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LEGISLATIVE ASSEMBLY

Tuesday 29 October 2013

The Speaker (The Hon. Shelley Elizabeth Hancock) took the chair at 12 noon.

The Speaker read the Prayer and acknowledgement of country.

DISTINGUISHED VISITORS

The SPEAKER: I draw the attention of members to the presence in the gallery of His Excellency John Berry, who is the recently appointed Ambassador for the United States of America to Australia. I welcome him to the Legislative Assembly at the quietest time of the day.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

PRIVATE MEMBERS' STATEMENTS

DRUMMOYNE SAILING CLUB CENTENARY

Mr JOHN SIDOTI (Drummoyne) [12.08 p.m.]: I am delighted to make this private member's statement in relation to an event I had the pleasure of attending—the centenary celebration of the historic formation of Drummoyne Sailing Club. One hundred years represents a lot of sailing and a lot of volunteer work by dedicated members to ensure that the club's viability has been maintained and its growth has progressed. Drummoyne Sailing Club is one of the oldest sailing clubs in Sydney and boasts a beautiful position on St George's Crescent, Drummoyne. It was only natural for a sailing club to be set up on this beautiful waterway and the celebration gave us all cause to reflect on the perseverance and dedication of the people who volunteered their services to make the club what it is today. One hundred years ago there was no official clubhouse, yet one need only look around to see what members over the years have achieved with this magnificent home for Drummoyne sailing. What started out as a small group of people interested in sailing has grown to boast a membership in excess of 5,000. As the club did not have a clubhouse 100 years ago meetings were held in an assortment of local halls and shops. Parts of the original clubhouse were constructed in 1913 but over the years had become impossible to maintain and a decision was taken in 1999 to rebuild the club on its own land.

Like many other clubs in the area, Drummoyne Sailing Club has a proud history of supporting the local community. It provides in-kind support to various community organisations such as local schools, sporting organisations and community groups. The club actively supports the Community Development and Support Expenditure Scheme and this commitment continues through the rebranded ClubGRANTS Scheme. The funding will benefit local groups including Dobroyd Aquatic Club to replace children's training boats destroyed in a fire, Abbotsford Sea Scouts to assist in the rebuilding of their clubhouse, and CAN Mental Health, which provides valuable telephone assistance to people with mental health issues. Drummoyne Sailing Club is truly a local club. I congratulate Drummoyne Sailing Club, its board and members on reaching this milestone and I am confident the club will continue its enormous contribution to the community over the next 100 years.

SWIAA GARDENS RETIREMENT VILLAGE

Mr NICK LALICH (Cabramatta) [12.11 p.m.]: I bring to the attention of the House that on 28 September 2013, I attended the twentieth anniversary of the establishment of the SWIAA Gardens retirement village and the grand opening of the third stage of the aged care centre at Bossley Park. SWIAA Gardens was established in 1993 by a committee made up of the first SWIAA president, the late Mr Franco Rasoni, Mr Tony Campolongo and Mrs Vicky Fontana, together with other committee members, and Ms Janice Crosio, MP, for

the sole purpose of establishing an aged-care facility to provide care for seniors of Italian background in the Fairfield region. The long road to this opening started in 1993 with a visit to the then Consul General of Italy, Mr De Nardis, in his office at Circular Quay. The meeting was attended by the three people mentioned above, Mr David Lyndon of Fairfield City Council and me as mayor. Mr De Nardis was assisted at that meeting by a gentleman named Mr Finn from Co.As.It., who ran the Italian aged care facility at Leichhardt.

Mr Finn told us in no uncertain terms that it would be impossible for us to attempt to proceed with a project such as this as it would take a lot of money, expertise and know-how. He felt we had none of these prerequisites and that it would be better all round if we forgot about the project and supported Co.As.It. and it would look at doing something in the west for us some time in the future. At the end of our meeting Vicky Fontana thanked Mr De Nardis and Mr Finn for their time and advice, and in language that would make one's hair curl, indicated to them that we would be proceeding with the project, and that in time their concerns about our ability to bring this development to fruition would prove them wrong. Twenty years later they have been proved wrong. It took a lot of effort and expertise, but we have this in abundance in our local government area and within the Italian community.

The site of the village was changed on two occasions due to protected species of frogs and trees being found. The facility now stands on the corner of Restwell and Sweethaven roads, Bossley Park and is within 200 metres of Club Marconi, which is an advantage for residents. Stage one was opened in 2002 with 41 two-bedroom self-care villas. Stage two of the project was opened in 2006 by then Premier Morris Iemma. Stage two delivered 53 hostel beds, 12 of which are special care and 41 are low care. In that same year the SWIAA chapel was opened to take care of the spiritual needs of the community and residents. On 26 September 2013 the \$10 million stage three opened, including 60 new bed facilities comprising 20 high care, 30 low-care and 10 special units for dementia and mental disabilities where around-the-clock care is required.

SWIAA aged care facility now has a total of 154 places and has expanded to become one of the leading aged care facilities in the western suburbs through having the highest ethical standards and giving priority to its residents. I congratulate Mr Charles Barone, president of SWIAA, and his building committee on this great achievement. I congratulate also all the previous presidents and board members on their hard work and the time they gave to bring this project to fruition. This demonstrates that when there is a will and the community gets together nothing is impossible.

BURRINJUCK ELECTORATE BUSHFIRES

Ms KATRINA HODGKINSON (Burrinjuck—Minister for Primary Industries, and Minister for Small Business) [12.14 p.m.]: Today I speak about issues in my electorate of Burrinjuck, particularly weather events and our hardworking Rural Fire Service volunteers. Members will remember that earlier this year the Yass and Jugiong district experienced dreadful fires that burnt out about 18,000 or 19,000 hectares of prime grazing land and affected about 10,000 sheep. This was a tragedy for the many families living in the Bogalara, Bookham and Childowla areas. In fact, at one stage fires threatened the town of Yass. If it had not been for the swift action of the Minister for Police and Emergency Services, Mike Gallacher, and his staff, in particular, Suzanne Fosbery, who was on call all night and answered the phone whenever I rang her—she was amazing—the water-bombing planes may not have been able to put the fire out in the nick of time and prevent the fire from reaching the township.

Today I praise those people, many of whom were affected in the January fires and also are members of the Rural Fire Service, who over the past two or three weeks have gone out into the Blue Mountains and Wingecarribee areas and beyond to repay the debt they perceived they owed in no small part to the number of volunteers who came into our area earlier this year. I highlight some of the brigades that have been out and about in the past couple of weeks. Brigades from Taralga and Grabben Gullen from the Southern Tablelands zone were operating in Muswellbrook; brigades from Marulan and Towrang were fighting fires in the Wingecarribee shire; and a strike team from Yass consisting of volunteers from Manton, Gunning, Bellmount Forest, Wallaroo, Binalong and Bookham, was deployed to the Springwood fires. The South West Slopes zone had a strike team deployed to Lithgow—and I believe that team is still there—and crews from Rural Fire Service brigades in Young, Boorowa, Cootamundra and Harden are being rotated on a three-day roster.

A tanker and crew from Cowra were also fighting fires in the Lithgow area. Crews were being rotated using volunteers from the Canobolas zone, including Weddin shire—famous for the town of Grenfell—while tankers and personnel from the Porters Mount Rural Fire Service brigade were part of a strike team on standby for deployment. Last week volunteers from Gundagai were deployed as part of a remote area fire team and were winched by helicopter into inaccessible parts of the Blue Mountains near Lithgow. Other volunteers and units

from the Riverina Highlands zone, particularly from Gundagai, have been on standby. Rural Fire Service staff from the Burrinjuck electorate were deployed widely across the State in operation centres to assist with the command and control of the firefighting operations. As I stated earlier, during the earlier fires in my electorate of Burrinjuck our fireys were in awe of the number of volunteers that came our way from everywhere, including BlazeAid, a wonderful group comprising many seniors, the grey nomads who came in and fixed the extensive fencing that needed repairing.

BlazeAid did an amazing job. I commend also Yass Shire Council for coordinating the efforts of BlazeAid. We felt we owed something to the rest of the State, and our fireys were just trying to do their bit. We acknowledge the work of the Rural Fire Service crews from the Burrinjuck electorate in the recent spate of fires and those disastrous fires in the Blue Mountains. Our hearts go out to all those people who have been displaced and those whose homes have been destroyed or damaged during the fires. While property destruction in my electorate was not as extensive as the property losses in the recent fires, we fought the fires as one. Our hearts are firmly with those who suffered fear or loss of any kind during the fires—some of which are still burning—in the Blue Mountains and the Wingecarribee area.

Mr DONALD PAGE (Ballina—Minister for Local Government, and Minister for the North Coast) [12.19 p.m.]: On behalf of the Government, I join with the hardworking member for Burrinjuck in thanking the firefighters who fought the fires in January in the member's electorate and then made themselves available this month to support the firefighters in the Blue Mountains, the Hunter and other areas of the State. It continues the great tradition of supporting our mates—whether in the Rural Fire Service or other areas. It is heart-warming to hear that people who benefited from the efforts of firefighters in January were subsequently able to give back-up support to those firefighters in the recent fires in the Blue Mountains and elsewhere.

SWANSEA ELECTORATE BUSHFIRES

Mr GARRY EDWARDS (Swansea) [12.20 p.m.]: This is part three in a private member's statement I started last week in relation to the bushfires that affected Swansea on 17 and 18 October. I congratulate all the emergency services, in particular the Rural Fire Service volunteers and anyone else who was involved in the emergency response to the recent fires. Many of those volunteers remain on active duty or on stand-by today. It has been a devastating time for all involved. Members may have seen the photograph showing exhausted Wallarah Rural Fire Service brigade members sleeping on the road at Nords Wharf. Many had been fighting fires non-stop for 24 hours. The photograph encapsulates the hellish conditions of the fires and the incredible spirit of the Rural Fire Service volunteers.

Those shown in the photograph are Heather Jones, mother of Nicholas Jones in my electorate office; Kieron Pritchard; Josh Iffland; Matthew Power-Jones; Josh Power-Jones; and Ashley Gilbert. Let us hope that by now they and their colleagues have been able to catch up on some quality rest. I also commend the businesses and residents who showed incredible support for those who were displaced or isolated by the fire. It was an overwhelming privilege and a wonderful reward to witness firsthand so many of my constituents banding together to help each other through what was an extremely frightening and dangerous series of events.

Many volunteers assisted at the Swansea RSL Club during the crisis but I acknowledge the following: Kiel Emerton, general manager, who left his sick bed to assist and offer encouragement, particularly to his staff; Luke Brand, duty manager, who stayed on beyond his shift to assist and support his colleagues; and the legend, Tony McKay, who refused to leave at the end of his shift on Thursday evening and stayed on during the night. He went home—along with his pet dog—for some well-earned sleep mid Friday morning. Paul Fletcher, the duty manager was off duty for the entire time but stayed on to assist for over 24 hours; Graeme Shears, a chef, stayed all night and the following morning after his shift, assisting with food preparation and general support; Sue Witt, from Catherine Hill Bay stayed all night and all morning, even though her own home was under threat from the fire; resident photographer Dianne Cook also stayed all night, doing a great job assisting wherever there was a need.

Emily Mitchell lives at Gwandalan and no longer works at the club but although both her home and her father's home were under threat, Emily returned to the club in order to see what she could do to assist and also stayed all night; Steph Cruickshank, a chef, came back to help, even though her shift had ended and she had already gone home; Melissa Pascoe brought her young son Taj along so that she could be there to assist; chef Tod Geffrey and his lovely partner, Lena Wotherspoon, stayed for 24 hours, Thursday to Friday, preparing food, sourcing replacement stock and doing an amazing job; Julia Harrison is one of the famous Belmont Blacksmiths and Swansea Harriers. She is the administration manager at the club and took on the role of field commander.

Then there was Blanket Man. We could not get blankets anywhere until—all of a sudden—Blanket Man turned up with half a truckload of blankets. We never did get his name. Then there was Craig. Tony Jones and I ran into Craig at Woolworths at Swansea on the Friday morning. He had just knocked off from his normal job. He said, "Hey guys, can I come and help?" He came and worked all day at the club. We did not get Craig's surname either. Club president Garry Davies volunteered, even though at one point his home was also at risk. Director Christine George worked hard cleaning up after the evacuees and the isolated who were, in some cases, club patrons. Last, but not least, director Tony Jones phoned me on the Thursday evening advising me that the club had been appointed as an evacuation centre. Tony stayed for the entire exercise. Tony—great leadership and great community devotion. I commend all these volunteers to the House.

DAPTO TAFE FUNDING

Ms ANNA WATSON (Shellharbour) [12.25 p.m.]: Last week I told the House of my concern about the future of Dapto TAFE in my electorate. In those remarks, I drew attention to the evident decline in student enrolment and staff numbers and cuts to services at Dapto TAFE over the past two years. To recap, student enrolments have declined from a peak of 534 under Labor in 2010, to just 348 under this Government. Staff numbers have also fallen from 111 in 2010 to 97 in 2012. The campus library and the canteen have been closed.

I met yesterday with the Illawarra TAFE Institute Director, Dianne Murray, to be briefed on the Government's figures provided to me by the Minister for Education in answer to a question in writing. I am reassured that the Dapto TAFE has a function in the Illawarra TAFE network which is, essentially, to provide a range of foundation skills programs, including those which enable students to access and maintain employment or prepare for the pathway to university degrees. I am pleased that the other two TAFE campuses in my electorate—Shellharbour TAFE and Yallah TAFE—continue to enjoy expanding student numbers, courses and facilities. Both the Shellharbour and Yallah campuses have a specialist purpose: One focuses on early childhood education and retail; the other on renewable energy and horticulture.

Despite the very thorough briefing provided to me by Ms Murray, I consider that Dapto TAFE campus should also have a similar specialised focus within the Illawarra TAFE system. More courses should be offered at Dapto campus. There is an opportunity for employers and the industry sectors clustered around Dapto and West Dapto and the soon to be developed areas of Kembla Grange and Tallawarra to establish the Dapto TAFE campus as a specialty hub. For instance, the Shellharbour TAFE has a special relationship with Stockland Shellharbour in providing retail courses at the Shellharbour TAFE. Dapto's retail employers should consider a similar arrangement at the Dapto TAFE campus. I would be very happy to facilitate appropriate discussions with the Illawarra TAFE Institute if Dapto employers want to enhance a key educational and skills development institution in their own backyard. And what better backyard could there be?

I will next meet with the TAFE Teachers Federation and the TAFE Community Alliance, to hear their concerns about the TAFE services in my electorate firsthand. I will continue to monitor closely student enrolments and staff numbers at Dapto TAFE. It is an important campus for the growing population of Dapto and West Dapto in my electorate.

QUEANBEYAN 175TH ANNIVERSARY

Mr JOHN BARILARO (Monaro) [12.28 p.m.]: In Queanbeyan we live in the shadow of Canberra in the Australian Capital Territory. Queanbeyan is Canberra's rival city. It is often dubbed a struggle town, but it has more of a claim to fame than Canberra. Queanbeyan has produced more sporting superstars per capita than any other city—especially Canberra. Queanbeyan has produced people such as Mark Webber and David Campese, Brad Haddin and Heather McKay—to name just a few. Not many other cities in this great country could also claim to have its own James Bond, but Queanbeyan is the home of George Lazenby.

Queanbeyan is renowned for the mixed grill served at the Central Cafe. All of these things deserve to be recognised. However, the city's sense of community, cultivated by the people of Queanbeyan, makes this town unique, and it is that uniqueness we are celebrating this year. It was a privilege to participate in the celebration of Queanbeyan's 175th year of settlement. Queanbeyan has flourished as a community since its proclamation of township in 1838. I was born and bred in Queanbeyan, I attended school and ran a business there and I have remained an enthusiastic member of my community. Why wouldn't I? It is a great community. As a son of Italian migrants I am part of the strong multicultural community in Queanbeyan and it brings me great joy to celebrate the annual multicultural festival held at Queanbeyan Park. The bright colours, dancing and sensational food are inspired by and represent the pride that the community has in its unique multicultural heritage.

As host to Premier Barry O'Farrell's recent visit to Queanbeyan, I was honoured to show the Premier examples of our community spirit, which has existed in our great city for 175 years. The Premier's exercise regime was put to the test: members of the Queanbeyan Health Walking Group, the largest Heart Foundation walking group in New South Wales, took the Premier for a brisk walk around the city and along the river. They were delighted to show the city to the Premier and to inform him of the group's efforts to promote healthy lifestyles. Next, the Premier and I joined Queanbeyan Mayor Tim Overall in the city's new sensory garden to plant waratahs gifted to Queanbeyan by the New South Wales Government in commemoration of its 175th birthday. The ownership of Rusten House, which is the site of the city's former hospital, is presently being gifted by the State to Queanbeyan City Council. Through a government grant, the asbestos found in the old hospital building is being removed prior to renovation. Rusten House, which was built in 1861, is an integral part of Queanbeyan's history and the building is being restored to its former glory for the community to enjoy. The Premier was impressed by the community's warm reception and I look forward to the Premier visiting Queanbeyan again in the near future.

Our sporting culture is another unifying aspect of the great city of Queanbeyan. The community's love of sport encouraged me to pursue one of my greatest passions: the round ball, known as football. I was a founder of Monaro Panthers Football Club. Today the club has more than 1,000 junior players and 200 senior players and competes in the Premier League women's and men's tournaments in the Australian Capital Territory. I was president of the club for more than 12 years. It is always a thrill to see the community rally together for a game of football. The smell of a sausage sizzle on a brisk winter morning in Canberra or Queanbeyan is another reminder of the great electorate and State we live in. Throughout the past 175 years the community's camaraderie has extended to support for each other through drought, floods and fires.

The annual Convoy for Kids to aid cancer research is widely supported by community groups and small businesses and the annual Festival of Ability, which attracts more than 3,500 people every year, celebrates the contribution made by our friends with disabilities. The city's birthday celebrations, which have been second to none, have included a transport parade and car display, the opening of the sensory garden, a multicultural food and dance festival, concerts, fireworks, the Combined Service Clubs' 175th anniversary ball, and the cutting of a five-tiered birthday cake created by a local cake decorator. The cake featured local landmarks, vintage cars, wattle, ducks and platypus all made from edible icing. There is so much to be proud of in Queanbeyan. It is an honour to represent this community and participate in its 175th birthday celebrations. Happy birthday, Queanbeyan.

STRATA SCHEME MANAGEMENT

Mr ALEX GREENWICH (Sydney) [12.33 p.m.]: More than three-quarters of the homes in the Sydney electorate are apartments. Apartments are vital to sustainable living and must become a greater proportion of the housing mix to environmentally, socially and economically address population growth. Strata reform is a common concern raised by my constituents. Following extensive consultation, my predecessor, Ms Clover Moore, introduced a private member's bill. The State Government has recognised the need for reform and has initiated a review of laws. A wide range of concerns have been raised; I will discuss some of the key issues that need to be addressed. The issues broadly fall into three categories: transparent, accountable and democratic management; protecting amenity; and preventing defects.

Decisions that affect investment and quality of life are made at annual general meetings and executive committee meetings, but there can be problems with how these meetings transpire. Proxy votes can concentrate power in one person or a small number of people who make decisions based on personal benefit to the detriment of the majority of owners. This is unfair and undemocratic and reform is needed in this area. Owners should be required to direct proxy holders how to vote or the law should permit owners to vote on items when they are absent from a meeting. Executive committee members, when dealing with possibly multimillion dollar assets, do not necessarily know the law or their responsibilities. Some of my constituents have suggested compulsory training, but this needs to be balanced against the increased potential disincentive to becoming a member of an executive committee. The Act should clarify the roles and powers of executive committee office bearers and introduce a code of conduct to ensure they fulfil their duties appropriately. Disclosure requirements should be strengthened, and strata managing agents should be required to publicly disclose their connections with the original owner, caretaker, letting agents and builders, as well as commissions received from contractors.

Owners corporations need time to carefully consider long-term contracts. However, these are often entered into when a strata scheme begins and owners do not have the necessary knowledge or experience for informed decision-making. Therefore, contract lengths should be restricted in the first year of a scheme. Many residents are concerned that short-term rentals in their buildings create noise from visitors in holiday mode, cause damage to common property from frequent luggage movements and reduce security due to the changing

residents. The law should allow owners corporations to be able to restrict short-term leases. Overcrowding also creates serious problems. Some unscrupulous landlords and subletting tenants cram people, mostly overseas students and new residents, into apartments, which creates noise, high water use, wear to common property and fire hazards. Some owners use their proxies to block bans on overcrowding.

In buildings approved since 2006, City of Sydney consent conditions limit apartment occupancy to two adults per bedroom and enable it to take action against overcrowding. This approach should be adopted in strata law, and the Consumer, Trader and Tenancy Tribunal should have the power to prohibit overcrowding and short-term rentals where there is a proven pattern of antisocial behaviour. Illegal parking on strata property and residents using visitor spots are a common problem and some residents want the reintroduction of clamping laws. This option, as well as delegating parking laws to councils, needs to be explored. Individual owners must be protected and be able to claim for financial loss or damages when an owners corporation fails to fulfil its statutory duty to maintain and repair common property. In that regard, legislation will be required to overturn a recent court decision. More families with children are living in apartments and parents are increasingly raising concerns about drift smoke from neighbouring apartments, including from balconies. Where drift smoke is impacting another apartment, there should be authority for the strata manager, for example, to issue a no-smoking order.

Pursuing remuneration or rectification for defects is stressful and arduous. It can involve a protracted court case at significant financial cost, which may result in a negative result due to technicalities. It may also result in reduced property values. I have heard stories of owners losing their homes because they could not afford special levies that were introduced to fix faults. The State Government urgently needs to look at measures to encourage competent development, which will result in reduced building defects. Such measures must include removing private certification and ensuring owners are able to make insurance claims for structural defects. "Defects" should be a compulsory item on the agenda of the first annual general meeting so that owners consider potential problems at an early stage.

Any strata scheme that moves away from unanimous agreement before termination to allow the forced sale of one's home must have strong safeguards to ensure this approach is taken as a last resort and that it is not detrimental to any particular owner. Moving house can be traumatic, especially for frail, socially isolated and elderly people who have lived in one location for many years. Ensuring vulnerable owners receive a fair price for their apartment is not enough if they are unable to afford a new place in a larger apartment block that has higher levies. Apartment living is an important part of the housing mix and reform in a number of key areas is needed to ensure it remains an attractive choice for the community.

ROTARY CLUB OF NARELLAN

Mr CHRIS PATTERSON (Camden) [12.38 p.m.]: I recently attended the Rotary Club of Narellan Pride of Workmanship Awards. Many worthy people were nominated by local businesses for the 2013 awards. Pride of Workmanship is an approved Rotary project instigated in 1975 by the Rotary Club of Pennant Hills. Its aim is to enable managers in the community to assist employees achieve the goal of job satisfaction and to publicly recognise those employees for their efforts. The theme of the awards is, "Do it once—do it well". That sounds like the theme of the O'Farrell Government. Businesses can nominate employees within their organisation and the wider community who are worthy of recognition. This is an opportunity for businesses to acknowledge any member of our community, irrespective of age or vocation, who displays outstanding qualities in approach, dedication, attitude and commitment to service. Since its inception in 1992, the Rotary Club of Narellan Inc. has become an integral part of the Camden community. Its inaugural meeting was held at historical Struggletown with just 12 members and it has grown through supporting more than a thousand major and local charities.

The club very much appreciates all the efforts of its longest serving continuous member, Tony Perich, who is still very active and passionate. The Rotary Club of Narellan is to be congratulated on promoting these awards with the full support of members and their very supportive partners Bruce Butler and Janece, Roger and Pamela Chater, Steve and Lynette Cole, Denis and Lee Cummins, Peter and Dee Douglas, Phil and Geraldine Dowd, Robert and Rachel Elliott, John and Dianne Gannon, Terry and Diane Goldacre, Honorary Member Bob Gollan and Margaret Gollan, Barrie and Marilou Grimes, Bruce Holz and Anne, Paul and Carlyne Hutchinson, Dick and Jill Leemen, Marty and Tina Magro, Brian Matheson, Honorary Member Malcolm McKenzie and Jill McKenzie, Stephen and Julie McKinstry, Jack and Mary- Margaret Morris, Ruth Morrison, Andrew and Sharon Moyle, Chris and Lea Paul, Catherine Perich, Brian and Denise Pritchard, Peter and Debbie Roberts, Tony and Margaret Ross, Louie and Chiara Sbirziola, Grahame and Gwen Smith, Frank and Deidre Spiteri and Lynne Thomas. Local businesses always support the Rotary Club of Narellan whenever assistance is needed. These awards give local businesses an opportunity to recognise the local people they believe deserve recognition.

I congratulate all who were nominated in the individual sections. In the Rising Stars section were Amy Davies nominated by Serge Kossian of Priceline Pharmacy Narellan, Brodie Manny nominated by Paul Channell of Narellan Chemmart Pharmacy and Raymond Elmohamed nominated by Cassandra May of MayTek IT Solutions. In the Open section were Ann-Narelle Tattam nominated by John Gannon of Macarthur Lady Funerals, David Senior and Dianncce Close nominated by Rowan Gregson of Pestec Pty Ltd, Jessica Tailby nominated by David Taylor of Dart West Developments, Karen Kelly nominated by Pamela Templeton of Mater Dei, Kate Drain nominated by David Waudby of South West Business Enterprise Centre, Matthew Osbourne nominated by Colin Grimes of Grimes Finance and Mortgages, Michael Reynolds nominated by Anne Lauder of Mater Dei and Sharyn Black nominated by Erin Scott of Vivid Hair and Beauty.

In the Volunteer section were Anne Adam nominated by Debbie Gates of Mater Dei, Kerry Robertson nominated by Angela Wood of Karitane at Camden, Norman Peterson nominated by Terry Lucas of Narellan Men's Shed, Steve Cooper nominated by Brian Pritchard, Steve Wisbey nominated by Anne Parnham of Campbelltown Lighting Centre and Susan Hutchinson nominated by Noelene Rudolph of Camden Council. All nominees have gone above and beyond expectations and their call of duty. They have shown commitment and dedication to their field in giving just that little bit more at every opportunity. Although all are very deserving of the award, only one can be the winner in each section.

The Rising Star section winner was Brodie Manny, the Open section winner was David Senior, the Volunteer section winner was Steve Cooper and the overall winner was Karen Kelly. Congratulations to all nominees and all winners. It was a privilege to witness these valued employees receive deserved recognition from their much appreciative and supportive employers. The Rotary Club of Narellan does an outstanding job. Its volunteer and fundraising contribution to our community helps to make Camden the wonderful community it is. I thank all those people.

ROYAL NATIONAL PARK WORLD HERITAGE LISTING

Mr MARK SPEAKMAN (Cronulla—Parliamentary Secretary) [12.43 p.m.]: I am delighted that the New South Wales Government is supporting the nomination of the Royal National Park, Heathcote National Park and Garrawarra State Conservation Area for World Heritage listing following representations earlier this year by me and others to the New South Wales environment Minister, Robyn Parker. In the first month of the Abbott Federal Government, the Federal environment Minister, Greg Hunt, also agreed to support progressing this World Heritage listing application. The nomination will require a substantial effort over several years and an extensive assessment, including thorough consultation with local government and Indigenous and interested groups. The Royal National Park is one of the Sutherland shire's greatest assets. It was the first national park to be declared in Australia when, on 26 April 1879, the land was designated for the purpose of a national park under the Crown Lands Alienation Act 1861. Arguably, it is the second oldest national park in the world. In his book *The First National Park: A Natural for World Heritage*, Dr Geoff Mosley identifies that:

There is little doubt that the major driving force behind the establishment of this large new park was the widespread belief in England and its colonies that parks and reserves had an important role to play as sanitary measures through the way they could help counter the adverse effects of urban living conditions and particularly the prevalent miasmas believed to be caused by air and water pollution.

Evidently, the Royal National Park still plays a very important role as a so-called sanitary measure: it is the most visited national park in New South Wales with over four million visitors last year. In 2006 the park was added to Australia's National Heritage list and the New South Wales Government is excited to start the nomination process for the prestigious World Heritage listing, which would be a worthy recognition for this important area. I anticipate that the bases for nomination will include, first, the Royal National Park's cultural status as, arguably, the second-oldest national park in the world and its great significance in the development of the conservation and national park movements in the world.

The nomination also will be based on, second, its early built heritage, including the Audley boatshed, gardens, picnic grounds, shelter sheds and other buildings, the bus-stop tree, shacks, the Youth Hostel Association hostel, the scientist's cabin precinct including the cleared area, the sawpits and the boiler, parts of Forest Island walk, Lady Carrington Drive and Jersey Springs; third, its proximity to Sydney—it is probably the only major national park in the world within a major city and so has the capacity to lead the world movement to integrate wildlife with urban, industrial and rural areas; fourth, its outstanding diversity of landscapes, flora and fauna; fifth, its outstanding opportunities for healthy recreation in natural surrounds; and sixth, the rich Aboriginal heritage of the Dharawal people, who have lived in the area for thousands of years and have left many sites and artefacts, including the Gibbon rock engravings.

I shall expand on a couple of these elements, in particular, the extraordinary biodiversity within the national park and the rich tapestry of Indigenous artwork and artefacts that narrate the story of our nation's first people in this area. Dr Mosley's book notes a number of attributes of the Royal National Park. For example, the variation in aspect, moisture and soil profile throughout the reserves enables a diversity of plant communities to flourish, ranging from heathlands to dry sclerophyll woodlands and from dry sclerophyll forests to wet sclerophyll forests and rainforests. The greatest number of mammal and bird species can be observed in the rainforest and wet sclerophyll forests of the Hacking River catchment.

A 2009-10 fauna survey produced a total count of 347 vertebrate species, several of which were previously undocumented. The Royal National Park is home also to a plethora of invertebrate fauna and terrestrial molluscs and provides a habitat for migratory birds, including the Eastern Curlew, Great Egret and Pied Oyster Catcher. Aboriginal occupation by the Dharawal language-speaking people dates back at least 7,500 years. In 2000, 100 Aboriginal sites were recorded around Heathcote National Park, including a large number of shelters as well as paintings, drawings and sandstone engravings in rock shelters and overhangs. Various instruments used by the local tribe have been discovered during excavations: spear points fashioned from bone, fishhooks from shell and fishing lines from natural fibres.

Indeed, the Royal National Park exhibits many outstanding universal values—natural beauty, biodiversity, cultural heritage—and a significant connection with a broader national discourse on conservation and the role and purpose of national parks, which the World Heritage Convention seeks to promote and preserve. I congratulate the chairman of First National Park, Bob Walshe, as well as Bob Crombie and Dr Geoff Mosley, on their tireless efforts in advocating for the park's World Heritage listing. I thank also Minister Parker for taking this important step forward in recognising one of New South Wales's most important natural and cultural landscapes.

PORT MACQUARIE CARERS WEEK

Mrs LESLIE WILLIAMS (Port Macquarie) [12.48 p.m.]: During the recent Carers Week I was privileged to be given the opportunity to launch a wonderful book featuring 12 local carers in the Port Macquarie area. The highlight of my week was to share this very special occasion with a group of wonderful local carers. New South Wales has 850,000 carers, and whether they are looking after a family member or friend with a disability, mental illness or a chronic health condition or who is frail aged, carers are very special people. Having been a carer for my brother and having ageing parents who now are his full-time carers, I understand the challenges carers face every day. The 12 carers featured in the book, the majority of whom are women, all have the remarkable qualities of personal strength, dedication and commitment, and they deserve to be acknowledged not just during Carers Week but on every day of the week. They play such an important role not only in the lives of the individuals for whom they care, but also in our local community.

Jan Dennis, who is one of the carers featured in the book, came up with the idea to create a book of carers' stories. The book is a collection of concise informative carer profiles aimed at raising awareness of challenges faced by carers by giving a snapshot of their individual circumstances and voicing their needs. It gives details on the carers, who they care for, the support services available to them, their plans for the future and the three things they wish for. I will read into *Hansard* some of their stories. Jan Dennis cares for her husband, Jules, who was left with an acquired brain injury in 2001 when he fell down some stairs and hit his head. Jan wrote:

On the day of his injury, my old life ended and my new life as a carer began. Nothing in my safe, happy life up until that point prepared me for what was ahead.

...

We have all heard about other people who face enormous adversity and dig deep to find strength and determination in a crisis, but that sort of thing never happens to people like me, but it did!

As for planning for the future, Jan said:

Just getting through each week is a challenge and I am fearful of planning ahead as things can and often do change in a heartbeat, which results in disappointment.

The next carer I highlight is Peg, who has been a carer for her intellectually disabled daughter, Leigh, for almost 50 years. Peg wrote:

At 83 years of age, I worry about Leigh's future accommodation, health, safety and happiness.

There do not seem to be any suitable alternative options for accommodation for Leigh. She would require a closely monitored environment, medication management, and constant guidance in a supportive community.

Peg wishes for a life of her own. She said:

At 83 I wish I could stop, just do what suits me and be relieved of the constant responsibility and worry of caring. I am tired.

Dawn, who cares for her 15-year-old son, Jay, who was born with Down syndrome, said:

Since Jay was born he has received lots of early interventions. The services were limited but wonderful. By school age we did have difficulties with the crossover of health services and disability services, which resulted in Jay not receiving prompt speech therapy in his most vital years. Specialist services are limited in rural areas.

On service gaps she said:

There is a critical shortage of support workers appropriately trained in working with people with complex support needs and challenging behaviours.

As to plans for the future, Dawn said:

The future scares me. I cannot plan for the future. In 2012 I was diagnosed with cancer. I could not think the worst and I was fortunate enough to get this disease early. It just makes me more determined to push towards finding better solutions so others can support my son in having a future plan that works for his individual needs.

Many write that they hope the National Disability Insurance Scheme will deliver the required services. They write about being housebound, the fear of getting older, what will happen to their loved one when they die, economic challenges and the financial drain of being a carer. It is interesting reading and will be confronting for those who have no experience as a carer. I commend the carers who contributed to the book. One of the reasons it was written was to bring these stories to the attention of politicians and decision-makers. The carers can be assured that I hear them loud and clear. I acknowledge and thank Erica Lake for her support and encouragement in assisting carers to tell their stories. Many carers told me that initially it was a difficult task to take time out to think about their personal needs and future. Erica's direction and reassurance were appreciated.

The Hon. John Ajaka, Minister for Ageing and Minister for Disability Services, understands only too well the concerns that are raised in this book. They are not new concerns, but they continue to provide challenges for all of us as we work toward being responsive to the needs of carers. During his first visit to my electorate of Port Macquarie as Minister for Disability Services, the Hon. John Ajaka visited a number of local service providers, including NewIDAFE and ACES where he met Dawn. I am proud to be part of a government that is genuinely engaging with carers through the Minister's Carers Advisory Council, and I am proud that Romaine Page from Port Macquarie is a council member. I also acknowledge recently retired member Elizabeth Ingram, who is also from my electorate, and thank her for her input and involvement. The *Carers Profile* publication is an excellent initiative. I recommend it to other carers groups as a way to record personal stories of the wonderful carers in our local communities.

PORT STEPHENS VOLUNTEER OF THE YEAR AWARDS

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [12.53 p.m.]: Today I speak about the incredible community spirit in my electorate. I was thrilled recently to be able to publicly recognise 39 individual volunteers and three organisations for their wonderful work in the annual Port Stephens Volunteer of the Year Awards. These awards, as well as showing our thanks and appreciation to volunteers in our community, let the wider community know about the special people we are so lucky to have in Port Stephens. I created these awards to recognise that each day there are countless people in Port Stephens who give up their time for others but whose generosity often takes place unnoticed. The previous Port Stephens Volunteers of the Year were Ray Tucker in 2009, Jenny Field in 2010, the entire committee of the Tea Gardens Hawks Nest Clinic Bus in 2011, and Kevin Colman in 2012.

John Sharp from Tea Gardens is the 2013 Port Stephens Volunteer of the Year. John was instrumental in the creation of the Peter Sinclair Gardens and is a hardworking member of the local men's Probus Club. He was involved in the establishment of the local U3A Group, he is the current trustee of the local RSL Sub Branch and he is a life member of the Tea Gardens Hawks Nest Surf Life Saving Club. John is an immediate past president of the Tea Gardens Hawks Nest Motor Club Inc., which, together with the committee, has raised more than \$100,000 for local community organisations. John is also a justice of the peace with more than 50 years service and for the past 10 years has been a well-known and respected pharmacist in the area.

These awards were not only about a winner but also about acknowledging and thanking each nominated finalist. The finalists were: Margaret Adamson from Raymond Terrace who volunteers with

integratedliving Australia Limited's HomeStyle Tucker project; Peter Bevan from Salamander Bay, a volunteer with Marine Rescue; Russell Booth from Seaham who volunteers for integratedliving's HomeStyle Tucker project; Steve Carmichael from Tea Gardens, a Rural Fire Service volunteer; Kathleen and Wayne Creaswell from Raymond Terrace who volunteers for the integratedliving's Homestyle Tucker project; Ben Duckham from Raymond Terrace, also a volunteer with integratedliving's HomeStyle Tucker project; and Bette Caunt from Hawks Nest who has had a permanent involvement with a number of volunteer groups;

Further finalists included: Ray Evans from Tanilba Bay who volunteers at the Hunter Koala Preservation Society; Marie Fitzgerald from Raymond Terrace who mentors students at Irrawang High School and Hunter River High School; Karen Filipek from Medowie who volunteers with integratedliving's HomeStyle Tucker project; Rebecca Freeman from Raymond Terrace, also a volunteer with integratedliving's Homestyle Tucker project; Linda Gardnir from Tomago who volunteers for the Salvation Army; Kevin Grey from Raymond Terrace, a volunteer with integratedliving's Homestyle Tucker project; Richard Griffin from Raymond Terrace who volunteers for the Salvation Army; and Elaine Hall from Raymond Terrace who has been a volunteer for the Raymond Terrace and District Historical Society for over 30 years.

