

**LEGISLATIVE COUNCIL
BUDGET ESTIMATES QUESTION**

QUESTION: Transcript

Notice Given: 13 August 2013

Due Parliament: 6 September 2013

Question:

The Hon. PENNY SHARPE: Thank you, Minister, but that answered none of my questions. I ask you to take on notice the information I would like to know. Would you be able to provide to the Committee how many audits of police checks are currently undertaken by the PPS and how many audits of medical checks are currently undertaken by the PPS for the year 2013 and to date?

The Hon. DUNCAN GAY: I will happily take on notice the actual numbers. Obviously we are prepared to answer some questions but a question of that detail is one I would need to take on notice.

Answer:

I am advised:

The Public Passenger Services Unit does not undertake audits of police or medical checks.

Duncan Gay MLC

Deputy Leader of Government in the Legislative Council
Minister for Roads and Ports

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QUESTION: Transcript

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Question:

The Hon. PAUL GREEN: Minister, I am just after some figures. Would you have the figure for fines collected for 2013 to date for helmet use indiscretions?

The Hon. DUNCAN GAY: I think that falls into the same category as the questions asked earlier by the Hon. Penny Sharpe.

The Hon. PAUL GREEN: You can take that question on notice.

The Hon. DUNCAN GAY: Thank you. I am happy to take it on notice.

The Hon. PAUL GREEN: Basically I am interested in the number of those indiscretions that were for non-compliant helmets.

The Hon. DUNCAN GAY: We might have the numbers but not the monetary figure, or maybe we do not have either. Part of the problem, and this is not so much about your question but rather some of the earlier questions, is that we are answering questions on the budget for this year not the funding since the budget this year. Sic

Answer:

I am advised:

For the two year period 2011-12 and 2012-13, NSW Police Force advise that 2,027 riders were infringed for not wearing a helmet, not fastening a helmet or for wearing a non-compliant motorcycle helmet.

All infringements are recorded as one category and therefore individual numbers for not wearing / not fastening / non-compliant helmets are not available.

NSW Police were unable to advise revenue figures associated with these infringements.

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Question:

The Hon. PAUL GREEN: Do you know how many motorcycle helmet tests and inspections were performed in the crash lab around September 2009?

The Hon. DUNCAN GAY: I would not have that information with me, but I am happy to take that on notice. That corresponds, because the previous Government brought the helmet regulations in about 2010. That would just predate that.

The Hon. PAUL GREEN: I will let you take this on notice. Was this evidence used for justifying the road rule changes gazetted on 5 February 2010? Of this suite of tests, how many helmets failed labelling or marking requirements? Will the reports that were the product of those tests be made public at some stage?

The Hon. DUNCAN GAY: We will certainly get the information. I cannot imagine why they would not be, but I will not give a total guarantee that they will be made public in case there is some reason. Off the top of my head I cannot think of any reason why they would not be made public. Sic

Answer:

I am advised:

In September 2009, a total of 326 helmets were tested by Roads and Maritime Services Crashlab for external customers. The results and details of these tests are not publicly available due to the commercial confidentiality of this work undertaken for manufacturers by the Crashlab.

The definition of an “approved motorcycle helmet” gazetted in 5 February 2010 was informed by research studies on motorcycle helmet standards and associated testing, including at Crashlab.

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Question:

The Hon. PAUL GREEN: Minister, you know bridges are one of my passions. I would like you to update the Committee on where the North Richmond and the Grafton bridges are up to. Are they on budget and on time in their planning?

The Hon. DUNCAN GAY: I will start with the Grafton Bridge. It is on time. I do not know whether it is on budget because we have not started building it yet. We have certainly gone through the planning process.

The Hon. PAUL GREEN: Where it is up to in the planning?

The Hon. DUNCAN GAY: Planning the bridge route has been decided. I will check with my notes but, off the top of my head, it was announced a couple of months ago. In fact, on 23 April I visited Grafton and announced the preferred option for the additional crossing. That was option C. It crosses the river directly east of the current bridge, which is just downstream from that cast iron bridge and connects the junction of the Pacific and Gwydir highways at South Grafton with Pound Street at Grafton. We found that was the best option of the lot. We have contributed \$7.4 million to the 2013 budget for the continued planning.

The Hon. PAUL GREEN: Exactly where is it up to today? What is the next step?

The Hon. DUNCAN GAY: The site has been chosen. The next step of the project is to refine the concept design and carry out the environmental impact statement. We have applied for funding under the Nation Building 2 Program, which is where you go to the Federal Government and it contributes 50 per cent and we contribute 50 per cent.

The Hon. PAUL GREEN: I will let you take that other one on notice. (Sic)

Answer:

I am advised:

The Commonwealth Government provided \$2 million in funding for the Richmond Bridge and approaches congestion study. The Commonwealth Government also committed \$18 million in funding under the Nation Building 2 Program from 2014–15 to 2018–19 to improve traffic conditions on and around Richmond Bridge and its approaches.

Roads and Maritime Services has identified a range of solutions in the Preferred Options Report for Richmond Bridge and approaches. This report was published on 31 July 2013.

Roads and Maritime Services is currently proceeding with planning for immediate solutions which include:

- Improvements to the Bells Line of Road / Grose Vale Road intersection.
- Improvements to the Kurrajong Road / Yarramundi Lane/Old Kurrajong Road intersection.
- Improvements to the Kurrajong Road / Bosworth Street intersection.

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Question:

The Hon. MICK VEITCH: Minister, can you confirm that since April this year some heavy vehicle authorised inspection stations have been able to inspect additional categories of vehicles for registration and renewal?

The Hon. DUNCAN GAY: That is my understanding. Interestingly, it came under some criticism and yet all we were trying to do was to allow a better service into regional New South Wales.

The Hon. MICK VEITCH: Essentially, since April this year there have been some additional inspections?

The Hon. DUNCAN GAY: Yes.

The Hon. MICK VEITCH: What types of vehicles are included in the additional vehicles? Are they the same categories or expanded categories?

