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LEGISLATIVE ASSEMBLY

Wednesday 27 February 2013

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

The Speaker read the Prayer and acknowledgement of country.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

ROAD TRANSPORT BILL 2013

ROAD TRANSPORT LEGISLATION (REPEAL AND AMENDMENT) BILL 2013

ROAD TRANSPORT (STATUTORY RULES) BILL 2013

Second Reading

Debate resumed from 19 February 2013.

Mr RYAN PARK (Keira) [10.08 a.m.]: I lead for the Opposition on the Road Transport Bill 2013 and the cognate bills, the Road Transport Legislation (Repeal and Amendment) Bill 2013 and the Road Transport (Statutory Rules) Bill 2013. At the outset I say that we will not oppose the bills. Having sat on the benches opposite, I know it is always nice to hear that the Opposition will not oppose a Government bill. We are a very cooperative Opposition and we will not oppose this proposed legislation. From the outset I thank the Minister's office for the very good briefing I received from Susannah at my request. This bill seeks to consolidate road transport largely into one Act. The Opposition's only issue is that during the 1990s the National Transport Commission put out a series of modules and from those we developed legislation to address the commission's proposals. What has come about is a large, cumbersome type of arrangement wherein road transport legislation is now contained in a number of Acts. I will talk more about that later.

This proposed legislation is not so much about policy change as it is about consolidation and streamlining. As much as it is for anything else, I suppose it is in preparation for the heavy vehicle regulator and the national law that will come into place over the next 12 months or so. That is important. I understand that the Parliament of Queensland is already starting to shift towards that outcome, and we are taking the same approach. Past Cabinets made some decisions about it and this Government is proceeding in the same manner. The separation of bills has led to confusion and issues among police, the legal fraternity and administrators who have to navigate their way around this legislation. Most importantly, it has also led to issues in the general community. I will discuss that now, although I have said that we support this bill.

In the past I have written to the Minister about the situation regarding road rules, and I think members on both sides of the House would probably agree with my position. In New South Wales we are getting to the stage where road rules are becoming too cumbersome for the average driver to understand. This is by no means a political attack, because it could happen to anyone, but a couple of months ago the Minister was criticised for not understanding some rule changes that he announced towards the end of last year. That could happen to anyone, but my point remains the same today as it was on that day: If the person largely responsible for administering our road rules with the chief executive is struggling to get across the rules we need to ask ourselves as lawmakers and policy developers whether we should examine our road rules and their number and complexity. I am putting this out here because I think it is an important debate that we need to start to have in this place. We need to bring about a situation whereby not only the Minister but also the general population is familiar with and understands all of the road rules.

I was impressed that the Government recently ran a campaign around the 10 most misunderstood and important road rules. We need to begin to look at this very carefully. In New South Wales an offence is actually committed, and someone can be fined as a result, if a bus goes through a puddle and water from that puddle splashes onto a person in the vicinity. That is madness. It is approaching the realm of stupidity. As lawmakers and policy developers we must be honest and upfront. If we expect the millions of motorists who are on our roads each and every day to follow the rules that we make in this place we have to start to look at those rules. We have to determine whether they reflect modern day motoring and roadways and the way in which people move around our cities and regions.

It is important that bills such as these are given the seriousness they deserve. Yes, they are largely about interpretation, definitional changes and ensuring that things are in the right areas so that when they are disputed, debated or challenged the rules can be identified and there is no chance of misinterpretation. I understand that and agree with it. I have no problem with the way in which the Federal Government is driving the national heavy vehicle regulator system and how this bill reflects that. Today I suppose I want to try to at least start a broader discussion within this place about the number of road rules that we have in general. If the Minister gets caught out on his most recently introduced road rules how we can we expect the average motorist to understand them? To be fair, that is a reasonable question.

If we asked the average person in the street about certain road rules I guarantee we would get multiple versions of the same rule being thrown back at us. Does that make that person a bad driver? I do not think so. I think it reflects on us in this place and the way in which we expect the average punter to be able to navigate and operate on our roadways. In the past we have all tended to react to extreme circumstances on our roads with additional legislation and policies. Many times that is warranted but today I am asking the House to start to consider whether we should begin to look at our road rules in total.

Last year when I became the shadow Minister for Roads I printed what are, essentially, the road rules. The result is fascinating. It is a wad of paper a couple of inches thick. I am sorry, but you could be the Minister, the chief executive officer of the Roads and Maritime Service or Dr Soames Job and there is no way that you would get all of those rules right. We need to look at that. In the spirit of cooperation for the people of New South Wales I encourage the Government to continue to work through our road rules. I encourage the Government not just to tidy up and consolidate, as this bill attempts to do, but to also look at the many rules and consider their impacts on people of all ages and from all demographics. That includes, for example, looking at the rules in light of their impact on people who struggle with the English language and on elderly and young people alike. We must take a very careful look at all of these things.

I am not here to say, "That rule has got to go; that should come in; that should be taken away." My contribution today is about putting the argument out there, having some meaningful discussions with the Government and, in the spirit of cooperation, allowing the Government over the next little while to think about how this Parliament might be able to manage our roads more effectively. Everyone will agree that it is important to have a well-regulated road network. On our roads we do not want a situation similar to that which many of us have seen overseas, where in many cases it is a free for all. I do not believe that; never have done and never will.

I believe it is important to start a process of consolidation whereby both State and Federal Governments and State and Federal Oppositions work co-operatively for the benefit of motorists within our communities. That is important. I hope that this proposed legislation is the start of a process that shapes debate and dialogue. I hope that the debate can occur in a cooperative, bipartisan way and does not focus on making additional rules without considering their impact on our respective communities. It does not look good for this Government that there is an influx on the market of mobile phone carriers and other devices within motor vehicles because people were not adequately informed by the Government of changes to the law in that regard. Both sides of politics cannot assume that the general public are tracking Roads and Maritime Services websites and alerts. People should not be inadvertently caught out because insufficient time, information and justification were provided for such changes.

People rely on both public transport and personal vehicles to navigate Sydney and rural areas. It is the Government's responsibility to help motorists. People should be able to reach their destinations with ease. When a Minister is having difficulty understanding the rules it is time to look at the situation as a whole rather than one lone act. This is an opportunity for government to reach a bipartisan solution to these issues, which I concede are not easy to deal with. All members will have had constituents come to their electorate offices complaining about having been fined for such offences. With a shake of the head I wonder—as I am sure other members do—whether this is this really where we are at in respect of regulating safety on our roads. Often that

is the case, but there are many times when it simply reflects people's frustration at experiencing such problems. I thank the Government and its staff for their willingness to brief me on this matter at my request. The Opposition reserves the right to move amendments to this proposed legislation in the other place, but it will not be opposing the bill.

Mrs ROZA SAGE (Blue Mountains) [10.23 a.m.]: I wish to contribute on the Road Transport Bill 2013, the Road Transport (Repeal and Amendment) Bill 2013, and the Road Transport (Statutory Rules) Bill 2013. It is pleasing that the Opposition is supporting the bills in the spirit of bipartisan cooperation. These bills bring common sense to all of our road structures. If there is confusion about the rules and regulations among some of the legislators, the lawyers and the courts, so too will there be confusion among people in the community. Road transport issues affect every member of the community, whether that be someone who owns a motor vehicle, someone who uses public transport, or those who receive the goods that motor vehicles transport. These bills consolidate road transport legislation in New South Wales to prepare this State for the national approach to road transport reform. It commenced last year with the standardisation of road signage across the nation. Since the early 1980s the Commonwealth, States and Territories have been working toward a national approach to road transport reform.

Road freight operators traverse the length and breadth of Australia, particularly major routes that include the Hume and Pacific highways, to travel to the east coast capital cities of Brisbane, Sydney and Melbourne. In my electorate of the Blue Mountains, the Great Western Highway and, to a lesser extent, the Bells Line of Road are freight routes, especially for coal, from the Central West to Sydney and Newcastle markets. The trucking industry welcomes the standardisation of laws and regulations nationwide. The Road Transport Commission is an independent statutory body that developed a common set of Australian road rules as model legislation: uniform heavy vehicle charges, common driver licence classes, standard procedures for licence and registration issues, and other measures to overcome inefficiency and also to improve productivity and safety. I remember how confusing it was when I moved from Queensland to New South Wales many years ago. There were different road rules and the roads were marked differently and drivers licences were different. Although some things have not yet changed, they are in the process of change.

In New South Wales numerous pieces of legislation were enacted in response to the adoption of national reforms. As a result, legislation and regulation was dispersed, confusing and difficult to follow. As a result of complaints received from the legal profession, the courts, police and administrators the road transport legislation has now been consolidated. The complaints were about the fragmentation, the complexity and the sheer volume of the statutes. Having looked through the substance of the bill, it is evident to me that modification of certain definitions, which includes removing multiple definitions and adding new definitions when necessary, will make many other pieces of legislation coherent with each other, thereby giving clarity overall. Many areas of duplication, repetition and cross-references currently cause confusion. I was amazed at the number of Acts that these definitions touched upon, such as those relating to national parks, caravans and local government.

The intention of the consolidation process has been to amalgamate all the existing transport Acts and to reduce the number of regulations without making policy changes. As a result, the process has prompted an exhaustive review and thrown light on a number of matters. What hope is there when multiple definitions exist for key terms such as "vehicle", "motor vehicle", "registrable vehicle", "drive", "traffic", "trailer", "authorised officer", "heavy motor vehicle" and "foreign driver's licence"? One definition that is found in the national model legislation has been settled upon. Some important terms are currently used in legislation, but not defined. This includes "first offence" and "second or subsequent offence" and "unrestricted driver's licence", meaning, as it appears, a driver's licence other than a learner or provisional licence. The new definition of "approved traffic enforcement device" accommodates a range of devices such as speed and red light cameras, as well as radar and a combination of devices.

Consequently, when technology changes in the future legislation will not require amendment, which is a commonsense approach to legislating. Drafting has streamlined approval processes for such devices, removed redundancy and in some cases removed anomalies in the procedures surrounding drug and alcohol testing that have evolved incrementally over many years. The bill will simplify and standardise provisions relating to taking blood samples, urine samples and oral samples for drug and alcohol testing and recognises the latest methods and technologies. This will give certainty both to those taking the samples and to those from whom the samples are taken.

The changes presented in the bills have been made after consultation with stakeholders. Before commencement of the legislation Transport for NSW will provide advice to the legal profession and the courts

in relation to its structure as well as aids, such as maps and legislation, on the Roads and Maritime Services [RMS] website. The time frame within which this legislation will be implemented provides opportunities for other stakeholders such as the NSW Police Force to come to terms with all the different rules that will apply. I heartily commend these bills to the House.

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [10.30 a.m.]: It gives me great pleasure to contribute to debate on the Road Transport (Statutory Rules) Bill 2013. I recognise that the bill will consolidate a number of existing Acts dealing with road transport into a single Act. This is another aspect of the reforms of the O'Farrell Government. The Government has undertaken reform of certain departments to achieve greater efficiency, save taxpayers money and direct the savings to the provision of critical front-line services. Just as that type of reform is taking place throughout various departments, legislative reform is being undertaken by consolidation of various Acts, such as through the Road Transport Bill 2013 and cognate bills, to avoid duplication. This debate affords me the opportunity to inform the House of much of the work that is occurring not only across my electorate of Hawkesbury but also across western Sydney and throughout New South Wales.

One of the most important issues for people who live in rural areas that have very limited public transport is the condition and efficiency of roads. Certainly for many years throughout the term of the previous Government my electorate in the north-west of Sydney was starved of public passenger transport. Consequent upon construction of the North West Rail Link and the South West Rail Link, traffic congestion in my electorate will be minimised. A large proportion of my constituents are forced to use their cars because they have no access to rail passenger transport, notwithstanding that there is a wonderful bus service in my electorate that daily transports approximately 30,000 passengers to and from the city. My constituents must still use their cars out of necessity for journeys other than commuting, but I am confident that the North West Rail Link and better public passenger transport facilities will minimise the overall rate of private vehicles and traffic congestion on roads in my electorate.

It would be fair to say that my involvement in politics began 13 years ago through my advocacy for the improvement of a road. As I have often said, I was an advocate on behalf of north-west Sydney long before I became an elected member of Parliament. The reason I became an advocate in my area was that Windsor Road required a very necessary upgrade. In 2000 Windsor Road was a single-lane roadway carrying approximately 30,000 vehicles daily in comparison with the six-lane Great Western Highway at Wentworthville that was used by almost half that number of cars. Windsor Road was congested with traffic for kilometres during morning and afternoon peak hours. I acknowledge the involvement of a member from a neighbouring electorate, the member for Londonderry, who participated in a campaign that was driven largely by community groups arguing for the Windsor Road upgrade.

A key element of our campaign's success was attendance at the launch by a former leader of the Coalition, Kerry Chikarovski. She was greatly welcomed in my area and her successful leadership in the campaign was later acknowledged by former Premier Bob Carr, who agreed on behalf of his Government to upgrade Windsor Road from north-west Sydney to Windsor over five years. The project was completed in late 2006-07. The first journalist on the ground in 2000 was none other than Peter Harvey. I take the liberty of mentioning that Peter Harvey is suffering from pancreatic cancer and is gravely ill in hospital. He has been a wonderful advocate in his own right. While I welcomed the appearance at the campaign launch of the then Leader of the Liberal Party, Kerry Chikarovski, I was also pleased to see the well-known Peter Harvey there—a great journalist. I warmly welcomed him to the launch and said, "Mate, I really do feel that we will achieve a great deal of latitude, given your expertise in journalism and coverage of this area." Peter Harvey never missed a campaign.

Peter Harvey covered the many floods that occurred in my electorate in the 1970s and 1980s. He knew the area well and he knew the traffic problems. He was more than happy to help during the campaign to upgrade Windsor Road. I take this opportunity to place on record my great appreciation of the work that Peter Harvey has done, not only in the Windsor Road campaign but also in many other areas of journalism. On behalf of the members of this House, I offer best wishes to him and his family. Through the combined advocacy of all those I have mentioned, finally the Carr Government was forced to upgrade Windsor Road virtually all the way from Kellyville to Windsor, approximately 13 kilometres. After completion of the project in 2006-07 I continued to focus my attention on roads improvement and upgrades through my role as a local government representative for The Hills. It is not possible to provide high-quality highways in every area of the State, because there is simply not enough funding available, but we must maintain the best standards possible throughout our rural areas.

There is no greater impact upon a local government's budget than from expenditure associated with a local road network. I acknowledge the funding constraints of the Hawkesbury and The Hills local government areas that have thousands and thousands of local roads for which ratepayers provide funding. Sometimes roads construction and upgrades simply cannot be done by local government, which looks to a State government to assist with funding. I greatly appreciate that the O'Farrell Government recognises that local government areas need financial assistance and has provided support. Very recently it was wonderful to join the Premier and the Minister for Roads and Ports, the Hon. Duncan Gay, at the ceremony to mark commencement of the next stage of the upgrade of Richmond Road—a road that runs parallel to Windsor Road and had been neglected by the previous Government. The upgrade of Richmond Road is progressing as a result of the provision of vital funding to the tune of \$481 million through the Building the State program, which will fast-track critical infrastructure.

The first stage of the Richmond Road upgrade involves a \$46 million package and it will provide road access to a new residential and employment growth area, Marsden Park. Our Government recognises that it is one thing to provide for residential growth but another to provide employment areas that must be linked to critical infrastructure, such as Richmond Road. I acknowledge the extensive roadworks to upgrade the Great Western Highway. Last Saturday I had the great pleasure of driving to Echo Point in Katoomba to join the member for Blue Mountains, who preceded me in this debate, and my favourite Governor, Her Excellency Professor Marie Bashir, who was made patron of the program to mark the bicentenary of the crossing of the Blue Mountains by Blaxland, Lawson and Wentworth. It is always wonderful to travel to that beautiful scenic and tourism area and at the same time see the progress of roadworks on the Great Western Highway.

The Great Western Highway has enormous benefits for road transportation and for the people of the Central West. It is through the wonderful advocacy of the member for Blue Mountains that the upgrading of the highway is progressing. A parallel road in the direction of the Central West is the Bells Line of Road. It is wonderful that Roads and Maritime Services is commencing work on widening the shoulders of the Bells Line of Road from the Bilpin Fruit Bowl near Tadrosse Lane out to Kurt's Road. Some \$4.8 million has been provided for those improvements. Bells Line of Road has been over-represented in serious accident statistics. I also note the problems that occurred during summer when sealing work was undertaken. Many residents in that area have approached me about those problems and I know that Roads and Maritime Services is addressing them. It is most important that we ensure that the necessary funding is provided to improve safety on that road.

The Government has also implemented the \$170-million five-year Road Toll Response Package. As part of that package more than \$140 million will be provided statewide for road safety upgrades, including in many of the local government areas to which I referred. Old Northern Road and Cattai Ridge Road have been included in that program, with \$73,000 allocated for work on Cattai Ridge Road. That busy road links the Hawkesbury from Glenorie to Windsor and other outer regions of my electorate. It is great to see government funding being provided for that area. Madam Acting-Speaker, I seek an extension of time—I certainly will not speak until question time.

Mr Ryan Park: That's silly.

Mr RAY WILLIAMS: I acknowledge the interjection from the member for Keira. There is nothing silly about safety upgrades and road improvements. [*Extension of time agreed to.*]

The Hawkesbury area is over-represented in road death statistics. Road safety is a fundamental aspect of government and ours is a service delivery government. The member for Keira was a transport bureaucrat and he knows that there is nothing more important than ensuring road safety and minimising the road toll. His constituents would be disappointed—

Ms Cherie Burton: Point of order: My point of order relates to relevance. The member for Hawkesbury was granted an extension of time to talk about the Road Transport Bill 2013 and cognate bills. He is now attacking the member for Keira. He had his little dig, but he is continuing in that vein. Madam Acting-Speaker, I ask you to direct him to withdraw his comment and to continue with his contribution on the bills. The extension was granted in good faith.

Mr John Barilaro: He is entitled to an extension of time.

ACTING-SPEAKER (Ms Sonia Hornery): Order! I do not need Government members to tell me how to do my job. The member for Hawkesbury has been asked to withdraw his comment. The member will return to the leave of the bill.

Mr RAY WILLIAMS: I certainly will not withdraw any comments about ensuring that we provide the safest roads possible. I remember some of the comments that the member for Keira made about overblown road rules. We have commonsense road rules. If motorists drive within the speed limit and obey traffic signs it is not difficult to navigate around New South Wales. The many speed zones that motorists encounter are often a topic of conjecture, but as long as motorists obey the rules of the road they will not have any problems navigating our streets. Unfortunately, a former Minister for Roads thought it was acceptable for all vehicles to use bus lanes. Bus lanes are for buses only. If motorists do not obey the road rules they will be apprehended by our very capable police officers. We are all occasionally guilty of exceeding the speed limit and everyone at some stage must pay a traffic infringement notice—no-one is perfect. However, we must obey the rules of the road, and it is not hard to do.

I am grateful for a generous offer from the Mayor of The Hills Shire, Michelle Byrne. The mayor advised me that the council was keen to progress the upgrade of the Glenhaven Road and Old Northern Road intersection, which is undoubtedly the worst intersection in my electorate. As well as being used by the local residents it is a thoroughfare to the new growth areas of Rouse Hill and Kellyville. People use Old Northern Road to access Hastings Road, New Line Road and Epping Road to travel to employment zones such as Macquarie Business Park, North Sydney and the Sydney central business district. It is vital that the intersection be upgraded and traffic signals installed.

I appreciate the council's offer to fund some of that work and I have spoken to the Minister for Roads and Ports about the upgrade. I eagerly await an answer and encourage him to consider the upgrade very carefully. It is an important crossroad for not only the local area but also the growing areas of Kellyville and Rouse Hill. The enormous amount of development happening in those areas will have an even greater impact on Glenhaven Road. I look forward to a positive outcome and to working in partnership with the Minister on this issue. This Government has recognised the importance of local government and is working in partnership with it to expedite these projects.

Putty Road has also featured far too frequently in road accident statistics. It was a major transport route through Windsor and to the Hunter Valley, but heavy haulage drivers now use the highways because they are safer. The road is subject to ongoing maintenance and Roads and Maritime Services is spending almost \$750,000 undertaking a slope stabilisation project at Central Colo. That essential work, which will be carried out 3.5 kilometres west of the McDougall Drive intersection, involves removing vegetation and loose rocks. A feature of that scenic area is the rock walls on the roadside, but unfortunately the rocks drop onto the road and cause accidents. The majority of the work will be done when it has the least impact on local residents and it will not affect traffic flow. It is vital that motorists obey roadwork warning signs during that work.

This Government has also implemented an extensive program to upgrade old timber bridges in the Hawkesbury. Many people in my electorate live in far-flung areas such as Wisemans Ferry, Lower, Central and Upper Macdonald, Tennyson, East Kurrajong and Blaxland. The roads in those areas are linked by vital timber bridges that have reached their use-by date. When the Coalition was in opposition members worked hard to ensure that timber bridges in this State were upgraded. This Government has allocated \$5.26 million to the Hawkesbury local government area to upgrade West Portland Road at Roberts Creek, Stannix Park Road at Currency Creek and Chain of Ponds Creek and Upper Macdonald Road. The three bridges on Upper Colo Road will also be replaced.

The Government is being responsive not only to city-centric areas—which we know are largely congested and we are doing our very best to bring on projects such as WestConnex, which will upgrade the M4 and the M5 and will be a vital link to the ports area and the airport—but also to rural and regional areas. I am speaking only of my regional electorate of Hawkesbury, but many members who adorn this place and who represent seats across central western New South Wales have also benefited from important funding that this Government is providing for our roads. As I said, there is nothing more important than ensuring the safety of commuters who use our road network. The Government is doing great work and injecting funds into our roads. I commend the Road Transport Bill 2013 and cognate bills to the House.

Mr JOHN FLOWERS (Rockdale) [10.45 a.m.]: I contribute to debate on the Road Transport Bill 2013, the Road Transport (Legislation Repeal and Amendment) Bill 2013 and the Road Transport (Statutory Rules) Bill 2013. The proposed Road Transport Act 2013 will provide for the consolidation of a number of existing Acts dealing with road transport into a single Act. The proposed Road Transport (Legislation Repeal and Amendment) Act 2013 repeals and makes amendments to various Acts and statutory rules consequent on the enactment of the new Road Transport Act 2013. The Road Transport (Legislation Repeal and Amendment)

Bill 2013 proposes to repeal the Road Transport (Driver Licensing) Act 1998, the Road Transport (Vehicle Registration) Act 1997, the Road Transport (Safety and Traffic Management) Act 1999 and the Road Transport (Safety and Traffic Management) Regulation 1999.

The Road Transport (Legislation Repeal and Amendment) Bill 2013 also renames certain other Acts as well as making certain other Acts and statutory rules consequential on the enactment of the proposed Act and the renaming and amendment of the Road Transport (General) Act 2005. Lastly, the Road Transport (Statutory Rules) Bill 2013 amends the statutory rules under the existing road transport legislation as well as renaming various other Acts. These bills are cognate with each other. The main purpose of this legislative reorganisation is to simplify the legislative structure, avoid duplication and enhance understanding by road users of legal rights and responsibilities. Before 1999 the road transport legislation in New South Wales was located primarily in the Traffic Act 1909.

In the 1990s the National Transport Commission began to develop a series of modules for the national model road transport legislation. Each module dealt with a different and discrete topic such as heavy vehicle charges, driver licensing, vehicle operation, and compliance and enforcement. The only module that remains to be completed is the proposed heavy vehicle national law, which the States and Territories intend to adopt once the final version of the law is settled and enacted by the Queensland Parliament in its capacity as the lead jurisdiction for the national law. This is expected to occur sometime in 2013. In order to expedite the incorporation of the national model road transport legislation into New South Wales law the modules developed by the National Transport Commission were progressively adopted in New South Wales by enacting a new Act to give effect to a module as it was completed.

As part of this process the Traffic Act 1909 was initially amended to repeal provisions that were incorporated in each new Act. The Traffic Act 1909 was eventually repealed in its entirety in December 1999. As a result, there are currently four separate road Acts dealing with different aspects of road transport law in New South Wales. These acts are the Road Transport (Driver Licensing) Act 1998, which provides for the licensing of vehicles and the regulation of interstate and foreign drivers; the Road Transport (Vehicle Registration) Act 1997, which provides for the registration of vehicles and the management of written-off vehicles; the Road Transport (Safety and Traffic Management) Act 1999, which provides for rules and other requirements concerning the safe use of roads by road users and vehicles, including provisions regulating drivers who are under the influence of alcohol or other drugs; and the Road Transport (General) Act 2005, which provides for compliance and enforcement provisions in connection with road transport legislation generally and also deals with the management of heavy vehicles, their mass, dimensions and loads, and their drivers.

This legislation re-enacts in one Act, with some modifications, the provisions of the Road Transport (Driver Licensing) Act 1998, the Road Transport (Vehicle Registration) Act 1997, the Road Transport (Safety and Traffic Management) Act 1999, and the compliance and enforcement provisions of the Road Transport (General) Act 2005 applicable to road transport legislation generally. It also provides for the existing road rules, the Road Transport (Driver Licensing) Regulation 2008 and the Road Transport (Vehicle Registration) Regulation 2007, to continue in force as rules or regulations made under the proposed Act. Because of the structure of the previous legislation it is difficult to follow. The bills before the House will remove redundancy, reduce complexity and create clarity. The intention of the consolidation process has been to amalgamate existing road transport Acts and reduce the number of regulations without making policy changes.

The Government announced the red tape reduction program to honour its election commitment to impose a one-on, two-off requirement for new legislation in April 2011. As a result there are about 30 per cent fewer provisions in the overall legislative package before the House. Reducing the number of road transport Acts and regulations—and especially the creation of one road transport Act for light vehicles—should assist the legal profession, the courts, the police and administrators. The genesis of consolidation of road transport legislation lies in complaints earlier in the decade from these professionals, who complained about fragmentation, complexity and the sheer volume of the statutes. I commend the bills to the House.

Debate adjourned on motion by Ms Cherie Burton and set down as an order of the day for a later hour.

DISTINGUISHED VISITORS

ACTING-SPEAKER (Ms Sonia Hornery): I welcome to the Parliament the family and friends of Mr Merv Hunter, in particular, Mr Jeff Hunter, the former member for Lake Macquarie and son of Merv Hunter; Alan and Annette Hunter; Jennifer Hindmarsh; niece, Jan Hooker and daughter, Jodie Hooker; Lorraine Darcy and friends—Lorre and Bill Manning and Patricia Broderick. I am advised that Mr Leslie Hunter was not able to attend today.

DEATH OF MERVYN LESLIE HUNTER, A FORMER MEMBER FOR LAKE MACQUARIE

Mr CHRIS HARTCHER (Terrigal—Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast) [11.00 a.m.]: I move:

That this House extends to the family the deep sympathy of members of the Legislative Assembly in the loss sustained by the death on 2 January 2013 of Mervyn Leslie Hunter, a former member of the Legislative Assembly.

On behalf of the Government I pay tribute to Mervyn "Merv" Hunter—a man dedicated to serving his electorate of Lake Macquarie and the Hunter region. Merv Hunter passed away on 2 January 2013 at the age of 86. In 1947 Merv married Elizabeth Craig and they had three sons—Les, Jeff and Alan. Merv was raised in and around Newcastle, where he apprenticed as a fitter and turner. Prior to being elected to Parliament he worked for the New South Wales railway and the Electricity Commission. In 1959, in his early thirties, Merv joined the Australian Labor Party. In 1962 he ran for and was elected to the Lake Macquarie City Council, where he remained until 1972. In council he served for four years as shire vice president and as president from 1969 until he was elected to Parliament.

Merv also was active in his community as a justice of the peace and as a member of the Wangi Workers Club. Merv was a patron of numerous local bowling clubs, senior and junior football clubs, sailing clubs and the Pensioners Association. In 1969 Merv Hunter was elected to the New South Wales Parliament to represent the constituents of Lake Macquarie. He served his community as a member of Parliament for 21 years. On 20 August 1969 Merv Hunter delivered his inaugural speech in this place. In his inaugural speech he argued passionately for his community of Lake Macquarie to receive greater government assistance for roads and amenities especially due to the influx of tourist to the area. On that day he told the Parliament:

One does not have to yield to egotism to expound the natural beauty of Lake Macquarie.

It has become an increasingly popular attraction for tourists and visitors, particularly sportsmen.

But Lake Macquarie is also a fast developing area, and this phase has made extraordinary demands on the limited resources of the shire council. It is hardly fair to ask the ratepayers of this area to meet the cost of providing services regarded as essential for visitors to this beautiful natural playground. The area needs Government aid to provide amenities and to acquire land to preserve for all time sections of the natural environment from the rape of developers.

Merv argued as passionately for Lake Macquarie then as he did in his 21 years of service to the Parliament. Additionally, Merv Hunter had a great passion for workers in Lake Macquarie. Having worked in the two great industries of railways and power, he spoke fondly of workers in those fields as well as those in the mining industry in his electorate. He regarded himself as being in the left-wing of the Australian Labor Party. On 8 November 1988, when he spoke in this Chamber in the eulogy for his great friend, Ken Booth, his closing remarks were as follows:

... but Ken Booth was left-wing. He believed that was the Australian Labor Party, the way it should be. I agreed with him on that.

In his inaugural speech he advocated for the worker in the Hunter—for a specialist hospital to undertake practical research into industrial diseases and occupational hazards—and he said:

I speak as one who has been a worker in industry—one who has by experience learned the problems, at least in the power and railway industries, and who has been associated with occupational hazards and their effect on the human constitution.

In the 1980s he worked closely with the local Westlakes Retired Miners Association and helped to establish the Westlakes Miners Retirement Village, cultural centre and museum at Teralba. Merv helped the retired miners to secure \$50,000 in grants and a 10-hectare parcel of land from the Housing Commission. Development of seven homes for retired miners was kicked off in 1982 and, to his great pride, the retirement village was dedicated in September 1986. At the time of Merv's retirement from Parliament he was the Parliament's longest-serving member and the president of the New South Wales Parliamentary Labor Party. He was succeeded in Parliament by his son, Jeff Hunter, who is in the gallery today and who served as the member for Lake Macquarie from 1991 until 2007.

Merv represented the Hunter area. He was from one of the great Labor families in the Hunter, the other great families being the Booth family and the Morris family, whose long service was passed on from generation to generation and recorded on the walls of this Chamber when Ken Booth's father was Speaker. Ken Booth, who was Merv's campaign manager, was born in 1926 on the same day as Merv. I became a member of Parliament in

1988, the year Merv delivered that moving eulogy to Ken Booth. I acknowledge Merv's long service. It is a great honour to have his family present in the gallery sharing our acknowledgement of Merv's distinguished service to the union movement, to his party, to the Hunter, to the Parliament and to the people of New South Wales. Vale, Merv Hunter. May he rest in peace.

Mr JOHN ROBERTSON (Blacktown—Leader of the Opposition) [11.07 a.m.]: I support the condolence motion moved by the Minister for Resources and Energy and acknowledge the presence in the gallery of the Hunter family and friends of Merv Leslie Hunter, in particular, the former member for Lake Macquarie, Jeff Hunter. Mervyn Leslie Hunter was born on 23 February 1926 and, sadly, passed away on 2 January 2013. Mervyn Hunter served as the member for Lake Macquarie for 22 years—from 1969 to 1991—and was a party member for more than 50 years, having joined the great Australian Labor Party in 1959.

As has already been outlined, Merv worked as a fitter and turner and machinist. He became a member of Parliament when many Labor Party members and representatives came through the trades or other blue collar industries and it was difficult for them to access education. Merv championed that cause, to which I will refer later, and he referred to it in his inaugural speech in this Parliament. In 1969 Merv had great vision and great foresight for some of the things that were needed. What is most telling from reading his speech is that he outlined many issues that have either been dealt with or still need to be resolved—a reflection of his great foresight and character. Merv attended Adamstown Primary School, Newcastle Junior High School, Junee High School and Newcastle Technical College and gained his foresight from his life experiences.

Merv referred often to his work on the railways and with the electricity commission, and he knew what it was like to struggle. Merv regularly witnessed the problems that confronted the working class. He brought that education to this place in his advocacy in many different areas. Merv married Elizabeth Craig on 21 November 1947 and is survived by three sons. He was a member of the Wangi Workers Club and other local organisations. On his retirement in 1991 he was one of the longest serving members of the New South Wales Parliament. That is a credit to him and testament to the regard with which he was held by his local community.

Merv was a representative of a generation of Labor members from the working class for whom higher education was out of reach. He went from the workshop floor to this Parliament not having had the privilege of education that many sitting opposite him may have had. He had great faith in the Labor cause and in his knowledge of the things that needed to be said. He was never intimidated or afraid to stand up and to advocate on important issues that required the Labor Party in the late 1960s and early 1970s to be strong advocates for the needs of working people. In one of the many outstanding parts of his inaugural speech he spoke with vision about education and said:

If we are to maintain the high standard of education needed to consolidate our position in national and world affairs, the government must take a bold and positive step forward to meet these demands and thus equip future generations adequately to meet the challenge looming ahead.

He went on to talk about the need for the establishment of an education commission and the like but those words encapsulate someone with vision. In 1969 he articulated something that could easily be articulated by any member in this Chamber or by anyone involved in the critical education debate today. Why did he articulate that? Because he knew, as Labor well knows, that education is the great equaliser, and he continued to argue for it. Access to education sets up young people for life. In this day and age that opportunity is presented to more and more people but in 1969 it was vastly different. In his inaugural speech he also spoke about what he was seeing in 1969 as the effect of automation on the industry in which he had worked. We continue to confront that today but in 1969 not many people were talking about those impacts or the challenges being faced in those areas where Merv was working or interacting with people. Jobs were starting to disappear in the power stations and on the railways. I continue to quote from his inaugural speech, in which he said:

The effect of automation on the redundancy of workers is becoming more apparent every day. Having worked in the Electricity Commission of New South Wales for so many years and being closely connected with the coal mining industry through the Wangi power and coal committee, I have seen the shrinking of the labour force and the increased productivity from automation. The benefits of this increased productivity have to be shared with all Australians, not just the lucky ones who have the money to invest in these undertakings.

That was yet another great insight into the values of a man who was prepared to speak in this Parliament in 1969 about productivity and a share of the benefits. Merv clearly articulated what became common parts of conversation, particularly in workplaces and negotiations for collective agreements and the like. Merv was also credited with playing a critical role in seeing Neville Wran transition to the leadership of the Labor Party and, as they say, the rest is history when it comes to the success that Neville Wran enjoyed for many years in this place

as Premier of New South Wales. Merv did not just sit back and drop a fishing line or sit in a recliner when he retired; he was active in his local community in protecting the environment and in issues surrounding affordable housing, in particular, affordable housing with access to social infrastructure. He was also active in fighting for better training for a more skilled workforce. He spoke of these issues when he entered this place in 1969 and he continued actively to campaign for them in his retirement.

This man of energy, vision and compassion made the conscious decision to continue to contribute to his local community. It was because of that contribution to his local community that he served for so long in this Parliament. Merv was succeeded by his son, Jeff, with whom I had a conversation last week at a function. I offer my condolences to the family at this difficult time, particularly as family members lost their mother 12 months prior to Merv's passing. When I was talking to Jeff I said, "I imagine one of the great things was that you had the opportunity to talk to your father about issues and to get advice." Jeff replied—and I hope I do not upset him by sharing this—that he often got advice from Merv, some that he took and some that he chose not to take. It is often difficult for our families or anyone outside of politics to appreciate the work done by members of Parliament.

I am sure that the bond shared by Jeff and Merv as father and son was strengthened when Jeff entered this place and had Merv as a sounding board. No doubt Merv would have been on the phone more often than not saying to him, "You have to do this, son, because that is the way it needs to be done." I am sure that Jeff enjoyed that because it allowed him to share so much more with his father than he otherwise would have had the opportunity to do. Indeed, Jeff will treasure that for the rest of his life. I have much pleasure in supporting this motion. Once again I extend my condolences to the family on the loss of a great father, a great contributor to his local community, a great activist and a great advocate for the Labor cause. Merv was a man of vision when he entered this place and he maintained his commitment to the Labor cause to the very end.

Mr GREG PIPER (Lake Macquarie) [11.17 a.m.]: I commence my contribution by commenting on the appropriateness of the Speaker being in the chair for this condolence motion. I join other members in acknowledging the family members of my predecessor, the late Merv Hunter, who are seated in the public gallery: Alan Hunter, who was a colleague of mine on Lake Macquarie City Council for 16 years and five months, his wife, Annette, and friends of the Hunter family, in particular, Lorre and Bill Manning, whom I have known for many years. I join other members in paying my respects to the late Merv Hunter, who was a long-serving predecessor of mine in the Lake Macquarie electorate, which he held from 1969 to 1991. Jim Simpson was the member for Lake Macquarie for some 20 years but Merv was in that position for longer than any other member. Merv also preceded me as a local government leader in the Lake Macquarie area. He served for close to 10 years on Lake Macquarie Shire Council and was shire president from 1968 to 1969.

I first met Merv Hunter at a public meeting held at Morisset RSL and Country Club. I cannot now recall what the issue was about but I remember that it was a pretty rowdy affair, as those types of things were. Lorre Manning was probably stirring things up. It might have been in relation to the health services issue in the area, which is still a contemporary debate. These things do go on. I remember meeting Merv there: it was the first time I spoke to him. From then on I would see Merv and his beloved wife, Bette, frequently at functions throughout the period after I had been elected as an alderman—as we were at the time—to Lake Macquarie City Council. Even after Merv retired in 1991 and Jeff took the seat, Merv was out there flying the flag for Jeff and Alan and on issues that concerned him—advocacy for the local area. That should be remembered. However, the times I most saw Merv and Bette, because they were nearly always together, was at pre-polling before an election. They were a formidable team.

Bette was always present at pre-polling and gave my wife quite a contest. I always got to see Merv and Bette at those times. I acknowledge the great respect and the approach that Merv brought to those times. Many members will talk about Merv and the history, and some of this will be repeated. I will try not to repeat too much but simply give some of my local observations. Merv was a fitter and turner before he entered public life, and was proudly an old-school Labor politician. Although our politics differed in some regards—in some ways it is strange to be seen as an adversary of the Hunter family because there are probably more things on which we agreed than we disagreed over the years—I respected Merv's commitment to working-class principles and his staunch advocacy for the city and the electorate of Lake Macquarie.

I am sure that there would have been many more things with which I agreed with Merv than not, and I suspect that we would have been like-minded in our love for the waterway that gives the Lake Macquarie electorate its name. I know that Merv held strong views about the need to protect the lake and the remaining bushland around the lake. Of course, it was only fitting that his sons, Alan and Jeff, who are in the public gallery

today, joined in fighting to preserve Lake Macquarie foreshores and bushland through their involvement in politics. I particularly note the work that Jeff did as the local member in conjunction with a campaign by the United Residents Groups for the Environment of Lake Macquarie [URGE]—a local environmental group of which I was a member at the time—to secure the Lake Macquarie State Recreation Area. That was a fantastic outcome for the local area. I imagine that Merv would have been pretty proud of that outcome.

Obvious beneficiaries of the beautiful Lake Macquarie environment are those who sail the lake. Merv was certainly a familiar face among the sailing clubs that circle its shoreline, as a patron and supporter of their activities. He mentioned in his inaugural speech the beauty of the lake and his pride in representing an area with such a superb natural asset. I note the great love of the sailing clubs not only for Merv but also for the Hunters. Jeff is still a patron of the Wangi Wangi amateur sailing club. Of course, Merv was held in high esteem at Sunshine, and the Jacobsons are great advocates for all things Hunter. It is wonderful that that legacy lives on. The Wangi Wangi Sailing Club is now the home club of Olympic gold medallists Nathan Outteridge and Iain Jensen. Merv was well-known throughout his electorate due to his long record of public service, which covered nine years in local government and 22 years as a State parliamentary representative. At the time of his retirement in 1991 he was the Father of the House and president of the New South Wales Parliamentary Labor Party.

Merv oversaw a number of significant developments in Lake Macquarie during his two decades as the member for that electorate and he believed that his greatest achievement was the Fringe Area Sewerage Scheme—major infrastructure improvement that brought overdue sewerage services to many parts of Lake Macquarie. The scheme was of particular benefit to the Westlakes area. It had not only a social benefit but also a great environmental benefit for Lake Macquarie as a whole. He also played a major role in facilitating the building of the Westlakes Miners Retirement Village, which has been discussed before. The village and the museum established in Teralba came together with Merv working with the developer Mr Mick Jurd and the retired miners association. Merv helped them secure land from the then Housing Commission at a peppercorn rent and assisted them in attracting funding to kick-start the development. This development is still going and it is not without some challenges from time to time, but it is a great facility that delivers affordable housing in a fantastic setting at Teralba.