Also included as finalists were: Rhonda Hamilton from Lemon Tree Passage who volunteers at reception for integratedliving's Homestyle Tucker project; Kiri Hampton from Salt Ash, a volunteer with integratedliving's Homestyle Tucker project; Robert Harris from Shoal Bay who is a member of the Marine Rescue Port Stephens auxiliary; Jane Hearsom from Corlette who volunteers at the Tomaree Neighbourhood centre; Joy Ireland from Cardiff who volunteers for the Salvation Army; Anne Kayser from Medowie who volunteers with integratedliving's Homestyle Tucker project; Eileen Kelly from Anna Bay who is a volunteer with Marine Rescue Port Stephens; Ross Latimer from Raymond Terrace, a volunteer with Raymond Terrace Seniors; Belinda Lavers from Salamander Bay who volunteers at the Soldiers Point Public School; and Ellen Lilley from Swan Bay who volunteers for the Salvation Army.

Further finalists were: Arlene McMahon from Raymond Terrace who are volunteers for integratedliving's Homestyle Tucker project; Alison Mitchell from Raymond Terrace who volunteers at Riding for the Disabled; Robert Murphy from Raymond Terrace who volunteers for integratedliving's Homestyle Tucker project; Wayne Ping from Karuah who volunteers for the Karuah Local Aboriginal Land Council; Margaret Sansom from Raymond Terrace who volunteers for integratedliving's Homestyle Tucker project; Ann Scully from Tea Gardens who is a volunteer in a variety of areas; Robert Shillingsworth from Raymond Terrace who volunteers for integratedliving's Homestyle Tucker project; Maureen Tarrant from Medowie, a volunteer for integratedliving's Homestyle Tucker project; John Verdon from Hawks Nest who has volunteered on a continual basis for 25 years; Nita Walkom from Brandy Hill who volunteers for the Salvation Army; Judith Webber from Williamtown who volunteers for integratedliving Australia; Katherine Weir from Medowie who volunteers for integratedliving's Homestyle Tucker project; the Justice of the Peace Raymond Terrace branch and the Justice of the Peace Port Stephens branch; and the Pindimar-Bundabah Community Association. Congratulations to you all and thank you for your selfless commitment to our community.

CAMPBELLTOWN STATE EMERGENCY SERVICE UNIT

Mr BRYAN DOYLE (Campbelltown) [12.58 p.m.]: It gives me great pleasure to inform the House that on Saturday 26 October 2013 the Campbelltown State Emergency Service unit was presented with nine new vehicles. Present at the ceremony were: Clinton Mead, Campbelltown city mayor; my good friend Murray Kear, NSW State Emergency Service Commissioner and a recipient of the Australian Fire Service Medal, together with his lovely wife, Joanne, and his daughter Stephanie, who came from Auckland for the event; Alison Flaxman, State Emergency Service acting region controller; Ian Shephard, State Emergency Service local controller; and members of the local Campbelltown State Emergency Service unit.

The local State Emergency Service in Campbelltown does a wonderful job, protecting us from storms and tempest. The Campbelltown unit has well-trained members who perform many combat roles, including storm operator, flood operator and swift water technician, as well as volunteers trained in operations and support. On this day lined up before us was an array of impressive State Emergency Service vehicles, including trailers, a bus and off-road vehicles. I said, "Commissioner, have a look at these vehicles and how well presented they are." They were polished and their tyres were blacked. "But these vehicles will be at their very finest when the wind is howling and the rain is horizontal, and seated in them are wet State Emergency Service personnel heading off in answer to their next distress call. They will have the characteristic aroma of emergency service vehicles—a mixture of coffee, hamburger and pizza."

I expressed the thanks of the community to our State Emergency Service volunteers for what they do for our community. They respond to emergency and replace it with normality. I told the volunteers how they had attended my home at St Helens Park when our roof was compromised in a violent storm. The Doyle family was grateful that State Emergency Service officers turned up and, without a great deal of fuss, managed to repair the roof and return our home to stability. In my former role as chief inspector of police and my current role as a State member I have seen what these officers do day in, day out and often in the worst conditions.

I saw them at Broughton Anglican College when we had a flash flood. The flood occurred at the end of the school day and there were cars floating in a temporary dam that had been created when the floodwaters had washed away a car and jammed it into a culvert. The car park was flooded and cars were floating with their indicators and windscreen wipers still turned on. We had no idea whether people were still in their cars. The fact that there was no loss of life on that occasion is a credit to our State Emergency Service officers. As I have said in the House before, these volunteers are neither supermen nor superwomen. They are ordinary people who do extraordinary jobs—they are people like Ian and Moira Shephard, Raan and Kaamilah Davids and Carl and Heidi Bester. It is amazing how many married couples devote their time in service to the community with the State Emergency Service. There are also younger members, like Kate Watts who works for Australia Post. She also generously donates her time to the community.

As I said at the citizenship ceremony last night, we are a nation of volunteers. Campbelltown—the great opal of the south-west, the very best part of the Macarthur—is exemplified by the volunteer spirit within our community. The very finest of that spirit is distilled in our State Emergency Service officers. I commend them to the House. I hope the vehicles they use get sodden, dirty and wet, and that all the State Emergency Service officers have huge smiles on their faces from knowing that they have helped in a time of great distress by returning the community to a state of normality. For that I thank them.

BAITUL HUDA MOSQUE

Mr KEVIN CONOLLY (Riverstone) [1.03 p.m.]: My electorate of Riverstone is home to Baitul Huda Mosque, the spiritual centre of the Ahmadiyya Muslim community in Australia. Early on the morning of Tuesday 1 October I was pleased to be at Sydney Airport to lead the official welcoming party to greet the arrival of his Holiness Mirza Masroor Ahmad, Hazrat Khalifat-il-Masih V, who is the elected, lifelong head of the Ahmadiyya Muslim community worldwide. It is only the second visit of the Khalifa to Australia. The Ahmadiyya community began in India in 1889 and was established in accordance with the teachings of the movement's founder, Mirza Ghulam Ahmad. Its members now number in the tens of millions not only in India and Pakistan but on every continent. As a reform movement of Islam, it has consistently preached nonviolence, social justice and inter-religious harmony as exemplified by its credo: Love for all, hatred for none.

Many eminent people have emerged from the Ahmadiyya movement, which boasts Nobel laureates, a vice president of the World Bank, Grammy-award winners, a panoply of jazz musicians, a member of the British House of Lords, a president of the United Nations General Assembly and a judge at the International Court of Justice. His Holiness the fifth Khalifa has been, since his elevation in 2003, an advocate for peace, meeting heads of state and addressing symposia and parliaments around the world. One issue he has voiced particular concern about is nuclear disarmament. During his most recent visit to Sydney he shared this message of peace and the urgent need to work for peace. He sounded the alarm that trends in the world are heading in a dangerous direction unless all people actively work for peace.

This is of particular importance to me because of the strength of the home of the Ahmadiyya community in my electorate of Riverstone. The Ahmadiyya Association in Australia is based at Marsden Park. I acknowledge the President of the Australian Ahmadiyya community, Mr Mahmood Ahmad, who was with me shortly after 5.00 a.m. to greet the Khalifa at the airport, as were representatives of the community from around Australia. When I met the Khalifa he expressed a keen interest in our recent elections and the change in our Federal Government. We reflected on the democratic processes in Australia and the wonderful blessing of changing governments peacefully—without loss of life, harming citizens or the destruction and damage that often occur in other parts of the world during elections. The Khalifa expressed his sincere and deep appreciation for the commitment of Australians to a peaceful way of democratic government.

From the airport the Khalifa travelled to Marsden Park, where he was warmly welcomed by hundreds of Ahmadis gathered at the Baitul Huda Mosque, although it was still early in the morning. Many started their work day by attending the mosque and lining the entranceway to welcome him and to celebrate the arrival of their worldwide leader. Later in his visit, on Friday 18 October, there was a formal reception at the Khulafat Centenary

Hall, Marsden Park. Some years ago I had the privilege of being at the opening of that hall in my role as a local councillor and candidate for election. I have had a long association with the Ahmadi community. I was joined at the reception by many parliamentary colleagues: the Minister for Citizenship and Communities, the Hon. Victor Dominello; the Hon. Philip Ruddock; Ed Husic, the member for Chifley; Senator Concetta Fierravanti-Wells, on behalf of Prime Minister Tony Abbott; and my State colleagues the Hon. David Clarke and John Robertson. We represented the communities of the region as well as the State and Federal governments.

The speeches were uplifting and all were positive. They supported the ethos of the Ahmadi community in Australia, who strive hard to be good citizens of this country and to contribute to the welfare of their new country. They preach peace and nonviolence to all. I was particularly pleased to note the \$20,000 donation from the Khalifa and his community towards the relief efforts for those affected by the recent bushfires. A cheque was presented to Minister Dominello. It is a great pleasure to present this report on the visit of such an eminent religious leader to my electorate. I wish the Ahmadi community in Australia and worldwide well. I join them in asserting that we should have love for all and hatred for none.

BREAST CANCER AWARENESS MONTH

Mr TIM OWEN (Newcastle) [1.08 p.m.]: There has been a pink haze over Newcastle this past month. No, I am not referring to the magical sunsets along Newcastle's iconic beaches. The pink I refer to is everywhere—at local clubs, on street stalls and at shopping malls. Even our local newspaper sported a lovely shade of pink yesterday. And with good reason: Tuesday 1 October to Thursday 31 October is Breast Cancer Awareness Month. Australian women have a one-in-eight lifetime risk of developing breast cancer. Given that, I am not surprised to see such strong community support for women who have been diagnosed with this insidious disease and their families. In Newcastle alone organisations such as Peterson House, Newcastle Coal Infrastructure Group, Newcastle Airport, NIB and Lawler Partners have created innovative events to help raise awareness and funds. Registered clubs have also been hosting pink events and, as I said, the *Newcastle Herald*, also "went pink" by donating 10¢ from every newspaper sold yesterday to the Hunter Breast Cancer Foundation.

The Hunter community is renowned for its generosity, and fundraising efforts this month have further reinforced that. Not only is the Hunter community good at raising money but it also thinks outside the square and makes the most of its connections. It is with great pride that I acknowledge the recent formation of a unique partnership in the Hunter during Breast Cancer Awareness Month—hopefully this innovative partnership will inspire other regions across the State and Australia. Last week Awabakal Newcastle Aboriginal Cooperative Limited and the Hunter Breast Cancer Foundation officially formed a partnership to raise awareness of women's health in the local Aboriginal community.

This initiative is part of the Awabakal Deadly Choices program, which was introduced to the Hunter in August to educate and empower local Aboriginal people to make healthy choices and thus improve their health. Since the introduction of the original program there has been a 630 per cent increase in the number of Aboriginal people undergoing health checks. My colleague the member for Charlestown and I were honoured to attend the official partnership launch. On that occasion Mr Don MacAskill, Awabakal chief executive officer, said that the partnership would bring breast cancer and women's health awareness to the forefront of Aboriginal health. He said:

Breast cancer is a serious disease with one in eight women diagnosed nation-wide. It doesn't discriminate between the Indigenous and non-Indigenous populations, which is why partnerships like this are so important in our attempts to tackle chronic disease in the local Aboriginal community:

Rosalie Taggart, Hunter Breast Cancer Foundation president, said the region as a whole would benefit greatly from the additional support of Awabakal and its community. She said:

The Awabakal Deadly Choices program is an excellent model that really encourages people to think about their health and take proactive steps. This is an exciting partnership that we hope will encourage all levels of breast cancer support to work with Awabakal to improve local Aboriginal health.

It is wonderful to see two such strong organisations coming together to improve health outcomes for the local Aboriginal community. I congratulate Awabakal Newcastle Aboriginal Cooperative Limited and the Hunter Breast Cancer Foundation on adopting such a progressive approach. The Hunter Breast Cancer Foundation provides grassroots support for those undergoing treatment for breast cancer. For example, since January the foundation has provided more than 600 post-operative comfort cushions, 178 professional cleaning services, 69 lawn care services, and volunteer drivers have undertaken 338 trips, travelling 26,683 kilometres, to transport patients to and from treatment appointments. As the member for Newcastle I am proud to see so many local

businesses, community groups, media outlets and clubs getting behind such a wonderful foundation, which aims to help people when they need it most. Thank you and well done to everyone who added a bit of pink to their lives this month.

Private members' statements concluded.

[Acting-Speaker (Ms Melanie Gibbons) left the chair at 1.13 p.m. The House resumed at 2.15 p.m.]

ASSENT TO BILLS

Assent to the following bills reported:

Firearms and Criminal Groups Legislation Amendment Bill 2013
Game and Feral Animal Control Amendment Bill 2013
Liquor Amendment (Kings Cross Plan of Management) Bill 2013

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The SPEAKER: I report the receipt of the following message from Her Excellency the Governor:

MARIE BASHIR
Governor

Office of the Governor
Sydney, 23 October 2013

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Assembly that she has re-assumed the administration of the Government of the State.

SENATE VACANCY

Resignation of Senator the Honourable Robert John Carr

The SPEAKER: I report the receipt of the following message from Her Excellency the Governor:

MARIE BASHIR
Governor

Office of the Governor
Sydney, 24 October 2013

Her Excellency the Governor transmits to the Legislative Assembly a copy of a despatch dated 24 October 2013, received from the President of the Senate, notifying that a vacancy has happened in the representation of the State of New South Wales in the Senate of the Commonwealth of Australia through the resignation of Senator the Honourable Robert John Carr which occurred on 24 October 2013.

The Senate
Canberra
24 October 2013

Your Excellency

Pursuant to the provisions of section 21 of the Commonwealth of Australia Constitution, I notify Your Excellency that a vacancy has happened in the representation of the State of New South Wales through the resignation today of Senator the Honourable Robert John Carr.

The resignation was expressed as applying in respect of the senator's current term which concludes on 30 June 2014 and also to the new term to which he was elected at the recent half-Senate election, commencing on 1 July 2014.

Yours sincerely,
John Hogg
President of the Senate

SENATE VACANCY

Joint Sitting

Motion by Mr BRAD HAZZARD agreed to:

That:

- (1) The House meet the Legislative Council for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Robert John Carr.
- (2) A message be sent informing the Legislative Council of the resolution and requesting the Legislative Council to fix a time and place for the joint sitting.

Message sent to the Legislative Council advising it of the resolution.

BUSINESS OF THE HOUSE**Notices of Motions**

Government Business Notices of Motions (for Bills) given.

BUSINESS OF THE HOUSE**Routine of Business**

[During the giving of notices of motions to be accorded priority.]

The SPEAKER: Order! I call the member for Hornsby to order for the first time. I call the member for Monaro to order for the first time. Members will cease shouting across the Chamber.

QUESTION TIME

[Question time commenced at 2.23 p.m.]

ORANGE ELECTROLUX PLANT

Mr JOHN ROBERTSON: My question is directed to the Deputy Premier, and Minister for Trade and Investment. In the same week the Minister jetted off to Asia on his seventh overseas trip in two years more than 500 manufacturing workers in Orange were told they will lose their jobs. What action did he take to protect these workers, their jobs and their families prior to the announcement by Electrolux?

The SPEAKER: Order! Opposition members will come to order. I will not countenance interjections. The Deputy Premier will be heard in silence.

Mr ANDREW STONER: I thank the Leader of the Opposition for his question in relation to Electrolux. The Government, including the member for Orange and me—as the Minister for Trade and Investment—have been in close contact with the executives of the company based in Orange. This was the last appliance manufacturer based in New South Wales, particularly in regional New South Wales. The Government worked very closely with Electrolux, firstly, to fund a strategic plan for the company—a plan that could be put to the international board of the company, which met in Sweden recently. That strategic plan argued the case for an upgrade of the plant and for access to new markets, including export markets, for the very good whitegoods manufactured in Orange.

Secondly, the Government put together a package to help reduce the costs of manufacturers in an effort to convince the board of Electrolux to retain and upgrade its operations in Orange. That was a significant package, which included payroll tax incentives. Sadly, the board made its decision—despite the significant assistance measures offered by this Government—to wind down operations at the factory in 2016. One of the reasons I have been given for that is the high cost of power. This Government has endeavoured to drive down the cost of power, including for manufacturing businesses, which had risen over the long period of the former Labor State Government and the Federal Labor Government. A variety of green schemes and the carbon tax had driven up the cost of power—which was a very significant contributor to the input costs of the Electrolux business.

The SPEAKER: Order! The member for Cabramatta will come to order. The Leader of the Opposition will come to order. The Deputy Premier will be heard in silence.

Mr ANDREW STONER: On coming to office this Government took decisive steps to reform the electricity industry and to cap power increases. The new Federal Government is also moving to abolish the carbon tax.

The SPEAKER: Order! If the Leader of the Opposition does not cease interjecting he will be placed on a call to order.

Mr ANDREW STONER: I am afraid there were some other issues at play here beyond the control of this Government, including the very high value of the Australian dollar. Internationally that prices the products produced at Orange quite high relative to those produced in other jurisdictions.

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

Mr ANDREW STONER: The question is: What did those opposite do for the Electrolux manufacturing plant during their 16 years in office?

The SPEAKER: Order! Opposition members will come to order. They will not respond to the Deputy Premier.

Mr ANDREW STONER: Other than to drive up the cost of power and make that company uncompetitive.

The SPEAKER: Order! The member for Wollongong will come to order. Opposition members will come to order. Members will cease arguing across the Chamber.

POLICE ARREST POWERS

Mr BRYAN DOYLE: My question is directed to the Premier. How is the Government supporting front-line police?

Mr BARRY O'FARRELL: I thank the member for Campbelltown for his question. I thank him and the other former members of the New South Wales Police Force in the House, including the father of the House, the member for Mount Druitt, for their service on behalf of the State. I also thank police who have been involved in the emergency response efforts to the fires over the past 10 days. I suspect police will be called upon again to respond to the severe storm happening now not only across Sydney but also, in particular, across the Central Coast.

Returning specifically to the member's question, I have always made it clear that this Government will back front-line police and the reforms I will outline today again testify to that. Earlier this month concerns were raised with me by front-line police about the lack of clarity around arrest powers, specifically the practical application of the Law Enforcement (Powers and Responsibilities) Act, which is known across the force as LEPR. The Act commenced operation in December 2005 with the intended aim of codifying the day-to-day operations of police powers. However, section 99 concerning arrest powers proved to be highly problematic from the outset. It added complexity to one of the most important powers police use on behalf of the community and made the tough job they do even harder.

I am advised there is evidence that criminals have been using the lack of clarity in these powers to escape conviction and in some instances take legal action against police for illegal arrests. I understand that during the five years from January 2007 to April 2012 the NSW Police Force settled 378 claims for wrongful arrest and that over the past 12 months the average settlement has been around \$75,000. This law never worked as intended and was in need of reform almost from day one.

I understand that the arrest issue was raised with the former Government in March 2008, but it did not remedy it despite an apparent commitment given by former Attorney General John Hatzistergos at a meeting that was also attended by former Minister for Police David Campbell. A statutory review of the entire Law Enforcement (Powers and Responsibilities) Act was due to be completed and tabled in this Parliament in December 2009. Despite being required by law, that deadline was not met and the review is not complete. Instead, when in government those opposite put the uncertainty surrounding police powers and the review of the Act into the too hard basket. As a result, front-line police were left to deal with a deficient Act and left open to prosecution.

That is why I sought action when Judge Paul Conlon raised his concerns in a judgement earlier this month. After talking to the Attorney General and the Minister for Police and Emergency Services I decided to ask Paul Whelan, a former police Minister, and Andrew Tink, a former shadow Attorney General, to give me urgent advice on the best way to remedy the situation. Those two men are well equipped with common sense and a practical understanding of the needs of front-line police across the State. I asked them to provide me with recommendations on police arrest powers by the end of the month. They provided their recommendations last Friday and Cabinet signed off on them yesterday. The Government has adopted the reforms outlined in the Whelan-Tink report in full. This afternoon I will give notice of legislation to be introduced tomorrow.

The key changes to section 99 clarify police powers to make arrests to: preserve the safety or welfare or any person, including the person arrested; to obtain property in the possession of a person who is connected with the offence; and to make inquiries to establish the person's identity including if police reasonably suspect the

information provided by the person is false. The changes to section 99 will also give police the power to arrest because of the nature and seriousness of the offence. That clause will be particularly useful for police dealing with domestic violence matters because international academic research has demonstrated that arresting domestic violence offenders deters them from repeat offences. Further, the changes will give police the power to arrest persons fleeing from police or from the location of a suspected offence.

These reforms draw on the arrest powers that are currently in use in Victoria, Queensland and Britain. The job of police officers is hard enough without having to deal with legal complexities and loopholes. We want to free up police so that they can lock up criminals. [*Extension of time granted.*]

The legislation strikes the right balance in giving police the clear and effective arrest powers they need to protect the community. This morning I heard Commissioner of Police Andrew Scipione on Ray Hadley's 2GB program. I was delighted by the commissioner's warm welcoming of these changes as his description of the bill as a big win for the community and the victims of crime. I thank Paul Whelan and Andrew Tink for the sterling work they have undertaken on these reforms in consultation with police and officials from the Department of Attorney General and Justice. The second part of their work will be to complete the statutory review of the Law Enforcement (Powers and Responsibilities) Act—the review that was due to be tabled in December 2009. They are due to give me their report in December this year.

BATHURST SIMPLOT PLANT

Mr MICHAEL DALEY: My question is directed to the Deputy Premier, and Minister for Trade and Investment. In the same week the Minister was staying at the Peninsula Tokyo hotel more than 110 workers at Bathurst's family-owned food manufacturer Simplot were told they were losing their jobs. Why is it that the Minister appears to be more interested in the manufacture of sushi rolls than Chiko Rolls?

Mr ANDREW STONER: What a question from a shadow Treasurer whose sole contribution to economic policy in New South Wales has been the preservation of middle managers in the public sector. He is notably wrong in the phrasing of his question. In the place of the Premier, who had to remain in New South Wales due to the bushfire crisis, I attended the Japan-Australia Business Cooperation Council.

The SPEAKER: Order! Opposition members will cease interjecting.

Mr ANDREW STONER: It was a joint meeting with the Australia Japan Business Cooperation Committee about seizing opportunities for trade between New South Wales and Japan, which is our largest export destination.

The SPEAKER: Order! I call the member for Kogarah to order for the first time.

Mr ANDREW STONER: The Government can grow more jobs through export to and investment from foreign jurisdictions than in any other way. In fact, one in five jobs in New South Wales is related to export. I also had the great delight of re-opening a Trade and Investment office in Tokyo that was closed by none other than former Premier and former Minister for Foreign Affairs, Bob Carr. I can tell the House that the Japanese were thoroughly insulted when New South Wales pulled that office out of its largest trading partner despite the strong presence there of other States of this nation. I will now come to the point of the member's question, which I think was about Simplot. The Government and the member for Bathurst were in close contact with the Simplot company.

The SPEAKER: Order! I warn the member for Wollongong and the member for Lakemba that if they do not cease interjecting they will be placed on calls to order.

Mr ANDREW STONER: The Government put together—

Mr Nathan Rees: You should just send the pink slips.

Mr ANDREW STONER: It is no wonder you are so bitter, member for Toongabbie, with all the knives in your back and being redistributed out of existence at the next election.

The SPEAKER: Order! The Deputy Premier will return to the leave of the question. The member for Keira will stop pointing. It is rude.

Mr ANDREW STONER: Member for Toongabbie, with the way your colleagues are leaking against you it is no wonder you are a bitter man. In relation to Simplot—

[Interruption]

Do members opposite not want to hear the answer? In relation to Simplot, once again this Government pulled out all stops to convince Simplot to retain its full manufacturing operation in Bathurst. We offered assistance through the Department of Primary Industries with logistical chains for fresh produce and we offered a substantial payroll tax incentive program. We liaised with the Federal Labor Government, which delivered diddly squat to that company. The company was concerned with the high input costs caused by Julia Gillard's industrial relations changes and by the high cost of power as it was driven up by Federal Labor green schemes such as the carbon tax and State Labor green schemes.

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

Mr ANDREW STONER: During their 16 years in office the hypocrites opposite drove up the cost of manufacturing in New South Wales. They now point the finger of blame at a Government that has done more for regional businesses and economies in 2½ years than they did in 16.

RURAL AND REGIONAL JOBS

Mr PAUL TOOLE: My question is addressed to the Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services. How is the Government supporting jobs in regional New South Wales?

Mr ANDREW STONER: I thank the member for Bathurst for his very timely question.

[Interruption]

The SPEAKER: Order! Opposition members who continue to interject will be placed on calls to order.

Mr ANDREW STONER: As members would be aware, the Liberals and Nationals Government came to office with a strong commitment to make the New South Wales economy number one again.

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

Mr ANDREW STONER: We also committed to driving a decade of decentralisation, and to achieve that we are delivering regional economic development in a number of ways. We have invested heavily in infrastructure and services throughout regional New South Wales. For example, since the March 2011 election we have invested an additional—that is, is over and above the normal capital program—

Mr Michael Daley: We know what "additional" means.

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

Mr ANDREW STONER: I need to explain it to the mentor of middle managers in fairly simple terms.

The SPEAKER: Order! I call the member for Wollongong to order for the first time.

Mr ANDREW STONER: The Government has invested an additional \$1 billion in regional infrastructure from the Restart NSW capital fund, which reserves 30 per cent for regional projects. Our fiscal discipline in the general government sector also has allowed us to invest many more billions in new roads, hospitals and hospital upgrades as well as schools across the State. I previously shared with the House Jillian the Builder's very impressive program of upgrading regional hospitals and health services across the State. As the Minister for Planning and Infrastructure told us last week, more than \$20 billion of economic activity passes through our development assessment system each and every year. Our streamlining of approvals through planning reforms is absolutely critical for job creation in regional communities. We look forward to debate on the new planning legislation commencing in the House this week.

The Liberal-Nationals Government is also delivering for regional economies through other programs, including the Jobs Action Plan, the Regional Industries Investment Fund and the regional relocation grant with

the specific objectives of promoting job growth in regional economies. Today I gave notice of the Regional Relocation (Home Buyers Grant) Amendment Bill 2013, which will implement a number of the recommendations of the Decentralisation Taskforce, which comprised the member for Albury, the member for Bathurst and the member for Port Stephens, and which was chaired by the member for Lismore and Deputy-Speaker. The proposed amendments implement the recommendations by expanding eligibility for the \$7,000 regional relocation grant to include long-term renters and by introducing a new skilled regional relocation incentive of \$10,000. The changes will support the Government's efforts to ease Sydney's tight rental market as well as boost population and economic growth in regional areas.

The SPEAKER: Order! I call the member for Canterbury to order for the second time. She will cease interjecting.

Mr ANDREW STONER: I know that members opposite have been vocal in their criticism of this program and others.

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

Mr ANDREW STONER: We have seen nothing in the way of policy for regional economic growth or decentralisation of the population and the economy in New South Wales from members opposite, other than the proposal of the Leader of the Opposition to appoint a jobs commissioner. He wants to create another public sector position, with maybe a couple of middle managers to please the shadow Treasurer.

The SPEAKER: Order! I call the member for Cessnock to order for the first time. The member for Keira will cease interjecting.

Mr ANDREW STONER: I hope that members opposite will support those sensible amendments, which have broad support from stakeholders, including the Local Government Association and groups such as EvoCities. I already have informed the House that the Electrolux and Simplot decisions were made despite the very best efforts of this Government to put forward competitive packages and to address some of the stresses that both companies were experiencing, mainly as a result of factors outside the control of the State Government. I know the news has had a devastating impact on the member for Bathurst and the member for Orange and their communities, and particularly the workers at both factories. NSW Trade and Investment will continue to work closely with both companies to ensure that affected staff are supported and to identify any retraining and redeployment opportunities. [*Extension of time granted.*]

I have additional information that I know will be of great interest to those communities in the Central West. The Government will also be working closely with Federal and local governments and a range of regional stakeholders to identify and assist in the development of new employment-generating opportunities in the Central West, such as the Orange airport expansion project that we are funding under our Regional Industries Investment Fund and infrastructure upgrades in the Lithgow local government area that we are funding through our Resources for Regions program. The Government also will remove uncertainty regarding the mining lease occupied by Orange's largest employer, the Newcrest goldmine at Cadia. Legislation of which notice was given today by the Minister for Resources and Energy clarifies the legality of that and other significant mines in regional New South Wales.

DEPUTY PREMIER OVERSEAS TRAVEL

Mr NATHAN REES: My question is directed to the Deputy Premier. The Deputy Premier's seven overseas trips have cost New South Wales taxpayers more than \$300,000. How many jobs have been created in the regional cities of Bathurst and Orange as a result of his globetrotting merry japes?

The SPEAKER: Order! I remind members to be careful about the language used in questions.

Mr ANDREW STONER: The member for Toongabbie once again engages in sheer hypocrisy.

[*Interruption*]

The SPEAKER: Order! The question was not directed to the Leader of the House. The Deputy Premier has the call.

Mr ANDREW STONER: During the brief tenure of the member for Toongabbie as Premier of New South Wales international offices were reopened in some jurisdictions of our key trading partners, which include China, India and the Middle East. For him now to suggest that engagement with our major trading partners is not appropriate in driving economic growth is sheer farce.

Mr Ryan Park: Point of order: The Liberal Party did ask us to ask this question.

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

Mr Ryan Park: My point of order relates to Standing Order 129, relevance. We have not got to the information about Bathurst and Orange yet.

The SPEAKER: Order! The Deputy Premier is being relevant to the question asked. There is no point of order.

Mr ANDREW STONER: For the Opposition's enlightenment, I point out that by implementing strong economic policy and fiscal discipline this Government has driven growth in both investment in and exports from New South Wales. We have gone from being the laggard State to the strongest State for jobs growth and the second-strongest State in economic growth. As I was at pains to explain in answer to the question asked by the member for Bathurst, we are ensuring that regional New South Wales enjoys the economic growth that this Government's strong management is delivering. In case members opposite did not know, most exports, including minerals, foodstuffs, wine and beef, come from regional New South Wales. Our efforts to better engage with our major trading partners—remembering that Japan is our number one export destination—pay off in jobs in regional areas, including one of the State's food bowls, the Central West.

STATE BUDGET

Mr MARK COURE: My question is addressed to the Treasurer, and Minister for Industrial Relations. How is the Government improving the budget position?

Mr MIKE BAIRD: I thank the member for Oatley for his question. He is a good example of what a good member is all about—delivering \$39 million for St George Hospital, school upgrades for Hurstville and the Georges River College and planning for a railway station upgrade at Oatley. That typifies a good member. It is possible to deliver those types of initiatives in that electorate only if there is responsible financial management in this State. It is fantastic that after 16 years of Labor government we finally have the O'Farrell-Stoner Government delivering responsible management in this State. We are taking difficult decisions so that when expense targets are put out we live within them and those targets are not blown.

The SPEAKER: Order! The member for Mount Druitt will come to order. Opposition members will come to order. The member for Kiama will come to order.

Mr MIKE BAIRD: That is why I am pleased to report that these efforts are improving the budget position; we are on track to improving the budget position. The actual budget result for 2012-13 is a \$239 million surplus. This good-news story for the people of New South Wales comes on the back of stamp duty revenue that is lifting by \$200 million under our housing package—led by the Minister for Planning and Infrastructure, who is doing a great job. Revenue is being received from stamp duty. The Commonwealth has also done its usual trick of shovelling some grants forward. It did that again this year: \$123 million was received in 2012-13 rather than in 2013-14. There was also a \$50 million reduction in expenditure—further expenditure savings delivered responsibly by the O'Farrell-Stoner Government.

While the Government is doing that it is also boosting services. That is what the community wants to see. There are 5,000 more nurses, teachers and police in this State under the O'Farrell-Stoner Government. That is what the Government has delivered. The O'Farrell-Stoner Government is building the infrastructure for this State; it is delivering what those opposite spoke about and then cancelled or forgot and did nothing about—the WestConnex project and the North West Rail Link, which many communities want to see. I note also the great progress that is being made in Newcastle.

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

Mr MIKE BAIRD: This is important. By ensuring that we are living within our means we are making sure we are not leaving problems for future generations. That is something we will not do while we have the

privilege of being on this side of the House. Certainly, the considered budget and responsible management means that we have just come into the black this year, against an estimated deficit of \$374 million. That is good news for the community. There will be slightly more revenue for infrastructure and services. It is good news for the economy, and we are seeing confidence across the economy. The housing sector is certainly rebounding. It is also good news for the State's credit rating. The Government is reducing the risk of losing the triple-A rating, something that we are determined to take every measure to retain. But I point out that we still have a long way to go. While last week we had the triple-A rating affirmed by Standard and Poor's, and only two States have a triple-A rating—

[Interruption]

That is right; it is why I added "and".

The SPEAKER: Order! The member for Toongabbie will come to order. The member for Maroubra will come to order. I call the member for Toongabbie to order for the first time.

Mr MIKE BAIRD: I note that the Deputy Leader of the Opposition is right on this issue. There was a negative outlook, but that just shows the challenges that were left behind and the ambitious infrastructure program we have.

The SPEAKER: Order! Opposition members will come to order.

Mr MIKE BAIRD: We make no apologies for undertaking an aggressive infrastructure program because it is about time the people of this State had the infrastructure they deserve. That is exactly what the Government is doing. Despite the backlog—despite the \$55 billion in debt, the \$30 billion backlog left behind by those opposite and the \$2½ billion a year in lost revenue—we are taking action to ensure that the State is back on a sustainable level. Yes, it is just in surplus this year. It remains a break-even position—just in surplus; just in deficit—it is break-even. But that is good news.

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

Mr MIKE BAIRD: It is good news for the State because variations are inevitable. When the budget is determined one makes a range of assumptions at the end of April about what one is going to achieve at the end of June. Those variations are inevitable but the 1 per cent of budget number is better than the average amongst all the States in the Commonwealth in relation to variations, and the numbers that we put forward are signed off by the Auditor-General. The numbers put forward by Treasury today are a good-news story for the people of New South Wales. It is about time we had that good-news story because it is important to note that when those opposite were in government, every budget put forward—*[Extension of time granted.]*

The SPEAKER: Order! I call the member for Mt Druitt to order for the first time.

Mr MIKE BAIRD: We remember the little story when those opposite put an expense budget forward and what did we see? We saw red. We saw red, we saw red, we saw red—it was almost Split Enz-ish. The tragedy for the people of New South Wales is that, if those opposite had stuck to their budgets, there would have been \$20 billion more for the people of New South Wales. And members opposite know it. The Government is determined to do the right thing for the people of New South Wales through its decisions. Despite the fact that we have just crept into surplus this year, those opposite have opposed every savings measure that we have put forward.

The SPEAKER: Order! The member for Maroubra will cease arguing with the Treasurer. I call the member for Maroubra to order for the second time.

Mr MIKE BAIRD: The member for Maroubra should not pretend to be interested in the budget. Do not put on a show. We know that the member for Cessnock is the only one interested in the budget on the other side of the House. He has read this document and he has read chart 1.4 closely, as has the member for Miranda. He is interested in his electorate. He has learned that every year of the budget estimates under John Robertson as Leader of the Opposition and under the stewardship of the member for Maroubra, they are in deficit \$3 billion a year—that is what it says. It is the land of fiscal fairytales—their day of reckoning is coming. On this side of the House we have delivered responsible, sensible economic management—

The SPEAKER: Order! I call the member for Kiama to order for the first time. I call the member for Oatley to order for the first time. The Treasurer does not need your assistance.

Mr MIKE BAIRD: —which has delivered improved services and more infrastructure and is looking after the vulnerable. That is what the O'Farrell Government has delivered to the people of New South Wales.

The SPEAKER: Order! There were too many interjections during the Treasurer's answer. Members who continue to interject will be removed from the Chamber. About 10 members are on calls to order, including three Government members. They are now placed on three calls to order.

EDUCATION FUNDING

Ms CARMEL TEBBUTT: My question is directed to the Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services. In the wake of his statement on ABC radio this morning that "Our State has a number of ongoing skills shortages, in particular in the medical, IT, certain trades, mining and agricultural sectors", does the Minister support the Government's policy to cut 800 jobs from TAFE and hike up fees?

The SPEAKER: Order! Opposition members will come to order.

Mr ANDREW STONER: I stand by my comment on ABC radio that was broadcast this morning.

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

Mr ANDREW STONER: We know that the Labor Party is opposed to skilled migration.

The SPEAKER: Order! The member for Maroubra will come to order. That is his final warning.

Mr ANDREW STONER: The Labor Party is opposed to skilled migration, as we saw from members' racist comments during the Federal election campaign regarding the 457 visa issue. That is what we have come to expect from a party that is simply the political arm of the trade union movement.

Ms Cherie Burton: What about TAFE?

