

# LEGISLATIVE ASSEMBLY

Tuesday 10 March 2009

**The Speaker (The Hon. George Richard Torbay)** took the chair at 1.00 p.m.

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

## BUSINESS OF THE HOUSE

### Notices of Motions

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

### PRIVATE MEMBERS' STATEMENTS

**Question—That private members' statements be noted—proposed.**

### ROCKDALE ELECTORATE SPORT AND RECREATION FACILITIES

**Mr FRANK SARTOR** (Rockdale) [1.07 p.m.]: I bring to the attention of the House a number of important sport and recreation issues in my electorate. Firstly, I refer to the Barton Park precinct. Recently, together with the Minister for Sport and Recreation, the Hon. Kevin Greene, I have been working with the Department of Lands, Rockdale City Council, Football New South Wales and St George District Athletics Club to come up with a concept that could accommodate both athletics and football by using the current St George Stadium site. The Department of Lands and Rockdale City Council recently exhibited a draft plan of management, which closed on 3 February this year. Currently St George Stadium is in a derelict state. Its playing surface has been maintained; however, the grandstand and supporting infrastructure need major new investment.

The inclusion of an athletics track is essential as currently there is not one in the St George area. School students in my electorate and in neighbouring electorates have to travel to either Homebush or the E. S. Marks field for athletics carnivals. St George District Athletics Club also has to train at venues such as Scarborough Park, and children who attend Little Athletics need to travel to Sylvania because of the lack of facilities. I acknowledge the hard work and dedication of former Olympian Albie Thomas, whose enthusiasm for the project is inspirational. Should this project materialise it would be a big boost not only for the Rockdale electorate but also the wider St George community. As well as seeking to revamp the Barton Park precinct I have been holding talks with the local police and community youth club [PCYC] and Rockdale City Council to look at the possibility of expanding and upgrading the PCYC's current site at Ador Avenue, Rockdale.

The PCYC currently operates a facility in Rockdale; however, the PCYC's proposal includes a significant expansion and involves a leisure centre, basketball courts, a 25-metre swimming pool and three football fields. A new facility would allow the PCYC to expand the services it offers to the local community. In addition to supporting the PCYC's proposal, I have been a strong advocate for a recreation centre in the Arncliffe area to cater for the needs of the many young people in the area. I am pleased to say that Councillor Moselmaine of Rockdale council is also supportive of this initiative. Such a centre not only is needed but also would assist in the reduction and prevention of youth-related crime and antisocial behaviour. On another matter, I congratulate Hector Martinez, who late last year expanded his football academy into Rockdale. Hector has played for Argentina at junior level and for Australia at indoor level. Hector established the Bondi Football Academy in 1998 and has been educating youngsters from the ages of 3 to 18 years in the more intricate skills of the beautiful game. Training sessions run from Monday to Friday and are held at Barton Park, in Bestic Street, Kyeemagh.

Providing sporting and recreation facilities and active sports for young people is, I believe, the most important issue facing my electorate, particularly given some of the antisocial behaviour we are experiencing in parts of the electorate. It is essential that the Government do what it can to support Rockdale council in providing a suite of recreation facilities for young people. The electorate contains a number of swimming pools,

but we also need a significant number of indoor recreation facilities. I commend the Minister for Sport and Recreation for his keen interest in expanding sporting facilities for youth in the St George area, and hope that with his support and that of Rockdale council we can kick a few goals for sport in the St George area.

**Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [1.12 p.m.]: I thank the member for Rockdale for his contribution. It is wonderful to hear him advocate for sporting fields in his electorate and I commend him for his desire to assist his local council. We all know how important it is to engage our youth. The member has highlighted that he would like to see an upgrade to the police and community youth club precinct and that he has been liaising with his local police to expand the local services. This would not only improve youth activities in his electorate but also would go a long way towards combating youth crime by providing an outlet and engaging youth in their community. The member also highlighted that he is a great advocate for supporting the youth in his electorate because he regards that as essential in combating some antisocial behaviour that is being experienced in certain parts of the electorate. I thank the member for bringing these issues to the attention of the House and I wish him well in achieving those funding outcomes. I pay special mention to the St George District Athletics Club for the work it has been doing with the member.

### **HARDEN-MURRUMBURRAH NURSING HOME BEDS**

**Ms KATRINA HODGKINSON** (Burrinjuck) [1.13 p.m.]: I wish to highlight the concerns of the residents of Harden-Murrumburrah about the future of the State-owned nursing home beds that are located at the Murrumburrah Hospital, which is in my electorate of Burrinjuck. In State Labor's disastrous mini-budget of 11 November last year the Premier announced that all of the 586 State-owned nursing home beds in 11 facilities across New South Wales would be transferred to the private sector. Four of these facilities lie within the Greater Southern Area Health Service, one being in the Murrumburrah Hospital. Today I raise the concerns of many residents of Harden-Murrumburrah. I first became aware of the beginning of this transfer process when I received a copy of the consultancy document for legal and advisory services for the State nursing home transfer project.

This tender process closed on 19 February 2009 and should result in the appointment of a legal firm to advise the Department of Health on matters regarding the transfer. After I read the document it became apparent to me that one of the possibilities canvassed was for the sale of the nursing home bed licences to a private service provider, which meant that the nursing home beds would be transferred elsewhere in the State. This is clearly unacceptable because it would involve the loss of jobs and the transfer of elderly residents out of town, away from their families and support groups. It would also put the future of the Murrumburrah Hospital in doubt because of the reduction in potential patient numbers. On 3 February this year I wrote with urgency to the Minister for Health advising him of discussions I had had with the Mayor of Harden Shire, Chris Manchester, and of the concerns that were held about the potential loss of these nursing home beds to the Harden-Murrumburrah area.

I urged the Minister, in the strongest possible terms, to place a caveat on the transfer of the nursing home beds to ensure that they remain permanently at the Murrumburrah Hospital, in the Harden-Murrumburrah district. This is an option allowed for in the transfer project. I also raised this in Parliament last week as a question on notice, but to date I have not received a reply from the Minister, either to my letter or to the question asked. Enter the Greater Southern Area Health Service: The area health service decided it would hold a consultation meeting with members of staff at the hospital and several high-profile community members. One of these was the highly respected Reverend Don Jamieson, who is part of the community visitor scheme associated with the Harden-Murrumburrah Nursing Home. Reverend Jamieson stated in his letter to me:

When questioned by our representatives, these people advised that if a buyer could not be found then the beds would be sold to any aged care provider who cared to buy them at \$45,000.00 each. When asked what would then be done with the building, our representatives were told it would probably be made into a Medical Centre.

With regard to the possibility of elderly residents being transferred to other high-care facilities outside the Harden shire, Reverend Jamieson said:

Making the lives of our older citizens and their family and friends an absolute misery, by having them taken away to other communities for the last days of their lives is not a proper solution. Doing this because the NSW Department of the Treasury and the NSW Department of Health want to save a little on the budget shows a complete and utter lack of basic human compassion and a complete lack of understanding of how to care for the elderly. It is not conscionable. Once again this smacks of city based decision making by Ministers of the Crown who have no understanding of, and no interest in the rural communities of NSW.

Reverend Jamieson's views are supported by many other community members. I have also received correspondence along the same lines from the President of the Harden Shire Community Action Group, Mr John Wade, and from Mrs Robyn Atherton and Mr Brian Dunn, and my office is receiving daily phone calls from the residents of Harden shire who are concerned about the future of the nursing home. These concerns have all arisen subsequent to the meeting with the Greater Southern Area Health Service to which I referred. However, since that meeting my office has been informed by a Greater Southern Area Health Service staff member that alarmist statements about the future of the nursing home were not made. The staff member denied that there was discussion at that meeting about the \$45,000 sale price of each bed and the transfer of elderly residents, which was relayed to me in writing by Reverend Jamieson. Clearly, there has been a breakdown in communication between the Greater Southern Area Health Service and the community.

It has been my experience that the Greater Southern Area Health Service is not good at communicating ideas and information to the general public. Matters involving public consultation routinely end with constituents unhappy because they were unable to get satisfactory information from the service. From the Carla Cranny report to the downgrading of the Yass Hospital, the closure of the operating theatre at Crookwell to the refusal to come clean about unpaid debts that have stricken the service continuously since its formation, the Greater Southern Area Health Service has been an absolute failure when it comes to communicating with the local community. The concerns of the residents of Harden shire about the future of their nursing home can be solved quickly and simply by the Minister for Health. I call on the Minister to immediately issue a clear and unequivocal statement that these nursing home beds will remain in the Murrumburrah Hospital if and when they are transferred to the private sector. The residents of Harden shire deserve at least that.

**Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [1.18 p.m.]: I thank the member for Burrinjuck for highlighting her concerns in relation to nursing home beds in her electorate. The member said that a number of residents in her electorate have raised concerns with her. I am pleased that she has placed some of those concerns on record today so that the residents know they have been raised in the Parliament. Although this provides an opportunity for the member to seek the assistance of the Minister to clarify what is going on with the nursing home beds, I note that the member referred to the fact that a forum regarding the issue was organised by the area health service and held in her electorate. The member also placed on record concerns about some of the officers of the area health service. I note that a forum was held. The member would be well advised to seek a meeting with the Minister to clarify what is happening in relation to nursing home beds. I hope she does so to show her local residents that their concerns are being actioned.

### **SHELLHARBOUR SPORTS STAR AWARDS**

**Ms LYLEA McMAHON** (Shellharbour—Parliamentary Secretary) [1.19 p.m.]: On Friday 6 March 2009 I attended the 2008 Shellharbour Sports Star of the Year Presentation Dinner at the Shellharbour Workers Club along with approximately 250 other guests. The dinner was held to recognise achievements of local sports men and women over the past year. The Shellharbour Sports Awards are organised by a dedicated and hardworking sports fund committee consisting of Don Briggs, Marie Lackenby, Kevin Docherty, Joan Hudson, John Leedham and, Kevin Moore. Also very deserving of mention are life members of the committee Ron McIntyre, Mr T. Farmer, John O'Dwyer and Mary Marley. The major sponsors of the event are the Shellharbour City Council and Cleary Brothers. Minor sponsors are Warilla Bowling Club, Oak Flats Sport and Recreation Club, Oak Flats Community Bank, and Bendigo Bank.

Shellharbour's sporting community gathered at the Workers Club last Friday night to celebrate the outstanding achievements of local athletes, teams and coaches. The thirty-fifth annual Sports Star of the Year Awards recognised several local champions, including young Hockeyroo star, Casey Eastham, who took out the top prize. These prestigious awards showcase the extraordinary wealth of sporting talent we have in Shellharbour, and honour our most talented and dedicated individuals and teams. The Shellharbour Sports Star of the Year Awards are among the State's longest-standing sports awards, with a history spanning more than 35 years. The main award winners announced at the event included: Junior Sports Stars of the Year, Caitlin Foord for football or soccer and Blake Barden for wrestling; Amateur Coach/Trainer or Manager Sports Star of the Year, Don Brown, for Police Community Youth Clubs wrestling; Junior Teams Sports Stars of the Year were Selby Lacey and Molly Hanrahan for gymnastics; the Veterans Sports Star of the Year was Jo Helson for surf lifesaving; and the Open Teams Sports Star of the Year was the Albion Park Mens Bowls Team from the district represented by my colleague the member for Kiama.

The Shellharbour region of New South Wales has a rich sporting history with some great champion athletes and champion teams emerging from the area who have gone on to become New South Wales and

Australian sporting icons, such as cricketers Shane and Brett Lee. The Shellharbour area can also boast about other outstanding athletes in the community, including bowler Karen Murphy, Olympic kayaker David Smith, Australian representative in the Olympics and member of the Hockeyroos Casey Eastman, and wheelchair basketballer and Paralympian Brett Stibner.

The 2008 Shellharbour Sports Star Award recipients join a long line of previous winners who have done our region proud and who have represented the city of Shellharbour at the highest achievable sporting levels with passion and determination. Their careers have motivated and embraced other young local sporting hopefuls who share the same dreams. It is great to see that awards such as the 2008 Shellharbour Sports Star Award recognise not only the athletes but also the necessary support people who assist them to reach the pinnacle of their achievements, such as the coaches, trainers, officials and managers. The roles are often performed by volunteers who provide the backbone of sport in our region and across Australia. As with all successful organisations, great achievements are attainable with thanks to numerous volunteers who give their time so generously for athletes as well as for the advancement of sport. As is the tradition, the volunteers remain anonymous so I am unable to mention them individually. However, that does not mean that I am prepared to overlook their significant contributions. So I say thank you to the many people who were nominated.

At the presentation dinner on Friday 6 March other guests and I were humbled by the inspirational words of the evening's guest speaker, Mr Brett Stibner. Brett is a Paralympian who won gold at the Paralympics in Beijing as a member of the men's wheelchair basketball team. He spoke of his personal journey and what drew him to the sport of wheelchair basketball following a car accident that claimed one of his legs. Eino Okkonen, who is the founder of the Illawarra Roller Hawks, was responsible for recruiting Brett to the Paralympic team. Brett spoke about how physical the game of wheelchair basketball is and of his experiences, including his experience of winning gold at the Paralympics and its effects following his return home.

Brett's words were encouragement and inspiration not only for the athletes who attended the awards but also for each guest. Like the achievements of all the nominated athletes, his achievements inspire ordinary people to lead active, healthy lifestyles and enjoy the benefits of participation in sport. Each and every award winner demonstrated dedication, respect, excellence and leadership in their nominated sport. In the present economic climate we have come to recognise that sport plays an important role in bringing communities together, maintaining the health and fitness of our citizens and enhancing enjoyment of life. The New South Wales Government is committed to supporting the sporting industry and to ensuring the development of sport in New South Wales. I thank the Shellharbour City Sports Assistance Fund for organising the awards.

**Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [1.24 p.m.]: I thank the member for Shellharbour for highlighting the annual presentation of sport awards in her electorate and for informing the House of the thirty-fifth awards ceremony, the 2008 Shellharbour Sports Star of the Year Award. It is fantastic when the community comes together to celebrate the achievements of sporting stars, as occurred in the Shellharbour electorate last Friday night. The awards are an opportunity for local community members to sponsor an event, and it is great when community organisations, such as the Shellharbour City Council, and Cleary Brothers and Bendigo Bank unite for such a good cause.

But, more importantly, an awards night provides a community and local parliamentary members with an opportunity to recognise local sporting talent in electorates—for example, Caitlin Foord and Blake Barden. It also motivates other sporting hopefuls to achieve their optimal sporting performance and recognises the tireless work of coaches, such as Don Brown, and volunteers who every year give up thousands of hours of their spare time, after work and on weekends, to support local sporting groups. The member for Shellharbour also made the very important point that sport plays a significant role in local communities not only by bringing members of the community together but also by providing an opportunity for people to socialise. I thank the member for her contribution.

#### **WAGGA WAGGA PROBATION AND PAROLE SERVICE OFFICE RELOCATION**

**Mr DARYL MAGUIRE** (Wagga Wagga) [1.26 p.m.]: Residents of Peter Street, Wagga Wagga, and others have expressed concern about the recent relocation of the Probation and Parole Service office from Gurwood Street in the judicial precinct of the central business district to a residential area that is approximately 200 metres from a public school. Residents and I hold the opinion that the current site of the Probation and Parole Service office is inappropriate. For many years the office had been located in Gurwood Street in close proximity to solicitors' offices, the office of the Director of Public Prosecutions, courthouses, a newly constructed police accommodation building and the offices of various other occupations associated with the legal profession.

On 23 January I telephoned the acting manager of the office, Mr Mike Neville. I have a copy of an email he sent to Mr Will Morgan relaying the concerns and setting out my office contact details, including my telephone number and email address, with a request that the Probation and Parole Service contact me regarding the relocation, but to this day that has not happened. When I mentioned the relocation to the local police commander he knew nothing about it. The Probation and Parole Service has been relocated to an area that is at the opposite end of the city from the new police station.

I wonder whatever possessed someone to make the decision to relocate the office to what I regard as a residential area and to a site that is less than 200 metres from a school and directly opposite a hotel. Not only has the relocation site absolutely perplexed me, but also I wonder at what cost the relocation has occurred. Clearly the people who made the decision did not consult relevant departments in an effort to select the best office accommodation option. More suitable accommodation options than the one that has been selected are available—for example, a whole floor of accommodation in the building where my electorate office is located, the former site of the police station, which is in the judicial precinct and just a couple of hundred metres from the new police station, and the recently vacated National Australia Bank building, which is next to both the courthouse and justice administration offices.

Despite the availability of two of the suitable options within the judicial precinct for relocation of the office, a government department is thumbing its nose at good sense as well as good planning because, strictly speaking, the Probation and Parole Service is operating illegally. No development application was lodged. I understand that councils have no power to reject a development application of this type under current legislation, but it is absolute arrogance for a department to relocate its offices to a residential area without lodging a development application and then, to make matters worse, undertake renovations, also without lodging a development application. I then question whether the building licence is coded to be a public office.

The Minister must deal with a number of issues. I have broached this with the Hon. Tony Kelly, Minister for Police, and with staff from the office of Minister Robertson. I have requested that they look into the matter, after which time I will meet with them. I want the Probation and Parole Service office moved. I understand that will come at a cost, but whoever expended the money in the first place must explain why it occurred and why other parties were not consulted, particularly when it was clear that the appropriate venue was the police station in the judicial precinct. The Minister must provide answers and a resolution to the problem must be found quickly.

It is totally inappropriate for the Probation and Parole Service to operate in Peter Street. Other options are available, and I have referred to some of them. I want the Minister to pursue those options and to explain to taxpayers why the money was expended when Government-owned premises were available. This is another example of a three-wheeled cart careering down a hill without a driver. Departmental representatives are not talking to each other: they are making decisions in isolation, which is impacting unfairly on the community. The situation must be resolved and we must have answers as to why it occurred.

### WYONG SHIRE AUSTRALIA DAY AWARDS

**Mr DAVID HARRIS** (Wyang) [1.31 p.m.]: Since my election as the member for Wyong I have often chosen to address this House about community members who, during their daily life, promote harmony within their community by selflessly volunteering, and initiating and supporting local events. Such people deserve to be recognised because they are the essence of our society and an inspiration to all Australians. I am sure everyone would agree that it takes much more than names on an electoral roll and basic infrastructure to make a healthy and progressive community. In the words of one of Australia's greatest leaders, John Curtin:

The people of the nation are the strength of the nation.