The building of the private hospital at Toronto also took place on Merv's watch, and it has grown to become a very important part of the health network on the western side of Lake Macquarie, offering local access to surgical services, management of chronic disorders, palliative care, rehabilitation, pathology, radiology and many other forms of medical care. We need a lot more and I will continue to raise these matters in the House. But I recognise that Merv was advocating for these things in the early days, and that was continued in this House by his son, Jeff. Merv advocated keenly for residents in the Bolton Point-Marmong Point area which stood to be affected by subsidence from proposed longwall mining in the late 1980s. Public pressure eventually led to the establishment of the Dey inquiry into longwall mining in the area, which legislated to allow better access to compensation. Merv had a passion for sport. One need only look around this place to see that he had a particular interest in and a penchant for bowls. I know the member for Mount Druitt will spend time talking about lawn bowls in his contribution. Merv had a general passion for sport. In addition to his links with sailing and boating clubs, he forged strong associations with other sporting organisations in the area—not only bowling clubs but also football clubs. He was a life member of the Wangi Wangi Workers Club.

As previously referred to, Merv was succeeded in the electorate by his son, Jeff, whom he schooled in the art of grassroots political campaigning from an early age. In an obituary in the *Newcastle Herald* on 4 February Jeff said that letterboxing the electorate on foot during election times was one of his endearing memories of his father. Jeff Hunter recalled the family home doubling as the Lake Macquarie electorate office in the early days of his father's political career. All aspects of life certainly changed with the hard grind of electioneering. Merv came from the old school of electioneering and it works. Merv was a familiar face in his part of Lake Macquarie and well respected for his commitment to the local area and to public office.

Merv was a politician who dealt with people in a respectful way. I know that trait was shared by his sons: Jeff, who served 16 years as member for Lake Macquarie; Alan, with whom I served during his 16 years and eight months on Lake Macquarie City Council—I hope I am accurate in saying we enjoyed a friendship and a good working relationship during that time—and Les, who cannot be here today, but who served the community as an employee at Lake Macquarie City Council. Once again I pay my respects and offer condolences to the Hunter family from my wife, Lyn, and I, and on behalf of the residents of the Lake Macquarie electorate, on the passing of Merv Hunter and, of course, the earlier loss, about a year ago, of his dear wife, Bette.

Ms LINDA BURNEY (Canterbury) [11.28 a.m.]: I pay my respects to Merv Hunter, his son, Jeff, whom I know very well, and other members of the Hunter family who have joined us today. I am sure they will read *Hansard* and take this condolence motion as a great compliment. We do not often deal with condolence motions in the House. However, they are always done with great respect for those who have served the community of New South Wales and often served in this House. It is fitting that Merv Hunter and his family be given this condolence motion. I am the shadow Minister for the Hunter and it is a great honour to speak in debate on this condolence motion. I note the other members who are in the House as a sign of respect, particularly Acting-Speaker Ms Sonia Horner and the member for Upper Hunter.

I know Jeff Hunter very well, but I did not know his dad or his family. It became clear, while getting organised for this condolence motion and listening to what was said, that Merv Hunter served the people of the Hunter and Lake Macquarie with distinction, and of course the greater population in New South Wales. He obviously had a keen sense of humour, to which I will refer in a moment. As other members have said, he was old school. I think there is a lot to be said for old school in this place where the true calling of those who come into this Parliament is to serve the people with distinction.

Merv Hunter was born in 1926, an era not long after World War I, around the time of the Depression and the onset of World War II. Merv attended Adamstown Primary School, Newcastle Junior High School, Junee High School and Newcastle Technical College. Junee is a great place, not too far from where I was born in the Riverina. Merv trained as a fitter and turner, and he worked on the railways at Junee and Cardiff workshops. Junee is a great railway town. Merv had a strong union background and was a longstanding member of the Australian Manufacturing Workers Union. Often during condolence motions we refer to inaugural speeches, which are the defining speeches that we make in this place about who we are as people. In his inaugural speech in 1969, Merv said:

In this State there is an ever-increasing shortage of tradesmen. In an effort to overcome this shortage this Government should set an example by employing the maximum number of apprentices yearly in the departments, and by encouraging private enterprise to do likewise. As a former railway employee I should be failing in my duty if I did not request that the wages of those employed by the New South Wales Department of Railways be given a substantial lift. These loyal and faithful servants of the Government are poorly paid by comparison with other government employees.

It is interesting that that speech in 1969 referred to employing apprentices, which is a live issue today, and it is quite telling that it was being spoken about back then. We know that Merv Hunter had a long and successful career in the labour movement and served his party with great distinction. He joined the Australian Labor Party in 1959 and became shire president of the City of Lake Macquarie some time later. I will not repeat much of what has been said, but I will relate a story that I discovered. I think the member for Upper Hunter and the member for Mount Druitt may remember the incident. It was one of those times when humour occurs in this Chamber. I will read the story because it is much better written than I could tell it. It is an article from the *Sydney Morning Herald* of 25 May 1990 under the heading, "Stand-up comics face hot competition", and it states:

There were some stomach-churning moments for the Greiner Government in State Parliament yesterday when voting was taking place on the education reform legislation. Numbers were tight, MPs were hard to find and the division bells were ringing. Putting down the phone from his desperate ring around MPs offices, Ron Phillips, the Government Whip, looked anxiously across the chamber and saw that the Government had the numbers—by one. Suddenly another Labor MP, Merv Hunter, walked in the door.

Government MPs went white. They were about to lose a division. That meant the whole Government was the next to go.

Until it was realised that Mr Hunter had been in the chamber all along but had slipped out a side door and re-entered through the front, creating the illusion of an extra vote for the Opposition.

It was the last day of Parliament and, in those days, old school politicians did those funny things. I think that is a great story about Merv Hunter. When we look at the distinction with which Jeff Hunter served in this House, particularly in relation to the Asia-Pacific Friendship Group, there was obviously a lot of Merv Hunter in his son, Jeff. That is very much borne out by another newspaper article when it was clear that Jeff Hunter was going to take over from his father. The article stated:

Father and son share much common ground. Both have been prominent in their respective ... unions, both have worked for the Central Coast power stations and both are members of the ALP ...

I think that is a great tribute. There is no denying that Merv Hunter loved Lake Macquarie. In his inaugural speech he said:

One does not have to yield to egotism to expound the natural beauty of Lake Macquarie. This is a feature that can surely be spoken of with complete impartiality, and devoid of political considerations.

Merv has left a lasting legacy. He has touched the lives of many people in Lake Macquarie and further afield. He will be remembered fondly by Australian Labor Party comrades. I offer my deepest condolences to his family and join with them in celebrating his long and distinguished life, which is something that can truly be felt today for someone who served in this Chamber for as long as he did and who, prior to that, served his community in such an honourable way. What a wonderful legacy.

Mr RICHARD AMERY (Mount Druitt) [11.37 a.m.]: I join with all members in passing on my condolences to Jeff, Alan and all the family, most of whom are here today. As I speak about Merv I will do so perhaps with many different hats on. The mover of the motion, Minister Hartcher, and Minister Souris, came into this place in 1988. I think we are the only three members in this Chamber who served in this Parliament during Merv's term of office. Often former leaders, Premiers and Ministers receive the respect of a condolence motion, but members who left the Parliament more than 15 years ago do not unless a strong case is put to the presiding Government or the Leader of the House. In effect, members who served in this place at about the time that Merv did would not receive a condolence motion. Last week when I raised having a condolence motion for Merv with the Leader of the House he said, "Absolutely", because Merv was extremely highly regarded and served for about 22 years.

Merv was the Father of the House—as I am now—at the time of his retirement. This motion is a great credit to the respect with which Merv Hunter was held. Perhaps our presiding officers and clerks should discuss at a future meeting giving condolence motions to all members when they pass on, no matter how long ago they served in this House. I will not go through the very impressive record of Merv's work before he came into Parliament. It has been read. He was in local government and he joined the Labor Party back in 1959. Merv came into this place when the Premier of the day was Bob Askin and the Labor leader was Pat Hills. It was three years before Gough Whitlam became Prime Minister. When Merv left this place Neville Wran had come and gone and the Greiner Government had been elected in 1988. When Merv left in 1991 he was succeeded by Jeff, who I know was very proud to follow in his father's footsteps.

When I came into this place in 1983 I got to know many of the members of that era. As well as Merv there were Mick Clough from Bathurst, Harold Mair from Albury and, from the Hunter, Ken Booth, Richard Face, Stan Neilly and Ned Wade, all of whom represented that part of the State. They were great members of Parliament from different backgrounds and occupations. Many of them had done military service and had been in local government. It was a golden time for us and Merv was very much a part of that. New members like me learnt from those members just by watching them operate. The story told by the Deputy Leader of the Opposition was another example. Those members were professional in their approach to the way this Parliament worked and we learnt a lot from them. I can say that Merv Hunter certainly helped me as a new member to adjust to the way this place operates.

The first four or five years I was here in the 1980s seemed to race along. It was an exciting time. The Labor Government's majority dropped from 27 to 17 in 1984. Neville Wran retired in 1986 and his place was taken by Barrie Unsworth. The Labor Government was defeated in 1988. Merv held the Hunter region during this turbulent time in the history of the Parliament and the State. After the 1988 election I became the shadow Minister for Natural Resources and Merv Hunter became chairman of the Parliamentary Labor Party caucus. Even then he always seemed to be helpful. He was in the party's left wing, as the Minister who moved the condolence motion said, and I was not so we did not attend factional meetings together or call each other "comrade", but somehow we seemed to hit it off. For some reason he seemed to be very fatherly in looking after my interests.

As current and former shadow Ministers will know, when the Government introduces legislation and delivers the second reading speech the shadow Minister's job is to present the details of the bill to the parliamentary caucus. Yesterday a number of shadow Ministers were given a run-down on bills that will be coming before the House this week and later. It was my job to present a briefing to the caucus. Merv must have seen me looking a bit rattled. I could not understand why I was not holding caucus members' attention. The bill was probably a very important one for that period, such as the Stock Diseases (Offences) Amendment Bill 1989 or the Real Property (Boundary Determinations) Amendment Bill 1989. I thought it was pretty important, but many members were talking, the hubbub was rising and I was getting drowned out.

That was enough for Merv as chairman. He thumped the table and everybody jumped. He said, "Members, show a bit of respect. The new shadow Minister is making a presentation about what the Government is doing. At least show him some respect." Members were jolted by this firm reprimand from the caucus chairman. I did not know how I was going to get out of this so I stood up and said to Merv, "Thanks,

Mr Chairman, for saving me but don't be too hard on the members; I wasn't really saying anything anyway." I think his laughter saved the day for me in caucus. It was the sort of thing he did. It was just the way he looked after younger members of Parliament and I was certainly a beneficiary of that.

I got to know Merv better after he left this place. I have been prompted by the current member for Lake Macquarie to refer to that athletic game of lawn bowls. Merv Hunter was a strong advocate of the game and a great supporter of parliamentary lawn bowls. He and people like Doug Shedden and Bob Christie were always trying to get new recruits. I was one of those because I was finally persuaded to take up this very dangerous and athletic game in 1989. Whilst I am talking about that important part of my relationship with Merv Hunter I acknowledge Les Gönye, the former manager of the parliamentary lawn bowls club, and Cheryl Samuels, who is sitting in the wings and is the current and longest-serving manager of that organisation. When I started going to the lawn bowls carnivals I noticed a new young member was coming along. I refer to Jeff Hunter. Jeff is a young athletic chap and does not fit the usual description of the participants in that game.

I found out very quickly from speaking to Merv and Bette just why Jeff was such a great supporter of parliamentary lawn bowls. He always supported his mother and father at those events and that is a great credit to him. In describing what sort of person Merv Hunter was I want Jeff and the Hunter family to know how much my family liked Merv and Bette. They were lovely people. My son, Roy, and daughter, Debbie, used to come to the lawn bowls carnivals when they were children and they were overwhelmed by the way Merv and Bette and a couple of other members looked after them and spoke to them during those events. Many members of Parliament pass on and my family may not remember all of them, but when I told them last year that Bette had died and then that Merv had passed on both my children were very touched.

I will talk about what we saw at those events, not the athletic prowess on the greens. I like to think we were a formidable team. Merv and Bette Hunter had many friendships, but one that comes to mind was the one they shared with Harry and Cassie Moore. Harry Moore was a member for the Central Coast region and he and Merv teamed up and played together—a left winger and a right winger; it does happen. I would see them sit down to dinner sometimes at a formal function and order a Mount Pleasant Elizabeth white wine. That was their favourite dinner drink, once again supporting the Hunter. To my kids, Debbie and Roy, who are both adults now, they were like uncles and aunts when we went on the road. Their faces are in many photographs that fill pages in family photo albums that I have put together over the years. I was looking at some of them last night.

The bowls carnival is not just about having a nice wine or enjoying friendships or looking after children. It is very serious business, apart from all the meetings with mayors and the like in other States. The honour board in the members' dining room in this Parliament lists a number of successes by the New South Wales parliamentary lawn bowls team. The first was in 1994 when we won the interstate carnival for the first time in 29 years. Even Burnley has a better record than that. It was a long time between drinks. The honour board shows that one of the teams comprised Davoren, Shedden, Neilly and me and the other team consisted of members from the Hunter: Face, Moore—he was from the Central Coast, but that is close—Merv Hunter and Jeff Hunter. The manager of the team was Les Gönye, who is sitting at the table of the House today. He was the first manager in 29 years to give us a carnival win. I acknowledge the great efforts of Merv and Jeff. Two years later we won the carnival again in Melbourne, so we ended the drought with a flood. In more recent times when Merv stopped playing, Cheryl Samuels valued his input.

When Merv passed away in January, those members of the team did not go to his funeral. Jeff knew why. Merv would have known why and would have endorsed it. The reason is that we were playing in Melbourne in a parliamentary bowls carnival. Merv would not have wanted anyone to be held up and miss a whole day's play. The team in Melbourne this year consisted of Richard Face, John Mills, Brian Bannon, Doug Shedden, me, George Thompson, Brian Langton and Marie Andrews. We wore black armbands to honour and recognise the passing of Merv Hunter and his great contribution to that event that is held every year. I encourage all members to give thought to participating in the future. We stood in silence to acknowledge with sadness not only the loss of Merv, but also dear Bette, who passed away only a year before Merv. She was a wonderful lady to have at a function.

My wife was fond of Bette and always loved to see her. Bette called a spade a spade. Children loved to listen to her talk and watch her entertain people. I have not spoken about all of Merv's great achievements; they have been recognised by other senior members of this House. Merv was a great member of Parliament and a friend to all of us. He achieved a lot, and always ensured that the electorate was strong. His son Jeff had a distinguished career in this Parliament. To Jeff and the rest of the family, you have lost a great father and brother. Vale Merv and Bette, we miss you greatly and pass on our sincere condolences to Jeff and the rest of the family; we feel for you during this difficult time.

Ms SONIA HORNER (Wallsend) [11.51 a.m.]: As part of a group of members of Parliament who know and respect the Hunter family, I take this opportunity to express my condolences. The circle of life makes the world a wonderful place. Merv, Jeff and Alan represent the Labor ideals that, as the member for Wallsend, I respect, honour and follow. They are the ideologies of a good Labor person that my predecessors Ken Booth and John Mills also followed. I am proud to be a member of the Labor Party knowing that I have friends and colleagues that uphold traditional values that attract people to the Labor Party. The wonderful elements of those ideologies are reflected upon when we speak about Merv: the champion of the underdog, committed to the Labor Party and to the people, and generous to local families facing difficulties. Those traditional values are why I joined the Labor Party, why Merv joined the Labor Party, why Jeff joined the Labor Party, and why Ken Booth and John Mills joined the Labor Party.

My predecessor Ken Booth, a former treasurer, was Merv's campaign director when Merv was first elected. John Mills alerted me to an interesting fact: Ken and Merv were born on the same day in 1926. John Mills said that Merv and Ken acted like twins. They shared the same Labor Party philosophy. They represented adjoining electorates—Lake Macquarie and Wallsend—in The Hunter. They travelled together to Sydney by train. They shared accommodation in Sydney, and during their time in opposition during the Askin ascendancy, they often went to the dog races in Newcastle on a Friday night to relax and plot the next week's activity in Parliament. When Ken died unexpectedly of a heart attack in late 1998, my predecessor John Mills was selected in a by-election. Although Merv was in excellent health, he chose not to contest the next selection.

I will speak about Merv's achievements because they have been well highlighted by all members of the House this morning. However, it is important for us to remember not only our members but also the good deeds they have done for the people. Merv was a campaign director for Richard Face. They were mates when Richard Face was first elected. He had terrific things to say about Merv. Richard said that Merv was a great representative of the people and he did a lot of work for the community. Those qualities are important. My predecessor John Mills was mates with Merv; they spent a lot of time together. John was friends with Jeff as well and as a result of that friendship, Jeff and I became friends. But Jeff and Alan and I were friends from a long way back.

Given that today is about personal experiences, I share my personal experiences with the Hunter family. In the late 1990s, both Alan and I ran in a pre-selection. Even though I lost the rank and file pre-selection, I urged the Labor Party to uphold it. Alan, Kelly Hoare and I were running for the Federal electorate of Charlton. I got to know and respect Alan and the Hunter family. There is nothing like having an opponent in a campaign who is respectful and honourable throughout the campaign. Neither Alan nor I was elected; Alan just missed out. We have remained friends throughout the years. I value the way that Alan and the Hunter family respected me and also respected those who did not support them. It was interesting to get to know the southern Charlton electorate—which was territory I was not familiar with at the time—and to see the loyalty of people to the Hunter family: loyalty that the Hunter family earned.

I was not elected, but if it was not to be me, I wished it had been Alan, who would have been as terrific a Federal member as his brother was a State member. It was a nice opportunity for me to meet the Hunter family and to appreciate the amount of work taken to run a pre-selection. I learned a lot. It was well run, and the Hunter people indicated to me that the Hunters were fair and honourable Labor people. On behalf of this Parliament, the Labor Party, and those who cherish good Labor values, I extend my condolences to the Hunter family: You have many fond memories of a man who was extremely popular and well respected in the Labor Party and the Government. He deserved his friendships and popularity.

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

Motion agreed to.

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

ROAD TRANSPORT BILL 2013

ROAD TRANSPORT LEGISLATION (REPEAL AND AMENDMENT) BILL 2013

ROAD TRANSPORT (STATUTORY RULES) BILL 2013

Second Reading

Debate resumed from an earlier hour.

Mr MARK SPEAKMAN (Cronulla) [12.01 p.m.]: I support the Road Transport Bill 2013, the Road Transport Legislation (Repeal and Amendment) Bill 2013 and the Road Transport (Statutory Rules) Bill 2013.

I do so because they will simplify road transport law, cut red tape and prepare for the introduction of the Heavy Vehicle National Law in New South Wales later this year. The consolidation of these bills will also make the legislation easier to use. At the moment in New South Wales we have four separate pieces of road transport legislation: the Road Transport (Driver Licensing) Act 1998 deals with the licensing of drivers and the regulation of interstate and foreign drivers; the Road Transport (Vehicle Registration) Act 1997 deals with the registration of vehicles and the management of written-off vehicles; the Road Transport (Safety and Traffic Management) Act 1999 deals with rules and other requirements concerning the safe use of roads by road users and vehicles, and includes provisions to regulate drivers who are under the influence of alcohol or on drugs; and the Road Transport (General) Act 2005 provides compliance and enforcement provisions in connection with road transport legislation generally. That Act also deals with the management of heavy vehicles, their mass, dimensions and loads, and their drivers.

The Road Transport Bill 2013 will re-enact in one piece of legislation, with a few modifications, the provisions of the Road Transport (Driver Licensing) Act 1988, the Road Transport (Vehicle Registration) Act 1997 and the Road Transport (Safety and Management) Act 1999, and the compliance and enforcement provisions of the Road Transport (General) Act 2005, which are applicable to road transport legislation generally. The bill will also provide for the existing Road Rules 2008, the Road Transport (Driver Licensing) Regulation 2008 and the Road Transport (Vehicle Registration) Regulation 2007 to continue in force as rules or regulations made under the new Road Transport Act 2013.

The Road Transport Legislation (Repeal and Amendment) Act 2013 repeals the Road Transport (Driver Licensing) Act 1988, the Road Transport (Vehicle Registration) Act 1997, the Road Transport (Safety and Management) Act 1999 and the Road Transport (Safety and Traffic Management) Regulation 1999. It will also rename the Road Transport (General) Act 2005 as the Road Transport (Vehicle and Driver Management) Act 2005. The bill confines the operation of the renamed legislation to mass, dimension load restraint and access requirements of heavy vehicles and other vehicles, and to the regulation of certain other matters that relate to heavy vehicles—for example, driver fatigue management and heavy vehicle speeding compliance—pending the adoption of the Heavy Vehicle National Law in New South Wales.

The Road Transport (Statutory Rules) Bill 2013 makes amendments to the statutory rules under the existing road transport legislation that are continued in force as statutory rules under the proposed Act. It also renames the Road Transport (General) Regulation 2005 as the Road Transport (Vehicle and Driver Management) Regulation 2005 and makes some amendments to confine its operation as a consequence of the renaming and amendment of the Road Transport (General) Act 2005. It also sets out the terms of the proposed Road Transport (General) Regulation 2013, which will be taken to be a regulation made under the proposed Act. The Road Transport Bill 2013 does not make any major policy changes but represents a simplification of the legislative structure. The legislation should enhance the ability of road users in New South Wales to understand their legal rights and responsibilities. The changes will remove inconsistency, repetition, anomalies and redundancy. They also accommodate technological advances—for example, traffic management devices and standardisation of processes for drug and alcohol testing. Some provisions in the regulations—that is, those relating to appeals—will be elevated to statute for consistency and ease of navigation.

In August 2011 the Commonwealth, the States and the Territories signed the Intergovernmental Agreement on Heavy Vehicle Regulatory Reform. The adoption of the Heavy Vehicle National Law and the establishment of a heavy vehicle regulator is the latest initiative in the reform process and will place regulation of vehicles over 4.5 tonnes under a national body, with national template legislation adopted by all jurisdictions. Concerns have been expressed by industry that difficulties remain in doing business across State and Territory borders. The decision to adopt the national law and the establishment of a heavy vehicle regulator is a response to those concerns. The Heavy Vehicle National Law is template legislation that will be hosted by the Queensland Parliament and then applied or adopted in other jurisdictions.

Following the passage of the second bill through the Queensland Parliament later this year, the Heavy Vehicle National Law will be adopted progressively by other States and Territories. The separation of heavy vehicle road transport provisions in the Road Transport (Driver and Vehicle Management) Act paves the way for the application of the Heavy Vehicle National Law in New South Wales. The Act and two regulations will be repealed and no major amendments will be made to the new Road Transport Act when that happens. This is an important measure that will simplify the law and make it easier for users to understand, cut red tape and harmonise laws relating to heavy vehicles across Australia. This is sensible legislation and I commend the bills to the House.

Mr TONY ISSA (Granville) [12.07 p.m.]: I support the Road Transport Bill 2013, the Road Transport Legislation (Repeal and Amendment) Bill 2013 and the Road Transport (Statutory Rules) Bill 2013. These bills consolidate New South Wales' road transport legislation and prepare for the eventual adoption of the Heavy Vehicle National Law in this State. New South Wales has 4.5 million driver licence holders and 5.7 million registered vehicles. These drivers and their vehicles—mostly cars—travelled 66 billion kilometres on New South Wales roads in 2011-12. I have probably contributed a large number of those kilometres. The legislation that regulates road transport is complex; it regulates all aspects of the road environment from licensing drivers and registering vehicles to road rules, vehicle standards, traffic management, drug and alcohol testing, motorcycle rider training, compliance and enforcement, and a chain of responsibility for heavy vehicles.

The Road Transport Bill 2013 represents a simplification of the structure of legislation without major changes to policy. It amalgamates into one Act the Road Transport (Driver Licensing) Act 1998, the Road Transport (Vehicle Registration) Act 1997 and the Road Transport (Safety and Traffic Management) Act 1999 and the compliance and enforcement provisions of the Road Transport (General) Act 2005 applicable to road transport legislation generally. It is intended to enhance the understanding of New South Wales road users of their legal rights and responsibilities. In addition, the bill provides for advances in technology, such as traffic management devices.

Early in the 1990s the Commonwealth, States and Territories agreed to the need for a national approach to road transport reform. An independent statutory body, the National Transport Commission, developed as model legislation a common set of Australian road rules, uniform heavy vehicle charges, common driver licence classes, standard procedures for licence and registration issues, and other measures designed to overcome inefficiency while improving productivity and safety. The bill will remove redundancy, reduce complexity and create clarity. The changes include the modification of certain definitions, including removal of multiple definitions and adding new definitions where necessary; redrafting of provisions surrounding the demerit points system in a more logical fashion; and simplification of the provision relating to taking blood, urine and oral fluid samples for drug and alcohol testing. Many of these changes will aid operational efficiency.

The intention of the consolidation process is to amalgamate existing road transport Acts and reduce the number of regulations without making policy changes. For example, where multiple definitions exist for key terms such as "vehicle", "motor vehicle", "registrable vehicle", "drive", "traffic", "trailer", "authorised officer", "heavy motor vehicle" and "foreign driver licence", one definition has been settled upon—usually that found in national model legislation. In April 2011 the Premier announced the red tape reduction program to honour the Government's election commitment to impose a one-on, two-off requirement for new legislation. The aim is to ensure that the number of principal legislative instruments repealed is at least twice the number of new principal legislative instruments introduced. The consolidation drafting process has led to a review of the principal legislation and a close examination of its structure and contents. As a result, there are approximately 30 per cent fewer provisions in the overall legislative package. One less regulation will be made under the Road Transport Act with the repeal of the Road Transport Regulation 1999.

On 19 August 2011 the Commonwealth, States and Territories signed the Intergovernmental Agreement on Heavy Vehicle Regulatory Reform. Regulation of vehicles over 4.5 tonnes will be placed under a national body, the National Heavy Vehicle Regulator, and national template legislation will be adopted by all States and Territories. This was in response to industry concerns that, despite a decade of reform, difficulties remained in doing business across State and Territory borders. In addition, a Productivity Commission report in 2006 identified potential net gains of \$7.5 billion from a national approach to heavy vehicle regulation. It is proposed that the bill will commence on a day to be proclaimed. To provide for the necessary changes to be made to Roads and Maritime Services and related systems in the State Debt Recovery Office and the NSW Police Force, this is likely to be 1 July 2013. The impact on customers of Roads and Maritime Services will be negligible. Nevertheless, Roads and Maritime Services will notify its customers and publish maps on its website showing where old provisions will be located in the new legislation.

Those who seek to access road transport legislation should be pleased that the proposed Road Transport Act is more compact and easier to follow than the Acts it has replaced. The NSW Police Force has been consulted on the drafting of the bill. Time will be needed from the passage of the legislation until commencement in July 2013 in order to make changes to systems and handbooks. Once familiar with the new configuration, police should find the new Road Transport Act more user friendly. Before commencement of the legislation, Transport for NSW will provide advice to the legal profession and the courts on its structure, as well as provide aids such as maps of legislation—old to new provisions—on the website of Roads and Maritime

Services. I am pleased to support the bills, which will have less impact on the people of New South Wales. This Government is delivering what it promised before the last election, and I am pleased to commend the bills to the House.

Mr CHRIS PATTERSON (Camden) [12.15 p.m.]: I support the Road Transport Bill 2013, the Road Transport Legislation (Repeal and Amendment) Bill 2013 and the Road Transport (Statutory Rules) Bill 2013, and will make a brief contribution to the debate. By introducing these bills, the Government will reduce red tape, the number of regulations, confusion and frustration, and at the same time prepare for the seamless application of the Heavy Vehicle National Law, signed by the Commonwealth, States and Territories in 2011, once it is adopted in New South Wales.

Until 1999 New South Wales road transport legislation was found mostly in the former Traffic Act 1909. New legislation was formed, and subsequently a number of Acts created, as modules for national model road transport legislation were developed. The National Transport Commission developed these modules, which included heavy vehicle charges, vehicle registration, compliance, enforcement and driver licensing. New Acts were enacted as a result of this series of modules. The new Acts were the Road Transport (Heavy Vehicle Registration Charges) Act 1995, the Road Transport (Vehicle Registration) Act 1997, the Road Transport (Driver Licensing) Act 1998, the Road Transport (Safety and Traffic Management) Act 1999 and the Road Transport (General) Act 2005.

It was intended that these new Acts would be beneficial and work well, but this was not the case. In reality, many difficulties were encountered by the general public, police, administrators, the legal profession and the courts. These groups made it abundantly clear through complaints that the process was not working as intended. It is important always to consider ways to improve, and these bills are doing just that. The intention of the Road Transport Bill is to simplify the situation and place these Acts under one umbrella, removing anomalies, contradicting and differing definitions, repetition and general inconsistencies and complexity, and implementing technology updates. I am pleased to be a part of a Government that is using common sense and putting confusing words into a simple form so that I, along with the thousands of other road users who do not draft legislation, can better understand our rights and responsibilities when using New South Wales roads. I note also that some regulations and their provisions will be moved to another Act for consistency with the reduced number of regulations.

The Road Transport Legislation (Repeal and Amendment) Bill 2013 renames the Road Transport (General) Act as the Road Transport (Vehicle and Driver Management) Act until it is repealed later this year. This bill allows for the separation of heavy vehicle road transport provisions currently in the Heavy Vehicle (Driver and Vehicle Management) Act to enable the implementation of the Heavy Vehicle National Law in New South Wales. Heavy vehicles—that is vehicles over 4.5 tonnes—will now be regulated by a national body. I note that major amendments will not be required to the Road Transport Act once the Act is repealed. Under the Road Transport (Statutory Rules) Bill 2013, amendments will be made to existing regulations that will continue under the Road Transport Act. Under this bill the Road Transport (Safety and Traffic Management) Regulation 1999 will be replaced and the Road Transport (Vehicle and Driver Management) Regulation 2005 will be created under the Road Transport (Vehicle and Driver Management) Act to apply its operations to heavy vehicle matters.

I commend the O'Farrell-Stoner Government for its ongoing pursuit of making New South Wales laws easier for its citizens to understand and comply with. I also commend the Minister for Roads and Ports. He is a great friend to the people of the Camden electorate. He continues to support my electorate through projects such as Camden Valley Way—the well-known goat track in my community—which now has a completion date of 2015. The long-suffering people in my electorate who have put up with this goat track for so long now have a Government and a roads Minister that support them. For instance, the Minister for Roads and Ports was instrumental in the widening of Narellan Road to three lanes thus far, and in removing the much-hated 40-kilometre zone, which did nothing to enhance the safety of the children attending the local school and caused an obstacle to the traffic flow. I look forward to the member for Keira taking up the mantle and standing on the side of Narellan Road with his hands on his hips, as the member for Lakemba used to do so often when he was shadow Minister for Roads and Ports. But I want to know when the member for Keira intends to visit my electorate so I can join him for a catch-up over coffee.

I return to the positives of the bill. I mentioned the Minister for Roads and Ports. He would also like me to mention his hardworking staff: Chief of Staff Jason De Souza; Deputy Chief of Staff Andrew Huckle; communications director Lance Northey—and what a communications director he is—media adviser Marie

Scoutas; parliamentary liaison officer Louise Talbot; policy adviser Suzanna Montrone; and departmental liaison officers Wayne Hillier and Matt Jones. I inform the member for Keira that none of them will be on my future preselection panels. I thank the Government for seeking to clarify our legislation so that we, along with the other 5.7 million registered vehicle owners in this State, can get on with our business and not be caught by the legislation at some point. I commend all governments involved in the national reform process and adoption of the Heavy Vehicle National Law.

The Minister for Transport introduced this legislation. She is also a wonderful Minister and great friend to my electorate. We now have updated train services from Campbelltown railway station, some 550 new weekly bus services and delivery of the \$2.1 billion South West Rail Link by 2015. I will not go into the history of that project—10 announcements yet not a piece of track laid. The Minister is delivering for the people of my electorate, and they appreciate it. I thank the Minister for Transport for her ongoing support. I am sure the Minister would like me to mention her hardworking staff: Chief of Staff Owen Johnstone-Donnet; media advisers Brett Cox and Rhys Haynes; and policy advisers Chelsea Perry—who leads a wonderful team—Larry McGrath, Mark Egelstaff and Nick Tyrrell. A lot of thought has gone into this bill and cognate bills, and I thank the hardworking Ministers and their staff. I commend the bills to the House.

Mr KEVIN CONOLLY (Riverstone) [12.25 p.m.]: It is a pleasure to support the Road Transport Bill 2013 and cognate bills. The bill contains many pages and is a fairly weighty document. It is a good example of why the Government is trying to reduce the complexity, duplication, overlap and multiplicity of bills relating to road transport in New South Wales and consolidate the many pieces of legislation and regulations into fewer documents. This will give the people of New South Wales the opportunity to understand what the law says and those practitioners who use the legislation will be able to navigate it with clarity and certainty. I commend the Minister for Roads and Ports for introducing this legislation. It will continue a process that has been underway for a number of years to harmonise our national road transport rules. Those rules will now be implemented in an intelligible and practicable manner for the road users of this State.

In a recent media campaign Roads and Maritime Services issued a document indicating the top 10 misunderstood road rules in New South Wales. No doubt as I read through the list some members will say, "Yes, no-one else on the road understands that rule when I am driving." I can almost hear the member for Swansea telling me what the first one is on the list—roundabouts. People struggle with the rule as to who gives way to whom on roundabouts and when one should enter them. To help people remain safe on our roads we need clarity and certainty as to our road rules. Drivers approaching a roundabout must use their indicator if they intend to turn left or right, or make a U-turn at a roundabout. They must give other road users sufficient notice of their intention to turn. Drivers must slow or stop to give way to any vehicle already in the roundabout. Drivers must also continue to use their indicators if they intend to turn left or right, or make a U-turn. There is no requirement for drivers to signal when approaching a roundabout if they are going straight ahead. Drivers may approach the roundabout from either the left or right lane if they are continuing straight ahead.

Every road user seems to fail to understand that rule at the George Street roundabout at the entrance to my suburb at Bligh Park. One is supposed to slow when one approaches a roundabout and to give way to traffic already on the roundabout. That rule does not seem to be particularly well known, so I am not surprised that roundabouts are placed first on the Roads and Maritime Services list of the top 10 misunderstood road rules in New South Wales. Number two on the list is giving way to pedestrians when turning. Clearly, a car turning a corner into another street should give way to pedestrians who have perhaps taken their lives into their hands by crossing at an inopportune moment. Given it is clear who will come off second best in the event of a collision, motorists are urged to give way to pedestrians so that they can reach the other side of the road safely. Number three on the list is the use of mobile phones. The use of mobile phones and other equipment by drivers has proved to be a real hazard for motorists in recent years.

It is important to remind road users that they cannot use any electronic equipment that distracts them from the road, that takes their eyes off the road or their hands off the wheel and they lose concentration. Merging, which is number four on the list, creates a number of issues. Keeping left on major roads such as motorways so as not to obstruct the free flow of traffic that is moving faster is an important issue. The use of headlights and fog lights can create confusion. Motorists need to be aware of the needs of others on the road to ensure that they do not blind oncoming drivers or drivers travelling in the same direction and only a short distance in front of them. The document goes on to refer to the complexities of U-turns, safe following distances and school zones. School zones are important, given the unfortunate incidents that from time to time occur in school zones and the danger that presents to our children.

Number 10 on the list relates to yellow traffic lights and the need to stop. All these commonly misunderstood road rules are great examples of why we need clarity, why we need to educate the public and why we need to make it clear to practitioners using the rules exactly what standards, definitions and rules apply in particular circumstances. Any move towards consolidation of the multiplicity of road rules legislation and regulations, and any move towards clarification of the removal of duplicate and overlapping definitions and the multiple cross-referencing needs that exist at the moment must be beneficial to the public to make it more likely that people will know what rule to follow and, indeed, they will be more inclined to follow it.

We are all road users in New South Wales in one form or another. Certainly in my electorate of Riverstone some significant roads are in need of improvement and have been for many years. It has been my pleasure, in recent times, to stand with the Minister for Roads and Ports, the Premier and some of my local member colleagues to announce the commencement of the upgrade on Richmond Road, which is the major arterial road between the Blacktown area and Richmond and serves many people in my electorate. That has followed closely on the heels of the commencement of the upgrade work to Schofields Road, a cross-regional road within my electorate that will serve the rapidly growing north-west sector suburbs that are emerging.

It is a great pleasure to know that we are acting not only on the road rules front but on providing better roads. The O'Farrell Government is investing in roads that have needed that investment for many years, and we are making New South Wales number one again through doing so. We have on our agenda plans for the overpass at Garfield Road, Riverstone, and the new replacement bridge at Windsor to replace the 140-year-old structure that has spanned the Hawkesbury River and that has served so many people for so long. Of course, the whole of Sydney, and western Sydney in particular, will benefit from the WestConnex projects to which the Government is committed, which will allow traffic flow on our motorway network to move much more smoothly and to access key destinations such as Sydney airport, the Port Botany region and Sydney's central business district.

Investment in roads is critical to the wellbeing of the people of this State, not only for the economy—it is important for the economy—but also for the quality of life of those who are stuck for hours in traffic each day getting to and from work or other destinations. Everybody will benefit if that time is reduced and traffic can move more freely. I commend the Minister for Roads and Ports on both fronts: for clarifying, tidying up and progressing improvement of the road rules legislation in New South Wales and for the substantial investment that is now occurring in roads across the State, and particularly in my electorate of Riverstone, to improve the quality of life of, and service to, the people of New South Wales. I commend the bills to the House.

Mr RICHARD TORBAY (Northern Tablelands) [12.33 p.m.]: I support the Road Transport Bill 2013, the Road Transport (Repeal and Amendment) Bill 2013 and the Road Transport (Statutory Rules) Bill 2013, and I commend the Minister for Transport for their introduction. As previous speakers have said, these bills seek to consolidate road transport legislation essentially into a single Act. They will reduce the number of regulations, simplify the legislative structure—it definitely needed simplifying—avoid duplication, enhance the understanding of road users of their legal rights and responsibilities and, importantly, prepare for the adoption of the Heavy Vehicle National Law in New South Wales.

The adoption of the Heavy Vehicle National Law and a heavy vehicle regulator will place regulation of heavy vehicles, which includes registrations, compliance and enforcement, access permit, vehicle standards et cetera, under a national body supported by national legislation. The first bill of the Heavy Vehicle National Law has passed through the Queensland Parliament. Following the passage of the second bill this year the Heavy Vehicle National Law will then be applied progressively by other States and Territories. I remind members of the Road Transport Efficiency Bill that I introduced in this House in September 2003.

Mr Bryan Doyle: A good bill.

Mr RICHARD TORBAY: The member for Campbelltown says it was a good bill. It was developed after careful consultation with the community, the rural trucking industry and country communities. That bill would have provided a mechanism for the Minister for Roads and Ports to ensure that New South Wales joined almost every other State in Australia in providing a grain harvest truck loading scheme, livestock loading and higher productivity trucks. Unfortunately, the bill was defeated—I think the vote was 45 noes and 34 ayes. I remember my comments at that time, and I think they are still valid today. I quote:

State boundaries sometimes get in the way of good policy. We have seen that in relation to transport, the railways and a whole range of areas.

Mr Ron Hoenig: Amalgamate the States.

Mr RICHARD TORBAY: We will get back to that. That is another bill. Although these bills are simply a tidy up of Acts in preparation for the national law, they are a positive step forward for the transport industry not only in New South Wales but also nationwide. I support the Government and I commend these cognate bills to the House.

Mr ANDREW ROHAN (Smithfield) [12.37 p.m.]: I support the Road Transport (Statutory Rules) Bill 2013, the Road Transport Bill 2013 and the Road Transport (Repeal and Amendment) Bill 2013. The proposed legislation will provide for the consolidation of a number of existing Acts dealing with road transport into a single Act. It repeals and makes amendments to various Acts and statutory rules consequent on the enactment of the new Road Transport Act 2013. I am pleased that members opposite are supporting the bills. Their confidence in the Liberal-Nationals Government is certainly appreciated by Government members. As my colleagues the member for Blue Mountains and the member for Hawkesbury said, these bills will reduce red tape. We went to the election promising to cut red tape and to have a more efficient government and from day one—from the morning after the 2011 election—this Government has implemented a plan to reduce red tape.