Mr ANDREW STONER: If those opposite want to ask questions about TAFE I suggest they direct them to the Minister for Education. The shadow Minister for Education should know that ministerial responsibility for TAFE lies with the Minister for Education.

The SPEAKER: Order! I call the member for Marrickville to order for the first time.

Mr ANDREW STONER: The Minister is sitting behind me saying, "Please, ask me a question." So go ahead and ask him a question. He will be delighted to tell those opposite about how the Government is delivering better value for taxpayers' money through reforms to TAFE and other education programs.

The SPEAKER: Order! I call the member for Marrickville to order for the second time. I call the member for Marrickville to order for the third time.

Mr ANDREW STONER: When it comes to skill shortages, unlike the Labor Party during its 16 long years in office, the Government is listening to industry and working with industry to meet those vital skills needs.

CBD METRO

Mr CHRIS PATTERSON: My question is addressed to the Minister for Transport. How is the Government relieving taxpayers of the final remnants of Labor's failed Rozelle metro?

The SPEAKER: Order! Members will come to order. I remind members that several of them are on three calls to order.

Ms GLADYS BEREJIKLIAN: I thank the member for Camden for his question and commend him for his continued strong interest in all matters relating to public transport. I am pleased to advise the House that

the disastrous Sydney Rozelle metro has finally come to the end of the line. Today a bill is being introduced that will remove references to "Sydney Metro" from the Transport Administration Act. The Rozelle metro finally terminates here. Not only did the Labor Party waste hundreds of millions of dollars on this ill-fated project but also it left behind a trail of complicated arrangements that this Government has had to tidy up.

The Sydney to Rozelle metro is one of a long list of projects we had to tidy up that those opposite left after 16 long years in office. The list includes the failed T-card project; the Waratah project, which was near collapse when we inherited it; the outdated rail network rolling stock, which we needed to fix; and the list goes on. But who could forget that famous day, almost exactly five years ago, when the member for Toongabbie, who was Premier at the time, announced to the world that his Government would build a metro line from Central station to Rozelle? This project came at the expense of long-suffering commuters in the north-west and south-west who, yet again, saw vital infrastructure set aside by those opposite. It is not just the member for Toongabbie who does not have clean hands on this issue; the member for Keira is not innocent in all this because he was in charge of the transport Minister's office at the time. But let us return to Labor's big media announcement of five years ago. Those opposite announced this big, new project—and then came the unexpected questions.

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

Ms GLADYS BEREJIKLIAN: How much will it cost? That was an unexpected question. What did they expect when they announced a major public transport infrastructure project? They could not even give us a ballpark figure; they had to send up a runner to get a figure. We know the back of the envelope had a lot of detail, including the margin for the seat of Balmain. Unfortunately, the member for Balmain is not in the Chamber because he would be nodding his head in agreement. The cost of the project was not on the back of the envelope. Finally, those opposite gave a figure that day. They announced that the project would cost about \$4 billion. But by April the next year, just six months later, the price tag had inflated by more than 30 per cent, to \$5.3 billion. Then after the Labor Party watched the second rolling of a Premier in 16 months, it axed the central business district to Rozelle metro, with nearly \$500 million spent and nothing to show for it. Labor members ask about investment and jobs when they thought nothing of wasting \$500 million.

But enough about them; let us talk about how that compares with this side of the House. On coming to office we established a dedicated project team on the South West Rail Link, which I am pleased to say has delivered the project a year ahead of schedule and \$100 million under budget. We laid the first bit of track on that project. We have also done the hard planning work on the North West Rail Link that Labor never had the discipline to do. It takes more than the back of an envelope to build these major transport infrastructure projects. I am pleased to say in relation to the North West Rail Link that the first of 16 construction sites are now established and our tunnel-boring machines are being built, ready for the first to be in the ground by the end of next year. We made that promise and we will keep it. We have also begun the rollout of electronic ticketing that Labor promised for the 2000 Olympics, and of course never delivered. We tidied up the remnants of the T-card mess that Labor created and the Opal card is being rolled out across the network. We also signed an agreement with the former Federal Labor Government to build the northern Sydney freight corridor that those opposite could not even be bothered with. [*Extension of time granted.*]

We will deliver a new light rail line between Lilyfield and Dulwich Hill early next year. We will also put out an environmental impact statement later this year on the light rail line from Circular Quay to Randwick and Kingsford. I will also be pleased to update the House on the progress of our light rail for the Newcastle region. We will also be ready to open the Wynyard Walk to Barangaroo in 2015. I could go on, but the point has been made about what we have done compared with what those on the other side of the House did or did not do. Let us not forget that while this side of the House is getting on with building those vital pieces of infrastructure those opposite thought nothing of wasting \$500 million. We are getting on with the job of delivering the new infrastructure that we know the people of this State need so desperately.

EDUCATION FUNDING

Ms SONIA HORNERY: My question is directed to the Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services. Given that regional communities in the west and Central West are suffering from a jobs crisis—

The SPEAKER: Order! The member for Wallsend will be heard in silence. The member for Bathurst will come to order. I call the member for Murray-Darling to order for the first time.

Ms SONIA HORNER: —why is the Government cutting funding to TAFE and 75 schools in rural and regional New South Wales?

Mr ANDREW STONER: I thank the member for Walsend for a slightly puzzling question, given that the Minister for Education is pumping an extra \$100 million into schools in regional New South Wales. Once again, I have to restrain him; he wants to jump up and explain the great work he is doing for schools throughout regional New South Wales. The Minister for Education wants a question, so please ask him one tomorrow. A theme of the Opposition's questions today is the Government's priorities, particularly regarding trade missions undertaken to drive economic growth in this State.

Mr John Robertson: Point of order: I resisted taking a point of order during the Deputy Premier's last attempt to answer a question.

The SPEAKER: Order! The point of order should relate to the question that was just asked. What is the member's point of order?

Mr John Robertson: My point of order also relates to this question. It is under Standing Order 130. The Deputy Premier is seeking to debate the question rather than answer it. I ask that he be directed to answer the question.

The SPEAKER: Order! The Deputy Premier is being relevant to the question asked. There is no point of order. Members will come to order.

Mr ANDREW STONER: In fact, I happen to have a little list of travel undertaken by Labor Ministers in the previous Government. I will be happy to share it.

[Interruption]

They want me to share.

The SPEAKER: Order! Government members will come to order. They will not respond to the Deputy Premier.

Ms Linda Burney: Point of order: I refer to Standing Order 129.

The SPEAKER: Order! Government members will come to order. The member for Canterbury will be heard in silence.

Ms Linda Burney: Barry, you are bigger than that. You are the Premier—act like one. Act like a Premier.

The SPEAKER: Order! The member for Canterbury will not insult other members. What is the member's point of order?

Ms Linda Burney: It is under Standing Order 129.

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

Ms Linda Burney: The question was about schools. The Deputy Premier has a brief to answer such questions.

The SPEAKER: Order! The Deputy Premier will return to the leave of the question. Several Opposition questions today have contained imputations about travel by the Deputy Premier, and they are getting the answer they deserve. The Deputy Premier has the call.

Mr ANDREW STONER: For example, I can share with the House that five Ministers visited Japan in the dying days of the former Labor Government.

Mr Guy Zangari: Point of order—

The SPEAKER: Order! The member for Hawkesbury will come to order. I must be able to hear the point of order by the member for Fairfield in order to rule on it.

Mr Guy Zangari: The Deputy Premier is flouting your ruling. My point of order is relevance under Standing Order 129. The question is about TAFE in the regions.

The SPEAKER: Order! To which ruling does the member refer? I ruled that the Deputy Premier was responding to imputations contained in previous Opposition questions.

Mr John Robertson: Point of order—

The SPEAKER: Order! Is the Leader of the Opposition canvassing my ruling? I suggest that members read in *Hansard* the Opposition questions about travel rorts, globetrotting and all the rest of it. Opposition members are getting the response they deserve. There is no point of order. The Leader of the Opposition will resume his seat. I will take no further points of order during this answer. The Deputy Premier has the call.

Mr ANDREW STONER: I would like to share the details of the 12 overseas jaunts taken by Ian Macdonald, but I do not have sufficient time. But I am happy to lay that information on the table. I could also refer to the visit by the member for Toongabbie to Turkey and the United Arab Emirates that cost \$125,000—

Mr Nathan Rees: Anzac Day.

Mr ANDREW STONER: And his trip to Israel. Hypocrisy thy name is Labor!

Mr Nathan Rees: Anzac Day.

Mr ANDREW STONER: One hundred and twenty-five thousand dollars for Anzac Day—crikey! I will lay this information on the table because it is very relevant.

The SPEAKER: Order! Thank you, I would appreciate that. The Deputy Premier will return to the leave of the question.

Mr ANDREW STONER: The Minister for Education informs me that not one school in the electorate of Wallsend has had its funding reduced. In fact, the schools in her electorate have received an increase in funding of approximately \$1.7 million. [*Time expired.*]

HEALTH FUNDING

Mr MATT KEAN: My question is addressed to the Minister for Health, and Minister for Medical Research. How is the Government improving healthcare delivery for the people of Hornsby and northern Sydney?

Mrs JILLIAN SKINNER: I thank the excellent member for Hornsby for that question.

The SPEAKER: Order! I remind the Minister that the member is on three calls to order.

Mrs JILLIAN SKINNER: He will listen quietly to my answer. The member for Hornsby was with me on 18 October when we turned the first sod for the construction of the \$120 million upgrade to Hornsby hospital, for which the people of Hornsby have been waiting a long time. The centrepiece of the development is the STAR building, which will provide surgical, theatre, anaesthetic and recovery services. As shadow Health Minister I complained for many years, together with the Premier, about the state of Hornsby hospital. It was a shameful example of the lack of hospital investment by the former Labor Government.

For example, on 3 September 2009 I informed the House that I had photographs of a wall covered with masking tape that was infested with termites, open corridors along which patients were wheeled, exposed to wind and rain, from operating theatres to recovery wards, and operating theatres that were not compliant with fire regulations and so had fire extinguishers and fire blankets on the walls. The new building will have four-storeys with eight operating theatres, including one dedicated endoscopy procedure room; three 28-bed surgical wards with a mix of single, double and four-bed bays; a sterilising department; a new supply and docking bay; and a kitchen.

The upgrade of Hornsby hospital follows the opening of the \$33.5 million mental health unit at the hospital, at which I was joined by the Minister for Mental Health. The unit provides a fantastic new 12-bed child

and adolescent psychiatric facility—the first one in the district—and 35 beds for adult services. I am thrilled that we were able to provide this facility for the people of Hornsby. I am also delighted that we were joined by the former member for Hornsby, Judy Hopwood. She is now a member of the board of the Northern Sydney Local Health District and has continued to campaign for the hospital, which is much welcomed by the current member.

I also put on the *Hansard* record conditions at the 23-hour stay emergency medical unit, which had a toilet block with mosaic tiles and open toilets, and mixed wards. I pointed out then the marvellous work done by the medical staff. Despite their terrible working conditions, the doctors and nurses were able to deliver first-class care to their patients. For many years the doctors spoke to Opposition members, they tried to speak to members of the then government, and they spoke to the media. The same doctors joined us on 18 October, when we turned the first sod. They are delighted and are singing the praises of all involved with the new building, including health infrastructure, the local health district, builders and others who are engaged in the project. It is typical of the kind of work undertaken by this Government in playing catch-up as a result of the failure of the former Labor Government to invest in hospitals around the State and across country New South Wales, such as in Tamworth, Wagga Wagga, Parkes, Forbes, Dubbo and Bega.

The SPEAKER: Order! Opposition members will come to order. There is too much audible conversation in the Chamber.

Mrs JILLIAN SKINNER: I visited Wagga Wagga recently when the local member and I attended the opening of the new mental health facility, which is a stunning building. Work will soon begin on the \$282 million upgrade of the hospital. The Government is doing this work because it inherited from Labor hospital buildings in the most disastrous state. We will continue to rebuild hospitals and to give doctors, nurses and patients the facilities they deserve. The shadow Minister talks about the need to upgrade hospitals. I am delighted to remind the House that Campbelltown Hospital, where he practised, has had to wait for this Government to achieve the upgrade it needs. [*Extension of time granted.*]

Dr Andrew McDonald: We built it.

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

Mrs JILLIAN SKINNER: Labor promised it but never delivered. Other buildings at Blacktown and Mount Druitt Hospital were neglected and overlooked. We all know the member for Blacktown is the Leader of the Opposition. What did he do to upgrade that hospital? Absolutely nothing. The doctors and other staff at the hospital were demoralised when I first met them. They are now grinning from ear to ear and are delighted with the work we are doing to upgrade services. I thank all Government members for supporting the upgrade of hospitals across New South Wales.

Question time concluded at 3.17 p.m.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given, by leave.

TREASURER'S REPORT

Mr Mike Baird tabled, pursuant to section 51 of the Public Finance and Audit Act 1983, the report entitled "Report on State Finances 2012-13", incorporating the consolidated financial statements of the New South Wales general government and total State sector outcomes report.

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Reports

Mr Dominic Perrottet, as Chair, tabled the following reports:

- (1) Report No. 3/55, entitled "Review of the 2011-2012 Annual Report of the Inspector of the Independent Commission Against Corruption", dated October 2013.
- (2) Report No. 4/55, entitled "Review of the 2011-2012 Annual Report of the Independent Commission Against Corruption", dated October 2013.

Ordered to be printed on motion by Mr Dominic Perrottet.

LEGISLATION REVIEW COMMITTEE**Report**

Mr Stephen Bromhead, as Chair, tabled the report entitled "Legislation Review Digest No. 47/55", dated 29 October 2013, together with minutes of the committee meeting regarding Legislation Review Digest No. 46/55, dated 22 October 2013.

Report ordered to be printed on motion by Mr Stephen Bromhead.

INDEPENDENT COMMISSION AGAINST CORRUPTION**Reference: Yaralla Estate**

The SPEAKER: I report the receipt of the following message from the Legislative Council:

Madam SPEAKER

The Legislative Council desires to inform the Legislative Assembly that it has this day agreed to the following resolution:

1. That this House notes the report of the Select Committee on the Agistment of Horses at Yaralla Estate, tabled on 24 October 2013, in which the Committee:
 - (a) noted that concerns were raised by some inquiry participants about relationships between Blue Visions Management, the Liberal Party and certain members of the Liberal Party;
 - (b) expressed concern at the engagement of Conrad Capital Consulting relating to the payment of funds from the Sydney Local Health District budget for what appeared to be limited communications advice, and the relationship between Conrad Capital and certain members of the Liberal Party; and
 - (c) recommended that the Legislative Council consider referring the claims regarding Blue Visions Management and Conrad Capital to the Independent Commission Against Corruption (ICAC), pursuant to section 73 of the Independent Commission Against Corruption Act 1988.
2. That, under section 73 of the Independent Commission Against Corruption Act 1988, this House refers to ICAC for investigation and report the claims raised during the Committee's inquiry into the agistment of horses at the Yaralla Estate relating to Blue Visions Management and Conrad Capital.
3. That a message be forwarded to the Legislative Assembly informing it that the Legislative Council has this day agreed to the resolution and, according to section 73 of the Independent Commission Against Corruption Act 1988, requesting that the Legislative Assembly pass a similar resolution.
4. That, in the event that the Legislative Assembly does not pass a similar resolution and inform the Legislative Council within two sitting days of receipt of a message from the Legislative Council, the Clerk of the House is authorised to forward the report of the Committee to the Independent Commission Against Corruption.

Legislative Council
29 October 2013

DON HARWIN
President

Motion by Mr BRAD HAZZARD agreed to:

- (1) Under section 73 of the Independent Commission Against Corruption Act 1988, this House refers to ICAC for investigation and report the claims raised during the Legislative Council Select Committee inquiry into the Agistment of Horses at the Yaralla Estate relating to Blue Vision Management and Conrad Capital.
- (2) A message be sent informing the Legislative Council of the resolution.

Message sent to the Legislative Council advising it of the resolution.

PETITIONS

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

Oxford Street Traffic Arrangements

Petition requesting the removal of the clearway and introduction of a 40 kilometre per hour speed limit in Oxford Street, received from **Mr Alex Greenwich**.

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**.

Pet Shops

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

Pig-dog Hunting Ban

Petition requesting the banning of pig-dog hunting in New South Wales, 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**.

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

Palliative Care Services

Petition requesting the provision of sufficient palliative care services to meet existing and anticipated future demands for such services in all areas of the State and in all types of institutions and places where such services are required and the provision of additional funds to support training of palliative care workers, received from **Ms Robyn Parker**.

The Clerk announced that the following Minister had lodged a response to a petition signed by more than 500 persons:

The Hon. Brad Hazzard—Urban Activation Precincts Program—lodged 18 September 2013 (Mr Ron Hoenig).

BUSINESS OF THE HOUSE**Suspension of Standing and Sessional Orders: Order of Business**

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.24 p.m.]: I move:

That standing and sessional orders be suspended to provide for the following order of business for the remainder of this sitting:

- (1) Notice of motion accorded priority given by the member for Castle Hill.
- (2) Notice of motion accorded priority given by the member for Cessnock.
- (3) Government business.
- (4) At 8.15 p.m. or the conclusion of Government business, if earlier, private members' statements.
- (5) Matter of public importance.
- (6) At 9.00 p.m. or the conclusion of the matter of public importance, if earlier, the House to adjourn without motion moved.

Both the motion of the member for Castle Hill and the motion of the member for Cessnock have clear merit. The Government has decided that both motions will be debated without the need for establishing priority. I also

inform the House that a great deal of legislation needs to be debated at this sitting. In particular, it is hoped to deal with the planning bills and the Companion Animals Amendment Bill today. The Government does not intend that standing and sessional orders be suspended to provide that no divisions or quorums be called. So unless members have made other arrangements with their Whips, they will be required to be available until at least 8.15 p.m. It is anticipated that the House will sit until 9.00 p.m.

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

Motion agreed to.

RAIL INFRASTRUCTURE

Motion Accorded Priority

Mr DOMINIC PERROTTET (Castle Hill) [3.26 p.m.]: I move:

That this House:

- (1) Congratulates the Government on its progress in delivering two major new rail projects for Western Sydney: North West Rail Link and South West Rail Link.
- (2) Notes that the Government will abolish the final legislative remnant of the inner-city Sydney Metro Authority.
- (3) Condemns the former Government for its failure to deliver the new transport infrastructure Sydney needs.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I remind the House that 12 members are on three calls to order, including the member for Keira. If members continue to interject I will not hesitate to have them removed from the Chamber.

Mr DOMINIC PERROTTET: My motion is important because the House needs to recognise how bad the former Labor Government was. Not only was it the most corrupt government in the history of this State, but it was also the most incompetent. The failure of those opposite to invest in the infrastructure needs of this State is a perfect example of that incompetence. After 16 years in office the Labor Government left behind a \$30 million infrastructure deficit for the O'Farrell Government.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I call the member for Miranda to order.

Mr DOMINIC PERROTTET: I will briefly list some of the failures of the former Labor Government. In 1998 they promised a Bondi Beach rail link. What did they do? They axed it. They promised a high-speed rail link to Newcastle and the Central Coast. What did they do? They axed it. They promised a Hurstville to Strathfield rail link. What did they do? They axed it. In 1998 they promised a high-speed rail link from Sutherland to Wollongong. What did they do? They axed it. They promised the Parramatta to Epping rail link—then they axed it. They promised the south-west heavy rail link in 2004—then they axed it. They promised the central business district new harbour crossing rail link back in 2005, and then they axed it. They promised the Penrith fast rail link in 2008, and then they axed it. As we noted earlier today, they promised the central business district to Rozelle metro and then they axed it. It is important that this motion passes today as the director general is currently in the Parliament. Labor promised the west metro back in 2009 and then they axed it. In the period of the Labor Government, how many rail lines were completed? Not one.

If the failure to invest in infrastructure is the best example of the failure of the previous Government then there is no better example than in north-west Sydney. In 1998 Labor promised to build the North West Rail Link—then they axed it. In 2005 they again promised to build it—and they again axed it. In March 2008 they promised it again—then they axed it. In October 2008 they announced it again—and then they axed it. This should not come as a surprise. On the weekend I was randomly reading *Hansard* from 1997. I had nothing better to do. It might surprise members of this House to learn that members of the Labor Party even opposed the construction of the M2 tollway. When we were in government the Labor Party moved a motion censuring the then transport Minister, the Hon. Bruce Baird, and opposing the construction of the M2 tollway. The Labor Party assumed government in 1997. Even once the M2 tollway had opened the Labor Party, in government, were opposed it. In fact the Hon. Jan Burnswoods, and I have no idea who she was but she was apparently a member of Parliament, said:

I record my sorrow at the opening on Monday this week of the M2 tollway. Commonly described as the road to nowhere ...

That comment exemplifies the neglect of north-west Sydney by those opposite. It shows that the Labor Party paid no consideration to north-west Sydney throughout its entire time in government. The Labor Party has shown contempt for north-west Sydney, contempt for this State and contempt for infrastructure development.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I remind the member for Murray-Darling that he is on three calls to order.

Mr John Williams: One.

The DEPUTY-SPEAKER (Mr Thomas George): Order! Members who were on calls to order were placed on three calls to order. The member for Murray-Darling will not argue with the Chair. I call the member for Keira.

Mr RYAN PARK (Keira) [3.31 p.m.]: I am very glad to speak in the debate on this motion. What is fascinating about the central business district to Rozelle metro project is what happened to the leading bureaucrats who drove that project. They were some of the leading bureaucrats in New South Wales. Did they get removed from their positions on day one of the new Coalition Government? No. These men and women are still in the department. If it was such a bad idea then why are these men and women still there? Let us talk about the North West Rail Link. The North West Rail Link started out as a rail line, and now it is a shuttle service. Boy, oh boy. I can hear the cheering out in Western Sydney, in places such as Penrith. All of this money has been taken from other projects and put into a project that is essentially a shuttle service. It cannot be integrated into the rest of the rail network.

What about the South West Rail Link? Why do those opposite not talk about the South West Rail Link when they are criticising the Labor Party? Tragically for those opposite—come in spinner; this is like a Dorothy Dixier—we were the ones who started and signed the contracts for the South West Rail Link. I cannot believe the motion moved by the member opposite—this is like shooting fish in a barrel. On Sunday I was reading not *Hansard* but rather an in-depth report which made a very interesting statement. It said that in the last 50 years—

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is too much audible conversation in the Chamber. The member for Keira will be heard in silence.

Mr RYAN PARK: In the last 50 years how many rail carriages have coalition governments ordered? You would think that over 50 years they might have ordered 100, 150 or 200. I will ask the question again: How many rail carriages—things that people travel in—have coalition governments ordered? The answer is zero. What an absolute disgrace. It gets even worse than that. How is the Government going after 2½ years in the job? You would imagine that things were going well. Actually, that is not the case. The figures for the number of trains running on time have never been worse—a minor benchmark. What about the rate of vandalism and graffiti? That is reasonably important to commuters. There has been a 13 per cent increase. What a terrible result. The member for Castle Hill should think carefully before moving a motion of this nature again. What about the issue of maintenance staff? They are the ones who actually maintain the carriages. How many of those staff have been cut? Is it 100? Is it 200? No, 450 staff have been cut.

Just this week it was revealed that the T80 bus, the T-way running between Liverpool and Parramatta—members from Western Sydney may or may not travel on that bus; the Hon. Andrew Stoner does not as he prefers to come via hovercraft—is leaving people behind. This week the Minister was forced to apologise. What a tragic set of circumstances. But do not take it from me; take it from some of the people who have commented on the Government's website about the timetable changes. The comments come from constituents, a minor detail. Mel says:

Is it just me or are Sydney trains a lot worse? Late, slower, less frequent trains = crowds, packed like sardines ...

And on that same website Michael says:

Thanks Sydney trains for the timetable changes. 20mins longer to get home ...

What a great job the Government is doing on this. And what about Shane? He said:

This must be one of the dirtiest old trains I've been on for a while.

[Time expired.]

Mr CHRIS PATTERSON (Camden) [3.36 p.m.]: I support the motion moved by the member for Castle Hill. The contributions from those opposite, particularly the waffle from the member for Keira, are a disgrace. There was a lack of infrastructure provision by the previous Labor governments. My predecessor as the member for Camden, Geoff Corrigan, an outstanding former Labor member, summed it up when he said,

"My colleagues are living in a parallel universe." He must have been talking about the member for Keira. He displayed his foresight there. The member for Keira brought up the South West Rail Link. Is he fair dinkum? His speech was almost embarrassing. I was tempted to leave.

In 2004 the Hon. Bob Carr announced that the South West Rail Link was to be completed in 2012 at a cost of \$688 million. He talked about putting infrastructure before people. But then he hit that project on the head. Premier Iemma talked about the South West Rail Link. The costs blew out a bit more. Again he talked about putting infrastructure before people. But in the end he decided to stop it. Premier Rees announced the South West Rail Link, and again talked about putting infrastructure before people. But then he decided to stop it. Premier Keneally took this project to an election and also talked about putting infrastructure before people. When the Liberal-National parties came to government the \$688 million project had blown out to a cost of \$2.1 billion and not one centimetre of the track—and I draw this to the attention of the member for Miranda—had actually been laid. At that time we said it would be completed in 2016. No, it will be completed in 2015. Four Labor Premiers said, "Infrastructure before people", but they delivered nothing. We have got on with the job.

The member for Macquarie Fields, the member for Campbelltown and the then Labor member for Camden said that Camden and surrounds would be a growth centre. But for all that growth they provided no infrastructure whatsoever. The Leader of the Opposition, the member for Macquarie Fields and Labor Camden councillor Greg Warren were out spruiking the other week. It is the height of hypocrisy for them to cry that there is no infrastructure or that it is not keeping up. They could not deliver one centimetre of rail link in 16 years. John Robertson was the Minister for Transport, the member for Keira had something to do with the department and they did absolutely nothing. About six months ago Camden Labor councillor and pig farmer David Bligh bagged the State Government for building the rail link before the people came. That provided an insight. He said we should not build the train line because there was nobody there to meet it. Was he fair dinkum? Of course he was, because that is the mentality of members opposite. It is disgraceful. The \$500 million for the metro could have built Camden Valley Way. *[Time expired.]*

Mr BARRY COLLIER (Miranda) [3.39 p.m.]: The arrogance of Government members is absolutely breathtaking. Those two clowns over there said that we were the worst—

Mr Troy Grant: Point of order: My point of relates to Standing Order 73. The member for Miranda should refer to members by their correct title and not use offensive language.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I uphold the point of order. However, I excuse the member on this occasion; he has only been back in this place for a week. I remind him to act in a parliamentary manner.

Mr BARRY COLLIER: As I said, their arrogance is breathtaking. I think the member for Castle Hill said that the former Labor Government basically did nothing about infrastructure in its 16 years. I would like the member for Castle Hill to stop writing and listen for once. Here is a bit of history for you, son.

The DEPUTY-SPEAKER (Mr Thomas George): Order! Members will refer to other members by their correct titles.

Mr BARRY COLLIER: The former Labor Government delivered: the \$89 million Sutherland Hospital redevelopment in the shire; the Garrawarra hospital \$11.8 million, 120-bed dementia facility; and \$344 million for the Cronulla rail duplication, which was the largest infrastructure project in the Sutherland shire's history. The former Labor Government funded lifts and easy access at each of the stations in the Miranda electorate and invested \$77 million for the Bondi Junction turn back. It also announced \$6.2 million for the Sutherland Transport Interchange, for which the member for Menai and the member for Heathcote are now claiming the credit. That was a Labor project.

The former Labor Government also provided: \$7.1 million for the Miranda five ways intersection; \$47 million for the Woronora bridge; \$4 million for the Acacia Road and Princes Highway upgrade; \$115 million for the Bangor Bypass stage one and \$35 million for stage two; \$49 million for the Sea Cliff bridge; and \$44 million for the Alford's Point bridge approaches, for which the member for Menai is out there claiming credit. The former Labor Government also built State-funded halls at Sylvania High School and Oyster Bay and Kirrawee public schools and new drama facilities at Port Hacking High School. We provided \$6 million to Captain Cook's landing place and \$90 million for the Cronulla Sewage Treatment Plant.

Mr John Williams: Point of order: I remind the member for Miranda that the motion accorded priority is about the North West Rail Link and rail infrastructure.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member's time has expired.

Mr DOMINIC PERROTTET (Castle Hill) [3.42 p.m.], in reply: I thank the member for Camden, the member for Keira and the member for Miranda for their contributions to the debate. It is a pretty sad state of affairs that while talking about what Labor achieved during its 16 years in government the member for Miranda said that it built a new drama facility. Wow. That is great work. It is great to see that after all those years—

Mr Barry Collier: Is that all you got out of my talk?

Mr DOMINIC PERROTTET: It is all I wrote down; the rest was a blur. Labor built a few little things but it stopped building most of what it started and did not finish the projects. An example is the South West Rail Link. Labor started it but it has taken our Government to finish it.

The DEPUTY-SPEAKER (Mr Thomas George): Order! Members will resume their seats. The member for Castle Hill will be heard in silence. I remind the member for Murray-Darling that he is on three calls to order.

Mr DOMINIC PERROTTET: There is no greater example of Labor's failure to invest in infrastructure than north-west Sydney. When the member for Miranda made his contribution he could not remember the name Castle Hill or where it was because a transport Minister did not visit there for 16 years. Labor promised the North West Rail Link four times. In fact, when then Premier Nathan Rees axed the North West Metro as it was known, he went out and announced the Rozelle Metro within a week. The previous Government's priorities were where the votes were, not where the need was.

Many would argue that the Hills district is one of the more conservative areas in New South Wales. It is great to be part of a Government that is giving that area the infrastructure investment that it so desperately needs following Labor's long lack of commitment to that area of Sydney. As the local member it has been incredibly rewarding to hear feedback from the locals who are now seeing construction sites across the electorate. After the expectations raised by members opposite during their years of incompetence, it is great to now see that the Government is getting on with the job and fixing the infrastructure failures. We inherited a \$30 billion infrastructure backlog from members opposite. The Government is getting on with doing its job and investing where the needs are, not where the votes are. It is an honour to be here with the member for Camden, whose electorate, like mine, is now receiving the infrastructure it desperately deserves.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 66

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

Noes, 21

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

Question resolved in the affirmative.

Motion agreed to.

RURAL AND REGIONAL JOBS**Motion Accorded Priority**

Mr CLAYTON BARR (Cessnock) [3.59 p.m.]: I move:

- (1) That this House recognises the importance of manufacturing jobs in regional and rural centres in New South Wales.
- (2) Notes that the communities in Orange and Bathurst have been dealt a massive blow with hundreds of job losses being announced in the past week.
- (3) Calls on the Government to take action to protect jobs in regional and rural New South Wales.

Unfortunately, the Government that presides over New South Wales has a poor record and has performed unsatisfactorily with regard to jobs in regional areas. While the Leader of The Nationals and Deputy Premier is flying across the globe and ensuring that we lose even more jobs, he might think more about regional New South Wales and a bit less about the chairman's lounge. A terribly sad announcement was made in Orange last week. I note that the member for Orange is not in the Chamber.

Mr Troy Grant: Yes, he is.

Mr CLAYTON BARR: I could not see him earlier. I apologise. The member for Orange tweeted that talking about the 544 jobs that would be lost was one of his saddest he has done in his role as a member of Parliament. One of the experts cited in the weekend newspaper declared that the Electrolux factory provided approximately 4.4 per cent of the city's total employment and \$70 million to the local economy, and that will be lost. That is in addition to the Simplot factory in Bathurst, which manufactures chiko rolls, losing 110 jobs and approximately \$10 million being lost to the local economy. That follows Downer EDI at Bathurst losing 100 jobs, which will mean a loss of \$10 million to the local economy. That is all in addition to the closure of the Hydro Aluminium smelter at Kurri Kurri and the loss of 550 jobs as well as approximately \$100 million lost directly or indirectly to the local economy, and the loss of 100 jobs at Tomago Aluminium. Manufacturing is driven by many things, but one of the most significant is New South Wales' manufacturing contracts. For the past 2½ years the Government has had the opportunity to enter into and renew contracts for the building of trains and buses, but it has not done so. That is the Government's decision and the blame for it lies with the Government.

The Deputy Premier spoke earlier about the closure of Electrolux at Orange. He is attempting to rally his troops. The reality is that each member of the National Party is facing uncertainty. Following the by-election for Miranda, members of the National Party—who thought they were on a gravy train to longevity and greatness—realised that they were now under considerable duress. The Deputy Premier said today that the failure of Electrolux was due to the carbon tax. When he was talking about the community of Orange and Electrolux last week he did not once mention the carbon tax. John Brown, the managing director of Electrolux Australia, did not once mention the carbon tax, nor did Andrew Gee, the member for Orange. They talked about labour costs, international competition and the high value of the Australian dollar, but not the carbon tax. It is one thing for the Deputy Premier to talk about it today, but it is another thing for it to have significance or meaning.

The Deputy Premier should stop travelling around the globe; he should get out into regional New South Wales. Did he visit the Electrolux factory? The member for Orange might be able to answer that. Did he visit

Simplot at Bathurst? The member for Bathurst might be able to answer that. He has not visited Hydro Aluminium in the Hunter, Downer EDI or United Goninan. Nor has he visited the Tomago smelter or Volgren. This Minister—who is supposed to be responsible for trade and infrastructure, and regional development—does not care about regional development in New South Wales. When Grafton jail closed, in the electorate right next door to him, with the loss of more than 100 jobs and at a cost of more than \$10 million to the local economy, he did not bother to go next door to discuss the issue. The Deputy Premier should be condemned.

Mr ANDREW GEE (Orange) [4.04 p.m.]: The member for Cessnock is correct. Friday was one of the saddest and darkest days in the history of Orange, when we found out that the Swedish board of Electrolux had chosen to close the Orange plant by the end of 2016. The community of Orange and surrounding districts finds it difficult to come to terms with the closure of this profitable plant. It makes millions of dollars in profit every year for Electrolux and its shareholders. However, I have been told that the decision was ultimately based on the fact that the Swedish board of Electrolux wanted to move its production to a low-cost country where it can produce fridges for \$2.50 an hour compared to the \$25 and \$30 an hour paid in Orange. The board also said that the Orange plant output of 260,000 to 300,000 units a year was too low; it wants one million to two million units produced at its new Rayong plant in Thailand, which opened a few months ago.

The board of Electrolux has made a reprehensible decision. It has disregarded the fact that this plant is vibrant and viable and that many of its workers have given years of service. The member for Cessnock is right—it is hard to stomach, it is a blow and it hurts. However, to sheet blame home to the Deputy Premier or the New South Wales Government is also reprehensible, and I am disappointed in the member for Cessnock for doing so.

The Deputy Premier met with the chief executive officer of Electrolux and the Orange plant manager here in Sydney when they came to request assistance in the form of payroll tax relief. I am pleased to say that, after analysis by NSW Trade and Investment, the New South Wales Government provided a multi-million dollar assistance package to Electrolux, which was, in fact, \$1 million more than Electrolux had originally sought. That funding came from the Regional Industries Investment Fund. When that offer was made to Electrolux, the Government number-crunchers made it clear to me that they had squeezed every last dollar out of the fund and that no shot was left in the locker.

Orange has never been a one-trick pony economically and the communities of the Central West—Orange and Bathurst—were built by resilient people. Both our communities—members will be hearing from the member for Bathurst shortly—will bounce back from this. I have had a meeting today with the Federal member for Calare, John Cobb, and the mayor of Orange and we are united in our desire to get Orange through to the other side. I know the member for Bathurst will be doing everything he can to do the same for Bathurst. The focus now has to be on the workers of Electrolux. I note that on Friday the Electrolux president and chief executive officer, Keith McLoughlin, made the following statement about the Electrolux factory:

Today, we are announcing the next phase of the Group's manufacturing footprint program ... The program was initiated during 2011 and planned to be fully executed 2014-2016.

Despite our best efforts, in the end I think we were all raging against the dying of the light because the Electrolux board had clearly made a decision to move to a lower-cost country, flawed though that decision is. I am calling on Keith McLoughlin, the international president and chief executive officer of Electrolux, to provide an assistance package to retrain and redeploy those workers into the broader Orange economy. BHP did it for Newcastle when that operation was wound back and I am calling upon Electrolux to do the same for its workers. We are a diverse and resilient economy and we will come through this. However, the communities of the west object to the fact that characters such as the member for Cessnock are attempting to play politics with this issue. I move:

That the motion be amended by leaving out paragraphs (2) and (3) with a view to inserting instead:

- (1) Supports the communities in Orange and Bathurst.

The communities of Orange and Bathurst will get through this and will not give up. This amendment calls on the House to support those communities.

Ms ANNA WATSON (Shellharbour) [4.09 p.m.]: Today we think of the people of Orange and Bathurst. Workers at Electrolux, Simplot and Downer EDI are worried about where their next pay cheque will come from because they have been told their jobs no longer exist. These job losses are a catastrophe for the

Central West economy. In their hour of need they merely get cold comfort from the man in the O'Farrell Government directly responsible for rural and regional New South Wales because the Leader of The Nationals, and Deputy Premier, was not even in the country. In fact, the plight of the Central West was the furthest thing from his mind as he enjoyed a fancy breakfast in the Seven Seas Pacific Aviation Lounge at Tokyo's Peninsula Hotel on his seventh overseas trip flying business class at taxpayers' expense. These trips have cost taxpayers more than \$300,000. Let me run through them. He has spent more than \$70,000 travelling to China, more than \$54,000 travelling to the United Arab Emirates and India, more than \$37,000 travelling to Japan and China—

Mr Troy Grant: Point of order: I ask that the member be directed to return to the leave of the motion before the House. She has wandered so far off she has taken herself overseas.