The Hon. DUNCAN GAY: I will take that on notice. We might come back to that later. Sic

ANSWER:

I am advised:

The types of vehicles that can attend a Heavy Vehicle Authorised Inspection Station for their annual registration renewal inspection are listed at:

<http://www.rta.nsw.gov.au/registration/authorisedinspectors/ais/changestohvis.html>

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Question:

The Hon. MICK VEITCH: You might have to take some of these questions on notice as well. What proportion of heavy vehicle registrations do the additional registrations at authorised stations represent?

The Hon. DUNCAN GAY: My understanding of the basis of this was that there were not enough places for proper checks to be done on heavy vehicles in New South Wales.

The Hon. MICK VEITCH: In a lot of country areas.

The Hon. DUNCAN GAY: Yes, in a lot of country areas. It was hard for people to get a slot to have their truck checked and they had to go a fair distance to have it done. We have allowed some of the current checking stations to be able to check the heavy vehicles. I think that is the question you are asking. If it is, we did it to provide a better service and give greater access. It was also so that some of our people were able to use pits in towns that were not being used. It is a passion that you and I have of looking after the bush and regional New South Wales.

The Hon. MICK VEITCH: A risk assessment would have been conducted before this was put in place. Is that right?

The Hon. DUNCAN GAY: We do not do anything like that easily. I would like to say it was my suggestion; it was not my suggestion, but it came out of the department and was thoroughly worked for all the obvious reasons before we went with it. We had questions on heavy vehicles and checks earlier. You need to get them right, because there is a lot of weight rolling around the streets if you do not get it right.

The Hon. MICK VEITCH: If an assessment has been conducted of the risks, impacts and potential problems or benefits of the decision is it available for the Committee to look at?

The Hon. DUNCAN GAY: I will see if I can get one of those for you.

The Hon. MICK VEITCH: It would be good if you could table that.

Answer:

I am advised:

In response to a report from the Auditor General, Roads and Maritime Services undertook a review of the Heavy Vehicle Inspections Stations policy. In August 2011 an internal report was completed, including a risk analysis to identify low risk heavy vehicle types that could be inspected. The risk analysis is not publicly available. Roads and Maritime Services consulted with the NSW Centre for Road Safety on the report. The heavy vehicle types that have now been released to Heavy Vehicle Authorised Inspection Stations are based on this advice.

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Question:

The Hon. PAUL GREEN: Can you indicate whether the Princes Highway upgrade at South Nowra and Gerringong to Berry will be on time and on budget?

The Hon. DUNCAN GAY: My understanding is that they are looking pretty good.

Mr DUNCAN: Yes they are. Those projects are on track at the moment.

The Hon. DUNCAN GAY: It is all good news down there at the moment.

The Hon. PAUL GREEN: Can you indicate where the North Richmond bridge project is up to from today?

The Hon. DUNCAN GAY: Yes. I was answering about the Clarence River.

The Hon. PAUL GREEN: That is right.

The Hon. DUNCAN GAY: And then North Richmond. I do not have a note in front of me on North Richmond. I was not expecting you to ask me about North Richmond. There are a couple of other bridges.

The Hon. PAUL GREEN: Traffic management is a bit of a choking point out there. They are keen to get another access across the river, like the Shoalhaven for that matter.

The Hon. DUNCAN GAY: I have answers on that.

Mr DUNCAN: We can provide further details on this, but it is at preliminary stages of investigation.

The Hon. PAUL GREEN: Has a route option been identified, given that community consultation has taken place?

Mr DUNCAN: Work is going on in the options process. I would have to confirm the exact stage of that, but we certainly can give you completed timetables. (Sic)

Answer:

I am advised:

Roads and Maritime Services carried out the Richmond Bridge and Approaches Congestion Study in two stages. In Stage 1 Roads and Maritime Services analysed the cause of traffic congestion and investigated the structural suitability of the existing Richmond Bridge.

The Stage 1 report was exhibited in July 2012 and a workshop was held at North Richmond to present the findings and receive community comments.

The Stage 2 report was exhibited in September 2012 and focused on the long-term options on the existing bridge and road corridor between Richmond and North Richmond.

Further community consultation was completed in October 2012, which helped develop concept plans to relieve traffic congestion in the short and long term.

Roads and Maritime Services then identified a range of solutions which have been identified in the 'Richmond Bridge and approaches congestion study' (February 2013).

Roads and Maritime Services is proceeding with planning of immediate solutions which include:

- Improvements to the Bells line of Road / Grose Vale Road intersection.
- Improvements to the Kurrajong Road / Yarramundi Lane/Old Kurrajong Road intersection.
- Improvements to the Kurrajong Road / Bosworth Street intersection.

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Question:

The Hon. PAUL GREEN: I want to thank you for the Government's initiative to put in \$200 million towards seatbelt installations on rural and regional buses. That is to be applauded, given that that was last year's question. Further concerns have been raised by bus drivers, bus companies and stakeholders about liabilities if the children choose not to wear a seatbelt or choose to stand. Where will that leave stakeholders? Have you worked through that or established where it might fit?

The Hon. DUNCAN GAY: No, I have not got that one off the top of my head. We went through the Executive Review Committee [ERC] to get the money. As others would know, getting extra money out is no easy treat. Gladys and I had to work very hard to get that although, to the great credit of the ERC, when we put the case and indicated the alternatives, it was pretty understanding, as you would expect. I have not got an answer on that.

The Hon. PAUL GREEN: That is fine. It is pretty fresh.

The Hon. DUNCAN GAY: I am told that I do have an answer.

Mr REARDON: When the bus school safety committee made its recommendations there were a range of other recommendations that included monitoring of new and emerging vehicle safety technology, a new student code of conduct to ensure parents, students and bus operators know their responsibilities about wearing seatbelts, and encouraging schools to use seatbelt-fitted buses for excursions. That, coupled with developing guidelines about bus operator responsibilities in encouraging students to wear seatbelts, are the recommendations that need to be taken up to deal with how compliance will occur going forward.