With that in mind, I am proud to speak about the four winners of the Wyong Shire Australia Day Award for 2009. Since 1960, Australians have used the annual Australia Day awards to recognise people from all walks of life who make us proud. In choosing recipients, regard is given to the nominee's achievements not only in the year immediately prior to the receipt of the award but also to their past achievements and the ongoing contribution they make to the Australian community and nation. This year Australia Day award recipients in the Wyong shire were acknowledged for their volunteering, cultural and sporting contributions, and achievements.

Ron Marlin, of San Remo, was the Wyong Shire Citizen of the Year for 2009. Ron was nominated for his outstanding voluntary contribution to the communities of Toukley, Doyalson and surrounding areas. The associations for which he does volunteer work include Legacy, Toukley RSL Sub-branch Welfare, the National

Servicemen's Association (Central Coast), Doyalson Girls Air League, Doyalson Boys Air League and the management board of Club Toukley. He was largely responsible for raising many thousands of dollars for Cancer Care, as well as \$6,000 for the Doyalson Boys Air League.

During the presentation of his award, Ron was commended on his dedication and caring personality, which bring joy to many people. He finds his volunteer work very fulfilling. He says that the smile on the faces of the people he helps is what makes it all worthwhile at the end of the day. When you listen to all the things that Ron fits into his week it is a wonder he has any time left over, yet his enthusiasm and passion for what he does is unending. I note that Ron did all these things last year despite the fact that he was experiencing health problems. He is a real asset to our community. Ron openly acknowledges the support of his loving wife, Shirley, who is currently the president of Toukley Senior Citizens.

Jack Harris—no relation—of Wallarah, received the community volunteer award. Jack has been a stalwart in the community and works tirelessly for others. He is involved in many community groups such as the committee that developed Our Lady of Loreto Gardens, a home for the elderly in Warnervale. He is also a founding, and very passionate, member of the Watanobbi-Warnervale Precinct Committee, of which he has been chairperson for 12 years. Jack's outstanding voluntary contribution to our community makes him a committed community leader.

Elsa Natalia Meliendrez of Blue Haven received the Wyong Shire cultural award for 2009. Elsa was born in Argentina and since moving to the Wyong Shire has formed a social group called Latinos and Friends on the Coast. This group enables people from Latino heritage, their families and friends to continue to stay in touch with their culture, and to foster friendship among people of similar interests and background. This group is the only one of its kind to embrace the South American culture and language in the Central Coast and Newcastle areas. Members of the Latinos and Friends on the Coast have enjoyed many cultural events and social activities organised by Elsa, who also volunteers her time to give weekly Spanish lessons and to teach traditional dance.

Jeff McCauley of Lake Munmorah in the member for Swansea's electorate received the sports person award for his 34 years of achievement in Shotokan Karate, and his dedication to helping karate students to achieve their goals and to focus on the important virtues of respect, discipline, health and fitness. Jeff is currently training to compete as a member of the Australian team in the world championships. Again I congratulate the recipients of the 2009 Australia Day awards. Our nation is indeed enriched by the many wonderful people who believe so much in giving back to their communities in many diverse ways. I also congratulate Wyong Shire Council on the great Australia Day activities this year.

**Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [1.36 p.m.]: I thank the member for Wyong for bringing to the attention of the Chamber and placing on record the achievements of the four fantastic members of his local electorate who received 2009 Australia Day awards. It is great to hear of people such as Ron Marlin and his contribution; particularly the money he has raised for Cancer Care. There is probably not one person that we know whose family has not been touched by cancer. His fantastic dedication is a real asset to the Wyong community. Mention was also made of Ron's wife, Shirley. Without a supportive partner and spouse he probably would not be able to undertake such a large amount of volunteer work.

The member for Wyong also mentioned Jack Harris, who works tirelessly for the needs of those who are elderly, and the work Elsa Meliendrez has done in bringing the South American culture to the area and the weekly Spanish lessons she provides. It is fantastic to have that cross-cultural benefit within our community; I have no doubt Elsa is a real asset. We all know how exciting the South American culture can be. Jeff McCauley was mentioned for his sporting awards and our thanks go to him for his dedication to the Wyong community.

### ENVIRO STAR AND WASTE REDUCTION

**Mr VICTOR DOMINELLO** (Ryde) [1.37 p.m.]: On Friday 27 February 2009 I visited St Anthony's School in Marsfield, Kent Road Public School in North Ryde and Eastwood Heights Public School in Eastwood to raise the profile of environmentalism and waste reduction. Joined by Vic Tagg, the Mayor of Ryde, Rosanna Gallo, the 2006 Australian of the Year, and Andrew Hill of AJH Sports, and with the help of the friendly mascot Enviro Star we worked with the children to support Schools Clean Up Australia Day.

Throughout the course of the morning we spoke with the students about the importance of our environment, the way we must work in harmony to allow creeks, rivers and parks to remain clean for all to use,

and the way we can all recycle and make use of compost to ensure we minimise waste and landfill. We each spoke about the importance of keeping Australia and our own backyards beautiful. We even spoke about simple things such as putting lunch wrappers in the bin. This was an important contribution to the environment in the Ryde area. Later, I happily joined with the children in cleaning up the school area and with Enviro Star in showing the children how to "Do the Right Thing" with their waste and recycle where possible.

I pay particular tribute to Ms Julianne Rook of St Anthony's School, Mr Lawrence Van Ryn of Eastwood Heights Public School, and Ms Denise Minifie of Kent Road Public School, along with all the teachers who instil pride within the young community and encourage the children to keep environmentalism and responsible practices at the forefront of their developing minds. I was particularly impressed by how courteous the students at all three schools were, how excited everyone was to see Enviro Star, and the dedication they all displayed for this very worthwhile cause.

Enviro Star is the brainchild of Andrew Hill from AJH Sports. His experience in working with youth, which stems from his teaching experience and work with the University of Sydney sports centre, helped him to develop a program of environmental education to encourage everyone to recycle and minimise waste. We have seen in the past with programs such as Healthy Harold, which also blends informative learning with entertainment, that children best respond to programs when they can laugh and have fun while learning at the same time. Enviro Star is not alone. Many stars come out and help with children in my electorate, including Sports Star, Music Star, Reading Star, Spelling Star, Science Star, World Star, Dancing Star and Acting Star. These programs were all created by Andrew and have had great success. I am pleased to have participated with Enviro Star in this latest activity.

Following on from the schools Clean Up Australia Day, I participated in Clean Up Australia Day activities around Shrimptons Creek in North Ryde on Sunday 1 March 2009. Throughout the morning I ventured into the creek armed with a large recycling bag, gloves and a normal rubbish bag. I was appalled by what I discovered: a discarded VCR, a television and an illegal turtle trap, not to mention a large number of bottles, plastic bags, cigarette butts and medical products. I am incredibly proud that on Clean Up Australia Day 34 sites in the Ryde area were registered, which equates to approximately 5,066 local volunteers helping out and collecting almost 75 tonnes of rubbish. This is a tremendous effort and speaks volumes for environmentalism and volunteering in New South Wales.

I thank the Clarke family of North Ryde, community coordinators for the area in which I worked, for their practical contribution and organisation of this event for the North Ryde area. I also thank all those who contributed to this worthwhile cause. This time of the year, when ordinary people get out and do their part to protect the environment and clean up other people's mess, reminds me of how great Australia is. I strongly encourage all Australians to respect the environment, and to be mindful of recycling and minimising waste in the future.

### **CENTRAL COAST MARINERS FOOTBALL TEAM**

**Mr GRANT McBRIDE** (The Entrance) [1.42 p.m.]: I inform the House of the success of the only professional national sports team on the Central Coast, the Central Coast Mariners. When the A-League was established in 2004 the whole of the Australian football community was surprised by the allocation of a franchise to the Central Coast. Sporting commentators and the followers of football saw it universally as a giant mistake. The question was: How can a team on the Central Coast compete with the financial clout of teams based in the capital city of their States? For example, Melbourne Victory is the only team from Victoria, which has a population of more than five million. Like Melbourne Victory, Adelaide United is the only team from South Australia, which has a population of two million. Perth Glory is the only team from Western Australia, which has a population of more than two million. Brisbane Roar is the only team from Queensland, which has a population of more than four million. Wellington Phoenix, which is from the capital of New Zealand, is the only team for a whole nation of more than four million people.

The Central Coast Mariners is one of three teams representing New South Wales. The Mariners are up against Sydney FC. Sydney, which has a population of 4.5 million, is the financial and business capital for Asia and the Pacific, and the capital of New South Wales. Newcastle, which has the Newcastle Jets, has a population of 500,000. It is the second largest city in New South Wales. It has a high-tech industrial manufacturing centre and is a hub for coal, mineral and agricultural exports in New South Wales. Against these odds the Mariners are the success story of the Hyundai A-League.

The Central Coast Mariners is a foundation club of the league. In the short history of the A-league the Mariners has been its most successful club, appearing in grand finals in 2006 and 2008, and winning the premiership in 2008. It is the only professional national football team of any code on the Central Coast. The A-League inaugural season kicked off in August 2005, and some of the star performers for the team since then include John Aloisi, Tony Vidmar and Mark Bosnich, and all those who played for Australia and were responsible for Australia's success in the last FIFA World Cup. Management of the team includes the leading light and tour de force behind the Mariners, Executive Chairman Lyall Gorman, Deputy Chairman Peter Turnbull and Chief Executive Officer John McKay. The coaching staff is headed by the manager, affable Scottish-born Lawrie McKinna, who recently became an Australian citizen. He is a highly respected and successful coach who twice has been named Australia's coach of the year. Recently he put his body on the line when he had his chest waxed to raise money for breast cancer.

The head coach, Alex Tobin, is unrivalled as the most capped Socceroos player and captain, and has the highest number of appearances in the domestic league. Some of the Mariners' key players are Mile Jedinak, an exciting young midfielder who recently was capped by the Socceroos; Danny Vukovic, Australia's best young goal keeper; Dylan Macallister, who recently got rave reviews after returning from playing in Norway; the team conditioner, Andrew Clark; crowd pleaser Andre Grumpet; and the latest sensation to come out of the Mariners, its player of the year, Mariners medal winner and another recent addition to the Socceroos, plus an Olympics team member, Matt Simon. Only two years ago Matt Simon was kicking the ball around a park in Gosford. In two years he has gone from playing at the local level to playing at the national level. He won his cap in the game against Kuwait in Canberra a week ago.

As always, Mariners team members have been out in the community lifting the profile of the A-League and undertaking a large range of activities: uniting the coast with their dedication to football, signing autographs and giving handy hints to local junior teams. According to a Roy Morgan poll, the Mariners have a fan base of 160,000 and in January 2008 just on 20,000 people watched the Mariners home match against the Newcastle Jets—a record at Bluetongue Stadium. The Mariners have also achieved the impossible on the Central Coast. An issue has festered since the partition of the Central Coast into Wyong Shire Council and Gosford City Council in 1947, and lingers at every level of government. The Mariners have located their headquarters in Wyong shire and play at Bluetongue Stadium in the Gosford City Council area. In doing this, and by committing themselves to the whole of the Central Coast, the Mariners have managed to bring the Central Coast together in support of our team. I congratulate the team on its success over the past four years in the A-League competition. I wish the team success in this year's competition. The Mariners, together with the Newcastle Jets, are participating in the Asian Cup competition—they play their first game on Wednesday.

### CONTAINER DEPOSIT LEGISLATION

**Mr JOHN WILLIAMS** (Murray-Darling) [1.45 p.m.]: The average Australian is conscious of the need to keep Australia beautiful, not to be a tosser and to take care not to litter our natural landscapes and the streets of our towns and cities. When people are out in public areas they tend to take their rubbish home with them or to place it in the appropriate bin. Today people naturally look for a recycling bin in public parks and gardens, and are more than willing to take their glass and plastic bottles, and aluminium cans to a recycler to get a little money back for their efforts. There has been a clear indication of widespread acceptance of container deposit legislation across Australia. One would expect New South Wales to lead the way on legislation in this area, but the Packaging Stewardship Forum, a working group within the Australian Food and Grocery Council, which represents part of the beverage and packaging industries, is prepared to put new recycling bins in place in Broken Hill to replace the old system whereby customers took their cans and bottles to Channing's bottle yard for recycling and received a cash payment from them based on the South Australian legislation. New South Wales has put container deposit legislation on the backburner, primarily because of this group.

In a small community such as Broken Hill the need for container deposit legislation has been emphasised. At the local government elections on 13 September 2008 a poll was held on the need for container deposit legislation. The results showed that 71.79 per cent of the 25,335 formal votes supported the introduction of container deposit legislation in New South Wales. Additionally, the Local Government and Shires Associations has recognised that container deposit legislation should be introduced. Last year Councillor Virginia Laugesen of Warringah Council gave notice of a motion, noting that plastic bottles and other container collection and recycling places an enormous financial burden on councils and their communities through ratepayer-funded kerbside collection, and represents a lack of environmental and financial responsibility inherent in self-regulation of the packaging industry.

The argument from the Packaging Stewardship Forum is that kerbside recycling is best for us. There is no doubt that when a council pursues kerbside recycling it does not have the desired effect. The highways of



New South Wales are in an atrocious state. Compared with the highways of South Australia where there is container deposit legislation, there is substantially more litter on New South Wales roads because people do not have an incentive not to toss empty containers out of car windows. Container deposit legislation creates an industry of its own and an incentive for people on marginal incomes to collect containers and keep them out of the public area for financial as well as environmental benefit. Until Broken Hill was removed as an accepted location to be part of the South Australian container deposit legislation, suppliers had a thriving business dedicated to recycling bottles and cans. When all this changed, the suppliers had to put off workers. The company has been fighting to have container deposit legislation reintroduced in Broken Hill.

Now there is a weekly contribution to landfill of 11,453 kilograms. Of this 9,376 kilograms is glass, 1,645 kilograms is cans and 432 kilograms is plastic. Local government has lobbied for container deposit legislation in New South Wales. There is a need for it and people want it. It is not only good for the local government hip pocket; it is also good for the environment and the aesthetic aspect of our State. It will provide visitors to our State with a more positive impression. Container deposit legislation must be introduced in New South Wales so that we can reap the benefits it offers. I look forward to the Parliamentary Secretary's comments on this matter.

**Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [1.50 p.m.]: I thank the member for Murray-Darling for his comments. It is obvious that the member has done a great deal of research on this issue and has spoken to many residents. He highlighted options that will address some of our environmental concerns. I am sure the member will approach the Minister about his concerns and put forward the options he has raised today.

### **BLAKEHURST HIGH SCHOOL GYMNASIUM**

**Ms CHERIE BURTON** (Kogarah) [1.51 p.m.]: A few weeks ago I had the pleasure of turning the first sod to mark the beginning of construction of a new \$3.2 million gymnasium at Blakehurst High School. The construction of the new gymnasium will be undertaken by ACH Clifford Pty Limited and it is estimated that work will be completed by term four this year. Blakehurst High School is a fantastic school, providing students with a well-rounded education. The school celebrated excellent results in the Higher School Certificate last year, with 20 per cent of its students and half its international students finishing in the top 10 per cent of the State. As a result of this great achievement, Blakehurst High School was the best-performing comprehensive school in the St George shire. It is no wonder that this school was the recipient last year of the Department of Education and Training Director General's award for school excellence and the Sydney region award for excellence in vocational education.

The new gymnasium will be a wonderful addition to the school, which also boasts a very dynamic sports program. Students at Blakehurst High School have the opportunity to become involved in a number of different sporting activities, especially at grade level. In the recent zone competition—in which 20 of the local schools compete in sports such as cricket, football, netball, basketball and table tennis—the school came first in its girls division and runner-up in the boys competition. Sport is such an important aspect of daily life at Blakehurst High School—and indeed in the St George region—with many students choosing to get involved and to represent their school. The school has students who represent at a national level in diving and gymnastics. The new state-of-the-art gymnasium will enhance the school's current facilities and boost the students already abundant enthusiasm for sport. The gymnasium will include a multipurpose court, a staffroom, stores, combined toilets, showers and change rooms, and a first-aid room.

The Rees Government is working hard to provide New South Wales students and teachers with the best facilities possible. In 2008-09 the Government is spending a record \$648 million on school upgrades and \$230 million on school maintenance. More than \$2 billion is being spent over four years to deliver the largest public education and training capital works program ever undertaken in this State. Other highlights of the Building Better Schools Program include an additional \$280 million over four years for upgrades to existing schools—such as upgrading food technology facilities at 31 schools, constructing 27 school halls, constructing 17 gymnasiums, upgrading 200 toilet block facilities, and installing 200 new security fences. The schools in my electorate will be grateful recipients of these upgrades.

The new gymnasium has been in the pipeline for some time. The school community and I campaigned for a number of years, as the school desperately needed a gymnasium. I place on record my thanks to Pauline Burdon, past president of the Blakehurst High School parents and citizens association, and Judy Thompson, the principal, who shows great dedication to education and to her students. One has only to attend the school to see

the respect Judy receives, which she has earned over the years from her unwavering support for her students' education and future. I take this opportunity to congratulate the incoming parents and citizens association, which held its elections a few weeks ago. I look forward to working with them this year, particularly on an upgrade to the school's toilet facilities. I was handed a rather large petition on this issue and I have already started work on it. I assure the school that I have seen the Minister about the upgrade and I look forward to reporting on the results to the House.

**Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [1.56 p.m.]: I thank the member for Kogarah for highlighting the position at Blakehurst High School. I know that she is a great supporter of public education, particularly in her electorate. As the member noted, the new \$3.2 million gymnasium will complement the dynamic sports curriculum at the high school. The member also noted that the school achieved fantastic results in the Higher School Certificate, with 20 per cent of students finishing in the top 10 per cent of the State, which shows that public education produces fantastic students. I am pleased that this new gymnasium will be built as part of the Government's commitment to public education and upgrading public schools.

I congratulate the member on her campaign for this gymnasium. I also note her thanks to Pauline Burdon, past president of the parents and citizens association, and her lovely words about the principal, Judy Thompson. We all know how invaluable our principals are. The member also thanked the incoming members of the parents and citizens association and indicated that she looks forward to working with them. She is already advocating on behalf of the new parents and citizens association in relation to upgrading the school's toilet facilities. She indicated that she has accepted a petition and made representations to the Minister. I am sure she will achieve a great outcome for the school.