ACTING-SPEAKER (Mr Gareth Ward): Order! The member for Shellharbour will return to the leave of the motion.

Ms ANNA WATSON: These trips have cost taxpayers more than \$300,000. I will return to the leave of the motion. What have we to show for these trips? How many jobs have been created at Orange and Bathurst?

Mr Troy Grant: Point of order: The member is now canvassing your ruling. She said she would return to the motion. I ask that she be directed to do so immediately.

ACTING-SPEAKER (Mr Gareth Ward): Order! The member for Shellharbour will return to the leave of the motion.

Ms ANNA WATSON: How many jobs were created in Orange and Bathurst as a result of those overseas trips? Under the O'Farrell Government the unemployment percentage started with a five; it now is heading to more than 6 per cent. New South Wales now has 35,000 more people in unemployment queues than it had before the Premier was elected. The Deputy Premier's trips do not seem to achieve much. He cares more about the manufacturing future of sushi rolls than Chiko rolls.

Mr Troy Grant: Point of order: The member is making imputations and again is wandering from the leave of the motion. She is alluding to what the Deputy Premier cares more about.

ACTING-SPEAKER (Mr Gareth Ward): Order! Under the standing orders and having regard to parliamentary privilege and freedom of speech, the member for Shellharbour is not canvassing my ruling. There is no point of order.

Ms ANNA WATSON: The Deputy Premier's trips do not seem to achieve very much. His travelling time would have been better spent lobbying Electrolux and designing an assistance package to save those Central West jobs. What happened while the Deputy Premier was out of the country last week? The Government cut funding to 82 schools in rural and regional New South Wales, including 11 in the electorate of Murray-Darling, six in the electorate of Murrumbidgee, five in the electorate of Barwon and five in the Deputy Premier's own electorate. [*Time expired.*]

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [4.12 p.m.]: I support my colleague the member for Orange's amendment to the motion. The member for Shellharbour displays absolute hypocrisy by criticising people for travelling when she had to repay nearly \$3,000 because of claims about her travel rorts.

Mr Clayton Barr: Point of order: I am happy for members from both sides to criticise each other. However, the ruling directed the member for Shellharbour to return to the leave of the motion accorded priority, and I ask that exactly the same ruling be made regarding the member for Bathurst.

ACTING-SPEAKER (Mr Gareth Ward): Order! I upheld the first point of order. However, I also upheld the right of the member for Shellharbour to freedom of speech. I reject the imputation that my rulings are not balanced. There is no point of order.

Mr PAUL TOOLE: Simplot experienced months of uncertainty regarding its future viability. Sadly, things came to a head a few weeks ago when management announced its plan to dramatically downsize the local operation. Approximately 100 jobs will be lost as the Bathurst plant is pared back to producing only frozen corn, canned corn and Chiko rolls. It was terrible news and, as the member for Orange rightly said, job losses of this magnitude make it a sad day for our local communities. I went to school or worked with some of these people

and I have stood next to them each day in my community. Losing a job is sad. Simplot managers announced in June the difficult trading conditions they faced: cheap overseas imports and the high value of the Australian dollar have made it impossible for local producers to compete on supermarket shelves. Decreasing sales also mean decreasing viability. The Government has done an incredible job in addressing this situation. NSW Trade and Investment worked with Simplot management and a payroll tax rebate was offered to assist the company. I thank the Deputy Premier, who put the rescue package on the table. Local media congratulated the Government on its efforts to provide a healthy rescue package to Simplot. The local council also did a tremendous amount of work to ensure that plant infrastructure upgrades proceeded. I am pleased to announce that existing local contracts will be retained. Whilst, sadly, jobs have been lost, roughly 55 to 60 people will remain employed. [*Time expired.*]

Mr CLAYTON BARR (Cessnock) [4.15 p.m.], in reply: I thank members for their contributions to the debate. Obviously, regional jobs are dear to many of us in this Chamber. Indeed, they should be dear to everyone as they are relevant to the State's economy. Large industries or government agencies in regional areas provide significant local economy dollars and resources. When local businesses or industries begin to close down—Simplot, Electrolux or a local jail—enormous amounts of money are lost to the local economy. Some economies will be more resilient, others less so. The member for Orange reiterated for the sake of his Deputy Premier that output volumes and labour costs were the reasons for the closures. He confirmed that the Deputy Premier did not manage to travel to Orange to meet with Electrolux executives; rather, he met with them in this place during their final days of distress and alarm.

Mr Andrew Gee: No, it wasn't the final days.

Mr Paul Toole: It was earlier.

Mr CLAYTON BARR: So it was in recent months. The reality is that the Deputy Premier had the time and resources to travel to Japan, the United States of America and China but could not drive to Orange in regional New South Wales. That is a little concerning to say the least. Indeed, the member for Bathurst did not talk about the Deputy Premier having any conversation with Simplot executives. The member for Bathurst totally ignored the topic because he knows that the Deputy Premier has not done enough. Those members who seek to represent a community situated many hundreds of kilometres from this place do not say much in this place, but always say plenty when they are in their electorates. Those members need to show more support for their communities in this Chamber. Being a member from the Hunter who witnessed the loss of the Kurri Kurri hydro smelter because of this Government's decisions or inaction, the loss of the BHP steelworks and the recent loss of 1,500 coalmining jobs, I understand the impacts of such job losses on local communities. I wish the people of Orange and Bathurst all the very best. I hope their communities rebound from this terrible loss.

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

Amendment agreed to.

Motion as amended agreed to.

EDUCATION AMENDMENT (NON-GOVERNMENT SCHOOL FUNDING) BILL 2013

Bill introduced on motion by Mr Adrian Piccoli, read a first time and printed.

Second Reading

Mr ADRIAN PICCOLI (Murrumbidgee—Minister for Education) [4.20 p.m.]: I move:

That this bill be now read a second time.

I seek agreement in principle to the Government's amendments to the Education Act 1990. These amendments will allow important improvements to the way we fund non-government schools in this State. I am proud, as are all members, that the New South Wales Government was the first State to sign up to the National Education Reform Agreement, which enacted the Gonski school funding reforms. It demonstrates the high priority the New South Wales Government places on education and the future of our children. At the heart of these reforms is the commitment that every child should have access to the best-possible education, regardless of where they live, the income of their family, or the school they attend. It is this principle of funding students according to their needs that sits at the heart of the National Education Reform Agreement, signed in April this year.

Our agreement with the Commonwealth will introduce an additional \$5 billion in investment, with an estimated \$790 million going to non-government schools. Importantly, our agreement contains a set of educational reforms to ensure that every dollar is directed towards improving education for our students. The reforms set out a fair way of distributing resources across the school sectors based on student need. The Government is changing the way that schools in this State are funded in order to be more responsive to student need. Over time, our funding mechanisms for both government and non-government schools will move to be consistent with the Schooling Resource Standard. This model provides for a single, consistent resource standard against which need is assessed for government and non-government schools. It is designed to be more objective, more effective and fairer.

The Government's drive to improve needs-based funding and our commitments under the agreement with the Commonwealth mean that changes are needed in the way that non-government schools are funded by New South Wales. The new arrangements will be introduced progressively from 2014 so that non-government schools have funding stability. The amendments will allow for new ways for the New South Wales Government to fund non-government schools that better respond to need. New section 21 (1) maintains the ability of the Government to fund non-government schools. The longstanding commitment by the State to fund non-government schools will continue. The State provides assistance for recurrent needs that is generally paid on a per student basis and for capital works. New subsection (2) provides a legislative guarantee that the State will meet its obligations under national agreements. This amendment to the Act will enable the Government to carry out our commitments through the National Education Reform Agreement for funding non-government schools and systems.

In providing certainty to non-government schools, a provision is included that ensures they are not disadvantaged should the overarching national agreement come to an end. New subsection (3) provides that should the relevant national agreement cease, the State will maintain the level of financial assistance that applied at this time and may increase that amount, taking account of the costs of schooling. The relevant agreement is defined in new subsection (9) as the National Education Reform Agreement or any subsequent replacement agreement. This principal agreement with the Commonwealth delivers the bulk of funding to non-government schools. New subsection (4) provides that the assistance to non-government schools can have regard to the needs of different schools. This enables the Government to accurately target students and schools that have higher levels of need. This includes schools with a high number of students from a disadvantaged background or in remote areas. New subsection (5) provides that the costs of administration are also included under the allocation of financial assistance.

The State invests around \$1 billion per annum in non-government schools, so it is important that this funding is well administered and accountability to the public is as strong as possible. As with existing arrangements, new subsection (6) outlines that funding can be paid to individual schools or through systems such as the Catholic system. As with the current Act, new subsection (7) ensures that these provisions are subject to parliamentary appropriations. New subsection (8) indicates that the operation of this section will be reviewed in 2017. In making these improvements to the Act, some current provisions are superseded. The current requirement that per capita grants to non-government schools are tied to the average cost of educating government schoolchildren will be removed from the Act. This provision is not consistent with an enhanced, needs-based funding model. Per capita funding to non-government schools will continue but, over time, it will be provided according to an improved needs-based funding mechanism. The certainty of funding that the flow-on provided will in future be guaranteed by new subsections (2) and (3).

The Act will maintain the requirement that non-government schools not operate for profit. These rules under existing section 21A will be maintained for all forms of State funding, whether or not provided as the result of a national agreement. I thank the Association of Independent Schools and the Catholic Education Commission. We have consulted with them through the development of the National Education Reform Agreement as well as through the development of this legislation. In a letter to my office Brian Croke from the Catholic Education Commission stated that the final version that had been seen by the Catholic Education Commission covered its three main points:

- (1) preserving the dollar value of grants over time; (2) providing a secure method for ongoing funding if the current Commonwealth-State agreement runs aground at any point; (3) allows for a review in 2017, the last year of guaranteed funding under the new model at this stage.

In a letter dated 28 October, Geoff Newcombe, Executive Director of the Independent Schools Association of NSW, stated:

Thank you for the opportunity to provide input into the proposed amendments to the Education Act with regard to funding to independent schools.

I wish to advise that the Association of Independent Schools of NSW supports these amendments to the Act.

Please pass on my thanks to the Premier also for the opportunity to be consulted on this very important amendment.

There has been much consultation around these important reforms. I am proud to be the Minister for Education in the first Government to sign up to the Gonski reforms. Recent announcements acknowledge funding for government schools but of course there is also additional funding for non-government schools. I commend the bill to the House.

Debate adjourned on motion by Ms Carmel Tebbutt and set down as an order of the day for a future day.

PLANNING BILL 2013

PLANNING ADMINISTRATION BILL 2013

Second Reading

Debated resumed from 22 October 2013.

Mr RON HOENIG (Heffron) [4.28 p.m.]: I have the honour of leading for the Opposition in debate on the Planning Bill 2013 and the Planning Administration Bill 2013. When judging these bills, I took the opportunity of examining a document entitled "Putting the Community Back into Planning—The NSW Liberal and National Parties' plan to reform the State's planning system". It is a nice, coloured document. The document states:

The NSW Liberal and National Parties will completely overhaul the State's 30-year-old planning legislation to ensure it provides greater scrutiny, transparency, timeliness, and merit-based decision-making.

The NSW Liberal and National Parties are committed to returning local planning powers to local communities (through their councils).

These bills do virtually none of that. They were introduced last week as a result of a planning review that involved 2½ years of examination and consultation. The second reading debate has commenced, despite the Minister having said that he would allow the bills to remain open for consultation. This significant legislation has been on the Government's drawing board for 2½ years, yet the Opposition has been given only a few days to examine its likely impact for generations to come. I take this opportunity to thank the Minister for his courtesy and the extensive briefings given not only to Opposition members but also to me. I also thank the Minister's staff, the director general and departmental lawyers for the briefings. The Minister even offered the use of his office to facilitate those briefings. However, rushing through significant legislation such as this is indicative of the historic failure of the planning approach in this State.

This legislation is based on a flawed premise, but I have insufficient time to propose realistic amendments to it. There can be plenty of talk, but until one has read the bills and considered them in detail it is very difficult to have meaningful input into significant legislation that has been on the Government's drawing board for 2½ years. As members know, I have a local government background—and approximately 30 years planning experience. If the Government is genuine about proper consultation with legislators, as distinct from the community, it makes no sense to rush this legislation through the House. The Opposition opposes these bills because of the way in which the Government has approached the matter. However, if the Government genuinely wants to introduce proper planning legislation in this State, we will work with the Government to ensure that it is enacted. The Opposition will not support the bills not only because there is insufficient time to consider them but also because we believe they are based on a flawed premise. If the Government is serious about reforming the planning system in this State it had ample opportunity to utilise the experience not of Opposition members—we do not count—but of some from within its own ranks. There are some extremely talented Government members—I will not list them in case someone takes action against them.

Mr Jai Rowell: The list is too long.

Mr RON HOENIG: The list is quite long when it comes to planning—and it does not include the member for Wollondilly. For example, the member for Pittwater has a Doctor of Philosophy (Law) degree and he also lectures in planning. I have listened to his podcasts on the green paper. He could have significant and meaningful input in this legislation. The member for Kiama, who is in the chair, and various other Government members also have a local government background. They have knowledge of planning and planning failures, and ways to make the legislation work. No-one has been genuinely consulted about these bills because they

have only just been released. As I said, when I was briefed on the bills only a week before they were introduced in this place some of my questions about the Government's proposals had not been answered by the director general.

Consequently, some of the things that I asked Director General Sam Haddad about were not included in the bills that were released the following week. I do not know who had responsibility for scrutinising the wording of the bills, but they are convoluted, complex, botched and inconsistent. The legislation is a recipe for disaster; it will cause complexity and litigation. Indeed, it will be a blessing to the members of the New South Wales Bar. Not only will it obstruct scrutiny and transparency but if the legislation is enacted it will erode confidence in the people upon whom this State relies to invest large sums of money. Interest groups upon whom the Government depends to generate employment and build the State's economy will be obstructed by this convoluted legislation.

The Environmental Planning and Assessment Act 1979 was landmark legislation. It integrated social, economic and environmental considerations into one bill and one planning system. For the past 25 years Parliament has systematically destroyed that fine piece of legislation. The Coalition is not blameless because it governed this State for nine out of the past 25 years. Indeed, the variety of amendments to the Act culminated in the part 3A provisions, which brought the former Labor Government into disrepute. Part 3A applications are still being processed and disgraceful planning decisions are still being made. For example, I have brought to the Minister's attention my suspicions about improper dealings in respect of the Eastlakes shopping centre development. The O'Farrell Government has been in office for 2½ years. But we still have shonky development applications and the Government is still allowing the processing through a variety of bodies—with the Minister taking a hands-off approach—to discredited development applications.

Before it was destroyed, the Environmental Planning and Assessment Act 1979 contained proper principles about planning and how it should proceed in this State. Indeed, two planning objectives in that Act should be foremost in our minds. First, people are entitled to invest in this State, with certainty and clear and concise guidelines, and their development applications should be assessed and determined expeditiously. Secondly, the process must be transparent and people's input must not only be sought but also considered and valued. There are two classes of development: first, developments of State and regional significance; and, secondly, local developments. The State has a legitimate role to play in matters of State and regional significance.

It would be wrong of Parliament or anyone else to suggest that the State should not be actively involved. Ministers are accountable to Parliament and are democratically elected to make determinations regarding developments of State and regional significance. Secondly, according to the Liberal-Nationals policy, developments of local significance should be determined by local councils. However, as I said in my inaugural speech to Parliament just over a year ago, those who make decisions regarding State, regional, or local significance should be democratically elected—whether they be councillors or the Minister for Planning and Infrastructure, who is accountable to this House.

Development and planning decisions have such a huge impact upon the future of not only the community but also the State that only democratically elected people who are accountable for their decisions and who can be judged directly by the people should be making those decisions. In terms of how decisions of State and regional significance should be made and what processes should be used, the Environmental Planning and Assessment Act 1979 and the commissions of inquiry under their own Act lead the way. Under that Act, independent commissions of inquiry, completely separate from either the Government or the Department of Planning, were established and appointed. Councils received significant development applications—or, as they were called, designated developments—to which objections were received. They were assessed by councils and the department, and submitted to the commission of inquiry. The commission of inquiry conducted its hearings, considered all objections and the evidence before it, wrote a report and made a recommendation to the Minister. The Minister then determined whether he or she agreed with the recommendation of the independent commission of inquiry.

The reason that process had so much credibility was that, even when the community disagreed with its decisions, people recognised that this was a permanent independent commission of inquiry. Anybody affected by an application could appear before the commission and express their views. Councils appeared before the commission, as did the Department of Planning. Because it was a permanent commission the public knew it was an independent body—even, for example, when people did not like its decision. I certainly did not like a number of its decisions. If at the end of the day the Minister disagreed with a decision—and I know that the Hon. Bob Carr did so on one or two occasions—the Minister rejected the application. In the event the commission

recommended that an application be approved, the Minister usually granted approval as soon as he or she received the recommendation. Of course, even if Ministers were subject to criticism all they were doing was approving the recommendation of the independent commission.

What happened to commissions of inquiry and why were they abolished? First, governments of the day did not like the scrutiny of such commissions. Secondly, they often did not like what was recommended. An example that has been the subject of some controversy since I have been a member of this House relates to Port Botany. Members may remember that the Government proposed an expansion of Port Botany. Of course, that was subject to a commission of inquiry. The commission recommended against the Government's proposal; it recommended that a far smaller expansion be approved because the Government did not provide a proper transport strategy for future port expansion. Following the commission's recommendation, Parliament abolished commissions of inquiry. The way forward is to have no Planning Assessment Commission, no joint regional planning panels and no ministerially appointed independent mechanism for determining applications. The community has lost confidence in the process. The Planning Assessment Commission is viewed as a creature of the Department of Planning and Infrastructure and the Minister. Joint regional planning panels are composed of ministerial appointments.

Mr Brad Hazzard: You guys established the panels.

Mr RON HOENIG: Yes, but those opposite are doing a complete review of planning policy. The Minister is conducting a complete review. I would have thought he would look at the failures and resolve them via legislation. The Government has been looking at this issue for 2½ years.

Mr Brad Hazzard: This comes from your Labor Party.

ACTING-SPEAKER (Mr Gareth Ward): Order! The Minister will come to order.

Mr RON HOENIG: Does the Government suggest that the Labor Party amendments to the Act were correct? I am here to tell you that what occurred under the previous regime was wrong.

Mr Brad Hazzard: This is Labor Party policy.

Mr RON HOENIG: If the Minister had listened to my contribution from the beginning he would understand. He is picking up the tail-end of a particular assertion. I am telling the House that no ministerially appointed commission, whether the Planning Assessment Commission or the joint regional planning panels, will ever have the confidence of the community while they are appointed ministerially. That is not the way forward. Local government has not helped in this area, and has also brought the planning system into disrepute. Many councillors on various councils throughout New South Wales have misused public objections to development applications for their own local political purposes.

Mr Bart Bassett: Shock, horror. Tell some of your own.

Mr RON HOENIG: I am talking about many councils right throughout New South Wales. There is a way to deal with that—it is not to remove decision-making processes from democratically elected councillors but rather to make councillors accountable and prohibit them from considering issues that are outside the current section 79C considerations. They should be made accountable. They should be made to go to the Land and Environment Court New South Wales in the event of an appeal. There they would have to explain to a judge or commissioner why they are advocating in a council meeting irrelevant considerations that are not within the section 79C provisions. Councillors have not helped themselves by bringing this process into disrepute, but we will not fix the situation by taking away from them decisions that they should be entitled to make.

In respect of developments that require environmental impact statements, it is important that any legislation moving forward contains accreditation for the author's environmental impact statements. It is essential that those preparing environmental impact statements are seen by the community to be accredited, professional and independent, and not servants of the proponents of particular applications. I know that consideration was given to that proposal but it was deemed to be too hard. I am proposing principles that should be contained in legislation going forward to give credibility to the process. Something else needs to change. It relates to what the Minister said in his second reading speech last week and is of considerable importance to home owners in New South Wales. In the House last week the Minister said:

I will now turn to the case for change. When the current Environmental Planning and Assessment Act 1979 was introduced, it was considered best practice in Australia. However, over time it has become too complex and difficult to navigate with too much red tape. The average development application takes 71 days to assess; for simple home renovations it takes on average 58 days; and to build a new home, approval takes on average more than two months.

I agree with the Minister's assertion, but the answer lies in looking at the history of why it takes so long for applications to be approved. When the Environmental Planning and Assessment Act 1979 was enacted, contained within the Local Government Act was a provision regarding building applications. They were similar to the now section 79C considerations but if people wanted to build a new house, a home extension or a carport they did not need to make a development application under the Environment Planning and Assessment Act; they made a building application. The building applications contained not only environmental factors but also what is currently in a construction certificate. Those building applications were usually determined within a week or 1½ weeks. When Parliament saw fit to remove the provisions of the Local Government Act and require home owners to submit development applications, all of a sudden councils received development applications for carport extensions that sat within the same pecking order of received applications as the expansion of petrochemical plants, for example.

I heard somebody mention Craig Knowles. If he were spoken to today he would concede that the decision has turned out not to be correct. Rather than restoring it to the system that worked and recognising the error, a new convoluted system was put in place to rectify it. To rectify the shambles created by having to submit development applications, the Parliament fiddled with it again and tried to set up a system of complying development. That lost community support because there was not sufficient consultation. Instead of going back to history to find out where it was messed up in the first place, the Parliament has continued to make incremental changes until the community has completely lost faith in the credibility of the State and the Parliament to administer a planning system.

As I said, the State has a role in regional and subregional planning. Until relatively recently the State always had the power to enact either regional plans or subregional plans. Since 1979 the Department of Planning has not had the capacity or ability to prepare those plans, nor has it prepared a plan under the legislation. To think that somehow or other the same department that has been administering many of the legislative failures of the past will have the ability to prepare subregional delivery plans or regional growth plans is a fairytale. The State and the department have a poor record of doing any of that planning.

The way the system fell into disrepute fits within five categories. Firstly, governments and developers did not like the scrutiny of a transparent process and they thought it took too long. Secondly, transparency was removed. Thirdly, once transparency was removed there was immense cynicism and public opposition, and those attacks became quite personal. A variety of political allegations of approvals for donations, campaign donations and things of that nature were made. Governments responded by ceasing to make decisions, taking a hands-off approach and delegating authority to bureaucrats or other planning and assessment commissions. The planning system then ground to a halt.

Mr Brad Hazzard: This is your government. This is Labor. Be fair and just say it was your government.

Mr RON HOENIG: I am saying it was this Parliament over a period of 25 years. One can go through *Hansard* to see the contribution of the Minister while he was in opposition and if he opposed any of the legislative programs at the time. I will concede that the former Government presided over the bulk of the period when the planning process fell into disrepute. That is why the people made the decision they made at the election in March 2011.

Mr Brad Hazzard: That is why we are trying to reform the planning system.

Mr RON HOENIG: Except that what you are doing to reform it is not going to work; it is going to make it even worse. I will put on record a number of parts of the bill that concern the Opposition and that have been the subject of submissions to the department. There is concern about the definition of sustainable development that has been referred to within the Planning Bill 2013. There is also concern about the principles of ecologically sustainable development, including the precautionary principle and the conservation of biological diversity and ecological integrity, having been removed from the planning system. If the Opposition had time it would have proposed amendments to those things in the bill.

Mr Brad Hazzard: I briefed everybody weeks ago, for heaven's sake.

Mr RON HOENIG: The Minister only introduced the bill last week.

Mr Brad Hazzard: The bill has been on exhibition for three months. Give me a break.

Mr RON HOENIG: The Minister should know that a legislator has absolutely no idea what a government is up to until it introduces the bill.

ACTING-SPEAKER (Mr Gareth Ward): Order! Government members will come to order.

Mr RON HOENIG: Another concern is that the strategic planning set out in the planning bill falls short of delivering the approved strategic planning framework that will deliver positive long-term economic, environmental and social outcomes for the future.

Mr Brad Hazzard: I have not received one suggested amendment from Labor.

Mr RON HOENIG: If the Minister keeps interrupting I will ask for the bill to be considered in detail and he can just try to shove it through if he likes. Despite statements in the white paper, there is no requirement in the planning bill to consider cumulative impacts when developing strategic plans. Despite statements in the white paper, there are no requirements to consider important natural resource management goals or policies when developing strategic land use plans or local plans. The planning bills contain multiple mechanisms for unpicking strategic planning outcomes; for example, developer-initiated rezoning proposals, strategic compatibility certificates and broad ministerial power to make and amend strategic plans.

The proposal for code assessable development causes one of the greatest concerns. Earlier this year the Minister said that it would only apply in nominated growth areas. However, the bill does not restrict it to such areas. Code assessable development causes the Opposition considerable concern and will cause the community considerable concern. The Minister and the director general know my concerns. A strategic planning document cannot contain all the necessary conditions of approval for a particular development.

Mr Brad Hazzard: You are wrong again.

Mr RON HOENIG: I am not wrong again. The Minister should know this, but I will explain it to him.

ACTING-SPEAKER (Mr Gareth Ward): Order! The Minister will cease interjecting.

Mr RON HOENIG: The Minister would be told this by his director general if he paid attention to him. Every conceivable condition of consent for a development cannot be contained in a strategic plan. For example, it might be possible that a 20-storey building can be built on one block and a 10-storey building can be built on another block because things such as overshadowing can be measured but architectural design cannot be measured. Somebody has to make a subjective decision as to whether or not a building has sufficient architectural merit to be built. The people who should be making those decisions are elected people who have to live with the consequences.

The boxes that we build in our streets are a big problem, and we see that as we walk around the central business district of Sydney. Melbourne, Brisbane and Adelaide have buildings of architectural merit. For decades buildings in Sydney have had no architectural merit. It is not possible to have a code assessable building without an approval process for architectural merit. For example, a strategic planning document or a local plan cannot contain whether there is a break-up between one-bedroom, two-bedroom and three-bedroom units. A code assessable development cannot contain precisely how many cars can access a particular street. One of the greatest concerns is the loss of control or the inability to add conditions of consent. The same buildings placed next to each other can have different environmental impacts. Consequently planning control, or the ability to add conditions of control, is necessary to control the impact of individual buildings.

It is an admirable goal to put so many development controls within a local environmental plan [LEP], or what will be called a local plan if the bill is enacted, but it will not work on the ground. A consent authority must have the ability to minimise the impact. Secondly, the community must have the ability to have input to a particular application because the community lives in an area and they know what the impact is. If there will just be a certifier ticking off a code compliant development application without public exhibition of the development application process, it will be a recipe for disaster. If I had had sufficient time, I would have proposed amendments to the other recipe for disaster—which is the provision in the Planning Bill 2013 for strategic compatibility certificates. I know the Minister has made particular changes to division 4.7 at clause 4.32 (1), which states:

A strategic compatibility certificate is a certificate issued under this Division that certifies that the carrying out of specified development on specified land is permissible with development consent under this Part, despite any prohibition on the carrying out of the development or any development standard under the planning control provisions of the local plan.

That allows a prohibited development to be approved by the provision of a planning certificate, which will ensure that orderly planning does not occur. In my view, under clause 4.28 of the bill the Minister will have a discretion that is too broad to call in a State significant development. However, as I indicated previously I do not take any issue with the Minister's power to call in a development, provided it is of State or regional significance. The Planning Bill continues to restrict third party appeal rights against decisions that have been made after a public hearing by the Planning and Assessment Commission. That type of restriction seeks to reduce judicial oversight of planning decisions and will reduce the transparency and accountability of decisions of the Planning and Assessment Commission.

Mr Brad Hazzard: That is exactly what happened with special commissions of inquiry that you supported just 10 minutes ago—exactly the same.

Mr RON HOENIG: I do not agree with that. The State significant development declaration continues to override important environmental approvals under a variety of legislation, including legislation covering fisheries, rural fires, water management and the Native Vegetation Act. Those legislative provisions need to be carefully examined. While there is some community concern about the one-stop-shop provisions and it is asserted by some in the community that that weakens important concurrences, I have not had sufficient time in which to tell whether it does: But it is a good initiative to try to speed up the process. There has been considerable delay in development applications while consent authorities have been trying to get all the expert input together. Effectively the bill makes the director general responsible for obtaining it.

When one analyses the two bills and the question is asked, "Does the bill return planning powers to local communities?" the answer is that it does not. While it is commendable that the Government has sought to involve communities more in strategic planning, anybody with any experience in planning knows that that is one of the hardest things to do. There was a subregional plan of Botany Bay in the 1980s that the Department of Planning sought to get up and running—and there was some pretty good work done in that area by Sam Haddad at the time—but getting community involvement in a subregional plan was extremely difficult. All of us have a very poor record on good strategic planning and on engaging communities in strategic planning. In my view, removal of consultation at the development assessment level through things like code assessable developments really will undermine an already undermined public confidence in the State planning system.

I do not agree with the assertion made by the Minister that the bill will provide greater certainty and transparency in planning for the reason that—and this is not just my view but the view of a range of people in the community—the bills contain multiple mechanisms for modifying strategic planning controls that the community has considered, debated and thought to be resolved. If the community will be so much involved in, for example, the preparation of a strategic plan and there are multiple easy mechanisms for changing it, we basically do not have a plan. As I stated earlier, many of the plans include the strategic compatibility certificate and broad ministerial powers that enable the Minister to make or amend any strategic plan at any particular point. I do not take issue with ministerial powers to amend strategic plans of important infrastructure significance to the State: that is the Minister's function. However, we do not want to reach the stage at which the Minister's power is used on a whim, just to appease individual proponents.

Mr Ray Williams: Like you did in the previous Government when you made your decisions based on the size of the donations. You do not want that to happen anymore.

Mr RON HOENIG: No. We do not want that, no.

Mr Ray Williams: We don't either. That is why we are changing the bill.

Mr RON HOENIG: You have not done it in this bill.

Mr Ray Williams: We certainly have.

Mr RON HOENIG: Unless the member for Hawkesbury is a genius, he has not had the opportunity to read the bill in sufficient detail, either.

Mr Brad Hazzard: It has been out for three months. It came out in July.

Mr RON HOENIG: The bill was introduced only last week.

Mr Brad Hazzard: With minor changes. Yes, you are right.

Mr RON HOENIG: Only minor changes? I thought they were substantial. Under complying development provisions the bills also introduce the possibility of variation certificates that can be granted, even if a development does not strictly comply with the criteria for complying development. That is an extremely dangerous provision because it adds too much flexibility. Under the current legislation a State environmental planning policy No. 1 objection can be lodged, but this provision goes far beyond State environmental planning policy No. 1. One of the things that the bills also miss in relation to environmental protection is that they do not include adequate consideration of cumulative impacts on environmental planning.

Mr Brad Hazzard: That is exactly what happens.

Mr RON HOENIG: The other issue that some in the community are quite concerned about is that the bill does not prevent local heritage items from being considered. Local heritage items should be contained within the particular local plan and currently should be in a local environmental plan. Within a reasonably short period I have indicated what I think is wrong with the whole premise of this legislation. As I stated, there was nothing wrong with the framework of the original planning law until it was neutered. If the Government thinks that its bill is good and has been subjected to considerable scrutiny, why is it rushing the legislation through at this particular time? This bill will ensure that the public instantly loses confidence in the planning system. It is complex, it is not transparent, it is a dog's breakfast, and it is a shambles. It will make the planning in this State not a planning process but an ad hoc process, which will not suit those who want to invest in the State and will not suit the community, who are entitled to better and transparent consideration.

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [5.09 p.m.]: It is one of the more interesting contributions I have heard in the six years I have been here—41 minutes for the member for Heffron. The member has every right to speak and is probably very experienced in local government planning. He was mayor of Botany council for 30 years. The last time he held the position of mayor was in 2011-12 and the average processing time for a development application [DA] with Botany council was 136 days but the average time across the State—averaged over 152 councils—was 71 days. That is nearly half the time it takes to assess a development application in Botany. In 2010-11 the processing time for Botany council was 111 days. The member was speaking about planning being done in Botany in 2000 but the council is probably still trying to work out how to pass that. Being lectured on planning by the member for Heffron is like being lectured on probity by Eddie Obeid.

The member for Heffron said that the Planning Bill 2013 has been rushed through. We have been in Government for 2½ years and this was an election commitment and has been extensively advertised. Firstly, we had the issues paper but the Labor Party did not put in a submission to that. There was the green paper—the Labor Party did not make a submission on that; the White paper—they did not put in a submission. Those opposite have not made an effort to engage in any planning review. I quote from a media release of the Independent Commission Against Corruption [ICAC] on 13 December 2010—when those opposite were in government:

The Commission's report, The exercise of discretion under Part 3A of the Environmental Planning and Assessment Act 1979 and the State Environmental Planning Policy (Major Development) 2005, released today, makes altogether 20 recommendations to more effectively manage and mitigate potential corruption risks in the Part 3A process.

It is crazy stuff that the member for Heffron has raised. I know he is desperate to say something and I am sorry he did not have more time. I would have thought that in the 2½-hour flight, there and back to Adelaide, he would have had plenty of time to read it but that is another matter.

Mr Ron Hoenig: You must be brighter than me.

Mr CRAIG BAUMANN: There is no question that I am brighter because I am on this side of the House. The Planning Bill 2013 delivers on our commitments to rewrite the State's planning laws, firstly, to return local planning powers to local communities and to restore confidence and integrity in the planning system. The legislation introduces significant changes to the planning system and puts the community, residents, businesses and developers first. The new planning system will be easier to use, efficient and transparent and will allow anybody to know, up-front, what the rules are. The new planning system will ensure that everybody gets a say, that there is certainty in the planning process and that local planning will be for local communities.

This legislation is the most significant review of the planning laws in the State for more than 30 years. The member for Heffron mentioned the Environmental Planning and Assessment Act. We both agree that it was

revolutionary, legislated in 1979. Since then it has been amended almost 150 times—about once every 12 weeks. It is hard to interpret and has lost its focus. When one considers Land and Environment Court decisions that were based on that legislation, from personal experience I know that there are council planners who really cannot follow what is going on. This will be the first major overhaul of the planning system in New South Wales for 30 years. The Government has undertaken unprecedented consultation over the past two years. Six thousand people attended face-to-face meetings; 1,500 submissions were submitted on the green paper; almost 5,000 submissions were received on the white paper alone; and nearly 3,000 people were randomly interviewed on planning changes.

I will put the case for change: Public submissions support changing the system. The community and stakeholders have lost all faith in the planning system as it is. The perception is that the system lacks transparency, is politicised and does not have the necessary checks and balances. The system does not meet our social and economic challenges. In less than 20 years an additional two million people will live in New South Wales. By 2031 Sydney will have an additional 1.5 million residents. One in five New South Wales residents will be aged 65 years or older. This is a significant trend across the State, with particular impacts for some regional areas. The planning system causes delays in planning assessment—as the member for Heffron is aware. On average, development applications in New South Wales take 71 days—a cost borne mainly by families, small businesses and investors in the industry. Planning delays cost time and money and a cost to the industry will be passed on to the consumer. Delays increase the risks and costs of doing business in New South Wales and discourage investment.

The new planning system responds by, firstly, returning power to councils and communities. Local communities and their councils will be actively engaged in up-front strategic planning. Local communities will get to set the local rules and local councils will have a majority representation on subregional planning boards. For the first time, local government will have a seat at the table in planning for growth. Communities will also be involved in growth planning, with a real say in the infrastructure needed to support new housing development. In a first for New South Wales, a community participation charter will set out mandatory requirements for engagement. Secondly, the new planning system responds by returning transparency and integrity to planning. All planning authorities must now publish the reasons for decisions and set out the way in which submissions have been considered. The Minister will be required to consult on any significant amendment. Existing appeal rights will remain, despite claims to the contrary from those opposite. For the first time there will be judicial review rights on the making of amendments to strategic plans.

Thirdly, the new planning system corresponds with codes and complying development. Councils and communities can now tailor a complying development to reflect the local area. Code assessable development will apply in growth areas and, despite the incorrect statements by those opposite, there is no 80 per cent target for code complying assessments. Queensland has about 80 per cent of its code complying assessments in use; New South Wales has about 23 per cent. It is something one tries to achieve but there will be no target. There is no requirement for code complying development in established areas, unless councils and their communities want it. Fourthly, the new planning system responds by legal appeals and heritage protection. Appeal rights will remain as they have been for the past 30 years. New rights of appeal for communities to challenge the making of any strategic plan will be introduced. Existing local and State heritage protections continue in the new system. Fifthly, the new planning system responds by addressing strategic planning. Strategic plans will set the ground rules for a local area, as expressed by local communities. They will deliver real certainty for communities, investors and industry. This certainty will deliver benefits to the whole community, creating thousands of new jobs and significant flow-on effects for the economy.

I have worked in the building industry all of my working life, mainly in greenfield subdivisions. I have seen 30, 40 and even 50 lots developed at a time. Purchasers of those lots know exactly what will be built on the lot next door. The real angst begins when somebody comes in and tries to put a duplex or triplex on a block of land, contrary to the promises of a developer. The developer had the ability to override the covenant on that block. The Planning Bill 2013 gives landowners certainty that when they buy a block of land they will know exactly what will happen next door. It gives certainty for residents who will be confident that their neighbours will not be able to build a four-storey block of units next door. I could speak further on the bill but I will leave it at that and recommend the Planning Bill 2013 to the House.

