to the House.

**Mr KEVIN ANDERSON** (Tamworth) [7.47 p.m.]: I support the Road Transport Legislation Amendment (Offender Nomination) Bill 2012. This evening we have heard some excellent debate on why this bill is timely. The purpose of the bill is to improve the operation of provisions relating to fine enforcement. It would be good if we did not have to go down this path because everybody abided by the law and did not speed. It would be good if people drove responsibly, thought about those in their vehicles and in oncoming vehicles, played by the rules and did not speed. This bill is also timely because Easter is coming up. Families heading off on holidays will load the car up with kids, cargo and bags and away they will go. The Government sincerely asks them to ensure that they watch their speed and not do anything reckless, foolish or dangerous. The Road Transport Legislation Amendment (Offender Nomination) Bill 2012 targets companies that do not operate under best practice by closing the loopholes that those companies have been using.

The bill will amend the Road Transport (General) Act 2005 to introduce the requirement that the person who has completed a relevant document nominating the offending driver—directed by the authorised officer in the case of a penalty notice or the informant in the case of a court attendance notice—is to attend before an authorised officer or prosecutor and provide such additional information that it is in the person's power to give and which may lead to the identification of the driver. A maximum penalty of 20 penalty units will apply to non-compliance with that direction. The type of information that may be requested includes a drivers licence number and State of issue, date of birth, work address, and phone number or email address. For the life of me, I cannot understand why a company would not want to give up someone who has broken the law.

A person who is operating a company would want to implement best practice, ensure compliance with occupational health and safety and ensure that there is openness, honesty and transparency in the way that the business is being transacted. That includes drivers who may be driving a company's fleet of vehicles, such as taxis, trucks, B-doubles, pantechicons, et cetera. For companies that like to try to find their way round laws by discovering loopholes, what a wicked web they weave when they practice to deceive. The bill will show them that they are doing the wrong thing and will get them back on track to make our roads safe again. Moreover, it will reduce the company's operational bottom line. It is tough enough to make a living in small business without having to fork out thousands and thousands of dollars in fines.

Some of the fines will increase to \$16,500, which is a hefty penalty. If a company has a number of those fines adding up management will have to start to think seriously about the person who is behind the wheel of a company vehicle. The bill also will introduce efficiencies in the penalty notice life cycle by aligning the deemed service period of a penalty notice, which is currently 21 days, to the period applying to a penalty reminder notice, which currently is seven days. The bill also will improve administrative efficiencies and relieve the person who is responsible for a vehicle, and who is nominating an offender, from the burden of having to provide multiple declarations when multiple offences are detected in one camera image. One nomination document will be acceptable for all offences in a single image.

The sad part about that is that multiple offences will be committed.. Again the issue comes back to responsible driving. The person who is driving a vehicle is at the wheel of a lethal weapon, and there is no doubt about that. When that person is speeding, pushing their luck, running a little behind time, and the green light turns to amber they start to think, "I think I can, I think I can." They are being blinded by a desire to get across the intersection but they do not know what is coming along the cross street. They put themselves at risk and put the company at risk of receiving heavy fines. Moreover, they are putting people's lives at risk. So often we see the tragic accidents that occur at intersections because of a speeding driver. An opportunity is being taken by introduction of this bill to rectify an oversight that incorrectly empowers police to seize vehicles for burnout offences.

The bill also amends the Fines Act 1996 to mirror amendments to the Road Transport (General) Act 2005 relating to the type of information that is to be provided in a nomination document, and for the provision of a single nomination document for multiple offences that are detected in a single camera image. The bill will amend the Road Transport (Safety and Traffic Management) Act 1999 to correct an oversight that will confirm that novice drivers whose licences have expired can be arrested and charged with special range proscribed concentration of alcohol [PCA] offences in the same way that licensed novice drivers can be arrested and charged. How sad is it that we have to make sure that such a provision is included in the bill to specify that novice drivers whose licences have expired or have been cancelled can be arrested and charged with special proscribed concentration of alcohol offences.

For a start, a novice driver should not be behind the wheel if their licence has expired, or their licence has been taken from them for some reason, and should not be charged with a proscribed concentration of alcohol offence at the same time. There are double whammy penalties for doing absolutely crazy stuff. People need to be reminded that they are putting themselves at risk by being foolish, reckless and dangerous enough to drive a car with any blood alcohol concentration whatsoever. Alcohol affects people in different ways, depending on their metabolism, their height and their weight, so I encourage novice drivers to abstain completely from drinking alcohol. To do otherwise is just crazy stuff.

The bill also includes amendments to regulations to provide that the penalty notice fine for a camera-recorded offence that is in the name of a corporation is five times the amount of a fine that applies to an individual. A consequential amendment to the Road Transport (General) Act 2005 provides that the maximum court fine will be five times higher than the fine that applies to an individual. The Road Transport Legislation Amendment (Offender Nomination) Bill 2012 is intended to capture companies that are doing the wrong thing, companies that do not want to operate in accordance with best practice, and companies that are looking for loopholes to avoid their drivers having demerit points imposed. Companies are trying to take the rap to protect their drivers, and that has to change. There is a new team in town that will make sure that companies get it right, ensure that they apply common sense, and ensure that there is honesty, transparency and decency in doing the right thing when driving one's own vehicle or a company vehicle.