The Hon. DUNCAN GAY: But you raised the question of liability. We will take that question on notice. Sic

Answer:

I am advised:

Under the NSW Road Rules a bus driver is not responsible for ensuring that a passenger wears a seatbelt.

The School Bus Safety Community Advisory Committee recommended that guidelines be developed outlining the responsibilities of all parties, including drivers, for the wearing of seatbelts in school buses. This recommendation is supported.

Bus operators would be responsible for ensuring that seatbelts were functioning properly before a bus commenced a journey. This is the case for all equipment in a bus, as currently required under clause 17 of the Passenger Transport Regulation 2007.

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Question:

The Hon. MICK VEITCH: Following on my previous line, you may have to take these next questions on notice as they seek figures. As at today's date how many heavy vehicle inspector positions are vacant within the whole of Roads and Maritime Services [RMS]?

Mr WELLS: We would have to take that question on notice. At any time there is some vacancy.

The Hon. MICK VEITCH: That is fine. Is there any analysis of how many heavy vehicle inspectors will retire in the next 12 months for your forward-planning workforce?

Mr WELLS: I can certainly speak generally to that.

The Hon. MICK VEITCH: We are after detail. You can talk generally, but I am happy if you take that question on notice.

Mr WELLS: In general terms, we watch the age profile of that group. They have really specialist and important skills. We are very mindful to bring in young people as well to spread the age profile. But I can certainly give you a breakdown by age across the workforce.

The Hon. PENNY SHARPE: We would like the total number as well.

The Hon. MICK VEITCH: That would be good. We would appreciate that detail. Can you confirm to the Committee that the currently vacant heavy vehicle inspection positions will not be deleted from the organisation?

Mr WELLS: In relation to the heavy vehicle positions, we have looked to put in place a number of specialist positions. We had a number of jobs we titled area manager. A number of those will become specialist officers. To give you a feel for it, we have particular problems that might be, say, the logging industry and the movement of logs on the North Coast and South Coast or the shipping containers moving out of Port Botany. We will ask those staff to help us crack through some of those problems, whether by technology or firms we wish to do better, to give them the mandate to deal with those sectoral problems.

The Hon. MICK VEITCH: So none of the current vacant positions will be deleted?

Mr WELLS: In relation to the heavy vehicle numbers, the numbers for the work we will be taking on may not entirely match. We are making sure that the work and the results we get for the community are the same or greater a' time there will be the same number of vehicle inspector positions as currently exist?

Mr WELLS: We are always looking at how that work can be established and managed. There are jobs that are frontline, there are jobs that do the IT work or installing infrastructure at heavy vehicle checking stations. We will mix up who does which jobs over time so that the net effort and the net result will be the same or greater. *Sic*

Answer:

I am advised:

As at 13 August 2013, Roads and Maritime Services has nine vacant light and heavy vehicle inspector positions.

There are 318 staff members in the Vehicle Regulations section with 285 of these performing frontline duties. Eighteen positions comprise of Area Managers and their Program Support Staff, there are nine vacancies and six secondments (e.g. officers assisting with Heavy Vehicle National Laws). Hence, 285 frontline inspectors.

There are 39 staff members who are over 60 years of age. No heavy vehicle inspectors have expressed an intent to retire in the next 12 months.

There is no loss in frontline positions. Vacancies are filled normally as they occur.

There is no deletion of these frontline roles.



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Question:

The Hon. MICK VEITCH: Minister, I want to move on to something that is close to me and no doubt to you as well. Recently the shadow Minister for Roads and I were on the Newell Highway looking at the centre line trial.

The Hon. DUNCAN GAY: Yes.

The Hon. MICK VEITCH: I have a series of questions about the centre line trial. The trial has been extended; is that correct?

The Hon. DUNCAN GAY: To my understanding. I do not think I have details on the centre line trial—yes, the trial continues.

The Hon. MICK VEITCH: With the trial continuing, what are the legal implications of an accident, for instance, on the highway at the moment? The reason I am asking is we have had some people say to us that they are not aware what the trial is about. I do not know how you would not know; you can see the signs. People are saying they are not sure what the extra width between the centre line is about, so they are a bit confused.

The Hon. DUNCAN GAY: You of course will remember it was a trial that started during the previous regime.

The Hon. MICK VEITCH: That is right.

Mr REARDON: The trial is about widening the centre line to separate vehicles on a rural single carriageway highway such as the Newell. The responses to that anecdotally have been positive, that separation is there. If there is an issue raised, we can look at the legal and regulatory regime around that at any time. At this point in time we are undertaking a trial and its pure objective is to further separate cars and heavy vehicles on that route.

The Hon. MICK VEITCH: Has there been any analysis conducted of the trial to date?

The Hon. DUNCAN GAY: My understanding is that the analysis has been pretty favourable. You can talk to Peter Dearden, who is based at Parkes. I was sceptical of that trial. On the surface, I felt if you were spending money on a road to widen it and put a bigger gap in the middle, it would have been better to spend money and to put a passing lane in place, but my guys have quietly taken me through it and have indicated that the early stuff is working. Les, do you want to—

The Hon. MICK VEITCH: Yes, I would like to hear Les at his last budget estimates.

The Hon. DUNCAN GAY: It is not his last budget estimates.

The Hon. MICK VEITCH: Sorry, Les.

The Hon. DUNCAN GAY: It is his second last budget estimates.

The Hon. MICK VEITCH: He is an old Gundagai boy. You have to look after the Gundagai boys.

The Hon. DUNCAN GAY: And also a bit further west too.

Mr WIELINGA: Talking about centre barrier lines, there are a number of different barriers in the centre. The objective of this trial is twofold. One is to create a separation between vehicles. The law in regard to barrier lanes stays the same: if you cross it and cause an accident, you are at fault. But it has two advantages: not only separation, but if people drive onto it, it makes a noise such as the noise on some of the edge lines on the freeways, and it is that noise that wakes people up and pulls them back into the lane.