Ms TANIA MIHAILUK (Bankstown) [5.19 p.m.]: I oppose the Planning Bill 2013 and the Planning Administration Bill 2013. These bills seek to overhaul the existing mechanism for planning in New South Wales. The legislation in its present format will fundamentally change the landscape of land use planning in this State. I note the presence in the Chamber of the Minister for Planning and Infrastructure, and remind the House

that he has deliberated on this legislation for close to 2½ years. I remind members also that the Liberal-Nationals Coalition has failed the people of New South Wales by not delivering on its many pre-election promises. Interestingly, the document "Putting the Community Back into Planning" that the Coalition released when it was in opposition somehow has been lost or misplaced.

Mr Guy Zangari: Shredded.

Ms TANIA MIHAILUK: I agree with the member for Fairfield that it probably has been shredded. I remind members of what Barry O'Farrell promised to do when he was the Leader of the Opposition. He said he would "return local planning powers to local communities—through their councils". He also said that the Coalition believed that "local residents—through councils—are best placed to make local planning decisions affecting their suburbs". I do not think the Minister for Planning and Infrastructure said any of that in his second reading speech. The Premier also said he would "ensure our planning system centres on merit and the public interest, and re-empowers local communities on local planning issues". He seemed to like the word "local", but that is not what this legislation emphasises. This legislation contains nothing about returning power to local communities. Prior to the last State election the now Premier said that his intention was to "deliver certainty about planning rules and decision-making processes that are made transparently and in a timely way". Two and a half years later, Barry O'Farrell and this Government have failed the people of New South Wales by breaking their promises on delivering a planning administration bill that empowers local communities, councils and residents. I remind the House that the Premier said that he had a contract with New South Wales, which clearly stated:

We want to stop the cycle of promising things that don't get delivered. Put it on the fridge, put it in the drawer, and if we don't deliver kick us out.

A few weeks ago the message was delivered in the by-election for the electorate of Miranda with a 27 per cent swing against the Government. Interestingly, the Premier said that planning was an issue in that by-election result. He said that he would be happy to resign if he did not honour his promises; I hope he honours that promise at least. Prior to the election, Mr O'Farrell promised that planning reforms would include unprecedented empowerment of local communities and local councils to take local decisions into their hands. The Planning Bill 2013 will have the opposite effect because it makes local plans subordinate to State plans. Local councils will not have a primary role in planning or assessment, and will not have equal standing with the Minister. The legislation limits community participation to specific stages of the planning process. The legislation also provides greater scope for the State Government to intervene arbitrarily in the development process.

Appeal rights are limited to certain types of development. These new planning laws were supposed to return power to local communities but, apparently, they will be less empowered than under the previous planning framework, especially with regard to code assessment developments. Code assessment developments could be given approval within 25 days if they meet certain designated requirements relating to building type, height and environmental standards. I do not know how that gives power back to local communities because they will have limited rights to object to such developments. In September, the Minister stated that code assessment developments will apply only in nominated growth areas, such as those in the north-west. The member for Hawkesbury and his constituents must be delighted that code assessment developments will be allowed only in those north-west growth areas. Those residents will have limited rights to object to a range of developments. Another issue of concern is south-west train lines. Apparently, code assessable developments will be allowed only in those two areas or in urban activation precincts such as Homebush and North Ryde, which are obviously earmarked for higher-density development.

An inherent flaw in this legislation is that it does not define or nominate growth areas and does not provide a mechanism for community consultation on code assessment developments. Part of the object of the bill states:

... to increase community participation and local community powers in relation to planning matters and to provide greater scrutiny of planning decisions.

The bill is not consistent with its objects. Communities have next to no right to participate in the process or to be consulted on code assessment developments. In some circumstances it will not be clear who has consent authority over different developments. I do not support this legislation as it stands. Again I remind this House that Barry O'Farrell promised local communities that they would be re-empowered to control local planning issues. Local communities were promised that they were best placed to make planning decisions that affect their suburbs. Local communities were promised transparency and certainty. The only things this legislation delivers are more broken promises by Barry O'Farrell. I invite the Premier and the Minister for Planning and Infrastructure to work with the Labor Opposition to amend this legislation.

Mr Brad Hazzard: You haven't given us any amendments.

Ms TANIA MIHAILUK: They should live up to their promises to the people of New South Wales. We foreshadowed moving many amendments in the upper House.

Mr Brad Hazzard: Where are they?

Ms TANIA MIHAILUK: The shadow Minister for Planning and Infrastructure invited the Minister to discuss the amendments. The Premier and the Minister should honour their promises to the people of New South Wales to overhaul the planning system for the benefit of local communities—or to honour the promise to resign.

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [5.27 p.m.]: It is a pleasure to contribute to the debate on the Planning Bill 2013, which delivers a new approach to land use across New South Wales. As a qualified planner with a master's degree in the discipline of urban and regional planning, this is an historic moment for me given that the current planning legislation, the Environmental Planning and Assessment Act 1979, is now in its thirty-fourth year. That Act has served this State well as a robust planning document for more than three decades. Certainly, it is not likely that a new planning bill will be introduced during my tenure as a parliamentarian. Therefore, it is a great honour not only to contribute to debate on this legislation but also to play a role in formulating it on behalf of our Government because it ensures sustainable future land use in New South Wales communities.

I take this opportunity to acknowledge previous planners and legislators who contributed to the Environmental Planning and Assessment Act 1979. Its longevity is testament to its content and robust nature. The new legislation not only complements the Act and its achievements, which can be seen across New South Wales, but also builds on its strength and continues to support sustainable land-use outcomes for future generations. From a planning perspective, legislation is only one tool used to achieve sustainable planning outcomes. Legislation provides what I call the road map to show the direction in which one wishes to travel. Similarly, the Planning Bill 2013 provides the legal framework for the future direction of land development.

However, legislation alone will not ensure that completely sustainable development outcomes are achieved for communities. The legislation must be supported by well-considered and carefully balanced local planning decisions made by local authorities in conjunction with their local communities. As is the case with any planning legislation, this will be successful only when appropriately credentialed local council planners assess future land use applications based on the considerations of local communities. Development must be sympathetic to both its local surroundings and the natural environment, and decisions must be made in a timely and efficient manner.

There is insufficient housing to meet the current demand in metropolitan Sydney, and that demand is grossly inflating house prices. It is therefore appropriate to consider various aspects of current planning criteria and requirements that contribute unnecessarily to the cost of housing development. With an expected influx of one million additional people into Western Sydney by 2036, it is vital that impediments to the provision of new housing are removed. This includes removing the unnecessary red and green tape that will prevent housing development proceeding in a timely manner, and therefore ensure that sufficient housing is provided to cater for the growing population. That is a clear focus of the Planning Bill 2013.

However, while incentives in the legislation will address the lengthy delays that are being experienced in the assessment of development applications, it will not compromise our suburbs or the environment. The legislation continues to build on the Government's policy of returning planning powers to the community. It does this through myriad new initiatives that provide communities with the opportunity to participate in meaningful dialogue and to provide input regarding the future of their local area and, more broadly, across regional areas. This process will be undertaken through the community participation charter, which is an important aspect of this legislation that will help drive sustainable development in conjunction with community expectations. E-planning will also help to provide information and feedback directly to the homes of residents who, for the first time, will be able to participate actively in local and regional planning decisions.

One of the most important aspects of the legislation, which maintains the rights of local communities, is the retention of local land use zones. Land use zones that have been developed by local councils through their local environmental plans in full cooperation with their local communities provide continued certainty regarding the future development of local suburbs, and particularly areas surrounding the homes of residents. This should immediately dispel the fearmongering that a resident could wake up and hear bulldozers being used on

apartment block building site next to their home without notification, which is ridiculous and untrue. Land use zones permit development only of the type stated. If the zone permits double-storey homes then that is what is permissible in that zone. This is the case for every other form of development that is enshrined in the local environmental plans for land use within each local government area. Any proposed change to the land use zone, must go through the same process of amendment that currently exists, where full third party appeal rights will be available as is the case now.

In-fill development, urban renewal and brown-fill development will always remain an important aspect of the future rejuvenation of our suburbs and an economic stimulant to the State. If this did not occur we would still be living in the wooden huts with dirt floors that were constructed when Europeans settled this country more than 200 years ago. Urban renewal can sometimes be construed as overdevelopment, which invokes fear among communities that their area is undergoing uncontrolled high-density development. Looking broadly across the metropolitan area, there is evidence that some areas have been well planned and other areas have suffered through poor planning decisions and outcomes. Poor planning decisions are usually due to a lack of important infrastructure to support the redevelopment. That has been addressed in the legislation to ensure that the mistakes of the past are not repeated.

The increased density that the former Government allowed in my area 15 years ago was delivered in a well-considered and balanced manner by the Hill Shire Council through a concept known as a housing strategy and by applying a higher density to specifically targeted sites. The strategy involved the rezoning and redesign of specific older areas surrounding main roads and public transport corridors in a sympathetic manner and with full community participation. When this process was first initiated, it was met with the usual frustration and concern by the community, who were given the opportunity to provide feedback, which was then implemented in the final design. While it is fair to say that not everyone agreed with the final decision, a decade later the Hill Shire is still one of the most sought-after areas in which to live in this country. That speaks volumes about the planning and urban design and, importantly, the planning processes which have been implemented and which will continue to be followed as the area grows.

As an example, former residential homes one block from the main road were redeveloped into a four-storey to six-storey medium density development along Old Northern Road, Castle Hill. That approach has provided not only the required increase in housing yield but also newly embellished recreational areas and community facilities, which have been largely well received. While this development was created under the former Environmental Planning and Assessment Act 1979, its success was due not only to that legislation but also to the planning expertise of local council members, who were prepared to consider appropriate and, in some cases, innovative urban design in line with the views of the local community. That is how all future development should proceed. Tools designed to empower the community to achieve those outcomes are encapsulated in this planning legislation, and particularly the code assessable development model. I stress again that it will be successful only if local authorities have the appropriate planning expertise and are prepared to work in a collaborative manner with the local community. The best planning legislation in the world will fail if it is not supported by qualified planners working collaboratively with their community at a local government level while maintaining high standards of urban design.

Much has changed in 34 years, especially in respect of land use and development. It is therefore fitting that New South Wales has a planning bill that recognises and embraces that change. However, it is paramount that development is sympathetic to our environment and consistent with community expectations. Planning is a constantly moveable feast that is affected largely by community expectation and expected quality of life, combined with improvements in technology, the entrepreneurial skills of architects and designers, and a broadly held desire to protect, maintain and embellish the natural environment. The homes we now live in are much larger than those of our ancestors, but our backyards are much smaller. However, we still crave daily active and passive recreation in open space, which is a broadly recognised essential tool for good health and a good quality of life. That desire has led to greater emphasis being placed on ensuring that appropriate recreation areas are provided in new residential developments. They are not primarily the mown and landscaped areas of the past, but walkways and cycling trails entwined through sensitive bushland riparian areas designed for passive recreation. Linking areas of community interest with the natural environment while fostering greater community interaction is an important principle of future planning. [*Extension of time agreed to.*]

Our attitudes to living in closer proximity to one another have significantly changed over the past decade through an appreciation of apartment living, which offers minimal maintenance and views that can be achieved only by living at greater heights. Therefore, it is not surprising that the Australian Bureau of Statistics data for housing figures show that apartment construction accounted for 66 per cent of all new dwellings built in

the Sydney metropolitan area over the past year, and only one-third of total new detached dwellings were constructed in green-fill areas. This is also an important indicator of the unviable nature of housing developments in metropolitan growth centres, —a legacy of past planning contradictions and excessive development contributions, which were failures of the former Government. These issues will be addressed by amending the legislation to implement regional contributions, which will greatly improve the ability of developers to provide affordable housing in a timely manner.

When I refer to planning contradictions, I mean the requirement to acquire large amounts of land for trunk drainage infrastructure but not allowing it to be used for any other purpose. Land is far too expensive to be left unused when it could serve a multiplicity of purposes such as sports fields, walkways and cycleways for passive recreation, especially when the land is located within new urban areas. Riparian areas are not permitted for housing, but can be factored into the backyards of residential dwellings. At the very least, they could be included in a community title surrounding townhouses where the land is owned and utilised by local residents as community open space while maintaining sensitive areas of bushland and their important ecologies. Fortunately the ideology that supported the total public ownership of open space is changing under this Government. This will provide improved economic benefits for future housing development through greater housing yield while sustaining important natural ecologies and biodiversity within the designated environmental corridors of new urban housing areas and removing the need for this land to be publicly acquired.

Regional planning has been discussed in New South Wales for decades, with precious little advancement on the issue. A shortfall in infrastructure and public transport linking regions to one another will be an underlying principle of the new planning bills. Regional planning will be undertaken with local councils and community participation will ensure that the developments of the future will never again suffer the shortfall in infrastructure that we have in Rouse Hill, in the north-west growth area. The previous Government paid scant attention to the importance of linking regions with vital infrastructure, creating the transport-starved, rapidly growing housing areas of Western Sydney. That anomaly has been addressed in this legislation. The genuine intent of that statement is supported by the actions of the O'Farrell Government in my electorate, where we have not only commenced the North West Rail Link to Rouse Hill but also the important road links between Schofields Road, Richmond Road and, more broadly, WestConnex, together with the long overdue missing road link between the F3 and M2. In just two years, the O'Farrell Government has had to rebuild the broken infrastructure inherited from the Labor Government while also providing for future population growth.

The Planning Bill 2013 will ensure that future governments are not placed at the distinct disadvantage that the O'Farrell Government has faced since coming to office in March 2011—namely, the poor planning decisions it inherited from the Labor Government. I place on record my congratulations to the Minister for Planning and Infrastructure, who has ensured that this legislation has been broadly discussed in hundreds of public forums across New South Wales. The community has been given the opportunity to comment on and participate in meaningful discussion about the roadmap for future land uses in New South Wales. I commend the legislation to the House.

Mr GUY ZANGARI (Fairfield) [5.41 p.m.]: The objects of the Planning Bill 2013 and the Planning Administration Bill 2013 are to introduce a new planning system for New South Wales and to provide additional powers for local communities in relation to planning matters while ensuring that they have a greater say in scrutinising planning decisions. Members opposite have spruiked about how great this legislation is and how it honours one of the Government's key election commitments. However, it falls short in delivering what the Government promised. It was supposed to return control to our local governments and allow for consultation with local communities, but it will not allow greater community involvement in the decisions that will impact upon them. The appeal rights of communities will be reduced and that will subsequently impact on their ability to provide input into planning.

This legislation seeks to fundamentally change land-use planning in this State in a number of ways. Although it retains many of the aims of the Environmental Planning and Assessment Act and the zoning provisions, it will also see statutory weight given to State Government plans—it does not appear that the power is returning to local communities. The legislation will remove many of the opportunities for local communities to discuss the environmental and social impacts of new developments while removing appeal rights in respect of certain developments. As the Premier said, we need to ensure that local government plays a major role in land-use planning and development assessments. We need to ensure that our local communities are looked after and that confidence is restored to the general public.

The legislation needs to be amended to address several issues, and existing loopholes need to be closed. It does not provide for a consistent regulatory regime. If this legislation were enacted we would see different

development standards and governance across the State and it would be unclear as to who had consent authority and over which developments. The legislation is excessively complex and it does not offer the clarity, transparency and confidence members opposite say it contains. It will provide the State Government with a greater ability to intervene arbitrarily in the development assessment process and subsequently remove the appeal rights in respect of certain developments. It appears that the power has not as yet been restored to local government and local communities because the State Government will be able to jump in when it deems fit and take control, despite what local government and local communities say. It is the role of this Parliament to deliver the best possible planning legislation to ensure that we account for all possible outcomes. Amendments need to be made to this legislation. It removes existing environmental protections and turns a blind eye to the recommendations made by expert environmental agencies to address future environmental challenges.

Mr Brad Hazzard: There were 6,000 submissions. Did you make one of those 6,000 submissions? You have never invited me to your electorate.

Mr GUY ZANGARI: I note the interjections of the Minister for Planning and Infrastructure. Interestingly, for the past 2½ years it has been rare to hear the Minister interject as often as he has during this debate. The Minister is nervous. He has made constant interjections during the contributions of those on this side of the House, which is indicative of his concern about this legislation. Ignoring such major faults would be deplorable and these problematic issues need to be resolved. The legislation is flawed and needs to be rewritten. Changes made in Parliament are hard to undo and this legislation may impact adversely on our environment, our cities and the people of New South Wales forever. Whilst the legislation does have some merit, I cannot support it until it is amended to address the concerns detailed by myself and others in the debate today.

Mr JOHN BARILARO (Monaro) [5.46 p.m.]: I support the Planning Bill 2013 and the Planning Administration Bill 2013. What a sad day it is for members opposite. Earlier the member for Heffron spoke about the disaster that will flow from this legislation. The Government has introduced this planning legislation because of the mess those opposite left behind—namely, part 3A. We have seen this played out at the Independent Commission Against Corruption, and we will continue to see the damage that part 3A has done to communities across this State. As members know, I was a councillor on Queanbeyan City Council. The importance of transparency in making development decisions was thrown out the window. The State was left in a mess.

This legislation will provide an opportunity to deliver jobs and to protect the environment and our quality of life. It will provide certainty for all users of the system, such as major investors or families undertaking minor home renovations. It will also deliver more housing, jobs and infrastructure in the right locations. This legislation will deliver on two other election commitments—namely, to clean-up the mess left by Labor and to review the State's planning system. What has happened in the past two and a half years? During the review stakeholders were consulted and everyone had an opportunity to participate. I would love to know how many submissions were received from members of the Labor Party—perhaps that is a question for the Minister.

Mr Brad Hazzard: Niente.

Mr JOHN BARILARO: Niente, is zero. Let us not forget the mess left by those opposite that the O'Farrell Government had to clean up. It would be a terrible political tactic to oppose this legislation, and it is disgraceful that members opposite are considering doing so. They know only too well the mess they left behind.

Ms Noreen Hay: Ask the community.

Mr JOHN BARILARO: We have asked the community. The consultation generated 5,000 submissions and 6,000 responses from local government and community stakeholders. We have probably had greater debate around planning reform in this State than ever before. The Planning Bill 2013 contains a new approach to community participation that will be at the centre of the new planning system. It is important to include the community on the journey when it comes to development of each residential area in our State. But of course it is also important to make sure that we have a transparent and easy development process. We need growth and we need jobs, especially in regional communities. We need certainty. We need a planning system that sets out the rules up-front and where the community and stakeholders participate in designing the framework and the rules.

[*Interruption*]

The member for Wollongong interjects frequently. I wonder whether that has anything to do with the deals for donations culture of those opposite. We have heard about the table of knowledge.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! The member for Wollongong rises on a point of order.

Mr Brad Hazzard: ICAC knows you

Ms Noreen Hay: They know you better, Minister.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! The member for Wollongong did not take a point of order. There is no point of order. The member for Monaro has the call.

Mr JOHN BARILARO: I return to the substance of the bill. Part 3 of the Planning Bill 2013 provides for the creation of subregional delivery plans, which will provide the framework for coordination between State and local governments on planning outcomes within defined subregions.

[Interruption]

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! The member for Wollongong will cease arguing across the Chamber. Such behaviour is unparliamentary. The member did not take a point of order.

Mr JOHN BARILARO: Part 6 of the Planning Administration Bill 2013 provides that a subregional planning board is to consist of not more than four members appointed by the Minister, a separate member appointed by each council in a subregion, and a chairperson appointed by the Minister with the concurrence of Local Government NSW.

[Interruption]

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! Is the member for Wollongong canvassing my ruling? I refer the member to the standing orders of this place, which state how points of order shall be taken. I called the member to take a point of order, but she stood and argued across the table. I refer the member to the video of proceedings. Such behaviour is unparliamentary. If the member for Wollongong wishes to take a point of order she must do so in accordance with the standing orders.

Mr JOHN BARILARO: I advise the member for Wollongong, who has a lot of history when it comes to development, to sit back and have a kebab.

Ms Noreen Hay: Point of order: The member for Monaro is not entitled to impugn my reputation in this debate. There are other procedures under which he can seek to do that. The member should be called to order and directed to withdraw his comments. I keep having to correct the record in this place.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I understand the point of order. If the member for Wollongong takes issue with the comments of the member for Monaro she may seek to make a personal explanation. If the member for Wollongong does not like some comment about kebabs then I ask the member for Monaro to withdraw it.

Mr JOHN BARILARO: If the member for Wollongong has been offended by anything I have said then of course I withdraw those remarks. I am simply talking about transcripts from the Independent Commission Against Corruption. If the member for Wollongong wishes to make a personal explanation I encourage her to do so. For the first time in New South Wales, the bill will put strict limits on the discretionary powers to amend policies and strategic plans without public exhibition. For the first time, infrastructure planning and delivery will be integrated by law as part of strategic planning. Again for the first time, councils and State agencies will work in partnership to plan and deliver infrastructure.

Part 4 of the bill deals with development that requires consent, including complying development, code-assessed development, merit-assessed development and State significant development. No blanket target for the take-up of code and complying development will be imposed by the State Government on local councils. The bill also makes it clear that certain developments will never be subject to code assessment. This includes development that requires Heritage Council of NSW approval, an Aboriginal heritage impact permit, an

environmental impact statement, threatened species concurrence, or development that relies on a strategic compatibility certificate. The bill introduces a one-stop shop for development applications that trigger a concurrence or referral requirement or require approval under another Act.

The Planning Bill 2013 overhauls the developer contributions system to make it fairer, affordable and transparent. The contributions framework under part 7 of the bill provides a direct link between new growth and infrastructure to ensure that the necessary infrastructure will be provided to support growth. We know how important that is when we are talking about the development of greenfield sites. Community appeal rights as they exist under the current system will not change. For the first time, the community will also be able to initiate legal proceedings regarding the making of regional and subregional plans. The new planning system will deliver more of a say to local communities in setting the ground rules for future development in their areas. It will deliver straightforward and streamlined planning decisions for families and a system that is easy to understand. That is what we all want. Of course it has checks and balances for major development as well, helping to create more jobs for small business, builders and tradespeople. It will strengthen our local and State economies.

We have listened to stakeholders via the consultation process and the submissions received. I compliment the Minister, his hardworking team and those in the department who have spent such a long time working on the bills. They tackle some of the biggest issues facing this State regarding development. I do not think one could wish for a ministry worse than Planning when it comes to making tough decisions—but someone has to do it. We know that this legislation represents a journey we have only just begun. Of course, there will be opportunities in the future for further amendments. The bills bring us to a new starting point, which is far better than what was left behind by those opposite when they were in government—the mess of part 3A and the mess that led to a number of Labor members ending up before ICAC and on the front page of the newspapers. I commend the bills to the House.

Ms NOREEN HAY (Wollongong) [5.55 p.m.]: Mr Assistant-Speaker—

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! Government members will come to order. The member for Wollongong will be heard in silence.

Ms NOREEN HAY: I place on record my opposition to this Government's Planning Bill 2013. It represents yet another example of the Government reneging on a pre-election commitment to rewrite planning laws in New South Wales. The Government pledged to restore community confidence in land use planning by returning control to local government and consulting with local communities. I repeat: The Government pledged to give back control to local government, in consultation with local communities. Clearly, the community is not happy with this bill and does not feel that there has been appropriate consultation.

[*Interruption*]

The member for Murray-Darling interjects but is not called to order. However, the community is wise to the antics of those opposite and will not be fooled by their imputations. As we have heard, the Premier promised to implement a consistent, transparent and consultative planning regime. He promised to give local government the major role in land use planning and development assessment. Yet here we are—less than 2½ years into the Coalition regime—and the Planning Bill 2013 seeks to change fundamentally the current practice of land use planning in New South Wales.

[*Interruption*]

I note the comments of the member for Drummoyne. If he stood up for his electorate he might enjoy the same level of support as I do in my electorate. The bill gives statutory weight to State government plans. Those opposite have talked about part 3A of the legislation under the previous Labor Government. The proposals in this bill are like part 3A on steroids; it is a sleight of hand. Those opposite seek to impugn the reputation of Labor members when they have a pretty poor history of their own. They think that if they say something often enough it makes it so. Unfortunately, leopards do not change their spots—and those opposite certainly have not changed. I admit that some members opposite are relatively new to this place. One of the members opposite who interjects will not remain in Parliament after the next election so his comments do not matter.

The bill seeks to change the timing of community involvement in planning decisions and remove many of the opportunities for local communities to discuss environmental and social impacts from new development.

This is the very thing those opposite promised to give to the community during the last election campaign. We know this Government has broken promise after promise after promise. Those opposite come into this place and defend job losses and defend their extraordinary travel arrangements. They also promised not to sell the port of Port Kembla, and they broke that promise as well. The bill provides for a new category of development—that being code assessable. The bill ensures a greater role for the State Government to intervene arbitrarily in the development assessment process and removes appeal rights to certain development. Government members have performed backflip after backflip on everything they promised the community in the run-up to the election. The bill does not meet the criteria the Government set in opposition, nor is it consistent with its current rhetoric about community engagement and consultation.

The Opposition notes the definition of sustainable development has been refined in the Planning Bill 2013 and has significant concerns that the important principles of ecologically sustainable development, including the precautionary principle and the conservation of biological diversity and ecological integrity, have been removed from the planning system. Well done, members opposite; that is a great achievement. The Government will remove the controls and community input and then tell the community what a great job it has done for them. The Government's white paper feedback report indicates that a number of stakeholders, including planning professionals, community groups and environmental groups, have raised concerns about the removal of ecologically sustainable development from the objects of the bill.

Local Government NSW continues to raise concerns about the removal of ecologically sustainable development from the planning system, as do councils across the State—including mine. As my colleague the member for Heffron said in his contribution to the debate, we have only one chance each generation to redesign the planning system for the State so we must get it right. A good planning system balances the expectations of the community with the needs of the environment and our need to facilitate economic prosperity. The bill does not provide a primary role for local government in planning or assessment because local plans will be subordinate to State plans and local government's ability to review or reject certain developments will be restricted. Indeed, it will often be unclear who has consent and over which development.

The bills before the House do not seek to balance the social, economic and environmental considerations of land use. Rather, they contain provisions that make subordinate many social and environmental considerations. They are excessively complex and have some internal contradictions and several loopholes. I am confident that the bills will not restore public confidence in the planning system; they will see community involvement curtailed and appeal rights restricted. The Government has once again displayed its thirst for power and control at the expense of our communities. Members on this side of the House will oppose the bills as they stand. We call on the Government to be more inclusive in its processes and to work with the Opposition to amend the bills to make them consistent with the Government's pre-election commitments.

Mr ADAM MARSHALL (Northern Tablelands) [6.02 p.m.]: I support the Planning Bill 2013 and the Planning Administration Bill 2013. The bills have been eagerly anticipated by many people, particularly those in regional New South Wales. Members on this side of the Chamber who have spent considerable time in local government know the frustrations we have faced time and again with an archaic planning system that has not kept pace with modern development or the needs of regional communities. The Government came to office with a commitment to reform, upgrade and update the planning provisions. That started with the repeal of part 3A, which numerous speakers have mentioned.

I had a lot of involvement with part 3A as Mayor of Gunnedah Shire. The community generally viewed the process as one in which development went into a black box, an outcome came out and no-one ever saw how the consent or the conditions attached to it came to pass or learned the justification for them. I am happy to say that because of reforms made previously and those contained in these bills that will no longer be the case. It will be a transparent process. People will know what the project is and the authorities will have to respond to submissions constructively and publicly. People will be able to see clearly how consent was granted or refused, the reasons for it, any consent conditions attached to it and the justification for the conditions.

A proper planning system is critical for people in regional areas. We have heard discussion about the need to balance ecological sustainability and environmental concerns, but planning is an essential driver of economic development in regional areas. Regional people always crave economic development through new constructions such as housing estates or industrial developments that promote job creation. We need a planning system that is transparent, involves the community at the outset, gives councils control of where code-assessable developments will apply outside growth areas and a planning regime that gives the community confidence in the processes by which various developments are considered. I am proud to say that these bills deliver all those things.

I will touch on a couple of points that have not been mentioned so far in the debate. The difference between the 1979 Act and the new Act is that it contains a shift to e-planning, which is critical for a planning system in the twenty-first century. People who are on the go across the State, the country or the world want to be able to interact with the planning system and find out where processes are up to. They want up-to-date information, and the e-planning reforms in these bills are a massive step forward in delivering that. The better regulation system is another important step forward. Once a consent is issued, there will be more mandatory inspection of critical stages of development. Anyone who has served in local government will agree that much tighter controls on private certifiers are also welcome reforms. I commend the Minister for listening and acting on the concerns expressed by local government in that regard, because much of the good work of local government planners and councillors in carefully crafting consent conditions has been undone by private certifiers. I welcome the tighter controls on private certifiers, as do the many councils I have spoken to in my electorate that are looking forward to the reforms.

The last aspect I will address is that the time limit for councils to spend their infrastructure contributions will now be five years. The legislation caps how long councils can hold the money but it extends the period from that in the white paper. Often there is a time lag associated with developments and the need for other development before councils expend the money. That is an important and welcome reform. The bills contain many other great reforms that are welcomed by councils and communities in rural areas. The bills will restore transparency, integrity and confidence, and give us the planning powers we need as local communities to get our rural economies up and running as quickly as possible. I commend the bills to the House.

Mr ALEX GREENWICH (Sydney) [6.07 p.m.]: The fundamental goal of a new planning system should be to achieve sustainability, including design excellence, and to ensure that local communities can have a say in the future of their neighbourhood in an environment where housing supply must increase in the face of population growth. When the Environmental Planning and Assessment Act 1979 was introduced it was heralded as landmark legislation. It established strong controls to protect the natural and built environment and enshrined community rights to be involved in planning processes in response to uproar against the proliferation of development that destroyed the character and heritage of neighbourhoods and provided incentives for corrupt behaviour. Since then, particularly over the past 15 years, ad hoc changes have weakened the Act and community uproar has returned. In particular, the now removed part 3A was widely condemned.

A wholesale rewrite to modernise existing laws and restore environment, heritage and amenity protections is needed. I welcome the Government's decision to take on this challenge. The new planning reforms proposed under the Planning Bill 2013 and Planning Administration Bill 2013 increase the focus on strategic planning, with areas of housing and job growth identified early on in collaboration with the community, stakeholders and government. Planning will be coordinated with timely infrastructure delivery. This is a welcome change to the ad hoc planning of the past and is a vital strength of the proposed system.

The consultation stage, however, identified a number of key concerns. I welcome the significant changes to improve earlier drafts. Vital changes include: retention of existing land zones; removal of targets for code-assessed development; full merit assessment of development proposals that comply only partly with code assessment criteria; an increase in local government's role in subregional plans; allowing for voluntary planning agreements; mandatory community participation through a community participation charter; establishment of a community participation advisory panel; and decision-makers must give reasons and respond to community comments in more situations.

Objectors will have appeal rights against development that has been subjected to assessment under an environmental impact statement, including State significant development. The Minister's ability to take plan-making powers from a local government authority for unsatisfactory performance will be removed. Many of the requested changes will appear in the yet-to-be-released regulations or in various guidelines, circulars, or other administrative documents. I acknowledge the hard work of the Minister for Planning and Infrastructure and departmental staff in engaging with thousands of people, responding to submissions and making changes. I particularly thank the Minister for speaking at my forum in Paddington and hearing my community's concerns.

Mr Brad Hazzard: Delighted to be there, Alex.

Mr ALEX GREENWICH: Thank you. But I have to ask: Are we getting the planning system we need—one that is not only better than what we have but will protect environment, heritage and neighbourhoods, ensure that new homes are sustainable and without defects, and limit impacts? Are we getting a planning system that will reduce our contribution to the biggest challenge of our time—climate change? Despite significant and

welcome improvements to the drafts, I believe the planning bills fail to seize the opportunity to create a first-class planning system and could result in poor development and loss of environmental outcomes. I will highlight my chief concerns. Strategic compatibility certificates would allow a developer to apply to have the director general approve development that is prohibited by a local plan, such as floor space ratio or height, if the development is consistent with a regional growth plan. This has serious implications, as raised by a number of submissions. While mooted as an interim measure, as local plans catch up to regional growth plans the legislation does not limit their use.

Local plans are developed with community and stakeholder consultation and provide the necessary controls to deliver the strategic vision for a local government area whereas regional growth plans are broad strategic controls that do not include vital protections. New safeguards requiring 28-day exhibition of proposals, with a final decision by the independent regional planning panel if there are more than 25 objections or the council objects, are an improvement. But strategic compatibility certificates remain a way for developers to bypass democratically elected councils. They undermine the whole concept of up-front community participation in the strategic planning process and in all likelihood will lead to cynicism and community alienation. Developers can already apply to councils to spot-rezone land if their proposal is incompatible with a local plan. Providing another avenue for spot rezoning—with the decision-making transferred from local government in an environment in which rezoning can create significant profits for developers—creates a new corruption risk.

Where a local plan has not caught up with protections in a higher strategic plan, community members are not given the same opportunity to apply for a certificate and have land protected from development. I cannot support this change. The proposed planning framework would expand the use of code assessment to include two-storey rows of houses, multi-unit dwellings, and commercial and industrial development. I do not support bypassing proper assessment and community consultation for anything but basic works. Proper assessment improves design and sustainability outcomes, and can identify new heritage values.

Mr John Williams: So you cannot even put up a shed.

Mr ALEX GREENWICH: Is the member for Murray-Darling finished?

Mr Brad Hazzard: I thought you were a nice guy and now you are letting me down.

Mr ALEX GREENWICH: I am standing up for my community and their concerns about the bills. That is my job in this place. While the target of 80 per cent of developments to be code assessed has been withdrawn, uncertainty remains about how codes will be used. The legislation merely states that when, if and how codes will apply will be set out in each local plan. The Minister stated that code-assessed development will be in growth areas, urban renewal areas and urban activation precincts that are serviced by infrastructure and transport, but these restrictions are not legislated. The bills exclude only land with State heritage, Aboriginal heritage or threatened species. The law should exclude code assessment in any area that supports native wildlife, regardless of whether they are threatened species. Destruction of any native habitat risks creating new threatened species. Furthermore, growth areas are not defined in the legislation. It is unclear how they will be identified, except that this will be done by subregional planning boards. This provides no certainty for existing communities.

It is a basic democratic right to be involved in changes to one's neighbourhood, to limit impacts and to ensure liveable and sustainable development outcomes, but residents in growth areas will be denied those rights. Moreover, the bills include a range of ways for the Minister, or the director general or the Planning Assessment Commission under the Minister's discretion to make provision in or to amend local plans without council agreement. What is to stop a future planning Minister from using powers to change a local plan to impose code assessments in a local government area? As the legislation is written, the expansion of code assessment creates risks, not guarantees, to communities and the natural environment. Under the bills, the Minister retains the right to call in development as State significant, thereby allowing it to bypass important environmental protections and approvals. With emphasis in the legislation on economic growth, those powers are akin to part 3A. If the Planning Assessment Commission determines an application after a public hearing, like the current planning system, third party appeals will not be permitted and that should be changed. The bills impose a time limit of five years for councils to spend infrastructure contributions, which prevents investment in long-term planning outcomes to manage impacts from development.

Mr Brad Hazzard: Judicial appeals are allowed.

Mr John Williams: Tell Clover that.

Mr ALEX GREENWICH: I will mention that to Clover, who obviously shares my concerns about this legislation. Capital projects can take longer than five years to roll out. While an extension can be sought from the Minister, this will lead to continual representations for extensions, which will be inefficient and will lack certainty. Because there is no definition in the bill, there is uncertainty about the new contributions scheme and what will be included under the meaning of "community facilities". Concern has been raised that the existing section 94 provisions that allow a council to legally request an affordable housing levy under a voluntary planning agreement, as is the case with Green Square, will be removed and that councils will no longer be able to prepare new affordable housing contribution schemes. [*Extension of time agreed to.*]

Housing affordability mechanisms are needed urgently, particularly in the inner city, where increasing property values are threatening community diversity as well as social fabric and are excluding key workers, such as cleaners, teachers, nurses and police officers, from living in the area. The provision of new housing has negligible effects on reducing property prices in the inner city. Under the bills, the director general will coordinate approval, advice and recommendations from other agencies when a development triggers concurrence with other legislation, including environment legislation. An example would be where a development could impact on estuaries and a licence is needed under the Fisheries Management Act 1994. Except in the case of the Heritage Council or the Rural Fire Service, the director general would be able to direct an agency to provide approval for all developments, not just State significant development as is currently the case—even if the agency recommends refusal. That gives the director general unprecedented power to override expert opinions on vital issues that affect our future sustainability, including fish and water. This has no public benefit.

Ecological and sustainable development no longer will be included in the State's planning laws. While that was an objective of the Environmental Planning and Assessment Act 1979, the proposed planning bills introduce a watered-down version of sustainable development. Changes to wording since the draft bills were introduced have produced better wording but there is no guarantee that fundamental principles, such as the vital precautionary principle, which have been central with supporting case law to environmental protection for decades, will apply without distinct and clear reference to ecological and sustainable development. The policies and principles for strategic planning will be identified in the regulations. I request that the Government put strong environmental protections at the forefront of identifying where development should and should not occur as well as how it should occur to reduce climate change impacts. I acknowledge the extensive consultation process that occurred prior to the introduction of the bills. However, the bills are different from their drafts and are long, technical and complex.