Think about it: Just because it is a company vehicle, it should not be treated as though it is just a hire car. It is a lethal weapon. First, if these reforms will slow drivers down and keep our roads safe, that is a tick—

fantastic stuff. Secondly, if these new laws remind companies that when they do the wrong thing they will no longer be protected and will suffer fines up to \$16,500—at the end of the day, when they are trying to make a quid it makes a triply tough to get ahead in a tough market—the penalties will have the desired deterrent effect. The advice for companies is that they should do the right thing, advise their drivers to slow down, and inform their drivers that they will not tolerate speeding drivers. Companies should apply zero speeding tolerance and ensure that they nominate offending drivers. It is a matter of doing the right thing out of a spirit of common decency. Closing the loopholes will ensure that road fatalities decrease. I commend the bill to the House.

**Mrs LESLIE WILLIAMS** (Port Macquarie) [7.57 p.m.]: I am pleased to contribute to debate on and support the Road Transport Legislation Amendment (Offender Nomination) Bill 2012. The purpose of the bill is to amend the Road Transport (General) Act 2005 to increase the maximum penalty that a corporation will be liable to pay for a certain kind of camera-recorded traffic offence under section 179 of the Act when the corporation is liable for the offence because of a failure to nominate the actual offender. Section 179 of the Act provides that the responsible person for a vehicle is deemed to have committed a camera-detected offence in the absence of the responsible person nominating another person as the driver. That is because the actual offender is not spoken to or identified at the time the camera offences are committed.

The bill aims to encourage companies to nominate the offending driver by increasing the maximum court fines to \$11,000 and extending the period of time in which a person may be prosecuted for falsely nominating a driver from six months to 12 months. While there previously have been changes to the Road Transport (General) Act, instances still exist of companies having failed to nominate the offending driver to protect them and have opted to simply absorb the increased fines. This ploy to shield offending drivers is unacceptable. The ongoing flouting of the law by companies clearly demonstrates why this amending bill is both appropriate and justified.

Therefore, this bill will introduce penalty notice fines and maximum court-imposed fines for companies that are five times higher than those applied to an individual person who has been detected breaking the law by way of a camera that has detected speeding, running a red light or a public vehicle lane offence. However, if the company does the right thing and nominates the offending driver then the person nominated as committing the offence will be fined as an individual person would be by way of a penalty notice. The amendments as specified in new section 179, subsections (10B) to (10D), will also enable an authorised officer or prosecutor to obtain additional information with regard to the identity of the nominee. In addition, the Minister has made some other minor changes to the legislation.

First, schedule 2.3, which amends the Road Transport (Safety and Traffic Management) Act 1999, will ensure that novice drivers in addition to learner and provisional licence holders are subject to lower blood alcohol provisions regardless of the status of their licence. Each of these amendments will ensure a more efficient system with regard to nominated drivers and, importantly, will make sure that those drivers who have committed offences are punished for their actions rather than companies absorbing the fines to save the drivers from allocation of demerit points. My colleague the member for Clarence said in debate on the bill that the most important priority on our roads is safety for all road users—the mums and dads, the young drivers and our truck drivers who play such an important role in transporting goods, particularly along the Pacific Highway.

As someone who uses the Pacific Highway regularly and who has had to share the road with heavy vehicles, often at night and in wet conditions, I cannot stress enough how important it is that we do everything possible to encourage all drivers to do the right thing. I have a daughter who lives on the Gold Coast. I cannot describe the anxiety I feel—just like, I am sure, thousands of other parents—when she travels the Pacific Highway, particularly at this time of year heading home for Easter. While it is wonderful to see your children and to have them with you, even for a few short days, it is such a relief to get their phone call to say they have arrived home on the Gold Coast or back to Newcastle, where many young people from Port Macquarie live to attend university. I know that thousands of parents would feel similar relief when they know their children are home safely after driving on the Pacific Highway.

Far too often we hear of heavy vehicles being involved in fatal crashes, particularly on the Pacific Highway. Despite the fact that they make up only 3 per cent of vehicle registrations and 5 per cent of crashes, they are involved in almost 20 per cent of road fatalities. These are frightening statistics, so anything we can do to make the Pacific Highway and all our roads safer is a good thing. I reiterate that the New South Wales Liberal-Nationals are committed to the upgrade of what is considered to be a notorious stretch of road,

particularly the area that is left to upgrade to dual carriageway. That stretch of highway is between Port Macquarie and the border. We have demonstrated our commitment to this project by committing an additional \$468 million towards the upgrade.

Recently I toured parts of the Pacific Highway. I joined both the Premier, Barry O'Farrell, and the Minister for Roads and Ports, the Hon Duncan Gay, and we witnessed yet again our Government's commitment to making this busy highway as safe as possible. On this visit the Premier announced a new point-to-point camera for heavy vehicles travelling between Urunga and Valla. Urunga was the site of a fatal crash not so long ago. This is in addition to a recently announced point-to-point camera on the highway between Kempsey and Port Macquarie. That means there will now be 16 point-to-point enforcement links across the State, with 13 issuing fines and three issuing warning letters to speeding heavy vehicle drivers. Six more are planned. However, improved road conditions and upgraded safety measures need to be complemented with legislation that ensures that all road users comply with the law and that those who break the law are punished accordingly. This is what this legislation is about, and therefore I have no hesitation in commending it to the House.

**Mr JOHN FLOWERS** (Rockdale) [8.04 p.m.]: I speak in support of the Road Transport Legislation Amendment (Offender Nomination) Bill 2012. I acknowledge the Minister for Roads and Ports in the other place and his commitment to ensuring not only that our roads are safe but that those who do the wrong thing are held accountable for their offences. The main purpose of the bill is to amend the road transport and fine enforcement legislation to provide for efficiencies in the process of the penalty notice life cycle. The bill also introduces measures directed at corporations who attempt to shield their drivers from penalties for breaking the road rules.