These bills will remove redundancy, reduce complexity and create clarity. The changes include the modification of certain definitions, the removal of multiple definitions and adding new definitions where necessary. Consolidating various Acts of Parliament into one Act makes complying with the regulatory environment simpler. It also makes it simpler to deal with Transport for NSW and more efficient to administer the rules and regulations by enforcement agencies. My electorate of Smithfield is unique: it does not have a train station. Parts of my electorate are rural, most of my electorate is residential and there are a number of smaller town centres and a couple of large shopping centres but no large central business district.

However, my electorate is home to the largest industrial estate in the Southern Hemisphere, which stretches through four local government areas, contains 12,000 businesses and employs more than 100,000 people. Most of that industry is logistics, including warehouses, distribution, couriers and truckies. There is a number of major roads in my electorate, such as the Cumberland Highway, the M4 and the M7, to deliver and carry goods and products to and from Smithfield, south-west and western Sydney for distribution statewide or across State and Territory borders. As there is a large industrial area requiring supplies to come in and go out and there is no train station in my electorate leading to double the national average of car ownership per home, roads in my electorate get a lot of use.

Road transport affects every one of us in the community, whether using our family cars or travelling on public transport or in other vehicles that hit our roads on a daily basis. Therefore, these bills are very relevant to my community and very important to me. The O'Farrell Government announced recently the creation of WestConnex—a motorway scheme that is 33 kilometres in length and will improve the capacity of existing roads with new sections of motorway, all combining to better link Sydney's west with its international gateways and key places of business—and I believe these bills will make our road safety rules easier to navigate.

I thank the Minister for Transport, Ms Gladys Berejiklian, for introducing legislation to reduce red tape and to make the regulatory regime for New South Wales transport simpler, more efficient and streamlined. These changes to the road transport Acts and regulations should assist the legal profession, the courts, enforcement officers—especially the police—and administrators. It has taken many decades, since the early 1990s when the Commonwealth, States and Territories all agreed on the need for a national approach to road transport reform. I understand the Government has consulted widely about the formation of the bills before the House today and has received strong community support from various stakeholders. It even has the support of the Opposition. I therefore commend the bills to the House.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [12.42 p.m.]: It gives me pleasure today to support the Road Transport Bill 2013, the Road Transport (Repeal and Amendment) Bill 2013 and the Road Transport (Statutory Rules) Bill 2013. It is a breath of fresh air to have two Ministers working side by side, delivering common sense and real reform to New South Wales. That is what we are seeing in the O'Farrell-Stoner Government in relation to the reform that is necessary to rebuild New South Wales. We are trying to make the everyday lives of citizens much simpler. That is why I support these bills. It is pleasing to see that there is no opposition to this legislation. Opposition members also see the common sense in introducing legislation and regulations to improve people's lives. I commend the Minister for Transport and the Minister for Roads and Ports for their hard work in formulating this legislation. They are working closely together and real results are being delivered to the people of New South Wales. The complexity that we experienced in the past has been reduced. This legislation is common sense. Those people who were confused in the past or who had no understanding of what the regulations meant will now have some clarity.

The bills make important amendments to road transport legislation, consolidating provisions relating to light vehicles in the proposed Road Transport Act and provisions relating to heavy vehicles in an amended and renamed Road Transport Act in preparation for the introduction of the Heavy Vehicle National Law in New South Wales in 2013. This is about making it more practical for road users in our communities. Why are we doing this? If we go back to the 1990s we find that the Commonwealth, States and Territories agreed to a national approach to road transport reform but the adoption of national reforms came at the cost of fragmenting New South Wales road transport legislation. The structure of the legislation became difficult to follow. There were provisions relating to demerit points that were scattered and hard to follow, and it was almost impossible for road users to understand how those provisions were being applied. These bills reduce complexity and create clarity. This is about educating the public and having a standardised pro forma around the introduction of regulations.

Some of the changes include regulations being introduced without making policy changes. There are issues relating to terms such as "vehicle", "motor vehicle", "registered vehicle", "drive", "traffic", "trailer" and "authorised officer". All these terms have multiple definitions and can be interpreted by the average person in many different ways. A single definition will create clarity, which is important. This is also about reducing red tape. When this Government was elected in 2011 it was committed to reducing the amount of red tape for our communities. In April 2011 the Premier said that we would fulfil the commitment to red tape reduction whereby the Government would have a one-on, two-off policy. In relation to these regulations there is a 30 per cent reduction in provisions, which is a great outcome for the people of New South Wales including those in the Bathurst electorate. The legislation is being simplified and will be more clearly understood by legal and professional people, the courts, the police and administrators. That is great news for everyone involved.

In almost two years of government we have come a long way and have improved the lives of people in our communities. Many members talked about the Minister for Roads and Ports issuing a document telling people about some of the 10 most misunderstood road rules, which is a great way of educating people. We heard from the member for Riverstone how people were confused when it came to entering and leaving roundabouts. This practical and important information for the public will better educate them when they are road users. We are looking also at signage across New South Wales. Our signposting system, which had not been looked at for over 30 years, needed an overhaul. Markers need to be consistent. A number of existing signs are confusing and have missing information, especially on our motorways. We must make it easier for people travelling across New South Wales to know exactly where they are, what roads they are on and what rules are in place in particular areas.

I note that the member for Blue Mountains is in the Chamber. We are both very pleased with the expenditure on roads in our areas, that is, the Great Western Highway and the Bells Line of Road—two important roads for people to access the Central West. Upgrades in the Blue Mountains, in particular, around Emu Plains and Katoomba will result in the roads being expanded to four lanes, which will make life much easier for motorists. Whilst there is a capital investment of several hundred million dollars on some sections of roads, we need to change the Road Transport Act to ensure that people have a clearer understanding when using roads across New South Wales. The member for Blue Mountains and I are thrilled with the capital works taking place from Mount Victoria to Lithgow, with \$250 million allocated just for that section of road. It is an important section and one that has been neglected for a long time. It has never received its fair share of funding. We now have a Government that is introducing regulations but also carrying out capital works so that we can enjoy the benefits of using our road system in a much more efficient manner.

Mr Bryan Doyle: You can see it happening.

Mr PAUL TOOLE: We can see it happening. Long-term planning has begun for the Bells Line of Road corridor and through our long-term master plan significant steps are being taken to ensure the corridor will be protected. That is important for the future growth of this State. I commend the Minister for Roads and Ports for that initiative. As for heavy transport and the number of trucks using our roads, significant changes have been made in relation to the height of these vehicles and the weight of livestock that can be carried by them. This is important because those vehicles have a high productivity value in New South Wales. I again commend the Ministers for making practical and simple changes that will benefit the people of New South Wales. This is sensible legislation that will impact on people across the State—in metropolitan, regional and rural areas. The improvements this Government is making in transport, the amount of money being spent on infrastructure and the changes that are being made to regulations today will all go towards making life much easier so that people can enjoy living in New South Wales. I commend the bills to the House.

Mr GREG APLIN (Albury) [12.51 p.m.]: I support the Road Transport Bill 2013 and cognate bills. In introducing the Road Transport Bill 2013 the Minister said that it represented a simplification of the structure of legislation without major changes to policy. In the early 1990s, the Commonwealth, States and Territories all agreed to the need for a national approach to road transport reform. An independent statutory body, the National Road Transport Commission, developed as model legislation a common set of Australian road rules, uniform heavy vehicle charges, common driver licence classes, standard procedures for licence and registration issues, and other measures designed to overcome inefficiency while improving productivity and safety. In New South Wales, the legislation modules were adopted progressively by enacting the Road Transport (Heavy Vehicle Registration Charges) Act 1995, the Road Transport (Vehicle Registration) Act 1997, the Road Transport (Driver Licensing) Act 1998, the Road Transport (Safety and Traffic Management) Act 1999 and the Road Transport General Act 1999, which was later re-enacted in 2005.

The adoption of national reforms came at the cost of fragmenting New South Wales road transport legislation, which previously resided in the Traffic Act 1909 and the Motor Traffic Regulations. In Victoria, for example, national reforms were incorporated into the Road Safety Act 1986. As a result New South Wales had four Acts and eight regulations, not counting the additional Act and regulation for light vehicle charging. Because of the structure of the legislation it is difficult to follow. For example, provisions relating to alcohol interlock devices as an alternative to disqualification are found in the Road Transport (Driver Licensing) Act, the Road Transport (General) Act, the Road Transport (Safety and Traffic Management) Act and two regulations. Provisions relating to demerit points are similarly scattered and hard to follow and it is almost impossible for a road user to understand what applies to them.

The bills before the House will remove redundancy, reduce complexity and create clarity. The changes include the modification of certain definitions, including removal of multiple definitions and adding new definitions where necessary; redrafting of provisions surrounding the demerit points system in a more logical fashion; simplification and standardisation of provisions relating to taking of blood, urine and oral fluid samples for drug and alcohol testing; and the removal of errors and correction of omissions. Many of these changes will aid operational efficiency.

There is of course another strand, as we have heard from other speakers, which is that the consolidation of legislation contributes to the Government's red tape reduction program. In April 2011 the Premier announced the red tape reduction program to honour the Government's election commitments to impose a one-on, two-off requirement for new legislation. The aim is to ensure that the number of principal legislative instruments—that is, principal Acts and regulations—that are repealed is at least twice the number of new principal legislative instruments introduced. While the consolidation represents a reconfiguring of existing rather than new legislation, the number of Acts is nevertheless reduced by four, to two. The proposed adoption of the Heavy Vehicle National Law in New South Wales will lead to the further repeal of the Road Transport (Vehicle and Driver Management) Act and the two regulations made under it.

The consolidation drafting process has led to a review of the principal legislation and a close examination of its structure and contents. Accordingly, there have been opportunities for removal of redundancy, repetition, inconsistency and cross-referencing, much of which has arisen as each Act has been amended over time, often in a piecemeal fashion. As a result there are around 30 per cent fewer provisions in the overall legislative package, the Road Transport Act and residual heavy vehicle provisions in the Road Transport (Vehicle and Driver Management) Act. One less regulation will be made under the Road Transport Act with the repeal of the Road Transport (Safety and Traffic Management) Regulation 1999 and inclusion of its provisions in a remade Road Transport (General) Regulation.

It is proposed that the legislation will commence this year. To provide time for the necessary changes to be made to Roads and Maritime Services and related systems in the State Debt Recovery Office and police, this is likely to be around July 2013. The impact on Roads and Maritime Services customers will be negligible. There are no changes to policy or procedures. Nevertheless, Roads and Maritime Services will notify its customers and publish maps on its website showing where old provisions can be located in the new legislation. Those who seek to access road transport legislation should be pleased that the proposed Road Transport Act is more compact and easier to follow than the Acts it has replaced.

Reducing the number of road transport Acts and regulations—especially with the creation of one Road Transport Act for light vehicles—should assist the legal profession, the courts, enforcement officers—especially police—and administrators. In fact, the genesis of consolidation of road transport legislation lay in complaints from just these professionals earlier in the decade about fragmentation, complexity and the sheer volume of the

statutes. The NSW Police Force has been consulted on the drafting of the bills. Time will be needed from the passage of the bills until their commencement in July 2013 to make changes to systems and handbooks. Once familiar with the new configuration, police should find the new Road Transport Act more user friendly. Transport for NSW will provide advice to the legal profession and the courts before the commencement of the legislation on its structure as well as providing aids such as maps of legislation—old to new provisions—on the Roads and Maritime Services website.

In closing I wish to comment on Roads and Maritime Services and road development in the electorate of Albury. The Hume Highway, that major link between the great cities of Sydney and Melbourne, is due to become a dual carriageway this year along its entire length. One remaining bypass has to be completed, at Holbrook, some 40 minutes to the north of Albury. That bypass is nearing completion and I have had the opportunity to tour the works on a number of occasions. I thank Tony Dodham, Manager, Hume Highway, for that opportunity and for his expertise in showing me the works that have been undertaken. That bypass is due to be completed and opened towards the middle of this year. I know that the residents of Holbrook are looking forward to regaining their main street. They will need every support from passing traffic to ensure that people visit that submarine town and take advantage of its wonderful bakeries, cafes and service stations.

I draw the attention of the House to the need to upgrade the Riverina Highway east of Albury, further south in the electorate. Much work was undertaken in the late 1990s to avoid a particular section of road that flooded regularly when heavy rains came. That road was upgraded with new bridges but unfortunately the last 2.5 kilometres of that road leading into Lake Hume Resort was left as it is the winding and difficult route. It remains on the priority list to be undertaken at some stage. This is the sort of project that we need to place clearly on the map in the interests of safety, the cyclists who use that road in growing numbers, the heavy trucks and reducing conflict between the various road users. I support the Road Transport Bill and the way in which it approaches the need for road safety, consolidation, cutting of red tape and fixing the problems that confront us in New South Wales. I commend the bill to the House.

Mr KEVIN ANDERSON (Tamworth) [1.00 p.m.]: I support the Road Transport Bill 2013, Road Transport Legislation (Repeal and Amendment) Bill 2013 and the Road Transport (Statutory Rules) Bill 2013. These three bills are common-sense legislation. The rules and regulations that have been tinkered with over the years by various Ministers will now be brought into line. The mantra of the Liberal-Nationals Government is to take a common-sense approach. I congratulate Gladys Berejiklian, the Minister for Transport, and the Hon. Duncan Gay, the Minister for Roads and Ports.

The legislation regulating road transport is complex. As Minister Berejiklian reiterated on 19 February, road transport regulation includes licensing drivers, registering vehicles, road rules, vehicle standards, traffic management, drug and alcohol testing, motorcycle rider training, compliance and enforcement, and a chain of responsibility for heavy vehicles. Heavy vehicles—B-doubles, B-triples, road trains, pantechs, single movers—are a daily part of the transport network, particularly in western and north-west New South Wales and in the Tamworth electorate, which I am proud to represent. Every heavy vehicle configuration travels our roads in regional New South Wales. We are making it easier for the operators and for those who use road transport to move their goods, grain and commodities.

Recently we applied this common-sense approach to the Kamilaroi Highway between Narrabri and Gunnedah, an excellent stretch of road that is flat, wide and safe. Many trucks of various configuration travel this highway. A request to allow road trains on the Kamilaroi Highway between Narrabri and Gunnedah has been denied for many years. That has stifled economic growth and regional development because the trucks allowed on the highway were not big enough to carry the sizeable payload required by the producers. The Hon. Duncan Gay and the Roads and Maritime Services revisited this issue. Now road trains, so long as they have tri-axle dollies, are allowed to travel on this highway.

Mr Paul Toole: What are they?

Mr KEVIN ANDERSON: I note the interjection of the Parliamentary Secretary. Tri-axle dollies are fitted to road trains to stabilise the wagons and loads so they do not wobble around too much. Those who travel through the great western area of the State would see the back dog-trailer moving around quite a lot.

Mr Paul Toole: I want you to explain it to the Opposition because they do not understand trucks.

Mr KEVIN ANDERSON: The member for Bathurst is right. Our city friends have probably not experienced the challenges of trying to pass a road train. With new methods of operation and equipment, such as

tri-axle dollies, the road trains are steadier, making it safer for overtaking vehicles. The Government's common-sense approach to this issue will benefit the manufacturing industry and saleyards in Gunnedah. Gunnedah is listed in the top five regional towns in relation to cattle movement through sale yards. The next step we are working on is road train access through to Tamworth. A \$15-million livestock exchange is about to open in Tamworth, which will mean more stock passing through that saleyard. To cater for the increase in cattle and stock, we must increase the capacity of the trucks. Roads and Maritime Services and the Department of Transport are looking at these issues in the electorate of Tamworth.

I thank the Hon. Duncan Gay and Roads and Maritime Services for the project to build a second railway overpass in Gunnedah—infrastructure that has been requested by the community for many years. Coal trains have increased in length, some are almost 2.5 kilometres long, and some days they cut the town of Gunnedah in half every 23 minutes. At those times emergency vehicles are unable to access all areas of the town. With increasing rail traffic, a second railway overpass was needed. It was promised for many years, but this Government, through Minister Gay and Roads and Maritime Services, has allocated \$16 million to build a second railway overpass at Gunnedah. The project is well underway and a second round of consultation is being conducted with businesses in and around the study area of New Street. That is great news. Further, \$500,000 has been allocated to the Hoss Causeway between Gunnedah and Tamworth. This particular stretch of road is below sea level; following rain the roadway is blocked by flooding.

As members know, they should never drive on a flooded causeway. This causeway has been a major problem for many years, and funding has been allocated to fix the problem. The Government, through the Roads and Maritime Services, is taking a common-sense approach to addressing these pinch points around the great State of New South Wales. Manilla Road has been a bugbear for many years for the Tamworth community. Previous Ministers have promised to upgrade the road. It was an election commitment of this Government, and \$2 million has been allocated by the Minister for Roads and Ports. Roads and Maritime Services has commenced work on upgrading that section of Manilla Road and the work will take approximately five months to complete. That is inconsequential, given that the community has been waiting 15 years for this road upgrade. It is hoped that the work will be completed in July. I thank Roads and Maritime Services for its commitment to the roads and transport networks throughout the State.

National harmonisation is the result of an efficient and viable transport network. Regional growth, economic development and prosperity depend on all forms of transport: road, rail and air transport. These bills will provide an efficient transport network that will create harmonisation between Victoria, New South Wales and Queensland. For example, truckies have to duplicate sections of their logbooks for different States. I congratulate the Minister for Roads and Ports and the Minister for Transport for taking this common-sense approach towards national harmonisation. The Government is getting on with the job; we are taking a common-sense approach and working for the people of New South Wales.

Mr BART BASSETT (Londonderry) [1.10 p.m.]: I support the Road Transport Bill 2013, the Road Transport Legislation (Repeal and Amendment) Bill 2013 and the Road Transport (Statutory Rules) Bill 2013. This Government is keen to reduce red tape wherever possible, and that is particularly true in respect of transport and roads. In the early 1990s the Commonwealth Government and the State and Territory governments agreed that we needed a national approach to road transport reform. That is patently obvious. An independent statutory body—the National Transport Commission—developed as model legislation a common set of Australian road rules, uniform heavy vehicle charges, common driver licence classes, standard procedures for licence and registration issues and other measures designed to overcome inefficiencies while improving productivity and safety.

The emphasis should always be on improving productivity and safety—they go hand in hand. The intention behind this process has been to amalgamate existing road transport legislation and to reduce the number of regulations without making policy changes. The process has prompted an exhaustive review and highlighted a number of issues, for example, the multiple definitions for key terms such as "vehicle", "motor vehicle", "registration vehicle", "driver", "traffic", "trailer" and so on. The aim is to reduce red tape. In April 2011, the Premier announced the red tape reduction program to honour the Government's election commitment to impose a one-on, two-off requirement for new legislation. The aim was to ensure that the number of principal legislative instruments repealed was at least twice the number of new legislative instruments introduced.

While the consolidation represents a reconfiguring of existing rather than new legislation, the number of Acts has nevertheless been reduced by four to two. The proposed adoption of the Heavy Vehicle National Law in New South Wales will lead to further repeal of the Road Transport Act and the two regulations made

under it. The consolidation drafting process has led to a review of the principal legislation and a close examination of its structure and content. Accordingly, the legislation will be better, and especially for those who travel across State borders to do business. It is interesting to note what this Government has done about roads in only two years in office. The member for Hawkesbury referred to Windsor Road in his contribution to this debate. He recounted how he and I and a number of other people campaigned to have that road upgraded. Unfortunately, we had to apply a great deal of pressure to get the Labor Government to undertake that work.

When the former Government announced that the work would go ahead, the member for Hawkesbury and I offered our congratulations. Carl Scully was the Minister and I got along well with him—in fact, I like him. In contrast, Labor and The Greens supporters cannot bring themselves to congratulate this Government and the member for Riverstone, the member for Hawkesbury and me on the lobbying that we have done to ensure that the upgrade of Windsor Road goes ahead. It has been talked about for years, but the former member for Riverstone, John Aquilina, and the former member for Londonderry, Allan Shearan, did nothing to ensure that it happened. I congratulate the Minister on prioritising the upgrade. It is unfortunate that yet again Labor and The Greens supporters have been reported in the media as saying that it is happening because of the work done by the former Government. History will prove that that is not true.

The Bells Line of Road is a good example of a road interface between our rural friends, the city and our ports. That road has been a topic of debate for a long time. Unlike the former Government, this Government is working cooperatively to find a solution and it will not be fixated on not upsetting The Greens when providing better transport routes from the other side of the Great Dividing Range to the city. There are bound to be alternatives to the former Government's preferred option of a route through significant acreage and rural-residential development in the Hawkesbury area and in my electorate around the Grose Vale area. That is not this Government's intention with regard to the Bells Line of Road. It will consider all the options while ensuring efficient transport links from the Central West to the city. We need forward planning and corridors must be identified for the Bells Line of Road and western Sydney.

The former Government talked about the Werrington Arterial Road for years but did nothing. Once again, this Government is working with businesses at Marsden Park to find corridors that will provide links between the M4, the M7 and the M2. Without them, future generations will face the huge cost of providing a road corridor in the same way that this Government is now being forced to construct road tunnels rather than surface roads. That brings me to another gem. Yesterday the Minister for Roads and Ports in the other place took our friend the Federal Assistant Treasurer, David Bradbury, to task and demonstrated that he knew nothing about the upgrade of the Northern Road. Despite the fact that the Hon. Duncan Gay has kept the Federal member for Lindsay informed about the upgrade, Mr Bradbury was reported in the local newspaper as stating hysterically that if the New South Wales Government could not get on with the job he would get out his shovel and start it himself.

The member for Penrith and I have pointed out to Mr Bradbury that the Federal funding for the upgrade will not be available until July for the 2013-14 financial year but he has repeatedly said that the money is available to be spent. If he wants the upgrade to be done more quickly he should ask the Prime Minister to bring the cheque next week when she comes to stay at the Novotel Sydney Rooty Hill. That cheque would enable this Government to get on with the job, and I am looking forward to that happening. The member for Penrith and I will happily attend and congratulate the Prime Minister and the Assistant Treasurer on their arrival in western Sydney.

We have not seen the Prime Minister in recent times, but apparently we will see her next week. When we do, I will be looking for commitments about the M4 extension, WestConnex, the North West Rail Link and the western line. The Assistant Treasurer should have been able to ensure that those projects went ahead for western Sydney. Unfortunately, he and his Government have failed the people of western Sydney. The New South Wales Government is getting on with building infrastructure, creating jobs and reducing red tape. These bills will benefit the transport sector in this State and this country, and I commend them to the House.

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [1.17 p.m.]: I support the Road Transport Bill 2013, the Road Transport Legislation (Repeal and Amendment) Bill 2013 and the Road Transport (Statutory Rules) Bill 2013. As has been said, they consolidate a vast and complex range of Acts that now make it very challenging for not only law enforcement officers but also road users to understand various compliance issues. This process will prepare the State to take the next major step in introducing the Heavy Vehicle National Law. I recollect in the mid-1990s when the various State jurisdictions recognised the need for laws to deal with border crossings. In those days, the regulations dealing with road transport varied widely.

As chairman of the Staysafe committee, I organised a transport Ministers meeting to discuss whether we should move towards a more coordinated approach to road transport legislation. Along the way a number of anomalies occurred. In those days a matter of concern was the drink-drive blood alcohol content level. For example, it was 0.05 in New South Wales compared with 0.1 in Western Australia. Motorists were allowed to have a few more beers in Western Australia than they were in New South Wales without being over the prescribed limit. We have dealt with the initial stages of governments around the country taking a more holistic approach. We have taken a number of steps towards a more co-ordinated approach, but it is still not perfect.

The Minister for Transport highlighted some of the problems associated with applying national laws and models for the implementation of the legislation. I congratulate the Minister, the department and Roads and Maritime Services on their work, particularly in the past couple of years as we head towards the new Heavy Vehicle National Law outcomes and the template legislation that is being hosted by the Queensland Parliament and eventually will be adopted by other jurisdictions around the country. I strongly support initiatives of this Government to simplify the road rules and the interpretation of those road rules for both those who enforce them and those who need to understand them, that is, road users.

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

[Acting-Speaker (Mr John Barilaro) left the chair at 1.20 p.m. The House resumed at 2.15 p.m.]

QUESTION TIME

[Question time commenced at 2.21 p.m.]

PRINCE OF WALES HOSPITAL WARD CLOSURE

Mr JOHN ROBERTSON: I direct my question to the Minister for Health. Given that the Minister said that there would be no impact on front-line services under the Government's cuts to the Health budget, will the Minister reverse her decision to close an entire ward and 26 beds at Prince of Wales Hospital?

Mrs JILLIAN SKINNER: I thank the Leader of the Opposition for the opportunity to address a total misinterpretation of the Health Services Act, which this Parliament passed shortly after I became the Minister for Health. I apologise for the quietness of my voice; I have bronchitis. In fact, yesterday was the first time I have ever missed a day in this Parliament. The doctor suggested that I should be at home in bed but because I anticipated—

The SPEAKER: Order! Members will cease interjecting. The Minister has the call and she will be heard in silence.

Mrs JILLIAN SKINNER: Thank you, Madam Speaker.

The SPEAKER: Order! The member for Maroubra will cease interjecting so that we can all hear the Minister's answer.

Mrs JILLIAN SKINNER: It was so easy to predict that Labor, at the bidding of the Health Services Union, would run this question time strategy today.

The SPEAKER: Order! I remind the member for Cabramatta of my previous ruling.

Mrs JILLIAN SKINNER: This is led by the Health Services Union. Let no-one make any mistake about that. Today the Health Services Union issued a press release. Let us be clear about this. I have absolutely no intention of starting to interfere in what happens in the local health district. That memorandum was incorrect.

The SPEAKER: Order! As the Minister is struggling with her voice, members will refrain from interjecting. This is my last warning to Opposition members who continue to interject: Members will find themselves out of the Chamber if there are any further interjections during the Minister's answer.

Mrs JILLIAN SKINNER: The memorandum in question was incorrect. Ward changes are a matter for local management. I have written to the chair of the board reiterating the devolution policy. The Health Services Act, which was passed by this Parliament, spells that out. It states that a local health district may make changes to health services as it thinks necessary, subject to the approval—

Ms Noreen Hay: That's not what you were saying in opposition.

The SPEAKER: Order! This is my last warning to the member for Wollongong.

Mrs JILLIAN SKINNER: I think the member for Wollongong was in the Parliament when that legislation was voted on and she voted for it.

The SPEAKER: Order! The member for Kogarah will come to order.

Mrs JILLIAN SKINNER: Local management make decisions to effectively and efficiently deliver patient care. This is a formal agreement between the local health district and the Ministry of Health. These service level agreements, which are publicly available and are on the website, stipulate local health district budgets and any increase in service activity. For the record, for the South East Sydney Local Health District, which encompasses the Prince of Wales Hospital, the budget this year was a record, with growth of \$46 million. Also, to make it clear in terms of nursing, 304 additional nurses have been placed in that local health district since I became the Minister in March 2011. That is 314 more nurses, part of the 3,000 more nurses—

Mr Michael Daley: Point of order: The Minister clearly has the power to reverse the decision.

The SPEAKER: Order! What is the member's point of order? The member has not cited a standing order.

Mr Michael Daley: Standing Order 129. The question is: Will the Minister reverse the decision to close wards?

The SPEAKER: Order! The Minister is being relevant to the question asked.

Mrs JILLIAN SKINNER: I am happy to talk specifically about the letter I have written to the chair of the board, Mr Morris Iemma. The reality is that this is all being driven by the Health Services Union. Its press release issued today states:

Prince of Wales bed cuts must be reversed.

Is that not the question that members opposite are proposing? They are simply in the grip of their union mates.

The SPEAKER: Order! I remind the member for Wollongong that she is on her final warning.

Mrs JILLIAN SKINNER: The truth is that the chief executive said on radio this morning that the proposed changes at the hospital will not affect the number of operations it carries out or the emergency department activity it provides. Indeed, the hospital will continue to provide exactly the same level of activity, and it is confident that it will not compromise the quality of care that is being provided.

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

Mrs JILLIAN SKINNER: He also talks about the winter strategy, because some of the beds being closed—

[Interruption]

What are members opposite doing? What is that for? Is it to get members to interject and make a lot of noise? Members opposite are disgraceful.

Mr John Robertson: Point of order: With about 25 seconds remaining, it would nice if the Minister simply told us—

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

Mr John Robertson: It is relevance.

The SPEAKER: Order! There is no point of order. The Minister is being relevant to the question. I have ruled on that point of order previously. The Leader of the Opposition will resume his seat.

Mrs JILLIAN SKINNER: The chief executive pointed out that some of the beds being closed are winter beds; they are surge beds. That was also Labor's policy. Those beds will be made available as and when they are needed over the winter. That is what the memorandum states. Have members opposite seen the memorandum? I am happy to make it available. Some beds that have been closed and are to reopen are in respiratory medical emergency assessment units. I think I need a respiratory unit. I am proud of our devolved model. Let the clinicians get on with the job. [*Time expired.*]

PUBLIC SECTOR REFORM

Ms GABRIELLE UPTON: My question is directed to the Premier. What is the Government doing to reform the public sector to deliver better front-line services across New South Wales?

The SPEAKER: Order! The member for Canterbury will come to order.

Mr BARRY O'FARRELL: I thank the member for Vacluse for her question on this important subject and her determination to get better services for people across the State. When we were elected almost two years ago we were determined to focus on improving front-line services. We have delivered and will continue to do so. Since we were elected there are 300 more police, 3,000 more nurses and 520 more teachers across New South Wales. Today our focus on delivering more for the front line continues with reforms to senior management of the State's public sector. Guided by the Public Service Commissioner and building on the recommendations of the Audit Commission, I advise the House that the Government intends to rewrite the Public Sector Employment and Management Act to reflect best public and private sector practice and to meet community expectations. We are determined to deliver an innovative, professional and accountable public service that encourages and rewards performance.

Ms Linda Burney: If there are any left.

The SPEAKER: Order! The member for Canterbury will come to order.

Mr BARRY O'FARRELL: Indeed, rewarding better performance by members opposite would be quite good. If there was performance pay for members opposite, not a single Opposition member would come close to receiving it, except the poor member for Heffron who cannot ask a question in the House. He is the only bloke who has no excuse for not asking Eddie Obeid questions in Cabinet about his dealings.

Mr Ron Hoenig: Point of order: My point of order is under Standing Order 129. The Premier's answer is not remotely relevant to the question he was asked. I ask you to direct the Premier to return to the leave of the question.

The SPEAKER: Order! The Premier is being relevant. He was responding to an interjection from the member for Canterbury. Members will come to order.

Mr BARRY O'FARRELL: I accept the point of order taken by the member for Heffron. I am not very good at French. I do not know a lot about skiing but I was off piste; I was off track, and I will get back on track.

[*Interruption*]

The Leader of the Opposition knew exactly what I meant. Did members notice that? I could see the knees starting to bend—

Mr Ron Hoenig: Point of order: Relevance.

The SPEAKER: Order! I ask the Premier to return to the leave of the question. Government members will come to order.

Mr BARRY O'FARRELL: I prefer the approach of the member for Heffron to that of the member for Toongabbie. When the member for Toongabbie is trying to be noticed, he just sits there quietly. The member for Heffron keeps getting up. We are determined to deliver an innovative, professional and accountable public service that encourages and rewards performance whilst delivering the best possible front-line services to people and communities across the State. I want a public service that rewards talent, not time; a public service in touch with the needs of families and communities; and a public service capable of meeting the public's needs through the delivery of the infrastructure and services that people across this State rely upon.

The key planks to our reforms include: rationalising executive structures and reducing multiple layers of management; tightening up procedures to quickly and fairly deal with poor executive performance; and streamlining legislation covering government executives in different agencies in a single Act, while enabling organisations like the NSW Police Force, the teaching service and local health districts to have independent arrangements aligned with these reforms.

Currently there exist two types of executives across the New South Wales public sector: those who are members of the State Emergency Service on five-year contracts, and senior officers who can be earning up to \$200,000 a year on awards with conditions including overtime and flex-leave. In one example, an award-based senior officer was able to legitimately claim 355 hours in overtime, adding \$32,000 to his annual salary. Speaking of salaries, I am told that 16 per cent of the New South Wales Senior Executive Service and senior officers do not manage a single person. There is nobody reporting to them. That gave me an echo of the Leader of the Opposition, who has no-one reporting to him. Opposite there are three executives controlling 17 people. There is a leader, a deputy leader and a whip, and then there is the rest of them—seventeen.

Mr Ryan Park: Point of order: My point of order relates to Standing Order 129. This is meant to be about the New South Wales public sector, not the New South Wales Opposition.

The SPEAKER: Order! The Premier is being relevant to the question asked.

[Extension of time granted.]

Mr BARRY O'FARRELL: I understand—

Mr John Robertson: Point of order—

The SPEAKER: Order! I hope the Leader of the Opposition is not taking a point of order on my giving the Premier an extension of two minutes to provide further information.

Mr John Robertson: The Premier has wasted two minutes trying to be a comedian—and he is making a very poor job of it. If he had not wasted two minutes, we would not be seeing a further two minutes wasted on an extension.

The SPEAKER: Order! The Leader of the Opposition will resume his seat. The Premier has the call and a further two minutes in which to conclude his answer.

Mr BARRY O'FARRELL: I have been interrupted more times than the Leader of the Opposition on the slopes of Perisher. What did he ask Eddie Obeid in Cabinet when he was there with him? What did he ask about those front pages of the newspaper?

Dr Andrew McDonald: Point of order—

Mr Chris Hartcher: This is Standing Order 73.

Dr Andrew McDonald: Thank you. It is under Standing Order 73.

Mr Chris Hartcher: Improper imputations.

Dr Andrew McDonald: Thank you. As the Minister said—

The SPEAKER: Order! The Premier will return to the leave of the question. The Premier has the call. There is no point of order.

Mr BARRY O'FARRELL: Evil only triumphs when good men and women do nothing. We know last week the Leader of the Opposition did nothing with Eddie Obeid in Cabinet, but what did the member for Canterbury or the member for Marrickville do? Did they raise questions when they were members of Cabinet? No.

Mr Michael Daley: Point of order.

Mr BARRY O'FARRELL: As a result, not a thousand dollars a week but up to \$600 million was ripped off taxpayers of New South Wales.

The SPEAKER: Order! The Premier will resume his seat.

Mr Michael Daley: My point of order relates to Standing order 129. Six minutes have elapsed since the Premier commenced to answer the question. If the Premier cannot answer the question in six minutes, he should stop showing off and sit down.

The SPEAKER: Order! The Premier will return to the leave of the question.

Mr BARRY O'FARRELL: I have bad news for the member for Maroubra.

Mr Michael Daley: Point of order—

The SPEAKER: Order! The member for Maroubra will resume his seat. I have asked the Premier to return to the leave of the question. The Premier has uttered very few words since the member for Maroubra took his last point of order.

Mr BARRY O'FARRELL: These changes are going to reduce middle management by about 20 per cent and savings generated by that reduction, estimated to be up to \$65 million, will be redirected to front-line services to support police, nurses, teachers and other people across this State who, unlike those opposite, actually do something useful. [*Time expired.*]

HOSPITAL WARD CLOSURES

Dr ANDREW McDONALD: My question is directed to the Minister for Health. Given the email of 19 February from the Director of Clinical Services at Prince of Wales Hospital, in which he states he is advised that under policy it is the Minister that makes the determination to close wards and this aspect of consolidation is being addressed through the district, this confirms that the Minister has been personally involved in the decision to close hospital wards, as is protocol. How many other hospital wards in New South Wales has the Minister closed because of her budget cuts?

The SPEAKER: Order! The Minister has the call. Members will come to order.

Mrs JILLIAN SKINNER: It is clear that the shadow Minister did not listening to my earlier answer. That memo is wrong: W-R-O-N-G; incorrect; a misstatement based on a misinterpretation.

The SPEAKER: Order! I remind members that, whilst the Minister is struggling with her voice, there will be no interjections. I also remind members of my previous warning: Members who continue to interject will be removed from the Chamber. Members are entitled to take points of order, but interjections are disorderly at all times.

Mrs JILLIAN SKINNER: Can I also say that this memo was an internal document. It has no authority of anyone in any senior position in the hospital. It is not supported by the board, the chief executive, the clinical council, or the medical staff council. It is a memo written to staff by a clinician in the hospital. It is basically incorrect. I have a copy of the memo, in which the Director of Clinical Services at Prince of Wales Hospital states that he is advised that it is the Minister's decision. It is not the Minister's decision. Under the Health Services Act it is the decision of the local health district—the board—and, as such, I have written to Morris Iemma, the chair of that board—whom I have been very happy to re-endorse twice as the chair because I think he does an excellent job, along with Terry Clout, the chief executive—to point out that this is not the Minister's role.

I pointed out in my letter that one of the mandates that we on this side of the Parliament received when we were elected was to devolve responsibility to the local level. That is the reason I am listening to the doctors, nurses and allied health professionals. The clinical council supports the board and the decisions it is making. I point out that the second part of the attachment to that memorandum, which those opposite would have seen, refers to consolidation of closed beds to wards, to creating space for a respiratory medical assessment unit, and to closure of beds, allowing them to reopen for surge for the winter strategy. As has been said, it is about better management of resources. But more than that—and I will refer here to part of Mr Terry Clout's commentary to the media—it is about making sure that hospitals come in on budget. I point out that Prince of Wales Hospital—

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

Mrs JILLIAN SKINNER: The member for Macquarie Fields should just listen. The Prince of Wales Hospital budget then was \$308 million. In 2010-11, under the Labor Government, it was \$322 million. It has now increased to \$329 million under our Government.

Mr John Robertson: Point of order—

Mrs JILLIAN SKINNER: He does not want to hear the answer.

Mr John Robertson: My point of order relates to Standing Order 129; relevance. I would like to hear the answer. The question was how many other hospitals has the Minister put in this position.

The SPEAKER: Order! The Minister is being entirely relevant to the question. There is no point of order.

Mrs JILLIAN SKINNER: The budget for Prince of Wales Hospital has increased. What also happened under Labor is that costs overran in winter. In 2009-10 it was \$22.5 million over budget—in the red. In 2010-11 it was \$31.7 million in the red. We are clawing it back. This last year that debt has been clawed back to \$31.5 million.

The SPEAKER: Order! The member for Marrickville will come to order.

Mrs JILLIAN SKINNER: The hospital is still in debt, but it is starting to claw back that debt while at the same time managing increased clinical demand. The clinicians have been invited to make a contribution by understanding the needs of their patients, and that is exactly what has happened. As I reiterated at the beginning of my answer, the member's question is totally irrelevant because it is not the Minister's role to dictate the closure of wards, or hospitals for that matter.

The SPEAKER: Order! Again I remind Opposition members of my previous warning about interjections.

Mrs JILLIAN SKINNER: Under our devolved model, that is a matter for the local health districts. I say again for the record that I have great confidence in Morris Iemma as chair of the South East Sydney Local Health District Board. I have confidence in the clinicians—

Dr Andrew McDonald: Point of order: It relates to Standing Order 129; relevance. The Minister for Health does have responsibility for the delivery of health care in New South Wales—

The SPEAKER: Order! Taking a point of order is not an opportunity for the member to make a statement and contribute to the debate. The Minister is being entirely relevant, as the member for Macquarie Fields well knows. There is no point of order. The Minister has the call.

Mrs JILLIAN SKINNER: Of course it is not relevant. This is about making sure that we use our resources wisely to deliver patient care. We have increased the budget this year to \$17.3 billion across the State, an increase of 5.4 per cent.

Mr Clayton Barr: What is the medical consumer price index?

Mrs JILLIAN SKINNER: That is a bigger increase than the Labor Government provided before the member entered Parliament. That increase will enable us to provide an extra 50,000 emergency department treatments and 30,000 extra elective surgery treatments. I will keep talking because members opposite do not know how the Parliament works. It will also enable us to ensure— [*Time expired.*]

RESOURCES FOR REGIONS PROGRAM

Mr ANDREW GEE: My question is directed to the Deputy Premier. What is the Government doing to support communities affected by mining activity in the State?

Mr ANDREW STONER: I thank the member for Orange for the question. This Liberal and Nationals Government understands that communities such as Mudgee in the Orange electorate can experience unique

pressures on their infrastructure and services as a result of mining activity. That is why we are the first Government in the history of this State to establish a Resources for Regions program to boost funding for local infrastructure in mining-affected communities by up to \$160 million over four years. Our Resources for Regions program recognises the contribution made to the State's economy by mining-affected communities and helps to deliver improved local infrastructure to those communities.