Members should have been given at least 28 days to assess the legislation and consult communities, environment groups, councils and legal experts—all of whom say they need more time. I know that there will be a continuation of debate on these bills in the upper House. I pass on my thanks to those who assisted me and the community to understand the bills and their impacts, in particular the Better Planning Network, the Environmental Defenders Office, the Nature Conservation Council, the Total Environment Centre, the City of Sydney, the Woollahra Municipal Council, the Paddington Society, my many constituents who made submissions during this process, and indeed the Minister for his participation and for interacting with my community over their concerns. I am concerned that the bills tip the balance towards quick development approvals for economic growth that ultimately will lead to a downgrading of environment, amenity and social outcomes. I do not believe it will produce the planning system we need urgently. I cannot support the bills.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [6.19 p.m.]: I am pleased to support the introduction of the Planning Bill 2013 and the Planning Administration Bill 2013. In the Tweed electorate, development is a significant issue and for many years I have been concerned by the manner in which the previous government handled it. In the Tweed electorate strange and wonderful part 3A developments have been introduced, to the detriment of the wider community. The other reason I support the Planning Bill 2013 is that there has been wide consultation and a herculean effort by the Minister and his staff. It has taken some time but I think the mix in the bill is right.

One of the concerns I had with the planning system under the Labor Government was the enormous number of challenges that were raised in the Land and Environment Court. I would often say that the Tweed area had a permanent booking in the court from 9.00 a.m. to 12.00 noon on Wednesday mornings because of our regular appearances before that court. Unfortunately, it cost our local council, individuals and groups on either side of the political fence a lot of money, with very little result.

In my town the unemployment rates are 2 per cent greater than the State average. That is why I support the bill. We are elected to deliver a planning system that responds to the challenges that we face today and that

will arise in the future. I believe the Planning Bill 2013 does that. A streamlined assessment process, informed by detailed precinct planning, is the key to providing the development that New South Wales needs in order to grow and to prosper. Precinct planning is not a new idea but the new planning system will ensure that it is done in a better way. Communities will have more opportunities to have their say. The code will apply only to necessary strategic planning. Codes will provide an opportunity to build new communities and neighbourhoods and to enhance existing ones. We have all seen people taking a greater interest in what is happening with development in their streets, local communities and towns. This bill will allow the Government to deliver a new way of streamlining the planning process and to build neighbourhoods that truly respond to community needs.

Codes will set out detailed plans to create neighbourhoods, identifying where development should take place and setting requirements for community infrastructure facilities such as playgrounds, parks and cycleways. Codes will plan for a mix of development to activate urban neighbourhoods such as cafes, childcare centres and community facilities. Existing residents will be able to benefit from the improvements to public space and the creation of an active, vibrant community. Importantly, it will be councils that select precincts for codes, in partnership with their communities. The State will not impose a blanket target to require councils to have code precincts and codes will not be imposed on environmentally sensitive locations, in existing low density areas or heritage conservation areas.

I also support the changes that have been made to ensure codes will never apply to State heritage sites or where development can impact on threatened species. These changes ensure that there is proper protection for the places and environments that the community values most. This legislation sets mandated requirements that will ensure community members are involved in every step of the planning process—from selecting a precinct and tailoring a code to retaining the local character of their neighbourhood. The Planning Bill 2013 also ensures that the community has a say on height limits, open space and design details in the code, in order to ensure the precinct fits into the local area and is in accordance with the desires of the community. I also note that, following the exhibition of the draft bills, changes have been made to improve community consultation. Thousands of presentations were received and I know the bill has the support of the Local Government Association. The Independent Commission Against Corruption [ICAC] has also supported some of the measures in the bill together with the Law Society, the Planning Institute of Australia, and the Heritage Council.

Planning has been a major issue in my town where many cases have had to be taken to the Land and Environment Court. We have around 15,000 to 20,000 new home sites ready for approval. The codes will deliver better planning outcomes because the strategic precinct-based approach provides opportunities to respond to the local circumstances of an area and to build a vibrant neighbourhood. One of the key benefits of the codes is that they can take into account the cumulative impact of a development in an area. When a code is exhibited, the community can see how the entire precinct will look and change in the future. This does not occur when planning decisions are made on a site-by-site basis, leaving the community with no clear vision of how the neighbourhood will look in the future. The inclusion of the wider community in planning for the future of their neighbourhoods is one of the keys to this legislation. Once a code has been agreed to, there will be greater certainty for the community and for industry. The community will know that a development cannot be approved under streamlined code assessments if it does not fully comply with the code's standards. For developers, codes provide a strong incentive to ensure development is fully compliant in order to have the benefits of streamlined assessment and the associated savings in time and cost. I commend the Planning Bill 2013 to the House.

Mr ROBERT FUROLO (Lakemba) [6.26 p.m.]: I contribute to the debate on the Planning Bill 2013 and the Planning Administration Bill 2013. However, I do so with mixed feelings and a level of disappointment that something as important and complex as the Planning Bill 2013 is being pushed through with unseemly haste tonight. I have a deep and genuine interest in planning policy. I believe planning, if managed properly, has the ability to improve the lives of our citizens, to strengthen our cities and to promote economic activity and social equity. If managed well, planning is one of the key policy tools of State governments, one of the levers it can tweak to promote jobs and investment, while meeting housing needs—one of the most important needs of our citizens. I support reform of the Planning Act and the Environmental Protection and Assessment Act and I recognise that there are reforms in this bill that are worthy of support. However, like my colleagues, I will not be supporting the bill, although I hope we can work collaboratively with the Government and the Minister for Planning and Infrastructure to make comments and put forward amendments in the other place.

I come to my views on the bill, and I would have liked more time to examine the details of some parts of it but, alas, that has been denied. I have nearly 13 years experience in local government, including almost eight years as mayor. One of my great regrets about planning in New South Wales, both at a State and local government level, is the unseemly manner in which it has been, and continues to be, used as a tool to seek

political advantage, rather than seeking to advance the interests of our communities. It is something that happens on all sides of politics and something we have all been victims of. Unfortunately, many in this place have also been participants.

It is easy to jump on the bandwagon of those who object to development, to whip up hysteria and to pander to those who prey on ignorance and misinformation, but that is not leadership. I was disappointed at the constant refrain by those opposite prior to the last election that sought to suggest that they would return planning powers to the local community. Having considered the bill, it is clear that their protestations were empty words. They did not believe them then; they do not believe them now. The bill does not return planning powers to local communities. The number of residents who will lose their right to be notified of code assessable development applications in their street and to make a submission supporting or objecting to applications, if they so wish, makes it clear that the Government realises its pre-election mantra was crass political populism rather than a serious attempt to engage the community on the need for planning reform.

I have a view about planning that is often at odds with those of my colleagues and is certainly not a popular position. As leaders and legislators, we have an obligation to be honest and frank about the need and value to our community of development. The more we pander to those who oppose development simply because a proponent might make a profit from a building or because it is a different building from the one currently there, the more we condemn present and future generations to overpriced and scarce housing. The more we use fear of development as a weapon to scare families, the more we condemn those same families to an unsustainable urban sprawl where they will continue to lack jobs and essential services. Communities should have a role through their local councils in setting planning controls and frameworks. I recognise the reforms in this bill that deliver on that objective. However, I also believe that once the policy is established, the assessment of individual applications, by and large, should be conducted at arm's length from individual residents and even elected councillors.

Residents should be able to make comment on applications. Their views should be considered in accordance with the planning frameworks, but unless their objections relate to matters in the controls or local plans, they should have very limited weight. I also believe that councillors, by and large, should not be making decisions on individual applications unless those development applications require a variation to the planning controls. Most other applications should be dealt with by professional officers under delegated authority or through a planning panel of independent experts without the threat of political interference or conflicts of interest. This bill through its application of code assessable applications achieves only one of these elements. Unfortunately, it denies the right of neighbours to be notified and denies the right of councils through their planning staff to impose appropriate conditions of consent based on particular merits or other factors of the application. It is essential that communities have confidence in the entire planning process.

At the local government level, and as we saw recently at State level, the community is very unforgiving at election time when it has lost faith in those managing planning. My deep fear is that this bill will do little if anything to return confidence to the community at either local or State government level and, frankly, that is an opportunity missed. Many in my community have raised with me their concern about the influence of private certifiers and their capacity to approve applications, complying developments and building works.

Mr Brad Hazzard: Didn't Labor introduce those in 1997?

Mr ROBERT FUROLO: When they were introduced I raised my concerns, and I continue to hold those concerns. I have heard many stories from furious neighbours about the unscrupulous behaviour of certifiers. This area warrants serious reform. As someone who has served in local government, I assure the House that many certifiers have reacted with surprise when council has sought to take legal action to challenge the construction of a balcony or a fourth storey that was never approved. Local residents do not accept, and many do not understand, that the local council does not have the power to enforce conditions when a private certifier has been appointed. For these reasons I believe the bill's reforms pertaining to private certifiers do not go far enough. When an applicant wishes to appoint a private certifier, the appointment should have regard to the role of the local consent authority to monitor and enforce the conditions of consent. Further, the appointment of a private certifier by an applicant should be a blind appointment—that is, the selection of a certifier should be made on behalf of an applicant by the local council, with the fee paid by the applicant through the council rather than directly by the applicant.

In effect, councils should establish private certifier panels and appoint certifiers randomly to those applicants who request one. When a certifier fails to properly discharge his or her duties in monitoring and

enforcing conditions of consent, the council should be able to remove them from the panel. This would remove the question of conflicts of interest arising from an applicant appointing their certifier, and would add some rigour and accountability to the council and the community they serve. We need to stop demonising the development industry and recognise the essential role of building and development in fostering jobs and housing in New South Wales. We must take every possible action to restore the confidence of our community in our planning system. This bill should have been the vehicle to achieve this, but on the spectrum of those supporting development and those opposing it, this bill sails too close to the former. I acknowledge the difficult balancing act the Minister is trying to manage, but I am disappointed that this bill is an opportunity missed. I hope the Minister is receptive to genuine negotiations so that we can move forward with a common purpose to put planning above politics and to place our State on the path to jobs, housing and prosperity.

Mrs TANYA DAVIES (Mulgoa) [6.34 p.m.]: I am pleased to support the introduction of the Planning Bill 2013 and the Planning Administration Bill 2013—the most comprehensive and significant planning reform that this State has ever seen. With these bills, the Liberal-Nationals Government fulfils one of its key election promises to overhaul the planning system by restoring integrity and confidence, empowering local communities to make local decisions and simplifying the planning process to unburden households, businesses and investors by cutting red tape. No doubt this reform will be seen as one of the great achievements of this Government, and I commend the Minister for Planning and Infrastructure, the Hon. Brad Hazzard, on his incredible work. The Planning Bill 2013 takes a new approach to community participation: it will be at the centre of the new planning system. Communities will have more opportunities to have a say and more effective ways to express their views.

The legislation includes a community participation charter—a legislative first in Australia. The charter sets out the principles that will underpin how the community is to be engaged in the planning process. For the first time, the principles of transparency, accessibility, and accountability in planning decisions will be set out in law. I note there have been changes to the bill in response to submissions made during the consultation period, which included 160 meetings at 50 locations with just under 5,000 submissions on the white paper being received. More than 6,000 residents and stakeholders attended public meetings. Thus, the public can have every confidence in the robust consultation process on this bill because the Government has been methodical in ensuring that the world-class planning system being introduced protects the environment, provides certainty, delivers jobs and growth, and takes into account the concerns of stakeholders across the State.

With respect to the Australian-first community participation charter, these changes further strengthen the community participation provisions in the bill. In particular, I note the expansion of the mandatory, legally enforceable community participation requirements. For example, it will be a mandatory requirement to prepare and exhibit a neighbourhood impact statement when a draft code is prepared to assist the community in providing feedback on future development in the area. Also, there is now a requirement on planning authorities to publish reasons for their decisions. Any member of the community will be able to bring proceedings in the court if there is a breach of this requirement, thus increasing scrutiny of the decision-making process. This new mandatory requirement will hold planning authorities to account for their decisions and ensure that the decision-making process is transparent. Planning authorities also have a new mandatory obligation to say how community views were taken into account in making decisions. This is important because we need planning authorities to discuss ideas and listen to feedback about community aspirations and concerns.

When residents make a submission on a draft plan, a draft code, or a development application in their area they are telling decision-makers something valuable. This is because they know the areas in which they live. If the community has had a say, its views should be central to the decision-making process. This is foundational reform of empowering local communities to make local decisions that affect them rather than the centralised and detached decision-making that has the potential to be driven by self-interest, politics and financial gain—which we saw under 16 years of Labor State Government and which is now being revealed in the Independent Commission Against Corruption. The obligation to demonstrate how community views have been taken into account will help ensure that we undertake community engagement more meaningfully. The Planning Bill requires planning authorities to prepare community participation plans setting out the methods they will use to engage the community. These plans will need to be prepared by all planning authorities, including State agencies, planning bodies such as the Planning Assessment Commission, and regional planning panels, as well as local councils.

Community participation plans must set out the mandatory community participation requirements, including the mandatory exhibition periods for draft strategic and infrastructure plans, merit-assessed applications and applications for strategic compatibility certificates. The Planning Bill provides a right for any person to challenge in the Land and Environment Court where these mandatory requirements have not been

followed. These requirements can be tailored to suit the needs of local areas and will be delivered in consultation with the community when authorities prepare their plan. The Planning Bill supports creating new opportunities for people to get involved with the introduction of the online planning portal. E-planning will reshape how planning is done, transforming paper-based processes and traditional methods of community consultation into an online environment. Many councils already adopt best practice when it comes to community participation. The new provisions in the bill will support these councils as well as encourage others to adopt new practices that respond to the particular needs of their communities.

Importantly, the Community Participation Advisory Panel to be established under the bill will monitor the implementation of these new approaches to community participation and provide advice to the Minister on ways to ensure continual improvement in community engagement. Simplifying the planning process will unburden households, businesses, planning authorities and investors so that they are able to get on with building and creating jobs and growth. I congratulate the Minister on making community participation a centrepiece of the new planning legislation and confirm my support for the planning bills.

Mr CLAYTON BARR (Cessnock) [6.39 p.m.]: First, I will correct the record. Many Government members have stated that not a single Labor Party submission was received with respect to the planning process. The great West Wallsend branch of the New South Wales Labor Party did lodge a submission. It is one of my branches and I answer to it.

Mr Brad Hazzard: I think members were talking of the Labor Party, not a sub-branch. I place on record my thanks to the West Wallsend branch.

Mr CLAYTON BARR: I acknowledge that interjection. One of the great frustrations of coming into this House as a new member of Parliament is the absence of the new Government's commitment to its pre-election promises. This bill is another example of exactly that and for that reason the New South Wales Opposition will oppose it in its current form. At the time of the 2011 election I thought that the Government had been very clear on some matters and very vague on others. In relation to those things upon which it had been clear, I arrived in this place thinking that the new Government would be true to its word. The past 2½ years have seen numerous calls for the Opposition to support the "mandate" given to the Government by the people of New South Wales, and I am certain that this bill will provide yet another example of that—those opposite calling on this side of the House to support the "mandate".

This bill to reform planning in New South Wales is inherently problematic for everybody in this State, including this Coalition Government. The reason, in short, is that the Government is not doing what it said it would do: it is not returning local planning powers to local councils and communities. For 16 years prior to the 2011 election the Coalition's willingness to jump on every horse that was a foal of nimbyism—not in my backyard—typified its rush to embrace even the slightest glimmer of discontent. Now that it is in power and has control of the New South Wales legislative agenda it has delivered to this Chamber a planning bill that is the very opposite of what it promised.

Despite the fact that the Coalition promised more, the bill will give local communities less say and less opportunity; it moves the role of local communities further away from the decision-making, not closer. There are many on the other side of the Chamber who will criticise the role of part 3A in New South Wales planning. Indeed, the instrument is so infamous it is the most widely known section of the planning laws in New South Wales history. I use the term "infamous" because that has become the reality for the community. Trial by media has determined it to be so.

To that end, I do not stand here today to try to sway or persuade the entrenched position of the community regarding part 3A. Rather, I note two simple but important points: first, the bill moves local decision-making further away from the local community than part 3A ever did; and, second, it acknowledges that there are times when the Government needs to grasp opportunities for decision-making in planning with a view to the State's greater good, as opposed to the needs of a single local government area. I will use that point to segue into my support for some of the elements and broader propositions in this bill. The Government did tell the general public that it would rewrite the planning legislation in New South Wales and this bill is its attempt to do that. I again make the point that the bill does not contain many of the predetermined and promised conditions of the Government's contract with the people of New South Wales.

I acknowledge and commend the Minister for his willingness and efforts to engage with the broader community and his parliamentary colleagues on both sides of the Chamber. The Minister himself attended

several briefings with Labor members of Parliament and was very specific with planning department staff that they should be open and honest about the process and the deliberations. To this end, the Minister has done all that I would have expected a Minister to do during the process of such a significant legislative reform. It is a model that his colleagues should consider.

Another element of the bill that, on the surface, makes good sense is that it attempts to bring into line regional and local plans with the big picture of the State plan; indeed, it gives statutory weight to the State plan. Ideally, this would lead to high-rise building and in-fill development along the North Shore and the northern and western train lines, because building along existing transport lines makes good sense. It has to be acknowledged that the overriding statutory weight of the State plan compared to local plans is a top-down approach contrary to the pre-election promises of this Government. I acknowledge that getting the balance right is difficult.

At one end of this debate we have the nimby and Green position, which is to say no to everything despite the need for growth, economic development, jobs and community needs. At the other extreme we have the Property Council and property developer-style plan, which is to say yes to everything regardless of the community, the environment or the legacy. As legislators, members need to find the middle ground and that is no easy matter. If it were easy it would have been done many years ago. The obvious response to my concerns about local involvement in planning will of course be, "But, yes, local communities are consulted by their council during the development of the local environmental plan."

I will give members an example of that process. During the years 2007-11 Cessnock council went through the process of developing a new local environmental plan. When it was placed on public exhibition the council set aside a room at the local council chambers and the local library and made the plan available online. The files were so large that even with the National Broadband Network they would have taken a day and a half to download. By default, this process excluded a large part of the community: First, those who could not travel from the many villages across the local government area into the town centre during business hours, and, second, 50 per cent of the Cessnock community was not connected to the internet at that time.

For those who did take the time to engage in the process, it looked a little like this: The room at council was about 4 metres by 4 metres, there were at least six large A4 folders, three or four A3 folders, and two larger folders with maps that I am guessing were in A1 or A2 folders. There were also about four desks on which to lay out the folders. Reading through the proposed local environmental plan it referred me to folder X that was underwritten by the conditions in appendix D found in smaller folder number four and supported by maps in the large white folder marked "Maps 1-50". I spent 15 minutes trying to follow that paragraph of knowledge, seeking out the various references and referring to the various comments in the four open folders. Sometime later I satisfied myself that I understood that paragraph—and then I moved on to paragraph two.

I spent several hours in that room on that day identifying a number of deficiencies, gaps and loopholes in the proposed local environmental plan. I quickly realised that I was not yet halfway through the first of six folders that were the draft local environmental plan. That is the major concern I have about local people participating in the process. The point I make is this: the proposed community involvement introduced by this bill entrenches the concept that people will go to a room like the one I described in the Cessnock experience, spend countless hours trying to decipher the content, write various notes and points of concern that may or may not be considered by the local planners prior to a plan going to a full council vote and will then spend time lobbying the councillors to understand and adopt the suggested changes. Seriously, is that the Government's plan? Is that its idea of local engagement?

I suggest that each member return to his or her local councils and councillors and ask them how many people actually participated in the development of the most recent local environmental plan—ask them how many submissions were made. Frankly, I would challenge the member for Pittwater, who has a doctorate in planning, to follow the process I experienced at Cessnock. That precise point is one of the primary reasons that the bill will be opposed by the Opposition: local involvement cannot be restricted to a council local environmental plan process. That is moving the pendulum too far towards the development community and too far away from the local community. The Opposition will vote to support local decision-making in planning and to hold the Government to account for its pre-election promises. I oppose this bill.

Mr Brad Hazzard: The bill is opposed because of a strategic decision that was made in your party room, even though it is known that the entire State will collapse if it does not get up.

Mr GREG PIPER (Lake Macquarie) [6.48 p.m.]: I acknowledge the ad lib contribution by the Minister for Planning. The Planning Bill 2013 and the cognate bill are important bills for New South Wales. The

provision of housing and other hard development, and how local environmental considerations will be incorporated, will set the scene for how communities will look in future. I acknowledge the consultation that has occurred and the huge task that was undertaken to completely overhaul the current legislation, which was effectively the only reasonable course of action to fix the problems that have developed with planning law over many years. Having said that, it is unfortunate that members are expected to vote on the bill tonight. I believe this bill should have been debated during the week because other significant bills, such as the Library Amendment Bill 2011—

ACTING-SPEAKER (Mr John Barilaro): Order! The member for Lake Macquarie will be heard in silence.

Mr Michael Daley: Point of order: I have been watching this debate for two hours and the Minister's behaviour in the Chamber is excessively verbose. He says he wants us to get on with it. If he kept quiet and stopped interrupting, members might be able to get on with it.

ACTING-SPEAKER (Mr John Barilaro): Order! There is no point of order.

Mr GREG PIPER: I appreciate the contribution from the member for Maroubra and I am appreciative of the interaction from the Minister. I have a long background as an elected representative in local government. I took a particular interest in strategic planning and development assessment as a councillor and mayor. I am well aware of the shortcomings of our present system and the need for reform that will streamline processes and better align infrastructure needs with development planning. Although the shortcomings of the existing legislation based on the Environmental Planning and Assessment Act 1979 are widely acknowledged, this legislation was visionary and served our community and our State very well for many years.

However, the Act could not keep up with the changing needs and demands that have been placed on it. Indeed, with the amendments and supporting Acts, regulations and State environment planning policies, it became unwieldy and difficult for all—including mums and dads who were building or extending their homes through to larger developers. An otherwise worthy Act was discredited by the way in which part 3A was abused by the former Government. Perhaps the greatest beneficiaries were planning consultants—otherwise simple developments would be directed to them due to the daunting nature of the process.

I am also aware of the need to meet community expectations in relation to consultation and the right of appeal to promote development that is both environmentally and economically sustainable and to protect buildings with heritage value or cultural significance. I made a number of submissions on the white paper and expressed some of the reservations I had about the compromises it proposed to achieve a faster, more efficient planning process, especially in regard to reduced consultation and the transfer of powers away from councils. Some of those reservations have been addressed in the amendments subsequently made, and I acknowledge the Minister's willingness to consult widely on this legislation and to take community concerns on board.

I note that Local Government NSW is far more accommodating in this version of the bill than the draft that preceded it. In particular, it has welcomed the recognition of sustainability objectives and the importance of community participation in the objectives of the bill. However, some shortcomings remain. In one submission on community participation I stated:

The White Paper heralds the proposed reforms as a new approach to community participation that will give people "a say in shaping the vision for their local area" but a closer examination of the detail of the recommendations suggests home-owners and other members of the community will be further alienated from the real decision-making processes.

While the stated intent of the Community Participation Charter may be to encourage community input into planning principles for their local areas, these charters lack legislative force so in reality offer only tokenistic involvement in planning. Also, it has traditionally been difficult for councils, or any level of government, to achieve widespread community involvement in strategic planning, with the inevitable result that the agendas of small interest groups, not necessarily representative of majority interest, often dominate such deliberations. The average member of the public finds strategic planning principles difficult to understand and is not likely to seek involvement in the process until confronted by a specific development proposal or scenarios that directly affect them.

In my submission on the white paper I expressed concern about the dramatic reduction in opportunities for community consultation that would have resulted from the proposed changes to the development assessment process and would have seen an estimated 80 per cent of developments approved with little or no public notification. I am encouraged that the 80 per cent target for complying development and code assessment has been dispensed with and that councils will have the power to determine housing codes in their areas. I am also

pleased that the task of assessing code applications will rest with council rather than private certifiers and welcome the greater protections that have been introduced in the case of developments that may have an impact on threatened species or items of heritage or Indigenous significance.

There are still legitimate concerns that people's right to have their say about development that may directly affect them or their properties will be reduced with the introduction of fast-tracked code-assessable developments. Council files overflow with justifiable objections made by neighbours in relation to developments that may comply with guidelines but, when examined in detail, have elements that will unreasonably affect the amenity of adjacent landholders. The current notification process allows such issues to be raised and can be a catalyst for bringing about compromise. Our communities regard this avenue of consultation and recourse to be a fundamental entitlement and it should not be discarded for the sake of speeding up approvals. The bill forecasts a review of codes to be carried out after two years and I welcome that provision.

In his second reading speech the Minister stated that a major shift in the new planning system is the new approach to subregional planning. My concern about the creation of regional planning panels and subregional planning boards is that the establishment of these bodies cedes significant decision-making to bodies comprising largely unelected bureaucrats and removes planning powers from locally elected councillors. This is a subversion of the rights of local councils to determine planning issues they have the responsibility of implementing. Regional and subregional planning panels will comprise a combination of ministerial appointees and local council representatives, and councils will have the majority representation on subregional panels. However, I remain concerned that the shift to a regional focus will undermine the planning powers of individual councils.

Instead of stripping councils of powers, I would prefer that the Government examined ways to strengthen the ability of councils to evaluate regionally significant development by providing them with the requisite resources and skills. I have previously suggested such a mechanism that could have been used to build the capacity of locally elected councillors to determine applications. I did not receive the courtesy of a reply or a discussion on a proposal that I think would have much more closely complied with the Government's stated commitment to return planning powers to the community through local councils. [*Extension of time agreed to.*]

I recognise the need for a regional approach to planning, but I believe this role can be adequately undertaken by elected representatives. There is an organisation called Hunter Councils, which is a collaborative organisation representing the 11 local government areas of the Hunter Valley. It is overseen by a board comprising the region's mayors. With expanded powers and resources, it is the sort of forum that could provide a model for a more representative and independent regional planning panel than one dominated by appointees.

The provision for strategic compatibility certificates remains in the bill and is another aspect that undermines council planning powers. This provision has shades of the discredited part 3A regulation that was abused by the former Labor Government in that it allows local planning laws to be supplanted by a directive from the Director General of the Department of Planning. As experience in New South Wales has shown, no assumption can be made that such wide-ranging powers will be exercised responsibly. As such, further safeguards need to be built into the legislation to ensure that developers cannot use the pretext of an out-dated planning policy to push through developments that do not comply with local regulations on height, scale and density.

My comments do not refer to the current Minister's departmental staff, including the director general, but we do not know who will hold those positions in the future. I applaud the Minister's decision to retain the current 35 planning zones. I had significant concerns about the previously proposed reduction in the number of residential zonings, which were to be homogenised into a single residential classification. Urban areas owe a great deal of their character to the nature and mix of residential buildings, and sympathetic planning calls for specific categorisation and consideration of dwelling types. Community, however, is not just about hard infrastructure and buildings. To be the community that people want to live in—not just have to live in—we must ensure that the scale of development is balanced with appropriate soft infrastructure—such as parks and playgrounds—and that environmental land is complemented by community facilities. I note in this regard the bill has been amended to improve the rules around the collection and use of developer contributions. I note that the period in which councils must work has been extended from three years to five years.

The development industry has been the attack dog in relation to planning issues; very frequently, though not always, it unfairly attacked councils in self-serving arguments to benefit companies or organisations

at the expense of a considered process to deliver the best outcome for communities for the long term. At nearly every opportunity developers have complained about section 94 contributions or developer levies; and even though they have had significant wins in this process, I tip that that will not be enough. As a lot of the outcome of this legislation will be dependent on supporting regulations, I call on the Minister to ensure that subsequent regulation ensures that community needs are not downgraded at the behest of industry for a short-term gain. This has been a huge task and again I acknowledge the Minister and others who have been involved in it. I commend the Minister for the way in which the task was undertaken. I do not necessarily agree with the outcomes, but I have to say that the Minister has never shied from fronting the community regarding controversies about the proposed bill or objections to the bill. Indeed, he has shown a willingness to make quite significant changes based on community and/or industry concerns.

I am very concerned about how this bill will pan out in the long term. The proof of the pudding will be in the eating. However, we should have learned from the mistakes that have been made over the years. I hope we have. I hope that concerns being expressed by significant community groups, including the Better Planning Network, the Nature Conservation Council and others, who have applied themselves diligently and objectively to the issues, are not confirmed. I do not necessarily agree with all of the positions that they are taking at this point, but I appreciate that they are genuine in expressing their concerns and issues. Our past experiences will ensure that these measures will be tested in the future. Though I am not entirely satisfied with the bill, I do recognise that it is a very significant advance on what we were working with. The proposal has been greatly improved by the willingness of the Minister to listen to the community and to make adjustments. I reserve judgement on whether I will vote for or against the bill until I have heard from the member for Pittwater.

Mr ROB STOKES (Pittwater—Parliamentary Secretary) [7.02 p.m.]: I will make a brief contribution to debate to the Planning Bill 2013 and cognate bill. I state at the outset that I would love to make a more detailed contribution, but I note that the imperatives of time require me to truncate my involvement in this debate, doubtless to the delight of those members forced to listen to me. The first point to make is that these bills are the result of an election commitment to introduce new planning laws within the first two years of government—although I note that the time frame has been extended to facilitate more time for community debate. The planning laws are the result of an issues paper, an international review on global best practice in planning law, a green paper, a white paper and an exposure draft. All of these papers, which were subject to amendment, were publicly available and subject to vigorous public debate, and that has resulted in significant change and development to ensure that the bills address the wide variety of views on environmental land use planning in New South Wales.

I thank everyone who engaged in this process. The proposed reforms represent the most fundamental changes to planning in more than a generation and, if accepted by this Parliament, will drive development and conservation in this State for generations to come. As Churchill once quipped, we shape our homes, thereafter our homes shape us. In particular, I thank community groups and people in my community of Pittwater for engaging with me in shaping our area's response to these reforms, as well as environmental, amenity and community groups with a statewide focus for their views, and for the robust and genuine conversations I have had with them.

Planning is a contentious, contested and highly political activity, and it is important to ensure that the system establishing and regulating our planning processes is balanced, open and democratic. I also acknowledge the hard work of the Minister for Planning and his staff, who have approached the gargantuan task of rewriting New South Wales planning law with dedication and resolve. I understand that a submission was made by one Labor Party entity—that is, the West Wallsend branch of the Australian Labor Party—and I should acknowledge that contribution.

I now refer to the provisions of the bills. Again, time constraints dictate that I must keep my comments broad and general. The principal bill, the Planning Bill 2013, is based on a clear set of objects, which will be critical in guiding the Land and Environment Court, which exercises a purposive approach to statutory interpretation, in making decisions about the meaning and application of strategic plans. Much criticism has been levelled at the inclusion of a definition of sustainable development in the bill. Critics have argued that by referring to sustainable development the Government is seeking to exclude or withdraw support for the principles that compromise ecologically sustainable development.

There is nothing in the bill that suggests to decision-makers like the Land and Environment Court that they should ignore the well-established principles of ecologically sustainable development, such as the precautionary principle. If that had been the Government's intention, it would have been made explicit in the

terms of the bill. The House should recall that ecologically sustainable development was first introduced into legislation in New South Wales, and in fact in Australia, by the Liberal Government in 1992. Ecologically sustainable development remains a key feature of many statutes, including statutes referred to in the planning bills. So it is the case that sustainable development, as the globally understood iteration of concepts that comprise environmental sustainability, has been selected, as it has in planning laws in other States and nations across the world.

Specifically, the precautionary principle, which is not directly contained in the current planning Act, has been imputed into legislation even where that legislation did not include ecologically sustainable development among its objects. The original case in that regard was *Leatch v National Parks and Wildlife Services* (1993), 81 LGERA 270. And as the Land and Environment Court held in *Carstens v Pittwater Council* 1999, 111 LGERA 1, ecologically sustainable development is clearly a matter within any reasonable application of the public interest test included in section 79C of the Planning Act, a section that is replicated in the objects of this bill. If the Government were seeking to abolish ecologically sustainable development, it would have done so explicitly, and I certainly would not have supported that.

For too long in New South Wales the planning system has been reactive; it has been chiefly directed towards the assessment of applications for development, rather than seeking to provide a robust, evidence-based vision for the development of the State, the preservation of its natural environment, the protection of its unique coastline, environmental justice, and opportunities for a better and healthier life for its people. All of this must be based on providing more opportunities for jobs, investment and homes in the right locations. To be effective, strategic plans must be prepared with, not for, the community, and must be subject to regular review. They must also be deliverable and based on a clear business case of what is viable. Of course, governments are not responsible for making profits for developers—a lesson being learned by those opposite through the revolving door at the Independent Commission Against Corruption—but they do have a duty to prepare plans that are deliverable in reality—putting opportunities for developing homes and businesses in areas where people actually want to invest. The Planning Bill 2013 seeks to deliver just such a system.

For too long governments have failed to show the leadership or courage to shift from merely undertaking a reactive assessment of development applications to actually engaging in plan-making and setting up honest and robust discussions with the community about what development should occur, what development we need, and where development should happen. The previous Government abolished regional environmental plans and centralised huge discretionary powers in the Minister to assess development applications. The only strategic plan that government ever prepared was never implemented. The Planning Bill will establish a new system for making strategic plans across the State, providing new opportunities for community participation, including new legislative rights of engagement that have never existed before.

The bill will also ensure that local communities, through their elected councils, will have the right to determine the local plans that will shape their communities. Of course the local plans will address State and regional priorities—as they must. The planning system in England and Wales has recently been devolved to local authorities to provide for an almost entirely bottom-up planning system. The reforms are new, so difficult to assess, but the widely held view is that the result will be widespread inconsistency, lack of direction leading to atrophy, and a system whereby wealthy communities might benefit at the expense of those at a disadvantage. Clearly, planning must be coordinated at a State level, with a cooperative approach to regional development—all of which is provided for in this legislation. Critically, development must be matched with infrastructure provision. A strength of this legislation is that, for the first time, the planning system will require development and infrastructure to be planned and delivered concomitantly.

I turn now to the Planning Administration Bill 2013. As the title suggests, this bill establishes and enlivens the administrative framework upon which the new planning system is founded. It outlines the roles and responsibilities of the Minister, director general and specialist committees or panels, such as the new Community Participation Advisory Panel, as well as the Planning Ministerial Corporation, Planning Assessment Commission, Regional Planning Panels, Subregional Planning Boards and Independent Hearing and Assessment Panels—where local government councils choose to establish one.

The bill contains some important and welcome provisions that will enable a higher level of transparency in decision-making on development matters; better investigation and enforcement of breaches of planning law; and freedom of expert decision-makers from inappropriate political interference. Transparency is improved by new provisions aimed at ensuring that planning decision-makers are appropriately qualified for the roles to which they are appointed. Transparency is improved by new provisions at part 9 of the bill, to facilitate

monitoring and environmental auditing of approved development. And transparency is improved by new provisions, contained in part 10 of the bill, that proscribe the disclosure and misuse of information obtained in connection with the administration of the planning legislation.

For too long communities have been left aggrieved and exasperated by the weakness of the law to target, shame and prosecute developers who think they can contravene planning legislation. It is time to give councils real power to prosecute people who think they can ignore the public interest and destroy public amenity such as shared views, native vegetation, heritage or local character in order simply to maximise private profit. This bill provides councils and departmental officers with real powers to investigate suspected breaches of planning laws and provides no shelter for the guilty—with the express excision of the privilege against self-incrimination in connection with new legal duties to provide records, information or answers to questions in relation to investigations into potential breaches of planning law.

The bill clearly emphasises the independence of expert decision-makers from political interference in undertaking their duties. Provision after provision makes it clear that expert panels, committees and boards established under the planning laws are not subject to ministerial direction or control in relation to their decision-making functions. And provisions relating to the creation of independent hearing and assessment panels are designed to encourage councils to deal with the separation of powers problem that has bedevilled local government in New South Wales for decades—namely, that the same elected council that establishes strategic plans then turns around and makes merit decisions on development applications made under the same plans. Independent hearing and assessment panels are a useful device for ensuring that local development decisions are separated from inappropriate political interference, and liberate councillors to be able to advocate for their constituents in relation to local planning decisions.

These provisions directly attack the cancer that has progressively eaten away public confidence in planning in New South Wales over many years—namely, the community's belief that the planning system is inherently corrupt. That belief has been constantly reinforced by the donations and dollars-for-deals culture incubated by the former Labor administration—a culture that is being exposed day by day and deal by deal in the Independent Commission Against Corruption. I understand that after 16 years of Labor being in office the community has been led to not trust governments about planning.

Ms Anna Watson: What rubbish.

Mr ROB STOKES: I note the interjection of the member for Shellharbour. Shellharbour is pretty close to Wollongong City Council. I suspect the member for Shellharbour well recalls what happened there and the implications that included the Labor members on that council.

ACTING-SPEAKER (Ms Sonia Horner): Order! The member for Pittwater will direct his comments through the Chair. The member for Kiama will come to order.

Mr ROB STOKES: The O'Farrell Government is earnestly and genuinely trying to restore public confidence in the planning system in this State. I understand that confidence has disappeared. Indeed, this legislation is about restoring confidence in the planning system in New South Wales. It is about returning local planning decisions to local communities affected by those decisions—namely, a system of planning administration that the citizens in this State can trust.