I begin by providing some relevant background information. The Road Transport (General) Act 2005 provides under section 179 that when a designated offence or parking offence is committed the responsible person for the vehicle is taken to have committed the offence. The responsible person can be a real person or a company. In the event that a person issued with a penalty notice or court attendance notice is not the driver, the law requires the person to nominate the person who was. The responsibility for the offence is transferred to the person nominated. This ensures the offender is held accountable for the offence and that the registered operator is protected.

When the registered operator is a company, responsibility for the offence cannot be assigned to a real person unless nominated by the company. This allows the company to shield the offender. A number of measures have been introduced in recent years to deter companies from failing to nominate the offender where he or she is known to the company. While these measures have been successful in encouraging increased compliance, there remains a number of companies that are prepared to shield drivers who commit offences. Measures that have previously been agreed to by this place include increasing the maximum court fine for a company that falsely nominates or fails to nominate an offender to 100 penalty points or \$11,000, extending the period in which a person may be prosecuted for falsely nominating a driver from six to 12 months and allowing drivers to be nominated by means other than by way of statutory declaration.

The proposals in the Road Transport Legislation Amendment (Offender Nomination) Bill 2012 both complement and strengthen these existing measures. I also point out that it has been possible for companies to circumvent the Road Transport General Act 2005 by paying the fine for the camera offence but not nominating the offender who was driving at the time, thus avoiding further and additional penalties. The bill increases the monetary penalties applying to camera-detected offences where the offence remains in the company name with the intention of encouraging companies to nominate offending drivers. When the company does the right thing and nominates the offending person, a new penalty notice is sent to the nominated person and the company does not have to pay any of the fines.

It is expected that a company that allows its drivers to drive company vehicles would maintain accurate and precise details of their identity. Further, clause 90 of the Road Transport (Safety and Traffic Management) Regulation 1999 provides that the person responsible for, or in charge of, a vehicle, before permitting another to drive the vehicle, must cause the driver to produce their licence and the person responsible must inspect it. I refer now to the section 179 amendments, which provide for efficiencies in the process of the penalty notice life cycle. Under the current provisions, when nominating the offender a responsible person is required to give the name and address of the person.

However, the State Debt Recovery Office often does not have sufficient information to issue a new penalty notice or court attendance notice to the nominated person. Section 179 is amended to provide that a

person who nominates another person as the offending driver in a relevant nomination document is to appear, if directed, before an authorised officer or prosecutor for the purposes of interview or to provide additional information that it is in the person's power to give that may lead to the driver's identification. If so required, a signed, written statement can be provided. A maximum penalty of 20 penalty units applies for not complying with the direction.

The bill seeks also to amend the Road Transport (General) Act 2005 to introduce efficiencies in the penalty notice life cycle by aligning the deemed service period of a penalty notice, currently 21 days, to that applying to a penalty reminder notice, which is currently seven days. Further, the bill seeks to provide administrative efficiencies and relieve the responsible person for a vehicle who is nominating an offender from the burden of having to provide multiple statutory declarations when an offender has multiple offences detected in one camera image. For example, new technologies have enabled a single camera to now detect multiple offences in the one camera image, such as a speeding offence, an unregistered vehicle offence, an uninsured vehicle offence and a traffic light offence. Enabling a single statutory declaration assists the responsible operator who is trying to do the right thing.

The bill also rectifies oversights from previous reforms. Importantly, the Road Transport Amendment (Offender Nomination) Bill 2012 includes a definition of a "special category driver", which catches drivers with expired licences who had been avoiding being charged if caught with a blood alcohol limit up to 0.05. I am pleased to support the Road Transport Legislation Amendment (Offender Nomination) Bill 2012 as I believe the people of New South Wales and the residents in my electorate of Rockdale will welcome the changes it proposes. I commend the bill to the House.

**Dr GEOFF LEE** (Parramatta) [8.14 p.m.]: I contribute to the debate on the Road Transport Legislation Amendment (Offender Nomination) Bill 2012.

**Mr Mark Coure:** Hear, hear!

**Mr Jai Rowell:** A great member.

**Dr GEOFF LEE:** I acknowledge the member for Oatley and the member for Wollondilly for their support not only of me but also of the Liberal-Nationals Government in introducing legislation that makes our roads safer and easier to use. Our Government is all about looking after people and listening to them because their safety is paramount. I acknowledge the support and efforts of the Minister for Roads and Ports, the Hon. Duncan Gay, in introducing the bill. Before proceeding, I acknowledge the Minister's visit to the Parramatta electorate last week. As we know, Parramatta is the capital of western Sydney, located at the eastern point of the region. The member for Riverstone agrees that Parramatta is the capital and most important part of the city. The Minister attended a morning tea with leading community members and the media to talk about people's concerns regarding our roads.

I noted from the Minister's discussions his vision and also the stresses and difficulties associated with the Roads and Ports portfolio, especially in light of the recent floods in the north and the west that have resulted in something like half a billion dollars of unexpected road maintenance. The long-range weather forecast suggests possibly worse conditions over the coming year, as more rain is expected for April and May. I join all members in this House in their thoughts and prayers for those on the land who are protecting not only their assets but, importantly, their families. Many farmers include their animals and livestock as part of their families. Minister Gay spoke to the people about road safety and what can be done in the Parramatta electorate and throughout the State to make our roads safer and more convenient not just for commercial users but also mothers and fathers who drop their kids at school each morning and those who perhaps go to the northern beaches on the weekend.