#### **DRIVER LICENCE DEMERIT POINTS**

**Mr MICHAEL RICHARDSON** (Castle Hill) [1.57 p.m.]: Nobody approves of speeding. Speeding is dangerous; it maims and kills. But, unquestionably, some finetuning is needed to make the demerit points system fairer to motorists. In 2008 an astonishing 60,919 motorists lost their licences for accumulating more than 12 demerit points, an increase of 50 per cent from 2007 and 44,000 more motorists than in 2003. Either motorists have become less law abiding or something is wrong with the system. While I constantly see people doing stupid and reckless things on the road, I do not believe the number of bad motorists has increased. What has changed is the system. The number of points for low-range speeding offences has been increased, 171 speed cameras have been installed around the State, the number of days when double demerits apply has been extended, and motorists' 12 demerit points have had to last for three years rather than two. It is now possible to lose your licence, and potentially your job and house, for exceeding the speed limit twice by five kilometres an hour in a three-year period. This is certainly not a case of the punishment fitting the crime.

No-one condones speeding, but the penalty should be commensurate with the offence. That is why the majority of people will support the announcement last week by the Minister for Roads that low-range speeding offences will henceforth attract only one demerit point. However, there is some way to go to make the system fairer for motorists. The Minister is yet to address the anomaly of a motorist issued with a traffic ticket successfully defending the fine in court but still losing his or her points. Is there any other area of the law where people are still punished when a court finds them not guilty? Incredibly, 244 three-point offences are listed on the Roads and Traffic Authority website. I defy anyone to remember them all, including police officers charged with upholding the law. The points system is supposed to deter unsafe driving practices. Yet one of these three-point penalties is for driving in a bus lane. Surely a \$243 fine is a sufficient deterrent in itself? The worst example of bus lane bamboozlement in Sydney would have to be the T-way bridge at Westmead.

It was built as an extension of Mons Road, which runs behind Westmead Private Hospital. There is no barrier at the end of Mons Road to prevent drivers from driving onto the bus bridge. In fact, the bridge simply looks like a continuation of the road—except, of course, that the bitumen colour changes to red. The signage before the bridge is completely inadequate. Several constituents who have been booked and lost three points for travelling on the bridge have reported that a bus travelling in front of them blocked their view of the T-Way signs. Mr Barrie Wilson of Carlingford said he was following a truck, which turned off onto the footpath before the bridge, completely obscuring the "No Entry" and T-Way signs. His situation reminds me of the movie *Wild Hogs* in which a truck blocks a sign at a service station warning "Last Gas for 140 miles". As a result, the heroes of the story run out of petrol in the middle of a desert. According to Mr Wilson, the sign on the other side of the road was obscured by foliage. When Mr Wilson wrote to the State Debt Recovery Office and explained his predicament he received a reply from Mr Tim Jessup which stated:

It is the responsibility of all drivers to be aware of the rules that apply to roads they are travelling on, even when they are not familiar with the area.

That statement suggests that before taking his wife to Westmead Hospital for an urgent magnetic resonance imaging test Mr Wilson should have consulted the street directory and perhaps Google Earth just to make sure he knew the lie of the land. Tom Chapman of Glenhaven who was taking his 96-year-old mother to Westmead Private Hospital received a similar letter. He had been unable to reverse along the bus bridge because a bus was behind him. When pensioner Ron Jessel of Castle Hill visited Westmead Hospital for medical tests, because of a lack of long-term parking he was forced to drive around the hospital to look for short-term parking spots. He picked up four tickets on the bus bridge in one day! The \$972 in fines would have been bad enough but Mr Jessel also lost three points each time he set out to find a new parking spot. So his trip to Westmead will cost him nearly \$1,000 and his licence, unless the Treasurer sees fit to exercise some leniency on the basis of the representations I have made on Mr Jessel's behalf.

Apparently, eight is the record number of bookings on this bus bridge for one person on a single day. Clearly a major problem exists with signage and identification of the T-Way bridge at the end of Mons Road. I have raised this matter for two reasons. First, I ask the Government to improve the warning signs at the end of Mons Road and to install a boom gate to prevent vehicles other than buses from driving onto the bridge as well as a proper turning circle at the end of Mons Road. Second, I emphasise to the Minister the need for an overhaul of the demerit system that goes beyond low-range speeding offences. The points system is designed to discourage unsafe driving practices and to get dangerous drivers off the road.

I do not think driving in a bus lane qualifies. Surely the \$243 fine is sufficient penalty without also deducting three points from a motorist's licence. It would be a very rare driver who would want to risk a fine of almost \$250. The idea of the penalty is to dissuade motorists from driving in bus lanes. The three-point penalty goes beyond that. It equates driving in a poorly marked bus lane or T-Way with negligent driving, running a red light, failure to give way at a marked intersection, exceeding the speed limit by 15 kilometres per hour and driving without a seat belt. The points penalty for this offence should be abolished and magistrates should be allowed to scrap points as well as fines in court.

**Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [2.02 p.m.]: I thank the member for Castle Hill for raising these matters. I am sure all members have received representations on the demerit system. It is great that the member for Castle Hill has shown support for the Government's change from three points to one point for low-range infringements that has been welcomed by communities. He also referred to bus lanes and warning signs. I am sure the Minister for Roads will look at those representations. All members know how important it is for drivers to stay out of bus lanes so buses travel on time and pick up passengers. The member's concerns about Mons Road should be examined.

### INTERNATIONAL WOMEN'S DAY

**Mr PETER DRAPER** (Tamworth) [2.03 p.m.]: Last Thursday, prior to Sunday's International Women's Day, the contribution women make to our community was celebrated with the presentation of State winner and finalists for New South Wales Woman of the Year 2009. It was a wonderful evening, and I congratulate Cheryl Koenig for being recognised for this coveted award. I also thank and acknowledge the roles that all finalists play in their communities. International Women's Day had its genesis in 1908 when oppression and inequality spurred women to become more vocal and active in campaigning for change. In that year 15,000 women marched through New York City demanding shorter hours, better pay and voting rights. On 28 February 1909 the first National Woman's Day [NWD] was observed across the United States of America. Women continued to celebrate NWD on the last Sunday of February until 1913 when, following extensive discussions, International Women's Day was transferred to 8 March and this day has remained the global date for the celebration ever since.

The new millennium has witnessed a significant change and attitudinal shift in women's and society's views on women's equality and rights. With more women in the boardroom, greater equality in legislative rights, and an increase in women's visibility as impressive role models in every aspect of life, one could think that women have gained true equality. The unfortunate fact is that women are still not paid equally, women are still not present in equal numbers in business or politics, and globally women experience disadvantage in education and health, plus face increased violence. However, great improvements have been made. There are female astronauts and prime ministers, schoolgirls are welcomed into university, women can work and have a family, and women now have real choices. And so the tone and nature of International Women's Day has, for the past few years, moved from being a reminder about the negatives to a celebration of the positives.

Last Thursday's celebration for New South Wales women of the year was indeed a positive event, and highlighted the invaluable role that women play in this State. I congratulate Anne Jacob for being named as the electorate of Tamworth's Woman of the Year for 2009. Anne has joined an inspirational group of women including former Gunnedah Mayor Gae Swain, Billabong Clubhouse President Joan Wakeford, local preschool directors Julia Cameron from Werris Creek, Michelle Chemiayeff from Kootingal, and former Barraba mayor and retired Tamworth Regional Councillor Shirley Close. Anne Jacob is an inspiration to our community, and highly deserving of this award. As a teacher, principal and advocate for public education, Anne has been a motivator and leader par excellence. She has also played an active role in the community through Rotary and the Zonta Club, and she is an Alumni of the Rural Leadership Program.

Anne Jacob has been active within the Police Accountability Team, the New England North West Council of Education, the Chamber of Commerce, the Tamworth Development Corporation, Friends of Challenge and she chaired the Tamworth Relay For Life and raised huge amounts of money for the Cancer Council. Most recently, Anne chaired the Fundraising Committee North West Cancer Care Unit Redevelopment project to redevelop the oncology unit at Tamworth hospital. In just 15 months she headed a team that raised \$480,000 for the project. The refurbished centre treated its first patients in February after a fund-raising effort that included a weight-loss challenge, a New Year's Eve ball, paintball, golf days, concerts, a compact disk featuring half a dozen Golden Guitar winners, dinners, raffles and even kids donating their pocket money. People living in the New England and North West region will be forever grateful to Anne for her vision and leadership in driving this project.

Given Anne's contribution over many years, it is fitting that the theme for the 2009 New South Wales Woman of the Year is "Women and Education". Anne is a champion of public education and equity of opportunity. As the former principal of Tamworth West Public School, Anne provided leadership and support during the most controversial and difficult period in its long history—a proposal to rezone the land and relocate the school. During this period she maintained a positive focus on providing excellent educational opportunities for all the children in her care. Anne was responsible for starting the highly successful School's Spectacular and Capers events held biannually at the Tamworth Regional Entertainment Centre that involves all our regional schools. Anne partnered with the Smith Family Learning for Life Program to pilot an after-school homework centre for students from low-income families. Anne also introduced the primary school's component of the national Engineering Science Challenge through Rotary.

Anne Jacob quietly and without fuss supports those that she sees are in need. Although she will not talk about it I know that she has provided food and finances from her own pocket to help young families through difficult times, and she regularly arranges support for the disadvantaged. On behalf of the Tamworth community, I say "Congratulations Anne on being named Woman of the Year, and thank you for a job well done." Honouring women such as Anne Jacob for their contributions is an important way to recognise their dedication and community pride, while provide young women who will be our future leaders with an inspirational role model. Tamworth is a richer community for Anne's efforts.

### HEALTH SERVICE FUNDING

**Mr PETER BESSELING** (Port Macquarie) [2.08 p.m.]: The issue of how best to deliver health services to local communities, which level of government should take responsibility for funding and the delivery of hospital care and the budget blow outs by various area health services in New South Wales have been the subject of many media stories, press releases and controversies stretching over many months and have been placing pressure on our health system for many years. Whilst those issues rightly dominate the political thinking and commentary in regard to the delivery of health services, some facts remain indisputable, some trends remain constant and some solutions are self-evident. It is common knowledge amongst the medical fraternity and the broader community that people within the older age categories have greater health needs and comprise a high proportion of those presenting to the accident and emergency departments of many major and base hospitals.

Elderly people who present to hospitals are far more likely to require admission to hospital following presentation due to the complexity of their needs, which are often related to their social or financial situation and require a greater level of care. As is commonplace in most areas along the North Coast, the electorate of Port Macquarie has a high proportion of aged residents; in fact, it has the oldest median age in the State at 44 compared with the State median age of 35. A significant part of the electorate, the Camden Haven, has the oldest median age in Australia at 56. Of the electorate's 59,154 residents, 23.3 per cent are aged over 65 years. Only Tweed is higher with 24.5 per cent. The Camden Haven has a staggering 37 per cent of residents aged over 65 years. In the mid North Coast 19.2 per cent of the population is aged 65 years or over compared with 13.7 per

cent for the State. Patients aged over 65 years account for approximately 25 per cent of presentations to the Port Macquarie Base Hospital, the highest on the North Coast.

In essence, we have an extremely large elderly population and that is known to put greater pressure on a base hospital as a result of admissions and the level of care required. Aside from the age demographic in our region, our population continues to grow apace and is one of the State's fastest-growing regional areas, with current population growth rates of 1.75 per cent. Combine this with an ageing population and the category of people aged 65 years and over on the mid North Coast is projected to grow from its current level of 21 per cent to 26 per cent by 2016. Someone in our community quite rightly described the aged population, the ageing population and growing population pressures on the Port Macquarie Base Hospital as a "triple whammy".

The North Coast Area Health Service has the fastest-growing population of any area health service in New South Wales. It covers an area of 25,570 square kilometres extending from Port Macquarie in the south, Queensland in the north and westward to the Great Dividing Range, and it includes 12 local government areas, with an estimated population of 7.1 per cent of the State's population. This compares favourably with the Greater Southern Area Health Service, which services only 6.9 per cent of the population, or the Greater Western Area Health Service, which covers only 4.3 per cent of the State's population. It is fair to say that the North Coast Area Health Service plays an extremely important role in the provision of health services to a good percentage of the New South Wales population and it should be recognised with appropriate recurrent funding and funding for infrastructure.

The North Coast has been historically underfunded by NSW Health's own funding formula: the resource distribution formula, which recognises the influence of population growth, age demographic and other pressures on levels of health care and provides funding accordingly. This funding is still not being supplied equitably, and I call on both the State Government and the Opposition to commit to addressing this shortfall as an urgent priority. As the Port Macquarie Base Hospital expansion remains the number one health care capital works project on the North Coast it requires funding and construction commitment as a matter of priority. As I stated at the beginning of this private member's statement, some facts remain indisputable, some trends remain constant and some solutions are self-evident.

**Question—That private members' statements be noted—put and resolved in the affirmative.**

**Private members' statements noted.**

*[The Assistant-Speaker (Ms Alison Megarrrity) left the chair at 2.13 p.m. The House resumed at 2.15 p.m.]*

## **BUSINESS OF THE HOUSE**

### **Notices of Motions**

**Government Business Notices of Motions (for Bills) given.**

## **BUSINESS OF THE HOUSE**

### **Notices of Motions**

**Private Members' Business Notices of Motions (for Bills) given.**

## **QUESTION TIME**

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## **CHILD DEATH REVIEW TEAM**

**Mr BARRY O'FARRELL:** My question is directed to the Premier. Will the Premier explain to the House what were his "very good reasons" for rejecting Justice Wood's recommendations that the Ombudsman should convene the State's Child Death Review Team?

**Mr NATHAN REES:** The Government has allocated \$230 million in new funding for the Department of Community Services [DOCS] to protect young children across New South Wales in the most far-reaching

reforms within the department for many years. That comprehensive response was put together in response to the 111 recommendations. The Ombudsman has, and will retain, wide-ranging powers to scrutinise child deaths. The Ombudsman is responsible for reviewing the deaths of all children who may have died from abuse, neglect or in suspicious circumstances—precisely those deaths that should be reviewed. Justice Wood recommended that the Department of Community Services review the deaths of children in the known-to-DOCS category, as that, on its own, did not indicate death related to abuse or neglect.

The Ombudsman said that in most of the cases he investigated the circumstances of the child's death had no connection to reported child protection concerns. Justice Wood recommended also that the Ombudsman's report be required every two years rather than annually, enabling meaningful comment about progress and implementing recommended changes. The Government has acted to implement those recommendations. The Child Death Review Team has a broad research role, which is not focused specifically on abuse or neglect, or performance of public sector agencies. As such, the Government is not implementing a recommendation to transfer that team to the Ombudsman. The Government believes that role is better suited to the Commissioner for Children and Young People and the Commission for Children and Young People. The Ombudsman will continue to focus on reviewable deaths. The Opposition has been misleading the public with deliberately false statements, or perhaps it is simply lazy and wilfully misinformed statements—

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

**Mr NATHAN REES:** —such as in the statements by the Leader of the Opposition on 5 March 2009 in a press release and repeated on the Jason Morrison radio program. The Leader of the Opposition stated that the tragic death of a little boy in 2007 would not have been scrutinised by the Ombudsman. Yet, as I have already informed the House, the Ombudsman is responsible for reviewing the deaths of all children who may have died from abuse, neglect or in suspicious circumstances. As such, that case would be subject to the Ombudsman's review. I note that Gillian Calvert, the Commissioner for Children and Young People, and Professor Dorothy Scott, the Director of the Australian Centre in Child Protection, have welcomed the Government's commitment to implement the broad range of recommendations from the Wood inquiry.

*[Interruption]*

**The SPEAKER:** Order!

**Mr NATHAN REES:** The Government will have an opportunity to examine the Opposition's policy, when it has one.

#### WESTERN SYDNEY JOB CREATION

**Mr ALLAN SHEARAN:** My question is addressed to the Premier. What action is the Government taking to create more jobs in the future in western Sydney?

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

**Mr NATHAN REES:** That was a tremendous question and I thank the member for Londonderry for his longstanding interest in this most important matter. Today the Government took a very significant step to deliver more jobs closer to current and future homes in north-western Sydney. This morning I joined with the Minister for Planning and the member for Riverstone in Sydney's north-west to release the Government's plans for 12,000 new jobs.

The draft plans for Riverstone West illustrate the Government's strong commitment not only to create new jobs in western Sydney but also to create those jobs closer to where people will live. This \$1 billion project will generate employment in the north-west to the benefit of the wider western Sydney region. It is on public exhibition now for comment from local communities, local businesses and all interested stakeholders. In these unprecedented economic times my Government will energetically pursue investment opportunities. We will invest in a better future for New South Wales and projects like this will help boost the economy and create jobs. The potential 12,000 extra jobs in Riverstone West will mean local residents will spend less time in their cars getting to and from work and more time at home with their families.

While we are investing and planning for the future, we expect to see results in the short term. I was on site today with businesses that said they want to get started on work in the new employment precinct this year

and have the first buildings up and running in 2011. It is more than just providing jobs. This centre's location right on the railway line will encourage public transport use, and walking and cycling options are integrated into the design. A new road will improve access to the M7 and Windsor Road. This, coupled with the opportunity for a freight rail terminal, means truck movements in surrounding residential areas will be reduced. Workers in the precinct will be surrounded by 80 hectares of conservation areas—

**Mr Andrew Stoner:** What are you doing for the workers at Albury?

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

**Mr NATHAN REES:** I was there on Friday. I will come to that shortly, if the member likes. Workers in the precinct will be surrounded by 80 hectares of conservation areas and a further 40 hectares of recreation land with the potential for a regional sporting complex. The plans include a new 16-hectare business park adjacent to Riverstone rail station. That is almost 3½ times the size of Stadium Australia. The business park will provide for around 8,000 new jobs and up to 250,000 square metres of commercial floor space. All of this is right next to the train station with walking and cycling connections to and from the Riverstone town centre. That means new residents will not have to travel long distances to get to the right job. With plans for commercial land as well as light industrial and general industrial land we are matching jobs with the diversity of skills in the area. This is exactly the kind of project I am talking about when I say I want to see more jobs delivered closer to people's homes and closer to public transport. The station is there and plans are already underway to increase the reliability of trains and the capacity of the train line, including the \$234 million Quakers Hill to Schofields duplication project.