Mr MICHAEL DALEY (Maroubra) [7.12 p.m.]: I make a brief contribution to debate on the Planning Bill 2013 and the Planning Administration Bill 2013. After 2½ years of consultation and manoeuvring we have now arrived at this legislation, which the Government says will fix all the woes inherent in our planning system. One of my greatest disappointments, and other speakers have referred to it as well, is that the bill has now sat on the table for one parliamentary working day. I would have thought that having consulted for 2½ years, and being presented with a comprehensive panacea for all of the ills that inhibit the New South Wales planning system, we would have been afforded a little more time for debate; alas that is not how this Government rolls.

This afternoon the Opposition, with its hand on its heart, has earnestly said to the Government that it will oppose the bill in its current form. But the Opposition will not take the approach of Coalition members who are now members of the Government. They demonised everything they could about the planning laws and what the government of the day did. This afternoon, from the shadow Minister for Planning and Infrastructure down, the Opposition has indicated its desire to earnestly talk to the Government and foreshadowed that amendments will be moved in the other place. I repeat: that is in stark contrast to the approach taken by the Coalition when it was in opposition.

The Minister for Planning and Infrastructure has repeatedly interrupted the contributions made by those on this side of the House. He was the one who led the charge against things such as having a vote taken to wind up strata schemes in order to redevelop property. He scared the community with claims that little old ladies would be thrown out on the street. But now he is in government it is okay to have the discussion.

Mr Brad Hazzard: Point of order: My point of order relates to Standing Order 76. The member should be directed to speak to the leave of the bills. At no stage have I ever scaremongered. In fact, the Independent Commission Against Corruption has highlighted just how bad the former Government was.

ACTING-SPEAKER (Ms Sonia Horner): Order! The member for Maroubra will return to the leave of the bills.

Mr MICHAEL DALEY: The legislation still harbours the dreaded part 3A. It may have been renamed but the inherent part 3A powers are still in the legislation for the Minister to exercise.

Mr Brad Hazzard: Which bill are you talking about?

ACTING-SPEAKER (Ms Sonia Horner): Order! The Minister for Planning and Infrastructure will cease interjecting.

Mr MICHAEL DALEY: In its time the Environmental Protection Act was groundbreaking legislation. It recognised environmental considerations as an important part of the planning regime. It served the people of New South Wales well for a very long time. But all legislation, particularly when it gets a bit long in the tooth, needs to be reviewed. What will this legislation mean to my electorate? I am concerned when I read comments of people such as Nicole Hasham, urban affairs reporter at the *Sydney Morning Herald*, who said:

Unwanted developments could be rammed through in suburbs across Sydney, despite government claims that new planning laws will return powers to communities ...

In that article she also mentioned code assessment:

The exact areas where code assessment will apply have not yet been determined. However, the government says it will be prioritised in "growth areas" such as around the north-west and south-west rail lines, and so-called "urban activation precincts"—existing suburbs such as Randwick, Homebush and North Ryde which have been ear-marked for higher densities.

The Anzac Parade South Urban Activation Precinct is in my electorate. I first heard about this on 19 December 2012 when the Minister wrote to Mr Ray Brownlee, general manager, Randwick City Council, saying that the Government had declared the Anzac precinct as one of Sydney's first urban activation precincts. A map was attached to that letter—namely, a narrow sliver of curious shading that went from just south of Maroubra Junction, along Anzac Parade to La Perouse. No-one—not the local member, mayor, councillors or any resident—was consulted about that study area. But I note that the area has twice been enlarged to include three-quarters of the Randwick City Council area.

What will this legislation mean in respect of that urban activation precinct? The traditional approach for councils to increase their densities was for the Minister for Planning to sit down and talk to them. That is what former Minister Sartor did with the planners from Randwick City Council. He told them to accommodate 10,000 more dwellings, and that was done through the local environment plan process. Indeed, those 10,000 dwellings have been subsumed into the Randwick City Council area with not too much disruption. Why? Because the Randwick City Council consulted with precinct committees, at open days and council meetings about the changes to zonings and increased densities. No-one wants growth areas and increased densities in their backyards. I have young children. I want them to live in my area. I love living there. I want my children to live close to their family. I have no objection to increased densities but I am concerned about the way it will be done. *[Extension of time agreed to.]*

Mr Brad Hazzard: Are you going to acknowledge that I organised for you to sit with the department and talk about it?

Mr MICHAEL DALEY: In answer to the Minister's interjection, I asked for a briefing on the urban activation precinct either late last year or early this year.

Mr Brad Hazzard: The process.

Mr MICHAEL DALEY: The process, yes. Two senior members of his department indicated that it was likely that the uplift in heights would result in about six-storey buildings.

Mr Brad Hazzard: I organised it—at least acknowledge that.

Mr MICHAEL DALEY: I did and I am grateful for the briefing. I might ask the Minister for another briefing to explain what the hell is going on, because no-one knows what is going on.

Mr Brad Hazzard: You can have as many as you like.

ACTING-SPEAKER (Ms Sonia Horner): Order! If the Minister does not cease interjecting he will be placed on a call to order. I call the member for Hawkesbury to order for the first time.

Mr MICHAEL DALEY: The six storeys mooted by the department are now 20 storeys in some places. Consultation that accompanied the urban activation precinct has been curious. Fifty people from the community were chosen at random by consultants to attend two workshops. They were paid \$50 a session. I was not allowed to go. If residents of the area tried to get into one of the consultations but they had not been invited security guards refused them access. Papers, maps, tables and other items offered to residents in those briefings could not be taken away. It was not until a resident took photos and emailed them that the cat was out of the bag and the department admitted 20-storey developments were part of the plan. Having consulted with these 50 people, the Minister will now consider a draft rezoning.

Mr Brad Hazzard: No, then it goes out for public discussion.

Mr MICHAEL DALEY: We are told that it will then go on exhibition for four or six weeks. Development of one of the major growth areas in Sydney is being rammed down the throats of residents, and all we will get is six weeks of consultation on a plan that is being rammed through in haste.

Mr Brad Hazzard: You're being silly.

Mr MICHAEL DALEY: I am not being silly. For the Minister to say to a local member in this House who is looking out for his constituents that he is being silly—

Mr Brad Hazzard: You know you can have as much consultation as you like.

ACTING-SPEAKER (Ms Sonia Horner): Order! I call the Minister for Planning and Infrastructure to order for the first time.

Mr MICHAEL DALEY: The Minister says I am being silly, which makes me concerned about how he will handle the new laws arising as a result of this bill. On my calculation the Government is trying to cram about 30,000 additional residents into an area that currently has a population of 56,000.

Mr Brad Hazzard: It's not in the bill and nor are urban activation precincts.

ACTING-SPEAKER (Ms Sonia Horner): Order! I call the Minister for Planning and Infrastructure to order for the second time.

Mr MICHAEL DALEY: It does not concern the Minister but it certainly concerns me. It concerned me when Alicia Wood in the *Daily Telegraph* on Wednesday 23 October said:

THE state's new planning laws will cut Sydney in half—giving North Shore residents the right to appeal new developments but denying western and southwestern Sydney people the same rights.

Mr Brad Hazzard: Point of order: My point of order relates to relevance under Standing Order 76.

ACTING-SPEAKER (Ms Sonia Horner): Order! The member for Maroubra will return to the leave of the bills. If the Minister for Planning and Infrastructure does not cease interjecting he will be removed from the Chamber.

Mr MICHAEL DALEY: The Minister took a point of order when I referred to this statement:

THE state's new planning laws will cut Sydney in half ...

What is more relevant than talking about the State's new planning laws when we are debating the State's new planning laws?

Mr Brad Hazzard: Point of order: My point of order again relates to relevance under Standing Order 76.

ACTING-SPEAKER (Ms Sonia Hornery): Order! The bills are broad ranging so I will allow the member for Maroubra some latitude. I will extend the same courtesy to Government members.

Mr Brad Hazzard: Speaker Kelly and Speaker Rozzoli in *Rulings from the Chair* make it clear that members must speak to the ambit of the bill. The member for Maroubra is not doing so. There are no urban activation precincts in the bill.

ACTING-SPEAKER (Ms Sonia Hornery): Order! I ask the Clerk to stop the clock. I am informed by the Clerk that the bills are sufficiently broad to allow the member to make such comments. There is no point of order.

Mr MICHAEL DALEY: The Minister took offence when I referred to urban activation precincts. Urban activation precincts, which are planning considerations for additional growth, will be executed by an instrument that the Minister has in his power. I would have thought that that power would reside in the new bill. I am not being permitted to talk about how those new laws will affect growth in my area. I am grateful that the Minister said earlier that I could have more briefings. However, those briefings should not be confined only to me; people who live in my area should also have briefings and they should not be in the form of a published map that they are given six weeks to discuss.

I am concerned about the way in which these sorts of developments are proceeding. It seems that the Minister, in craven haste, wants to increase the density of Sydney and allow for increased growth, which is fine as long as we have genuine and respectful consultation. Over the years we have learned one thing about planning. As it is highly subjective, even if the finished product is not what people thought it would be, or it is not what they wanted, if we consult them earnestly and respectfully, do not ram things down their throats and acknowledge that the best experts in any local area are the people who live there and their elected representatives, people will concede it was a fair dinkum process. At the moment it is not a fair dinkum process.

Mr GARETH WARD (Kiama) [7.27 p.m.]: Having served on my local council for nearly nine years, I have had some experience with our planning system. As a former councillor and chair of my city's development committee, I believe a sound planning system is one that delivers certainty to stakeholders and ensures a transparent and accountable process for decision-makers. It must also be one that delivers trust and confidence to the community it seeks to serve—something that has been sadly lacking in the planning system for quite some time. As has been said by both the Minister and the Opposition spokesman, the Environmental Planning and Assessment Act 1979 was a revolution in planning law. Whilst there were malcontents when the 1979 Act was introduced—just as there are those who are not satisfied with this bill today—I believe this proposal contains some significant improvements from past practices. Indeed, this bill has come about through the appointment of both Ron Dyer and Tim Moore, former politicians from different sides of politics, to devise a plan to chart a fresh new planning course for our State.

Whilst I accept that Opposition members will oppose this bill I do not accept their reasons for doing so. Whilst Opposition members talk about their ideals for a perfect planning system, their behaviour in government exhibited otherwise. The people of New South Wales will not quickly forget part 3A with the inherent politicisation of planning decisions and that some of those decisions revolved around political donations. Members of the House would be aware of my opposition to Calderwood, a development given life by Tony Kelly and Kristina Keneally in their capacity as planning Ministers. It was a concept plan and the rezoning was approved. It was only when Nicole Hasham, a journalist referred to by an earlier speaker, exposed donations to the Labor Party from the applicant that that matter was referred to the Planning Assessment Commission.

I have no doubt that that application would have been approved by the government of the day with donations to the Labor Party as the Government. That is not an appropriate way to conduct a planning system and I oppose that development to this day—it will have enormous impacts on my constituents at Albion Park. I am sure that many members of the Opposition also feel a great sense of shame and embarrassment that that was the level to which our planning system in this State sank. Labor's opposition to this bill today is all about

political strategy rather than planning outcomes. Even the most independent of observers cannot ignore the levels of unprecedented consultation that have driven this bill—from an initial consultation round to the traditional Westminster green and white paper approaches.

When the Coalition went to the last election, we promised to return planning powers to local communities. The new planning system returns planning powers to local councils and the community, with councils being able to modify statewide codes. Councils will determine where code assessable development will apply outside growth areas. The bill scraps the 80 per cent target for streamlined assessment. Councils will have majority representation on the new subregional planning boards. The legislation provides the right balance between economic, environmental and social considerations. The bill provides for a triple bottom line approach in the preparation of strategic plans and the assessment of development applications. This means that social issues, such as people needing different types of housing, will be taken into consideration in the planning system—as well as environmental and economic factors.

Strategic compatibility certificates have been changed as a result of submissions and consultation. All applications will require mandatory public exhibition and consultation with councils. Regional planning panels will determine strategic compatibility certificates if a council objects or there are more than 25 objections from the community. To safeguard against speculative development, development applications must be made within 12 months of a strategic compatibility certificate being issued, rather than two years, and construction must start within two years or the development consent expires. When I read the original draft of the bill I had numerous concerns, and I sincerely thank the Minister for listening to the issues that I and other members of the Government raised—including the member for Pittwater. One of those issues related to the submission from the Independent Commission Against Corruption [ICAC]. I am pleased that the Government has amended our regional proposal to reduce discretion in decision-making and provide greater clarity, particularly for complying and code assessable development. This change to the bill will expand the system of independent decision-making panels and maintain existing appeal rights.

My second concern related to code assessable development. I am pleased that the Minister has made changes to the Government's original proposal. In growth areas where codes apply, the bill provides that the local community will be fully consulted in preparing the proposals to be in the draft code. Councils or the Department of Planning and Infrastructure will also have to prepare a neighbourhood impact statement, similar to an environmental impact statement, to assess the impact of a development application. It is clear from the extensive consultation with the community, local government, planning professionals, industry and business that we need a new planning system that meets our needs now and in the future. Such independent stakeholders as Councillor Keith Rhoades, President of Local Government NSW, have noted their appreciation of the fact that there cannot be this ongoing divide between the planning system and the practitioners in local government who deal with the overwhelming majority of development applications in this State.

There was support in the submissions for many of the key directions of the new planning system, including the emphasis on strategic planning, community participation in strategic planning, a simpler and more transparent development assessment process, and a clear framework that ensures infrastructure is provided alongside growth. This was reinforced in the deliberative panels of community members, who advised the Government they support moving the focus to strategic planning—introducing the community participation charter, introducing code assessment and implementing e-planning. After two years of extensive consultation and after making many important amendments in response to this consultation, it is time to get on with delivering this new planning system. These bills mean that community members will have much more of a say in planning decisions that affect them. For the first time, councils or the Minister will be required by law to follow minimum exhibition periods, to publish the reasons for decisions and to explain how they have considered submissions in reaching a decision. Changes to the objects of the bill will achieve a better balance between facilitating growth and protecting the environment and quality of life through a triple bottom line assessment for strategic planning and development assessment.

All existing environment protection zones will be transferred into the new system through the new local plans. All existing heritage items and heritage conservation areas will continue to be protected as they are now, including historical, cultural and Aboriginal heritage. A new environment and heritage New South Wales planning policy will be prepared to further protect heritage items and sensitive environmental areas. The recommendations on development applications from the Heritage Council of NSW must be followed. Existing residential zones will transfer across to the new local plans. In a significant departure from the Environmental Planning and Assessment Act and other environmental protection legislation, the Planning Bill 2013 removes the currently accepted definition of ecologically sustainable development [ESD] and, in particular, the principles

of ecologically sustainable development such as intergenerational equity and the precautionary principle. Considerable jurisprudence has grown up in recent years around these principles and how they are to be applied in the development assessment process. It remains to be seen whether that jurisprudence will continue to be relevant having regard to the manner in which the concept of sustainable development has been defined.

In essence, ecologically sustainable development has now been simplified to the concept of "sustainable development". That concept is expressed in the context of the objects of the Act as being achieved by the "integration of economic, environmental and social considerations, having regard to present and future needs, in decision-making about planning and development". Rather than the specific ecologically sustainable development principles, there are now three broad but interdependent pillars underpinning the concept of sustainable development. They are: the environment, protecting threatened species and habitats, using natural resources wisely and minimising, mitigating or addressing environmental impacts; the economy, promoting the development of the economy and the wellbeing of all communities by facilitating housing, business employment and other forms of activity and improving productivity; and the social, facilitating housing that meets the needs of the whole community, creating high quality built environment that promotes the health of all communities and ensures accessibility for services and employment opportunities.

Although subtle, the change in emphasis towards economic development, and in particular housing, suggest that the Government was intending to rebalance how sustainable development is seen in the context of development assessment and approval. I do have some concerns about this, and I have raised them with the Minister. I certainly support the principle of ecologically sustainable development. I note that, for the first time, the Government has moved away from that principle in this bill. I hold grave reservations about this particular part of the Act. As I said earlier, I believe that the courts will read that principle into this proposed legislation in cases that will undoubtedly come forward as a result of this bill.

There has been a great deal of discussion around this bill and I commend the Minister for leading that discussion. I believe the greatest test of this system will come if it is ever implemented. So much of what we debate in this House exists only on paper, and is talked about in certain language and in briefings. We often do not realise the true impact of legislation until it is implemented and the new system is functioning. I certainly hope that the system proposed realises the goals and objectives outlined by the Government and the Minister. I do not wish to return to the time of the previous planning system which was all about donations for deals. That planning system was cumbersome and, amongst other things, incredibly confusing. As the member for Pittwater said, we cannot have consistency, certainty, and the trust and confidence of the community if the planning system that deals with the built environment is not current and certain. I commend the bill to the House. I look forward to the discussion in the other place and I hope that my remarks have invigorated and ennobled the debate as we proceed with this important and historic piece of legislation.

ACTING-SPEAKER (Ms Sonia Hornery): Order! There is too much audible conversation in the Chamber. Members who wish to have private conversations will do so outside the Chamber.

Mr RYAN PARK (Keira) [7.37 p.m.]: At the outset of my contribution to debate on the Planning Bill 2013, I acknowledge the work of the Minister and his staff. This is a big bill. Whilst the Opposition has some concerns about this bill, having worked for a government Minister for some time I know the amount of time, effort and unpaid hours that go into getting something like this bill before this House. I think that needs to be acknowledged. This is a big piece of legislation and I think people on both sides of the House need to acknowledge the large amount of work that has gone into preparing it.

The Minister attended virtually every planning meeting in my local area concerning this legislation. Just last week an event was held that I attended. It was about the future of the Illawarra in 20 years time. One difficulty with public forums is that they are not overly well attended, and I understand that the Government is looking at other ways to engage the community. I certainly appreciated the opportunity to say something about this legislation and I appreciate the amount of work that has gone into preparing it—even though the Opposition has some concerns about it. One of the things that members of the Government quite rightly acknowledged is that the previous legislation started out with some strong ideals. It was a reforming piece of legislation. Over time governments of all persuasions tinkered with it and it then became unwieldy. That was the responsibility of not only my party but also the party of those opposite. We got ourselves into a situation where the legislation became cumbersome, unwieldy, unworkable and very confusing for the community.

Having lived in a community where the council was sacked and local government was run by administrators for some time, I cannot stress the importance of having certainty, transparency and clarity around

planning legislation. Certainly in today's world, and probably more than our predecessors did, we always have to try to achieve a balance in the environment, economic growth, social activity and social acceptance. That essentially means that a bill such as this will never have full support; it will never have the support of everyone in every community. People from various stakeholder groups will say that this legislation goes too far in one direction and others from various stakeholder groups will say that it goes too far in another direction. We accept that there will be points of view that are poles apart.

At one of the many public forums that I attended in Wollongong I referred to my concerns about this legislation. Although one provision states that consultation has to be carried out in the strategic stage, which is an important and valid issue, how does that materialise in reality? Unfortunately these days, when people are so busy and time poor, they generally become concerned only when it impacts on a neighbouring house, a nearby street or on residents living in the area. Whilst it is important to engage people at the front end, at times it is an unrealistic challenge. I raised an issue—and I know that Madam Acting-Speaker Hornery raised the same issue—that this bill does not address a key concern in my community and in other communities. What we do with large parcels of land that remain derelict for sustained periods?

In my community, where we are currently facing a fair number of economic challenges, a number of sites remain derelict. There seems to be buck-passing between State and local government authorities on what should be done to drive prosperity and regenerate those parcels of land. I do not see in this bill the stringent toughness I would like to see to enable us to crack down on developments that have not gone ahead and that have resulted in these derelict sites. In my electorate large parcels of land remain derelict for sustained periods. The Department of Planning says it is council's responsibility and council says it is the responsibility of the Department of Planning. The mayor has moved motions at local government conferences but this issue has been bypassed. In the meantime local residents and small businesses suffer because of reduced amenities in their areas.

This type of reform does not occur very often; it has been many decades since there has been any reform in this area. I acknowledge that the Government introduced this legislation and that it has a mandate to do so. The shadow Minister expressed a desire to sit down and talk about improving this legislation. I hope that the Minister and the Government consider that offer because we want planning legislation that benefits communities, protects important natural and environmental assets, in particular, water catchments in my community, and at the same time enables the community to have its say. That does not mean that everyone will go away happy; we are not in the popularity game and we never will be.

I do not know whether many of the experienced members of Parliament have suffered an 18 per cent swing. Those members who have suffered such a swing, as I have, are aware that they will not be in the popularity game for long. Members like me do their best to ensure that they get a grounded opinion from their local communities but that is tempered with their inability to hold up or stop positive developments or proposals. That happened recently in relation to coal seam gas and Opposition members had to make some difficult decisions, admit a significant degree of fault and acknowledge that they got it wrong. That was not a pleasant thing to do but it was necessary. If the shadow planning Minister puts forward workable proposals that can be delivered and that will make this legislation better, it is imperative for us to work together on those proposals. When planning for our communities we all believe in common principles in the areas of economic activity and community involvement. We must be able to have our say whilst at the same time protecting our important environmental assets.

Mr STUART AYRES (Penrith—Parliamentary Secretary) [7.46 p.m.]: I make a contribution to debate on the Planning Bill 2013 and the Planning Administration Bill 2013, but primarily on the Planning Bill 2013. First, I acknowledge the extensive work undertaken by the Minister for Planning and Infrastructure, the member for Wakehurst, and his team right across his department and, in particular, his ministerial office, who have carried the can on this bill for over 2½ years. One thing I do not think the Minister for Planning could ever be accused of is a lack of consultation on this bill. He has taken more than 5,000 submissions, prepared a white paper and a green paper, and someone told me earlier that one of the papers may have been referred to as an orange paper. There has been a copious amount of consultation. More than 6,000 people have attended workshops, and I thank the Minister for conducting workshops in my electorate.

It is important to note that there has been a significant amount of consultation in relation to these bills as often parliaments are accused of not consulting widely enough. I doubt that there is a piece of legislation at the State level that is more important than the Planning Act, the foundation on which our State evolves from an environmental, economic and social perspective. There is no doubt in my mind that the public has decided that

there is a need to reform planning in New South Wales. The former Planning Act had been amended—some may even say corrupted or abused—but it had been changed in so many ways that it lacked consistency and it was no longer a coherent piece of legislation. I believe that that in itself is one of the reasons why the former Government found itself in so much trouble with the part 3A process. The legislation had been changed so much that the former Government did not have a piece of legislation that worked in the way in which it was designed to work, so it decided to take a shortcut and to create part 3A. I do not want to spend too much time speaking about part 3A but I will say that the effects of part 3A are still rippling through our communities.

One example I can think of in Penrith is at 164 Station Street, which is 700 metres from my local train station and effectively embedded in the middle of the community. That site is still subject to a part 3A application. That concerns me greatly because the way in which the process has taken place has excluded the community from the final decision-making process for the site. Fundamentally, the Planning Bill 2013 is the bill the State is looking for. It makes significant efforts to improve the previous legislation and to return to the roots of the Environmental Planning and Assessment Act. It also modernises the legislation. Given the length and intent of the bill, a way to describe it effectively is to talk about its objectives. I will read them onto the record for people in my electorate who may read my speech and who want to understand what the Government is trying to achieve. The objectives of the Planning Bill are listed as follows:

- (a) to promote the growth of the State's economy and increased productivity,
- (b) to promote sustainable development,
- (c) to provide opportunities for early and on-going community participation in strategic planning and to promote transparent decision-making,
- (d) to facilitate and manage growth by the co-ordination, planning, delivery and integration of infrastructure and services in strategic planning,
- (e) to promote the timely delivery of business, employment and housing opportunities ...
- (f) to promote the protection of the environment and heritage, including by:
 - (i) the conservation of biodiversity, and
 - (ii) the conservation and sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- (g) to enable the effective management of natural hazards and natural resources, including agricultural land, water and minerals,
- (h) to promote health and safety in the design, construction and performance of buildings,
- (i) to promote health, amenity and quality in the design and planning of the built environment,
- (j) to promote efficient and timely development assessment that is proportionate to the likely impacts of proposed development,
- (k) to share responsibility between all levels of government for planning and the management of growth.

ACTING-SPEAKER (Ms Sonia Horner): Order! There is too much audible conversation in the Chamber. Members who wish to have private conversations will do so outside the Chamber.

Mr STUART AYRES: The objectives of the bill go on to define sustainable development as development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs. The bill provides that sustainable development is achieved by the integration of relevant economic, environmental and social considerations in decision-making about planning and development. Those areas constitute what is often referred to as the triple bottom line. The public clearly supports a number of the objectives I have outlined. I have lost count of the number of times constituents in the Penrith electorate have spoken about the need to match planning and growth with infrastructure. I have heard people say time and again that we need to protect the heritage of sites. I also have heard developers, planners and builders say that they need consistent legislation to ensure that they can make good decisions for communities, employment and growth. All those things are factored into the bill.

I commend the Minister for front loading planning and consultation through a strategic approach. We cannot establish building blocks for our communities without up-front community engagement. Opposition members have said many times that the code assessment contained in the bill will create two classes of

people. I offer an alternative view: Opposition members have a fundamental problem in that they just do not understand the challenges that exist in Western Sydney. The Western Sydney community comprises more than three million people. As the deficiency of jobs is of the order of hundreds of thousands, people must leave their local communities every day to go to work. In Penrith specifically, about 69 per cent of the population works in another area. That is an economic exodus. I will not at this time go into the social consequences that it has.

It is critical to create a different assessment code in the north-west and south-west growth areas surrounding Penrith. We will never be able to achieve housing and economic growth without a flexible system that allows us to meet the challenges in other areas. I have no doubt that some of my regional colleagues who are members of The Nationals are looking for the same thing. They also need a planning bill that allows them to facilitate and foster growth in their communities, particularly when they are facing so many economic challenges. I think they face much greater challenges than my community in Western Sydney.

These bills update planning to meet the needs of New South Wales. They restore public confidence in the Parliament that our bills will oversee sustainable, long-term development. I have no doubt that we will have further discussions about the concepts of ecologically sustainable development versus sustainable development, but the simple fact is that the Minister has acknowledged the importance of sustainable development. He also recognises the importance of strategic, up-front community consultation. For the first time a public participation charter is written into our bills. It does not get any better than that. I know that some people have fears, but they will be allayed when they see the bills in action. I have faith that through their work on these bills members of the Government are laying the foundation for the future success of New South Wales. The bills will allow Western Sydney to be at the forefront of that activity.

Mr JAMIE PARKER (Balmain) [7.56 p.m.]: On behalf of The Greens I address the Planning Bill 2013 and the Planning Administration Bill 2013. The Greens members and I participated in all stages of the review process. I also held community forums around the State and attended many of the Government's community forums. I acknowledge the Minister's openness in discussing these matters. He afforded me the opportunity to speak with him personally, and I appreciate that. I also appreciate the work done by members of his department in putting the bills together.

There is a strong case for change. Planning under Labor became overtly politicised and corrupted and communities across New South Wales were alienated from the decision-making process. I welcome the changes that the Government has to the draft of this legislation. I acknowledge the strong input from stakeholders, including the Better Planning Network, the Nature Conservation Council and others. These changes, all of which are positive, have included increased community participation through the introduction of "mandatory community participation requirements". It should be noted, however, that these are primarily limited to exhibition and notification requirements and an obligation to give reasons when making a decision. Another change is to retain existing zonings. This will allow for greater control over development in many areas. A further change is the removal of partial code assessment, which means that if a proposal does not comply with development standards for the code then it must go through the merit assessment process, including full community consultation.

One of the major challenges in this reform process therefore is to return decision-making to the community and to build a culture of community participation in the planning process. This evening we have heard discussion about ecologically sustainable development. It was The Greens' submission that it should be included as a core objective of the legislation. It was also the recommendation of the independent Moore and Dyer review into planning that reported in 2012. This has not been done, and it is telling that the recommendation has not been heeded even though it is clearly the will of the community. The Minister claims the objects of the legislation "reflect a balance between the object of promoting economic growth and sustainable development". The change to have sustainable development as a stand-alone objective is welcome; however, it still represents a weakening of environmental considerations from an overarching and primary objective of ecologically sustainable development. The Greens are disappointed by that.

The promotion of heritage is included as an objective of the proposed Act. Provisions are also carried over that will ensure that development of State heritage and Aboriginal heritage items must be merit assessed, but this is not true for the great majority of heritage items that are locally listed. For developments that require concurrence, the director general must comply with the Heritage Council recommendations unless the council has been guilty of unreasonable delay. There is no definition of unreasonable delay and I would welcome the Minister providing details of what will constitute unreasonable delay during his reply. It also has been indicated

that there will be a State planning policy for environment and heritage, although without the content of that policy it is difficult to see how the objectives of the bills will be achieved, given there is not substantive protection for the 97 per cent of heritage items that are locally listed.

It is proposed to facilitate community participation through community participation plans. There is no requirement for substantive compliance with the content of the plans, apart from the requirement to give notice that the plans are, essentially, discretionary. It has been claimed that requiring planning authorities to materially comply with participation plans would substantially discourage implementation of those plans. This suggests that those plans would be aspirational at best. Once community participation plans are in place, no penalties have been included for failure to comply with them. That may result in a situation in which such plans become simply a type of promotional tool for planning authorities, without actually giving communities enforceable rights to notification or other options by which to engage in the planning process. Strategic plans, regulations and codes are not yet drafted. Many of the Government's commitments about how the system will work depend on those materials. Since they have not been drafted, The Greens will continue to focus on their development. I also note that they will not be disallowable by Parliament, which remains a cause for concern.

The hierarchy of strategic plans will be created under the legislation, which we know, and that is detailed in part 3, division 3.2, clause 3.7. We have State planning policies, regional growth plans, subregional delivery plans and local plans. All key decisions on growth areas, changing zones, housing and employment hubs are made at the regional or subregional level by planning authorities, which are dominated by State Government appointees. Existing protections for matters such as affordable housing and employment land, biodiversity, infrastructure and resource management that are found in current State environmental planning policies will be rolled into a number of "simpler" State planning policies. I note that in part 3, division 3.5, clause 3.27 there is an extraordinarily wide discretion for dispensing with conditions for making strategic plans. This can be exercised to rezone land when a strategic compatibility certificate has been issued or to rezone land and make provision for matters that the Minister believes are of "significance".

I turn now to subregional planning boards that will comprise a member from each council in the region, not more than four members appointed by the Minister and a chairperson who is appointed by the Minister with the concurrence of Local Government NSW. However, if Local Government NSW refuses to concur with the Minister's first two candidates, the Minister can unilaterally appoint a chairperson. The Government's stated intention is that local government will have majority representation, though this is not required in the legislation. There are concerns about how that will operate if amalgamations proceed. Subregional planning boards will develop subregional delivery plans that will require local councils to rezone land, ensure State-level planning policies and regional growth plans are delivered, and include identification of development that is code assessable in the region. Subregional planning boards will adopt a very broad approach. One of the major concerns is related to strategic compatibility certificates that will allow the director general of the Department of Planning or a joint regional planning panel to approve any development, even though it is entirely prohibited by a local plan, if they believe it is consistent with a regional or subregional planning policy.

We also have substantial concerns about strategic compatibility certificates which, based on this legislation, are not limited to overturning existing local environmental plans, and therefore do not have a three-year horizon. They may be used to override local planning laws every time there is a new regional or subregional plan. That will mean they may be used at any time in the future if a regional strategy is updated and that they can override even newly made local plans under this legislation. I would appreciate the Minister providing clarification on that point during his reply. Strategic compatibility certificates provide an open door through which developers will be able to force unpopular and out-of-character development on local communities. The Government's only defence is that they must be "compatible" with subregional or regional planning policies. However, those policies do not contain any specific planning controls such as height, density or scale.

Metropolitan strategies are very general documents that simply have lines drawn on maps to indicate where more intense development can occur. A classic example is the Parramatta Road corridor, which is 20 kilometres long and in a five kilometre-wide arc from Sydney to Parramatta as shown in the Draft Metropolitan Strategy for Sydney. The metropolitan strategy states that the entire area from Glebe to Parramatta "offers regeneration opportunities", and developers will use that term to argue for strategic compatibility certificates for their developments. That would allow developers to make applications for certificates by arguing that the local planning controls should be ignored because of the very general provisions in the metropolitan strategy. It would make the entire area from Glebe to Parramatta ripe for overdevelopment, despite the fact that the Leichhardt Municipal Council, for example, is almost 25 per cent ahead on its new dwelling numbers

compared to the new Sydney Metropolitan Strategy 2036 and that the City of Sydney council also is on track to meet its new housing targets. There is no requirement for new housing. As I outlined, those areas are well ahead of their new housing numbers and the Sydney Metropolitan Strategy 2036.

Mr Brad Hazzard: What are we going to do with 1.2 million more people?

Mr JAMIE PARKER: Change the metropolitan strategy and then allocate the different housing burdens where housing is required. If councils are meeting the 2036 strategy targets, why is the Government putting more pressure on those areas for huge overdevelopment? Part 3, division 3.4, clause 3.15 of the bill provides the power for the Government to set up "standard instrument" planning controls. There are some concerns about this move, given that a previous standard instrument was used to remove protections from land zones as special uses by requiring it to be zoned in the same category as surrounding land, thereby making it easier to sell off. [*Extension of time agreed to.*]

The bill specifies that any amendment made by the Government of the mandatory parts of the standard instrument automatically will amend each and every local plan from the date the Government publishes the amendment on the website of the Department of Planning. This basically means the Minister can amend every local plan at will—with which I am sure the Minister would be delighted. Code assessable development must be approved within 25 days by local council planning staff. Essentially it is a ticking of boxes, not merit. Code assessable precincts will be identified by local councils in the subregional plans, urban areas renewal plans and urban activation precincts. Before a local council can implement code assessable development, a neighbourhood impact statement will need to be prepared. Under code assessable development, residents would have no right to make a submission on proposals, including building up to 20 townhouses on a local street or a residential flat building in their local shopping strip.

While New South Wales has some great local councils, there are also plenty of councils that may like to exclude residents from having a say in development matters. The code assessable provisions in this legislation would let those councils do just that. Around the State, property developers will be looking at their local councils to see whether they can get a pro-development majority to implement code assessable development and exclude community consultation. The development assessment codes in local plans have not been drafted. Implementation will depend a great deal on their content. It is understood the intent is that this will be outcome-focused rather than prescriptive. The Independent Commission Against Corruption has raised concerns in relation to that, saying that a distinction should be drawn between flexible ways of achieving an outcome, and flexible criteria. The Independent Commission Against Corruption has said that the latter poses a significant risk of corruption.

There is little difference between State significant development in this legislation and the old part 3A legislation, save that State significant development cannot be development that is wholly prohibited in the area. However, the Government has committed to retention of the current State environmental planning policy restriction that prevents State significant development from including residential, commercial or retail development. That limitation is not found in the Act and at any time can be changed. However, I acknowledge that in general State significant development also is subject to the limitation in part 4. Crucially for me, as with part 3A, approvals under other legislation that would apply are not required for State significant development or State significant infrastructure and public priority infrastructure. This includes approvals under fisheries management legislation, heritage approvals, native vegetation clearing approvals and water management approvals.

I conclude my remarks by addressing private certifiers. The private certification system is broke. It is a joke. It is rorted and it does not work. The Government should abolish the privatisation system that was started by Labor in 1998, but this legislation proposes to expand it. Private certifiers are chosen and paid for by the developer and create an obvious conflict of interest as well as a corruption risk. Remarkably the Government should seek, but has not sought, even to include provisions that see developers being assigned a relevant private certifier from a qualified pool through a local council, which would have been a good start. Although some positive steps have been taken, much still remains to be done.

Mrs BARBARA PERRY (Auburn) [8.07 p.m.]: As discussed and agreed to earlier, my contribution to this debate will be brief. However, that does not mean that this will be the end of my remarks: I will be making a contribution to discussion in the future on this legislation. The shadow Minister for Planning and Infrastructure announced today that the Opposition will not support the Planning Bill 2013 in its current form. Labor very strongly believes in a planning regime that properly balances economic activity, environmental protections and

community participation. Unfortunately, we do not think the bill in its current form strikes that balance. In addition there are heritage issues on which I will focus and refer briefly to only two matters. It is remarkable and it says a great deal that 5,000 organisations, businesses and communities in the State have made submissions on this legislation.

Mr Brad Hazzard: It is also testament to the Department of Planning and Infrastructure reaching out to the community.

Mrs BARBARA PERRY: It does reflect important consultation, but many of those submissions also reflect a great deal of community concern. In that regard, I acknowledge the work of the Better Planning Network. The objects of the legislation do not sufficiently cover heritage issues, although it has been amended to include Aboriginal heritage. When considering heritage issues it is necessary to identify ways of protecting, conserving and managing culture, including the Aboriginal heritage of New South Wales.

Two aspects of the provisions dealing with heritage concern me. Although the Heritage Council will have a role, it is curtailed to a great extent. If the council is not able to come to a decision within a certain time frame—and it is not clear what that time frame is because it is yet to be addressed in the regulations—its advice will not be considered and the decision-making will be referred to the one-stop shop—effectively, the director general. As the Minister knows, the Heritage Council has achieved some good outcomes in this State and it is not often that development applications are rejected. Discussions take place, but sometimes it takes a long time to arrive at the best outcome for everyone in the community.