**Mr Rob Stokes:** Hear, hear!

**Dr GEOFF LEE:** The member for Pittwater is a fantastic advocate for the fantastic people of Pittwater. There is no better place to fish than Pittwater.

**Mr Richard Amery:** Don't let us stop you talking about the bill.

**Dr GEOFF LEE:** The Road Transport Legislation Amendment (Offender Nomination) Bill 2012 closes some loopholes in the law, which is particularly important. The member for Rockdale—

**Mr Rob Stokes:** An excellent member.

**Dr GEOFF LEE:** He is an excellent local member. He went into fine detail about some of the consequential amendments in the bill. The bill will amend the Road Transport (General) Act 2005 to make further provision with respect to the nomination of offenders for certain camera-recorded and parking offences, and make consequential and other minor amendments to the Fines Act 1996 and the road transport legislation. As the member for Rockdale has covered the bill in fine detail, I shall talk only about its salient points and not concentrate on the consequential amendments. Schedule 1 to the bill contains amendments to the Road Transport (General) Act 2005 No. 11 and states:

[1] Section 179 Liability of responsible person for vehicle for designated offences

Insert after section 179 (1):

(1A) **Maximum penalty payable by corporation that is taken to be guilty of certain camera recorded offences**

If a corporation is taken to be guilty of a camera recorded offence (other than an unauthorised vehicle use offence) by the operation of subsection (1), the maximum monetary penalty that a court may impose on the corporation for the offence is taken to be 5 times the maximum monetary penalty for the offence for which the actual offender (as a natural person) would be liable.

The other salient point in the legislation states:

[4] Section 179 (10B)–(10D)

Insert after section 179 (10A):

(10B) Provision of further identity information an authorised officer or prosecutor to whom a relevant nomination document is supplied for the purpose of subsection (3) or (4) may, by written notice served on the nomination information provider, require the provider to do one or both of the following:

- (a) provide such relevant identity information that is in the provider's power to provide (including, if so required, by means of a written statement signed by the provider), as may be specified in the notice, within the period specified in the notice.
- (b) appear before the authorised officer or prosecutor at a specified time and place and provide (either orally or in writing) such relevant identity information that is in the provider's power to provide as may be specified in the notice.

In conclusion, the bill closes a loophole in the law. It increases fines by five for an individual when a company is nominated. This will address the problem of disreputable people in the business community who choose to hide behind their companies and not self-identify.

**Mr Richard Amery:** We call them Liberals out my way.

**Dr GEOFF LEE:** The aim is not to attract any more penalty points. I am disappointed in the member for Mount Druitt for making such trivial comments about an important piece of legislation. The Coalition Government is standing up for those people who do the right thing; the member for Mount Druitt makes snickering, snide remarks about good government.

**Mr Richard Amery:** I feel ashamed of myself.

**Dr GEOFF LEE:** I acknowledge the apology from the member for Mount Druitt. In my experience the University of Western Sydney had a strict policy of nominating who would be driving at any particular time, and this had to be endorsed by a signature.

**Mr Jai Rowell:** A great university.

**Dr GEOFF LEE:** I acknowledge the interjection by the member for Wollondilly. It is a great university. This bill is not aimed at good companies that do the right thing or at organisations such as the University of Western Sydney; it is aimed at those individuals who use their companies so as not to incur fines or penalties. I commend the Minister for Roads and Ports, and I commend the bill to the House.

**Mr MARK COURE (Oatley)** [8.23 p.m.]: I also acknowledge the Minister for Roads and Ports in the other place. The Road Transport Legislation Amendment (Offender Nomination) Bill 2012 seeks to make our

streets, roads, freeways and highways safer. I acknowledge speakers on both sides of the House who have contributed to the debate. By way of background, section 179 of the Road Transport (General) Act 2005 provides that the responsible person for a vehicle is deemed to have committed a camera-detected offence in the absence of a responsible person nominating another person as being the driver. This is because the actual offender is not spoken to or identified at the time when these camera offences are committed. Penalties are applied to the responsible person for failing to nominate the driver or for falsely nominating a driver. A responsible person can be either a corporation or a natural person.

When an offending driver is not correctly identified demerit points cannot be applied and a drivers licence cannot be suspended. A number of amendments have been made to section 179 of the Act in the past few years in an effort to combat this sometimes deliberate ploy to shield drivers. The changes have included increased fines for failure to nominate offences and to register suspension action against companies that fail to nominate on two or more occasions, as members representing the electorates of Parramatta, Rockdale and Port Macquarie have said. Despite these changes, some registered operators, particularly companies, are prepared to absorb the increased fines to protect the offending driver, as occurred in the case last year documented by the *Sydney Morning Herald* and mentioned by the member for Parramatta.

The bill before the House proposes to make further amendments to the Act to strengthen provisions for companies who fail to nominate offenders and to provide for administrative efficiencies in the processing of penalty notices and subsequent nominations. That is a key point in the legislation. This was a major issue in 2011, as documented in the *Sydney Morning Herald*. The significant change is the introduction of penalty notice fines and maximum court-imposed fines for companies that are five times higher than those that apply to an individual person where a camera-detected speeding, red light or public vehicle lane offence is committed. It is extremely important. There will be a point when companies will pay their fines on time and many more companies will abide by the legislation. If a company does the right thing and nominates the offender, the increased penalty will not apply as a penalty notice and the lesser amount will be sent to the person nominated.