**The SPEAKER:** Order! The member for Wakehurst will cease interjecting. I call the member for Wakehurst to order.

**Mr NATHAN REES:** In the current climate my Government is doing everything it can to generate economic activity and jobs. Over the next four years \$56 billion will be spent on infrastructure, \$35 billion of that over the next two years. That is bigger than the Olympics. That \$56 billion spend over the next four years will underpin 180,000 jobs. In contrast, at least 12,000 jobs would not see the light of day if members opposite were ever on the Treasury benches.

### **PACIFIC HIGHWAY MAINTENANCE**

**Mr ANDREW STONER:** My question is directed to the Premier. Is not the Federal Government's decision to strip \$48 million out of Pacific Highway maintenance as punishment for his Government's incompetent handling of its Nation Building Program clear evidence that like the Premier's chief of staff, his backbench and most of New South Wales, Kevin Rudd has no confidence in his premiership?

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

**Mr NATHAN REES:** The Government has allocated \$558 million this year alone to the construction of one of the most important and iconic roads. That supports more than 1,600 jobs—

**The SPEAKER:** Order! The Leader of The Nationals has asked his question. He will allow the Premier to answer it.

**Mr NATHAN REES:** Spending responsibly is clearly a foreign concept to the Opposition.

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

**Mr NATHAN REES:** That will underpin 1,600 jobs directly and more than 6,500 jobs in total. We are also investing \$50 million this year on maintenance alone—great news for the people of New South Wales. Since 1996 the New South Wales Government has spent nearly \$2.5 billion and the Federal Government \$1.5 billion under the program for the Pacific Highway. That is \$2.5 billion from us and \$1.5 billion from the Feds at a time when the John Howard Government stripped \$14 billion out of the New South Wales economy over a period of eight years. That is what you need to answer for. You did not pick the phone up once to your Federal colleagues.

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

**Mr NATHAN REES:** You showed zero leadership.

**The SPEAKER:** Order! The Leader of The Nationals will cease interjecting. The Premier will direct his comments through the Chair.

**Mr NATHAN REES:** The Coalition showed zero leadership to the people of New South Wales when John Howard was in power and it shows zero leadership now in opposing the \$42 billion stimulus package.

### **WESTERN SYDNEY JOBS**

**Ms TANYA GADIEL:** My question is directed to the Premier. What action is the Government taking to support medical research and associated jobs in western Sydney?

**Mr NATHAN REES:** On Friday night I had the pleasure of attending the Westmead Millennium Foundation's "A Night with the Stars", along with several hundred other supporters of the foundation. I met many of the scientists, researchers and support staff, all of whom make a vital contribution to continually improving how illness is identified and treated. Science and research is a cornerstone of medical evolution and impacts on us all. The Government has a fundamental commitment to supporting our medical researchers. On Friday night we added to that support by pledging \$30 million towards the construction of a new research facility on the Westmead Millennium campus. The event on Friday night provided an opportunity to reflect on how the Millennium Institute has grown and prospered over the years.

The institute began in 1996 with just 60 scientists and doctors. It is now recognised as one of the largest and most rapidly growing medical research institutes in Australia. In the past five years the institute has increased research productivity from \$5 million to \$20 million and expanded its research staff from 150 to 450. It is the only major medical research institute in western Sydney that focuses on adult diseases such as infectious and immune diseases, cancer and leukaemia, mental illness, liver, kidney, eye and heart diseases and respiratory disease. It is currently training more than 115 doctorate students, many from the University of Western Sydney. It has strong links with other research facilities and is a powerful magnet, drawing many medical practitioners and specialists into Sydney's west.

The research underway at the Millennium Institute is being translated into the lives of New South Wales families. A young girl with apparently no sight problems who was discovered to have a mass growing on her optic nerve during a study by Millennium Institute researchers commenced potentially sight-saving treatment within weeks. An engineer who was forced to give up work because of crippling abnormal heart rhythms has been able to return to a normal life after taking part in a clinical trial for new treatments. A young woman is now completely free of the hepatitis C virus, which she attributes to treatments trialled and developed at the Millennium Institute.

The Millennium Institute continues to grow and the new research building will see it build on its powerhouse reputation. Once constructed, the new research hub will bring together researchers and scientists, providing them with more space and more equipment for their work. The new building will lay the foundation for the future, providing space for growth of another 600 staff. That is another 600 jobs in the future, not to mention the 375 or so jobs that will be created during construction of the facility. Professor Tony Cunningham, Director of the Westmead Millennium Institute, had this to say:

This is a terrific boost for medical research.

This infrastructure funding will support new laboratories, equipment and facilities that are vital to achieving Australia's medical research goals and will make us the engine for the development of medical research in Western Sydney.

It will allow us to continue to attract the best and brightest scientists.

Without this funding, we would have to remain in overcrowded facilities, with no room for the expansion of our highly successful programs in areas like type 1 diabetes, liver disease, cancers and brain-related disorders. Ultimately, we would have faced losing some of our researchers and therefore expertises.

This Government's support of the Westmead Millennium Institute is not just in ordinary medical research. Research is a jobs-intensive industry and research hubs are the employment magnets of the future. The ongoing development of the site at Westmead is a critical element in the future of western Sydney. The Westmead campus, including the institute itself, is a resounding success story. I remind the House that the Askin Government opposed it.



**Mr Chris Hartcher:** The Askin Government!

**Mr NATHAN REES:** Yes, members of the Askin Government opposed it.

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

**Mr NATHAN REES:** The record clearly shows that the Askin Government opposed the medical facility in western Sydney; it is as simple as that.

**Mr Chris Hartcher:** You weren't born. How would you know?

**Mr NATHAN REES:** Actually, I was.

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

**Mr NATHAN REES:** Where there was once a racetrack there is now a virtual mini-city of researchers and practitioners, who provide everything from routine care, complex and cutting edge treatment, right through to the hard graft of research. This success story is a testament to the foresight and commitment of Labor governments that looked at western Sydney and saw more than just a satellite of the central business district.

### RAIL INFRASTRUCTURE

**Ms GLADYS BEREJIKLIAN:** My question is directed to the Minister for Transport. How is it possible to spend \$3.6 billion of taxpayers' money on 626 desperately needed new train carriages when the Minister's incompetence in managing the project means that he has nowhere to store the carriages, insufficient electricity to power them, and no idea how to use the infrastructure to deliver better services to train commuters?

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

**Mr DAVID CAMPBELL:** Surprise, surprise! The member for Willoughby—

**The SPEAKER:** Order! The member for Willoughby will come to order, as will the member for Wakehurst and the Minister for Finance.

**Mr DAVID CAMPBELL:** The member for Willoughby formulated her question based on what she read in this morning's *Sydney Morning Herald*. Surprise, surprise! Her question is a little different. I am surprised as there is not so much whingeing, whining, complaining or carping in her question, but she has not researched it. This morning all she did was get up and read the *Sydney Morning Herald*.

**The SPEAKER:** Order! The House will come to order. I call the member for Willoughby to order.

**Mr DAVID CAMPBELL:** She went to the last election with no transport policy, she has said nothing since the election relating to policy, but last night she scratched the black Honda.

**Ms Gladys Berejiklian:** It wasn't last night; it was last week.

**Mr DAVID CAMPBELL:** She scratched the black Honda last week and last night.

**The SPEAKER:** Order! The House will come to order. The Minister has the call. I call the member for Murray-Darling to order.

**Mr DAVID CAMPBELL:** The Government has 626 new rail carriages on order and it has a contract with its private sector suppliers to commence delivering those carriages next year. The member for Willoughby wanders around with a magic wand and thinks that they will all arrive on day one. That was the line taken by the member for Vacluse, who stuck up his head when I said that. Only the member for Willoughby thinks that they will all arrive from the showroom floor in one go.

**The SPEAKER:** Order! The member for Mount Druitt will contain himself.

**Mr DAVID CAMPBELL:** The private sector is being encouraged and contracted to deliver the train carriages next year. When the decision to buy those carriages was taken we identified that because they were air

conditioned and they were replacing non-air conditioned trains we would need to upgrade the electricity supply that runs the network. That has been scoped and planned and the estimated cost is \$870 million—an important infrastructure investment.

**Ms Gladys Berejiklian:** It was scoped two years ago.

**The SPEAKER:** Order! The member for Willoughby will cease interjecting.

**Mr DAVID CAMPBELL:** Those carriages are being rolled out. The member for Willoughby wanders around with a magic wand and thinks that that will all happen in one go. However, we know that people are being employed and jobs are being generated as a result of the expenditure of \$870 million and the expansion and amplification of the electrical network. RailCorp advised me that when carriages from private sector contractors start to arrive next year they will be able to operate on the network, as they arrive progressively over subsequent years they will be able to operate on network, and over that period we will continue to roll out the electricity upgrade so that they can operate on the network. The strongly growing number of passengers on the network will see non-air conditioned trains retired and new state-of-the-art carriages come into service, thus making their journeys much more comfortable.

### TRANSPORT INFRASTRUCTURE

**Mr PAUL McLEAY:** My question is addressed to the Minister for Transport. What action is the Government taking to deliver transport infrastructure and support jobs? Are there alternative policies?

**Mr DAVID CAMPBELL:** The member for Heathcote has a particular interest in new projects, for example, additional commuter car parking at Helensburgh.

**The SPEAKER:** Order! I call the member for Murray-Darling to order for the second time.

**Mr DAVID CAMPBELL:** I know that the member for Heathcote is interested also in the duplication of the Cronulla line. The member for Miranda and I have had many discussions about that line. In fact, the member for Miranda claims that this is the single largest public transport investment in the Sutherland shire by a Labor government. That project is under way. Australia and, indeed, New South Wales, are not immune to the global financial crisis. It is an unfortunate reality that growth in Australia and in New South Wales will slow.

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

**Mr DAVID CAMPBELL:** The member for Willoughby will not risk being called to order on another occasion; we can be sure of that. It is an unfortunate reality that growth in Australia and in New South Wales will slow and unemployment will rise as we go through this difficult period. The New South Wales Government understands that people around our State are doing it tough. We are doing everything we can to stimulate growth, invest in infrastructure and generate jobs. Over the next four years the New South Wales Government has the largest infrastructure program of any State government in the country. In fact, the program of works is bigger than the Olympics. If the member for Willoughby went to a local panel beater to get those scratches on her black Honda fixed that would also generate employment.

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

**Mr DAVID CAMPBELL:** Investment in infrastructure and jobs creation through public transport is at the centre of the Government's efforts to reduce the effects of the global financial crisis. As part of this major investment we have on order the largest ever number of rail carriages in Australia's history. As part of this we are also conducting an \$870 million power upgrade for the CityRail network. That means that 626 brand new state-of-the-art carriages will start entering the CityRail network for commuters. The \$3.6 billion contract will deliver not only new trains for commuters; it will also create extra services on the network. This contract is also generating jobs for people in the Hunter.

I am advised that approximately 190 mechanical and electrical tradespeople and 30 apprentices will be employed at the Cardiff manufacturing facility for the peak of the public-private partnership [PPP] train delivery. I am also advised that a total of almost 300 jobs will be created in the region as a result of project, including flow-on effects to local businesses. As I advised the House earlier, coinciding with the project is the major upgrade of traction or electricity supply across the CityRail network. This program of upgrades across the CityRail network is delivering improvements for commuters and creating jobs for local people to do the installation.

Only one person would have a problem with that sort of investment in infrastructure and job creation. This morning the member for Willoughby claimed that the delivery of a \$3.6 billion rolling stock upgrade and new power supply system was "a heavy blow for commuters". That was the best she could come up with this morning. She complained, as usual, but no mention of a single transport policy or a single policy on jobs creation or infrastructure investment. The Rees Government is investing in a better future for the people of New South Wales by boosting transport services.

**The SPEAKER:** Order! The member for Willoughby will cease interjecting

**Mr DAVID CAMPBELL:** As well as the largest ever rolling stock contract in our history, we are investing also in new outer suburban rail cars—or Oscars—which also are generating jobs in the Hunter. Last week I visited Tomago with the Minister for the Hunter. The member for Port Stephens also was there and welcomed the Government's decision to bring forward the delivery of 150 articulated buses, which will create an \$18 million factory and generate about 250 jobs in the Hunter. The mayor of Port Stephens also welcomed it. The member for Willoughby sits here and bags it, whinges, whines, complains and carps. It shows again the division on that side. The member for Port Stephens was cheering it on and the member for Willoughby was again just having a big whinge. An additional 300 buses on order are generating jobs at Custom Coaches in western Sydney, for example.

Two weeks ago the Premier and I officially opened the \$2.3 billion Epping to Chatswood rail link—a terrific piece of transport infrastructure of which about 10,000 people a day are now taking advantage. Our public transport services are a key driver of apprenticeships in this State. RailCorp currently employs 352 apprentices responsible for rolling stock, rail network maintenance and the delivery of new infrastructure. State Transit apprentices make up about one-quarter of our 261 bus maintenance workers who are responsible for mechanical works, body repairs and electrical works. Next month State Transit will seek to employ a further 11 apprentices for work in the maintenance area. The member for Willoughby is so desperate to get a grab on the radio that she even stoops to that old Liberal Party tactic of attacking and bagging front-line workers. In an appalling piece of self-promotion—

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

**Mr DAVID CAMPBELL:** Not tried and true, but a very tired and true tactic from the Liberal Party. The member for Willoughby was on radio yesterday bagging front-line ferry workers. Last week she was laying the boot into bus drivers, and this morning, as I said, she was complaining about work that is generating jobs for people in New South Wales. As I said, if she got the scratches on the black Honda fixed, that would generate some work in her local area. The Rees Government's investment and extensive program of works has come about because we are planning for the future. Central to that planning is the CBD Metro—Australia's first metro rail system. I am pleased to say that a project application and preliminary environment assessment have been lodged. Community consultation is underway and building on the estimated \$4.8 billion project will commence next year. The project will create jobs in Sydney for the duration of construction and, of course, beyond.

Getting infrastructure right in this city is crucial to expanding the metro network into the future. This year alone the New South Wales Government is investing \$13.9 billion in job-creating infrastructure—that is around 150,000 jobs. We will keep working day in and day out investing in the State's future. We will keep working with our colleagues in the Rudd Government to keep creating new jobs so that we can put New South Wales in the best possible position to deal with whatever the global economy throws at us.

### INTERNATIONAL SPORTING EVENTS HOSTING

**Mr KEVIN HUMPHRIES:** My question is directed to the Premier. How can he claim to be protecting New South Wales jobs when two days after he said his Government was energetically pursuing international events his sports Minister refused to meet with China's deputy sports Minister and Vice-President of the International Olympic Committee, who was in Sydney to discuss New South Wales hosting the World Kung Fu Championship, an event that could involve 2,500 competitors and a global audience of 500 million?

**The SPEAKER:** Order! The member for Bathurst will cease interjecting. I call the member for Bathurst to order.

**Mr John Aquilina:** Point of order: Mr Speaker, I understand that you allow some leniency regarding the length of questions; however, that was more a speech than a question.

**The SPEAKER:** Order! The question asked by the member for Barwon is out of order because it is too lengthy. I ask the member to restate his question.

**Mr KEVIN HUMPHRIES:** My question is directed to the Premier. How can he claim to be protecting New South Wales jobs when his sports Minister refused to meet with China's deputy sports Minister and Vice-President of the International Olympic Committee, who was in Sydney to discuss New South Wales hosting the World Kung Fu Championship, an event that could involve 2,500 competitors and a global audience of 500 million?

**The SPEAKER:** Order! Members will cease interjecting.

**Mr NATHAN REES:** The advice from the Minister to me is that he was unable to attend the meeting in Canberra because he had a long-term commitment to visit Tamworth and also Narrabri, in the electorate of the member for Barwon.

**The SPEAKER:** Order! I call the Minister for Finance to order.

**Mr NATHAN REES:** More broadly, the Minister has met with the chief executive officer of Events New South Wales in relation to the possibility of staging the World Luju Championships in 2011. This comes on top of us last week successfully securing the Edinburgh Military Tattoo; it comes on top of a sponsorship yesterday that puts New South Wales and the Central Coast front and centre for that Asian soccer competition with a viewing audience of 1.5 billion people; and it comes on top of the World Masters Games to be held in Sydney later this year—I could go on. We are energetically pursuing events.

**The SPEAKER:** Order! The member for Terrigal will cease interjecting.

**Mr NATHAN REES:** We are energetically pursuing investment and new events in New South Wales.

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

**Mr NATHAN REES:** We will continue to energetically pursue investment opportunities and major events in New South Wales.

#### **FEDERAL STIMULUS PACKAGE AND EDUCATION**

**Mr ALAN ASHTON:** My question is addressed to the Minister for Education and Training. What action is the Government taking to deliver new education infrastructure under the Rudd Government's stimulus package. Are there any alternative policies?

**Ms VERITY FIRTH:** I am pleased to report that already new jobs are being created in western Sydney as the New South Wales Government wastes no time in delivering the Rudd Government's Nation Building and Jobs Plan. We have already placed an order for pre-constructed permanent school libraries to replace demountables in government schools: 50 of these new libraries will be built by western Sydney family-run company Eastern Nomad Buildings. To complete our order the company will increase its workforce immediately from 60 to 90 employees, including four new apprenticeships.

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

**Ms VERITY FIRTH:** This order also will support up to an additional 18 jobs with suppliers and subcontractors. This is an early down payment on the thousands of jobs that will be created as New South Wales delivers on the Rudd Government's investment in our schools. Last week I was pleased to tell the House about the Government's plans for creating jobs in New South Wales as part of the stimulus package. This is about us delivering those jobs. Yesterday the Premier and I visited the Eastern Nomad factory located at Blacktown. We met with the managers and workers who are building these new libraries for our kids in our primary schools. The preconstructed permanent libraries can be assembled quickly on site and placed in schools with a minimum of fuss. Some already have been installed in schools as part of the New South Wales Government's record \$2 billion Building Better Schools initiative. Feedback from students and teachers has been very positive. Yesterday we were told by the principal of Blacktown South Public School that teachers are fighting among themselves at the beginning of term for the chance to teach in one of the preconstructed permanent buildings.