In 2011 the Government conducted its first economic assessment of mining-affected communities, which was released early last year. Two New South Wales local government areas, Singleton and Muswellbrook in the electorate of the member for Upper Hunter, were assessed as having received less capital and recurrent funding per capita than the State average. They received a total of \$10 million in infrastructure funding in the first round of Resources for Regions in last year's budget. The 2012 assessment is now being completed and identifies that whilst Singleton and Muswellbrook should continue to benefit from the program, funding in 2013-14 should not be limited to just those communities. Funding under the program in the upcoming financial year will be extended—

Ms Linda Burney: What about in the Hunter?

Mr ANDREW STONER: This is good news. The member should listen.

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

Mr ANDREW STONER: Funding under the program in the upcoming financial year will be extended to other local government areas significantly affected by mining activity, including Cobar, Lithgow, Mid Western and Narrabri.

The SPEAKER: Order! There is too much audible conversation in the Chamber.

Mr ANDREW STONER: The definition of mining-affected communities will also be extended to include non-mining communities that may be indirectly impacted by mining and related activity. The latest assessment clearly identifies the Newcastle local government area as the most indirectly affected by mining activity with some 550 mining-related truck movements per day, so applications for funding will also be sought from the Newcastle local government area in 2013-14. Members opposite are never happy. They did not implement a program like this at any time during their 16 long years in government and now they are whingeing that we have done it. It is unbelievable. In line with our commitment in NSW 2021 to ensure greater community involvement in local decision-making, the Resources for Regions program will also be opened up to a wider range of applicants this year, including local government—

Ms Linda Burney: Pork-barrelling.

The SPEAKER: Order! I call the member for Canterbury to order for the second time

Mr ANDREW STONER: Members opposite will never be happy. We are delivering to mining-affected communities that one would have thought Labor Party members stood up for. They have lost their way, as observed in that magnificent tome *The Fog on the Hill*. As I said, the program will be open to a wider range of applicants this year, including local government, businesses, non-government organisations and community groups. Funding will be open to project applications that cater for economic and social infrastructure in those communities. In particular, we are looking for projects that involve partnerships, align with New South Wales Government priorities and/or produce a net economic benefit to those regions. Funding for infrastructure projects will be allocated through a competitive grants process following consultation with relevant stakeholders.

Following an expressions of interest period an initial assessment will be made as to whether proposals are likely to qualify for more detailed consideration. Projects that meet the program criteria following that assessment will be invited to submit a full application. The applications will be assessed by a new independent assessment panel comprising senior representatives from Infrastructure NSW, NSW Farmers and Local Government NSW, which will make recommendations to Infrastructure NSW for funding. We on this side of the House know that resource industries make a significant contribution to the overall economic prosperity of the State, but this should not be to the detriment of those communities supporting that activity. That is why we have introduced our Resources for Regions program to help those communities cope with the additional stress on their local infrastructure.

PRINCE OF WALES HOSPITAL WARD CLOSURE

Mr RON HOENIG: Madam Speaker—

The SPEAKER: Order! Government members will come to order. I would like to hear the question.

Mr RON HOENIG: My question is to the Minister for Health. Given that 52 per cent of patients arriving by ambulance at Prince of Wales Hospital, the hospital that services my electorate, are not admitted within the recommended time frame because of bed shortages, will the Minister ensure that the decision to close an entire ward and 26 beds is reversed?

The SPEAKER: Order! Members will come to order. I remind members of my previous ruling.

Mrs JILLIAN SKINNER: You have to give the member for Heffron points for trying. Obviously he heard my answer to the last question. It is not my position, and it never will be, to dictate to the local health district about how it runs operational matters. I am very proud, as is the member for Vaucluse and the member for Coogee, who has visited Prince of Wales Hospital with me on a number of occasions, and as the member for Heffron should be, of the things that are going on at the hospital. Tremendous investment has been made in a number of areas of the hospital. In relation to capital works, I was out there recently and my colleague the Minister for Mental Health turned the sod on the new mental health facility. We will open that facility very soon. There is the \$47 million Prince of Wales Hospital Comprehensive Cancer and Blood Disorders Centre run by the wonderful Robyn Ward—

Ms Linda Burney: Point of order: The Minister was asked a specific question about Prince of Wales Hospital. If it is not her job what does she do?

The SPEAKER: Order! There is no point of order. The Minister has the call.

Mrs JILLIAN SKINNER: I am talking about the tremendous investment and support we are providing to Prince of Wales Hospital. I thought that was the job of the Minister for Health. It certainly is for this Minister for Health. For more than 14 years as shadow Minister for Health I met doctors and nurses and heard their complaints time and again about former Labor Ministers for Health, including the member who is now interjecting, and interference at bureaucratic and ministerial levels in operational matters that are properly the role of the local health district, the clinicians and health administrators. That is why I am absolutely supportive of them making these decisions. In relation to the Ambulance Service, the member is trying to get two bites of the cherry, both of them Health Services Union matters—

Mr Michael Daley: Point of order: It is Standing Order 129, relevance. If it is the hospital board, Minister, will you get on the phone to the people you are blaming and tell them they have got it wrong?

The SPEAKER: Order! This is not an opportunity for the member for Maroubra to ask another question. The member will resume his seat. This is not an opportunity for members to come to the microphone on the pretext of a point of order and then present an argument or a question. There is no point of order. The Minister has the call.

Mrs JILLIAN SKINNER: If the member would like a copy of the transcripts from the radio commentary this morning and a copy of the Act—

The SPEAKER: Order! The member for Maroubra will cease interjecting.

Mrs JILLIAN SKINNER: —he will see that the local health districts are handling this very well. Because the member for Heffron has asked a matter relating to the ambulance service as well, which of course is motivated by the Health Services Union campaign that is going on, I point out that we have increased the NSW Ambulance budget this year by more than \$15 million to a record \$678.9 million. This Government has increased the paramedic workforce in metropolitan Sydney from 1,461 full-time equivalents in June 2010, to 1,596 full-time equivalents in January this year, which is an increase of 134 staff. We have improved urgent response times in metropolitan Sydney from 7.8 minutes in January—

Dr Andrew McDonald: Point of order: It is pursuant to Standing Order 129. The question was about whether the Minister will reverse the decision to close 26 beds that are needed, not about the ambulance enhancements.

The SPEAKER: There is no point of order. The Minister is being relevant to the question that she was asked. That is all I can require her to do under the standing orders.

Mrs JILLIAN SKINNER: I am surprised the member did not know that the second part of the question was about ambulances. He probably did not like the fact that this Government has improved urgent response times in metropolitan Sydney from 7.8 minutes in January 2011—when the member opposite was last Parliamentary Secretary for Health—to 7.2 minutes in January this year. There has been an increase in response times under our Government. There has been an increase in the ambulance and hospital budgets, and the health system overall.

Dr Andrew McDonald: Point of order—

The SPEAKER: I hope the member for Macquarie Fields can tell me that he is not taking the same point of order as he took previously.

Dr ANDREW McDONALD: I cannot tell you that because but it is the same point of order.

The SPEAKER: The Minister is being relevant to the question asked. That is the only thing I can require of her. The Minister has the call.

Mrs JILLIAN SKINNER: I am proudly telling members about the improvements in the health system since I have been the portfolio Minister. An extra 3,000 nurses were employed and an extra 900 doctors were employed. There have been increases in the Health budget. A devolution has occurred so that those clinicians who were crying out for a right to have their say are now given the authority to do so. This is a great improvement in the health system.

NATIONAL DISABILITY INSURANCE SCHEME

Mr GARRY EDWARDS: My question is directed to the Minister for Ageing, and Minister for Disability Services. How is the Government delivering the National Disability Insurance Scheme?

Mr ANDREW CONSTANCE: I thank the member for his question, which acknowledges that his community in the local government area of Lake Macquarie will be pioneering this scheme from 1 July this year. In the past two years the O'Farrell Government has spoken about transforming disability services by moving to one in which growth—

[Interruption]

The interjections are interesting. Members opposite have relegated their disability spokesperson to the backbench, yet they have the hide to arc up when I am talking about a serious issue. This Government has been seeking to transform the system by providing money for growth in the order of \$2 billion through the Stronger Together program. This Government was able to secure a heads of agreement with the Commonwealth that will see the full scheme roll out in 2018. That means that we are going to see disability services grow in funding from a system that is currently \$2.5 billion to one that is \$6.5 billion. The 55,000 people who are supported today will grow to 140,000 people. This comes at a time when ageing parent care is important.

The National Insurance Disability Scheme is designed principally to enshrine the fundamental human right of choice of control. It allows people with disabilities to reach their life aspirations by picking and choosing the support they want. The reform was started in New South Wales by initiating packages such as supported living fund packages. What is a key factor is that lifetime coverage will be provided for people with disabilities that include a funding scheme to ensure that it is a sustainable model. Another important point is that people with permanent mental health conditions will now enter the scheme. This means that tens of millions of dollars of new money will go towards mental health services in the future.

People want to know what is happening and they are asking, "What does this mean for me?" Since the heads of agreement was signed, Commonwealth and State officials have met three to four times a week to work through the design of the new scheme. I am proud that New South Wales, the only State to have signed up, is now driving the reform with Commonwealth officials. It means that design functions, such as the client pathway, quality assurance, and making sure that the local area coordinators are in place is being done collaboratively in the best interests of people with disabilities. Hopefully it can be communicated that the design work will be completed soon. Work in the Hunter commences on 1 July this year.

I recognise and thank many of the people who supported the campaign to ensure that New South Wales became the first State to deliver the National Disability Insurance Scheme. The leadership of the Premier and the Prime Minister led to the signing of a national agreement, but many people from the Carers Alliance, Carers NSW, the Every Australian Counts campaign, to the ministerial reference group on Living Life My Way, were proactively involved to make sure that this scheme became a reality for tens of thousands of people across New South Wales. This change will be difficult. There will be challenges related to the capacity of individuals to adopt positions where real decisions will be made over the specialist support, mainstream services and the community-based initiatives that will enable their aspirations to be met.

The whole community will have to get behind the scheme to support and assist those individuals with their aspirations with the support of local area coordinators. I am excited for the Hunter region. The effort that has been made, particularly by the Commonwealth, to ensure that it is ready by 1 July will ultimately see enormous changes for the communities in those three local government areas. What is particularly pleasing is that on 6 December 2012 the O'Farrell Government signed a heads of agreement that will result in the transformation of tens of thousands of lives across New South Wales.

ACTING PREMIER REMUNERATION

Mr MICHAEL DALEY: My question is to the Deputy Premier. Given his Government's budget cuts have now forced the Prince of Wales Hospital to close an entire ward and 26 beds, will he today tell the Premier that the Government can stop wasting taxpayer money and cancel his \$1,000 a week pay rise?

Mr ANDREW STONER: As I told the House yesterday, I am advised that the practice of paying a higher duties allowance is standard and brings New South Wales further into line with the Commonwealth. The principle of additional remuneration for individuals performing higher duties is well established across many public sector jurisdictions.

Dr Andrew McDonald: Point of order—

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

Dr Andrew McDonald: My point of order is relevance under Standing Order 129. When the Deputy Premier said it is a standard practice, is that standard across the New South Wales public service?

The SPEAKER: This is not an opportunity for the member for Macquarie Fields to argue or disagree with the Deputy Premier. The Deputy Premier is being relevant to the question.

Mr ANDREW STONER: In fact, public sector awards from A to Z listed by the New South Wales Industrial Relations Commission contain higher duty provisions. For example, the Ambulance Services of NSW, Administrative and Clerical Employees (State) Award, published on 5 October 2012, states.

... an employee who is called upon to relieve an employee in a higher classification continuously for five working days or more—

Ms Linda Burney: Point of order: It is relevance under Standing Order 129. You are not employed under that Act. It does not apply to you. It is not even making sense.

The SPEAKER: I call the member for Canterbury to order for the third time.

Mr ANDREW STONER: I started by referring to the Commonwealth and the principle that the Deputy Prime Minister is paid at the rate paid to the Prime Minister when acting in that position. I then went on to explain that the principle is further enshrined in the public sector. I refer to awards in which it is specifically states—

Mr Michael Daley: Point of order: Wayne Swan is not closing beds at Prince of Wales Hospital. This Government is.

The SPEAKER: Order! The member for Maroubra will resume his seat. There is no point of order.

Mr ANDREW STONER: We can have a debate about what Wayne Swan is or is not doing. In fact, I would love to have that debate. If members opposite want it, bring it on. I could go on and on about the various

public sector awards. I refer also to the State Emergency Service guidelines, which cover most senior New South Wales executives. The principle of those guidelines is that a person acting in a higher position should receive a proportion of the difference between their existing remuneration rate and the rate of the position being acted in. For the information of members opposite, the guidelines—including the current edition published in October 2011—have been in place for many years. The question is: Is the Labor Opposition proposing that higher duties principle should not apply?

Mr John Robertson: Point of order—

The SPEAKER: Order! I hope the point of order does not relate to relevance.

Mr John Robertson: No, I simply remind the Deputy Premier that he does not ask questions, he answers them, and he is doing a poor job so far.

The SPEAKER: Order! There is no point of order. The Leader of the Opposition will resume his seat.

Mr ANDREW STONER: It could be that the kernel of a policy idea has emerged from members opposite. It would appear that they want to change public service awards to reduce higher duties provisions. If that is what they want, they should issue a policy statement.

WASTE AND RESOURCE RECOVERY INITIATIVE

Mr BART BASSETT: I address my question to the Minister for the Environment, and Minister for Heritage. How is the Government improving local environments and the health and wellbeing of local communities in New South Wales?

Ms ROBYN PARKER: I thank the member for his question because it provides me with an opportunity to talk about waste—and for a change not about the waste and mismanagement of the Labor Government. Everyone is responsible for waste and its management is crucial for the protection of our environment. The waste levy is a key economic tool in our efforts to reduce waste. The levy, which was introduced in 1971, was a revenue tool in the hands of the Labor Government. There has been no change to the revenue component under this Treasurer—he is maintaining the two-thirds:one-third ratio. The levy is not a revenue-raising tool; in fact, if it is administered properly it reduces revenue. In other words, the natural tension is that the less we put into landfill, the less we collect in tax. Its purpose is to reduce waste and in the process we reduce the levy.

The Coalition came into government having made a commitment to undertake a review of the levy, having listened to many councils and communities that had issues with it. We rose to the challenge and KPMG has undertaken the review. As I said, the levy has been in place for 46 years, but this is the first time a review has been completed. The Government has responded to that review with the comprehensive \$465 million Waste Less, Recycle More package. For the first time we have a package that coordinates education, attitude change, infrastructure and appropriate regulation. This is a fitness regime. The Government has provided \$250 million for waste and recycling infrastructure investment, \$137 million to support local councils to deliver improved waste and recycling services, which is a funding increase, and \$20 million to revitalise anti-littering efforts across New South Wales. It is also implementing a program to target illegal dumping.

Tackling the widespread disposal of food waste to landfill is another key feature of the package. In the past year, 1.2 million tonnes of food went into landfill. That sounds a lot and it is hard to imagine. It might be helpful to equate it to an Olympic swimming pool of food waste going into landfill every nine hours. I have a couple of young men in my household who can inhale the contents of a fridge and dispose of a great deal of food waste. However, everyone has a responsibility to limit the amount of food waste disposed of in landfill sites, and that includes businesses and households. The Government has allocated \$70 million to the Organics Infrastructure Fund, which is an incentive program designed to recover food from households and businesses.

The KPMG review revealed that infrastructure has been held back by policy uncertainty and a lack of effective targeting of grants to deliver value for money. Those issues have been addressed in the Government's new package. A new network of drop-off centres is making it easier for people to get rid of gas bottles, fluorescent tubes, smoke detectors and so on. A \$58 million program also has been established to target illegal dumping. Combating illegal dumping is an issue throughout the State and the Government's strategy involves the establishment of two illegal dumping squads—one in the Hunter and one in the southern region of councils.

The Waste Less, Recycle More initiative will be delivered using a three-pronged attack and it is supported by industry and councils. In fact, industry is delighted to have some incentives to provide the right sort of infrastructure. The Government has been congratulated by the Waste Management Association, which said that maintaining the financial commitment to continuing improvements in waste management, recycling and the recycling industry, particularly during difficult financial times, is welcomed. We all want our local neighbourhoods to be free of litter and dumped materials. This is a great package. It was a huge challenge to address this issue and the Government has risen to it. I have many challenges in my portfolio area and I am delighted to deliver on this one. I encourage all members to promote this package.

LAKE MACQUARIE AIR QUALITY

Mr GREG PIPER: I direct my question to the Minister for the Environment, and Minister for Heritage. Noting that national pollution inventory figures show that Lake Macquarie has among the State's highest emissions of nitrogen oxides, sulphur dioxides and particulate matter, and in view of community concerns about air quality, will the Minister establish independent local air pollution monitoring?

Ms ROBYN PARKER: That is a very good question. I understand the concerns expressed by councils in the Lake Macquarie area. Extensive air quality monitoring is already being undertaken in and around Lake Macquarie and environmental controls have been implemented to regulate air emissions from coal-fired power stations in New South Wales, including those at Lake Macquarie. Air emissions are stringently managed under the Protection of the Environment Operations Act 1997, which this Government has strengthened. Environmental protection licences also ensure that emissions are within environmental and public health standards.

In fact, Vales Point and Eraring power stations are already required to monitor emissions at their source under those licences. Those facilities are required to meet emission limit conditions for a large range of substances. They must continuously monitor emissions of sulphur dioxide and nitrogen oxide, and they must report any breach of their licence to the Environment Protection Authority. The authority is a different beast from the one it was under the former Government—people now know and trust it. The monitoring data collected by the power stations also must be made publicly available. The good news is that between 2009 and 2012 the monitoring data from both stations indicated that the ambient air quality is well within National Environment Protection Measure standards and goals.

In December 2012, as the member for Wyong and the member for Gosford would know, I opened a new air quality monitoring station at Wyong that measures ozone, oxides of nitrogen, carbon monoxide, sulphur dioxide and particles. The monitoring station has been sited there so it is measuring representative air quality in that region, which includes Lake Macquarie. The station paints a broader picture of regional air quality, taking into account not only emissions from industrial neighbours but also natural events such as bushfires and dust storms. The fact is that the New South Wales Government has delivered the most comprehensive air quality monitoring network in the country.

The National Pollutant Inventory [NPI] is an internet database managed by the Australian Government that provides information on the types and quality of pollutants emitted to the environment. The National Pollutant Inventory provides pollutant emission estimates from industrial and commercial sources, such as manufacturing, electricity generation, and emissions from motor vehicles and agriculture. It is important to note that the National Pollution Inventory data details are estimates only of emitted substances and facilities that in fact may be regulated by the Environment Protection Authority or the Government. However, the regulatory framework of the Environment Protection Authority allows for more accurate assessment of discharges as monitoring requirements reflect environmental and health standards. Whilst that is an estimate, the Environment Protection Authority is giving more far detailed information. In answer to the question, we have the Wyong station, which should cover it more broadly.

MENTAL HEALTH FACILITY INVOLUNTARY DETENTION

Dr GEOFF LEE: My question is addressed to the Minister for Mental Health, Minister for Healthy Lifestyles, and Minister for Western New South Wales. How has the Government met its commitment to protecting the rights of mental health patients who are held involuntarily in New South Wales?

Mr KEVIN HUMPHRIES: Of all the former Government's failings in the area of mental health—and there were many—one of the most significant was its failure to ensure that the rights of mental health

patients who were detained involuntarily under the Mental Health Act were adequately upheld. Deciding to treat someone involuntarily because of the seriousness of their mental illness is not a decision that is made lightly, and it is important that the proper checks and balances are in place. A mental health inquiry is the initial independent review of that decision. Historically, it was undertaken by magistrates but three years ago the responsibility transferred across to the Mental Health Review Tribunal, which is clearly far better placed to review these sorts of decisions. However, the previous Government failed to implement the change properly.

It is important that the inquiries are held in a timely manner. These safeguards are fundamental to a mental health consumer's rights. Between 4,000 and 5,000 mentally ill people are seen each year for review of their involuntary treatment. That is 5,000 seriously ill people whom we have a responsibility to look after. The longer these people are required to wait, the more stressful and uncertain the situation becomes for them and their families and carers. Every person detained under the Mental Health Act has a basic right to be seen in a timely fashion. Under the previous Government, the average time taken for a person detained under the Act to have an initial review blew out from one week to three to four weeks. This was demonstrated in a report I released to Parliament last year that highlighted the serious failure.

One year ago in this House I made a commitment to address this issue. I announced an additional \$400,000 per annum to uphold mental health consumers' rights and improve the Mental Health Review Tribunal's capacity to conduct inquiries in a timely manner. I am pleased to report to the House a dramatic improvement since that time, which again demonstrates this is a Government that delivers. The reforms this Government has driven mean that someone detained under the Mental Health Act today will have the opportunity to have their detention reviewed sooner. We are making it easier for people to access the tribunal and by doing so are helping drive a more accountable system. I am pleased that because of the action this Government has taken, three-quarters of people are now seen in less than two weeks, with only 2 per cent waiting more than three weeks. This is in stark contrast to the one in four people who were left to wait so long under Labor's system.

Not only are far more people being seen far more quickly, but decisions are being made to give patients, their families and carers certainty. Under the old magistrates system, a lot of people were being seen early but no decision was being made about their care. Can you imagine the anxiety for someone with a serious mental illness appearing before a magistrate when it was more likely than not the inquiry would be adjourned with no decision made, and they would have to go through the whole process again the following week? That was not good enough. With this Government's reforms not only people are being seen more quickly but also are getting an outcome that delivers more certainty.

The positive impact of reducing uncertainty and stress at this incredibly difficult time on mental health consumers and their families is clear. I acknowledge the work of the president of the tribunal, Professor Dan Howard, in implementing these changes effectively. Whereas those opposite saw a problem they considered too hard to fix, this Government has made a commitment and we have delivered. In doing so, we are helping to improve the lives of some of the most vulnerable people in our community at one of most vulnerable points in their lives.

Question time concluded at 3.15 p.m.

STANDING ORDERS AND PROCEDURE COMMITTEE

Report

The Speaker tabled report No. 4/55 entitled, "Amendments to the sessional orders regarding community recognition notices and related matters", dated February 2013.

Ordered to be printed.

STANDING COMMITTEE ON SOCIAL ISSUES

Government Response to Report

Ms Pru Goward tabled the Government's response to report No. 46 entitled, "Domestic violence trends and issues in NSW", dated 27 August 2012.

PETITIONS

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

Albion Park Aeromedical Services

Petition requesting the retention of aeromedical services at Albion Park, received from **Mr Gareth Ward**.

Education Funding

Petition calling on the Government to stop cuts to education, TAFE and school funding, received from **Mr Richard Amery**.

Sydney Electorate Public High School

Petition requesting the establishment of a public high school in the Sydney electorate, received from **Mr Alex Greenwich**.

Rooty Hill Railway Station Access

Petition requesting the installation of elevators at Rooty Hill railway station, received from **Mr Richard Amery**.

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 **Mr Alex Greenwich**.

Pets on Public Transport

Petition requesting that pets be allowed on public transport, received from **Mr Alex Greenwich**.

Pet Shops

Petition opposing the sale of animals in pet shops, received from **Mr Alex Greenwich**.

Duck Hunting

Petition requesting retention of the longstanding ban on duck hunting, received from **Mr Alex Greenwich**.

Inner-city Social Housing

Petition requesting the retention and proper maintenance of inner-city public housing stock, received from **Mr Alex Greenwich**.

Container Deposit Levy

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

BUSINESS OF THE HOUSE

Reordering of General Business

Dr ANDREW McDONALD (Macquarie Fields) [3.16 p.m.]: I move:

That General Business Notice of Motion (General Notice) No. 2510 have precedence on Thursday 28 February 2013.

As Justice Garling said in his report, New South Wales has one of the better health systems. There are 100,000 committed staff—

Mr Chris Hartcher: Point of order: This motion, notice of which was given by the member for Macquarie Fields, relates to allegations about a person outside this House. It is a criticism of a person outside this House. It does not fall under Standing Order 73, about which we hear regularly from the member for Macquarie Fields, because it is a substantive motion. My point of order is that if you, Madam-Speaker, consider rulings from the Chair, you will see quite a number of them relate to motions that constitute criticisms of people outside the House—

The SPEAKER: Order! There is no point of order. I am not aware of any standing order or previous ruling—

Mr Chris Hartcher: But there are rulings from the Chair.

The SPEAKER: Order! I have made no such ruling in my capacity as Speaker. There is no point of order.

Dr ANDREW McDONALD: I note that I am allowed three minutes to state why this motion should be given urgency and the member for Terrigal has just taken one minute and 40 seconds of that time—

The SPEAKER: This is not an urgency motion.

Mr Kevin Humphries: Point of order: Madam Speaker, 2510 is the postcode for Parramatta. If the member for Macquarie Fields proposes to move a motion against the good people of Parramatta then he should clarify that matter.

The SPEAKER: Order! There is no point of order. The member for Macquarie Fields has the call.

[Interruption]

Dr ANDREW McDONALD: Those opposite have taken two of my three minutes of speaking time, and I am waiting for another interruption. In so doing, Government members are supporting the following comments—which I will read onto *Hansard*—"Look at the behaviour of the nursing staff who would rather sit around and do nothing".

Mr Adrian Piccoli: Point of order: I refer to Standing Order 137, which states: "A notice containing argument, unbecoming expressions or otherwise not conforming with the practices of the House may ... be ordered not to be printed by the Speaker, or removed from the Business Paper."

The SPEAKER: The motion is on the *Business Paper*. Therefore, it conforms with the practices of the House. There is no point of order. The Minister for Education will resume his seat. The member's time has expired. The member for Monaro and the member for Wyong will come to order.

Mr MICHAEL DALEY (Maroubra) [3.21 p.m.]: This is an important motion of some public interest. Therefore I seek leave to suspend standing and sessional orders to extend the speaking time of the member for Macquarie Fields by two minutes. That is only fair, given that those opposite are trying to stifle debate.

Leave not granted.

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

Ms Anna Watson: Another gag.

Mr BRAD HAZZARD: I do not know about a gag, but you are a joke.

The SPEAKER: The Leader of the House is in reply.

Mr Michael Daley: How can he reply? There is nothing to reply to.

Ms Anna Watson: Point of order: The Leader of the House—

The SPEAKER: Order! What is the member's point of order? I did not hear what the Leader of the House said because of the level of interjection.

Mr MICHAEL DALEY (Maroubra) [3.22 p.m.]: I move:

That the member for Wakehurst be not further heard.

Question put.

The House divided.

Ayes, 20

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

Noes, 65

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

Question resolved in the negative.

Motion that the member be not further heard negatived.

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.31 p.m.]: It is an interesting exercise in this place. The O'Farrell Government has been in office for almost two years, and not once has it applied the gag on the Opposition.

The SPEAKER: Order! The member for Kiama will come to order.

Mr BRAD HAZZARD: Today we had the interesting machinations of Labor moving the gag. That is what Labor did regularly when it was in government—that is, refusing to allow the democratic process to run its course. As the Premier indicated yesterday, obviously the Government has concerns about Christie Jones and Paula Bailey, the ladies who gave birth to children at Blacktown and Nepean hospitals. We are pleased that they are progressing well, and we congratulate them on the new additions. I can confirm that reviews are being undertaken by the local health districts. We have more nurses, more money and more doctors. Indeed, we have 3,000 more nurses.

Mr Michael Daley: Point of order: The only question before the House is whether the motion should be reordered to take priority tomorrow. The Minister must speak to that motion, not give a general dissertation about more doctors and nurses.

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

Mr BRAD HAZZARD: I am answering the assertions in the motion. There are 50,000 more emergency treatments. The Government is working hard to right the wrongs that resulted from 16 years of incompetent Labor administration, including a complete failure to provide infrastructure and to support the hardworking nurses and doctors in the hospitals.

Ms Linda Burney: Point of order: Not surprisingly, it relates to Standing Order 76. There is one question before the House. I ask the Minister to answer that question, not give the same long speech that we hear from the Minister for Health, and Minister for Medical Research day after day.

The SPEAKER: Order! There is no point of order. The member for Canterbury will resume her seat.

Mr BRAD HAZZARD: I place on notice that the Coalition Government supports and is grateful for the hardworking nurses and doctors in hospitals across New South Wales, particularly those in western Sydney who have suffered so much. Do members remember Campbelltown Hospital? Remember Craig Knowles? Remember the attacks on the nurses at Campbelltown? The Government's position—

Ms Carmel Tebbutt: Point of order: It is Standing Order 76, relevance. Campbelltown is not within this motion.

The SPEAKER: Order! The Minister's time has expired.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 22

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

Noes, 62

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

Question resolved in the negative.

Motion negatived.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**Western Sydney Infrastructure Funding**

Mr KEVIN CONOLLY (Riverstone) [3.42 p.m.]: My motion is in the following terms:

That this House:

- (1) congratulates the Prime Minister on belatedly acknowledging the existence of western Sydney;
- (2) notes that Sydney received less than 2 per cent of Infrastructure Australia funding; and
- (3) calls on the Federal Government to stop staging stunts in western Sydney and to finally give the region its fair share of infrastructure funding.

This motion deserves priority because New South Wales, and Sydney in particular, has been left way behind by Infrastructure NSW in its allocation of infrastructure funding, which is so desperately needed. Much of the blame for that lies with the former Government, which could not put together a submission if its life depended on it—as indeed it probably did. The funding that New South Wales should have received is in stark contrast to the funding that arrived. Let me wind back to the *Daily Telegraph* of 1 November 2009 when the results were reported on Infrastructure Australia allocations, when Melbourne received \$3.6 billion for the construction of a rail line and Sydney received \$91 million for a study. Infrastructure Australia Chairman, Sir Rod Eddington, later made somewhat of an understatement that some States appeared to have put more effort into their submissions than others.

When the New South Wales submission was released under freedom of information applications it was revealed that it was riddled with spelling mistakes and other errors. It was total incompetence that led to New South Wales missing out. This is continuing with the attitude of the current Federal Government to New South Wales and to important projects that should have been completed years ago. This Government now wishes to forge ahead with those projects but the Federal Government has not yet committed to assist. If Julia Gillard is coming to Rooty Hill, if indeed she and her Ministers have booked the penthouse suite at the Novotel at Rooty Hill for the week, we welcome the injection into local tourism and the western Sydney economy.

However, we would like more substantial infrastructure commitments than that. We would like Labor to start taking western Sydney seriously, to find out what it means and to make real commitments. This motion is urgent because there were years of neglect under those opposite—those who knew nothing about and did not care about western Sydney but who cared only about themselves and their electorates. At a time when Ian Macdonald was issuing mining leases willy-nilly, nothing was being done to invest in western Sydney. It is urgent that western Sydney and New South Wales get their fair share of infrastructure funding and, therefore, it is urgent that we debate this motion today.

Hospital Ward Closures

Mr MICHAEL DALEY (Maroubra) [3.45 p.m.]: My motion needs to be debated and should take priority today because we have heard demonstrably true reports of one of Australia's iconic hospitals being gutted. Other members and their communities need to know that, firstly, the \$3.3 billion cuts that the Minister denies each and every day are real. Last week Patrick Bolton, Director of Clinical Services at Prince of Wales Hospital—not an underling, but a senior clinical officer—sent an email to 28 recipients that proved demonstrably that what the Minister says each and every day is untrue. It details the closure of beds and wards and it details the reduction in staff and in services. It also has some interesting excerpts. Patrick Bolton says he has been advised that, under policy, the Minister makes the determination to close these wards. Today the Minister denied until she was blue in the face that that was the case. These were simple words to the Opposition and to the people of New South Wales who suffer cuts each and every day. We do not believe the Minister.

Patrick Bolton is not an underling; he is a person who, like every other member of the public service in New South Wales, has been cowed into submission. This Government is all about political micromanagement and political control right down to the smallest detail. We do not believe that a senior officer of this hospital

would have got it so wrong. Even if I am incorrect on that assertion—which I am not—it is within the power of this Minister to reverse the decision to close these beds and these wards. She has the power to do that. She was asked to do it several times in question time today and she refused to do so. Twenty-six beds and other wards are closing. Another matter of concern to members of the community, in particular, people in the electorates of Heffron, Maroubra and Coogee, is that this is—

Mr Nathan Rees: Is there local representation?

Mr MICHAEL DALEY: I have to speak for the people of Coogee because their member has gone silent on this.

Mr Bruce Notley-Smith: Rubbish, mate.

Mr MICHAEL DALEY: I say to the member for Coogee that he can dive into the deepest hole but when people in Coogee learn what he is doing and realise that he is not sticking up for them they will come after him. He should not worry about that; it is all a big secret.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I have no trouble hearing the member for Coogee.

Mr John Williams: Point of order—

The DEPUTY-SPEAKER (Mr Thomas George): Order! No points of order are to be taken while a member is giving reasons as to why his or her motion should be accorded priority.

Mr MICHAEL DALEY: Patrick Bolton says in his email, "This is stage one. I am not at liberty to discuss further stages with you." These people have been told to do this by the Minister and it is all a big secret. Wards and beds have been closed in this iconic Australian hospital. All the Liberal-Nationals members on the other side of the House who are howling, scowling and laughing right now should look out because this will happen under their watch. It will happen because the Treasurer and the Premier have demanded it. [*Time expired.*]

Mr John Williams: Point of order: I wish to take a point of order now.

The DEPUTY-SPEAKER (Mr Thomas George): Order! As I said in response to the member's previous point of order, no points of order are to be taken when members are giving reasons as to why their motions should be accorded priority. If the member is inquiring about the petition, it is out of order.

Mr John Williams: No, my point of order relates to—

The DEPUTY-SPEAKER (Mr Thomas George): Order! I remind the member of my previous ruling.

Mr John Williams: There is a point of order. What we saw just then was the member for Maroubra—

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is no point of order.

Mr John Williams: I wish to raise a matter of privilege. I have to get my word in. I will get it in, whether or not you like it.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Murray-Darling will resume his seat.

Mr John Williams: On a point of privilege—

The DEPUTY-SPEAKER (Mr Thomas George): Order! That will have to wait until after the vote.

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

The House divided.

Ayes, 58

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

Noes, 24

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

Question resolved in the affirmative.

Motion agreed to.

BUSINESS OF THE HOUSE**Suspension of Standing and Sessional Orders: Motion Accorded Priority**

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.57 p.m.]: I move:

That standing and sessional orders be suspended to permit the conclusion of the motion accorded priority prior to the commencement of Government business.

I point out to members that in the normal course of events debate on the motion accorded priority would conclude at 4.00 p.m. under standing and sessional orders. The effect of my motion will be to allow the debate to proceed to its conclusion so that members will get their say.

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

Motion agreed to.

WESTERN SYDNEY INFRASTRUCTURE FUNDING**Motion Accorded Priority**

Mr KEVIN CONOLLY (Riverstone) [4.00 p.m.]: I move:

That this House:

- (1) congratulates the Prime Minister on belatedly acknowledging the existence of western Sydney;
- (2) notes that Sydney received less than 2 per cent of Infrastructure Australia funding; and
- (3) calls on the Federal Government to stop staging stunts in western Sydney and to finally give the region its fair share of infrastructure funding.

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

Mr KEVIN CONOLLY: It is a matter of regret that it has taken a series of bad opinion polls and a looming Federal election to stir the Prime Minister into acknowledging that the western Sydney region is important enough for her to visit and establish what its people want and need. Federal and State Labor governments have had ample opportunity to take into account the needs of western Sydney, but the pressing need of a Federal election and a fear of losing seats stirred the Prime Minister into action. There is no truth to the rumour that the Prime Minister is coming to western Sydney for photo opportunities with the member for Blacktown to boost her popularity.

The infrastructure needs of western Sydney must be recognised and met. This State Government, under the leadership of Premier Barry O'Farrell and Deputy Premier Andrew Stoner, is meeting that challenge. Major construction is well underway on the South West Rail Link. The Glenfield station and interchange were completed and opened to the public four months ahead of schedule. The North West Rail Link is being pushed ahead as fast as possible. Many tenders have been let, planning approvals have been granted and pre-construction works have commenced. This huge project, which was promised repeatedly by those opposite, is now finally underway thanks to the O'Farrell Liberal-Nationals Government.

The WestConnex project is critical for the future of the whole of Sydney but in particular western Sydney. The total cost of this project will be between \$10 billion and \$13 billion, with a \$1.8 billion commitment by the New South Wales Government. The Federal Opposition, under Tony Abbott, committed \$1.5 million to this project but where is the commitment from Julia Gillard? When she comes to Rooty Hill she had better bring her chequebook with her. The people of western Sydney want to know whether she is fair dinkum and serious about the needs of New South Wales, in particular western Sydney, and that she is not visiting western Sydney only for photo opportunities with the member for Blacktown.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is too much audible conversation in the Chamber. I call the member for Toongabbie to order. Hansard is having difficulty hearing the member with the call.

Mr KEVIN CONOLLY: Across the rest of the region the M5 and M2 are being widened, Camden Valley Way has been upgraded and Richmond Road has been commenced which has been welcomed by people in the Hawkesbury electorate—their cheers could be heard up and down the length of Richmond Road. That project should have commenced years ago. The O'Farrell Government made a commitment and allocated money where it was needed to make that project happen. The Schofields Road upgrade is underway. The first stage of the Narellan Road upgrade was completed in August 2012 and that project is due for completion by 2015. Work on the Erskine Park Link Road and Pinch Point Program at Parramatta is underway.

Recently Labor members have shown an interest in health infrastructure. The O'Farrell Government has committed \$300 million to upgrade Blacktown and Mount Druitt hospitals. The former Labor Government talked about it but this Government is doing it, which is the pattern we have come to expect from those opposite. Opposition members turn up for photo opportunities and book the top floor of the Novotel at Rooty Hill but this Government gets on with doing the job of providing infrastructure for western Sydney. The \$46 million Nepean Hospital project is underway, the \$139 million Campbelltown Hospital redevelopment has commenced and the

\$55 million Westmead Millennium Institute project is underway. I want to refer to schools but I am running out of time. The O'Farrell Government announced that new schools will be opened in a number of areas, including in my electorate of Riverstone.

Mr JOHN ROBERTSON (Blacktown—Leader of the Opposition) [4.05 p.m.]: I find ironic the reference in this motion to stunts. There is no greater stunt than the one that is being pulled today. Miraculously, this same motion was moved today in the Senate in Canberra. This Government, which has been in office for less than two years, is so bereft of any new ideas that it nominates the member for Riverstone to move this motion. Judging by the reaction on his face, he was completely unaware of the fact that this same motion was moved in the Senate today. The member for Riverstone is the bunny that just got hit by the road train. Let me refer to western Sydney and to this Government's track record in that area. Earlier the Minister for Mental Health, Minister for Healthy Lifestyles, and Minister for Western New South Wales talked about postcodes and he mentioned 2510.

Dr Geoff Lee: Parramatta is a fantastic city.

Mr JOHN ROBERTSON: The member for Parramatta just confirmed that he does not know his own postcode. The postcode for Parramatta is 2150 and not 2510. Government members are not familiar with the needs of western Sydney. This Government's approach to western Sydney has been to use it as a dumping ground for radioactive waste which it wants to move from the lovely suburb of Hunters Hill and dump in Auburn and Mulgoa in western Sydney. Prior to the last State election Barry O'Farrell, as Leader of the Opposition, visited electorates in western Sydney every day and said, "We will look after western Sydney. We will not let them dump radioactive waste in western Sydney." Radioactive waste has now been dumped in western Sydney.

I will refer next to the Parramatta to Epping rail link. The Federal Government has now put money on the table for that project. Earlier I heard the member for Riverstone say that when the Prime Minister visits Rooty Hill she should bring her chequebook with her. The Federal Government has allocated money for the Parramatta to Epping rail link but this Government ignored the advice of its own infrastructure adviser, Nick Greiner, and said it would spend the money elsewhere. What did the former Labor Government do for western Sydney? The M7 was delivered before its completion date, the Windsor Road duplication was completed and the M4 was expanded. In contrast, this Government wants to reinstate the toll on the M4. That is what members opposite think about western Sydney. The member for Riverstone does not care much about the M4 because his constituents travel down Windsor Road.

The Pinch Point Program in western Sydney was commenced and completed by the former Labor Government. What projects is this Government cutting in western Sydney? Western Sydney has seen a \$19.9 million cut to its health budget and south Sydney has seen cuts of more than \$12 million. Western Sydney has seen the random closure of a number of fire stations. What about bed blockages at Blacktown Hospital? Patients are now being told that they cannot go to Blacktown Hospital because there is no room. This Government is cutting staff and funding. This motion refers to stunts but there is no greater stunt than the stunt that has been pulled off by the member for Riverstone—the bunny sent by the Government to move a motion that was moved in the Senate today.