The Hon. DUNCAN GAY: You have a bit of space before you hit the guy coming towards you.

The Hon. MICK VEITCH: I am a fan of the trial. I am very impressed.

Mr WIELINGA: The law, as it stands, applies. If people cross that line and they have a head-on collision, the normal law for a single unbroken barrier line in the middle applies similarly to the wider median strip.

The Hon. MICK VEITCH: Has any analysis been conducted? Is there an assessment of the trial to date?

The Hon. DUNCAN GAY: My understanding is that the assessment so far is positive; the trial is ongoing.

Mr WIELINGA: The point to appreciate with these sorts of trials is that you need two or three years of accident data to have confidence that there is a marked difference or a trend, or something like that. My understanding is that it is positive so far, but to make conclusions requires two or three years of data.

The Hon. MICK VEITCH: Is there any plan to roll out the trial to other roads, particularly in western New South Wales?

The Hon. DUNCAN GAY: Let us get this one right first.

The Hon. MICK VEITCH: Okay.

Mr WIELINGA: This particular trial applies in isolated circumstances. There is a history of fatigue with long distance travel on that highway. As well as that, the width is available with the shoulder ceiling to do it. You need a combination of things to decide whether or not it is worth having the trial.

The Hon. MICK VEITCH: For how long has the trial been extended?

The Hon. DUNCAN GAY: I will come back to you on that.

The Hon. MICK VEITCH: You will take that question on notice?

The Hon. DUNCAN GAY: Yes.

The Hon. MICK VEITCH: Thank you.

The Hon. DUNCAN GAY: I am thinking 12 months, but we will check.

Answer:

I am advised:

The trial of the wide audio-tactile centre line markings on the Newell Highway commenced in April 2011 at two sites in Parkes and West Wyalong.

Two evaluation reports of the trial have been completed. The evaluations considered site observations, speed surveys and discussions with local road users. Overall, the evaluations of the trial were very positive in that there was a reduction of 90% in vehicles drifting outside their lane. Both reports can be found on the Transport for NSW website.

The trial period has now been completed and the line markings remain at these two sections of the highway.

The line marking configurations used in the trial form part of the tenth amendment package for the Australian Road Rules, which is currently open for consultation. Following the consultation period, it is anticipated that these configurations will be approved as part of the final road rules amendment package and this will allow for greater rollout across NSW.

Since March 2011, this Government has invested a record \$20 million funding package into fast-tracking improvements on the Newell Highway, including completion of three additional overtaking lanes north of Narrabri, with construction on yet another passing lane north of Moree to commence in September this year.

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Question:

The Hon. PENNY SHARPE: Minister, I want to ask you about the outsourced mobile speed camera program. Can you explain why the projected costs to run this program will go up from \$5 million in 2013 to almost double that figure at \$9.7 million in 2013-14?

The Hon. DUNCAN GAY: Yes, because we are putting a lot more of them out.

The Hon. PENNY SHARPE: That is the only reason?

The Hon. DUNCAN GAY: Yes.

The Hon. PENNY SHARPE: Good.

The Hon. DUNCAN GAY: But a lot less than you had planned to put out.

The Hon. PENNY SHARPE: Minister, in relation to that program, can you confirm to the Committee whether there are any commercial or contractual incentives to the operator to increase the number of infringements that are issued as a result of the cameras?

The Hon. DUNCAN GAY: Thank you for that question. It is really important for me to emphasise once again, as I have emphasised in the House, that they are paid by the hour to do this, not by the number of people. In fact, if you were paid by the number of people you get it would have been counterproductive for me to insist that we put up bigger signs and more of them and also mark the cars. We have not only put out fewer signs than the previous Government wanted to put out but also put markings all over the vehicles. We have put up bigger signs. In the event that you miss those signs we have put up signs further along as a reminder that you might have been pinged. We place a sign immediately the speed cameras and a sign beyond the ping point, as it is called. If you are reasonably careful and you are observant, you have an even chance of slowing down. I want you to slow down.

The Hon. MICK VEITCH: One should not be speeding, Minister.

The Hon. PENNY SHARPE: Minister, are you able to release to the Committee the parts of the contract that demonstrate this?

The Hon. DUNCAN GAY: Probably not, but I will check.

The Hon. PENNY SHARPE: I am not asking for the whole thing. I understand there is commercial in confidence. I am asking specifically about this one.

The Hon. DUNCAN GAY: I will check. Obviously I cannot just say yes without checking to see if there is commercial in confidence.

ANSWER:

I am advised:

There are no commercial or contractual incentives to increase the number of infringements included in mobile enforcement contracts. The requirements stipulated in the contracts relate to the successful delivery of enforcement hours, not the number of infringements.

Contract negotiations are still taking place and Roads and Maritime Services is unable to release additional contract details.

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Question:

The Hon. MICK VEITCH: I want to ask you a couple of quick questions about the Aerial Speed Enforcement program. You might want to take some of them on notice.

The Hon. DUNCAN GAY: I suspect it is better to ask police.

The Hon. MICK VEITCH: I was going to ask you about the markings on the road. Is that not your portfolio? Is it Police?

The Hon. DUNCAN GAY: Try me.

The Hon. MICK VEITCH: You drive along M31, the Hume Highway, and you see those markings on the road. How often do they have to be repainted?

The Hon. DUNCAN GAY: I do not know. Do you know, Peter?

Mr DUNCAN: I would have to confirm that because they wear out with different traffic volumes.

The Hon. MICK VEITCH: And at what cost?

Mr DUNCAN: We will confirm that for you. We will get you those details.

Answer:

I am advised:

There are line markings for the purpose of Aerial Speed Enforcement at three locations on the Hume Highway, one location on the M4 Motorway and one location on the M1 Pacific Motorway (F3).

The line markings are placed in the centre of the lanes, which ensures that they rarely require maintenance.