The managing director of Eastern Nomad told us that things are really looking tough and that our order could not have come at a better time. It has guaranteed the jobs of the company's existing 16 employees and created another 48 new jobs across a range of trades and suppliers. Twice last week the Opposition was given the chance to put politics aside and vote to support a stimulus package creating jobs in New South Wales and building a better learning environment for our kids. Twice last week the Opposition refused to support the stimulus package, which will be critical to working families in New South Wales, particularly to workers from Richmond, Penrith, Blacktown and Rooty Hill whom we met yesterday. They are workers who now have jobs as a direct result of the New South Wales Government's delivery of this spending. The Government's policy also is critical to the four young apprentices from Miller TAFE who are now learning a trade to equip them with the skills they will need in uncertain economic times.

The New South Wales Government is ahead of the Federal Government's timetable for delivering a stimulus package in our schools. We will submit our priority list of school upgrade projects to the Federal Government by 30 March—well before the 10 April deadline. All New South Wales principals have been contacted and currently are working with parents and citizens committees to identify the works that they would like to see undertaken in their schools. Expressions of interest from managing contractors have been assessed. Tender documents have been sent out to 13 of the managing contractors for nine contract packages covering the State. As soon as we get the green light from the Commonwealth, we will be ready to go. The libraries that will be built in western Sydney will be installed in primary schools across the State. There is no higher priority for the Rees Government than supporting existing jobs or creating new jobs for families in New South Wales. By moving quickly and decisively to deliver on the Rudd stimulus package we have ensured that jobs are being supported and created in western Sydney.

#### DEPARTMENT OF CORRECTIVE SERVICES COVER-UP CLAIMS

**Mr GREG SMITH:** My question is directed to the Premier. Given that two claims have been made of very serious cover-ups in corrective services in two days, one concerning the suppression of a report into an Aboriginal death in custody and the other following the escape of a prisoner from Long Bay jail, will he establish a judicial inquiry into the culture of fear, cover-up and cronyism that exists in the Department of Corrective Services?

**Mr NATHAN REES:** At the outset, I state that any death in custody is a tragedy. My thoughts are with Mr Shipley's family as the inquest continues. I am advised that the matter continues to be the subject of a coronial inquiry. I am further advised that the corruption allegations that have been made in relation to the matter have been referred to the Independent Commission Against Corruption [ICAC]. Therefore, it would be inappropriate for me to comment further on the details of the matter. Regarding the other matter raised by the member, I am advised that some weeks ago it was referred to the Independent Commission Against Corruption as well. For that reason, I will not comment further at this stage.

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

#### COUNCILLOR DEVELOPMENT STRATEGY

**Mr NINOS KHOSHABA:** My question is addressed to the Minister for Local Government. What action is the Government taking to support new councillors?

**Mrs BARBARA PERRY:** I thank the member for Smithfield for his question and for his ongoing interest in the good governance of local councils in this State. The New South Wales Government continues to promote a strong local government sector that is sustainable, well governed and meeting community needs. The Government is determined to improve the quality of our local councils by improving the skills of our local councillors and by reforming the frameworks around council planning and reporting. As I am sure members of the Opposition do, the Government wants councils running smoothly, and we want residents and ratepayers to have confidence in their councillors. For councillors to effectively discharge their duties, obligations and responsibilities, it is essential that they have a good understanding of their role and responsibilities.

The Local Government Act sets out a councillor's role, which includes overall responsibility for establishing and guiding policies, allocating resources, setting service delivery standards and overseeing a council's performances. Following the 2005 public inquiry into the Brewarrina Shire Council and

recommendations that councillors undertake training to help them to fully understand and appreciate their role, a councillor development strategy was produced for councillors elected in September 2008. The strategy aims to ensure that New South Wales councillors are given timely access to the information they need and to facilitate ongoing professional development of experienced councillors.

I am pleased to say that the strategy was developed in consultation with key stakeholders from the local government sector, including the Local Government and Shires Associations of New South Wales and the New South Wales branch of Local Government Managers Australia. The strategy is important, and it is helpful to outline its components to the House and to the community. One of its most important components is the councillor information seminar program. I am pleased to report to the House today that between October and December 2008, 42 half-day councillor information seminars were delivered by staff of the Department of Local Government across regional and metropolitan New South Wales to enable as many councillors as possible to attend. Some of the metropolitan locations of the seminars included the Sydney local government area, Penrith, Sutherland and Warringah. Regional locations included Orange, Queanbeyan, Broken Hill, Wilcannia, Lismore, Tamworth, Wagga Wagga, Albury and Berridale, to name just a few.

**Mr Andrew Stoner:** Why was Port Macquarie not included?

**Mrs BARBARA PERRY:** There is a good administrator in Port Macquarie.

**The SPEAKER:** Order! The House will come to order. The Minister has the call. The Minister will answer the question and not respond to interjections.

**Mrs BARBARA PERRY:** I will do my best. In response to requests from councils and councillors, a further three catch-up seminars will be held later this month, and in early April seminars will be conducted in Newcastle, Rockdale and Dubbo to facilitate attendance by councillors who were elected at by-elections and councillors who were unable to attend previous seminars. For the information of the House and because it is important to explain the process, I point out that the seminars focus on three key topic areas of roles, responsibilities and relationships, codes of conduct and difficult decision making, and making the most of meetings. The seminars include opportunities for discussing questions, and that helps to facilitate participation, greater understanding of the information and sharing of experiences. It is pleasing that the sessions have been very well attended. The Department of Local Government advises me that so far 80 per cent of New South Wales councillors have attended a councillor information seminar.

**The SPEAKER:** Order! Members will cease interjecting. The Minister has the call.

**Mrs BARBARA PERRY:** The Government hopes to raise that percentage even further through the catch-up seminars planned for the next couple of months. Participants in the seminars that have already been held were asked to complete feedback forms evaluating their experience, and almost all participants completed a feedback form. Just over half of the councillors attending the seminars had prior experience in the role, having served for one or more terms. Councillors were asked to assess their own level of understanding of the seminar topics prior to the sessions. At the initial stage most seminar participants indicated that they already had an adequate or good understanding of the seminar topics. As expected, experienced councillors were much more likely than were new councillors to indicate that they had a very good understanding of the key topic areas.

However, when the councillors were asked to what extent they felt the seminar had added to or improved their understanding of the seminar subject area, more than 80 per cent indicated that the seminars had added to or improved their level of understanding in these subjects. New councillors indicated that the seminar greatly improved their understanding of all key topic areas. This finding—that most councillors felt they had improved their understanding across all key topic areas—is particularly pleasing, given the wide range of experience and knowledge of the participating councillors. Overall, the feedback from councillors demonstrates that participants found the seminars to be a useful experience, providing useful additional knowledge in the key subject areas and a good opportunity to ask questions, engage in discussion and delve more deeply into important issues.

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

**Mrs BARBARA PERRY:** As the Minister for Local Government I have taken these comments on board, and I am currently working with my department to look at ways of improving these seminars into the future. Along with these seminars, a number of other resources have been drawn upon to assist councillors to

effectively undertake their roles. One important resource I bring to the attention of members is the "Councillor Guide", which was jointly produced with the Local Government Association of New South Wales—

**Mr Andrew Stoner:** Did you give one to the Fonz?

**Mrs BARBARA PERRY:** I will get through this when members opposite keep quiet.

**The SPEAKER:** Order! The Minister will continue with her answer.

**Mr Brad Hazzard:** Sit down if you're not going to talk.

**Mrs BARBARA PERRY:** When you show respect and courtesy I will talk.

**The SPEAKER:** Order! The House will come to order. The Minister will continue with her answer.

**Mrs BARBARA PERRY:** The "Councillor Guide", jointly produced with the Local Government Association of New South Wales and the Shires Association of New South Wales, aims to provide, in a single resource, key information about the roles and responsibilities of councillors and the support available to assist them to fulfil their roles and responsibilities effectively. The guide outlines in detail the topic areas covered at the councillor information seminars. It also includes sections on strategic planning and reporting, as well as the financial management responsibilities of councils. The guide includes a skills checklist and information on how to obtain necessary resources. This work has been done by many people in the industry—not only people in my department but also people well known to members opposite, including Bruce Miller and Genia McCaffery. I take this opportunity to thank them for their work.

I commend to members a CD version of the guide, as well as a web-based directory for information for councillors. As I said, the councillor development strategy is currently being evaluated to identify opportunities for improvement. As well as seeking feedback on the councillor information seminars, feedback on the other elements of the strategy is also being sought. Follow-up surveys will be issued to all councillors later this year and again in 2011 to assess the ongoing effectiveness of the strategy. However, good governance requires more than seminars alone.

**The SPEAKER:** Order! I remind members that we are still in question time.

**Mrs BARBARA PERRY:** We need to have solid frameworks in place to assist councils to develop best practice. The Government is developing these frameworks through the integrated planning and reporting reforms, as well as long-term strategic planning. These reforms will help councils to address infrastructure needs in line with national asset management frameworks. The department has been consulting with councils across the State about the new integrated planning and reporting system and what it should look like. In conclusion, I emphasise that the New South Wales Government is committed to assisting and supporting councillors. We want councils to be successful and able to focus on their primary role of providing services to their communities. A strong governance framework through initiatives such as the councillor development strategy and integrated planning is an essential building block.

**Question time concluded.**

## **MEMBER FOR BATHURST CONDUCT**

### **Privilege**

**Mr ADRIAN PICCOLI** (Murrumbidgee—Deputy Leader of The Nationals) [3.14 p.m.]: I wish to raise a matter of privilege. Earlier in question time today the member for Bathurst took it upon himself to threaten, intimidate and bully Opposition staff members. He came over to this side of the Chamber, in front of the Opposition staff area, and told them, "You f'ing grubs better learn to shut up".

**Mr Gerard Martin:** That's a lie.

**The SPEAKER:** Order!

**Mr ADRIAN PICCOLI:** The Minister for Local Government talked about respect and courtesy. If Government members have a problem with staff there are ways to deal with that through you, Mr Speaker. To come over here and bully two staff members, one of whom is a female, is totally out of order.

**The SPEAKER:** Order! The House will come to order. I have heard enough from the member for Murrumbidgee. I will investigate the matter and report back to the House.

*[Interruption]*

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

*[Interruption]*

**The SPEAKER:** Order! I will not hesitate to eject members from the Chamber.

## **MEMBER FOR BATHURST CONDUCT**

### **Personal Explanation**

**Mr GERARD MARTIN**, by leave: I wish to make a personal explanation. It is true that I walked over and remonstrated with Opposition staff members. I have done it before. I did not use the language referred to by the member for Murrumbidgee. I am sure members are aware that these people are serial offenders in this House. Indeed, it was the gentleman with the goatee who used the language. I make no apologies for trying to get some decency. It is obvious from his stunt last week that the Leader of the Opposition is not interested in standards.

**The SPEAKER:** Order! The member for Bathurst will resume his seat.

*[Interruption]*

**The SPEAKER:** Order! The next member who speaks will be ejected from the House. The House will come to order. I allowed both members the opportunity to make a statement, I will consider the issues and report back to the House. I remind members that it is the Speaker's role to maintain order in the House.

## **VICTORIAN BUSHFIRE VICTIMS CONDOLENCE BOOK**

**The SPEAKER:** Order! I remind members that the condolence book for the victims of the Victorian bushfires, which has been located in the foyer for some time, is still there. The book will be removed for binding at the end of today's sitting. If you have not taken the opportunity to sign the book and you would like to do so, please do so today.

## **DEATH OF PETER BALDWIN**

### **Ministerial Statement**

**Mr KEVIN GREENE** (Oatley—Minister for Gaming and Racing, and Minister for Sport and Recreation) [3.17 p.m.]: Members may be aware of the passing over the weekend of Peter Baldwin, the Acting Director of the Greyhound and Harness Racing Regulatory Authority. On Sunday I received the sad news of Peter's death in a car accident in the early hours of that morning. He was 48 years old. Peter spent most of his working life serving the people of New South Wales in various departments within the public sector, including the Attorney General's Department, the education department and the Department of Gaming and Racing. His passion was racing, and the harness code in particular. I am informed that for many years Peter never missed a Friday night Harold Park meeting.

No doubt Peter's love of the sport was one of the attractions that led to him applying for a position in the Office of Racing within the then Department of Gaming and Racing in 1995. During his time with the department Peter worked closely with racing Ministers, the controlling bodies of racing, the New South Wales TAB and the New South Wales Bookmakers Cooperative. He was highly regarded by all and renowned for his intellect, strong work ethic and commitment to the advancement of racing in New South Wales. Peter remained with the department until taking up a senior position with the Greyhound and Harness Racing Regulatory Authority in March 2005.

Early last month Peter accepted my offer to take on the role as acting director of the authority in the transitional period leading to the transfer of the authority's functions to Harness Racing New South Wales and



Greyhound Racing New South Wales later this year. At the time of his death Peter was performing this role with the same commitment and drive he had shown throughout his career. His knowledge, skills and experience will be sorely missed. I join with all those in the racing industry who had the pleasure of working with Peter in passing on our sincere condolences to his family on their sad loss.

**Mr GEORGE SOURIS** (Upper Hunter) [3.20 p.m.]: On behalf of the Opposition I offer condolences to the widow, family and the extended family of Mr Peter Baldwin, who, as the Minister for Gaming and Racing described, was a loyal and faithful servant of the people of New South Wales. I endorse all the remarks of the Minister, who outlined Mr Baldwin's lifetime in public service. I join the Minister and members of the Government in offering condolences and sympathy to the family of the late Peter Baldwin.

## **PETITIONS**

### **Drink Container Deposit Levy**

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

### **National Parks Tourism Developments**

Petition opposing the construction of tourism developments in national parks, received from **Ms Clover Moore**.

### **Pambula Hospital**

Petition seeking the reinstatement of services to the Pambula Hospital and better co-ordination between Pambula and Bega hospitals, received from **Mr Andrew Constance**.

### **North Coast Area Health Service**

Petition opposing job cuts from the North Coast Area Health Service, particularly at Lismore Kyogle, Urbenville, Bonalbo, Nimbin and Murwillumbah, received from **Mr Thomas George**.

### **Bus Service 311**

Petition praying that the Government urgently improve bus service 311 to make it more frequent and more reliable, received from **Ms Clover Moore**.

### **Woodstock Early Childhood Intervention Service**

Petition requesting ongoing funding for the Woodstock Early Childhood Intervention Service in Albury, received from **Mr Greg Aplin**.

### **Gaden Trout Hatchery**

Petition opposing the closure of the Gaden Trout Hatchery, received from **Mr Greg Aplin**.

### **Caged Birds Trade**

Petition requesting that legislation be introduced to stop the trade of caged birds, and ban trading and selling of Australian native birds, received from **Ms Clover Moore**.

### **Pet Shops**

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

### **Sow Stalls**

Petition requesting a total ban on sow stalls, received from **Ms Clover Moore**.

**Alstonville Tropical Horticulture Centre**

Petition opposing the closure of the Alstonville Tropical Horticulture Centre, received from **Mr Donald Page**.

**Albury Policing**

Petition requesting additional beat police in the Albury electorate, received from **Mr Greg Aplin**.

**BUSINESS OF THE HOUSE****Business Lapsed**

**General Business Notices of Motions (General Notices) Nos 1 to 4 lapsed pursuant to Standing Order 105 (3).**

**CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY****Federal Stimulus Package and Education**

**Mr GEOFF CORRIGAN** (Camden) [3.22 p.m.]: Earlier today I gave notice of my intention to move a motion about the Rudd Government's stimulus package to support schools. I am sure that every member of the House considers that education is a prime concern in this State. I say no more than that we should support the stimulus package.

**Public Transport Infrastructure**

**Ms GLADYS BEREJIKLIAN** (Willoughby) [3.22 p.m.]: Earlier today I gave notice of a motion that should be given priority. As the Minister for Transport demonstrated today, the State Government thinks it is okay to waste millions of dollars every day because it cannot manage the public transport network. The Government is incapable of managing major public transport infrastructure projects. Unless the Opposition holds the Government to account in this place it will continue to waste taxpayers' money like there is no tomorrow. That will hurt not only taxpayers but also commuters. As all members know—whether or not they choose to admit it—our commuters are suffering because of overcrowded and unreliable services. Yet the Government's response is to pretend that everything is fine and the services are managed properly.

I was alarmed to hear the Minister allude earlier to 626 rail carriages that are on order. The Minister admitted that scoping for part of the project to ensure electricity supply has only just occurred. But it should have happened at the beginning of the project so that \$700 million in taxpayers' money was not wasted on a cost blow-out. Government members might think it is okay to waste \$700 million on a project of that scale but members of the Opposition do not. The Opposition does not think it is okay that commuters have to wait an extra three years before they are able to use all the carriages throughout the network because yet again the Government has demonstrated its inability to manage public transport projects.

The Government's incompetence regarding public transport projects knows no bounds. One would think it would learn from its past experiences, but regrettably it has not. The Minister had the gall to talk about the Epping to Chatswood rail line but failed to mention that the project cost blew out by at least \$1 billion for half a line. The Minister also forgot to mention that he has allowed more than \$20 million to be wasted through RailCorp corruption—a problem he has not addressed. The Minister failed to mention that the Tcard project has cost taxpayers \$100 million and is still growing. That piece of major infrastructure would have benefited both commuters and other transport users, but instead the Government has wasted millions and millions of dollars on the project.

The Minister also neglected to mention the money wasted on the Government's announcements regarding the North West Metro and other rail lines that have since been abandoned. The Government spent more than \$1.5 million on advertising the North West Metro—which coincidentally was announced exactly a year ago—more than \$200 million on staff salaries and over half a million dollars renting space. Yet the project was abandoned. The Government thinks nothing of wasting millions of dollars. Its incompetence knows no bounds. This morning's example was of a taxpayer component of \$3.6 billion in a project worth closer to \$10 billion. The Government cannot scope what is required for a project initially but expects the people of New South Wales to have confidence in it. We have completely lost confidence in the Government. It is a real concern that the Government thinks nothing of wasting hundreds of millions of dollars on a daily basis because it cannot manage public transport infrastructure. The Opposition urges the Government to adopt its policy of an integrated transport authority.