The amendments that introduce administrative efficiencies will see a new provision introduced to allow an authorised officer to request additional information that is within the provider's power to give and will assist in identifying the nominated offender. The bill allows a single statutory declaration to be accepted where multiple offences are captured by a single camera. To reduce the processing time, a penalty notice is deemed to be served in seven days, reduced from 21 days. This will align with similar provisions that apply to penalty notice reminder letters. The bill also takes the opportunity to make some minor corrections to road transport legislation. These include removing the reference to a burnout offence as a relative offence for which vehicle sanctions can be imposed. It was only intended that aggravated offences be included. A further amendment will ensure that novice drivers continue to be subject to low blood alcohol provisions regardless of the stature of their licence.

That is background information and an outline of some of the amendments. The amendments to the Road Transport (General) Act 2005 introduce the requirement that the person who has completed a relevant nomination document that nominates an offending driver, if directed by the authorised officer in the case of a penalty notice and the informant in the case of a court attendance notice, is to attend and to provide such information that is within the person's power to give that may lead to identification of a driver. A maximum penalty of 20 penalty units will apply for noncompliance with a direction. This legislation of course is overdue. I believe it is supported by both sides of the House. It will stamp out the practice of many companies of stretching the law in this regard.

**Dr Geoff Lee:** Name them.

**Mr MARK COURE:** I will not name them tonight. Stamping out that practice is the reason I speak on this bill. Owing to the short time available, I conclude by saying that the main purpose of the bill is to amend road transport and fine enforcement legislation to provide for efficiencies in the process of the penalty notice life cycle. Other measures in the bill are directed at corporations that do not do the right thing—a big issue last year—and attempt to shield their drivers from the allocation of demerit points and possible licence suspension. That is absolutely outrageous. I understand the bill is a joint proposal of Roads and Maritime Services and the State Debt Recovery Office in developing these measures. I support the bill.

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

**ACTING-SPEAKER (Mr Lee Evans):** Order! It being before 9.30 p.m. the House will now proceed with the matter of public importance.

## NATIONAL YOUTH WEEK

### Matter of Public Importance

**Ms TANIA MIHAILUK** (Bankstown) [8.31 p.m.]: This year National Youth Week will be celebrated from 13 April to 22 April. The theme for this year's Youth Week is "Imagine. Create. Inspire". Youth Week is an intergovernmental initiative of the Federal, State and Territory governments and local councils throughout Australia. Youth Week is a celebration of the contribution of Australian youth, officially defined as 12 to 25 year-olds in our community. In addition to government bodies, Youth Week involves various not-for-profit organisations, businesses, schools, universities and TAFE colleges. National Youth Week involves events, competitions and public discussions about important issues. In 2012, Bankstown City Council once again will enthusiastically participate in Youth Week, as will many councils across this great State.

Activities hosted by Bankstown City Council in particular include an excursion to Taronga Zoo, a rollerskate dance party, initiatives to encourage community participation in programs like Meals on Wheels and graffiti clean-up, a multi-sports day and the Bankstown Amazing Race. Organisations like the Bankstown Youth Development Service [BYDS] are taking a lead role in celebrating National Youth Week. The Bankstown Youth Development Service is a great local organisation, based in Bankstown and run out of the Bankstown Arts Centre, providing local youth with community, arts and culture experiences. On Sunday 22 April the Bankstown Youth Development Service will host a Mobilise Western Sydney event as part of National Youth Week.

This youth festival will include hip-hop dancers, composers and singer-songwriters. The New South Wales Opposition acknowledges that there are many issues facing New South Wales youth; so it is disappointing that the O'Farrell Government failed to appoint a Minister for Youth or a Minister for Juvenile Justice. Our youth deserve a position at the Cabinet table. One of the New South Wales representatives in the National Youth Week organising team is Emma Byrne. Emma, a university student from the electorate of Wagga Wagga, says that her mother is a great inspiration to her. Emma tells the story of how her mother spent her twenty-first birthday being treated for advanced stage Hodgkin's lymphoma. Emma said about her mother:

I think her story highlights the maturity, bravery, resilience and compassion that can be found in people of all ages—including young people.

Darinka Popadic is the 2012 Bankstown Youth Citizen of the Year. She is 17 years old and just started year 12 at the beginning of this year. Darinka has raised money for the Fred Hollows Foundation, Red Cross and children's cancer charities, managing to raise \$4,000 in 2010 alone. Darinka is a member of the Bankstown Youth Advisory Committee, is a leader in the Panania Scouts, has completed both the bronze and silver Duke of Edinburgh awards and is working toward the gold award. She hopes to become a psychologist after graduating from high school, highlighting the key concern that contemporary youth have for mental health issues. Recent high-profile suicides have drawn attention to the ongoing problem of youth suicide. Young people aged 16 to 25 years have an above average rate of suicide; and males in this age group are twice as likely to commit suicide as are females. Indigenous youths also face unique pressures compared with other youths.