The only location where line markings have required repainting has been on the Hume Highway at Menangle. The cost of repainting the lines and associated work to survey the lengths has been approximately \$19,000 since the enforcement lengths were originally marked in late 2009 and 2010.

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Question:

Dr MEHREEN FARUQI: The Pacific Highway upgrade report of May 2013 refers to the successful remediation of the site that was contaminated by radioactive material and some other things along the Herons Creek to Stills Road upgrade. It says that this remediation was confirmed by an independent third party auditor. Why was neither the auditor named nor the report released on the website?

The Hon. DUNCAN GAY: I am sorry I just missed the last part of your question. Would you please repeat that for me?

Dr MEHREEN FARUQI: A third party confirmed the remediation.

The Hon. DUNCAN GAY: Yes.

Dr MEHREEN FARUQI: I am asking why the auditor is not named or the report released on the website.

Mr DUNCAN: Could I also suggest that there was not radioactive contamination there. There was other contamination of a food products nature that created acid on the site. The radioactivity was removed at the time of the original accident over 20 years ago so there was no radioactivity there. On the issue of remediation there was a site verifier who would verify the remediation and contamination work. There was also an independent review carried out of the incident that occurred with the people working on the project. That was undertaken by Mr Brian Gilligan. We have received Mr Brian Gilligan's report and the intent is to make that public.

Dr MEHREEN FARUQI: Could we have that report on notice?

Mr DUNCAN: That is the intent.

The Hon. DUNCAN GAY: Yes. Are you able to make it public within the timetable of the questions on notice?

Mr DUNCAN: We are still looking at that. I am pretty sure that we can.

ANSWER:

I am advised:

The Independent Report completed by Mr Brian Gilligan will be posted on the Roads and Maritime Services website in September 2013.

The Site Audit Report prepared by Cavvanba Consulting Pty Ltd, is available on the Roads and Maritime Services website (www.rms.nsw.gov.au/pacific) under the project documents section of the Herons Creek to Stills Road upgrade website.

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Question:

The Hon. PAUL GREEN: Will upgrading the existing carriageway and constructing a second carriageway between Cromarty Lane, Bobs Farm and Port Stephens Drive roundabout, Anna Bay proceed as planned and will it be completed by the end of next year? Have you had any issues with the property acquisition for this project?

The Hon. DUNCAN GAY: I am unaware of any issues, but I will seek further information on the issue of property acquisitions. On the day that I was up there for the Tourle Street Bridge announcement, I went out to Bobs Farm. We were announcing that a tender had been let. It was within the price range that we were hoping for, which was \$44 million. I do not have details on the land acquisition. My assumption, seeing as the tender has been let, is that that is the case but I am happy to take it on notice. Are you aware of a particular problem which you are alerting me to?

The Hon. PAUL GREEN: No, I am just trying to determine if it is going to be completed by the end of next year. Obviously I am pre-empting that by asking whether there are property acquisition issues.

The Hon. DUNCAN GAY: There certainly have been property acquisitions undertaken but I am unaware of any problems. We have just let the tender and we are very hopeful. It is a very exciting tender, and people were up there last week at Bobs Farm.

ANSWER:

I am advised:

The NSW Government has committed funding from the Hunter Infrastructure and Investment fund to upgrade Nelson Bay Road between Cromarty Lane and Port Stephens Drive, Anna Bay.

All the property required for the project has been acquired.

Roads and Maritime Services began construction on 20 August 2013 and the project is expected to be completed by the end of 2014, weather permitting.

Duncan Gay MLC

Deputy Leader of Government in the Legislative Council
Minister for Roads and Ports

**LEGISLATIVE COUNCIL
BUDGET ESTIMATES QUESTION**

QUESTION: Transcript

Notice Given: 13 August 2013

Due Parliament: 6 September 2013

Question:

The Hon. MICK VEITCH: On a completely different tack, and this is something very close to my heart, I would like to ask about the Blayney to Demondrille rail line. Minister, my understanding is that the memorandum of understanding [MOU] has now been signed by all the councils and your department. Is that correct?

The Hon. DUNCAN GAY: My understanding is that that is the case. I congratulate the councils involved. We went to the councils and said, "This is fine. But, unlike the previous Government, we are not going to put money into something where you have not really got firm contracts." It was a great credit to the previous Government that they put a large amount of money in there, but there really were not contracts so that money was wasted. So we said to the councils, "Fix up your last-mile stuff and then come back and do it." We thought they would get angry with us when we did that. To the great credit of the local government people involved, they said to me, "This is the best meeting we have ever had. We have never had someone tell us what we need to do." And they went away and did it. Good on them. They have now come back.

The Hon. MICK VEITCH: Like me, they want it open and they want it used, Minister.

The Hon. DUNCAN GAY: So do I, but not at any cost. I am sure you share that concern. My understanding is that we are now out getting expressions of interest.

The Hon. MICK VEITCH: That is my next question: are you going to an expression of interest [EOI] or a request for tender [RFT]?

The Hon. DUNCAN GAY: It is an EOI.

The Hon. MICK VEITCH: What is the time frame for that?

The Hon. DUNCAN GAY: I will have to check the time frame. The MOU has definitely been signed and it is going out for an expression of interest, which was always the plan. On the question of how long it is out there, I will come back to you with an answer.

Answer:

I am advised:

On 18 July 2013 the Cowra Lines Project Team, comprising representatives of the shire councils of Blayney, Cowra, Weddin, Harden and Young and Transport for NSW, established under a Memorandum of Understanding for Cowra Lines, met to discuss the next steps forward for the Expression of Interest process. The NSW

Department of Trade and Investment and National Rail Safety Regulator also provided representatives who participated at that meeting.

It was agreed a Registration of Interest process should be first held before proceeding with an Expression of Interest process to ascertain interest in the Cowra Lines.

The Registration of Interest for the Cowra Lines was released on 2 September 2013.