Throughout the legislation it is stated that code assessments will be undertaken in urban growth areas. However, the legislation also allows councils to determine whether they want to elect to have code assessments. One cannot code assess heritage items, archaeological items, or Aboriginal cultural heritage. Not everything is suitable for a code assessment. The Opposition believes that all heritage matters should be merit assessed. That is a fundamental flaw in the planning legislation and one that, as the Hon. Luke Foley said, means it needs extensive amendment. It is a matter that should be considered. I have drawn the Minister's attention to some serious issues and I hope that he will address them.

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [8.12 p.m.], in reply: I thank all members who have taken part in what I consider to be one of the most historic debates that will take place in this House in this term of Parliament on the Planning Bill 2013 and the Planning Administration Bill 2013. I thank the members representing the electorates of Port Stephens, Heffron, Hawkesbury, Bankstown, Monaro, Fairfield, Northern Tablelands, Wollongong, Tweed, Sydney, Lakemba, Mulgoa, Cessnock, Pittwater, Lake Macquarie, Maroubra, Kiama, Keira, Penrith, Balmain and Auburn.

There is nothing more significant to this State than getting the planning system right. It has been a long, arduous, challenging and ultimately enjoyable process for each of the parties that have taken part in that process and it has involved an extensive 2½ years of consultation, which has followed classic Westminster processes. Firstly, we commenced with discussions around the State, and I again thank Tim Moore and Ron Dyer—a former Liberal Minister and a former Labor Minister—who conveyed the message that the Government was prepared to listen to what the community wanted in a new planning system.

We had just left the dark days of a Labor Government that had unfortunately become a little too intertwined in some of the planning processes—particularly part 3A—and as a result some of its members had become beneficiaries. The community had lost confidence, and it was important that the Government restored it. Tim Moore and Ron Dyer produced a discussion paper that led to a green paper that set out what the Government believed were the issues. There were approximately 1,200 submissions on the green paper and they led to further arduous consideration of what should be in the white paper and the draft bill. It was not done lightly but with gravitas and every issue raised received due consideration. A white paper and a draft bill were produced in July this year.

A number of Labor speakers said that the Government was rushing this bill through the House. A casual reader would assume that, like the former Government, it was not complying with the standing orders. That is not true. Standing Order 188 (10) makes it clear that:

The mover shall ask the speaker to fix the resumption of the debate as an order of the day for a future day which should be at least five clear days ahead.

The revised bill was tabled on 22 October—that is, seven years ago. So the Government has given more notice than Labor would give and more than is required under the standing orders. I note that it is almost 8.15 p.m. I will therefore move that the debate be adjourned and that we resume it tomorrow, at which time I will conclude my reply. That is the appropriate course to take.

Mr Greg Piper: Oh Brad, come on!

Mr BRAD HAZZARD: No, it is appropriate. My reply is significant because it addresses a number of the issues raised by members and they deserve to have their concerns addressed. The fact that the House has agreed to adjourn for private members' statements and to deal with the matter of public importance this evening is significant. This debate has revealed confusion on the part of some members with regard to the changes that have been made since the draft bill was put on exhibition in July. I lay on the table the summary of bill changes that has been made available in the past week by the Department of Planning to an extensive group of stakeholders. I ask members to scrutinise this document, particularly those who will be dealing with it in the upper House. I thank members for their contributions to the debate to this point and I look forward to continuing my response tomorrow.

Pursuant to resolution business interrupted and set down as an order of the day for a future day.

ACTING-SPEAKER (Mr Lee Evans): Order! It being 8.15 p.m., the House will now consider private members' statements.

PRIVATE MEMBERS' STATEMENTS

TRIBUTE TO REBECCA GALEA

Ms TANIA MIHAILUK (Bankstown) [8.15 p.m.]: Tonight I advise the House of the tragic passing of Rebecca Galea, who sadly lost her long battle with cancer at home on 16 October 2013. She was 38 years old and well known for the important contribution she made to the Bankstown community. Rebecca grew up in Riverwood with her parents, Lucy and Sam, and her older brothers, Matthew and Louis. Rebecca attended Beverley Hills Girls High School and in the late 1990s travelled to England on a working holiday. In England she met her loving husband, Kiley Thorndyke. Rebecca returned to Australia with Kiley and they settled in Coniston, near Wollongong. In 2001 Rebecca and Kiley were married and shortly after welcomed Mia, their first child, into the world. They had two more children, Jarvis and Lola. Rebecca always wanted the best for her young children, whom she loved dearly.

For 13 years Rebecca was a source of inspiration and positivity for those who were lucky enough to work with her during her tenure as the executive officer of Bankstown Community Resource Group, known locally as BCRG. During her time with that organisation, Rebecca was dedicated to enhancing the lives of members of the Bankstown community. She was extraordinarily passionate about the services her organisation provided to local children and families. Her management style was philosophical and intellectual and she demonstrated great care for and interest in the community services sector, which gained her immense respect within the broader Bankstown community. As executive officer, Rebecca was a vocal advocate for the importance of promoting the valuable role that smaller not-for-profit organisations can play in the community services sector. Under her management the Bankstown Community Resources Group was innovative in several community service sectors, including the early childhood sector.

Rebecca was instrumental in the development and implementation of the Training, Interaction and Literacy program for childcare professionals in Bankstown. This program was recognised with the ZEST award in 2013 for being an exceptional project in a not-for-profit organisation. The ZEST Awards honour innovative and creative community sector employees who demonstrate leadership and capacity building within the community service sector of greater Western Sydney. The award was a great honour that highlighted Rebecca's invaluable community work. At any opportunity, Rebecca aimed to support children and families, and her passion for her field of employment was obvious to anyone who knew her.

Rebecca valued education highly and taught community services at St George TAFE for a number of years. Rebecca also graduated with a Masters of Management in Community and Not-for-Profit Management from the University of Technology, Sydney. Anybody who came into contact with Rebecca will attest to the fact

that she definitely saw the best in people and always had a positive mindset. She was known and respected for her goodwill and spirit. Sadly, in the past 12 months Rebecca spent an extended period at St Vincent's Hospital, including during Christmas and on New Year's Eve. In July this year when Rebecca was being discharged from hospital all the doctors, nurses and patients from the intensive care unit gave her a standing ovation—such was the love everyone who met her felt for her. Her strength and fight, and the fact that she rarely complained about her pain, became a source of inspiration for all those who came across her. I am told that these qualities were very humbling and she left a long-lasting impression.

I was lucky enough to become acquainted with Rebecca initially when I was Mayor of Bankstown. I remember her warmth and passion for the community service sector. She had a genuine desire to do good and to leave the world a better place than she found it. Rebecca leaves behind a legacy of which her family, friends and colleagues should be very proud. On behalf of Bankstown and this place, I pass on my sincerest condolences to Rebecca's young family and hope that during this difficult time her passion for helping others and the happiness she brought to those around her give them solace and comfort. Rebecca truly was a remarkable woman and her passing is an enormous loss to Bankstown and the broader community. Vale Rebecca Galea.

MYALL LAKES COMMUNITY AWARDS

Mr STEPHEN BROMHEAD (Myall Lakes) [8.20 p.m.]: I inform the House of the 2013 Myall Lakes Community Awards that were presented last Saturday at a fabulous event at Club Taree. More than 300 people attended to see the nominees and overall winners in six different categories. The Myall Lakes Young Person of the Year winner was Amani Jenson-Bentley from Taree High School. She has been a proactive and empathetic member of Taree High School's Student Representative Council for three years. In 2012 Amani received a prize for youth leadership and proficiency at Taree High School and in 2014 was school vice-captain. In the wider community, Amani is a member of the Great Lakes Agency for Peace and Development, and was selected as one of 50 young women from across New South Wales and Victoria to attend a course at the Young Women's Leadership Academy at the University of Sydney. She is also the driving force behind the Vampire Shield—now called the Youth Blood Ambassadors—which is a competition between local schools to increase blood donations to the Red Cross. For three years Amani participated in World Vision's 40 Hour Famine and was team leader at Taree High School for this charity event.

The Myall Lakes Senior Person of the Year winner was Grahame Burns. He has been involved in the community for many years, including in the Relay For Life for the past five years, and is the 2013 Organising Committee chair for that event. Since 2006 Grahame has been an active board member of the Cape Hawke Community Hospital. He is also a member of the Management Committee of the Forster Tuncurry Community College, secretary and member of four of its seven subcommittees. He is involved also in the Forster District Combined Probus Club, of which he is a foundation member and has been active for the past 14 years. The Myall Lakes Junior Sports Person of the Year was Molly Arens. Molly is in year 6 at Old Bar Public School and during 2013 won selection in five Hunter Regional Primary School Sports Association [PSSA] sporting teams—swimming, cross country, cricket, touch football and soccer.

In 2013 Molly was elected by her teammates to captain the New South Wales Primary School Sports Association girls soccer team, which competed at the National Championships in Brisbane and won a silver medal. She is a reserve for the New South Wales Primary School Sports Association Girls Touch Football team, has been a member of the 2013 under 13s Emerging Jets Girls Soccer team, and a member of the Northern New South Wales Football Centre of Excellence program where she represented at State level in 2013. Molly also has broken several longstanding records and won medals at the State and Country Surf Life Saving titles as well as being actively involved in her school. The Myall Lakes Sports Person of the Year was Bryan Warren. In 2011 Bryan represented New South Wales All Schools in the under 15 championships; in 2012 and 2013 represented the Hunter region in the New South Wales Combined High Schools [CHS] sides; toured the United Kingdom as part of the Combined High Schools team; represented Manning, Mid North Coast and North Coast in all junior grades, plus Colts and First Grade in the 2012-13 season; won the under 14s Kookaburra Cup in a team that went on to win the State Shield; won player of the match awards at carnivals in under 12, 13, 14, 15, 16 and 17 teams; and won Saxby's Player of the Year Award for 2010-11 and 2011-12 and the under 16s representative team in 2010-11. Bryan has played senior cricket since age 14 achieving many accolades, as well as being involved in surf lifesaving and cross-country running, being goalie for Wallis Lakes soccer team and winning other sporting achievements.

The Myall Lakes Community Group of the Year was Manning Support Services Incorporated, which has provided a wide range of services to the Manning, Great Lakes, Gloucester and Hastings areas for more than

25 years. This not-for-profit organisation relies on the support of volunteers and a small team of staff to provide the following services: no interest loans scheme, Neighbourhood Aid programs, respite options, Community Visitors Scheme, Men and Family Relationship Services, and home safety visits. In 2012 the organisation received a State Award for Excellence in Volunteer Management. The Myall Lakes Citizen of the Year was Neita Middlemiss of Tinonee. Neita has been involved with the Red Cross for 70 years, holding all positions, including president, secretary and treasurer. Neita opens her home for fundraising, makes Trauma teddies for sick children in hospitals and bonnets for Manning Base Hospital premature babies. She still sells raffle tickets outside the Tinonee General Store.

The New South Wales Local Woman of the Year Award was won by Jeanette Holland for her involvement in all community aspects throughout her life, including Quota club. Another finalist was Lea Young, who received the following day the Grand Friend of the Year Award in the Grandparents Day Awards. Lea is a tremendous lady who is very much involved in the community in all areas, including local arts, volunteers, schools and helping children. For three hours on three days a week and for one full day Lea looks after children at local schools fulfilling the role of nanna for them. I commend all those people and the Myall Lakes Community Awards.

ALBURY ELECTORATE RUGBY

Mr GREG APLIN (Albury) [8.25 p.m.]: Rugby league and rugby union are on the warpath in Albury, looking to ascend their codes in this traditionally Australian Rules region. The contest to determine who gains the upper hand will be fought out next year in Albury. On 29 September the grand final of the Group 9 Rugby League competition was won by Albury Thunder—only the fourth time a team has won back-to-back premierships. Albury Thunder defeated Gundagai Tigers by 30 points to 20, fighting from 16-8 down after the first 30 minutes of play. It was a hard-fought match, with Albury scoring its first try just four minutes into the game, only to have it matched by Gundagai at the eight-minute mark. It was classic grand final grandeur and passion. A large number of Thunder fans made the trek from Albury to Wagga Wagga to watch the game and cheer on their side. Thunder supporters were a sea of green, from clothing to crazy wigs. Thunder coach Josh Cale was quoted in the *Border Mail* as saying:

We put good structures in place with a good coach, good committee and good volunteers and it's paid off. Days like today aren't easy on the blood pressure or on the heart, but I will tell you what, they are a great reward for all of our supporters and everyone involved.

Former English Superleague player Shaun Ainscough, now settled in Australia and playing Group 9 with South City Bulls, brings an international perspective to the competition. He said:

The standard of Group 9 surprised me, coming from England. It is a real forwards game here and there are a lot of good players, particularly at the stronger clubs.

Three weeks before the local grand final Albury hosted a visit by Dave Smith, Chief Executive Officer of the National Rugby League; Wayne Pearce, Australian Rugby League Commissioner; Terry Quinn from Country Rugby League; and other key staff of the National Rugby League. The success of Albury Thunder—and its growing profile throughout the region—had reached the ears of Sydney officials and the time had come for players to see for themselves what had been developing on the border. Talks were held with a view to making Albury a centre for regional development of rugby league. Albury City Council staff took the visitors on a tour of local sporting grounds, including open-space facilities in west Albury, which can cater for the burgeoning growth of league among women and youth; Sarvaas Park in north Albury, which fulfils a prime role for junior rugby league; Greenfield Park, which can be developed to cater for medium-size high-level competition; and Lavington Sports Ground, which is of a standard to hold National Rugby League fixtures. The council stated:

The visit was also an opportunity for Albury City to establish new relationships at the highest NRL/ARL level as well as cement our strong contacts with CRL on a regional and state platform. Agreement was reached that Albury City and the ARL, NRL and CRL would work towards signing off on a Strategic Plan for League in Albury. A draft of the Strategic Plan has been cooperatively developed and needs only minor refinement prior to agreement from all parties. The Strategic Plan addresses the key issues of planning for the sport's growth, infrastructure development and events.

Rugby League legend Wayne Pearce identified the challenge. He stated:

There has been enormous growth in rugby league down here in recent years and we have come down to see how they do it. What we have found at the Thunder is a group of people who are really passionate about the game and quite focused in their targeting of young kids. But one of the challenges is being able to find the space for these kids to play league.

In particular, we are keen to see regular home-and-away National Rugby League fixtures and trial games played at our first-class ovals, a development officer working with local schools, and the creation of additional playing grounds. Councillors and other local representatives made it clear that Albury is open to a serious expansion of rugby league. But interests do not lie solely with league. The local rugby union team, the Steamers, are the Southern Inland Rugby Union champions this year after defeating the Wagga Waratahs 41-7 in a grand final demolition. Last week it was announced that Albury will host a rugby union trial game on 1 February between the NSW Waratahs and the Melbourne Rebels. Less than a month from the season opening, this Super-15 twilight fixture will feature full-strength teams, including as many as 13 Wallabies. We are hoping to see rugby stars such as Kurtley Beale, Scott Higginbotham and Israel Folau on the paddock. It comes as no surprise that on the day we anticipate a crowd that will exceed 6,000 people.

Both rugby codes are on the move and have tremendous plans to expand in the Albury region, and this delights local football players and sports fans right across the border. I acknowledge the commitment of State administrators and local committees headed by Justin Clancy, Steamers President, and Rick O'Connell, Albury Thunder President. Thank you also to the sports stars, the clubs and to Ros Walls and James Jenkins of Albury City for bringing these exciting plans to life. It will be a big year for football on the border.

Mr TROY GRANT (Dubbo—Parliamentary Secretary) [8.30 p.m.]: I commend the member for Albury for bringing the exciting news of the growth of rugby league and rugby union to the attention of the House. I was travelling on the day of the Group 9 grand final and thoroughly enjoyed listening to the coverage on ABC *Grandstand*. The enthusiasm and passion of supporters was evident, particularly from the Gundagai community, whose heart and soul is in rugby league. I was impressed by the words of Mike Eden, who spoke eloquently, as did the member for Albury, about the intense passion and enormous growth that the member for Albury has articulated today. It is great to see that, with the member's support, the Albury community is moving forward. His dedication and support of rugby league, rugby union and sport in general only brings good news for the future of sport. Congratulations to the member for Albury.

SUTHERLAND SHIRE COUNCIL DRAFT LOCAL ENVIRONMENTAL PLAN

Mr BARRY COLLIER (Miranda) [8.31 p.m.]: With the Liberal-controlled Sutherland Shire Council forcing through widespread rezonings, doubling building heights and increasing densities, overdevelopment is rearing its ugly head across the shire. There can be no doubt that overdevelopment was a major reason for the result in the Miranda by-election. The Premier acknowledged this when he linked overdevelopment with voter anger over what he politely called "the activities around the council". The voters in Miranda were not just angry. They were, and remain, absolutely outraged at the extremely serious allegations of favours and special treatment being given by the Liberal-controlled council to developers and those with Liberal Party connections. To these, we add revelations of a windfall, worth millions of dollars, to a serving Liberal councillor after his Cronulla property was rezoned by the Liberal-dominated council. Indeed, this was only one of the 75 changes to the local environmental plan forced through council on 29 July by the then Mayor Kent Johns with the support of his Liberal colleagues—and with little more than one hour's notice given to Labor and Independent councillors.

Into this mix we must add the sacking of the independent council ombudsman and the chief council planner, and allegations of undue pressure on council staff by then Mayor Kent Johns. This is the context in which the council compiled the new draft shire local environmental plan, now on public exhibition until 1 November. The new draft local environmental plan must be scrapped and we must begin all over again. Unless we begin with a clean sheet, shire residents cannot have any confidence that this local environmental plan is not tainted by the serious allegations levelled at the Liberal-controlled council. My constituents must be 100 per cent confident that the local environmental plan process is above board, is totally transparent from beginning to end, and is not infected by the virus of corruption, actual or perceived.

The new mayor and long-serving councillor, Steve Simpson, has rejected calls to scrap the draft local environmental plan and begin again. While he is now doing a Pontius Pilate, he was the major supporter of the dozens of rezoning changes that were announced by Mayor Kent Johns in his extraordinary mayoral minute of 29 July. Councillor Simpson now says he wants the community to have a say about the draft local environmental plan. But the sacking of the council ombudsman and the chief planner, as well as the appointment of hand-picked individuals to the council's planning panels, is evidence that the community has had no real say in the formulation of the draft local environmental plan. The preparation of the draft local environmental plan has lacked the independent scrutiny and transparency that we as a community have a right to expect. We have no choice but to start again. To Mayor Simpson, I say: Do not underestimate the importance of the local environmental plan. The future of our shire is at stake here. We must have a say and we must get it right from the very beginning, for the sake of our children and our grandchildren.

The Minister for Planning and Infrastructure has vowed to have his departmental staff look at the tainted plan "to make sure whatever is in there should be there". But my constituents are concerned about the planning commission and/or departmental officers tinkering around the edges and deciding what they will keep in, without considering the 1,900 objections to the local environmental plan and without thorough community consultation. The Minister for Local Government has launched an inquiry into the council. It is clear that those decisions regarding rezoning, and those which financially benefited Liberal councillors or allegedly favoured those with Liberal connections, were not taken by one councillor alone. The Liberal councillors must bear full responsibility for those seemingly tainted decisions. Along with the rest of the shire, I am sure that both Ministers will immediately refer any information or evidence they receive regarding these serious allegations to the Independent Commission Against Corruption.

There is a widespread view across the shire that, in light of these allegations, the council should be sacked. The Minister for Local Government has the power to do so. He can at least suspend the council and appoint an administrator, pending the outcome of an inquiry by the Independent Commission Against Corruption. While that inquiry goes on, the council's professional staff can proceed with formulating a new, transparent local environmental plan for our shire without interference or pressure from elected councillors.

BLUE MOUNTAINS BUSHFIRES

Mrs ROZA SAGE (Blue Mountains) [8.36 p.m.]: The date 17 October 2013 will be etched in the collective memory of the people of the Blue Mountains. Within the space of three hours 202 homes were lost and many more were damaged during the worst bushfire event experience in the living memory by those who reside in the Blue Mountains. Residents of the Blue Mountains expect to experience bushfires but none expected the recent fire to have such speed and ferocity. The reaction and resilience of the community was a testament to the many Rural Fire Service community meetings that prepared it for these circumstances. Multiple fires were burning at the same time. The State Mine fire, which started at Lithgow, spread to the most western part of my electorate and destroyed two homes at Mount Irvine. To date, this monster fire has burned an area of approximately 50,000 hectares. Although it is now controlled, it still burns.

There were other separate fires. One started at Mount York Road, Mount Victoria, which is the area where earlier this year we farewelled the bicentenary crossings re-enactment team off the mountains. Seven homes were destroyed. In the lower mountains, a separate fire caused the greatest damage when 193 homes were lost. Much property was destroyed, but by the grace of God no lives were lost. These fires have devastated a community that experienced a large bushfire in the same area six weeks ago. The local Rural Fire Service brigades worked frantically as a fire tore through Springwood, Winmalee and Yellow Rock. Unfortunately, strong winds and hot weather caused the fire to spot in several locations with great speed and intense ferocity. People were evacuated to the Springwood Sports Club and the schools were in lockdown. Manager Sue Ball embraced the situation and the club provided shelter and free food at great expense to its takings. Camp beds were set up in the club and those without accommodation slept in safety. The evacuation centre was used for more than a week, as waves of people were evacuated as the fire progressed to different locations.

When I arrived at the sports club I saw a friend of mine who was barely recognisable from the soot and ash. He had lost his house. Time and time again I saw friends and acquaintances who had lost their homes and, sadly, their pets. That night there were a lot of tears, a lot of hugs and silent prayers. The local disaster welfare services teams went into action. Teams from Red Cross and Anglicare, led by Heather Gwillam, quickly assembled to register victims and do what they do so well—comfort the grieving. Soon many of the agencies were on site to look after the evacuees. David Gosling of the local Family and Community Services office was in charge of the evacuation centre, with teams from St John Ambulance, NSW Disaster Recovery Chaplaincy Network, RSPCA, Seventh Day Adventist Emergency Accommodation and NSW Government Disaster Welfare Services on hand.

By Thursday evening, when it was safe, schoolchildren were bussed to the sports club, where hundreds of them from five different schools congregated on the bowling greens. It was a chaotic scene, but it was organised chaos. The teachers did a marvellous job of looking after their precious charges. All the while firefighters from the Rural Fire Service, Fire and Rescue NSW and National Parks were valiantly fighting the flames. The premises of the Winmalee Rural Fire Brigade were used as the operations centre, with trucks and tankers from the Blue Mountains and other areas screaming out to various locations. Police controlled traffic and set-up road blocks to safeguard frightened residents. I can only describe the scene that night as frantic and adrenaline charged.

As the emergency progressed I regularly attended the operations centre at Winmalee, and later at Faulconbridge Rural Fire Service, to see firsthand the magnificent effort of our fireys. Unfortunately, I could only see the lower Mountains operations. But District Manager David Jones and a large team controlled the operations for the entire area from the Katoomba Bush Fire Centre. Our local brigade members and many interstate and out-of-area agencies performed above and beyond what was required of them. We are eternally grateful to them. It is said that adversity brings out the best in people, and I concur. The Blue Mountains community and all members of the various agencies pulled together magnificently in true Aussie spirit in the Blue Mountains. The recovery and rebuild has now started.

Mr TROY GRANT (Dubbo—Parliamentary Secretary) [8.41 p.m.]: I thank the member for Blue Mountains for articulating the experience of the wider Australian community in describing the devastating fires in her electorate. Members on both sides of the House have spoken of the admiration we hold for those services that combined so brilliantly to offer assistance. We are in awe of how the community she represents has banded together in such devastating times. On behalf of the Government I commend the member for Blue Mountains for standing shoulder to shoulder with her community and for supporting them through this most difficult time. The member facilitated a significant State response and assistance from the Premier, the Treasurer and the Minister for Finance and Services to provide whatever relief we can in addition to the significant response from the emergency services. I am sure that the people of the Blue Mountains will bounce back.

LITTLE WINGS CHARITY ORGANISATION

Mrs TANYA DAVIES (Mulgoa) [8.42 p.m.]: I am pleased to update the House on the growth and achievement of Little Wings. This charity was established in 2012 by Kevin Robinson in my electorate of Mulgoa. I first informed the House about Little Wings on 28 February. On that occasion I spoke proudly of the immense benefits that this service is providing to families with seriously ill children in rural and regional New South Wales. As many members know, Little Wings provides a free flight service and transportation for seriously ill children in rural and regional New South Wales who are undergoing treatment at the Children's Hospital at Westmead. The benefits of this service are profound, and include reducing travel fatigue, increasing the time families have with each other when the prognosis is not good, improving treatment responses, lessening the financial burden on families, and assisting children to maintain as normal a childhood as possible since they can return to their communities faster after treatments.

Kevin Robinson has worked tirelessly and feverishly to establish this charity to help these families. What began as an idea to be pursued on weekends soon grew into an all-encompassing passion when the scale of the need was realised. Each year between 50 and 60 children in rural and regional New South Wales are affected by serious illness and their treatments can continue for well over 18 months. The weekend idea has become a seven-day-a-week operation. But finances are tight. To date, Kevin Robinson has personally funded a significant amount of the operating costs but to ensure the sustainability of the charity he has been pursuing sponsors. I am pleased to announce that the following organisations have provided support: Commonwealth Bank Community Grant, \$9,600; Australian Medical Association, \$16,000; ClubsNSW, \$10,000; SITA Australian Community Grant, \$5,000; James N. Kirby Foundation, \$10,000; Knappick Foundation, \$10,000; and Midea Air, \$10,000. Hyundai Australia has donated an eight-seat iMax People Mover worth \$50,000, and another grant of \$10,000 will be formally announced this Friday.

Little Wings has been successful in establishing the service, but operating funding is still significantly less than required to complete the 180 flights it has scheduled for the next 12 months. Hyundai Australia is considering sponsoring the Little Wings flight program for 12 months, which would commence on 1 January 2014. I thank Hyundai Australia for its genuine consideration of this sponsorship and urge our communities to respond by buying a Hyundai. Little Wings second eight-seat pressurised aircraft will be online by the middle of November. This will allow Little Wings to move two to three families on one flight, which will significantly increase efficiency and cost-effectiveness. Most families can only purchase full fare tickets because of the unpredictable nature of their child's condition. Six tickets at full fare for the typical flights currently undertaken would be approximately \$2,700. The Little Wings cost for six people, based on the three destinations of Tamworth, Armidale, Coffs Harbour, would be \$1,500.

Little Wings is in the process of discussing a memorandum of understanding with the Sydney Children's Hospital Network to create a formal relationship and establish operating procedures that meet the obligations of the network, its patients and Little Wings. In addition to its two primary aircraft, Little Wings has two additional privately owned back-up support aircraft available. Little Wings is now looking for additional suitably experienced pilots who meet the safety criteria and can pilot those two aircraft on a weekly roster. On Friday

25 October I was joined by members presenting the electorates of Menai, Campbelltown, and Heathcote, and the Federal member for Hughes, Craig Kelly, to announce that SITA had selected Little Wings as its first community grant recipient. With SITA Managing Director Eric Gernat and an audience of close to 150 people, we heard the story of Little Wings and the personal story of mum Emma Coombes from north-west New South Wales.

In June this year Patrick, Emma's six-year old son—who features in this photograph with Emma—was diagnosed with a malignant brain cancer. Emma spoke of the tangible benefits that Little Wings has provided. They have been able to return home each weekend to ride motorbikes on the farm and fish with dad. Patrick has been able to see his school friends, if only for a few hours each week. Emma said, "Little Wings enables us to have a little bit of a normal life". If it was not for Little Wings, six-year-old Patrick could not cope with the 11-hour drive home each weekend. Without it they would be permanently in Sydney and permanently separated from his dad and little sister. Many more families need the service of Little Wings. I thank the Hon. Melinda Pavey, the Parliamentary Secretary for Regional Health, for her enthusiasm and involvement. I look forward to working with her to see more families provided with this essential service. I again congratulate Kevin Robinson on his tireless efforts. I look forward to announcing further sponsorship and arrangements to support Little Wings in the coming months and years ahead.

Private members' statements concluded.

SYDNEY OPERA HOUSE FORTIETH ANNIVERSARY

Matter of Public Importance

Mr BRUCE NOTLEY-SMITH (Coogee) [8.48 p.m.]: I ask the House to recognise and celebrate the fortieth anniversary of the Sydney Opera House. This is a matter of public importance because the Opera House, along with the Sydney Harbour Bridge and Sydney Tower, is one of the most iconic images on the city skyline. It is also one of the most iconic images of Australia, and is arguably our most popular tourist attraction. When people abroad are asked to name an Australian building, invariably they nominate the Sydney Opera House. The architectural wonder that is the Opera House has become a critical and important part of Australia's cultural identity and international brand. It is one of 19 sites in Australia on the UNESCO World Heritage list, and one of our three cultural or man-made sites. Visitors to Sydney from around Australia and internationally flock to the Opera House in great numbers. Around 8.2 million people visit the site each year, including hundreds of thousands of people who take guided tours of its many facilities.

It is also one of the busiest performing arts facilities in the world. In 2011 around 1.4 million people attended 1,808 performances at the Opera House. Many of the world's finest performers have entertained and moved audiences there. The Opera House also makes a very significant contribution to the New South Wales economy. It is one of the most valuable built assets of the New South Wales Government. It was recently valued at \$2.1 billion. In 2012-13 it was responsible for an estimated \$640 million in tourism income. The New South Wales Government is looking ahead to how the Opera House can be maintained and nurtured for the future. To do this, the Government has committed \$13.7 million of funding in 2014-15 to develop a master plan for the building and site. The Government has also provided over \$150 million towards the vehicle access and pedestrian safety project at the Opera House. This project involved the remediation of existing roads surrounding the site; excavation of a new access road and loading dock; and the diversion of the Bennelong Drain, the stormwater drain which services parts of the central business district and runs across the site. It was the largest construction project undertaken there since the opening of the Opera House itself.

I remember as a 10-year-old having a day off school, a sick day, on the day that the opening of the Opera House took place. It was televised live. My mother had a Coogee Public School ladies auxiliary meeting at the house on that day and we all sat around watching the television. We were in awe at finally seeing the opening ceremony for this iconic building. Many people of my vintage—and I am sure this applies to the member for Mount Druitt—would remember how long it took to complete the building of the Opera House. It took many more years and many more millions of dollars than was anticipated. But nobody now regrets the time that we waited or the money that we spent. I think it was one of the first times that a lottery was held to pay for the building. The Opera House lottery was one of the most heavily subscribed in New South Wales. I have great memories of watching the opening of that building. Sydney is a comparatively small city on the world stage, and for Sydney to undertake such an ambitious exercise in the 1950s and see it come to fruition in 1973 was something to be admired. All Australians cherish this building, as indeed do many people around the world. I say happy birthday to the Sydney Opera House. It does not look its 40 years. With the money that this Government is putting in to maintain it, it is going to be around for many more years to come.

Mr RICHARD AMERY (Mount Druitt) [8.53 p.m.]: I support all of the comments made by the member for Coogee in relation to the matter of public importance commemorating the fortieth anniversary of the opening of the Sydney Opera House. As the member for Coogee indicated, this is one of the iconic buildings of Sydney and indeed Australia. It is known throughout the world as a building which is identified with Australia. It is very much part of our nationhood. I think all of us feel proud when we see the Opera House on a postcard, a letter or broadcast on television—as we are proud of that other iconic Sydney structure, the Sydney Harbour Bridge. As a Sydneysider I am certainly very proud of it.

It would be remiss of me not to acknowledge the contribution of the then Labor Premier, Joe Cahill. His decision in the early 1950s that Sydney should have an Opera House built not only for the Sydney of the 1950s but also for hundreds of years to come was visionary, particularly given the type of society Sydney was at that time. We should all take pride in the celebrations to mark this anniversary, and I note the presence of our very own Princess Mary of Denmark at the celebrations the other day. I stand here today as a Labor member of Parliament. All Labor members of Parliament and our supporters should take pride in the fact that this iconic building—and its subsequent impact on Sydney and the world—resulted from a visionary project of Premier Joe Cahill and the Labor Government of the 1950s, which stayed in office until 1965.

Despite many criticisms and political attacks, Premier Cahill persisted with his dream of building an opera house for Sydney. He called for an international design competition. The winner was Jørn Utzon from Denmark. Like all great projects and all visionary ideas, the Opera House, Jørn Utzon and the Labor Government were subject to ignorant and populist criticism. This resulted in the resignation of Utzon in 1966, not long after the election of the Askin Government in 1965. The history of this building of course dates back more than 40 years—it is probably close to 60 years ago that the idea was first mooted. The sad irony is that Joe Cahill, the visionary Premier who wanted the Opera House built, died in office—I think in this very Chamber—in 1959, only a short time after construction of the Opera House commenced.

Throughout the early 1960s as the building started to take shape, as the frame was emerging and the concrete was being poured, the project and Utzon himself were subject to a lot of criticism—as one can imagine when one hears debates today—about delays and cost blow-outs. How often do we hear that today? Who now would say that we should not have the Opera House because its construction ran over time and over budget? Of course that was a long time ago. Then Premier Askin was a strong critic of the project. He was the Premier when the building was opened by her Majesty Queen Elizabeth II in 1973. As the member for Coogee said, this is but part of the history. I have referred to the period prior to the official opening 40 years ago and how the Opera House project actually started.

The story of the Opera House lottery itself, referred to by the member for Coogee, is another interesting part of the history. Of course everybody wanted to win the Opera House lottery. The kidnapping and murder of Graeme Thorne was a tragic side effect of the publicity given to that particular lottery in the early 1960s. I was only a young boy at the time but I remember reading details of what was a very rare occurrence at that particular time. The Opera House is known around the world and by all Australians. Anyone recognises the Opera House even if they catch just a glimpse of it, see its shadow on the ocean or its silhouette with the sun shining behind it. It is Sydney's own and Australia's own. It is a building that attracts attention. It has a great history and is part of Australia's history.

Mr JONATHAN O'DEA (Davidson) [8.58 p.m.]: The Sydney Opera House is widely regarded as a world-class performing arts centre, as well as a symbol of both Sydney and Australia. The Opera House was inscribed on the World Heritage list in June 2007. The expert evaluation report at the time stated that, "It stands by itself as one of the indisputable masterpieces of human creativity not only in the twentieth century but in the history of humankind". Jørn Utzon received the Pritzker Architecture Prize in 2003, which is the highest honour in architecture. The citation for the prize read:

There is no doubt that the Sydney Opera House is his masterpiece. It is one of the great iconic buildings of the 20th century, an image of great beauty that has become known throughout the world—a symbol for not only a city, but a whole country and continent.

I have inspected one of the three original models that is now in the keeping of architect Owen Haviland, whose grandfather was the chairman of the Opera House Committee. A distinguished public servant, "Silent" Stan Haviland was also on the judging committee that chose Utzon's design, which was based on a sphere and inspired by an orange. The peeled segments of the orange were ultimately transformed into a magical set of sails on our magnificent Sydney Harbour.

As part of the fortieth anniversary celebrations, many special events have commemorated the official opening by Queen Elizabeth II in 1973 that was accompanied by fireworks and strains of Beethoven. My mother and father recall fond memories of being there that day when my father was the mayor of North Sydney. Since 1973 the Sydney Opera House has played host to more than 70,000 performances that have been attended by more than 65 million people. It is obviously a major cultural tourism asset. It generates \$775 million annually for the Australian economy and attracts around 8.2 million people each year. It is appropriate to formally recognise a wonderful 40 years for what has become a critical part of our cultural identity and international brand. Happy birthday, Sydney Opera House.

Mr BRUCE NOTLEY-SMITH (Coogee) [9.01 p.m.], by concurrence, in reply: I thank the member for Mount Druitt and the member for Davidson for their contributions to the debate. The member for Mount Druitt said that the Opera House truly was a visionary scheme when it was first conceived in the 1950s. Some will remember the Fort Macquarie Tram Depot that was built on Bennelong Point in 1901. On the site of the old Fort Macquarie, the depot was constructed in a faux fort style and had battlements and castellated walls. These days it would probably have a heritage listing slapped on it and we would now not be able to build the Sydney Opera House. It was indeed visionary to bulldoze that and put in its place a building that would celebrate the cultural diversity of this city. When the Opera House was placed on the United Nations Educational, Scientific and Cultural Organization [UNESCO] World Heritage List, that organisation stated:

The Sydney Opera House constitutes a masterpiece of 20th century architecture. Its significance is based on its unparalleled design and construction; its exceptional engineering achievements and technological innovation and its position as a world-famous icon of architecture. It is a daring and visionary experiment that has had an enduring influence on the emergent architecture of the late 20th century.

During the past week Crown Prince Frederik and Princess Mary travelled all the way from Denmark to attend celebrations to help us mark this important occasion. Mr Acting-Speaker, I know you are much younger than 40 so you would not appreciate the significance of such a milestone but Sydney, Australia and indeed the world were delighted to celebrate forty fantastic years of one of the most iconic buildings in history. It is a matter of great public importance for this State to celebrate the fortieth anniversary of the opening of the Sydney Opera House.

Discussion concluded.

**The House adjourned, pursuant to resolution, at 9.04 p.m. until
Wednesday 30 October 2013 at 10.00 a.m.**