Despite our current, unprecedented prosperity, Indigenous Australians remain some of the most disadvantaged individuals in the developed world. Aboriginal youths are more than twice as likely to be smokers compared to non-Aboriginal youths; and Aboriginal youths are more likely to consume alcohol at risky or high-risk levels. Aboriginal youth unemployment rates regularly range from 30 to 35 per cent. The ongoing path to reconciliation with Indigenous Australia will be one of many challenges we will pass on to our youths. As such, I am proud to advise the House that one of the key promoters of National Youth Week is *Living Black*—a current affairs program that airs on SBS on Sunday afternoons. It focuses particularly on casting Aboriginal and Torres Strait Islander presenters. National Youth Week media supporters also include Nova, Joy 94.9, V and the online magazine *SpineOut*. Youth Week is sponsored by mental health organisations Youthbeyondblue and Headspace.

**Mr MATT KEAN** (Hornsby) [8.36 p.m.]: I am excited to support the member for Bankstown in bringing to the attention of the House a very important matter—Youth Week beginning on 13 April. I am delighted to highlight the importance of Youth Week because it is an opportunity for us to celebrate the contribution of young people to communities right across the country. I am also honoured to stand here as the second-youngest member of the New South Wales Parliament, joined by a band of other young members like my friends the member for Oatley, the member for Kiama, the member for Menai and the member for Castle Hill. It would be wrong of me to claim that I am the voice for younger voters in the place, for the views and

aspirations of young people are as diverse as those of our broader society. I am however conscious of the obligation that this Parliament has to work in a way that restores the confidence of younger voters in their government and in their democracy, and of the need to ensure that young people feel as if they have the opportunity to be listened to and that they matter.

I know from talking to young residents across my electorate of Hornsby that this must be an important task. Perhaps more than any other generation, those in their twenties and teens feel isolated from political processes. In large measure this is because they have lost faith in the capacity of successive governments to deliver and to act with integrity in New South Wales. My generation might be young, but we know spin and dishonesty when we see it; and there were bucket loads of it in this State during the 16 years of Labor. When young people see themselves constantly blamed for the perceived ills of society and the actions of a minority—be it binge drinking, irresponsible driving or crime and violence—they feel excluded from the political processes. As our society ages, the gap between young and old will self-evidently grow. It means that the difference between the looks, behaviour and aspirations of those in the youngest and oldest cohorts will be more pronounced.

It will require greater tolerance from both young people and old to accept that those differences are simply a manifestation of our own human individuality. Our society will be the stronger if young people have more faith in this institution and the processes of our democracy. It is beholden to us to make that so; and I hope the presence of a younger generation in this new Parliament will assist. We live in a time when young people should be able to look to the future with optimism. Australia has never been more prosperous and the opportunities for my generation have arguably never been better. We have skills and the capacity to travel the world. Globalisation has broken down barriers that tied previous generations to single careers and often single employers. We are better educated and tech savvy than the generations that have come before us.

But despite all of this, there is a pervading sense of insecurity among many of my generation. I think people of my generation are torn by the sometimes competing desires for a stable life or one that brings them excitement. While the opportunity to change jobs and careers many times during the course of our lives is one that many relish, there are also those who fear the unknown and unstable situations. It is perhaps why we have seen what seems to be a rise in the number of young Australians suffering from depression and mental illness. I note that the member for Bankstown highlighted the critically important issue of youth suicide, an issue on which I have spoken many times in this House.

This year the O'Farrell Government has set aside \$350,000 to support a range of local and statewide Youth Week activities. We have provided grants to the 152 local councils across the State on a dollar-for-dollar basis to support local Youth Week events and activities. Councils are working with their local young people to plan and organise local events and activities under this year's Youth Week theme of "Imagine. Create. Inspire." As part of Youth Week, in partnership with the Hornsby Ku-ring-gai Youth Network, Hornsby and Ku-ring-gai councils and Wahroonga Rotary, I have organised a youth forum focusing on youth issues, particularly mental health. The event will be held this Thursday 5 April at Abbotsleigh in Wahroonga. We have invited more than 300 students from schools right across my electorate and we will be developing a youth advisory committee. The day has been organised to engage with young people in our community and to provide support and education about mental health related issues.

I take this opportunity to thank those who have made this event possible: in particular, Sharon Mizzi from Hornsby council, who has dedicated her career to promoting the interests of young people in my community; Jason Guest from Ku-ring-gai Council; Bob Howe from Wahroonga Rotary; and the indefatigable David Citer from the Ku-ring-gai Youth Development Service. Youth issues are not Liberal issues, they are not Labor issues and they are not Greens issues—they are issues for all of us, and I commend the member for Bankstown and those opposite who are here tonight standing up for young people in our community and celebrating their achievements.

**Mr CLAYTON BARR** (Cessnock) [8.41 p.m.]: This year Youth Week will be celebrated from 13 April to 22 April. The theme slogan of "Imagine. Create. Inspire." is probably one that we would be well advised to take on board in this place as well.

**Mr Matt Kean:** And in our committee.

**Mr CLAYTON BARR:** And in our committee and in our communities, because imagine, create, inspire is exactly what we need to do as a government and what our young people tend to do every day. I have

had the great fortune to have spent the bulk of my life, indeed all of my life prior to being elected to this place, working with young people. Imagine, create, inspire is what young people did every single day that I worked with them. One of the most amazing things about working with young people is that they always exceed your expectations. You think that they will do great, and they do better than great. You think that they will do well, and they do better than well. You think that they will come up with new, creative and inventive ideas, and they do better. That is one of the wonderful things about working with young people.