Duncan Gay MLC

Deputy Leader of Government in the Legislative Council
Minister for Roads and Ports

**LEGISLATIVE COUNCIL
BUDGET ESTIMATES QUESTION**

QUESTION: Transcript

Notice Given: 13 August 2013

Due Parliament: 6 September 2013

Question:

The Hon. MICK VEITCH: Minister, I turn now to the issue of excessive exhaust emissions in the M5 East tunnel. How many trucks have been fined since 1 March this year for excessive exhaust emissions in the tunnel?

The Hon. DUNCAN GAY: Not many. It is one of those interesting issues. We went about resolving this issue in two ways. We said we were going to increase the charges for a smoky vehicle. We increased the charges from \$400 to \$2,000. But at the same time we offered vehicle owners a diesel retrofit for those smoky vehicles on a shared-cost basis, which was a pretty generous offer from us. We wanted to stop this problem at the source rather than try to go about fixing it with retrofits. We put that in place, and the cameras are operating. So far there have been 96 penalty notices issued for smoky vehicles, which is very few. When we saw that we thought, "Hello, these sneaky coots are using the surface roads." So we enhanced our surveillance on the obvious surface roads used to bypass the M5 East tunnel, and we found that that was not happening. We think that finally a lot of these guys who had a business plan of taking their old interstate trucks that had done a few million kilometres and using them on a port run for the last five or ten years of their life have changed their trucks, because we cannot see evidence that they are anywhere. Only four operators have joined our retrofit

The Hon. MICK VEITCH: Is that four individual trucks?

The Hon. DUNCAN GAY: My understanding is that it is four individual trucks.

The Hon. MICK VEITCH: Of the 96 penalties issued, how many people received the maximum \$2,000 fine?

The Hon. DUNCAN GAY: Five vehicles have been issued with a second penalty notice. It is three strikes and you get the big one. No-one has had the big one yet.

The Hon. MICK VEITCH: But five are looking at it?

The Hon. DUNCAN GAY: Yes. They are on the cusp.

The Hon. MICK VEITCH: It might be better if we get a breakdown of where the 96 are at. Is that possible?

The Hon. DUNCAN GAY: We are happy to do that. Sic

ANSWER:

I am advised:

It is a 'three strikes' system. The first and second penalty notices are for \$2,000. On the third infringement, the vehicle is issued a \$2,000 penalty notice and a three month suspension of the registration. No vehicle has incurred this to date.

As at 5 August 2013, 96 penalties of \$2,000 had been issued and five vehicles had been issued with a second penalty notice of \$2,000.

As at 19 August 2013, 107 penalties of \$2,000 have been issued and six vehicles have been issued with a second penalty notice of \$2,000.

Duncan Gay MLC

Deputy Leader of Government in the Legislative Council
Minister for Roads and Ports

**LEGISLATIVE COUNCIL
BUDGET ESTIMATES QUESTION**

QUESTION: Transcript

Notice Given: 13 August 2013

Due Parliament: 6 September 2013

Question:

The Hon. MICK VEITCH: What is the current situation with the air filtration system in the M5 tunnel?

The Hon. DUNCAN GAY: It is still running. The research that we had peer tested indicated that for its cost it was not doing as well as we would like to it do and that we were better off to spend our money at the source and fix the problem rather than remove it afterwards. If we do it at the source we not only get those smoky vehicles out of the tunnel for the 20 minutes they are in the tunnel? or the half an hour or so depending on the time of the day? but they are also taken off the road for the rest of the day when they are spewing stuff all over the city. We thought, and we still believe, it was the right thing. We are currently seeing how this trial is going. It is very early days. We indicated we would leave the filters running during the trial, but so far it seems strangely successful in a way that we did not envisage.

The Hon. MICK VEITCH: What was the cost to the Government to retrofit those four operators?

The Hon. DUNCAN GAY: It was \$6,000, off the top of my head.

The Hon. PENNY SHARPE: Getting a breakdown of those 96 if you have it would be most appreciated.

The Hon. DUNCAN GAY: We have not got that, but we will get it. The Government will pay 50 per cent of the costs up to a maximum of \$10,000 per vehicle. It varies on the cost. Some of them have single stacks; some of them have dual stacks.

The Hon. MICK VEITCH: Can you take it on notice and provide us with the total amount that has been paid for the retrofits so far?

The Hon. DUNCAN GAY: Yes. It will not be much. Sic

ANSWER

I am advised:

As at 5 August 2013, four vehicles had signed up to the diesel retrofit program.

As at 19 August 2013, of the seven vehicles now signed up, \$18,000 has been paid for three vehicles.

Duncan Gay MLC

Deputy Leader of Government in the Legislative Council
Minister for Roads and Ports

**LEGISLATIVE COUNCIL
BUDGET ESTIMATES QUESTION**

QUESTION: Transcript

Notice Given: 13 August 2013

Due Parliament: 6 September 2013

Question:

The Hon. PENNY SHARPE: Can I clarify the escalation of the fines for trucks in the tunnel. What happens for a first offence?

Mr DUNCAN: The ultimate escalation is for corporations. An automatic three-month registration suspension would apply under circumstances where a vehicle is detected breaching the law three times.

The Hon. PENNY SHARPE: That is the third level. The second level is \$2,000?

Mr DUNCAN: Fines increased from \$400 for a corporation to \$2,000 for the first and second fines. It is three strikes and you get the big one that is \$2,000 and 3 month suspension of the registration.

The Hon. DUNCAN GAY: There is a complete list that details how they escalate. We are happy to get that for you. Sic

ANSWER:

I am advised:

It is a 'three strikes' system. The first and second penalty notices are for \$2,000. On the third infringement, the vehicle is issued a \$2,000 penalty notice and a three month suspension of the registration.