**Mr Alan Ashton:** Point of order: I am loath to take a point of order but the member for Willoughby should be stating why her motion deserves priority. By saying that the Government ought to adopt Opposition policies she is getting into the areas of policy and debate. That is not what this debate is about.

**The SPEAKER:** Order! I will listen further to the member for Willoughby.

**Ms GLADYS BEREJIKLIAN:** I know the Government is embarrassed by the Opposition's very good policy for the future of public transport in this State. The Government should adopt the Opposition's policy of an integrated transport authority. Our policy would include the establishment of a committee to oversight major public transport infrastructure projects that are worth billions of dollars to ensure that their planning processes are conducted properly. Taxpayers must not continue to see good money go down the drain because the Government cannot manage projects. The Opposition also wants to ensure an easier run for commuters. Commuters suffer overcrowding and unreliable and infrequent services because the Government has failed to get its act together in relation to rail lines, bus transitways and integrated ticketing. The Government has delivered not one aspect of public transport infrastructure properly. In 1998 the Government announced in its Action for Public Transport document that 11 rail lines were going to be constructed over 10 years. But in more than 10 years it has managed to construct only half of one line—the Chatswood to Epping rail line. The Government had to bring carriages from the South Coast because there are no rail carriages— *[Time expired.]*

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

**The House divided.**

**Ayes, 48**

Mr Amery	Mr Greene	Mr Morris
Ms Andrews	Mr Harris	Mrs Paluzzano
Mr Aquilina	Ms Hay	Mr Pearce
Mr Borger	Mr Hickey	Mrs Perry
Mr Brown	Ms Hornery	Mr Sartor
Ms Burney	Ms Judge	Mr Shearan
Ms Burton	Ms Keneally	Mr Stewart
Mr Campbell	Mr Khoshaba	Ms Tebbutt
Mr Collier	Mr Koperberg	Mr Terenzini
Mr Coombs	Mr Lalich	Mr Tripodi
Mr Corrigan	Mr Lynch	Mr West
Mr Costa	Mr McBride	Mr Whan
Ms D'Amore	Dr McDonald	
Ms Firth	Ms McKay	<i>Tellers,</i>
Mr Furolo	Mr McLeay	Mr Ashton
Ms Gadiel	Ms McMahon	Mr Martin
Mr Gibson	Ms Megarrity	

**Noes, 40**

Mr Aplin	Mr Hartcher	Mr Richardson
Mr Baird	Mr Hazzard	Mr Roberts
Mr Baumann	Ms Hodgkinson	Mrs Skinner
Ms Berejiklian	Mrs Hopwood	Mr Smith
Mr Besseling	Mr Humphries	Mr Souris
Mr Cansdell	Mr Kerr	Mr Stokes
Mr Constance	Mr Merton	Mr Stoner
Mr Debnam	Ms Moore	Mr R. W. Turner
Mr Dominello	Mr O'Dea	Mr J. D. Williams
Mr Draper	Mr O'Farrell	Mr R. C. Williams
Mrs Fardell	Mr Page	
Mr Fraser	Mr Piccoli	<i>Tellers,</i>
Ms Goward	Mr Piper	Mr George
Mrs Hancock	Mr Provest	Mr Maguire

**Pair**

Ms Beamer

Mr J. H. Turner

**Question resolved in the affirmative.**

**LEGISLATION REVIEW COMMITTEE****Report**

**Mr Allan Shearan**, as Chair, tabled the report entitled "Legislation Review Digest No. 2 of 2009", dated 10 March 2009, together with minutes of the committee meeting regarding Legislation Review Digest No. 1 of 2009.

**Report ordered to be printed on motion by Mr Allan Shearan.**

**FEDERAL STIMULUS PACKAGE AND EDUCATION****Motion Accorded Priority**

**Mr GEOFF CORRIGAN** (Camden) [3.36 p.m.]: I move:

That this House:

- (1) welcomes the Federal Government's investment in New South Wales schools as part of the \$42 billion Nation Building and Jobs Plan;
- (2) notes that the Opposition refused to support the Federal stimulus package to provide better infrastructure for New South Wales schools; and
- (3) calls on the Opposition to put politics aside and declare its support for the Federal education stimulus package to support schools, jobs and the economy.

On 5 February 2009 the Rudd Labor Government announced details of its Nations Building and Jobs Plan. The plan has been developed to ensure the rapid development of economic stimulus measures that will support jobs and make Australia more resilient in the current financial global crisis. A significant part of the plan is the \$14.7 billion Building Education Revolution Program, which has three elements: providing halls and libraries for our nation's primary schools; providing science laboratories for high schools; and providing funding of up to \$200,000 per school for maintenance projects. The Building Education Revolution Program will deliver unprecedented Commonwealth funding into the education system in New South Wales.

An estimated \$4.4 billion of funding will go to schools across the State. This is the largest single investment in school infrastructure in the history of this State. I thank the Prime Minister and the Deputy Prime Minister for choosing to make schools such a high priority for this funding. Labor has always been known as the party of education, and what a breath of fresh air this Federal Government is after the past decade—to have a government in Canberra that is willing to invest in learning environments for our nation's young. In the 11 years of the Howard Government there was no increase in funding for public schools beyond indexation. It has taken a Federal Labor Government to turn that around.

The Federal Government is investing across the board in the education of our nation's young, with \$790 million inside New South Wales classrooms with funding for literacy and numeracy for low socioeconomic communities and teacher quality programs, and \$386 million in the provision of computers for all New South Wales students in years 9 to 12. It is a pity that Malcolm Turnbull and the Federal Coalition persist in backing the failed policies of the Howard Government on education funding. What is even more a pity is that New South Wales Opposition members back their Liberal and Nationals colleagues instead of the working families of New South Wales. They refused to put politics aside and declare their support for a stimulus package to support schools, jobs and the economy.

The Government has hit the ground running. We are already putting the money to use for the benefit of our kids. We have already placed orders for 162 pre-constructed permanent libraries, which will replace demountable libraries in schools. As the Premier said yesterday at Blacktown, this has already created 48 jobs in western Sydney. Expressions of interest from managing contractors who will deliver these projects on the ground throughout New South Wales have been assessed. Tender documents have gone out to 13 contractors to deliver these programs in nine regions across the State. We are ahead of the Commonwealth Government's timetable. Although the first round of projects is not due until 10 April, New South Wales will have its list by 30 March to ensure we can get moving on delivering halls and libraries to our State's primary schools. Two weeks ago letters went to all 2,240 government schools asking them to identify projects that they would like considered under the Building Education Revolution Program.

Principals have been told to speak to their school community, to either their parents and citizens association or the school council. They will tell us what they would like to see done at their schools. The Department of Education and Training has established a dedicated hotline—an interactive website—to provide support and advice to school principals. The website is updated daily to provide a rolling source of information for school principals. Nominations from schools must be received by 16 March in order to meet Commonwealth time frames. Time is of the essence. We need to create jobs in New South Wales as soon as possible. The Premier has consistently said that jobs are his number one priority and the number one priority of this Government. This will be the most significant factor in determining what our program of works will be.

The Commonwealth Government has provided this additional funding as a one-off initiative to stimulate the economy and boost employment. Because of this the Commonwealth has imposed tough requirements on States and Territories to ensure that money flows into the economy and jobs are created when they are needed. It is vital that all 4,000-plus projects in New South Wales public schools start by September 2009 and be completed by March 2011—that is only about 18 months—and every school will get something as part of this package. Because of the need to stimulate the economy right now the Commonwealth requires that New South Wales deliver \$220 million worth of projects for the Building the Education Revolution program by 30 June 2009. We understand this stimulus package is an unprecedented investment in our schools.

The policy failures of those opposite are unique. They deliver poor ideas when in government and none when in opposition. The Rudd package stands in stark contrast to years of neglect of our public schools in particular under the former Howard Liberal Government. Let us hope the New South Wales Opposition will use this opportunity to put politics aside and declare its support for the Rudd education stimulus package to support schools, jobs and the economy.

**Mrs SHELLEY HANCOCK** (South Coast) [3.42 p.m.]: We on this side of the House have always supported, and support in this case, any investment in New South Wales public schools. I am sure the member for Camden appreciates that we feel this way. However, in relation to this notice of motion I am very disappointed that the member for Camden has included parts 2 and 3 because he knows quite well that we have never refused to support the Rudd Government's stimulus package relating to better infrastructure for New South Wales. We argued about two priority motions last week; we were not actually arguing whether we would support the stimulus package. I am very disappointed about that aspect of the motion and I intend to move an amendment shortly. Getting back to the stimulus package, I do not call it a stimulus package with respect to schools; I call it what it is—a bailout package. I say that because we know in this State the Labor Government for 14 years neglected infrastructure and maintenance in public schools.

If members opposite do not believe that they should go back to the Vinson report of 2002, in which I played a role at the time when I was teaching. The Vinson report indicated very clearly then that the Government should be very serious about fixing some of the infrastructure and maintenance problems. The Government allowed a \$120 million maintenance backlog to build up over time. How embarrassing that must have been for Kevin Rudd. How embarrassing for Kevin Rudd today to face a New South Wales education system in which schools, classrooms and infrastructure continue to be neglected. Of course, he is going to inject all the cash he has into the New South Wales system.

He must be very embarrassed also about the New South Wales health system, but of course he cannot really throw good money after bad with respect to that, can he? He now has to focus his attention on the New South Wales education system because he knows he has to fix it. He knows he has to fix what has happened in New South Wales otherwise it will seriously tarnish his reputation as the Prime Minister of this country. So he has given a lot of money to New South Wales education, and we absolutely welcome that. We welcome any investment in public schools but we are very concerned about these types of motions coming before the Parliament time and again. It happened on two days last week and it is really for the self-promotion of the member opposite. I reiterate my disappointment with the member for Camden, who has been so forthright over the last 12 months and so honest about his own party. Six months ago the new Premier stated that he would end the spin but here they are spinning in the mire of the dire situation they have created. I move:

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

- (2) condemns the New South Wales Government for its neglect of public school infrastructure and maintenance in New South Wales over the last 14 years.

I move this amendment because in paragraph (2) of the motion the member for Camden is not only misleading the House but also playing politics with a serious subject, education, on which we should all be united. All

members in this place have schools in their electorates that are suffering because of lack of maintenance and infrastructure. His playing politics in the way that he has is very disappointing. He should have made an attempt to bring both sides of the House together, knowing that members on both sides are concerned about the state of our public schools. The school in which I taught, Ulladulla High School, had 32 demountable buildings and a sewerage system that had been constructed for 300 students but had to service 1,200 students. The sewerage system broke down and sewage was flowing into the playground where the kids were playing, not on one occasion but on three or four occasions, before this Government decided to do anything about it. Thankfully, something is now happening about it, but only after a great deal of heartache on the part of the local parents and citizens association, parents, the community and the kids, who had to walk through the sewage on their way to class.

That is what this Government has done: it has neglected public schools in the State and failed for too long to upgrade them. Now it is calling on Kevin Rudd to bail them out. Kevin Rudd is bailing them out and we support the bailout package. I cannot call it a stimulus package; it is a bailout package. Kevin Rudd can do nothing else because he has to save himself from the embarrassment of the New South Wales Government and its lack of activity for 14 years in respect of public schools. I can talk about it because I was part of the Vinson report. I chaired a local committee and heard all the stories of woe regarding public schools in that area. All members in this place over the last six or eight years—however long they have been a member—have brought those stories to this place. They have reported leaking roofs, demountables on site, leaking toilets, closed toilets, toilets out of action—all sorts of stories about toilets. One would think that good toilet facilities are one thing we could provide to our school students and teachers but, no, we just did not have them.

I very strongly support the amendment and request members opposite do likewise. They have to come to terms with their neglect and failure. They know from the Vinson report they are guilty and have failed. They should welcome our agreement to support paragraph (1) of the motion. We support Kevin's bailout project. We look forward to the new buildings, libraries, school halls and science laboratories and to the jobs they will create. We support the Government in this respect but the other two parts of the motion are bad politicking. The Premier promised he would end the politicking and end the spin. He has not; it continues on a daily basis in a most disappointing manner in this House. On a subject as important as public education in New South Wales I thought the member for Camden would have done better.

**Ms MARIE ANDREWS** (Gosford) [3.49 p.m.]: It is with great pleasure that I support the motion moved by my colleague the member for Camden. I was pleased to hear the member for South Coast state that Opposition members would support the Federal Government's stimulus package. However, that conflicts with what the member for Manly and others said last week in debate on a motion accorded priority. The Federal Government's Building the Education Revolution Program is divided into three parts: primary schools for the twenty-first century; national school pride or renewing Australia's schools; and science and language centres for twenty-first century secondary schools. Each of those programs will help us to support jobs across New South Wales by providing greater opportunities to improve the quality of our school facilities.

The first part, primary schools for the twenty-first century, is the biggest element of the program. This program will allocate approximately \$2.6 billion to provide infrastructure to primary, central and special schools. Drawing on the Commonwealth guidelines for this program, New South Wales has identified the following priorities: construction of halls or libraries in those schools where these facilities do not exist or are considered inadequate under the primary school facilities standard; replacement of demountables or other buildings that support long-term enrolments with permanent buildings; refurbishment of existing facilities; and construction of facilities that are coordinated within a community of schools to provide beneficial educational outcomes.

A significant requirement of primary schools for the twenty-first century is that any facilities funded in that category must be made available for community use at low or no cost. This is consistent with the approach of New South Wales to the community use of facilities in local schools and with newly developed guidelines to assist our principals in arranging low-cost or no-cost community access to school facilities. The second category, national school pride, is aimed at renewing all schools—primary, central, secondary and special schools. In this category the New South Wales Department of Education and Training has been allocated approximately \$290 million. The work to be undertaken in this category is similar to the department's existing minor capital works and maintenance programs.

After reviewing the Commonwealth's guidelines the New South Wales department has developed the following priorities for this funding: minor works such as roof or sewer replacements or power upgrades;

maintenance needs not being addressed by existing programs; and works to improve access for students with special needs. The final category, science and language centres for twenty-first century secondary schools, will provide up to 500 science and language laboratories to secondary schools across the country. These laboratories will go to those schools that demonstrate the greatest need and, again, where the State or Territory government can show that construction can be completed within the strict time frames determined by the Commonwealth. I commend the motion to the House.

**Mr RAY WILLIAMS** (Hawkesbury) [3.52 p.m.]: People in the Hawkesbury electorate are fortunate to have some of the most caring and dedicated teachers that they could ever hope to have. Opposition members support and welcome any funding injection to upgrade our schools as we entrust teachers in those schools with our greatest assets—our children. We expect the best results from our schools and our educational institutions but how can teachers deliver those results when they are working in substandard facilities—in schools that have leaking roofs, that have no security fencing and that are constantly broken into? I will refer to a couple of schools in my area.

I am disappointed in the number of Government members who read speeches that have been written for them by bureaucrats rather than referring to the problems being faced by schools in their electorates, which is exactly what I intend to do. Middle Dural Public School desperately requires security fencing and an appropriate alarm system—simple installations that will ensure the maintenance of facilities for our schoolchildren. Last year that school lost a demountable classroom that had been in place for over 20 years, which is obscene. The school was told that it would not be removed, but it was removed. This theme has been repeated in many rural schools in my electorate, for example, in Annangrove Public School. When the number of students at that school increased to 104 it was supplied with a demountable classroom, but when the number of students decreased the demountable classroom was removed and left lying in a paddock in Goulburn.

It costs this Government tens of thousands of dollars to remove these demountable classrooms, take them to Goulburn, and then replace them at a later date. The Government does not need these demountable classrooms: the Department of Education and Training requires them to be removed when student numbers at a school decrease. Glossodia Public School is constantly vandalised because it does not have security fencing—a problem inflicted on that school because of the lack of investment by this State Government. In contrast, the Howard Government allocated hundreds of thousands of dollars to upgrade schools and to provide covered outdoor learning areas. All schools in New South Wales require better funding and improved facilities, but this State Government has let them down.

**Ms NOREEN HAY** (Wollongong) [3.55 p.m.]: On behalf of my electorate of Wollongong I am proud to support the motion moved by the member for Camden. The Federal Government's \$42 billion Nation Building and Jobs Plan set aside \$14.7 billion to provide a better learning environment for school students and future generations. This once-in-a-lifetime injection of funds into our public and private schools will support jobs and stimulate the economy. It is an expected \$4.4 billion, or more, package for schools in New South Wales to build new halls, libraries, classrooms and laboratories, as well as to undertake additional maintenance works. Last week in the House Opposition members voted against this package—a package that will result in every school in New South Wales receiving an upgrade.

In order to support jobs we need to put politics aside and stimulate the economy right now. The Commonwealth's plan requires New South Wales to deliver \$220 million of projects for the Building Education Revolution Program by 30 June 2009, and the Government is on track to deliver that number of projects. This package is vital for schools, families, workers and the economy—something the Opposition refuses to acknowledge. The global economy faces one of its greatest tests since the Great Depression. The Rudd Government's package not only will benefit schools across the State; it also will support the jobs of the mothers and fathers who each day farewell them at the school gate to go to work.

Unlike the Opposition, the Rees Government recognises that the stimulus package will help to create jobs. It welcomes the opportunity to provide a better learning environment for schoolchildren. We invite the Opposition to support this package. As members have heard, these are challenging times but these times will define us. People are looking to us, their representatives, to take action and to support a plan that will provide insulation for jobs, families, businesses and the economy in one of the toughest economic landscapes that we have ever faced. I urge Opposition members to put aside petty politics and I ask all members to meet this challenge together.

It is disappointing, though not surprising, that Opposition members moved an amendment to this motion. I again call on Opposition members to support the motion and the Federal Government's package. When

the Howard Government was in office Opposition members in this place would not support the Government getting its fair share of the \$3 billion in GST revenue that was being ripped from the taxpayers of New South Wales. The Federal Labor Government, in a new era of cooperation with the New South Wales Government, is working to allocate more money and to provide better resources for our schools, but all that Opposition members can do is indulge in petty politics. I call on all members to support the motion.