Mr ANDREW ROHAN (Smithfield) [4.10 p.m.]: I support the motion moved by my colleague the member for Riverstone. Western Sydney is dear to my heart. It does not exist for me only during election campaigns; it is where I first set foot in this country, where I raised my family and where I live. I also have the honour to represent the area in this place as the member for Smithfield. Under the Labor Government western Sydney was deprived of new infrastructure, and when it did invest, it failed to deliver projects effectively. One such example is the M5 Motorway. This was an opportunity wasted because it was obsolete before it was opened. That was then and this is now. In contrast, the new Government is getting on with the job of building much-needed infrastructure in western Sydney.

The Premier and Minister for Western Sydney and the Minister for Roads and Ports have visited my electorate on a number of occasions to announce major infrastructure projects. One much-needed infrastructure project is the Erskine Park Link Road, which will unlock thousands of hectares of new land and thereby create employment. The former Labor Government promised for seven years to construct that road but it failed to deliver. I am pleased that that \$48-million project is scheduled to be completed this year. The Government is also installing new traffic lights at the intersection of Widemere and Reconciliation roads in Wetherill Park to improve safety at an intersection that is known as having the "right turn of death". According to the NRMA, the roundabout at the Polding Street and Smithfield Road intersection is one of the worst accident hot spots.

The upgrade of that intersection was an election commitment and thanks to the O'Farrell Government it is currently underway with a budget of \$3 million. Yesterday, the Government announced the upgrade of the Fairfield station interchange. This is part of the Government's commitment to deliver for the people of western Sydney, and in particular for the people of Fairfield and Smithfield. It is clear that the O'Farrell Government is delivering and not simply talking. People in western Sydney are suffering because of the high cost of living and high rents. If the Prime Minister is prepared to visit us she must be serious and bring her chequebook, otherwise there is no point in her bothering. I support this motion.

Mr NATHAN REES (Toongabbie) [4.13 p.m.]: I will begin my contribution by reading a telegram that has just arrived for the member for Smithfield, which states, "Thanks for keeping the dream alive." It is signed by Evil Knievel's family. You are the king of stunts. You did not write one letter about the Polding Street roundabout and you did not make one speech supporting it. Nor did you deliver one dollar for its construction. Despite that, you turned up in your tired old orange singlet, whacked on your hard hat and had a couple of dodgy photos taken. You would have us believe that you are not a stunt master. What did you do about the Fairfield station interchange? You wrote not one letter nor did you make one speech about it.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Toongabbie will direct his comments through the Chair.

Mr NATHAN REES: So noted. The member for Smithfield turned up in his dodgy hard hat and orange singlet and performed one of the greatest stunts of all time in his own electorate. Despite that, he has the hide to speak in this debate. This is extraordinary. I can recall the now Minister for Western Sydney—who needs a cut lunch and a hurricane lamp to find it—standing in a big hole in the ground in western Sydney and launching a recycling outfit called Dial A Dump. About 10 days later when the company was being investigated by the Environment Protection Authority he was nowhere to be seen. Members opposite have the hide to have a go at the Prime Minister for doing the right thing and visiting the heartland of western Sydney. I went to the backbench and asked my colleagues for some examples that I could use. The member for Liverpool suggested that I mention the big announcement about Green Valley Police Citizens Youth Club. Guess who represented the Liberal Party at that event—it was the member for Menai.

I recall during the election campaign that the member for Epping came onto my patch banging on about graffiti. He now wants to let everyone out of jail so that they can graffiti western Sydney. There is one stunt in Australian political history that deserves mention. I refer to an event that occurred some years ago when John Howard was Prime Minister and people raised legitimate concerns and questions about asylum seekers. He did not engage in a sensible and rational debate; he indulged in the most tawdry and bastardising stunt in Australian political history called the children overboard affair. Members opposite should never get stuck into the Labor Party about a Prime Minister who has the gumption to go to western Sydney and talk to people on the ground so that she understands the real issues confronting the men and women of working suburbs across Australia.

Mr KEVIN CONOLLY (Riverstone) [4.16 p.m.], in reply: Apparently the Prime Minister has done the right thing for the people of western Sydney by booking a room on the top floor of the Novotel Sydney in Rooty Hill for a week. She will have a luxury room and a room to meet with her Cabinet colleagues from which they will be able to survey the view. According to the member for Toongabbie, that is doing the right thing. It will be good for the local economy and we will take the money, but the people of western Sydney want the Prime Minister to do something serious. We do not want a publicised visit by a tourist Prime Minister dropping in out of the clouds.

It is a good thing that she chose to visit the electorate of Mount Druitt rather than the electorate of Blacktown: the member for Mount Druitt will at least be able to show her around because he knows the district. The member for Blacktown is still struggling to find his way to his electorate. This motion is about infrastructure for western Sydney. The Labor Government did not bother to apply for infrastructure funding and the Federal Government has not committed to any significant work in western Sydney despite the desperate need in the region. WestConnex, rail upgrades, the construction of the North West Rail Link and the South West Rail Link, and major road upgrades all require Federal Government funding.

Where is Julia Gillard? She is visiting Rooty Hill. She should bring her chequebook and she should be serious or the people of western Sydney will see her simply as a tourist visiting at election time because the polls are bad. She is suddenly worried about losing the electorates that she has taken for granted, just like members opposite took electorates for granted for 16 years. They pretended that they were interested in the people of western Sydney, but they simply wanted to continue to enjoy the gravy train, the trappings of power and the opportunities that being in government provided to those who are now appearing before the Independent

Commission Against Corruption. I conclude my contribution by quoting what ordinary people in western Sydney really think. Today's *Hawkesbury Gazette* contains some letters from year 9 students from Riverstone High School about local infrastructure. Nathan Tabone of Schofields states:

I BELIEVE that Richmond Road being widened is good for motorists because it will reduce the traffic congestion. I also think it will help bring jobs to the community.

It is short, simple and correct. He can write that today because the O'Farrell Government is widening Richmond Road. Jayden Messell states:

I BELIEVE it is a good idea to make Richmond Road four lanes—

[Time expired.]

Question—That the motion be agreed to—put.

The House divided.

Ayes, 59

Mr Anderson	Mr Fraser	Mr Piper
Mr Annesley	Mr Gee	Mr Provest
Mr Aplin	Ms Gibbons	Mr Roberts
Mr Ayres	Ms Goward	Mr Rohan
Mr Baird	Mr Grant	Mr Rowell
Mr Barilaro	Mr Greenwich	Mrs Sage
Mr Bassett	Mr Gulaptis	Mr Sidoti
Mr Baumann	Mr Hartcher	Mr Smith
Ms Berejiklian	Mr Hazzard	Mr Souris
Mr Bromhead	Ms Hodgkinson	Mr Speakman
Mr Casuscelli	Mr Holstein	Mr Stokes
Mr Conolly	Mr Humphries	Mr Toole
Mr Constance	Mr Kean	Mr Torbay
Mr Cornwell	Dr Lee	Ms Upton
Mr Coure	Mr O'Dea	Mr Ward
Mr Dominello	Mr Page	Mr Webber
Mr Doyle	Mr Parker	Mrs Williams
Mr Edwards	Ms Parker	<i>Tellers,</i>
Mr Evans	Mr Patterson	Mr Maguire
Mr Flowers	Mr Perrottet	Mr J. D. Williams

Noes, 20

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

Question resolved in the affirmative.

Motion agreed to.

ROAD TRANSPORT BILL 2013

ROAD TRANSPORT LEGISLATION (REPEAL AND AMENDMENT) BILL 2013

ROAD TRANSPORT (STATUTORY RULES) BILL 2013

Second Reading

Debate resumed from an earlier hour.

Mr LEE EVANS (Heathcote) [4.30 p.m.]: I am pleased to contribute to debate on the Road Transport Bill 2013, the Road Transport Legislation (Repeal and Amendment) Bill 2013 and the Road Transport

(Statutory Rules) Bill 2013. Together these bills will tidy up a plethora of minor and major road rules in New South Wales. I am contacted regularly by constituents who have discovered anomalies and inconsistencies in road rules legislation. Some of the flaws in the current legislative framework are relatively minor, but they can be enormously frustrating for motorists who are determined to obey the law as far as possible. New South Wales has 5.5 million motor vehicle licence holders and 5.7 million owners of registered vehicles. Last year they travelled 66 billion kilometres, so even the smallest inconvenience must be considered on that scale. The bills also seek to reduce the level of complexity of legislation to allow the people in this State to better understand the laws that impact their day-to-day lives.

The reduced complexity of this legislation will also make inconsistencies less likely to arise in the future. This is vitally important for the thousands of learner drivers taking knowledge tests across the State each year. Will members raise their hands if they have been with a learner driver in the past 12 months? I raise my hand. My younger son recently completed the process of 120 hours of bloodcurdling and nerve-wrecking driving. A friend of mine has girl triplets. He is now a hollow of the man he was prior to the commencement of the 120 hours of driver training undertaken by each of his three daughters. The importance of 120 hours of driver training cannot be underestimated, but something must be done to make it a little bit easier on the parents of multiple birth children. How can we expect a young person to grasp and memorise the current mess of contradicting legislation while they are focusing on building safe driving skills?

The legislation regulating road transport is unavoidably complex. It regulates all aspects of the road environment from licensing drivers and registering vehicles to road rules, vehicle standards, traffic management, drug and alcohol testing, motorcycle rider training, compliance and enforcement, and a chain of responsibility for heavy vehicles. However, the complexity of legislation was unnecessarily increased by the creation of five separate Acts and 10 different regulations. Consequently, the provisions relating to demerit points are so scattered that it makes it difficult for road users to understand what penalties apply for different driving offences. The legislation is also confused by areas of duplication, repetition and a baffling amount of cross referencing. This applies also to the varying definition of the words "drive", "driver", "vehicle", "traffic", "garage address", "heavy motor vehicle" and "foreign driver licence". Perhaps most confusing of all is that some of the key terms in the legislation remain undefined. Those are but some of the reasons why these bills are so important.

Equally important is the way in which the Government communicates legislation. The Liberal-Nationals Government should be applauded for its recent campaign to outline the State's 10 most confusing road rules. I have argued with my wife—which is very rare—about roundabout rules. Giving way to your right on a roundabout does not apply; whoever is first to the roundabout has the right of way. This campaign has put the roundabout argument to rest and it is now one for me at home. Many of the constituents who have visited me at my electorate office in Engadine to thank me for this initiative have confessed that for several decades they have held one or more of those misunderstandings whilst behind the wheel.

The Road Transport Bill 2013 simplifies the structure of the legislation without major changes to policy. It combines the Road Transport (Driver Licensing) Act 1998, the Road Transport (Vehicle Registration) Act 1997 and the Road Transport (Safety and Traffic Management) Act 1999, and the compliance and enforcement provisions of the Road Transport (General) Act 2005. This simple change, which will make it much easier for road users to understand their legal rights and obligations, includes the removal of inconsistency, repetition, anomalies and redundancies. The bill also takes technological advances into consideration, including traffic management devices and drug and alcohol testing.

The bill adds definitions that are missing from the existing legislation, including "approved traffic enforcement devices" to cover a range of equipment such as speed detectors. New definitions are also added for "first offence", "second or subsequent offence" and "Australian registered operator" in relation to a vehicle that is also defined in the bill. This will open up the legislation and we will not have to revisit it as often because of the advances that are being made in electronics. These additions demonstrate how necessary these bills are. In the past motorists had no way to better understand the terms in the existing legislation and would rely on verbal confirmation. I applaud the Government for these important changes. I commend the Minister and the bills to the House.

Mr STEPHEN BROMHEAD (Myall Lakes) [4.37 p.m.]: I support the Road Transport Bill 2013, the Road Transport Legislation (Repeal and Amendment) Bill 2013 and the Road Transport (Statutory Rules) Bill 2013. I listened with interest to the contribution of the member for Heathcote. When my wife and I have a disagreement—which is very rare—my wife is always correct. Even when she is wrong she is correct, and whenever she is wrong I apologise to her for that.

Dr Geoff Lee: That is why you are still married.

Mr STEPHEN BROMHEAD: That is why I am still happily married after almost two years. The proposed Road Transport Act 2013 will provide for the consolidation of a number of existing Acts dealing with road transport into a single Act. The proposed Road Transport Legislation (Repeal and Amendment) Act 2013 repeals and makes amendments to various Acts and statutory rules consequent on the enactment of the new Road Transport Act 2013. The objects of the bill are:

- (a) to make amendments to certain statutory rules under the existing road transport legislation that will continue in force as statutory rules under the new Road Transport Act 2013 that are consequential on the enactment of that proposed Act and the proposed Road Transport Legislation (Repeal and Amendment) Act 2013;
- (b) to rename the Road Transport (General) Regulation 2005 as the Road Transport (Vehicle and Driver Management) Regulation 2005 and make other amendments to confine its operation as a consequence of the renaming and amendment of the Road Transport (General) Act 2005 by the Road Transport Legislation (Repeal and Amendment) Act 2013; and
- (c) to set out the terms of the proposed Road Transport (General) Regulation 2013, which will be taken to be a regulation made under the new Road Transport Act 2013.

The member for Keira, who led for the Opposition in this debate, said he wanted a proper discussion. He talked about the need for further changes in terms of obsolete regulations and offences. He said that constituents come to his office constantly, and he simply shakes his head because he cannot understand it. Labor was in government for 16 years and could have done something about obsolete legislation and legislation that the member for Keira thinks is unfair. Not only was Labor in government for 16 years; the member was the deputy director general of transport during that time. Why did he not do something about the issue? Labor members did not do anything for 16 years because they were too busy dealing with their mates, trying to work out who would get what mining licence where, who would get a lease at Circular Quay and who else would get their heads in the trough. They were not worried about good governance or the people of New South Wales. They were interested only in self-preservation and how they would make a quid. When the member for Keira asked these questions I immediately thought, "Why didn't you do something about it?"

What the Government is proposing is common sense; it is about the safety of people. When one thinks about safety, one thinks about the most unsafe road in New South Wales. The most unsafe road in New South Wales is the Pacific Highway. What did Labor do about that highway? Nothing. The Federal member for Lyne is blowing the bugle on behalf of his Labor mates in Canberra, saying there should be a 50:50 funding split. He is totally ignoring the historical fact that under the New South Wales Labor Government the split was 20:80—80 per cent from the Federal Government and 20 per cent from the State Government. The Federal member for Lyne knows that that is the only way that the work on the Pacific Highway can be done. He knows that the Federal Government is the collector of all big taxes—that is, payroll tax, GST and fuel excise—and that it has introduced a carbon tax and other taxes. The Federal Government has the money and can afford to provide funding for the Pacific Highway.

It is not only the people on the North Coast who use the Pacific Highway. It is used by the people of New South Wales and Australia when they go on holiday and travel from Sydney to Queensland. Luckily for the people of New South Wales, the Federal Liberal-Nationals have made a commitment to providing the money required to complete the Pacific Highway on an 80:20 split. What is worse for the Federal member for Lyne is that it is not a case of the money not being available. The \$2.1 billion set aside for the Parramatta to Epping railway, which is not a priority for New South Wales, could make up the Federal funding of 80 per cent but it is simply sitting there. The Federal Government simply has to move the money set aside for infrastructure and fund the Pacific Highway. The Federal Coalition has looked at the figures; it knows the money is available and the Federal Government should reallocate it.

If the Federal member for Lyne were looking after his constituents, he would tell his Labor mates—the ones who made him the chairman of the committee that delivered a carbon tax of \$23 a tonne when like taxes in Europe and New Zealand are less than \$6 and \$2 respectively—that the funding split should be 80:20. The money is there. The \$2 billion allocated for the Parramatta to Epping railway line should be put into the Pacific Highway, and let us get it done now. As I said, the Pacific Highway is the most dangerous road in Australia. It has the highest incidence of fatalities. It is the most urgent job. The Pacific Highway is a killing field, and deaths continue to occur along its length even as we speak. Every week we hear of more deaths and serious injuries occurring somewhere on the Pacific Highway, from Bulahdelah to the Queensland border. The Federal member for Lyne is doing absolutely nothing about that. He is simply toeing the Labor Party line, and that is disgraceful. Members would be surprised to know that in the past few weeks the Federal member for Lyne has discovered coal seam gas.

Dr Andrew McDonald: Point of order: This is a debate on the Road Transport Bill 2013 and cognate bills. The member for Myall Lakes has moved well away from the bills. I ask him to return to the leave of the bills.

ACTING-SPEAKER (Mr John Barilaro): Order! I ask the member for Myall Lakes to return to the leave of the bills.

Mr STEPHEN BROMHEAD: Interestingly, coal seam gas is transported in trucks, and trucks travel on the Pacific Highway. This legislation is about road safety and road rules.

Mr Daryl Maguire: And they cross the border into Queensland.

Mr STEPHEN BROMHEAD: And they cross the border into Queensland. They do all these things. As I said, the Federal member for Lyne has discovered coal seam gas and how it may affect his election prospects in September. Having been part of the Labor Government that brought us coal seam gas—

Dr Andrew McDonald: Point of order: The member for Myall Lakes is canvassing your ruling. This debate is about the Road Transport Bill 2013 and cognate bills.

ACTING-SPEAKER (Mr John Barilaro): Order! The member for Myall Lakes is not canvassing my ruling. I ruled against the member's point of order previously, saying that he was being relevant to the bills. The member for Macquarie Fields will resume his seat.

Mr STEPHEN BROMHEAD: I know Labor members do not like to associate themselves with the Federal member for Lyne. They are worried about what will happen to Labor federally when they are associated with him. They know he is disloyal; he represents one of the most conservative areas in Australia, yet he voted with Labor at the last Federal election.

Dr Andrew McDonald: Point of order: You cannot seriously believe this has anything to do with the Road Transport Bill 2013. I ask you to direct the member for Myall Lakes to return to the leave of the bills.

Dr Geoff Lee: What's the standing order?

Dr Andrew McDonald: Standing Order 76, relevance.

ACTING-SPEAKER (Mr John Barilaro): Order! I understand that the member for Myall Lakes is being relevant, but I ask him to return to the leave of the bills.

Mr STEPHEN BROMHEAD: This important legislation refers to safety on our roads, and will bring all the Acts into one Act to streamline, simplify and unify the legislation. It is one step towards the national legislation that started in about 1990-91, and it is progressing. One would assume the Federal member for Lyne, thinking about road safety, highways and the trucks that use our highways, would tell his Labor mates in Canberra, "Do something about the Pacific Highway—80:20." One would think the member for Macquarie Fields would tell his mates in Labor that the funding split should be 80:20. But no, Labor members sit there and do nothing while people are being injured on that highway. I commend the bills to the House.

Mr DARYL MAGUIRE (Wagga Wagga) [4.47 p.m.]: I welcome the Road Transport Bill 2013 and cognate bills, as does the trucking industry. Indeed, the heavy vehicle industry has long called for consistent productivity promoting and targeting regulation. The heavy trucking industry has been a progressive participant in the formulation of this legislation, which is designed to remove unnecessary regulation to improve productivity and the capabilities of trucking companies across Australia. Through the Council of Australian Governments, the transport Ministers have recognised and done something about it in these bills. I understand that this issue is being led by Queensland. Queensland—given its size—and the other bigger States depend on the trucking industry, as does New South Wales but less so.

There is general recognition in the trucking industry that rail is important, and having intermodal connectivity and a role for rail is also important. Rail will never replace trucks and trucks will never replace rail. So there has to be that inter-linkage. The industry has led the way in proactively promoting productivity because it recognises that there are restrictions. For example, the load mass rules between the States were inconsistent, as

were the permits used to regulate access and the lack of external review of access decisions. There are many inconsistencies in legislation in New South Wales, Victoria and Queensland—the eastern States—that have led to these bills. The Minister for Transport told the trucking industry:

You are the people who keep this country moving. You are the people who keep our towns and cities connected. You are the people who move goods from farm gate to the factories, to the shops and the ports. It is not an exaggeration to say that the future prosperity of this country rests squarely on the shoulders of your industry.

I agree, because if the trucking industry stops, Australia stops. The bills are quite complex, as are the industries they are regulating, but the intent is to remove complexity and red tape so that the industries can operate effectively. I commend the trucking industry. I learned a lot about that industry in the years I served on the Staysafe committee. We held a number of inquiries where we met with operators and leaders, the likes of Ron Finemore and others who have driven reform in the industry. We met with drivers and all sorts of people associated with the industry. I pay credit to the industry for working to improve issues that have been highlighted from time to time in the media. It has introduced the TruckSafe program and encouraged healthier outcomes for its members. Compliance is a major factor in industry. No matter what peak bodies such as the Australian Trucking Association and others do, there will always be a rogue element in any industry. And everyone wants to drive the rogues out of the trucking industry. When speed limiters on trucks were tampered with, the industry responded and made some great improvements in that area.

Hand-in-hand with the amendments in these bills is the need for further investment in the infrastructure that supports the trucking industry. The previous speaker talked about the need to upgrade the Pacific Highway, and the State Government is responding. The Hume Highway has been completed, as has, I think, the bypass at Woomargama. This means that trucks can now travel on dual carriageway all the way from Sydney to Melbourne. That will lead to requests to test vehicles with higher mass load limits and different configurations, such as B-triples, on that length of road. It will also raise questions about access to other towns, shires and roads—about which councils are rightly concerned—that must be dealt with in a professional manner by Roads and Maritime Services and other agencies. An example is the proposed trial of B-triples on the Gocup Road.

Members will have heard me talk for many years about the need to upgrade the Gocup Road. On coming to government, the Liberal-Nationals have invested money in the Gocup Road through Roads and Maritime Services—indeed, another \$1.2 million in funding was announced recently. We continue to support the Tumut Shire Council's application to the Federal Government for funds to upgrade that important piece of infrastructure. Until that occurs, there should be no testing of B-triples on that road. If it is unsafe for B-doubles, it is certainly unsafe for B-triples—even to test them. I have made my views very clear. In saying that, it demonstrates that, as the industry grows and we rely on more productive and efficient vehicles, we must invest in road infrastructure. To their great credit, the Minister for Roads and Ports, the Minister for Transport, the Treasurer and the Government are allocating funds to meet identified infrastructure needs. But we have a very big backlog to deal with. The Australian Trucking Association [ATA] is the peak body that has represented the trucking industry for a long time. I hold its opinion in high regard—and always have—because it is sensible about the approaches it takes. [*Extension of time agreed to.*]

The Australian Trucking Association has recommended that the Council of Australian Governments principles of national regulation should be applied broadly to any reform that takes place as we need consistent regulation to facilitate productivity and create a seamless national economy. Recently, the Minister for Transport and the Minister for Roads and Ports announced improvements to important bridge infrastructure that will allow Australian trucking companies to access roads that drivers previously had to avoid. In other words, where the infrastructure would not carry the weight of the mass load, trucks would have to be diverted, causing enormous damage to local roads. To his great credit, the Minister has invested in 17 bridges, one of which is Kapooka Bridge. This will allow B-doubles and higher mass load vehicles to get on with the job of carting goods from A to B, and that increases productivity.

In recommendation No. 8 the Australian Trucking Association called for the regulation to be standardised according to best practice to ensure it is as effective as possible. I think the amendments the Minister has put before the House go a long way towards achieving that. But that is not to say the job is done. There is a lot more to do because the industry is ever evolving and new, more fuel-efficient machines are coming onto the road every day. They are configured differently. The previous speaker mentioned coal seam gas exploration and suggested that vehicle size and weight were increasing to handle the equipment that must be transported for mining and other industries. The State has not experienced such changes in perhaps 50 years;

those industries have received a huge boost. The configuration and needs of industry will continue to evolve. Some marvellous technology has been introduced in the trucking industry—such as monitoring to the millilitre the amount of fuel used—and the industry must come to grips with those changes.

I note that the Australian Trucking Association has engaged several consultants to assist operators and asset managers to assess the merits of utilising larger vehicle combinations in transport tasks. One of those consultants is Mr Bob Woodward of Barkwood Consulting Pty Limited. He lives in Wagga Wagga and is one of only a few people qualified to comment on that industry. The consultants have put together a report about the pros and cons of the different styles of vehicles on our roads. All those vehicles will require good management and legislation that allows companies to get on with the job, does not impede productivity and addresses the needs of the industry—in fact, enhances the trucking industry because the loads will increase. International trade alone is scheduled to double by 2030 and triple by 2050, and that means that road use and wear in New South Wales will increase dramatically.

I have had the privilege to serve on the Staysafe committee and to attend conferences—whether they be for the Livestock Association or the Australian Trucking Association or road safety conferences around New South Wales—and there was genuine concern about the inaction of the previous Government. The industry was frustrated. I am pleased that finally the State Government is getting together with the Federal Government to remove impediments and ensure that the trucking industry can get on with the job. It has already been demonstrated that the road task will increase by a considerable amount. I welcome this legislation. I will not go into the specifics of the bills as there is quite a lot of detail. I am sure there are specifics that people could point to that affect their particular part of the industry. Overall, the overhaul is long overdue. I commend the bills to the House.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [5.00 p.m.]: I make a contribution to debate on what I perceive to be very important legislation, the Road Transport Bill 2013 and cognate bills, the Road Transport (Repeal and Amendment) Bill 2013 and the Road Transport (Statutory Rules) Bill 2013. It is important to note that in the early 1990s the Commonwealth, States and Territories agreed on the need to take a national approach to road transport reform. An independent statutory body, the National Transport Commission, developed as model legislation a common set of Australian road rules. This is of particular importance to my electorate of Tweed, which virtually straddles the Queensland and New South Wales border and has the M1, or Pacific Highway, running through it. On average, some 50,000 to 70,000 heavy vehicles a day move through my electorate.

The member for Wagga Wagga referred to the importance of the trucking industry and how Australia, particularly in regional and rural areas, is reliant on truck movements. The introduction of these bills lays the groundwork for the establishment of national heavy vehicle regulations. I pay tribute to the Minister for Transport, the Hon. Gladys Berejiklian, and her staff and departmental staff for drafting the legislation. The bills consolidate a number of transport laws and remove inconsistencies. By way of background, Mr Assistant-Speaker Barilaro, you were in this place in 2007 when I had the privilege of introducing a private member's bill relating to novice drivers because there were inconsistencies in this State's regulations compared with the Queensland and Victorian regulations covering novice drivers. Novice drivers in those States were not bound to the prescribed levels of alcohol in their system, and that was not the case in New South Wales. That bill was knocked out by the previous Labor Government and reintroduced with a single inclusion relating to international novice drivers.

At least we resolved the problem for communities in border areas, where interstate and cross-border issues continue to be a massive problem. It would be remiss of me not to acknowledge the fine work of the Cross-Border Commissioner, Steve Toms, in this regard. He visits my electorate and talks to Queensland, Victorian and South Australian authorities in an effort to resolve problems. These bills support the actions he has undertaken. In New South Wales the legislation modules were adopted progressively by enacting the Road Transport (Heavy Vehicle Registration Charges) Act 1995 and the Road Transport (Driver Licensing) Act 1998. In introducing the bills, Minister Berejiklian said:

These bills consolidate New South Wales road transport legislation and prepare for the eventual adoption of the Heavy Vehicle National Law in this State.

Consolidation will improve road users' understanding of their rights and responsibilities. Queensland is the only jurisdiction to have passed relevant legislation governing national heavy vehicle regulations. That is another win for the Liberal and National parties. The bills before the House will remove redundancy, reduce complexity and create clarity. What a great sentence. That is what this Government is all about. These changes include the

modification of certain definitions, including the removal of multiple definitions and the addition of new definitions where necessary. The bills also standardise provisions relating to taking of blood, urine and oral fluid samples for drug and alcohol testing. They will remove errors and correct omissions. Many of these changes will aid operational efficiency.

The intention of the consolidation process is to amalgamate existing road transport Acts and reduce the number of regulations without making policy changes. Because the process has prompted an exhausting review, and thrown a number of matters into relief, some modifications have arisen. For example, where multiple definitions exist for key terms such as "vehicle", "motor vehicle", "registrable vehicle", "traffic", "trailer", "authorised officer", "heavy motor vehicle" and "foreign driver licence", one definition has been settled upon—usually that found in national model legislation. Except for Western Australia, the other States and Territories are due to pass the Heavy Vehicle National Law in time for national regulations to take effect on 1 July 2013. Later in 2013, the National Heavy Vehicle Regulator [NHVR] will administer one set of laws for heavy vehicles under the Heavy Vehicle National Law, delivering a comprehensive range of services under a consistent regulatory framework.

One regulator using one rule book will reduce duplication and inconsistencies across State and Territory borders. This affects not only the great electorate of Tweed but also many others. The member for Albury, Greg Aplin, and I often compare notes on different cross-border issues and the effervescent member for Murray-Darling has different cross-border issues with the South Australian and Victorian jurisdictions. The regulator, using one rule book, will also cut red tape and confusion, deliver safer and more efficient operations, boost innovation and unlock estimated productivity gains of up to \$12.4 billion over the next 20 years. That is indeed a significant number.

The National Heavy Vehicle Regulator will be responsible for implementing a new national system for regulating all heavy vehicles of more than 4.5 tonnes gross vehicle mass [GVM], including special-purpose vehicles and passenger-carrying vehicles that have such a gross vehicle mass. This will achieve the following benefits across all States and Territories: efficiency through a common set of laws for heavy vehicles for all States and Territories; and a national safety monitoring and reporting system dedicated to heavy vehicles. It would be remiss of me, Mr Assistant-Speaker, not to note that apart from being a great Assistant-Speaker you are the member for Coffs Harbour. Unfortunately, your electorate has witnessed many fatalities involving heavy vehicles, and that trend is continuing.

This legislation should improve safety. The national system for regulating all heavy vehicles will also help productivity by improving the ability to respond quickly to changing industry trends and needs. As the member for Wagga Wagga indicated, there are many changes occurring in the industry relating to trends, needs, efficiencies, weight ratios and so on. The national system will enhance the ability to adapt to those changes. More importantly, the national system will provide a single point of contact for all heavy vehicle regulation in Australia. As I pointed out earlier, too often there is confusion, particularly across State borders and where there are high levels of commerce.

Large numbers of heavy vehicles go back and forth across the borders and many operators are unaware that they are in a different jurisdiction when they cross the border. It creates confusion, it costs business money and ultimately it has an effect on the business sector. The National Heavy Vehicle Regulator will be an independent statutory authority. There will be a unified strategy and approach to registration compliance and enforcement in our heavy vehicle industry. Finally, there will be transparency and accountability and, importantly, an opportunity for review which will affect my electorate and electorates throughout New South Wales. Our vibrant economy is dependent on the trucking industry. This legislation will simplify these issues, improve road safety and reduce red tape—something to which this Government is committed. I commend the bills to the House.

Mr MARK COURE (Oatley) [5.10 p.m.]: In New South Wales there are 5.5 million licence holders and 5.7 million registered vehicles. Over the past 12 months the drivers of these vehicles travelled 66 billion kilometres on New South Wales roads. The Road Transport Bill 2013 consolidates New South Wales road transport legislation and prepares for the eventual adoption of the Heavy Vehicle National Law in this State. The Road Transport Bill 2013, the Road Transport (Repeal and Amendment) Bill 2013 and the Road Transport (Statutory Rules) Bill 2013 not only reduce the number and volume of statutes but also remove abnormalities, inconsistencies and a degree of complexity in the legislation that impacts on every citizen in New South Wales. I support these bills which make important amendments to road transport legislation. They consolidate the provisions relating to light vehicles into the proposed Road Transport Act and separate the

provisions relating to heavy vehicles into an amended and renamed Road Transport (Vehicle and Driver Management) Act in preparation for the introduction of the Heavy Vehicle National Law in New South Wales in 2013.

Many of us recall the Traffic Act and the motor traffic regulation which up until 1999 contained everything one needed to know about road rules and road transport legislation. However, following the national reform processes in the 1990s, one Act and regulation were progressively replaced by four and five, most of which were based on national model legislation. Whilst this seemed like a good idea at the time, complaints soon emerged from the police, the courts, the legal profession and others that the legislation, in its fragmented form, was unwieldy and confusing. Over time the number of Acts and regulations has declined. Two regulations relating to New South Wales and Australian road regulations were merged to make the Road Rules 2008. Separate legislation relating to heavy vehicle charges also has been repealed. The reduction in the number of laws relating to road transport is partly as a result of this Government fulfilling its election commitment to reduce red tape in a number of portfolios by imposing a one-on, two-off requirement for new legislation under the one umbrella.

The Road Transport Act will replace the Road Transport (Driver Licensing) Act, the Road Transport (Vehicle Registration) Act and the Road Transport (Safety and Traffic Management) Act as well as part of the Road Transport (General) Act. One regulation will be repealed with the inclusion of provisions in the current safety and traffic management regulation in a new general regulation. As we heard from previous speakers, the separation of provisions relating to heavy vehicles will pave the way for the eventual adoption of the Heavy Vehicle National Law as agreed to by the Commonwealth, the States and the Territories in an intergovernmental agreement signed in August 2011. The Road Transport (Vehicle and Driver Management) Act—a renamed, amended and confined Road Transport (General) Act—will be repealed when the Heavy Vehicle National Law is applied in New South Wales without major obstruction to the structure and content of the consolidated Road Transport Act.

The establishment of a national regulator and national template legislation for heavy vehicles is the latest part in the national reform process that began in the 1990s. It promises to bring further productivity, efficiency and dividends to road transport operators across Australia while maintaining road safety standards. I have been advised by the Minister's office that some minor modifications have been made in the drafting of the Road Transport Bill, including certain amendments, new definitions and other changes; for example, to provide for consistent approvals for traffic management devices and to streamline provisions relating to drug and alcohol testing procedures. All these changes are to be supported in the name of transport reform and legislative transparency. I thank the Minister for Roads and Ports and the Minister for Transport, who is in the Chamber, for their hard work on these bills.

Roads have been a major concern to me and to people living in surrounding electorates. One of two issues to which I will refer tonight is the Allawah Bridge. This Government is committed to improving road infrastructure throughout New South Wales but particularly in the St George area. This Government has made a commitment to upgrade Allawah Bridge, which is 16 years overdue, to improve traffic and reduce congestion. I am sure that all members would agree that this improvement is long overdue. As part of the 2011-12 State budget, the Minister for Roads and Ports committed \$4 million to Hurstville council to assist with planning and design. Hurstville Council is responsible for Lily Street as that is a regional road.

Because the bridge crosses the railway line council has been in discussions with RailCorp regarding the bridge upgrade. Since its election the New South Wales Government has worked closely with local councils to deliver the best outcome for the Allawah community. Allawah is located in the electorate of Kogarah, which is not too far from my electorate. The Government worked closely with that community to deliver suitable funding. Council has already prepared designs for the new bridge alignment and it has conducted geotechnical testing. RailCorp will commence work on the bridge renewal project in 2013 and 2014 with major construction to commence the following year. I acknowledge the hard work that has been done by the Minister's office to ensure that this is done.

In addition to providing \$40 million for roads in the St George and Sutherland shire, the New South Wales Liberal-Nationals Government has developed plans to reduce congestion and improve access to Sydney airport and Port Botany which are designed to reduce delays that occur in this important economic precinct. Recently the Premier announced that the Liberal-Nationals Government proposed a joint approach with the Commonwealth to boost capacity at Sydney airport and to ensure that maximum efficiency is achieved. There is

agreement on both sides of government that that is what should occur. The New South Wales Government will prioritise four key road pinch points around Sydney airport and Port Botany—a recommendation made last year by Infrastructure NSW.

Another major issue in the St George area is WestConnex, which the Government announced late last year. There have been a number of briefings regarding WestConnex, the latest of which occurred yesterday afternoon. The New South Wales Government is proceeding with WestConnex, which is the next motorway scheme for Sydney. WestConnex, which will be 33 kilometres in length, will improve capacity on existing roads and new sections of the motorway and combine with them to better link Sydney's west, south and south-west with international gateways and key places of business.

WestConnex has a southern sector and a northern sector. The northern sector includes the widening of the M4 from Parramatta to north Strathfield—an extension that will connect the existing M4 to Petersham and that will include tunnels. The M5 West from King Georges Road to Camden Valley Way on which I travelled recently is currently being widened—a big win for my local community and something for which we campaigned and fought for. The southern airport access link between St Peters and the M5 East portals now has links to the airport terminals, Port Botany and the commercial industrial land use north to the airport.

We have all travelled on that road and I know that the member for Macquarie Fields travels on it regularly. It is great news for the community that the Government is funding this project but, of course, it is many years overdue. The road should have been made wider when it was first constructed and I do not know why it was not. It is more than simply a motorway. I travelled on the road yesterday and today on my way to Parliament House and it is a bottleneck. This Government is cleaning up the mess left by the Labor Government and it is getting on with the job of widening the road. As I said, the project is 10 years overdue.

Ms GLADYS BEREJIKLIAN (Willoughby—Minister for Transport) [5.20 p.m.], in reply: It is easy to gauge from the number of contributions to this debate how important this legislation is to the community. I thank the members representing the electorates of Keira, Blue Mountains, Hawkesbury, Rockdale, Cronulla, Granville, Camden, Riverstone, New England, Smithfield, Bathurst, Albury, Tamworth, Londonderry, Wakehurst, Heathcote, Myall Lakes, Wagga Wagga, Tweed and Oatley for their contributions. I heard some of the speeches during the course of the debate and it is clear how seriously members regard reform in this critical area. I pay tribute to my colleague in the other place the Minister for Roads and Ports, who is responsible for introducing this legislation. It is an extension of this Government's reform of road transport legislation and it is an ongoing process. With the passage of these bills New South Wales is taking a further step in consolidating legislation to help road users and professionals who deal with these issues on a daily basis to better understand the law.

As mentioned previously, the Road Transport Bill and the cognate bills amend three major Acts and part of a fourth to create a Road Transport Act to deal with the licensing of drivers, registration of vehicles, management of road use and compliance and enforcement. Among other things, these repeal and amendment bills pave the way for the introduction of the Heavy Vehicle National Law in New South Wales by separating heavy vehicle regulation into a separate Act. That is part of the ongoing reform of which New South Wales has been a part at the national level. The legislation will be repealed when similar legislation is introduced in New South Wales to give effect to the national law to further reduce the number of road transport Acts and regulations in this State. Again, we are making the legislation easier to understand and ensuring that it is easier to make reference to the appropriate legislation.

The process of consolidation has reduced some of the issues that four different Acts have generated. There has been a great deal of repetition, redundancy and inconsistency in some cases and this legislation ensures that that will no longer exist. The number of provisions has been reduced by about one-third and there has been a logical restructuring of the context to make the new Act easier to follow and to search. Again, this helps road users and professionals who need to use the legislation frequently. This reform closely aligns with this Government's determination to reduce red tape and to make the law accessible to everyone. I again thank all members who spoke in support of these bills and I commend them to the House.

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

Motion agreed to.

Bills read a second time.

Third Reading

Motion by Ms Gladys Berejiklian agreed to:

That these bills be now read a third time.

Bills read a third time and transmitted to the Legislative Council with a message seeking its concurrence in the bills.

PROPERTY, STOCK AND BUSINESS AGENTS AMENDMENT BILL 2012

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

LIQUOR AMENDMENT (SMALL BARS) BILL 2013

Second Reading

Debate resumed from 20 February 2013.

Mr PAUL LYNCH (Liverpool) [5.25 p.m.]: I lead for the Opposition in debate on the Liquor Amendment (Small Bars) Bill 2013. The shadow Minister with responsibility for this legislation is the Hon. Steve Whan in the other place. The Opposition does not oppose this bill. The overview of the bill states:

The object of this Bill is to provide for a new type of liquor licence for small bars. A small bar licence will authorise the licensee to sell liquor by retail on the licensed premises in accordance with the following conditions:

- (a) liquor must be consumed on the licensed premises (that is, bottle shop or take-away sales are prohibited),
- (b) liquor can be sold only if there are no more than 60 people on the premises,
- (c) the small bar must be open to the general public,
- (d) food must be available at the small bar.

In addition, gaming machines will not be permitted to operate on the premises.

The Opposition understands that the Government argues that this bill has been part of its package of reforms that are designed to help curb alcohol-related violence in New South Wales, and specifically in the Kings Cross, Darlinghurst and Oxford Street precincts. However, we are not convinced that it will work. It appears to the Opposition that this is part of the long-running discussion in Sydney about getting a greater diversity of venues, with people often saying that they want Sydney to be more like Melbourne. Whether or not that is the case, having more small bars is in itself desirable.