The electorate of Cessnock crosses four local government area boundaries. In preparation for tonight I had a look at some of the events that will be on offer across those four areas during Youth Week, and they are quite diverse. There will obviously be a skate/BMX/scooter event, but other events will be held including coffee making; a chef challenge; an open mic night; Anime and Manga workshops; belly dancing; a humanities festival; a digital media studio; Community Own It; Ramp It—building and constructing skateboard ramps with men's sheds, which is the coming together of generations; youth leadership; a community mural; a youth band gig; a treasure hunt; Creative RePublic Cut'n'Paste; Threads—a fashion workshop; SNAP! Music Photography; and Making Films with Mobiles. These all reflect the broad diversity of our generations.

One of the criticisms I have of local government is that for probably a decade, or possibly two decades, the solution to youth issues has been to build a skate park somewhere, put them there and that will solve all their problems. A skate park will not do that. The coffee making, the chef challenge, the belly dancing, the humanities festival, the digital media studio, youth leadership, a mural are all things that young people want to be engaged in. It is a diverse set of interests, and we need to respond to that diverse set of interests. Fortunately, through Youth Week, for at least one week of the year, local councils stop everything else and address youth issues. Unfortunately, it is only one week of the year; it needs to be more and it needs to be more prevalent in what we do on a day-to-day basis. But Youth Week 2012, giddy up.

**Ms TANIA MIHAILUK** (Bankstown) [8.44 p.m.], in reply: I take this opportunity as the shadow Minister for Youth to acknowledge the contributions of both the member for Hornsby and the member for Cessnock. I was very inspired to hear how the member for Cessnock has had lifelong experience in working with young people and I was interested to hear about some of the many interesting activities that will take place in the Hunter during Youth Week. I note that some of the events will be belly dancing, humanitarian festivals and working with men's sheds, which I am sure will be a wonderful experience for participants who will work with some of the older members of our community. I was also interested to hear about some of the work that Hornsby council is doing. It is good to hear that councils across the State are very keen and eager, as always, to be involved in events like Youth Week.

I note that the member for Hornsby is the second-youngest member of Parliament in this House. I am keen to hear who the youngest member is. I congratulate the member for Hornsby on his contribution. He makes the point that young people have faith in the political process and political institutions. I note that both the member for Cessnock and the member for Hornsby acknowledge that mental health and youth suicide are issues of concern for our younger generation now. There is no doubt that those two issues in particular concern people from all different parties and backgrounds across the State.

As the shadow Minister for Youth and as the member for Bankstown I look forward to attending as many youth events as possible during Youth Week and I encourage members in this House to do the same. I encourage members to visit youth organisations in their electorate, if they have not already done so, and to become familiar with the programs and campaigns those organisations run to support young people, not only during Youth Week but throughout the year. I also remind members that we have a responsibility to provide our youth with the tools they need to overcome challenges and to achieve their goals and aspirations.

**Discussion concluded.**

## **PRIVATE MEMBERS' STATEMENTS**

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### **THE DRIP**

**Mr ANDREW GEE** (Orange) [8.49 p.m.]: Over the past eight weeks one of the two most common questions that I have been asked to answer by constituents in the Orange electorate is who owns the Drip? Let me first explain just what the Drip is and where it is located.

**Dr Geoff Lee:** What is it?

**Mr ANDREW GEE:** As the member for Parramatta is so inquisitive I will tell him that the Drip is a site within a 35-minute drive of Gulgong and Mudgee. Both towns are within the Orange electorate but the Drip itself is located in the Upper Hunter electorate, just a few kilometres from the boundary of the two electorates. It is a site of unique beauty that is used by locals and visitors to the district for recreational activities. The Drip consists of the "Great Dripping Wall", formed of natural sandstone, which towers over the northern bank of the Goulburn River. Water runs down from surrounding hillsides, seeps through the high rock gorges, filters through the sandstone rock and drips into pools of water in the river below, making it one of the most unique natural water features in New South Wales and Australia. Until recently the people of Mudgee, Gulgong and the Ulan area believed that the Drip was located on Crown land and, as such, was reserved and protected for the benefit of the people of New South Wales and Australia.

However, in February this year the people of the Central West were amazed at Moolarben Coal's half-page advertisements in that grand old newspaper the *Mudgee Guardian* and also radio advertisements on Mudgee radio, which claimed that Moolarben Coal in fact owned the Drip. Subsequent investigations have revealed that the Drip has in fact been sold by the former discredited and discarded New South Wales Government. Under that sale this sandstone wall, part of Lot 45 DP750750, is now in the ownership of the foreign-owned Moolarben coalmine while the water that drips from the great dripping wall falls into the river below, which is a Crown waterway. Moolarben Coal also owns Lot 30 of DP755439, which is the land to the immediate south side of the river, giving it ownership of both sides of the Goulburn River at the Drip.

**Mr Jai Rowell:** Labor is embarrassed.

**Mr ANDREW GEE:** Labor is embarrassed and those members have disappeared from the Chamber. My electorate office has been inundated with emails objecting to the fact that the Drip is now owned by a mining company and calling for it to be returned to the State.

**Mr Jai Rowell:** Save the Drip.

**Mr ANDREW GEE:** The member for Wollondilly is justifiably outraged. Amid their anger and concern the other question the people of the Central West ask is: Who sold the Drip? Well might they ask. It turns out that the former Labor Government signed over the Drip to Yancoal, the Chinese owners of Moolarben Coal, on 30 November 2010. All Labor members have scurried out of this Chamber. Under whose watch did this happen? None other than Second Chance Steve Whan, the Minister for Primary Industries at the time: The man who was punted from his seat of Monaro and dropped back into the other place by his mates in Sussex Street. The sale of the Drip bears his fingerprints. A true ornament to the game, this latest debacle confirms his title as the gift to New South Wales politics that just keeps on giving. Those opposite seem to love their quiet sell-offs. Did Steve Whan tell the people of Mudgee, Gulgong or Ulan that the Drip was on the auction block? No, he did not.