**Mr GEOFF CORRIGAN** (Camden) [3.58 p.m.], in reply: I thank members representing the electorates of South Coast, Wollongong and Gosford for their contributions. I should thank the member for Hawkesbury for his contribution, even though it was an errant contribution in places. For example, the member for Hawkesbury said that we take demountables out of schools and put them in paddocks around Goulburn. That simply is not true. Last year there were two spare demountables in the whole of New South Wales. I can assure the House that demountables are not taken from schools and put into paddocks.

**Mrs Shelley Hancock:** They were.

**Mr GEOFF CORRIGAN:** They are not. Unlike those opposite, I do not come into the Chamber and make inaccurate claims. I make investigations of the department as to exactly what happens. The member for South Coast says this is a bailout package and accuses me of towing the Government line. She has taken the Opposition line. This certainly is not a bailout package. As members opposite have said, it is a welcome package of money for New South Wales education. I am glad they said that. It certainly is not a bailout. It is a comprehensive program by the Commonwealth Government. If we cast our minds back to the days of the Howard Government, investment in our schools contained more conditions than anything else.

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

**Mr GEOFF CORRIGAN:** The Building Education Revolution Program is a comprehensive total investment package that has the support of each school community. They tell us what they want. Indeed, my local communities and the parents and citizens associations in all of my schools have made their thoughts known to me. I will be working with them to try to deliver the projects they want and for which they have asked. I have neglected to state that, of course, we will not support the Opposition amendment moved by the member for South Coast.

**Mrs Shelley Hancock:** How disappointing.

**Mr GEOFF CORRIGAN:** I knew she would be disappointed. I am pleased that she welcomed the amount of money provided to New South Wales education. I call on the Opposition to support the New South Wales Government and the Federal Government and get this money into our schools. This \$14.7 billion Building Education Revolution Program is an unprecedented injection of the largest amount of Commonwealth funding, with \$4.4 billion going to schools across this State. This is fantastic work. It is a comprehensive investment program that will support our schools and, as the member for Hawkesbury said, support our teachers by providing better infrastructure that probably could not be provided as quickly as it will now. I commend the motion.

**Question—That the words stand—put.**

**The House divided.**

**Ayes, 48**

Mr Amery	Mr Harris	Mrs Paluzzano
Ms Andrews	Ms Hay	Mr Pearce
Mr Aquilina	Mr Hickey	Mrs Perry
Mr Borger	Ms Hornery	Mr Piper
Mr Brown	Ms Judge	Mr Sartor
Ms Burney	Ms Keneally	Mr Shearan
Ms Burton	Mr Khoshaba	Mr Stewart
Mr Campbell	Mr Koperberg	Ms Tebbutt
Mr Collier	Mr Lalich	Mr Terenzini
Mr Coombs	Mr Lynch	Mr Tripodi
Mr Corrigan	Mr McBride	Mr West
Mr Costa	Dr McDonald	Mr Whan
Ms D'Amore	Ms McKay	
Ms Firth	Mr McLeay	
Mr Furolo	Ms McMahan	<i>Tellers,</i>
Ms Gadiel	Ms Megarritty	Mr Ashton
Mr Gibson	Mr Morris	Mr Martin



**Noes, 39**

Mr Aplin	Mrs Hancock	Mrs Skinner
Mr Baird	Mr Hartcher	Mr Smith
Mr Baumann	Mr Hazzard	Mr Souris
Ms Berejiklian	Ms Hodgkinson	Mr Stokes
Mr Besseling	Mrs Hopwood	Mr Stoner
Mr Cansdell	Mr Humphries	Mr J. H. Turner
Mr Constance	Mr Kerr	Mr R. W. Turner
Mr Debnam	Mr Merton	Mr J. D. Williams
Mr Dominello	Mr O'Dea	Mr R. C. Williams
Mr Draper	Mr Page	
Mrs Fardell	Mr Piccoli	
Mr Fraser	Mr Provest	<i>Tellers,</i>
Mr George	Mr Richardson	Mr George
Ms Goward	Mr Roberts	Mr Maguire

**Pair**

Ms Beamer

Mr O'Farrell

**Question resolved in the affirmative.****Amendment negatived.****Motion agreed to.**

**The SPEAKER:** Order! It being before 4.30 p.m., the House will now proceed to Government business.

**DISTINGUISHED VISITORS**

**The SPEAKER:** Order! I acknowledge the presence in the gallery of the former member for Wallsend, John Mills.

**NATION BUILDING AND JOBS PLAN (STATE INFRASTRUCTURE DELIVERY) BILL 2009****Agreement in Principle****Debate resumed from 4 March 2009.**

**Mr BRAD HAZZARD** (Wakehurst) [4.12 p.m.]: I lead for the Opposition in debate on the Nation Building and Jobs Plan (State Infrastructure Delivery) Bill 2009 and state at the outset that the Opposition will not oppose the bill. However, the Opposition has a number of concerns relating to the bill. State Labor argues that the bill is all about jobs. If it were all about jobs and only about jobs, the Opposition would be completely supportive. However, New South Wales has suffered from various incarnations of incompetent Labor governments that have decimated jobs, State infrastructure and the economy of the State.

When the Coalition left office in 1995, New South Wales led Australia in all economic indicators. An examination of the gross State product of each of the States between 1999 and 2006-07 shows that New South Wales had a gross State product of 5 per cent and that under State Labor each year since that time the percentage has tracked downwards. By 2001-02, gross State product for New South Wales effectively had halved to 2.4 per cent and 2.6 per cent respectively. By 2006-07, it had been reduced to 1.8 per cent. I remind the House that for the financial year 1998-99, gross State product for New South Wales was recorded at 5 per cent. While we consider this bill, New South Wales is at the bottom of the pile, except for South Australia. What a sad indictment of the competence of State Labor governments. In 2006-07 even the Australian Capital Territory recorded a gross State product of 5 per cent, the Northern Territory recorded a rate of 5.6 per cent, and Queensland recorded a rate of 4.9 per cent. I emphasise that during the same period New South Wales recorded gross State product of 1.8 per cent.

Over the same period, unemployment in New South Wales increased to 5.4 per cent and remained above the national average, which in January was 4.8 per cent. The 5.4 per cent rate represented an increase from the December figure of 5.2 per cent. That tells us, as far as unemployment is concerned, that New South Wales is worse off than Victoria, worse off than Queensland, worse off than Western Australia and even worse off than Tasmania. In January New South Wales unemployment increased by 10,300 to 195,800 and employment growth in New South Wales decreased by 0.3 per cent. That appalling reduction in our employment growth rate is the poorest performance of all States of Australia except South Australia. There is no issue regarding employment: New South Wales needs jobs! As the dark clouds of recession gather and the current economic crisis enfolds us, we certainly need jobs.

It is against that very unfortunate economic background that the Opposition has examined the bill. There is nothing inherently attractive about the bill. It is designed to steamroller the planning system in New South Wales, albeit that the planning system is utterly incompetent. The real purpose of the bill is to find a way around the incompetent planning system that State Labor has implemented in New South Wales. It is effectively a super size part 3A whose purpose is to throw out normal community input to planning outcomes, proper environment considerations and all other normal planning processes. The bill has been introduced on the back of a Federal Government initiative—I emphasise it is a Federal Government initiative—to stimulate the Australian economy and in turn to stimulate the New South Wales economy. The bill certainly is not the result of any action taken by the current incompetent State Labor Government.

As all members will recall, in November last year our amateur Premier rushed in with a mini-budget that has since been subjected to thorough examination. It has been revealed that the mini-budget has had precisely the reverse effect it was intended to achieve. It certainly did not stimulate the economy but did the exact opposite of what the Rudd Federal Labor Government said ought to be done. Premier Nathan Rees ruled out any specific support for the State's economy and infrastructure. In the last few months, as economic circumstances have deteriorated and he has received the message loud and clear from his Federal colleagues that they are not happy with his incompetence and his inability to address the fundamental economic problems of the State, including the creation of jobs in New South Wales, he has been forced to take notice of the need to stimulate the State's economy, but still he has not done anything about it.

The Premier has begun to talk about plans to do this and plans to do that. He leads a government that is very good when it comes to planning to do things, but it is atrocious at actually delivering. I remind the House that while we consider this bill and wonder whether we have any confidence in the capacity of the Government to deliver outcomes, we should recall plans such as the Chatswood to Parramatta rail link.

**Mr Greg Smith:** Shame!

**Mr BRAD HAZZARD:** That is very much a matter of shame for the Government, as the member for Epping so rightly observes. That rail link did not eventuate. Various proposals were made. Eventually the project became a much truncated and reduced project to provide a shuttle service that was delivered very late in the piece and had very limited capacity. It now runs from Chatswood to Epping, not Parramatta. We then had the Metropolitan Strategy and the subregional strategies, which identified and acknowledged, quite appropriately, that there would be one million more people in New South Wales by 2031. The Metropolitan Strategy looked at various ways that we might deliver the necessary employment lands, jobs for those employment lands, and infrastructure to support those jobs and residences. But some of the pillars of that proposal have already been knocked out, and another plan disappeared in terms of the north-west rail sector.

**Mr Greg Smith:** That's a tragedy.

**Mr BRAD HAZZARD:** It is a tragedy because tens of thousands of people moved into the north-west sector but the rail system that was promised to them disappeared. Indeed, with the new developments that have occurred in the north-west, estate agents sold units and businesses to many people on the basis of the Government's promise about where the railway line and train stations would be located. However, none of that infrastructure has been delivered. The south-west is an important part of Sydney. The Metropolitan Strategy envisaged a south-west rail line, which the Government supported in many statements. There was plan after plan, and then absolutely nothing. Now the Government has announced the CBD metro. Will it ever happen? The average person would highly doubt it. Clearly, people living in the north-west and in the south-west, and those who plan to move to the south-west, are entitled to ask, "Why the metro? Why that area when it is already well serviced by other transport modes?" The problem is that the Government simply cannot deliver on infrastructure.

I turn now to hospitals. In the past couple of days the focus has been on Westmead Hospital. Previously the focus was on Royal North Shore Hospital, Camden District Hospital and Campbelltown Hospital. There is a lack of infrastructure on the northern beaches, which is the area I represent, together with the member for Manly and the member for Pittwater. Our two hospitals, Manly Hospital and Mona Vale Hospital, are run down, and there is a lack of capacity to delivery infrastructure support to them. The promise of a new hospital at Frenchs Forest has disappeared into the ether. There seems to be nothing at all coming from the Government now. The Government has introduced this bill against that background. As I said, the planning system is utterly incompetent.

A number of planning amendments were made last year. After much controversy the amendments were passed by this place; within two weeks of the amendments being passed the Government agreed that the upper House should hold an inquiry into the planning laws. In other words, the Government had so little confidence in the planning laws that it recognised that a review of those laws was required. From the Opposition's point of view, there is no question that we need to find ways to not only streamline planning processes but also ensure that the community still has ownership of its areas, its neighbourhoods, its places. Even with the amendments last year, and the way the Minister continues blithely to use the provisions of part 3A to a great extent, the Government knows that its planning laws are not working.

If the planning laws were working—for example, if part 4 of the Environmental Planning and Assessment Act was working—the Minister would not need to adopt part 3A processes so readily. She arrived in the seat as the Minister and started churning out part 3A approvals—roughly 1.7 of them every day. The planning system has effectively broken down. One initiative from 2005—part 3A—is being used to circumvent a broken system. The Government has gleefully embraced the use of a provision that circumvents much of what the community wants to see in terms of proper planning processes and recognition of environmental issues. This bill makes part 3A look like amateur hour in terms of steamrolling over local communities. In this bill there is implicit but specific recognition that the New South Wales planning system does not work. One need only read the overview of the bill, which states:

The object of this Bill is to ensure the timely delivery in NSW of the infrastructure projects funded by the Commonwealth under the National Building and Jobs Plan ...

That seems to be, and is doubtless, a good purpose. It is necessary for New South Wales to spend the Federal money, because we lose what we do not use. That is one condition from the Federal Government. It is also predicated on an understanding that the current planning system does not allow for the expeditious delivery of infrastructure in New South Wales, even with part 3A. While part 3A exists, it is of interest to many people in the community that the Government acknowledges that it needs to go further to try to circumvent the broken planning system in New South Wales in order to ensure the delivery of infrastructure in accordance with the Federal Government's stipulation so that New South Wales can get its share of the \$42 billion stimulus package.

Put aside the arguments about whether the size of the stimulus package or the particular stimulus package is appropriate. The money is on the table and New South Wales needs to get its share. The condition is to get the various approvals as quickly as possible. This bill is structured, essentially, on a new steamroller over the planning system. The bill provides for the appointment of an Infrastructure Co-ordinator General. That is interesting. Use of the words "co-ordinator general" conjures up ghosts of the past. However, they are not all ghosts because I understand that David Richmond is still working somewhere inside the State Government. It is interesting that previously we had a co-ordinator general who presumably tried to bring together the various infrastructure initiatives that the Government kept talking about. Apparently he had a falling out with the Government, or at least one or two senior Ministers. It has been suggested that he did not share the same objectives as the Minister for Infrastructure, which meant that he was sidelined.

Technically, we still have a co-ordinator general. Now we will have a Federal Government-driven Infrastructure Co-ordinator General. The provision is not a personal criticism directed at the new appointee, but it is criticism of the planning system, which is failing so badly that even the Government recognises that it needs to have an Infrastructure Co-ordinator General. The Federal Labor Government has made no secret of its concern about its incompetent State Labor colleagues. Behind the scenes and in public utterances it is clear that Federal Labor thinks the State Labor Government comprises a bunch of incompetent amateurs. It is doubtless necessary to have some way for the Government to address the issue of our broken planning system. The Coalition would have preferred an overhaul to improve the planning system rather than circumventing it through a structure that will remain only until the \$42 billion is spent.

State Labor, and the Minister specifically, has given an assurance that this legislation will be in force only for as long as it takes to spend our share of the \$42 billion on various infrastructure projects. In the absence

of that guarantee the Coalition would have a major problem with this bill, which is a step too far in terms of circumventing the planning legislation and the requirements for a reasonable planning process that the community demands. The projects identified will be of critical importance to New South Wales. I started my speech by saying that we need jobs. We also need quick infrastructure delivery. It is also appropriate to observe that many in the community are very concerned about our planning legislation, and therefore about the necessity to bring this sort of bill before the House. Yesterday John Mant appeared before the Legislative Council inquiry, and said:

I note that, as a result of a similar frustration with the system, the Government just had the Parliament pass legislation allowing stimulus developments to bypass the normal processes. Like parts of the planning legislation, there are provisions that exempt the Executive from supervision by the courts. That these breaches of the separation of powers doctrine are seen necessary alone must demonstrate the fundamental failure of the current system.

Many others criticise the system. On behalf of the community I seek an assurance from the Minister regarding transparency: the community must see what projects are being considered by the new Infrastructure Co-ordinator General [ICG], what steps he or she will take publicly to assess those infrastructure projects and the basis upon which the expenditure of Federal funds for infrastructure purposes is prioritised. The ICG will have a number of roles. I do not propose to examine them now except to say that the essential role is one of oversight, which can become far more pivotal if government departments fail to get on with the job of approving and driving the delivery of infrastructure. The Minister's second reading speech contains scant information about how that will be achieved. Certainly the bill gives him or her certain powers but nothing at this point indicates to the people of New South Wales that the Premier has considered the necessity to be—as he said when he first became Premier—far more transparent with the New South Wales community.

In his first blush of success, having put the knife into Morris Iemma and done deals with various powerbrokers whom he then appointed to the frontbench, the Premier had a "red-hot go" at selling himself and talked about, among other things, transparency. He said that there would be no more "spin". The New South Wales community and the Coalition expect transparency. This bill does not give the Government the right to be disdainful in the face of a community call for it to be more responsive to the people's need for a transparent and honest approach to government. I ask the Minister for Planning, who I understand has carriage of the bill on behalf of the Premier, to advise the House and the people of New South Wales whom we represent how the Government will ensure that the Infrastructure Co-ordinator General will be transparent about the process of spending billions of dollars. People must be able to assess what is being done, how it is being done and the validity of the decision.

The Government has shown the Coalition just what Labor can do in terms of party-political partisanship by delivering anything for anybody. During the various incarnations of Labor in office we have seen some of the most blatant pork-barrelling by any government in the history of Australia. Prime Minister Rudd said that the funds will be distributed equitably and equally. They will provide school facilities and meet other infrastructure needs on a fair and equitable basis. The challenge for the Minister and the Premier is to satisfy the New South Wales community that the Government will do that with the fortune it has to spend in the next few months. It is time for clear and open criteria when implementing spending processes in relation to those funds.

I challenge the Infrastructure Co-ordinator General—if the Minister will not do it—to establish on behalf of the New South Wales community a process that is open, transparent, honest, has some semblance of decency, and recognises that every person in New South Wales is entitled to have a fair and equitable proportion of the funds spent on infrastructure in their local area. Beyond there being a clear need for that approach there is an urgent need for the Infrastructure Co-ordinator General to set out clearly how people can apply for the funds. As a result of the Labor Government's history of incompetence the community has become immune to the belief that it will govern for the people. It is accepted that there is little point asking the Government to come to an area, recognise need there and deliver infrastructure. If the Government does not give the Infrastructure Co-ordinator General clear instructions, I urge the ICG, on behalf of every resident of New South Wales, to send a message to the community about how he or she intends to distribute the funds and ensure that they are allocated fairly. The Infrastructure Co-ordinator General should clarify for community groups throughout New South Wales how they can apply for funds.

As I indicated, the Opposition will not oppose the bill. The Opposition hopes that the Government will make a serious effort to address its fundamental failings in planning and ensure that there is an adequate delivery of infrastructure and that New South Wales does not lose out. Earlier today the House heard that New South Wales lost \$48 million in funding for the upgrade of the Pacific Highway because the State Labor

Government did not satisfy the requirements laid down by the Federal Labor Government for the expenditure of that funding. That \$48 million was pulled from under the people of New South Wales. Do not let that happen with this bill. Make sure that we get our fair share, but make sure it is done honestly, transparently and fairly.

**Mr DAVID HARRIS** (Wyang) [4.40 p.m.]: I certainly support the Nation Building and Jobs Plan (State Infrastructure Delivery) Bill 2009. The bill is about generating employment and protecting as many jobs as we can. The Rudd Government has come forward with an historic, long-term and targeted plan to fight the global economic crisis. Every day there are stories of serious job losses. General Motors has cut 47,000 jobs world wide as part of a massive restructure. BHP Billiton has cut 6,000 employees and contractors around the world and, as a follow-on, the Ravensthorpe nickel mine will close, resulting in 1,800 job losses in Western Australia and Queensland. Australia's largest property developer, Lend Lease, will cut 1,700 jobs over the next six months.