The Opposition's difficulty is with the Government's claim that introducing this legislation will stem alcohol-related violence because small bars generally have more controlled environments in comparison to a hotel or pub that has a general bar licence. These bars are likely to attract a clientele different from that which frequents the larger existing outlets. They would tend not to attract away the people who might be causing the majority of problems in larger venues. Either objective—curbing alcohol-related violence or encouraging the establishment of more small bars—is desirable in any event and we do not have a problem with the legislation.

The legislation provides that small bars will have a maximum of 60 patrons, they must have food available and they cannot have poker machines or takeaway alcohol sales. That last point is a key point and it needs to be clear that while new small bars will increase the number of venues in which one can consume alcohol they will not add to the already large number of outlets that sell takeaway alcohol. Consuming alcohol on the premises means that responsible service of alcohol standards can be enforced. The legislation does not require small bars to have security personnel on site at the venue which is reasonable, given their size. However, if the minimum size were to increase in future the Opposition would want to reconsider its position.

We understand the Government's decision to have the bill cap the capacity of small bars to 60 rather than 90 or 120 people. That makes sense as an interim measure given that we have no experience of these licences in Sydney and it is reasonable to see how a 60-person cap operates. I understand that the Government intends to review that number and the Opposition will consider the outcome of that review. Concern has been expressed about community consultation and the lack of community impact statements. A development

application process will be followed and that will provide the opportunity for discussion about the appropriateness of an application. Clearly, the council will be able to consider issues such as the density of outlets, their appropriateness and other issues. As I indicated, the Opposition does not oppose the bill.

Mr CHRIS PATTERSON (Camden) [5.28 p.m.]: I support the Liquor Amendment (Small Bars) Bill 2013, which aims to provide an alternative venue to patrons wanting a small, intimate venue and a quiet night out. Consumers today expect and deserve a choice in entertainment venue. While going out to a large, loud and crowded venue at all hours is appealing to some, being able to go to a small bar and to have a conversation with friends without competing with crowds and loud music is appealing to others. This bill demonstrates that the Government is cognisant of the alcohol-related violence and antisocial behaviour that unfortunately can be associated with larger venues and in the alcohol industry as a whole. The Government understands that by providing another form of entertainment and social activity option to patrons in the form of a small bar that offers a more personalised and intimate feel an environment will be offered that could remove the temptation for patrons to push behavioural boundaries and to act in an antisocial manner that they believe they would be able to get away with in a larger and louder environment.

Although I support this bill, any small bar must adhere to the strict guidelines of the responsible service of alcohol to which the bigger venues are expected to adhere. Staff must be trained and patrons must understand that the law is the same in a large or small venue. I live in hope that the majority of people will enjoy any size venue responsibly and that small bars will be instrumental in shaping and changing the attitude of people towards alcohol-related violence and antisocial behaviour into a positive one. Individuals are responsible for their actions no matter where they are—something that should not be lost on the community and society. It is not the venue that causes the problems but the individuals within that venue. Individuals need to take responsibility for their actions.

Currently, under the Liquor Act 2007 small bars operate under a general bar hotel licence. In his second reading speech the Minister pointed out that there is nothing to prevent a general bar licence also being utilised for a nightclub or other type of licensed venue, apart from local council building codes, fire safety, the size of the premises and the number of patrons. There has been many a scenario where this has happened and the outcome has not been a positive one. Past experiences, both in Australia and overseas, tell us that where a venue grows or changes to a venue other than for what it was originally intended, control and safety of that venue can quickly be lost.

That will not be the case under the provisions of this bill as a small bar licence will limit the venue to 60 patrons, gaming machines will be prohibited, it will only be able to trade between 12.00 p.m. and 2.00 a.m. and it must have food available for patrons. Minors will not be permitted in small bars during liquor trading hours and the Government will review the Liquor Amendment (Small Bars) Act 2013 in 2016 to evaluate the impact of small bars, and make amendments if necessary. Because alcohol can impact negatively on our community it is critical that all legislation relating to alcohol and licensed premises be reviewed at regular intervals to meet community expectations and needs. However, I point out that with any alcohol-related violence and antisocial behaviour perpetrators must be held responsible for their actions and any potential negative impacts that might have on their community.

On condition of a development consent being successful, along with notification to local police and the Director General of the Department of Trade and Investment, Regional Infrastructure and Services, a small bar licence will not be required to prepare a community impact statement as the purpose of these licences is that they are low risk due to the small nature of the venue. I stress that the training of staff in the responsible service of alcohol must be adhered to regardless of the size of the premises. I am pleased that the application fee for a small bar licence will be half the amount for an application fee for an on-premises licence. This is a common sense approach to ensure that licence application fees will be relative to the turnover of a small bar compared with the turnover of a large venue. This bill also allows for existing general bar hotel licences to be easily converted to a small bar licence. Members of the public want these types of establishments. They want to be able to have a casual drink, a conversation and an intimate environment within which to enjoy themselves.

This new category of liquor licence will benefit the entire State; it is not limited to the Sydney area. Once again it shows that this Government is listening to the people of New South Wales and to businesspeople who are trying to make a living. This bill opens up an avenue for a new small business sector and economy in communities across New South Wales. Jobs can be created and will be kept local as a result of this legislation. I acknowledge the Camden Liquor Accord with which I have been involved for many years. That fantastic liquor accord has a lot of initiatives and works well with police to ensure the responsible service of alcohol in the Camden community. I will mention those members of the Camden Liquor Accord who deserve recognition.

Dr Geoff Lee: Who are they?

Mr CHRIS PATTERSON: Would members like to be told who they are?

Dr Geoff Lee: Absolutely.

Mr CHRIS PATTERSON: They are Agostino Gattellari, Bringelly Cellars; Alan Moss, Camden Falcons Soccer Club; Sanda, Camden Sports Club; Daina Shaw, Crown Hotel; Darren Williams, Mount Annan Hotel; Dean Rossek, Dean's Liquor; Geoff Ferris, Buslines; Dean Kondic, Merino Tavern; James Easey, Barenz; James Gribble, Coles Liquor; Karen Morphett, Harrington Grove; Phil Lowe, WW Group; Lyndal Bruce, Belgenny Farm; Martin Sinclair, Camden Valley Inn; Matt Jeboult, Mount Annan Hotel; Matt Rogan, Crown Hotel; Matthew Wilson, Bohemian Euro Restaurant; Michael Singleton, Bistro Calavia; Paul Mingay, Narellan Motor Inn; Phillip Cleaton, Camden Golf Club; Reg Deane, Narellan Hotel; Russ Lowe from the newly renovated Plough and Harrow Hotel; Sue Black, Camden Rugby Club; Terry Kaperonis, Camden RSL; Michelle Kramer, Camden council; and Senior Constable Tom Cooper of Camden Police. They all uphold the law and ensure that good times can be had in the Camden area in a responsible environment.

My constituents will be offered another form of venue in which to socialise, and will know upfront what a small bar can offer them. Not only my existing constituents but also future residents of Camden will be able to enjoy this kind of venue in our area and all around the State. I commend the Minister for his initiative in introducing this bill, for all his hard work in his portfolios and for the thought that has gone into—

Mr George Souris: That's why you're such a good member.

Mr CHRIS PATTERSON: That is right. I commend the Minister for his wonderful efforts in ensuring that another sector of the market is available for people to choose from. I commend this good bill to the House.

Dr GEOFF LEE (Parramatta) [5.38 p.m.]: I support the Liquor Amendment (Small Bars) Bill 2013 which looks at ways of increasing the number of different types of outlets, that is, small bars with a capacity of 60 patrons or less. We are trying to appeal to those patrons who prefer a smaller and more intimate setting. I support the bill for a number of reasons. I acknowledge the comments of the good member for Camden who spoke before me and I reinforce his views. He said that individuals have the final responsibility if they want to indulge in excessive drinking. Individuals are responsible for the decisions they make. I commend the member for Camden for his contribution to this bill, in particular his comments as to how the positive aspects of this bill will affect the way in which people consume alcohol.

The bill offers an alternate social meeting point for those who want to share, for instance, a social and responsible drink with others in a safe environment. It provides also creative ways in which people can manage their businesses for entertainment and social experiences. The bill addresses the difficult area of large bars that are often criticised in the media for alcohol-fuelled antisocial behaviour and violence. No gaming machines will be allowed in these small bars. This will appeal to many in the community and go towards helping with problem gambling. Venues will be able to apply for a licence between 12 noon and 2.00 a.m. I understand from talking to police that in the witching hour from 2.00 a.m. to 5.00 a.m. people who have had too much to drink are the perpetrators or victims of crimes and antisocial behaviour. Importantly, the bill will be evaluated as to its effectiveness. The Government will then be able to tweak the legislation, if required, to better suit the outcomes it seeks to achieve.

As members well know, Parramatta is the capital of western Sydney. I note that the member for Penrith is nodding in furious agreement. I thank the member for Penrith and the member for Drummoyne for their support and acknowledgement that Parramatta is the capital of western Sydney. The Parramatta area has 153 licensed venues, some of which are very large. The question has been asked in my electorate as to whether we need additional licensed venues. It comes down to two things. First, it is up to an individual to drink responsibly. Secondly, it is about having the ability to change the style of entertainment and where people can drink. We are moving away from the larger bars. For instance, my electorate office in Parramatta is opposite a large venue that pumps loud music on a Friday night and where many people under the age of 25 are to be found—the member for Penrith would like me to name that venue but I would prefer not to. The bill is more than about changing the creative way in which alcohol can be provided; it is about giving small business owners the opportunity to diversify their business.

Members well know that throughout New South Wales small businesses are doing it tough, and western Sydney and Parramatta are no exceptions. Cafes open during working hours to cater for office staff but come 5.00 p.m. they close for the night. The bill will allow those cafes to better utilise their existing resources. A lot of people who work in Parramatta drive to work and as soon as they finish work they leave Parramatta. The Government wants to encourage people to stay longer and enjoy the local entertainment, and visit the many food and beverage establishments. People will then spend money in local venues, which will help the local economy. The bill will also help small business to diversify and employ more people. People need money to pay for their rent or mortgage, put food on their table, send their children to childcare centres and realise their dreams.

The Australian drinking culture appears to parallel the drinking cultures in Britain and the United States of America. The problem is not only licensed venues but also the consumption of alcohol by young people, and sometimes older people. It is a disappointing part of Australian culture that people choose to get a skinful, then fall over or have a fight. We must change that culture. It is left to the police in the witching hour from 2.00 a.m. to 5.00 a.m. to clean up the mess. It is not the fault of the police or the Government; it is the way the Australian culture has evolved over the past 50-odd years. One cannot regulate to control the behaviour of individuals—people are responsible for themselves—but we should be turning our attention to the media and who we portray as our leaders. This drinking culture will not change if our role models whom we idolise during the week then get drunk, fall over and cause trouble on the weekend. We have to change the way in which we portray our role models for future generations. We must show that it is not okay to go out and get drunk, fight or commit crime.

I support the bill because it will attract a different clientele to Parramatta. Not everyone wants to frequent large venues; some prefer a more intimate setting. The bill will help reduce alcohol-fuelled antisocial behaviour and violence. It will give cafe owners and small business owners who are doing it tough the opportunity to diversify their business mix. The bill will need careful monitoring. The legislation may need to be tweaked in the event of unanticipated consequences. As I said earlier, it is up to individuals to be responsible for how much they drink. People must stand up and say, "Yes, I drank too much." People who enjoy a drink, and do so responsibly, should not be penalised. The cosmopolitan city of Parramatta is leading the western Sydney economy and it hosts many festivals. I note that the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts is nodding in agreement. I take this opportunity to commend the Minister for his support of the many festivals held at Parramatta, including Parramasala and the Parramatta-Sydney Festival.

Mr ALEX GREENWICH (Sydney) [5.48 p.m.]: The Liquor Amendment (Small Bars) Bill 2013 creates a new type of liquor licence specifically for small bars with 60 patrons or less. Like the existing general bar hotel licence, small bars will not be able to sell takeaway liquor and, importantly, will not have gaming machines. Small bars first began appearing in Sydney in 2008 after widespread community campaigns—championed by my independent predecessor Clover Moore—for a more civilised kind of drinking culture through smaller venues. Prior to that Sydney's late-night scene was dominated by beer barns and large nightclubs. Since then around 70 new small bars have opened in the inner city. During this time we have also seen the inner city's night-time economy diversify with late night entertainment provided in our museums, galleries and libraries. Successful night-time cities offer a variety of entertainment catering for different tastes. They are also places where people feel safe. Without a diverse mix and with a reputation for drunken violence, an area will struggle to change as the two feed off each other.

I support the creation of a new licence category specifically for small bars. There has been concern that without a patron limit the hotel general bar and on-premise licences could allow venues to morph into different, particularly larger businesses without scrutiny. The fear is that what starts as a small restaurant that allows wine service without meals later becomes a nightclub, bringing new impacts. Providing a patron limit within the licence category reduces this risk. However, a small bar category will only woo new bar entrepreneurs away from existing licence categories if it is economically viable. I am not sure how the patron limit in the bill was determined as I understand there has not been consultation with the Small Bars Association on this matter.

The City of Sydney's Late Night Economy Development Control Plan includes a patron limit of 120 for small bars. This is considered small enough to limit the impacts but large enough to be economically viable. The business model is working and the new small bars have not been venues of drunken violence that police have had to attend. Time will tell if the new small bar licence category under this bill provides a new and successful business model. Small bar operators tell me that it will be difficult to attract investors to venues of only 60 patrons. If the new category does attract different venues, it will be a good thing. The bill exempts small bars from the liquor freeze, and this could enable an alternative to existing venues that are causing problems, providing opportunity for culture change.

The liquor freeze was initially introduced to curb the unsustainable growth in licensed premises that was having damaging impacts on residential amenity and putting an unreasonable burden on police and health resources. The aim was to provide respite from expanding late night alcohol-related activities and to prevent the proliferation of liquor venues to unsustainable levels. Last year the Government extended the freeze on Darlinghurst Road until 24 December 2015, and I pushed for an extension also on Oxford Street, Darlinghurst, to prevent rapid liquor outlet expansion there while restrictions were in place in Kings Cross. I welcome extension of the freeze on Oxford Street until 24 December this year in response to my concerns.

The major problem remains larger venues: the beer barns and nightclubs, not intimate small bars where responsible service of alcohol is more likely. I am concerned, however, that the bill does not require a community impact statement for small bars, which I believe it would be more useful to enable a higher patron limit while retaining this requirement. Instead of a community impact statement, small bars will be required to notify local police and the Director General of the Department of Trade and Investment of an application. The theory is that consultation and assessment already occurs when a development application is made, and because a small venue has less impact there is no need to double up on this process. While I support removing duplication, I do not believe that one process can completely replace the other.

The development assessment process is very different to the community impact assessment, with both being designed to capture information and limit impacts under different Acts. Development applications are assessed under the Environmental Planning and Assessment Act and councils will not be able to consider all issues relevant to the Liquor Act. Also, notifications vary from council to council, and the bill fails to require notification of all development applications with respect to small bars. In some council areas notification may not occur. I have been contacted by some inner-city residents who are concerned that without a community impact assessment small bars could accumulate in some areas with no powers to limit impacts. The Bureau of Crime Statistics data shows a strong link between alcohol outlet density and assaults. At present nothing has been published on concentrations of venues such as small bars.

One can conceive of a group of small bars purposely locating themselves in a particular area to create a precinct that has a competitive advantage over other areas. While councils are currently limited in their powers to control cumulative impacts, I understand that the Government is working on its cumulative impact study to identify the level and mix of venues that an area can safely sustain and to develop tools to prevent saturation. It is unclear how the environmental assessment tool, which is currently being trialled in the central business district, will apply to small bars, if at all. There is no question that licensed premises have the potential to create impacts.

Some people who are intoxicated create noise and engage in antisocial behaviour and sometimes violence. If venues are clustered together this can create a recipe for disaster. Anyone who watched *Four Corners* on Monday saw how damaging the impacts can be. While some venues such as small bars pose lower risks than others, all warrant public notification and assessment via a community impact statement to limit potential impacts. I hope the bill provides opportunities for a new drinking culture, particularly in the inner city, which continues to be plagued by drunken violence. What we need now are powers to limit saturation of venues in areas and a renewable permit system for liquor licences to encourage good management.

Ms GABRIELLE UPTON (Vaucluse—Parliamentary Secretary) [5.54 p.m.]: I welcome the opportunity to speak on the Liquor Amendment (Small Bars) Bill 2013, which amends the Liquor Act 2007 to introduce a new category of liquor licence for small bars across New South Wales. I welcome that initiative. Importantly, this bill also supports our Government's commitment to reducing alcohol-fuelled violence in our community, particularly in Kings Cross and on Oxford Street, which is close to my electorate of Vaucluse, as well as our commitment to diversify the offerings of licensed premises, licensed establishments, and to offer more intimate, smaller settings for people to partake in hospitality and drinking.

We know the particular challenges of Kings Cross. I have spoken of them in this Chamber on a number of occasions, particularly in relation to the Government's response last September to the increasing violence and drug-fuelled violence in Kings Cross. That is why we are committed to delivering a comprehensive suite of actions aimed at reducing alcohol- and drug-related violence and anti-social behaviour to make Kings Cross a safer, more enjoyable place to visit, live in and work. Specifically, this bill delivers on the commitment the Government made in September last year, which I mentioned. At that time the Premier, who was on site in Kings Cross, announced a whole-of-government response to the incidents in Kings Cross. That response was to introduce legislation to define a small bar as a bar catering for 60 or fewer patrons, and to ensure that all bars are subject to the same enforcement measures so there is no confusion about what is required by law.

We have already delivered a range of actions to combat alcohol-related violence and antisocial behaviour across New South Wales. Now we are delivering on our September commitment, the specifics on the small bar-related concept. The Liquor Act 2007 currently requires small bars to operate under a general bar hotel licence, but many of these general bar hotel licences apply to smaller venues that cater for fewer than 120 people. Under these existing arrangements, limits on patron numbers are generally a matter for local councils and their planning process, with a focus on factors such as venue size, building code requirements, proximity to residents in the neighbourhood and fire safety.

Besides these factors, there is currently nothing to prevent a general bar licence also being utilised for a nightclub or other type of licensed venue where the safety risks and risks of alcohol-related violence are generally higher, as we know through experience, evidence and research. The Government believes that creating a specific new small bar licence category will offer clarity about what a small bar is, which in turn will significantly help prevent the current practice where small venues morph into larger ones and the associated violence and anti-social behaviour that can come with the critical mass of people who attend these bars. The bill provides that a small bar licence limits a venue to 60 patrons or fewer. Smaller, more intimate venues such as small bars are safer than large-scale venues such as nightclubs.

The licence only allows consumption of alcohol on the licensed premises—prohibiting bottle shops and takeaway sales—and food must always be available on the premises. Gaming machines will be prohibited under this licence category. The venues must be open to the general public. Of course, minors will not be permitted within small bars during liquor trading hours. This bill provides that the temporary freeze on licences will not apply to venues seeking a small bar licence. Small bars outside liquor freeze precincts will automatically be authorised to trade between midday and 2.00 a.m. However, small bars in the freeze precincts of Kings Cross and Oxford Street, Darlinghurst will need to apply for an extended authorisation to trade after midnight. The bill also includes provisions that will allow existing general bar licences to be easily converted to a small bar licence, facilitating the process of more closely and cleverly defining a small bar.

These arrangements will also prompt investment in a different business model for licensed venues in New South Wales; in turn creating more diverse ways in which liquor can be sold—in this case, together with food—and supplied across New South Wales and also how licensed venues will operate in my local community in an adjacent State electorate. We recognise that incentives for operators to establish venues across New South Wales and take up this new small bar licence are important. The bill provides those incentives by making the application fee for a small bar licence 50 per cent of the amount prescribed for an on-premises licence. An application for an extended trading authorisation for a small bar will also be available at a reduced fee. Applicants for small bar licences will not be required to prepare a community impact statement as is required for higher risk applications applying to other types of liquor venues.

As a community protection mechanism, which is important to this initiative, planning guidelines will be issued to councils on how to deal with applications for a small bar licence. The guidelines will require councils to consider any submissions made by the police and liquor regulators. Applicants will be required to give the police and liquor regulators notice of their application for development approval within two working days. I note in the legislation that, if such notification is not given, a community impact statement will be required to make sure that the views of stakeholders and regulators are taken into account. It is important to note that Minister Souris, who was watching the passage of the legislation through the House, will review the legislation not in the usual five years that we sometimes see embedded in legislation, but in 2016. The review will determine whether the policy objectives that I have articulated are still valid to produce the desired outcomes in areas where there is a critical mass of drinking and entertainment, and whether the law we are proposing, which will go through this House and be approved by the upper House today, properly expresses that policy in a way that works.

The bill provides practical solutions to some of the issues we see in our local areas. We know that smaller, more intimate venues, like small bars, are associated with lower risks of alcohol-fuelled violence and anti-social behaviour, which have been the hallmarks of some of the attention this Government has had to deal with since September particularly and since winning Government in March 2011. We know that there are high risks with large-scale venues like nightclubs. The number of new small bar licences will grow and lead to a diversity of entertainment venues for the people of New South Wales to choose from in the busy places of Sydney like Darlinghurst and Kings Cross, as well as in other areas. This is a good thing for our local businesses, for the regeneration of community in Kings Cross and local areas, and for the local community.

The bill is a good thing not only for those from other areas of Sydney who come to enjoy the night-time activity, but also for the community. The provisions in the bill, as I am sure the member for Sydney will

endorse, will help to build a community; it plays to the strengths of Kings Cross and Darlinghurst—the community aspects—which are vibrant, but we need to give expression to that vibrancy by way of the small bar licence. The bill will do great things for the community that is adjacent to the electorate that I represent. The alcohol-related violence that we know comes with larger venues will be minimised by this initiative, and therefore I am very happy to support the bill. I commend the bill to the House.

Mr JAMIE PARKER (Balmain) [6.03 p.m.]: I am delighted to debate the Liquor Amendment (Small Bars) Bill 2013. I am broadly, along with my Greens colleagues, supportive of this bill. We see this as a step forward. I will be raising a few questions, but on the whole it is clear that the bill is moving in the right direction. The bill proposes amending the Liquor Act 2007, which was an important hallmark in the development of small bars, to introduce for the first time a new type of licence for small bars with patrons limited to a maximum of 60. This is to be implemented across the State, but has its origins in the Kings Cross Management Plan.

The conditions particular to small bars will be: Small bars will be defined as limited to a maximum of 60 patrons; new small bars will be allowed within liquor freeze areas such as Kings Cross; standard operating hours for small bars will be noon to midnight; for small bars outside of liquor freeze areas, extended trading authorisation is automatically granted until 2.00 a.m. and bars can apply to extend that until 5.00 a.m. Gaming machines will be prohibited, as we have heard. Development consent is required under the Environmental Planning and Assessment Act to use the premises as a small bar, and the local police and the director general are to be notified within two working days after application for the required development consent has been made. A three-year review is to be conducted, which is an important way to determine whether some of the factors in the bill that have been questioned are working, particularly the limit of 60 patrons.

I should note, and I have mentioned to the Minister, that in the electorate of Balmain—and this will not be a speech about how wonderful the electorate is—we have quite a few small bars, in particular at Glebe, Balmain and Leichhardt. There are small bars throughout the electorate—Vinoteca in Leichhardt is a new small bar, The Little Guy, Mr Falcon's and Sappho in Glebe, and Berkelouw Books is a great little wine bar in Leichhardt. I do not say that to talk about the electorate necessarily, but to say that my experience on Leichhardt Council—I was a councillor from 1999 and served as mayor from 2008 until I was elected to this place—demonstrated that there is a definite need for small bars. Areas in the Inner West, like Leichhardt, Glebe and Balmain, have significant problems with alcohol-related violence. I believe that this is an important part of solving that problem, but it is also an important part of promoting vibrancy and entrepreneurial approaches by people in our local community, and giving owners of retail properties opportunities to have a diverse type of investment with the fit-out and other things that go with a small bar.

I will talk a little about the history of the legislation, but to address any potential problems in the future, the legislation relies quite significantly on the Environmental Planning and Assessment Act. I understand Minister Hazzard is undertaking a very significant review of planning legislation in New South Wales. The Minister's office should ensure that there is good communication with the Minister for Planning and Infrastructure so that there are no unintended consequences with the significant review that the Department of Planning is taking. Minister Hazzard has entered into very broad-ranging consultations. Planning legislation is very complex, and I ask the Minister to take that into account—I suspect his department already has—so that people can have confidence that the planning review will not impact on the accountability and openness of the process when it comes to the main point of this legislation, and that is not to require the community impact statement. I have spoken to quite a few small bars in my area and other liquor outlets.

Often people do not understand that a community impact statement is not cheap. They can run to \$15,000. I have seen a community impact statement [CIS] that cost \$15,000 and I am sure many people have been involved in community impact statements. People have said to me it does not really matter if a community impact statement is involved, but it is really important, especially when it comes to inner-city communities. As I am sure the member for Vacluse will know, we have very engaged, active, vocal and well-educated people who will ensure that their voices are heard, and that the community is respected. The community impact statement can be a very difficult, complex process with a lot of submissions and a lot of expense, so we want to reduce the burden on small bar owners to ensure that those people who are engaging in the responsible sale of alcohol in these smaller environments can do so in a way that is not overly impeded by the requirements of a community impact statement.

It is important to mention the Lord Mayor of Sydney and former member for Sydney, Clover Moore, who carried the standard in 2007 when she tried to legislate the definition of small bars and advocated for

decreasing the licensing burden and so on, in particular application fees. As we know, that legislation was defeated, but the Labor Government introduced legislation with many similarities—the 2007 Liquor Act—which was a positive step forward. I acknowledge the role of Clover Moore, former member for Sydney, but also the former Labor Government, which was dragged into that position. This was a long time coming and, even when I was a councillor and the mayor of my council, it was recognised as something that was very important. The absence of a legislative definition led to the City of Sydney defining small bars as those having no more than 120 patrons. The Minister's presence in the Chamber for this debate is very positive and shows his commitment to this legislation.

The City of Sydney has used the figure of 120 patrons, and as the member for Sydney said the late night economy group that came together and looked at numbers came up with the figure of 120. The Government has decided on 60 and I understand it may be flexible about that number in the future. I encourage the Government and the Minister's department to be aware of this number and to consider whether it creates an impediment to businesses investing because it is too low. Time will tell. In my electorate, as I have told the Minister, I have a small wine bar—in fact I have two—which has the opportunity to have less than 60 patrons. They often have more than 60 patrons in terms of the spirit of the place, but 60 is the maximum number of people who can be in that bar.

In February this year the South Australian Parliament passed a bill legislating the definition of a small bar licence and capped it at 120 patrons. For the first 12 months small bars will be confined to the central business district after which they will be extended to other areas by regulation. In the South Australian Parliament the Opposition wanted the cap set at 80 patrons and the Australian Hotels Association wanted to set it at less than 100. That is significant because the Australian Hotels Association has typically not been the strongest advocate for small bars. It is something I hope the Government will look at closely and seriously because the sale of alcohol is a contested subject. We have been concerned about the role of the Australian Hotels Association and clubs and their response to alcohol-related problems. The *Four Corners* story has been mentioned. The Last Drinks campaign has some problems but there are many aspects of that campaign worth looking at to see how effective it has been, particularly in Newcastle.

Other members have said it is a matter of individual responsibility but we know that in Newcastle when trading hours were restricted there was a dramatic reduction in assaults. We know that changing regulations can make a difference. I encourage the Government to continue to look at ways in which we can minimise the negative impacts of alcohol, particularly antisocial behaviour and a whole range of effects that are present in the community. It is important that we try to promote diversity through this legislation. I look forward to the time when we do not have this proliferation of beer bars and the culture we have talked about but have strong regulations to ensure that while alcohol can be enjoyed it should not be abused. In several European countries there is less of a culture of people drinking until they get drunk.

In conclusion, The Greens support the bill. We recognise the work that has gone into this legislation. This is probably an enjoyable part of the Minister's portfolio compared to some other areas, but we acknowledge that this legislation is a step forward. We look forward to further discussion on the two matters I mentioned—looking at the Environmental Planning and Assessment Act to ensure there will be no unintended consequences from the Minister's review and the issue of whether the number of patrons should be 60 or 120. The question has been asked about how the figure of 60 was arrived at. We also need to ensure that if there are options to change that number in future, the Government and the department should take them. I thank the Minister and his departmental staff who do a heck of a job and have worked very hard to get the bill to the House.

Mr ROB STOKES (Pittwater—Parliamentary Secretary) [6.13 p.m.]: I make a brief contribution to the Liquor Amendment (Small Bars) Bill 2013. I thank the Minister, his staff and the departmental staff for preparing a very well thought out bill that provides for a sensible clarification of the law relating to different types of licensed venues. In particular I refer to the need to clarify what is meant by a small bar and to give a broader and more diverse range of options to licensed venues to satisfy the demands of different groups of patrons.

The objective of the bill is to provide for a new type of liquor licence for small bars that will authorise the licensee to sell liquor by retail on licensed premises in accordance with stipulated conditions, which, as other members have pointed out, include that liquor must be consumed on the licensed premises. Bottled alcohol and takeaway sales will be prohibited under proposed section 20A. Proposed section 20C provides that liquor can be sold only if there are no more than 60 people on the premises. The small bar must be open to the general public and food must be available. As the Minister made clear in his second reading speech and in the explanatory notes to the bill, gaming machines will not be permitted to operate on the premises.

The bill builds upon the Liquor Act 2007 by creating a new specific small bar licence category that will provide clarity about what a small bar constitutes and help ensure that venues established as small bars do not morph into a larger or broader model than originally designed. This issue has been raised by constituents in my community of Pittwater who have had concerns and fears that an application for what they understood to be a small bar might turn incrementally over months and years into a giant liquor barn. The bill seeks to clarify that a small bar is to be exactly that: a small bar. My community has legitimate concerns relating to liquor that need to be addressed and that is why I am pleased the bill addresses those concerns.

Historically we have had a huge problem with liquor hot spots throughout Pittwater, as have many beachside communities in New South Wales. Mona Vale, Avalon Beach and Narrabeen in particular have had some significant problems with alcohol-fuelled violence and other anti-social behaviour. Malicious damage is also a real problem and the council is left to clean up after big nights in the streets of Mona Vale, Avalon Beach and Narrabeen in particular. There are specific issues associated with groups congregating around large licensed venues. Despite the efforts of our community's larger venues, problems naturally arise with larger groups of patrons in alcohol-related environments and it has always been thus. There have also been some significant public transport challenges associated with big centralised venues. Moving large numbers of patrons away from licensed venues has been a problem for public transport, the local council and the police.

Trying to ensure there are significant public transport opportunities around those large licensed venues has been a problem. This legislation is a way of countering some of those concerns. I congratulate Jay Zmijewski, the bus depot manager at Mona Vale for Sydney Buses, who has done a terrific job in the past in ensuring there has been sufficient public transport to some of the bigger venues. This bill is about smaller venues. One of the big problems with larger venues has been underage people. They have not been able to enter the premises—the venues have been pretty successful in ensuring they do not get in—however they congregate outside the large venues, which have acted as honey pots. These children are quite unsafe. They are not protected by the security available inside the larger licensed venues and there are some significant risks associated with underage drinkers congregating around them. That is another reason to encourage a shift in culture towards smaller venues for those who desire a different type of drinking experience.

Our community, including our local police, councils and small business owners have encouraged all sorts of measures aimed at countering alcohol-related violence and anti-social behaviour. I note the work of Northern Beaches Superintendent Doreen Cruickshank, the Mayor of Pittwater, Jacqui Townsend, and the former mayor, Harvey Rose, Lindsay Godfrey and his team at Pittwater Council, especially Melinda Hewitt, and the Mona Vale Chamber of Commerce. Based on the evidence we have from Pittwater it is very clear there is a need for diversity of options for patrons. People want smaller alternative venues where they can enjoy a drink rather than the big pubs and clubs. There is a clear demand for it and it stands to reason. As other members have pointed out, smaller more intimate venues will generally have lower risks associated with them.

The bill is all about changing the culture by providing places for pre-dinner drinks, meetings or casual get-togethers away from the busy atmosphere often associated with larger pubs and clubs. It provides for diversity and a mix of licensed establishments. We have had some great experiences with small bars in Pittwater, and this has allayed some of the community's fears about a proliferation of venues. In particular I recall the Park Street Social Club in Mona Vale operated by Michelle Glew-Ross, which was an enormously successful small bar. There were no gaming machines, it was an intimate venue and it was very popular with a different type of clientele from that at the Mona Vale Hotel down the road. I cannot remember a single problem associated with the operation of that bar. It was a wonderful ambassador for what can be achieved with a small bar in the right location with a supportive community.

There is provision in this legislation that enables small bars to be open until 2.00 a.m. That needs to be closely monitored. I note that the independent authority has powers to monitor those hours. For example, an application may be refused if a venue is situated close to residential areas because a closing time of 2.00 a.m. in such a location would be inappropriate. In the ordinary course of events, these bars have to go through the same development approval processes as any other development. Communities will have the same right to be involved in the discussions concerning the appropriate locations and conditions of these establishments. I encourage communities to be actively involved to ensure that their views are heard.

One concern to be kept in mind is that the aim of this legislation is to get away from the bigger venues. We need to be aware of the fact that we may not want a congregation of five or 10 small bars in close proximity to each other. No doubt the cumulative effect of a number of small bars in the same vicinity is something the

appropriate consent authorities will consider. Nevertheless, we want to activate sleepy town centres to ensure that there is a vibrant atmosphere and there are opportunities for people to enjoy a night out in a safe environment, particularly in areas that are distant from the central business district such as Pittwater.

Under proposed section 40, this bill provides for the Minister to review this legislation in 2016 to determine whether the policy objectives remain valid and that scope exists for regulatory change within the Act to reduce or increase the number of patrons that may be on the premises of a small bar. This important provision ensures that the legislation will be appropriately monitored. It provides some wonderful opportunities. It is a great way to move away from the big drinking bar culture and move towards smaller more intimate venues that provide opportunities for a different range of patrons.

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

[Acting-Speaker (Mr Lee Evans) left the chair at 6.22 p.m. The House resumed at 7.00 p.m.]

PRIVATE MEMBERS' STATEMENTS

ERA SURF LIFE SAVING CLUB

Mr LEE EVANS (Heathcote) [7.00 p.m.]: I am proud to congratulate the members of the Era Surf Life Saving Club on the completion of their major club upgrade. Era is a small bay within the Royal National Park and home to a thriving heritage shack community. Many of the shacks were built during the Depression by people who struggled to find work or to make do with what little income they could muster. The surf life saving club was established in 1938 and the clubhouse has been built and rebuilt four times by members of the community after severe storms levelled the previous structures. This is remarkable given that every brick, every beam and every bag of cement needed to be carried down a 2.5-kilometre steep and challenging bush trail by hand. There is no road access and the sea is usually far too rough to allow for safe landing or unloading. Members even struggled to carry down kerosene generators and a fridge using a makeshift stretcher. The club has no running water or electricity and it receives no funding from the local council or the National Parks and Wildlife Service. Many of the 65 active members travel from as far away as Liverpool to hike the trail and perform their patrol duties.

The old clubhouse was a simple structure that served its purpose, but it had deteriorated below the minimum requirements for a surf lifesaving facility. Volunteers patched the roof and repaired everything possible, but a new building was needed desperately. I visited Era with club president Mark Wood in 2011 and agreed to lobby the Government for funding to assist with the planned redevelopment. The project was especially important because the building is considered to be the heart and social hub of the heritage shack community. It is the home of Era's only television—they really do rough it—so naturally the entire community gathers there for major sporting events. I have never seen anything like it. Many wayward backpackers have stumbled on this scene at night after embarking on a bushwalk far too late in the day. I can imagine their surprise to find a warm welcome and cold beer after hours of trekking through the dark, dense bush.

I am very proud to say that the New South Wales Government has provided \$146,000 for the project through the Surf Club Facility Grant program and \$15,000 through the Community Building Partnership program. That was 75 per cent of the \$200,000 needed for construction. A helicopter was required to airlift all building materials and I was fortunate enough to watch as it made more than 60 trips along the coast and down into the valley each day, carrying almost one tonne of cement and other materials on each trip. Despite its relative isolation, Era beach attracts a large number of visitors and beachgoers during the summer months and the volunteers at Era provide vital lifesaving services. The difficulty of this project and the ingenuity it required is a testament to the passion and dedication of the surf lifesaving volunteers at Era. We are lucky to have men and women willing to sacrifice their time and to put so much effort into volunteer lifesaving, but these individuals have gone truly above and beyond the call of duty.

The new club, which has just been completed, includes a first-aid room, training area, gear shed, radio room, solar power, eco-friendly toilets and water tanks. It has been designed in a way that is sustainable and sensitive to the surrounding landscape. I am certain that it will help the club to continue to attract new members. I look forward to attending the official opening over the Easter weekend. As I said, the volunteers at Era provide vital lifesaving services to a large number of visitors and beachgoers who are attracted to Era beach during the

summer months, despite its relative isolation. I am proud that this Government has supported the extraordinary hard work and dedication of these volunteers with the standard of facilities they deserve. I congratulate Era Surf Life Saving Club on its seventy-fifth year and I wish it all the very best for the next 75 years.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [7.05 p.m.]: I congratulate the Era Surf Life Saving Club on completing this major upgrade. This story epitomises the hard work that volunteers do in the community of the member for Heathcote. I also congratulate him on providing \$15,000 to the club through the Community Building Partnership program. That money has benefited an organisation of volunteers and it will assist them to provide a better facility for the community. The refurbished facility will attract new members to the club. I am sure that the member's community is very proud of what he has achieved and that the opening of the new clubhouse will be a memorable event.

YFUTURES PROJECT

Ms TANIA MIHAILUK (Bankstown) [7.06 p.m.]: I draw the attention of the House to an important initiative in the greater Bankstown area. As members know, I serve as shadow Minister for Youth, and in that role I was delighted to attend the recent launch of the YFutures project. This is a worthwhile, Bankstown-based initiative aimed at assisting vulnerable youth in our community. Bankstown has a diverse community that prides itself on giving people a fair go. It has given thousands of people from all different ethnic and language backgrounds and of diverse faiths the opportunities they needed to build a great life for themselves. However, sometimes people need a little extra assistance, and that is why it is important that we have projects like YFutures to give vulnerable youth, in particular, the additional help they need. YFutures is a joint initiative of YFoundations and Saint George Community Housing.

I take this opportunity to commend both these organisations for the work they do in Bankstown. I acknowledge Nazha Saad, the Chief Executive Officer at St George Community Housing, and Catherine Francetich, the Project Development Manager at YFoundations, who both attended the launch. I also acknowledge Francis Brazil, the project coordinator of this initiative. Saint George Community Housing Ltd is a leading provider of social housing in south and south-western Sydney. As members are well aware, social housing is an important factor in improving housing affordability in New South Wales. YFoundations is the national peak body for youth homelessness. Its aim is to create a future in which there is no youth homelessness. Earlier this month, the New South Wales Opposition held a summit on housing affordability at Parliament House.

I acknowledge the hard work of the shadow Minister for Housing, the Hon. Sophie Cotsis, in organising the summit. During the summit we heard from industry, community workers and organisations, unions and other stakeholders to better understand the major problem of housing affordability and the potential for solutions. We all know that there is a housing affordability crisis in New South Wales. This issue affects people at all levels of society but, as is all too often the case, it is the most vulnerable in our society who are worst affected. Like at any good policy summit, diverse opinions were expressed. However, one of the few areas of broad consensus was the need to address the underlying factors that are causing and exacerbating homelessness in New South Wales.

During my time as Mayor of Bankstown I oversaw the writing of the report entitled, "Where the heart is: Homelessness in Bankstown". A key outcome of this report is the complexity of the issue of homelessness, which was addressed at the launch of YFutures. On any given night in Australia some 105,000 people are homeless, nearly half of whom are under the age of 25. That is why I take this opportunity to acknowledge this project and its value. My electorate is a key growth area in south-west Sydney and we are feeling the brunt of the housing affordability crisis. I welcome the YFutures initiative for addressing this important issue in our community. YFutures is a mentoring program involving 30 young participants who live in the Bankstown local government area. The 30 participants include 15 who are in their final year of education and 15 jobseekers. They will be mentored by 32 community workers from organisations throughout the Bankstown area and south-western Sydney.