Duncan Gay MLC

Deputy Leader of Government in the Legislative Council
Minister for Roads and Ports

**LEGISLATIVE COUNCIL
BUDGET ESTIMATES QUESTION**

QUESTION: Transcript

Notice Given: 13 August 2013

Due Parliament: 6 September 2013

Question:

Dr MEHREEN FARUQI: It is good to know. What projects are currently happening for the better utilisation of roads infrastructure by enabling bidirectional use of lanes to meet peak demands in opposite directions, such as the ones that operate on the harbour bridge and on Victoria Road?

The Hon. MICK VEITCH: Contra flows.

The Hon. DUNCAN GAY: You mean the zipper ones?

Dr MEHREEN FARUQI: No, bidirectional use where you can change.

The Hon. DUNCAN GAY: Oh, tidal flow or timed lanes.

Dr MEHREEN FARUQI: Yes. Are there any planned over the next year for roads?

The Hon. DUNCAN GAY: I do not know, off the top of my head. Do you mind if I take that on notice?

ANSWER:

I am advised:

Roads and Maritime Services has no plans to implement any tidal flow or timed lane projects in the 2013-14 financial year.

Duncan Gay MLC

Deputy Leader of Government in the Legislative Council
Minister for Roads and Ports

**LEGISLATIVE COUNCIL
BUDGET ESTIMATES QUESTION**

QUESTION: Transcript

Notice Given: 13 August 2013

Due Parliament: 6 September 2013

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The Hon. DUNCAN GAY: Oh, tidal flow or timed lanes.

Dr MEHREEN FARUQI: Yes. Are there any planned over the next year for roads?

The Hon. DUNCAN GAY: I do not know, off the top of my head. Do you mind if I take that on notice?

Dr MEHREEN FARUQI: It would be great if you could take that on notice, thank you. I know the Hon. Paul Green asked a question about the Hunter Expressway earlier.

The Hon. DUNCAN GAY: Yes.

Dr MEHREEN FARUQI: But could you tell me what the original budget was? Did the project complete within the original budget and within the time that was originally planned for this project?

The Hon. DUNCAN GAY: The budget was \$1.7 billion. It is not finished but we are expecting it to be within budget.

The Hon. PAUL GREEN: I will carry on from that. My understanding from that particular area is that there is a link that goes near the hospital. Is that included in that \$1.7 billion—Highway 123? I do not think we are on the same page with the section of road that I am talking about.

The Hon. MICK VEITCH: I think that is right. They are different.

The Hon. PAUL GREEN: They are totally different. I am talking about that there is a proposal for a link road. I will let you take that on notice.

The Hon. DUNCAN GAY: Are you talking about the Newcastle link road?

The Hon. PAUL GREEN: Around the hospital—Highway 123.

The Hon. DUNCAN GAY: Yes.

The Hon. PAUL GREEN: Where that is coming out, I wonder whether that is the best place for it to come out.

The Hon. DUNCAN GAY: Okay, yes.

The Hon. PAUL GREEN: My understanding is that there are a couple of proposals.

The Hon. DUNCAN GAY: We were going to make that announcement last week, but we are happy to take it on notice.

The Hon. PAUL GREEN: If you could.

The Hon. DUNCAN GAY: Does anyone want to add something on that one?

Mr DUNCAN: No, it is certainly not the Hunter Expressway near the hospital.

The Hon. DUNCAN GAY: The John Hunter Hospital.

Mr DUNCAN: The link road runs into the Hunter Expressway.

The Hon. PAUL GREEN: I am definitely talking about Highway 123—whatever that means. I will let you take it away and talk about it.

Mr DUNCAN: We can clarify it.

The Hon. DUNCAN GAY: Anyway, it is the one near the John Hunter Hospital.

The Hon. PAUL GREEN: I am not articulating it in the way that you guys need to hear it to give me the right information.

Answer:

I am advised:

The next stage of the Newcastle Inner City Bypass, Stage Five, is 3.4 kilometres long and is proposed to run between New Lambton Heights and Jesmond, to the west of John Hunter Hospital.

Roads and Maritime Services has completed a route options study between Rankin Park and Jesmond. The preferred route corridor has been included in Newcastle City Council's local environmental plan.

The Rankin Park to Jesmond project will be prioritised when funding becomes available.

Duncan Gay MLC

Deputy Leader of Government in the Legislative Council
Minister for Roads and Ports

**LEGISLATIVE COUNCIL
BUDGET ESTIMATES QUESTION**

QUESTION: Transcript

Notice Given: 13 August 2013

Due Parliament: 6 September 2013

Question:

The Hon. PENNY SHARPE: When were you made aware of the decision to appoint Maurice Newman as director of the Port Kembla Corporation?

The Hon. DUNCAN GAY: I was consulted by the shareholding Ministers before the matter went to Cabinet.

The Hon. PENNY SHARPE: Can you give us the approximate date of that?

The Hon. DUNCAN GAY: No.

The Hon. PENNY SHARPE: Can you take that on notice and tell us that?

The Hon. DUNCAN GAY: Yes.

Answer:

I was made aware of the proposal to appoint Mr Newman approximately a week before it went to Cabinet.

Duncan Gay MLC

Deputy Leader of Government in the Legislative Council
Minister for Roads and Ports

**LEGISLATIVE COUNCIL
BUDGET ESTIMATES QUESTION**

QUESTION: Transcript

Notice Given: 13 August 2013

Due Parliament: 6 September 2013

Question:

The Hon. MICK VEITCH: How much funding will be allocated in this financial year just for the Port Botany Landside Improvement Strategy [PBLIS].

Mr WIELINGA: We will get you the exact number, but it is between \$9 million and \$10 million per annum.

The Hon. MICK VEITCH: Is there any contribution from the new owners of the port towards that?

The Hon. DUNCAN GAY: No.

The Hon. MICK VEITCH: How much was spent in the previous financial year? Are you able to provide a figure? You can take that on notice.

Mr WIELINGA: I will take it on notice.

The Hon. DUNCAN GAY: I assume that question relates to the Port Botany Landside Improvement Strategy [PBLIS] or is it more holistic than the PBLIS group?

The Hon. PENNY SHARPE: That question was just about PBLIS.