The people of the Central West were left to find out that Labor had flogged the Drip by way of media advertisements placed by a coal company—another botched sell-off. The people of the Orange electorate and many other people throughout this nation do not want a coalmine to have ownership of the Drip. Restrictions recorded on the title prevent subdivision of the land or separate dealings of the individual lots, but this is not acceptable to local people. For years they have been concerned that mining activity in the area threatens the Drip and the quality and quantity of its future water supply. Their concerns are heightened by the fact that only last week the mine in question was fined \$105,000 in the Land and Environment Court for allowing muddy water to flow into Bora Creek and subsequently into the Goulburn River. The Drip has been a site of interest for the National Trust for about 30 years.

The interest of the trust stems from the 44 Aboriginal art sites within the Drip and the trust is concerned that 16 of these sites will be impacted by mine subsidence with such a small 250-metre buffer zone. Six of these art sites are of high scientific significance and a further four are of medium significance. The site also features a mural that was painted by renowned artist Brett Whitely when he was inspired by Indigenous art in the area as well as the beauty of the locality. The Drip is also of great significance to Aboriginal women. The mine rejected the incorporation of the Drip into the Goulburn River National Park as part of its offsets. It now falls to the Liberal-Nationals Government to fix yet another mess created by the discredited Labor regime. If the sanctimonious guardians of democracy on the other side of the House had done their jobs properly they would have acquired the Drip for inclusion in the Goulburn River National Park, or declared it a national park in its own right instead of flogging it to a foreign-owned coalmining company. [*Time expired.*]

## WAGGA WAGGA FLOODS

**Mr DARYL MAGUIRE** (Wagga Wagga) [8.54 p.m.]: As members of this House know, the Riverina and other parts of New South have recently experienced floods of enormous proportions. I have previously relayed that information to the House. On 28 March the Governor, Her Excellency Professor Marie Bashir, AC, CVO, visited the flood-stricken areas of Wagga Wagga, The Rock and Lockhart. It was my great pleasure to host the Governor for that day. We travelled to The Rock to look at some of the devastation that occurred. We then went to the Taylors' house and inspected the enormous amount of damage it sustained. We also visited Emily Gardens, an aged care and retirement facility that was evacuated during the floods. That facility was built four years ago above the level of a one-in-100-year flood, but even it was inundated.

At the time we visited, the residents were back there. They were delighted to see Her Excellency and she was delighted to see them. A number of community representatives were also there, as well as the school leadership team. Anyone who has had the Governor visit their electorate would be justly proud of her empathy for the community and the way in which she expresses her support for the people affected by the floods. We then went on to Lockhart where we inspected other damaged properties and met with Mayor Peter Yates, General Manager Chris Gallagher and other representatives of the community including students from St Joseph's Primary School and Lockhart Central School. If ever there were a time that I was proud of our schoolchildren this was the occasion. Both The Rock and Lockhart school representatives showed great skill and were a credit to their community.

We then went on to North Wagga Wagga where we carried out some more inspections and met with newly elected Deputy Mayor Yvonne Braid and General Manager Phillip Pinyon. We then went to the recovery centre where all of the non-government organisations and others have been dealing with some 240 families that lost their possessions and others that were affected by the flood. We learnt a lot in our travels. The Governor has the ability to bring out the best in people. We discovered that the people who are dealing with the post flood trauma of trying to get back into their houses, having them renovated, living elsewhere or even in caravans on site are facing many challenges. Our community has certainly risen to those challenges. An enormous amount of fundraising has occurred and charity events have been held as part of the mayor's appeal. But I was concerned to learn that insurance companies have begun to increase their premiums.

I recognise that insurance companies have been generous. They were there immediately after the floods. Indeed, some of them were just 20 minutes in front of me when I doorknocked in flood-affected communities. Sadly, I am hearing that premiums have increased in price since the floods. The suggestion is that the levee bank in Wagga Wagga is at risk, therefore some 2,000-odd properties plus businesses are at greater risk of flooding. North Wagga Wagga, which was always in a flood zone, and other communities are now paying the price. I contacted the Insurance Council of Australia immediately and expressed my concern. I have asked the community to provide me with examples of the exorbitant price increases for insurance that are being reported in the media. It has been suggested that some premiums that were \$700 have risen dramatically to \$4,000 and more.

Whilst I gave accolades to the Insurance Council of Australia and the insurance companies for the work they did initially after those floods, I am concerned and alarmed at what I am hearing. As the evidence comes in I will talk with the Insurance Council of Australia and those insurance companies about their policies. I will ask them how they came to the point of suggesting that those premiums should rise dramatically just because we had a flood and there was a risk. The town of Wagga Wagga did not flood. North Wagga Wagga flooded, as is always the case. Wagga Wagga was saved by the integrity of the levee bank. This is an enormous concern to me, as it should be to all members who will now experience increases in premiums in their electorates because of one-in-100-year events. I ask every member in this place to take an interest in this because I think what is occurring is unjust. I intend to take up the issue with those insurance companies.

**Private members' statements concluded.**

**The House adjourned, pursuant to standing and sessional orders, at 8.59 p.m. until  
Wednesday 4 April 2012 at 10.00 a.m.**