These mentors, who received special training before the commencement of the program, are volunteering their time, services and skills. We all know from our experiences in life that when young people are facing difficult times it is wonderful for them to be mentored by somebody outside their family who can provide a different perspective on how to handle life and perhaps advance their careers and also embrace other educational opportunities. The project is funded through the Local Solutions Fund, which is administered by the

Federal Government. It aims to encourage young people, both those at school and those seeking paid employment, to take up opportunities for their future. I wish all participants great success, and I look forward to hearing more about this project down the track.

MYALL LAKES ELECTORATE EMERGENCY SERVICES VOLUNTEERS

Mr STEPHEN BROMHEAD (Myall Lakes) [7.11 p.m.]: I pay tribute to volunteers in the Myall Lakes electorate. Summer is almost ended, but during the summer months we sometimes experience drought and certainly bushfires and floods. The Myall Lakes electorate is no different from many other regional electorates that suffered during the summer break. There were several significant bushfires and numerous small fires in the Myall Lakes area, and volunteers from the Rural Fire Service did an absolutely fantastic job—particularly in responding to two major bushfires at Green Point and Coomba Park. Helicopters were hovering and Rural Fire Service volunteers came from all parts of New South Wales. It was amazing to be in Forster-Tuncurry and see trucks coming from all over New South Wales to help fight those fires. Luckily, no lives were lost.

At the beginning of summer last year there was a major fire in the Yarrat State Forest in the Yarrat Road, Lansdowne, area. Helicopters were also used to fight that blaze and Rural Fire Service volunteers again did a fantastic job. They spend their time fighting fires to save the homes of others often at the expense of their own homes, which are burnt to the ground. That happened again this summer. A couple of weeks ago I had the privilege to speak to volunteer firefighters from the Rural Fire Service and also volunteers from the State Emergency Service in the Manning and Great Lakes area. I spoke to two crews from Diamond Beach and Marlee. The Diamond Beach crew assisted me when I was involved in a motor vehicle accident a couple of years ago. That crew not only fought fires in the Manning Valley and Great Lakes area but also attended the fires at Coonabarabran. These volunteers from a beachside village travelled to Coonabarabran, arriving at 5.00 p.m. Despite not knowing the area, they remained to fight the fires until 5.00 a.m. They told me the Coonabarabran blaze was the biggest and most dangerous they had fought for a number of reasons, one of which was the lack of controlled burns in the off season that would have lessened the impact of the major bushfire.

I also pay tribute to the State Emergency Service. Myall Lakes was very lucky this summer and suffered only minor localised flooding—certainly nothing like the flooding that occurred at Port Macquarie, Kempsey, Grafton and other places further north. The State Emergency Service was ready, willing and able to assist, and once again volunteers put their lives at risk to help others in the community. People in regional areas cannot thank the volunteers enough. They do a phenomenal job for the community while putting their own lives at risk. I also thank their families, who keep the home fires burning and often assist by cooking and providing sustenance to the volunteers when they come off the fire fields or return from flooded areas. I put on record my thanks and that of the Myall Lakes community to those many volunteers.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [7.16 p.m.]: I thank the member for Myall Lakes for highlighting an issue that is important to the whole State: the contribution of volunteers in each and every one of our communities. We cannot put a monetary figure on their contribution because, at the end of the day, governments could not provide the assistance that they offer our communities. Volunteer organisations and people simply lend a hand during times of crisis. The fires at Coonabarabran, which is close to my electorate, destroyed more than 50 homes. I congratulate the volunteers in my electorate on raising funds and collecting whitegoods. In one day they auctioned items and sent the proceeds to the local council to assist the many families in need.

WESTFIELDS SPORTS HIGH SCHOOL GOLDEN JUBILEE

Mr GUY ZANGARI (Fairfield) [7.17 p.m.]: On Saturday 9 February I attended the golden jubilee of Westfields Sports High School. The occasion was marked with an open day at the school's Hamilton Road campus at Fairfield West, followed by an anniversary celebration dinner held in the Millennium Room at ANZ Stadium. Westfields Sports High School was established in 1963 as a public high school to service the education needs of students in the Fairfield local government area. The school was opened by none other than the Hon. Gough Whitlam, the twenty-first Prime Minister of Australia. The founding principal, Mr Phillip Tucker, had a vision for Westfields: He wanted to establish it as a school that could give any young sportsperson a pathway to develop their talent. On 24 April 1991 Westfields was declared a sports school, the first of its kind in Australia. Its sporting program became a springboard for many young athletes to gain entry into the Australia Institute of Sport to further hone their potential to become elite and professional athletes.

Its success is demonstrated by the school's alumni, which is a list of some of Australia's greatest sporting talent. Many of its former students are at the top of their chosen sporting discipline. The Westfields Sports High School alumni roll call includes: Michael Clarke, Australia's cricket captain; Usman Khawaja, Australian test cricketer; Dani Samuels, 2010 discus world champion; Jarryd Hayne, Luke O'Donnell, Trent Jennings and Corey Payne, professional rugby league players; and Amanda Pascoe, swimmer. Harry Kewell, Alex Brosque, Jacob Burns, and Michael Beauchamp, who is now the captain of the Western Sydney Wanderers, are all former students of the school who at one stage wore the green and gold for the Socceroos. Another former student is Fabrice Lapierre, the 2010 Delhi Commonwealth Games long jump gold medallist and the 2010 World Indoor Long Jump champion.

These names are just a small sample of the many students from Westfields Sports High School who have gone on to become elite athletes. So successful is the school's sporting program that a student of the school will only be recognised in the school's hall of fame once they have represented Australia in their chosen sporting discipline. Westfields Sports High School is world renowned. In 2008 the International Olympic Committee recognised the school with a special sport and youth trophy for its involvement in producing many Australian Olympians. However, to say that the Westfields Sports High School has only contributed to the Australian sporting sphere is misleading. The alumni of Westfields Sports High School have made their mark in many other arenas and facets of Australian society.

In the world of academia, Professor Denis Evans is a professor of chemistry at the Australian National University. He too attended Westfields. And in this very arena, the Legislative Assembly of the oldest Parliament in Australia, former Labor Minister Joe Tripodi hailed from Westfields Sports High, as well as that other stalwart of the State Labor Party, the Opposition Whip, Richard Sanderson Amery. The current and former students and staff of Westfields Sports High School have a great deal to be proud of. As the member for Fairfield I thank the Westfields school community for its contributions to my electorate. I congratulate Mr Roger Davis, the school's principal, and the staff and students both past and present on the celebration of the school's golden jubilee. They have certainly given the community of Fairfield a great sense of pride. I congratulate them on the fiftieth anniversary of their outstanding school.

BATHURST ELECTORATE COMMUNITY TRANSPORT

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [7.22 p.m.]: It is my pleasure to commend all those involved in community transport in my electorate. I also congratulate the Minister for Transport, the Hon. Gladys Berejiklian, on the recent injection of an additional \$83,000 of much-needed funding to community transport in the Bathurst electorate. I will outline where that funding will be allocated. The Bathurst Regional Council area will receive an additional \$11,803.76 and Blayney Shire Council will receive an additional \$7,806.27. The Lithgow Council area will receive an additional \$13,211.54, Rylstone Community Transport from the Mid-Western Regional Council will receive \$6,768.21, and Oberon Community Transport from Oberon Council will receive \$17,345.21.

Community transport is a fantastic initiative and an essential service for communities in rural and regional New South Wales. The service is provided to the frail, the elderly and people with severe or profound disabilities. It is also available to younger persons and carers. It is a door-to-door service with buses or vehicles picking up people from their homes and taking them to their medical appointments or downtown for shopping. In rural and regional communities people cannot catch a train or hop on a bus that passes by their house. For people who are disadvantaged or do not live close to public transport, community transport is an essential service. The transport picks them up at their door and takes them directly to their destination. Many rural and regional electorates have small villages located away from the large regional centres. Community transport also services these smaller villages and takes people into town to attend medical appointments and do their shopping.

In the past 12 months Oberon Community Transport Service was given a new van, which was much needed by that community. The van has ensured that the organisation can continue to provide its vital service. Last year on a visit to Lithgow I gave them an extra \$2,000. This year I announced that they will receive an additional \$13,000. That will be an absolute boon to the community transport service in that area. They know that this Government is delivering for the people of our electorates. A commitment of \$2 million has been made to community transport across New South Wales and the Government has committed to increase funding by \$12 million over the next four years.

The community transport service at Bathurst picks up people at the local hospital and transports them to the major hospitals in the Sydney metropolitan area. That much-needed service allows people to access

facilities that are not available in rural and regional New South Wales. The community transport at Lithgow services not only the main town but also many of the surrounding villages, such as, Glen Davis, Capertee, Meadow Flat, Hampton, and all the areas in between. I congratulate all the volunteer drivers, who give up their time to assist the community. They receive nominal pay, but they are committed to their job. I know that the people they assist are grateful for the service they provide.

TRANSPORT INFRASTRUCTURE FUNDING STRATEGY

Mr JOHN SIDOTI (Drummoyne) [7.27 p.m.]: I have met many interesting people in my nearly two years in this place and indeed in my lifetime in Drummoyne, undoubtedly one of the most beautiful electorates in Sydney. When we take the time to smell the roses we realise that some of our best resources are in our own backyards. One of my best resources is my constituents. One such constituent is Mr Ian Spring, who holds a Bachelor of Economics with Honours from the University of Sydney. Ian is a retired economist with life experience and credibility and a good business mind. As the Parliament was debating a bill relating to the Small Business Commissioner, I thought that some of Ian's theories were worth mentioning. Ian describes his process as "a safe borrow and build program to double spending on transport infrastructure". There is no doubt that our poor transport infrastructure is making productivity growth flounder and in many cases ruining people's lifestyles.

Traditional ways to fund infrastructure are drying up. In the borrowing process the net national debt should be kept at roughly 10 per cent of gross domestic product. Gross domestic product grows regularly at more than 6 per cent per annum, part real growth and part inflation. Ian Spring works on the theory that as the economy grows the Federal Government should borrow enough each year to maintain the debt at 10 per cent, and it should then commit the new borrowings to capital spending, principally on transport infrastructure. Both debt and debt servicing costs would stay in the same proportion of gross domestic product as they are at present.

Ian Spring's "borrow and build" program would generate an extra \$9 billion for infrastructure in the first year and total funds available for spending would grow, in current dollar terms, to \$45 billion in five years, \$100 billion in 10 years and around \$230 billion in 20 years. With extra funding from ongoing Federal expenditure and some State and private sector investment, this could easily lift to at least \$300 billion, which would be enough to fix almost every transport infrastructure woe. Infrastructure Australia estimates that \$80 billion is needed for priority major national roads and rail and freight-handling assets. That does not take into account an extra Sydney Harbour crossing, a high-speed Newcastle-Sydney-Wollongong rail link and other projects. Those major infrastructure projects would total in excess of \$150 billion, which traditional methods leave no hope of funding.

As Ian explained, the beauty of the program is that it would be easily subjected to a transparent public audit to ensure that funds were properly committed to long-term capital expenditure. I do not need to talk up the benefits of extra productivity, jobs, employment generation and the creation of new industry. This State's infrastructure problems can be traced back to events that occurred 70 years ago. After World War I the States had income-taxing powers and primary responsibility for infrastructure. When new infrastructure boosted State economies and lifted State income taxes there was an effective offset to borrowing costs. In the 1930s some States, New South Wales in particular, were able to borrow and build huge projects, such as, the Sydney Harbour Bridge.

Australia's problems with infrastructure began in 1942 when the Curtin Federal Government temporarily took over all income-taxing powers as a wartime measure. After the war, despite protests from the States, it became permanent. Then came the big mistake, namely, the primary responsibility for providing infrastructure was left to the States. Stuck with the responsibility but without the necessary concomitant taxing powers, the States have floundered ever since and 70 years of under-investment has left us in our present situation. I urge members from both sides of the House to embrace this proposal and to lobby their Federal colleagues to at least consider it. I have a detailed copy of it if anyone is interested. I thank Ian Spring for his wisdom, foresight and contribution to society at a time in his life when he could be doing other things.

Private members' statements concluded.

CIVIL AND ADMINISTRATIVE TRIBUNAL BILL 2012

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

CRIMES (SERIOUS SEX OFFENDERS) AMENDMENT BILL 2013**Second Reading****Debate resumed from 20 February 2013.**

Mr PAUL LYNCH (Liverpool) [7.33 p.m.]: I lead for the Opposition on the Crimes (Serious Sex Offenders) Amendment Bill 2013. The Opposition does not oppose the bill, although it reserves its position to move amendments in the other place, particularly in relation to the review process of the bill. The objects of the bill are:

- (a) to provide for the continued supervision and attention of high-risk violent offenders in appropriate cases (in addition to serious sex offenders, as is presently the case), and
- (b) to permit orders to be made for the continued supervision and attention of an adult offender convicted of an offence as a child in appropriate cases.

The bill has been introduced to expand a currently existing scheme that allows the Supreme Court, on application by the State, to order the continuing supervision or detention of sex offenders, as defined in the legislation. The bill proposes the extension of this scheme to apply to those described as "high-risk violent offenders" and to people convicted as children in adult courts. The principal legislation was established by the former Labor Government. The genesis of the bill is made clear in the introduction to the NSW Sentencing Council's report entitled, "High-Risk Violent Offenders—Sentencing and Post-Custody Management Options".

In April 2010, following a direction from then Premier Keneally, Corrective Services NSW undertook an audit of all Serious Offenders Review Council-managed serious offenders in custody to identify those who persistently refused to engage in rehabilitation and to determine if a continuing detention scheme should be implemented. The audit occurred at the same time as the departmental review of the Crimes (Serious Sex Offenders) Act. The outcome of the audit and review was a recommendation that the issue be referred to the NSW Sentencing Council.

It is worth extracting that history from the Sentencing Council report because the Attorney General made significantly different comments in question time last week—indeed, his comments were inaccurate and disingenuous. The Sentencing Council delivered its report in May 2012. The 10-month delay in introducing this bill suggests a distinct lack of enthusiasm or, at least, certainty by the Government on this topic. The bill applies the scheme to those convicted of a "serious indictable offence", which is defined as an indictable offence punishable by imprisonment for a term of five years or more, that offence having caused death or grievous bodily harm. The order for extended supervision or detention can be made by the Supreme Court if the person's conviction is in that category and the court is satisfied to a high degree of probability that the offender poses an unacceptable risk of committing a serious violent offence if he or she is not kept under supervision or detention.

The definition of "serious indictable offence" includes conduct causing grievous bodily harm either intentionally or recklessly and also extends to attempt conspiracy and incitement. The scheme also includes within it persons who were children at the time of the offence. Orders can only be made against adults and only against those who were children sentenced in adult courts. Orders from the Supreme Court can only be obtained by application by the State. The court may make interim orders, a supervision order may be revoked and the Act is to be renamed. Proposed section 32 of the bill provides for the review of the Act by the Minister three years after the date of assent. That provision is wholly inadequate. In my view, given the seriousness of the legislation, a far more robust review is necessary.

In many ways the philosophy behind this legislation is a dramatic step away from the traditional rule of law in this jurisdiction. Preventative detention or internment is something rarely seen except in times of war or in counterterrorism legislation. Equally, when a person is sentenced and their sentence is completed, there is no further punishment normally permitted. Anything else flies in the face of the principle of finality in justice. Indeed, in a sense, one could now say sentencing is merely provisional in the cases to which this applies. Granted those significant divergences from traditional principles in the scheme, a proper review of the Act will be absolutely necessary in due course. Severe reservations have been expressed about aspects of the scheme—indeed the entire scheme itself—by the Law Society of New South Wales. Mr John Dobson, the Law Society's president, sent me a letter dated 25 February 2013 setting out the Law Society's concerns. Mr Dobson states:

The Law Society's Criminal Law Committee and Juvenile Justice Committee (the committees) are completely opposed to the introduction of continuing detention and extended supervision for high-risk violent offenders. The committees are strongly of the

view that continuing detention should not be adopted for high-risk violent offenders. Detaining a person beyond the maximum sentence imposed by the sentencing court offends the fundamental principle of proportionality. The original sentence imposed reflects the synthesis of all of the purposes of sentencing (section 3A Crimes (Sentencing Procedure) Act 1999), including punishment deterrence, denunciation and protection of the community from the offender. Continuing detention undermines the established principle of finality in sentencing (subject to appeals), and has the practical effect of eliminating the relevance of the sentencing judge's decision altogether. Continuing detention amounts to a new punishment beyond that already imposed in accordance with law, in the absence of a new offence or conviction on the basis of an assessment of future offending.

The letter also points to the notorious difficulty of predicting an offender's future conduct. This is exacerbated among violent offenders as opposed to sex offenders because there is no common thread amongst that group. The Corrective Services NSW audit found the group to be extremely disparate. Mr Dobson continues:

The committees are of the view that it is not possible to identify who should be included in the category of high-risk violent offender, either at the initial sentencing stage or while the offender is in custody. This gives rise to further concerns that the attempt to define high-risk violent offenders will result in net widening.

The society also expressed other reservations:

The plans to enact this legislation followed the publication of a report by the NSW Sentencing Council recommending that the Government introduce continuing detention and extended supervision for "high-risk violent offenders". However, it should be noted that the Sentencing Council lacked unanimity in putting forward this recommendation.

The inclusion of people who have been convicted of relevant offences committed as a child was not recommended in the Sentencing Council's report. There would appear to be no good reason why the legislation has been extended to include offences committed by juveniles and the Committees adamantly oppose the inclusion of juvenile offences. The proposal is contrary to well established sentencing principles relating to children in New South Wales.

The society also makes some interesting points about the scope of the scheme:

The Committees are extremely concerned that the legislation extends to offences involving recklessness under S 35 (1) and (2) of the Crimes Act 1900 ([in] proposed Section 5A (1)). Recklessly inflicting grievous bodily harm is far too low a threshold. Statistics from the Judicial Information Research System show that there have been 253 cases under S 35 (1) and (2) in the last 4 years.

It should be noted that the Sentencing Council states in its report on the issue at paras 2.50-2.51:

Framing a scheme in terms that would capture a broad range of offences that might have some connections with serious violent reoffending, risks being unwieldy and could result in a broader reach than is justified

The society also states:

The proposed legislation does not restrict its reach to a truly dangerous group of offenders; its reach is far too broad. A much higher number of offenders will be categorised as "high risk violent offenders" than "high risk sex offenders" which will result in significant widening. The original Crimes (Serious Sex Offenders) Act 2006 was aimed at the discrete areas of sex offences, and was justified, in part, because it was aimed at a relatively limited type of offence.

The Committees have concerns with the proposed test for determining whether an offender is a "high risk violent offender". The effect of proposed section 5E (3) is that an "unacceptable risk" can be proved on less than the balance of probabilities. The Committees submit that proposed section 5E (3) should be deleted.

Combined with the unsatisfactory safeguard in 5E (3), there is a real risk that this legislation will target a group of offenders completely outside the intended target group. Given that this legislation authorises the continued detention of people based on assessments of future dangerousness and generally against all existing sentencing principles then special caution should attach to defining the group of offenders who may fall within this definition.

The Human Rights Committee of the Law Society also has expressed its reservations about the scheme:

The Human Rights Committee (HR Committee) endorses the position of the Criminal Law Committee and the Juvenile Justice Committee and would like to raise additional concerns from a human rights perspective. The HR Committee submits that the legislation appears to involve double punishment, arbitrary imprisonment and detention of a person based on what could only be an educated guess as to their future likely conduct. Further the HR Committee submits that the legislation involves additional punishment despite the new legislation not being in existence when the person was initially sentenced, for the period after it comes into effect.

That committee's view is that the legislation amounts to a breach of the International Covenant on Civil and Political Rights. Some of the problems to which the Law Society refers are well and truly highlighted by the Sentencing Council's report. It very clearly concedes just how difficult predictions can be. At paragraph 2.88 it

acknowledges that "... by any measure, there are substantial numbers of 'false positive' and 'false negative' predictions of risk". There is no definite system of risk management and risk assessment. Predicting violent reoffending is, according to the Sentencing Council, particularly difficult. At paragraph 2.106 the report states:

Little is known about the validity of risk assessment tools when used to assess a population of people who have been detained for many years.

That point is also conceded by academics such as McSherry, Keyzer and Freiberg, all of whom were referred to by the Attorney during his second reading speech. Those issues are tied in with the uncertainty of the size of the group. The Sentencing Council does not know how many the scheme might actually involve. Fourteen inmates were identified by the Corrective Services audit. However, the audit considered only inmates within the last three years of the expiration of their non-parole period. Obviously there are a significant number of other prisoners in the system. The difficulty in assessing risk also leads to uncertainty about the numbers. At paragraph 2.120, the Sentencing Council reported the total number within the New South Wales system might be expected to range from seven to 139. The factors and opinions I have stated are reasons to ensure that a thorough, rigorous and robust review is carried out of the operations of this legislation after it has been implemented. Before that point is reached, the Attorney must respond to the issues raised by the Law Society: That would seem to be an appropriate role for the Attorney.

The Attorney should also indicate what is proposed to be done with the recommendations of the Sentencing Council that have not been acted upon in this legislation. The recommendations to which I refer include the repeal of the Habitual Criminals Act; the introduction of legislation requiring State agencies to cooperate with each other to provide services to high-risk violent offenders and serious sex offenders who are subject to community supervision orders, which is recommendation 3 (a); the establishment of an independent risk management body "to facilitate and regulate best-practice in relation to risk assessment and risk-management", which is recommendation 3 (b); improvements in treatment programs for offenders in custody, which is recommendation 5; and amendment of the Crimes (Sentencing Procedure) Act 1999 to allow for the setting of non-parole periods when a life sentence is imposed, but not for whole-of-life sentences, which is recommendation 7. They are all recommendations of the Sentencing Council. It seems to be appropriate to know what will happen to those recommendations if other recommendations have been picked up in the bill.

In conclusion, I will deal with some of the less than edifying antics of the Government on this topic. The legislation is presented by the Government as a measure to protect the community. In fact the Government is reducing the protections precisely by abolishing the Compliance and Monitoring Group [CCMG], which supervises offenders who are the subject of extended supervision orders. The Government is merging the group into the probation and parole service with resultant significant job losses. Officers will carry out supervision on weekends only if paid overtime. Granted financial pressure, that will be the first thing cut by Treasury. The reduction in supervision will be occurring precisely at the time we are talking about expanding supervision to somewhere between seven to 139 offenders—depending on which figures are selected—who need to be supervised. Supervision orders can be made by the courts but they will not be implemented by this Government, granted its record to date. The Opposition does not oppose the bill, but reserves its right to consider amendments in the Legislative Council in relation to matters such as the review.

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [7.45 p.m.]: A deep commitment to protecting many of the most vulnerable people in our community is indeed one of the hallmarks of the New South Wales Liberal-Nationals Government. This legislation reflects that approach. The leadership of the Attorney General in that regard is broadly welcomed by the community and accepted without question. In May 2012 the New South Wales Sentencing Council finalised its report titled, "High-Risk Violent Offenders—Sentencing and Post-Custody Management Options." The council recommended that the Government introduce a scheme of continuing detention orders and extended supervision orders to high-risk violent offenders. The bill responds to that recommendation by extending the existing scheme for the continued detention or supervision of serious sex offenders to high-risk violent offenders.

Currently in New South Wales, there is no mechanism to prevent the release of a high-risk violent offender after the expiration of his or her sentence, yet we know from cases such as the *State of NSW v Richardson* that some offenders pose a serious risk of violent reoffending at the expiration of their sentence. The court in the Richardson case was able to make the necessary extended supervision order because that offender also posed a risk of serious sex offending, but those circumstances are not always the case. The bill fills a gap in the New South Wales legislative framework and provides an option for protecting the community from the most dangerous offenders. Figures from the New South Wales Sentencing Council report on high-risk

violent offenders indicate that a proportion of serious violent offenders go on to commit further serious violent crimes after their release from prison. Therefore it is crucial that before high-risk offenders go to jail they understand they are going there not only for punishment but also for rehabilitation.

While we will never completely eliminate reoffending, we have a responsibility to protect the community when there is evidence of an unacceptable risk of further violent offending. This bill provides the necessary tools to enable the Government to respond to this risk and protect the community. The orders will assist in protecting the community by ensuring that the most dangerous offenders will not be released without supervision while they still pose an unacceptable risk of committing a serious violent offence. The provisions in the bill are modelled on those that currently apply to serious sex offenders and will ensure that high-risk offenders will continue to be supervised, either in prison or in the community, after their sentence has expired.

The bill will ensure that extended supervision and continuing detention orders are subject to safeguards. The orders can be made only by a Supreme Court judge taking into account assessments prepared by an independent clinical expert or a group of independent clinical experts. It is a critical aspect of the legislation in so far as there is an independent review process, and it is only to be made by a Supreme Court judge. There will be further safeguards to ensure that the orders will be, firstly, limited in duration and, secondly, subject to regular review. Offenders will be able to apply to have an order reviewed at any time, for example, if their circumstances have changed and the order is no longer required.

One objective of the principal Act is to encourage high-risk offenders to undertake rehabilitation. It is only one of the objectives, because obviously deterrence and punishment also are major components. But in relation to rehabilitation these amendments are in keeping with that objective. As well as protecting the community they are designed to put offenders on notice from the earliest possible opportunity that they may be subject to a continuing detention order or an extended supervision order if they have not addressed their offending behaviour before their sentence expires. The member for Liverpool observed that one of the essential principles of sentencing is that the sentence that is imposed must be certain. That is generally the case. I well remember that some years ago when I was the shadow Minister for Corrective Services I visited New Zealand and looked at the work being done there with regard to sex offenders.

It was groundbreaking work in so far as the New Zealand Legislature had accepted that some classes of offenders must have an emphasis on rehabilitation and must have a process that ensures the security of the community when they are released. In that case an emphasis was placed on ensuring there were protective factors in the lives of offenders so that when they were released—for example, they would be released only after they had acknowledged their particular proclivity, issues and problems—a network or structure was put in place for them. More often than not it was family. A serious effort would be made to ensure that offenders had open and complete discussions and a relationship with family members to whom they could indicate, without fear of retribution at that point, that they felt they might reoffend.

In so doing the New Zealand Government and the corrective services department ensured that they had ongoing protection for offenders but, most importantly, protection that meant they would not reoffend. It has been accepted in jurisdictions close to Australia, and indeed in Australia more recently, that certain classes of offenders, including sex offenders in New South Wales, must have ongoing rehabilitation and supervision. I suggest to the member for Liverpool and to other Labor members who are concerned about the legislation that the certainty factor is there. The certainty for offenders who fall into these categories of offences is that from the moment they are sentenced they are encouraged through knowing that they must undertake rehabilitation.

I cannot count the number of times I was told by inmates within corrective services facilities that some inmates simply will never attend anything that is offered within the prison to try to bring about rehabilitation. If we can send a clear message through this legislation that there is an obligation on them to undertake rehabilitation I think it will achieve a major outcome for the community and, indeed, for the inmates. It is in the interests of the community and the inmates to have a clear understanding of that. Obviously, offenders who are on the serious scale of criminality that is referred to in this legislation must receive that message loud and clear. The bill extends the Crimes (Serious Sex Offenders) Act to remove the current exclusion of offences committed as a child from the definition of "sex offender". Orders will be available only against adults but this amendment will ensure that the most dangerous offenders—I stress "dangerous offenders"—can be properly supervised after their sentence expires, regardless of the age at which they committed a serious violent or sex offence.

The amendment to extend the serious sex offender scheme to offences committed as a child will bring New South Wales into line with other States with similar schemes. The regime will apply only to serious

children's offences heard in the District Court or the Supreme Court as these offences are the only offences to which a term of imprisonment, as opposed to a control order, can be imposed on a juvenile. The bill ensures that offenders on a continuing detention order are subject to six-monthly case planning, and that Corrective Services is required to provide annual reports to the Attorney General indicating whether the commissioner considers that the order remains necessary and appropriate. The member for Liverpool indicated that there should be a review process. If he had read the bill he would have seen that after three years it provides for a review of how the provisions are operating. I commend the bill to the House.

Mr NICK LALICH (Cabramatta) [7.55 p.m.]: The aim of the Crimes (Serious Sex Offenders) Amendment Bill 2013 is to extend the existing scheme to allow the continued detention and extended supervision of serious sex offenders to high-risk violent offenders. This bill also aims to extend the scheme to those who were convicted of an offence as a child. This bill requires the Minister to review the operation of the amendments at the end of three years after commencement to examine the results of the proposed changes. The amendments proposed to this bill will inherently allow for changes to be made to sentences handed down by the courts by extending the terms of imprisonment or supervision without limit.

It is of paramount importance that we ensure that our local communities remain a safe place for everyone to live, but this task should not be taken lightly. The proposals outlined in this bill will theoretically make it possible for individuals who were convicted sex offenders and who have completed their sentences to subsequently receive life imprisonment. The Crimes (Serious Sex Offenders) Bill proposed by the previous Labor Government made inclusions to deal with the handful of high-risk, hard-core offenders who had not made any attempt to rehabilitate whilst in prison.

The very small percentage of prisoners who fell under this category were to be addressed by placing this group of high-risk offenders on extended supervision or, in the worst cases, keeping them in custody. This bill will only apply to those convicted of a serious indictable offence, if punishable by imprisonment for a term of five years or more, that involves conduct causing death, grievous bodily harm either intentionally or recklessly, and includes attempt, conspiracy and incitement. The amendments in this bill will extend the scheme to those who were convicted of offences of violence, subsequently allowing post-sentence incarceration and supervision to be imposed on the offenders.

The amendments in the bill will, in a small number of cases, extend to children who have been tried in an adult court and found guilty of serious offences. An order, however, can be made only against adults. The definition of "relevant offences" means that only those previously sentenced to imprisonment can be subject to these orders. This means that it does not apply to children upon whom a custodial penalty is imposed by the Children's Court. It applies only to those sentenced in an adult court, which means that very few children will come within the purview of the scheme. The amendments in this bill will permit the State to make an application to the Supreme Court for an extended supervision order or a continuing detention order in respect of a high-risk violent offender, similar to serious sex offenders, and provide for the making of interim orders.

An extended supervision order, a continuing detention order or an interim order can be revoked by the Supreme Court if the court is satisfied that circumstances have changed to render the order unnecessary. I commend those on the government side for making a number of additions to a bill introduced by the former Labor Minister for Police and member for Smithfield, Mr Carl Scully, who did a terrific job introducing the Crimes (Serious Sex Offenders) Bill. He did great work over the many years he represented and served the people of New South Wales and western Sydney. The Opposition does not oppose the bill.

Mr STEPHEN BROMHEAD (Myall Lakes) [7.59 p.m.]: I speak in support of the Crimes (Serious Sex Offenders) Amendment Bill 2013. It has been brought to the House by the Attorney General whom we all know is tough on serious crime in this State. That is the distinction—tough on serious crime—and this is another example of the Government getting tough on serious crime. The bill responds to concerns that there are serious violent offenders in New South Wales prisons who are nearing the end of their sentences and who have made no apparent attempt to rehabilitate themselves or who have made it clear to authorities that they intend to reoffend when they are released. An object of the bill is to provide for the continued supervision and detention of high-risk, violent offenders in appropriate cases. That is in addition to serious sex offenders, as is presently the case.

Another is to permit orders to be made in appropriate cases for the continued supervision and detention of an adult offender convicted of an offence as a child. The objective of the bill is not to punish offenders; that is the role of sentencing courts. The focus of this bill is the protection of the community and the rehabilitation of

high-risk offenders. A number of schemes in Australia recognise that, in exceptional situations, it may be necessary to detain a person for the safety of the community. Examples include compulsory detention under mental health, terrorism or quarantine laws. Public policy considerations require that where an offender poses an unacceptable risk to the safety of the community, action should be taken to mitigate that risk. An order can be varied or revoked at any time by the Supreme Court if an offender no longer meets the high-risk threshold required for an order to be made. The duration of extended supervision and continuing detention orders is limited to a maximum of five years.

The Crimes (Serious Sex Offenders) Act 2006, the principal Act, sets out a scheme for the continued detention or supervision of serious sex offenders who pose an unacceptable risk of committing serious sex offences if not kept under supervision. The primary object of the Act is to ensure the safety and protection of the community. The proposed amendments to the principal Act provide for a similar scheme in respect of high-risk violent offenders. A high-risk violent offender is a violent offender who poses an unacceptable risk of committing a serious violence offence if he or she is not kept under supervision.

This legislation was looked at carefully by the Legislation Review Committee. That is a committee the Acting-Speaker and member for Kiama well knows and I thank him for his short time of relieving on that committee. The committee members look at all the legislation and proposals outside of the committee meetings and come to that meeting with any thoughts they may have. The Legislation Review Committee looked at this bill and raised a number of concerns regarding the trespass on the rights of offenders. I assure this House and the community of New South Wales that a trespass to offenders' rights is secondary to the rights of the community at large. However, committee members raised those issues as they should.

Under the legislation, a violent offender is a person over the age of 18 years who has at any time been sentenced to imprisonment following his or her conviction for a serious violence offence. A "serious violence offence" is defined as a serious indictable offence that is constituted by a person engaging in conduct that causes the death of another person or grievous bodily harm to another person, with the intention of causing, or while being reckless as to causing, the death of another person or grievous or actual bodily harm to another person, or attempting to commit, or conspiring with or inciting another person to commit, an offence of a kind referred to in the definition. An offence is a serious indictable offence if it is an indictable offence punishable by imprisonment for life or for a term of five years or more.

Under the proposed amendments, an extended supervision order can be made by the Supreme Court in respect of an offender only if the offender is a high-risk violent offender. An offender is a high-risk violent offender only if the offender is a violent offender and the Supreme Court is satisfied to a high degree of probability that the offender poses an unacceptable risk of committing a serious violence offence if he or she is not kept under supervision. The Supreme Court can make a continuing detention order in respect of the offender if the offender is a high-risk violent offender and the court is satisfied that adequate supervision will not be provided by an extended supervision order.

The bill will permit the State to make an application to the Supreme Court for an extended supervision order or a continuing detention order in respect of high-risk violent offenders, similar to serious sex offenders. The bill makes it clear that an extended supervision order or continuing detention order, or an interim order, can be revoked by the Supreme Court if the court is satisfied that circumstances have changed to render the order unnecessary. The bill also requires the Commissioner of Corrective Services to report to the Attorney General on whether the commissioner considers the continuation of an extended supervision order or continuing detention order to be necessary and appropriate. The bill also will require the Minister to review the operation of the amendments at the end of three years after commencement.

At present, an extended supervision order or continuing detention order can be made in respect of the person if the person has been sentenced to imprisonment following his or her conviction of a serious sex offence. Serious sex offences committed as a child are excluded. Under the proposed amendments, offences committed as a child are not excluded. However, orders can be made in respect of adults. The amendments permit an order to be made in respect of a sex offender or a violent offender. The Act defines a "sex offender" as a person over the age of 18 years who has at any time been sentenced to imprisonment following his or her conviction of a serious sex offence. A "violent offender" is defined as a person over the age of 18 years who has at any time been sentenced to imprisonment following his or her conviction for a serious violence offence.

An offence committed as a child qualifies for the purposes of the principal Act only if the child is convicted and a sentence of imprisonment is imposed in respect of the offence. This limits the operation of the

amendment to serious offences. An offence committed as a child does not qualify under the principal Act if a custodial or non-custodial penalty for the offence is imposed by the Children's Court under section 33 of the Children (Criminal Proceedings) Act 1987. The bill will amend the Crimes (Administration of Sentences) Act 1999 to enable regulations to be made under that Act for the preparation and implementation of plans of management in respect of high-risk violent offenders, and the provision of services and programs in respect of high-risk violent offenders, by Corrective Services NSW.

This will permit plans to be made, and programs to be offered, to high-risk violent offenders even though they are not inmates. The bill ensures that the existing regulation-making powers in relation to the management of inmates are consistent with the new regulation-making powers relating to high-risk violent offenders. As a person who practised as a police officer, as a detective, as a defence lawyer and at times relieved as a police prosecutor, I am aware that this measure will go towards protecting the community. It is something that I am sure many people would have thought was in existence prior to this. When the serious sex offenders Act was introduced, I am sure many people would have thought it would apply to all violence, not just sexual violence. It is pleasing to note that this provision has been introduced. I commend the bill to the House.

Mrs BARBARA PERRY (Auburn) [8.09 p.m.]: As the member for Liverpool indicated, the Opposition will not oppose the Crimes (Serious Sex Offenders) Amendment Bill 2013, but that is not to say there are no matters to be highlighted. The bill raises a number of issues relating to legal principles. In my view, this legislation brings up the age-old conflict between individual freedom and corporate safety. The American founding fathers, John Adams and Thomas Jefferson, argued about this. I guess we will be arguing about it for a long time to come.

It seems obvious to say, and absolutely right, that we would want to uphold community safety above all else, but there is no question that issues around human rights and due process are also raised by this legislation. A fundamental legal and democratic principle—everything that we stand for in this Parliament—is that a sentenced prisoner who has completed his or her sentence should not be subject to extra or additional punishment. We need to tread very carefully. While *Fardon v Attorney General* (Qld) 2004 found that laws providing for preventative detention were constitutional, the limits to preventative detention have not been fully determined. I note that theoretically life imprisonment could be imposed on someone whose sentence was substantially less.

This legislation raises questions about moving from sentencing based on offences committed to a risk assessment scheme. That has been canvassed by others and will be canvassed by others on this side of the debate. I will not go through the objects and intent of the bill because that has already been done, but I do raise some questions: Is the bill necessary? Is there a problem with the current system? To answer those questions, we looked at the May 2012 report of the Sentencing Council entitled "High-Risk Violent Offenders—Sentencing and Post-Custody Management Options". I say on record that it is clear that there was no consensus that there was demonstrable failure of the current framework.

Does the bill fix the problem? In answer to that question, I make these points: Of course we need to ensure that the process of proving the likelihood of reoffending is vigorous. This whole scheme comes down to whether one can accurately and reliably assess an individual's risk of reoffending. The question is whether one can really predict offenders' tendency to reoffend? There is much debate in the literature on this point. If this is done, when should it be done? The risk is far easier to ascertain close to the offender's release time, which is why many people think a post-custody management scheme is preferable.

I now turn to rehabilitation. The intent of the bill is quite clear in that regard in the sense that it seeks to—the word "coerce" is perhaps too harsh—encourage people to undergo rehabilitation and provides some incentive in that regard. We need, across government and across New South Wales, to put the resources into early intervention. It is almost too late when there have been offences and repeat offences. We need to be able to do it in a systematic way. There is no doubt that it is expensive to put in resources early. I saw that as a lawyer in the jurisdiction of the Children's Court.

One of my concerns when I was practising as a lawyer was that, had we put resources into early intervention, in most families we would not be seeing the downstream issues, the cycle of dysfunctionality and of young people heading off to juvenile detention—and, of course, I saw that in this State as the Minister for Juvenile Justice. It is expensive, but in the long term I think there is enough evidence across the world to show that there are incredibly good programs that keep people out of prison, and perhaps we should look at what more we need to do in the first place. If we do invest in early intervention, we will get to a place less frequently where someone is deemed to be irredeemable.

I raise these concerns to highlight the importance of the fact that fundamental to this legislation is that there will be a review process. Those are the issues that need to be looked at when that review comes about in three years time. I also raise these concerns because it is fundamental that that review be done independently. We need to look at when the review process will be done and whether the Attorney General is the right person or body to do this review. I note that the Attorney General is in the House. Today the Attorney General and the Minister for Family and Community Services jointly announced an early intervention program, which I assume is through the portfolio of Juvenile Justice and perhaps it impacts on the Family and Community Services portfolio.

Juvenile Justice is an incredible department that batted way above its weight as a downstream agency and, over years of experience, saw the need to look at programs that were about prevention. The Minister would know about those programs. I would encourage the Minister for Family and Community Services to ensure that investment in those programs is high and continues to be high, and that those programs are not cut because the data showed that those programs achieved effective results. At the end of the day, those are my concerns. The balance between community safety and this legislation needs to be borne in mind at all times and the review process will be essential to that.

Mr RON HOENIG (Heffron) [8.16 p.m.]: The Opposition does not oppose the Crimes (Serious Sex Offenders) Amendment Bill 2013 and nothing I say should be interpreted as suggesting otherwise. I am bound by the Opposition's decision. The bill is said to respond to community danger. I accept that that is a fundamental requirement of Government. In fact, section 5 of the Constitution requires and empowers this legislature to enact legislation for the peace and good government of the State. The problem with this bill is that it is poorly drafted and can have considerable significant effects beyond what the Government anticipates. This seems to be a very common thing with legislation that is enacted. The greatest surprise I had on being elected a member of Parliament was how legislation of such significance can pass through this House and the other place. Without the careful consideration as to its ultimate effect, it will just pass through under the pretence of just getting hold of serious and violent criminals.