The Hon. MICK VEITCH: It is just the Port Botany Landside Improvement Strategy.

The Hon. DUNCAN GAY: The sum we put across would be roughly the same amount of money. The sum we put across we ascertained was roughly what was being spent by Sydney Ports. Like for like is what we are trying to do.

The Hon. MICK VEITCH: We will get the numbers back?

The Hon. DUNCAN GAY: Yes.

Answer:

I am advised:

\$10.4 million has been allocated to Port Botany Landside Improvement Strategy in 2013-14.

\$7.2 million was spent on Port Botany Landside Improvement Strategy in 2012-13.

Duncan Gay MLC

Deputy Leader of Government in the Legislative Council
Minister for Roads and Ports

**LEGISLATIVE COUNCIL
BUDGET ESTIMATES QUESTION**

QUESTION: Transcript

Notice Given: 13 August 2013

Due Parliament: 6 September 2013

Question:

The Hon. MICK VEITCH: Minister, the New South Wales Government remains responsible for maritime safety and security functions, pilotage and regulatory oversight for the ports that have been privatised.

The Hon. DUNCAN GAY: That is correct.

The Hon. MICK VEITCH: How much will this cost the Government over the forward estimates and, additionally, what funding has been allocated for port safety in this financial year?

The Hon. DUNCAN GAY: Can I come back to you with those details? It certainly is in the budget and it is part of our ongoing responsibility and one that we take very seriously.

Answer:

I am advised:

Operating expenditure (including depreciation) for maritime safety, security, pilotage and regulatory oversight functions undertaken by Sydney Ports Corporation is as follows:

- 2013-14: \$44.760 million
- 2014-15: \$46.147 million
- 2015-16: \$47.586 million
- 2016-17: \$48.981 million.

These figures represent consolidated costs for all areas of Sydney Ports Corporation's responsibility, including Port Botany, Sydney Harbour, and the regional ports of Yamba and Eden. These costs are not broken down by individual port areas.

These are the direct costs to Sydney Ports Corporation and do not include any overhead costs for Finance, IT, etc.

Operating expenditure (including depreciation) for maritime safety, security, pilotage and regulatory oversight functions undertaken by Port Kembla Port Corporation is as follows:

- 2013-14: \$7.828 million
- 2014-15: \$8.218 million

- 2015-16: \$8.873 million
- 2016-17: \$9.140 million.

These are the direct costs to Port Kembla Port Corporation and do not include any overhead costs for Finance, IT, etc.

Duncan Gay MLC

Deputy Leader of Government in the Legislative Council
Minister for Roads and Ports

**LEGISLATIVE COUNCIL
BUDGET ESTIMATES QUESTION**

QUESTION: Transcript

Notice Given: 13 August 2013

Due Parliament: 6 September 2013

Question:

The Hon. MICK VEITCH: With regard to pilotage—and you remain responsible—what are the current vacancies for pilots? Do you want to take that question on notice?

The Hon. DUNCAN GAY: Yes, I will certainly take that question on notice. I am unaware of current vacancies, but we will check. You are talking about at the three ports?

The Hon. MICK VEITCH: Yes. When you come back could you break them down by port as that would be sensational?

Answer:

I am advised:

The current vacancies for pilots in ports in NSW are outlined below:

- Sydney Ports Corporation (including Port Jackson, Botany Bay, Eden and Yamba): Nil vacancies.
- Newcastle Port Corporation: One current vacancy due to recent resignation of incumbent. Recruiting to fill this position has commenced. Newcastle Port Corporation is also increasing the number of pilots in the port from 21 to 22 and is currently finalising recruitment for that additional pilot.
- Port Kembla Port Corporation: Nil current vacancies. Port Kembla has recently recruited a pilot in anticipation of the retirement of a pilot in early 2014. In addition, the port is in the process of increasing the number of pilots in the port from 7 to 9. Interviews for these two new positions have commenced and the positions are expected to be filled by November 2014.

Duncan Gay MLC

Deputy Leader of Government in the Legislative Council
Minister for Roads and Ports

**LEGISLATIVE COUNCIL
BUDGET ESTIMATES QUESTION**

QUESTION: Transcript

Notice Given: 13 August 2013

Due Parliament: 6 September 2013

Question:

The Hon. DUNCAN GAY: With the draft freight plan, the draft has been out there for six months, so there has been plenty of consultation on this.

The Hon. PENNY SHARPE: Are the submissions that people have made available publicly?

The Hon. DUNCAN GAY: You have been able to make public submissions?

The Hon. PENNY SHARPE: No, have you made the submissions public?

The Hon. DUNCAN GAY: No.

The Hon. PENNY SHARPE: Could you?

The Hon. DUNCAN GAY: I will take that question on notice.

Answer:

I am advised:

Submissions to the draft Strategy have been managed with confidence to respect sensitive information that local councils, government departments, industry organisations and members of the public may not wish to disclose.

A list of organisations and individuals who made submissions to the draft Strategy, as well as key issues raised and how the Strategy responds, are included in Appendix G of the final NSW Freight and Ports Strategy, anticipated for release in 2013 pending Cabinet approval.

Duncan Gay MLC

Deputy Leader of Government in the Legislative Council
Minister for Roads and Ports

**LEGISLATIVE COUNCIL
BUDGET ESTIMATES QUESTION**

QUESTION: Transcript

Notice Given: 13 August 2013

Due Parliament: 6 September 2013

Question:

Dr MEHREEN FARUQI: I have been looking at some of the maps of the site of the Port Botany lease. It looks very much like the Port Botany bus depot, which is located on Bumborah Point Road, is included in these maps. Can you confirm whether or not the Port Botany bus depot was included in the deal to lease Port Botany?

The Hon. DUNCAN GAY: I will take that question on notice.

Answer:

I am advised:

The Port Botany bus depot was not included in the Port Botany lease.

Duncan Gay MLC

Deputy Leader of Government in the Legislative Council
Minister for Roads and Ports