In my inaugural speech, now five months ago, I said this House should be careful with legislation in relation to law reform that affects the rights of individuals, and that the government of the day should consult with the Law Reform Commission, the Bar Association, the Law Society, the judiciary, Crown prosecutors and public defenders to ensure that there are no drafting errors or take into account their views, or alternatively at least listen to their opposition. That did not occur in this case. The Attorney General asserts that he is acting on the recommendation of the Sentencing Council, or at least some of its members. He in fact is. However, the responses of the members of the council are in fact split.

The Law Society was not allowed time to give careful consideration to the bill so it rushed a letter to the shadow Attorney General outlining its views, which contained what everybody would expect those in the legal profession to say. I know the Attorney General well as a senior counsel, the head of the New South Wales bar, and someone for whom everyone has enormous respect. No doubt his private view is that detaining someone beyond the maximum sentence imposed by a sentencing court offends the fundamental principle of proportionality. As the Law Society advised it also pointed out in its rushed opinion that the proposed legislation is not restricted to a truly dangerous group of offenders; its reach is far too broad.

The Law Society points out that this legislation offends the International Covenant on Civil and Political Rights. When the Government rushes legislation in this manner, it is not just a handful of intractable offenders who are the recipients of the enormous power that effectively offends the fundamental principle; others will be impacted as well. One has only to read the definitions in the bill. Those who do not want to read the bill can find the definitions set out in a helpful background issues paper prepared by the Parliamentary Library. I invite the attention of members to those impacted by this bill. The bill defines a serious violent offence as follows:

For the purposes of this Act, a *serious violence offence* is a serious indictable offence that is constituted by a person:

- (a) engaging in conduct that causes the death of another person or grievous bodily harm to another person ...

This bill will capture, for example, a mother whose child died tragically by her hands in what is known as baby shaking; it will capture the battered wife of a violent husband who, in self-defence or even with intent to cause grievous bodily harm, stabs him; it will capture somebody who claimed to act in self-defence but whom a jury rejected and convicted of a serious criminally indictable offence. I have appeared before the Supreme Court on behalf of sex offenders seeking continuing supervision orders. The concept that under this proposed legislation

Supreme Court proceedings will amount to some form of judicial protection for individuals rights to liberty will not be effective in practice. Psychiatrists, psychologists and those associated with Corrective Services, who impressed me with their thoroughness, expect those offenders who engage in rehabilitation to admit their crimes as the first step.

I can assure members that very few mothers convicted of the manslaughter of their child are prepared to admit responsibility; they cannot face it. A father in custody convicted of such a crime will continue to the very end to deny responsibility or even demonstrate contrition even to get a lesser sentence so that he can maintain the family network outside the custodial system. In the few minutes remaining I make this point: prior to truth-in-sentencing legislation this State effectively had continuing supervision orders. Prior to 1989 judges sentenced people convicted of armed robbery to 15 years imprisonment with short non-parole periods and they then were subjected to extended parole periods. This Parliament fiddled with the provisions by requiring three-quarters of a non-parole period as the head sentence, which required courts to then reduce the lengths of head sentences.

Corrective Services had the remission system removed, a system that enabled them to induce people to enter programs within its custodial arrangements. Over time we interfered again with judicial discretion by introducing guideline judgements and standard non-parole periods, the latter were effectively overruled by the High Court. Now a thousand people have to be re-sentenced because of this Legislature's interference and lack of trust in the judiciary. This Legislature has imposed upon judges enormous workloads in trying to deal with the most complex sentencing issues, when these principles had been well expounded for more than 100 years. We have created a situation whereby we are enacting extraordinary powers—that is, we are imprisoning innocent people because they have served their sentence but we are leaving such gaping holes that we will enable the Executive Government discretionary powers to run to the Supreme Court seeking orders that really are not genuine judicial determinations on whether peoples entitlement to liberty is to be removed.

If the State is going to offend against fundamental principle, it should prepare legislation that affects the handful of people about which the State is actually concerned. This particular bill does not do that. That is why the Opposition reserves its position in respect to amendments in the other place. This bill is a very blunt instrument to deal with a handful of people. But I warn members and the Government—I do not need to warn the Attorney General—that the scope and provisions of the definitions of this bill far exceed the actual intention of the Attorney General.

Mr GUY ZANGARI (Fairfield) [8.26 p.m.]: The main purpose of the Crimes (Serious Sex Offenders) Amendment Bill 2013 is to extend the scope of the scheme for the continued detention and extended supervision of serious sex offenders under the Crimes (Serious Sex Offenders) Act 2006. This bill seeks to amend the Act to include high-risk violent offenders and also children—persons under the age of 18 years of age—within the scope of the established scheme. The broadening of the scope of the principal instrument will be reflected in the proposed renaming of the Crimes (Serious Offenders) Act to the Crimes (High Risk Offenders) Act once this bill receives assent. This amendment introduces the definition for a serious violence offence under new section 5A as follows:

a serious indictable offence that is constituted by a person:

- (a) engaging in conduct that causes the death of another person or grievous bodily harm to another person, with the intention of causing, or while being reckless as to causing, the death of another person or grievous or actual bodily harm to another person, or
- (b) attempting to commit, or conspiring with or inciting another person to commit, an offence of a kind referred to in paragraph (a).

Item [4] of schedule 1 to the bill provides a definition for a violent offender as follows:

a person over the age of 18 years who has at any time been sentenced to imprisonment following his or her conviction for a serious violence offence.

Item [4] also includes the amended definition of a sex offender to bring persons who committed a serious sex offence whilst under the age of 18 under the ambit of the legislation if that person has reached the age when an order under the legislation is sought. This legislation will allow authorities to seek either an extension of supervision orders or the continuation of detention orders if a perpetrator is considered to have a high risk of reoffending. Under new section 5F the Supreme Court is given the power to make an order that will extend an imposed supervision order if the offender is deemed a high-risk offender.

Under new section 5G the Supreme Court is given the power to make an order for the detention of an offender that will continue the offender's detention if the offender is considered a high-risk violent offender. That will apply only in the circumstances where the Supreme Court is also satisfied that applying an extended supervision after the offender's detention will not be adequate to keep the community safe from the risk of the offender re-offending. Under new section 5E a perpetrator will be deemed to be a high-risk violent offender if the Supreme Court is satisfied by a high degree of probability that the offender poses an unacceptable risk of committing a serious violence offence if such a perpetrator is not kept under supervision.

The legislation provides similar provisions for high-risk sex offenders under new sections 5B, 5C and 5D. New section 5C of the legislation gives the Supreme Court the power to extend supervision orders of high-risk sex offenders. New section 5D gives the Supreme Court the power to make an order that will continue a detention order of a convicted sex offender if the offender is considered a high-risk sex offender and if the court is satisfied that supervision will not be adequate. Finally, new section 5B provides the same threshold standard that the Supreme Court must be satisfied before classifying a convicted sex offender as a high-risk sex offender. New section 5B requires that the Supreme Court must be satisfied to a high degree of probability that the offender poses an unacceptable risk of committing a serious offence if the offender is not kept under supervision.

The amendments contained in this legislation are controversial. The bill is controversial according to its dissenters because it challenges some long-held criminal law principles of the common law legal system. First, some have argued that this legislation would result in the detention of persons above and beyond the original penalties that a court of law, through its processes in administering justice, has deemed to be an adequate punishment for a perpetrator of crime. A related issue is that no statutory limit is placed on the additional imposition of a supervision order or detention order imposed by the Supreme Court when extending a person's supervision order or detention order. It is argued that this bill will make it theoretically possible that a sentence of life imprisonment could be imposed on a person whose original sentence was substantially less. What these examples illustrate is that this legislation, and I suspect any legislation that attempts to address the issue of re-offending persons, is far from perfect. But we do not live in a perfect world. I do not oppose the bill. However, I reserve the right of review of any amendments made to the bill.

Mr LEE EVANS (Heathcote) [8.32 p.m.]: My contribution to debate on the Crimes (Serious Sex Offenders) Amendment Bill 2013 will be brief. I place on record my appreciation of the fantastic work done by the Attorney General on this bill and congratulate the New South Wales Government on bringing it forward. I am proud to speak on the Crimes (Serious Sex Offenders) Amendment Bill 2013, which aims to extend the current scheme of continued detention and extended supervision of serious sex offenders to high-risk violent offenders. Each year in New South Wales the police receive reports of more than 7,000 sexual and indecent assault incidents. This is an extremely important bill as few other categories of crime have the same horrific impact on the lives of victims. Traumatized victims can be tortured for years, if not decades, by the memories of these crimes and often find it difficult to feel safe and trust other people.

The bill also extends the scheme to the commission of serious offences as a child, which are currently excluded from the serious sex offender regime. Tragically, these measures are necessary because there are serious violent offenders in our prisons who have almost served their full sentences but who have made no attempt to rehabilitate themselves. Some of these prisoners have even made it clear to the authorities that they intend to offend again as soon as they are released. Faced with this reality it is necessary to ensure the protection of the community from an obvious threat to their safety, which is paramount.

It should be clearly understood that this bill does not seek to undermine the sentencing decisions of judges or to label all people in certain groups as dangerous. At the same time, we cannot assume that an offender is not dangerous simply because that person has completed his or her prison sentence. The bill therefore provides for a risk assessment to be undertaken by a Supreme Court judge, armed with reports of clinical experts who have conducted individual examinations of the offender. It then provides for ongoing supervision of offenders who have been determined to meet a high-risk threshold. The bill will close a gap in the New South Wales legislative framework for dealing with high-risk violent offenders, which was outlined by the New South Wales Sentencing Council in its report on high-risk violent offenders.

Sex crimes of any description are not acceptable in our community and it is up to people in parliaments across Australia to make strong laws to stop sex offenders from committing heinous crimes. The sentiment behind the bill is that sex offenders may do their time but have not necessarily paid for their crime. This legislation closes the gap on those offenders. Several people in my constituency have been affected by child

molestation. It is absolutely abhorrent to me that this is becoming a major issue within the New South Wales community. We must be able to close the gaps and make sure there is adequate detention for people who act in that way. I congratulate the Attorney General on bringing forward the bill. I hope that in the not too distant future the Attorney General will bring more amendments to the House to protect our community from sex offenders. I commend the bill to the House

Mr CLAYTON BARR (Cessnock) [8.37 p.m.]: At the outset I note that the New South Wales Opposition will not be opposing the Crimes (Serious Sex Offenders) Amendment Bill 2013 but may well be working on some amendments in the other place. The objects of the bill are, first, to provide for the continued supervision and detention of high-risk violent offenders in appropriate cases, in addition to serious sex offenders as is presently the case; and, secondly, to permit orders to be made for the continued supervision and detention of an adult offender convicted of an offence as a child in appropriate cases. I will concentrate on the second of those two objects relating to continued supervision in my contribution today. In answer to a question and in previous comments in the media the Minister said that the Community Compliance and Monitoring Group will be downsized and combined with the probation and parole unit. The Minister noted there was some duplication by those two services because they primarily offered similar services where an offender had been found guilty and convicted or was going before the court and needed some sort of supervision.

As I understand, there are approximately 200 people working in the Community Compliance and Monitoring Group across New South Wales. After bringing together these two business units, as I understand it, the great majority of those 200 people are no longer going to be employed. Will the Minister clarify whether there are 200 employees and how many of those 200 people will retain their employment? The very essence of this bill is that some people are going to remain in jail but some people are going to be allowed out of jail on the condition that they are offered ongoing supervision in our communities. Is it the safety of the community that this bill purports to pursue? In that spirit I would like to know just how safe our communities really are going to be.

Extending the scope of the legislation may mean that more prisoners will be released into the community, and they will require supervision. We will then need to extend or expand the work capacity of the group that is going to be responsible for that. If, at the same time, jobs are cut from the group responsible for that supervision how can the Government possibly stand in this House and say the community is going to be safer? Without the introduction of this bill there is no doubt that the staff cuts to the Community Compliance and Monitoring Group would reduce the supervision of offenders currently in our communities. It is a matter of numbers. If you do not have as many people to make the visits then you are not going to be making as many visits. That guarantees that offenders in our community will not be visited as often.

I understand that the Minister has a problem with the workplace conditions of the probation and parole unit. As I understand it, the officers currently operate from 7.00 a.m. to 7.00 p.m. If the situation is not addressed the serious offenders in our community, who supposedly are under supervision, will not have the 24-hours-a-day seven-days-a-week supervision currently offered by the Community Compliance and Monitoring Group but the 7.00 a.m. to 7.00 p.m. supervision offered by the parole and probation group. It will be a concern for the community but a bit of a party for the offenders who want to do something between 7.00 p.m. and 7.00 a.m. Indeed, offenders will know they will not be checked from 7.00 p.m. Friday until 7.00 a.m. Monday.

I would appreciate the Minister's response to those issues. Will the Minister address those issues when combining the two units and downsizing the workforce, thereby reducing its capacity and scope? I do not think anyone in this House, regardless of politics, wants the community to feel less safe or wants offenders to be less frequently supervised but the current budget and slashing of jobs seems to be headed toward that result. There are people in the Chamber at the moment who might want to challenge or contest that this will not happen under the current budget so I brought the budget down with me to the Chamber. I am willing to go through the numbers outside the Chamber—it is not pertinent to the bill at hand.

There is no doubt that there is a significant shift in law and order and the detention of prisoners in this State. I am sure those opposite appreciate that the crime statistics under the Labor Government were falling in all of the categories, but that is no longer the case. There is no doubt, and I do not step away from the fact, that under the Labor Government there were more people in jail. I do not think that is a fantastic thing but it led to the community feeling safer. There is scope and potential for investment into programs that stop people going to jail and there is enormous scope to invest in programs for people in jail to stop them from reoffending. A bill

that ensures people are detained for longer than the sentence imposed on them by the courts, or are given some minor or moderate level of supervision once released—even though they are recognised as a serious sex offender—may create problems for the Government.

In closing I note that there are people in jail who are effectively homeless when they are released. As has been noted by other speakers, as a result there are sometimes offenders who will state openly in their parole interviews that they intend to reoffend. Under this bill, if they do clearly state that, there is going to be greater scope and opportunity to maintain their incarceration in our jail system. The jails could then take on the role of homeless institutions as opposed to reform institutions. I look forward to the Minister's response to questions concerning: the closure of the Community Compliance and Monitoring Group, the staffing numbers that currently exist, the staffing numbers in the future, ongoing negotiations with the probation and parole unit about expanding the hours that it works, and how the Minister will satisfy the community of New South Wales that people will be more safe, not less.

Ms TANIA MIHAILUK (Bankstown) [8.45 p.m.]: I am pleased to have the opportunity to address the Chamber regarding the Crimes (Serious Sex Offenders) Amendment Bill 2013. I note at the outset that the Opposition will not oppose this legislation. Law and order is an issue of grave concern in our community. It is also an issue in which every law person has a stake. Everybody has a right to feel safe in their community and everybody has a right to call on their government to take actions that will protect them. During our time in government Labor introduced a scheme to provide for continued detention for those prisoners who have completed their sentences. The scheme was used to detain convicted serious sex offenders. The ongoing detention of sex offenders is an issue of community safety. Some offenders are capable of rehabilitation and some are not. If an individual has no intention of rehabilitation or intends to reoffend on release the community has a right to expect the Government to take action to prevent the release of that individual.

Given that sex offenders have such a high rate of recidivism, the scheme can be regarded as an appropriate tool to ensure community safety. I am advised that up to 60 per cent of people in prison have previously served a sentence—that number is even higher amongst sex offenders. The bill extends the scheme of post-sentence incarceration to those convicted of offences of violence. It is appropriate that we provide our judges with the powers they need to detain serious violent offenders wherever appropriate. The bill is based upon the recommendations of the Sentencing Council. The request for the sentencing report was made by the previous Government through the then Attorney General John Hatzistergos. I commend Mr Hatzistergos for the great work he did as Attorney General in keeping the community safe from violent offenders. It is disappointing, given the breadth of common ground in law and order between the two major parties, that the Government is unwilling to give Mr Hatzistergos his due.

The scheme applies to those convicted of a serious indictable offence punishable by imprisonment for a term of five years or more that involves conduct causing grievous bodily harm, either intentionally or recklessly, and includes attempt, conspiracy and incitement. An order for extended supervision or detention can be made by the Supreme Court if the offender is a violent offender and the Supreme Court is satisfied to a high degree of probability that the offender poses an unacceptable risk of committing a serious indictable offence if he or she is not kept under supervision or detention. I note that the bill contains a provision requiring a review of the bill in three years time, which is appropriate. The Commissioner of Corrective Services will be responsible for supervising those under the purview of the bill.

The commissioner must advise the Attorney General on whether continuing a particular incarceration or supervision order is necessary and appropriate. I understand that some people are concerned that the bill extends provisions to individuals who were children at the time of their offence. However, given that the orders apply only to those people who are sentenced in an adult court, few children will be affected by the scheme. Those minors who are affected by the scheme will comprise the most extreme violent and sexual offenders. I welcome this legislation. I record my concerns in this debate about the cuts to Corrective Services that are occurring under this Government. It is obsessed with cutting jobs and slashing services that the people of New South Wales rely upon.

When Government cuts affect law and order the people of New South Wales have a right to feel gravely concerned. So far the Government has cut over 800 jobs from courts and prisons and closed four jails. As the member for Cessnock mentioned, the cuts to the Community Compliance and Monitoring Group are the most concerning. This has particular relevance to this legislation because these are the officers who are responsible for monitoring serious violent and sex offenders. I call on the Attorney General to advise in his reply how Corrective Services will cope with additional offenders as a result of this bill given the cuts that have been made to his department. I commend the bill to the House.

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [8.50 p.m.], in reply: I thank the member for Liverpool, the member for Wakehurst, the member for Cabramatta, the member for Myall Lakes, the member for Auburn, the member for Heffron, the member for Heathcote, the member for Cessnock and the member for Bankstown for their contributions to this debate. Some of the criticisms that were made of the legislation brought in by this Parliament in recent years have been interesting to hear. I refer to the member for Heffron. He has joined this House as a member of a party that introduced the life imprisonment legislation for the Anita Cobby killers, the Janine Balding killers, including 15-year-old Shorty Jamieson.

Despite the High Court appeals, the legislation was changed to ensure he stayed in jail forever. The Coalition Government agreed to those changes because it wanted to protect the rest of the community and ensure that proper punishments were given. The laws that were enacted to introduce life imprisonment for a number of aggravated offences, such as serious aggravated sexual assault in the form of gang rape, were introduced by the Labor Party during its 16 years of leadership. The laws that were enacted to deprive sex offenders of their freedom until they finished their sentences was also introduced by the Labor Government and was supported by the Coalition.

It followed the successful enactment of similar laws in Queensland. The High Court in Fardon's case said those laws were valid. Several attempts had been made by Western Australia and other States in previous years to bring in such laws to protect the community. The community is protected when serious criminal offenders serve their sentences and are rehabilitated. Murderers and sex offenders generally do not commit further offences. Only a small number of serious sex offenders are the subject of applications. Similarly, only a small number of serious violent offenders who have completed rehabilitative programs will not be the subject of these applications. It is ridiculous and absurd to say that wife killers or baby shakers will be the subject of these applications.

When one has been a public defender for most of one's career a certain view is developed towards imprisonment. A Crown Prosecutor will also develop a certain view. Generally those views are balanced but attitudes are similar. The fact that the Law Society has objected to this law is to be expected. The Law Society represents thousands and thousands of practitioners who do defence work. Only 200 or 300 of those practitioners do prosecution work. Naturally it will reflect the views of the members of their criminal law committee and the human rights committee. I have great respect for the Law Society and its President, John Dobson, who signed the same letter that the member for Liverpool and I received, but I comment on a couple of points. The Law Society stated:

However, it should be noted that the Sentencing Council lacked unanimity in putting forward this recommendation.

Today the High Court split 3:3 in a case dealing with freedom of speech that involved a man who was sending letters—through an intermediary—that attacked our soldiers who were killed in Afghan. Because of the conventions in the High Court the man will now face trial for those offences, as he should. Unanimity is not required before a law is worthwhile. The previous Premier, Kristina Keneally, spoke strongly for a law such as this. She ordered the audit that took place of the 750 prisoners who were considered to be high-risk violent offenders. Her concern was that those people would be released without being properly rehabilitated.

This Government is showing the same concern because there is a gap in the law. A violent offender can decide not to do parole, thus remaining in jail for the whole of their term without being rehabilitated. Once released, if they are not supervised, they are a great risk to the community. There have been cases when those people have killed again. It is feared there are people in the prison system like that. They are the people that, subject to proper process in the Supreme Court and all the protection that it brings. I am sure that my friend respects the Supreme Court and the fact that there are rights there.

I do not just sign a document to say that this person should stay in jail for the next five years even though he has finished his sentence, or that he should be on an extended supervision order that requires him to wear an anklet to monitor his movements and that will prevent him from going near the schools or homes of people that he has terrorised in the past. That is not the situation. We are seeking to close the gap and thus protect the community. In response to the question of what is going to happen about our Community Compliance and Monitoring Group merging with probation and parole, I say that the merger will in no way compromise community safety. It will provide greater consistency and effectiveness of case management for all community offenders, ensuring enhanced public safety. At the moment the Community Compliance and Monitoring Group has only 11 offices. When it combines with Community Offender Services, formerly known as probation and parole, it will have 60 offices.

There will be equitable access to sentencing options across the State. There will be statewide coverage for high-risk offenders outside business hours. Office hours will not apply. The new structure will monitor according to risk, which will enable far more intensive supervision of high-risk offenders. The staff of those departments will not spend 24 hours monitoring the fraudsters or other petty criminals because they do not need the same level of monitoring. Unfortunately the system was being abused and bikies and other violent offenders were not being monitored. There will be 24/7 electric monitoring of serious offenders, including serious sex offenders and high-risk violent offenders. Staffing in this unit will also be enhanced. Both the Community Compliance and Monitoring Group and the Community Offender Services have a well-established working relationship and have protocols in place with local police, including local area commands.

Community corrections will continue to foster these relationships, including the strengthening of intelligence regarding community-based offenders. Unannounced home visits and weekend checks will continue and will be better targeted to offenders who pose the greatest risk to the community's safety. We will continue existing drug detection and alcohol testing protocols that target offenders whose offences are drug related. So we are not giving up on that; we are just making it more efficient. It was unacceptable that we inherited a Department of Corrective Services that ran at a budget deficit of \$113 million in the year 2010-11.

A government cannot continue to govern while its departments are sapping public money in that way while not achieving efficiencies. So we are doing this for efficiency purposes. As far as other matters are concerned, I think I should touch on the history of serious sex offenders legislation. The fact is that not that many offenders stay in custody; most are released on extended supervision orders. Sometimes they breach those orders and go back into custody, but they are released again. It is not as if the court will allow these people to be marooned for life in custody. This is responsible legislation. Its review after three years of operation is adequate.

Let us consider why we should extend the serious sex offender scheme to juveniles. Every other State that has this type of legislation—and that is most of them—has that extension of their serious offenders law to juveniles. That is because some juveniles are serious killers. Even though we are bringing in legislation to allow for conditional sentencing to cover those who are recovering from a murderous attitude, we believe we should be addressing some of the very serious offences and therefore are removing the restriction that exists in the Crimes (Serious Sex Offenders) Act that limits the serious sex offender scheme to offences committed as an adult. Under the bill, both the high-risk sex offender and high-risk violent offender schemes will apply to offenders over the age of 18 years who have committed a relevant offence, regardless of whether that offence was committed as a child or as an adult.

It is appropriate that this restriction be removed to ensure that offenders who commit serious violence or sex offenders do not fall outside the scheme. The expansion applies only to serious offences committed by children where a sentence of imprisonment is imposed—that is, they have acted like an adult and are punished like an adult. For example, in the case involving the K brothers, a 16-year-old was sentenced to jail for 17 years, with a non-parole period of about 12 years, and his older brother was sentenced to 17 years jail, with a 15-year non-parole period. The Court of Criminal Appeal said that was an appropriate sentence for the young fellow because at age 16 he was the ringleader of a group of offenders who terrorised women, and the High Court refused special leave to appeal saying also that it was an appropriate decision.

The expansion applies only where a serious offence is committed by children where a sentence of imprisonment is imposed. That means that offences dealt with by the Children's Court do not qualify, as detention by way of a control order under the Children (Criminal Proceedings) Act does not constitute a "sentence of imprisonment" for the purposes of the scheme. The proposed amendment brings the New South Wales scheme into line with serious sex offender legislation in Queensland, Victoria and Western Australia, which do not exclude offences committed as a child.

This Government has been thoughtful, and I believe smart, in trying to balance the fact that less serious offenders have more prospect of rehabilitation by bringing in legislation allowing more scope for rehabilitation for drug offenders who undergo intensive drug treatment in prison. The John Morony centre at Windsor will, by the end of this year, have 300 people going through the program every six months. That had not been done before, but it was worthwhile doing. We have accepted the success of Labor's initiative over the drug courts, and we have opened a third drug court at the Downing Centre. On the other hand, we are bringing in conditional sentencing for young offenders.

But we have to protect the community against this gap in current legislation that allows serious violent offenders to be released from the prison system, without supervision because they are not on parole, ultimately

to kill or maim again. I thank members for their patience. I believe the bill provides a framework for dealing with these serious violent offenders in our prisons who pose an unacceptable risk to community safety if released without supervision. The bill strikes an appropriate balance between ensuring the protection of the community and the right of offenders to be released after they have served their sentences. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Mr Greg Smith agreed to:

That this bill be now read a third time.

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

NSW HIV STRATEGY

Matter of Public Importance

Dr ANDREW McDONALD (Macquarie Fields) [9.05 p.m.]: It gives me great pleasure to report tonight on the special event run by ACON this morning on the current state of HIV in New South Wales and the new New South Wales HIV strategy. The strategy, called Ending HIV, has a simple message: test more, treat early, and stay safe. I strongly recommend its website. The aim of this deceptively simple message is for an 80 per cent reduction of new HIV infections by 2020. In 2011 about 250 gay men became infected with HIV in New South Wales, out of a total of 330 new cases of HIV. In New South Wales 84 per cent of HIV infections occur in gay men, about 13 per cent are heterosexually acquired, and about 2.4 per cent are contracted by intravenous drug use. Every dollar invested in HIV prevent saves \$13 in clinical care later.

Before the development of the newer antiretroviral drugs in the mid 1990s, HIV had much higher mortality than it does now. More than 16,000 people have been infected in New South Wales, and 7,000 of those have died. However, with modern treatment, people living with HIV have a close to normal life expectancy. There are between 12,500 to 15,000 people living with HIV in New South Wales, of whom about 70 per cent to 80 per cent are aware that they are infected. The new Ending HIV strategy gives us a way of driving down these transmission rates. The HIV challenge has been a success in public health terms for many years. The unique teamwork of government, scientists and the wider community has been vital to the success of this campaign. This teamwork will need to continue if we are to achieve the reduction in infections that we require.

A bipartisan political approach is vital to the success of this campaign. I commend the personal commitment of the Minister for Health, Jillian Skinner, to driving the necessary reforms. The aim of the new Ending HIV campaign is threefold: test more, twice per year for gay men, more frequently if needed. Improvements in testing have made testing much easier and increasingly available across New South Wales. However, the median time between HIV infection and diagnosis is still four years for gay men. About one in eight men diagnosed with HIV has never had an HIV test.

The second part of the campaign is to treat early. A very famous study by Ms Cohen and others, published in the *New England Journal of Medicine* on 18 July 2011, provided the first clear and irrefutable evidence that early treatment has not only a health benefit for the individual but a prevention benefit for the community as a whole. Some 50 per cent to 60 per cent of men with HIV in New South Wales are on treatment; and the aim is to increase this figure to 90 per cent. This is usually by way of a combination of antiretroviral therapy, given as a single pill taken once daily. It is now best practice for everyone who is HIV positive to be treated with antiretrovirals.

The enhanced medication access scheme, established in December 2011 so that people can have HIV medications delivered to an address of their choice, including 31 retail pharmacies, has been vital in

making medication more available. The third part of the campaign is to stay safe. The continued use of condoms is absolutely essential to reducing the HIV risk. This morning's meeting was very well attended and Professor Andrew Grulich from the University of New South Wales updated the audience on the latest HIV research. Pre-exposure prophylaxis is the use of medication to prevent infection in those at risk of contracting HIV. There was a 90 per cent reduction in men at risk who took daily medication. However, while effective, pre-exposure prophylaxis has only a small part to play in New South Wales if all men at risk practise safe sex.

However, the 96 per cent reduction of transmission risk in HIV positive men who took medication in the Ms Cohen trial reported in the *New England Journal of Medicine* proved that this is the most effective way of preventing transmission in New South Wales. The NSW HIV Strategy 2012-2015 aims to spread this message of test more, treat early, and stay safe. This 80 per cent reduction is a difficult target, but it is one that can be reached if everyone—politicians on all sides and levels of government, scientists, and the entire community—continues to work together to reduce the risk of AIDS in New South Wales.

Mr BRUCE NOTLEY-SMITH (Coogee) [9.10 p.m.]: It gives me great pleasure to speak on this matter of public importance and about today's launch of ACON's Ending HIV campaign, as detailed by the member for Macquarie Fields. The Minister for Health, and Minister for Medical Research, the Hon. Jillian Skinner, marked World AIDS Day last year by launching the Government's HIV strategy, which is aimed at driving down new infection rates and making testing and treatment far easier to access. The Minister unveiled the "NSW HIV Strategy 2012-2015: A New Era" at a World AIDS Day event at the Powerhouse Museum. She said that it was possible to dramatically reduce new HIV infections in New South Wales by increasing testing, improving access to treatment and reinforcing proven measures such as condom use and harm reduction. ACON's Ending HIV campaign addresses all those issues.

I thank the member for Macquarie Fields for his succinct summary of the information provided at the campaign launch today. The statistics cited today about the rate of seroconversion in those exposed to HIV who have received medication immediately were startling. Rapid treatment results in low rates of seroconversion and the viral load is much less in those who consistently use antiretroviral drugs. That is a far cry from what happened in the early days when HIV first emerged—in fact, we did not even have a name for it and it was referred to as the "gay cancer". No-one knew what it was or how it was spread. When the virus was identified those who were found to be carrying it faced a death sentence, and 7,000 people subsequently died from AIDS-related illnesses. Many people now manage to live with HIV and prevent the AIDS virus from developing.

One of the core issues raised today was the importance of testing. It was disturbing to learn of the number of homosexual males who have never been tested. I know from experience that the first test is the scariest. It is perhaps a little less scary now because the consequences are not as dire as they once were. We must convey the message about the importance of testing. Not only should people have their first test but they should also continue to be retested regularly to maintain their health. Effective drugs are available and they are producing astounding results. We have a proud history of bipartisanship in dealing with HIV and AIDS in this country. Today marks a new era because we now know that ending HIV infection in New South Wales is not only aspirational but also achievable. We can do it. As long as we maintain the bipartisan approach we have taken over the past 30 years at all levels of government in this country we will finally rid ourselves of this disease.

Mr RYAN PARK (Keira) [9.15 p.m.]: I take this opportunity to express my gratitude to my colleague the member for Macquarie Fields. He often raises public health issues that perhaps do not get the attention they should in the argy-bargy of this place. This matter of public importance is yet another example of his endeavours to raise awareness about an important but oft-forgotten issue. I also acknowledge the member for Coogee. I agree it is important that we take a bipartisan approach to HIV prevention. This issue, probably more than many other, should be completely above politics. I remember the terrible Grim Reaper advertisements that were broadcast when I was a small child. I think they did a great deal of damage by creating a homophobic culture in our community. I believe they caused many young men to develop an intolerance of people's sexual preference. Of course, this weekend Sydney will play host to the Sydney Gay and Lesbian Mardi Gras parade. I take this opportunity to acknowledge the work of the gay community in combating the spread of HIV. HIV is not confined to the gay community by any stretch of the imagination.

However, as the member for Macquarie Fields and the member for Coogee said, it is more prevalent in the gay male community. The gay community in general has dealt with this issue very well and raised awareness of it in the mainstream community because it also affects heterosexuals. By taking a bipartisan approach and

implementing sensible public policy we have shone a light on this issue, and hopefully we will continue to do so. Wherever possible, we should ensure that the government of the day—be it blue or red—provides the appropriate funding to support groups such as ACON and others that help to prevent HIV infection and treat and support those who have contracted it and their carers. I wish everyone a happy Mardi Gras and I hope that the gay and heterosexual communities continue to work together to ensure that, as the member for Coogee said, we rid our population of this scourge once and for all. I thank members for their positive contributions to this debate.

Dr ANDREW McDONALD (Macquarie Fields) [9.18 p.m.], in reply: I thank the member for Coogee and the member for Keira, who contributed to the debate, and those who have stayed in the Chamber to hear it. It demonstrates the importance of preventing HIV infection and the level of concern about this public health issue in the community. The members of ACON—which was originally known as the AIDS Council of New South Wales—have fought the good fight for more than 30 years. I love their work. They are great operators and are very proactive. They are also excellent negotiators with governments and community groups of all types.

They go about their business in such a positive and reasonable manner that they have become the major drivers behind the significant improvements in HIV care that we have seen in New South Wales. The feeling at today's briefing was that there was light at the end of the tunnel. While the significant reductions in transmission to very low rates of HIV are aspirational, they are achievable. It will be an enormous public health triumph for Australia because many parts of the world have HIV seropositivity rates of 30 to 40 per cent of the general population and a significant reduction in the average lifespan, but in this country we have dodged a bullet so far when it comes to HIV.

As I said earlier, it is only by the joint and ongoing commitment of government, scientists and the wider community that these wonderful achievements so far can be maintained, because it does not take a lot for epidemics of viruses such as HIV to become widespread in the population—and once the genie is out of the bottle, as it is in much of the world, it is very, very difficult to put back. With modern treatment of HIV, people who are seropositive can have close to a normal lifespan. We know that with modern treatment and modern care in the community this is now a condition one lives with rather than dies from. This is the light at the end of the tunnel. The next major challenge is the reduction of transmission, and to do that all members of Parliament need to be aware of the issues of HIV and the wonderful Ending HIV campaign run by the AIDS Council of New South Wales. I commend this matter of public importance to the House.

Discussion concluded.

PRIVATE MEMBERS' STATEMENTS

DISASTER RECOVERY ASSISTANCE

Mr CHRISTOPHER GULAPTIS (Clarence) [9.21 p.m.]: Tonight I speak on the importance of disaster recovery assistance and, in particular, assistance for the flood victims in my electorate of Clarence. After repetitive flooding there must be a better way to provide assistance through our flood recovery packages. In Clarence we have experienced five major floods over the past four years. The Australia Day flood of 2013 was a big flood. I understand that on 29 January hydrographers from the New South Wales Office of Water recorded on the Clarence the largest flow ever measured in New South Wales: 1.45 million megalitres per day flowing down the Clarence River, which equates to 2½ times the capacity of Sydney Harbour.

These repetitive floods have dramatically impacted on our rural industries—on sugarcane, beef cattle, dairying, horticulture and fishing. This wet cycle has dramatically reduced farm production. Productivity is lower each year and off-farm income becomes increasingly important. Clarence is a rural-based economy and the loss in farm production means less spending in our local communities. That impacts on retail because people have less money to spend on building and construction because no-one has the money to build new houses, and it impacts on tourism because no-one can afford to take local holidays.

In the sugarcane industry all three main growing river valleys on the North Coast were affected. Initial estimates are that some 1,650 hectares—which equates to about 120,000 tonnes of cane—were lost, with a total value of \$6.8 million. In Clarence an extra 600 hectares appear to be partially damaged. A significant cost is also involved in re-establishing the area, which at \$1,500 per hectare will be about \$1 million. The sugarcane

industry also had a significant loss of soybeans, which is used as a quick cash crop. In Clarence it is estimated that 85 per cent of the crop was lost. The cost for individual cane farms to repair farm roads and infrastructure is in the order of \$50,000 to \$100,000 per farm.

The North Coast of New South Wales is the single largest soybean-producing region in Australia. At least 2,000 hectares of soybean crop has been lost as a consequence of the floods, and the soybeans were only three months away from harvest. We have lost grazing land, fences and stock, and there is a flow-on impact on saleyards where stock numbers are down. There is an impact right through the industry. The Clarence River is a huge fish-producing area and it is estimated that 30 tonnes of product has been lost. That equates to about a \$1 million loss to the local cooperative and about a further \$500,000 to the local fishers. Dairies have lost most of their fodder crops and that may mean cows have to dry off, which will be a significant loss to the dairy industry.

The cumulative impacts of floods are very significant. The New South Wales Department of Primary Industries has had more than 170 clients and inquiries through the Grafton Recovery Centre. Most farmers have requested additional recovery assistance in the form of a category C grant and a number of small businesses are looking at the option of low interest loans. The cumulative impact of consecutive floods on the rural agricultural industry has caused a number of concerns. Many farm enterprises and industries, such as sugarcane, undertake all practical and affordable steps to recover from an event, only to be set back and challenged by the next event. Before their efforts produce tangible and real benefits, social, personal, economic and productivity aspects to the cumulative impact of natural disasters need further investigation. Enormous frustration is being expressed with the 50 per cent farm income criteria because production is low and it has been low over the past five years. Off-farm income is very important. If we are to maintain our productivity and if we are to support our farmers we need to look at that criteria very seriously.

TRIBUTE TO MR DON BEGG

TRIBUTE TO MRS JOAN HARMAN

Mr GARRY EDWARDS (Swansea) [9.26 p.m.]: Tonight I speak of two exceptional community leaders in my electorate of Swansea. First, I will speak of one of the most inspiring educators it has been my privilege to meet: Mr Don Begg. Don is principal of Gwandalan Public School—also known as GPS, which stands for "Greatest Public School", as opposed to the better-known description of "Greater Public School". On Monday of this week, Don was gracious enough to host the Minister for Education and me at Gwandalan Public School to meet this year's school captains, Jack Dyer and Megan Jackson. Our tour of the "Greatest Public School" was impressive, not only because of the contagious enthusiasm of Mr Begg, his staff, students and the parent representatives present, but because the school has one of the lowest rates of recorded incidents of graffiti and malicious damage in the Tuggerah Lakes Local Area Command.

It was pointed out by representatives of the school parents and citizens association, Pita Vine and Jane Deller, that prior to Don commencing his role as school principal more than seven years ago the school regularly suffered both malicious and graffiti damage to the point that it was then the most attacked and vandalised school in the Tuggerah Lakes Local Area Command. This 180-degree turnaround in vandalism attacks on the school is attributed to Don's leadership, passion for teaching and the obvious very special connection that he shares with the schoolchildren, their families and indeed the wider community. I congratulate Don on his absolutely wonderful contribution to the lives of many Gwandalan "Greatest Public School" students, over the last seven years. Don Begg is a leader, a doer and a great example to all.

I now speak of one of the most dedicated volunteers in my electorate, Mrs Joan Harman of Swansea. Joan has contributed to a number of community organisations for more than 50 years. Joan was a member of the inaugural Blacksmiths Public School Parents and Citizens Association in 1962 and later served as President of that organisation for nine years. Joan has been an active member of the Caves Beach View Club for 42 years, is a former member of the Belmont Hospital Auxiliary and currently assists the Newcastle Amputees Association. Late last month the Minister for Citizenship and Communities, Mr Victor Dominello, and I were proud to present Joan with a New South Wales Government community service award at a presentation ceremony and reception organised by my staff and attended by about 40 representatives from many of our local community organisations.

Whilst it would be an understatement to say that Joan was surprised to receive her award, during her speech she spoke of the sheer joy she felt contributing to her community, helping those less fortunate and

developing long-lasting friendships with those who share her volunteering spirit. To Joan, recognition of her contribution to others is very much a poor second to how much volunteering has enriched her life and indeed the lives of countless others over the years. There is immeasurable value to society from volunteers. Volunteers are the core fabric of communities everywhere and it is important that we recognise their outstanding contributions, even if volunteers are often reluctant to accept that recognition.

In closing, the humility of good folk such as Joan—not that an example of humility is needed—was patently evident during Joan's presentation when her husband, Kevin, a former New South Wales, Australian and world surf life saving champion openly wept, not because Joan had stood on his foot but because he was genuinely proud of his wife's many quiet achievements. I know that he was just as surprised as was Joan. Congratulations Joan and Kevin Harman.

Private members' statements concluded.

**The House adjourned, pursuant to standing and sessional orders, at 9.32 p.m. until
Thursday 28 February 2013 at 10.00 a.m.**