In New South Wales, Pacific Brands has cut 507 jobs. In Albury, 235 Drivetrain Systems International workers lost their jobs. We are experiencing the worst global economic downturn since the 1930s and we need to do everything we can to soften the impact. The \$42 billion economic stimulus package from the Commonwealth Government will see unprecedented levels of spending on our schools, on social housing programs and on local infrastructure works—all designed to stimulate economic activity and jobs. As Kevin Rudd pointed out, the stimulus package will be the biggest construction effort since the post-war building boom. Unfortunately, recently the Opposition voted against the package. I remember quite clearly, because I took part in the debate, that the Opposition did support a Turnbull package. That is because there is no Turnbull package. But the Opposition has not said that it will support the Rudd package, which will provide jobs and important infrastructure for our local communities.

The New South Wales Government is doing its fair share as well. Over the next four years New South Wales will have the largest infrastructure program of any Australian State government: a \$56 billion program that will sustain 154,000 jobs each year. Despite what the member for Wakehurst said, that program was included in the mini-budget before the economic crisis eventuated. New South Wales has a proven record of infrastructure delivery. We delivered the best-ever Olympic Games, on budget and without a debt hangover. We have invested \$9.3 billion in rebuilding and upgrading public hospitals and emergency departments. We have completed 94 railway station upgrades, delivered 141 new Millennium train carriages and built two major transitways in western Sydney.

I note that the Opposition continually tries to take the moral high ground and say that the Government is not delivering infrastructure. But it is being delivered all around us. The Opposition has closed its eyes and does not want to acknowledge the Government's achievements. The Government has allocated \$950 million to rebuild the Royal North Shore Hospital, which will support an average 375 direct jobs per year; \$4.8 billion for the central business district metro, involving 875 jobs; and \$246 million for 19 new schools and 12 new TAFE projects, creating 490 jobs. And the list goes on. In my electorate there have been courthouse upgrades, schools have been built, a hospital has been totally reconstructed, and new roads are under construction. However, those opposite say that nothing is happening. Maybe nothing is happening in the Epping area, but infrastructure provision is certainly happening in my part of the world.

The Government has also cut payroll tax—\$1.9 billion in relief for businesses—and cut developer levies to stimulate construction. We have done this in a responsible, affordable manner. Recently the Premier announced the creation of 4,000 new government apprenticeships and 2,000 public sector cadetships over the next four years. The New South Wales Government has also entered into a \$620 million partnership with the Rudd Government, providing an additional 175,000 training places to be created over the next four years. These are real plans that are being put into action now.

New South Wales will commit \$200 million in new funds to this plan. The New South Wales Government is taking decisive action to deliver the Rudd Government's economic stimulus package. The bill will ensure the rapid delivery of the infrastructure projects funded by the Commonwealth to implement the Council of Australian Governments [COAG] agreement on the Nation Building and Jobs Plan. The agreement with the Commonwealth will provide New South Wales with significant funding for important State infrastructure projects—something the Howard Government certainly failed to do. Although the Opposition says it is a bailout, it is not—it is a catch-up for what New South Wales missed out on during 10 years of Federal Coalition Government. This is a unique opportunity to provide significant education, road and housing infrastructure for the people of New South Wales. New South Wales is expected to receive about \$2 billion for new social housing over the next two years and about \$4.4 billion for schools.

Like all States and Territories, New South Wales must satisfy tight time frames in order to qualify for the Commonwealth funding. The bill provides New South Wales with additional tools to ensure that we deliver the infrastructure projects within the funding time frames required by the Commonwealth. I listened carefully to the member for Wakehurst, who said that we should have an inquiry to restructure the entire planning system. By the time that happened we would have lost all the Federal funding and would not have been able to build anything.

**Mr Brad Hazzard:** Point of order: I refer to Standing Order 59. An upper House inquiry is already underway. That is what I observed. I did not say that there had to be an inquiry; one is already underway.

**ASSISTANT-SPEAKER (Mr Grant McBride):** Order! The member for Wyong has the call.

**Mr DAVID HARRIS:** The bill provides New South Wales with additional tools to ensure that we deliver the infrastructure programs within the time frames required by the Commonwealth for funding. That is the key provision of the bill. It is clear that the bill applies only to projects funded by the Commonwealth under the Nation Building and Jobs Plan and to no other projects, and that once the projects are completed the legislation will cease to have effect. The bill also establishes the New South Wales Infrastructure Co-ordinator General, who will be responsible for planning and implementing the timely delivery of the infrastructure projects. The role of Infrastructure Co-ordinator General is a response to a requirement by the Prime Minister. Bob Leece has now started in that position, and his team has hit the ground running. They are working closely with the Commonwealth Government and meeting tight deadlines.

The Infrastructure Co-ordinator General will head a special task force with agencies, the Department of Housing, and the Department of Education and Training. The bill requires State Government agencies to cooperate with the Infrastructure Co-ordinator General in relation to infrastructure projects to ensure that the projects are delivered on time. The bill provides also alternative procurement and tendering frameworks for the infrastructure projects to ensure that the projects can be delivered on time, and of course these will be subject to appropriate probity measures. Part 5 of the bill allows the Infrastructure Co-ordinator General to vary the usual planning and environmental approvals processes in relation to infrastructure projects to ensure that the projects can be delivered within the time frames required by the Commonwealth.

That is important because in my electorate a development application was lodged 12 months ago for a new police station. The police station could have been under construction now but we have had to wait and wait, and still the development application has not been approved. That is one reason why we have to make sure that projects can be delivered. This power will build on the changes made recently to the infrastructure State environmental planning policy [SEPP], which will streamline the approvals processes for school infrastructure and affordable housing. The processes under the infrastructure SEPP will be taken advantage of wherever possible to deliver these projects.

If a project can be delivered within the required time frames under the existing approvals processes there will be no need to make use of the power in the bill. However, given the Commonwealth's tight time frames, an alternative approval mechanism needs to be available if there is a risk that a project will not meet the deadline. The Infrastructure Co-ordinator General can use his power to provide appropriate conditions for public notification, environmental protection, heritage conservation, threatened species protection and bushfire protection. It is also worthwhile pointing out that the South Australian Government has put in place powers almost identical to those proposed under this bill. The press release from the Hon. Paul Holloway, South Australian Minister for Urban Development and Planning, states:

...the development approval process, previously requiring the import of several Government and or Local government agencies, will be removed for projects funded by the Nation Building and Jobs Plan and will be managed by the recently established Office of the Coordinator General.

The agreement with the Commonwealth Government on the Nation Building and Jobs Plan will provide both crucial funding to stimulate the State's economy and important infrastructure for the people of New South Wales. We need to make sure that we do everything we can to comply with the Commonwealth's tight time frames to receive this important funding. This bill provides us with the tools necessary to meet this challenge. I commend the bill to the House.

**Mr RAY WILLIAMS** (Hawkesbury) [4.50 p.m.]: It is ironic that when we look at this bill, the Nation Building and Jobs Plan (State Infrastructure Delivery) Bill 2009, we also see reference to the State Labor Government. The first thing that strikes anyone is that the two just do not go together. It is like water and oil;

they just do not mix. This State Labor Government has not taken a single step to build anything in New South Wales for so many years. It is ironic because the only investment that will come into New South Wales will be from the Federal Government. We should be talking about how this State Government has let us down in failing to provide infrastructure.

We can talk about the cancellation of half the Chatswood to Parramatta rail link, the re-announcement of the north-west rail link, the cancellation of the north-west rail link and its further re-announcement. I could talk about that for half an hour but I will not do so. It is just another of this Government's failures. These are important infrastructure projects that would build our nation. They would provide jobs but, most importantly, they would provide public transport links from very new growth areas, such as in my electorate in the north-west of Sydney, to work and business hubs such as the north-west business precinct, Macquarie Park and Castle Hill. Our area has been let down significantly by this State Government.

We could go over myriad issues such as the Richmond to Riverstone rail link upgrade, which was promised 11 years ago, I think, then re-announced a couple of years ago and subsequently cancelled. Surprise, surprise! Today there was an announcement of a new business park at Vineyard, right in the heart of the Riverstone electorate. Surprisingly, it is at the Vineyard station site where the upgrade of the Riverstone-Richmond line was going to go until three months ago. The rail line upgrade has been cancelled but now a business park is proposed. Once again we see the cart before the horse approach of this State Government when it comes to implementing infrastructure. Once again it shows how the Government fails to do anything as important as nation building, which is the subject of the bill before us. I will refer to what I believe is perhaps one of the greatest failures of this Government.

**Mrs Karyn Paluzzano:** Point of order: The member for Hawkesbury is not speaking to the bill. Can you bring him back to the leave of the bill and stop him using his BlackBerry for notes?

**ASSISTANT-SPEAKER (Mr Grant McBride):** Order! There is no point of order.

**Mr RAY WILLIAMS:** On many occasions here we have seen Government members raise vexatious points of order rather than accept their shortcomings and failings in relation to providing infrastructure and jobs. As I said, one of the greatest nation-building projects should have happened in 1993-94 when the Greiner Government proposed and signed off on raising the Warragamba Dam by 11 metres and strengthening it at a cost of \$200 million. A couple of other options were thrown up, but let us think for a moment about what that proposal would have done. Raising the wall of the dam would have ensured that the prescribed maximum flood level for the entire Hawkesbury area was less than 11 metres. That would have created enormous development potential in many areas of the Hawkesbury that currently have a prescribed maximum flood level of 17.5 metres to ensure that buildings are constructed safely out of the flood area. It would have provided thousands of jobs. It was a major project. It is almost a Snowy Mountains-type project that would have provided a massive number of jobs. It would also have—

**Mrs Karyn Paluzzano:** Point of order: I draw to the attention of the member for Hawkesbury that the only major infrastructure the previous Coalition Government built was the rail line to the airport, which is in the east, not the west. What did it do for the people of western Sydney but sack teachers—

**ASSISTANT-SPEAKER (Mr Grant McBride):** Order! Members may make introductory remarks. However, I ask the member for Hawkesbury to address the leave of the bill.

**Mr RAY WILLIAMS:** Following on my reference to nation building and jobs, the raising of Warragamba Dam would also have provided another 11 metres of water storage capacity. Is it not ironic that in 1995 when the Carr Government came to power in this State one of the first things it did was cancel this package? Bob Carr cancelled raising the height of Warragamba Dam and instead opted for the \$80 million spillway.

**Mrs Karyn Paluzzano:** Point of order: The member for Hawkesbury fails to realise that this Government has lowered access to the deepwater storage, which has the same effect.

**ASSISTANT-SPEAKER (Mr Grant McBride):** Order! I will not allow members to debate the issue across the Chamber. Members will direct their remarks through the Chair. The member for Hawkesbury has the call. He will confine his remarks to the bill.

**Mr RAY WILLIAMS:** We are talking about large infrastructure plans and that is exactly what I would like to see. I love contributing to this debate because I do not have to read from a speech that a bureaucrat has prepared for me, as Government members do. I can speak about the projects that have been cancelled in my area. The Minister for Planning might not like these truths being told to her but these massive nation-building infrastructure projects have been cancelled. I touched ever so slightly on the announcement today by the Premier and the Minister for Planning of the new business park at Riverstone. The announcement of that business park is a mockery when the Government has already cancelled the upgrade of the railway line to that area. But 500 metres down the road from this newly proposed business park is an existing business park in relation to which the Government still cannot get its house in order. It now has a draft proposal for rezoning a heavy industrial area into a light industrial area.

When we are talking about jobs and nation building one thing we should not be doing is downgrading an area that has been successful for 50 years. You do not smack people in the Riverstone business area in the face. There are hundreds of business people out there. You do not hang their hides out to dry or put them in a state of limbo, where they cannot get a development application approved to increase the size of their businesses. As we sit here today there are development applications before Blacktown council for expansion of the heavy industrial businesses in the Riverstone business precinct. The applications are being held up and those businesses are being jeopardised. We are also jeopardising the jobs of people at Riverstone in the western suburbs because the Minister for Planning will not assess the applications and ensure the heavy industrial area zoning—

**Mrs Karyn Paluzzano:** Point of order: Did the member put in a submission for the rezoning? He stands up in this Chamber and grandstands but what is he doing?

**ASSISTANT-SPEAKER (Mr Grant McBride):** Order! I ask the member for Hawkesbury to read the explanatory note at the top of the bill. He will confine his remarks to the objects of the bill.

**Mr RAY WILLIAMS:** I read the explanatory note but I remind the member for Penrith that the time for questions has expired.

**ASSISTANT-SPEAKER (Mr Grant McBride):** Order! I ruled earlier that members would not debate each other across the Chamber. The member for Hawkesbury will direct his comments through the Chair or I will sit him down.

**Mr Andrew Fraser:** Point of order: Points of order should relate to a specific standing order. The member for Penrith has not referred to a specific standing order but I note that you have been ruling in her favour. I believe that the member for Hawkesbury is referring to issues that are covered under the legislation, and he is entitled to do so. The Chair should show some equity in relation to this matter.

**ASSISTANT-SPEAKER (Mr Grant McBride):** Order! The member for Hawkesbury has the call.

**Mr RAY WILLIAMS:** I have in front of me the New South Wales Nation Building and Jobs Plan (State Infrastructure Delivery) Bill 2009. I will not let this opportunity pass without stating what a dreadful job this New South Wales Government has done over the past 12 years to provide necessary infrastructure in this State. Its record in this area is abysmal. It has been dragged, kicking and screaming, to upgrade Windsor Road. Incidentally, it was paid for by the Rouse Hill community through the arterial road contribution scheme. In 2000 radio announcer Alan Jones and I exposed the Government's abysmal record and ensured that we ultimately got the money for that road from the arterial road contribution scheme.

This Government has an endless list of broken promises and it has failed to implement necessary infrastructure in this State. How many millions of dollars have been spent on endless announcements, glossy brochures and plane trips across Sydney relating to the north-west rail link? It is a disgrace, it is disgusting and it is an abrogation of this Government's responsibility to ensure that it does not lie to the people of New South Wales. That is what it has done for many years and I am sure that it will continue to do so for many years into the future. It remains to be seen whether the Federal Government allocates funding for infrastructure in New South Wales.

This Government is responsible for service delivery in New South Wales and it is responsible to businesses in the Riverstone business precinct. Clearly, the people in that precinct do not deserve to have a draft planning proposal hanging over their heads—a planning proposal that restricts opportunities for development



applications to increase the size of their businesses. The Minister for Planning said on the record today that those businesses would remain in place. However, the Minister knows that existing rights are limited.

**Mr Frank Terenzini:** Point of order: The member for Hawkesbury has been waffling on for several minutes.

**Mr Brad Hazzard:** What is your point of order?

**Mr Frank Terenzini:** If Opposition members give me a moment I will state my point of order. Standing Order 76, which is clear, relates to relevance. The member's contribution should be relevant and it should relate to the bill before the House.

**Mr Andrew Fraser:** This is not a point of order.

**Mr Frank Terenzini:** Opposition members should give me an opportunity to state my point of order. This bill refers to a Council of Australian Governments agreement that relates only to infrastructure. What the member for Hawkesbury is saying is completely irrelevant.

**Mr Brad Hazzard:** You are only awake because Kristina told you to get up and take points of order.

**Mr Frank Terenzini:** The member for Wakehurst should get someone to do proper research for him.

**ASSISTANT-SPEAKER (Mr Grant McBride):** Order! There is no point of order.

**Mr RAY WILLIAMS:** Ironically, last week in this House the member for Maitland said that new homeowners no longer had to pay land tax, but new homeowners have never had to pay land tax on private property. The member for Maitland should do his homework. This Government has failed to do anything in relation to nation building. As I said earlier, hundreds of millions of dollars were wasted on advertising for the north-west rail link.

We are talking about promoting jobs and implementing infrastructure, but one of the most important things that should have been implemented is a Tcard to improve public transport services in our area. Instead we received a bill for \$100 million and we did not get as much as a ticket roll. This Government has done nothing in relation to nation building and it has done precious little for jobs. It has let down the people of New South Wales, business owners in the Riverstone electorate and in Riverstone business park, and it has let down every resident of New South Wales. The Government needs to stop dithering and lying about what it intends to do, as it has done nothing. The Government needs to lift its game.

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [5.05 p.m.]: I support the Nation Building and Jobs Plan (State Infrastructure Delivery) Bill 2009. The Federal Government's \$42 billion Nation Building and Jobs Plan will deliver a great win for schools in New South Wales. An amount of \$14.7 billion from the package has been set aside to build new halls, libraries, classrooms and laboratories, as well as undertake maintenance work in schools across the nation. This package is known as Building the Education Revolution. Public schools in New South Wales will receive over \$3 billion from this package and non-government schools will receive more than \$1.5 billion.

This significant investment in school infrastructure—the largest in Australia's history—will deliver a program of building works and maintenance to schools across Australia far greater than the resources of any State government could ever allow. Contrary to the comments of the member for Hawkesbury, building new school infrastructure in the Miranda electorate is not something new for the Labor Government. It has built new halls for Oyster Bay and Kirrawee public schools and a new hall is underway at Sylvania High School, with construction expected to commence this year. These projects are projects that local Liberals only ever talked about.

Labor has improved infrastructure in every State school in my electorate. Gyms, performance studios, a library, science laboratories and kitchens have been built or upgraded at Port Hacking High School; a music block was built at Kirrawee High School and one was upgraded at Gympsea Technology High School; covered outdoor learning areas, covered walkways, electrical wiring, fencing and wombat crossings have been installed or upgraded; and a safer pick up and set down area, or road access, has been provided for pupils and staff at Bates Drive School, a special needs school in my electorate. Under Labor the Building the Education Revolution will add to these improvements.

Let me give members an example to contradict the outcry, outpouring of grief and wringing of hands by the member for Hawkesbury about Labor not delivering anything. Every school in New South Wales will get something from this package. More than 3,000 school sites will become building sites. This unique opportunity for our schools, both public and private, will also create jobs for workers in New South Wales and help to stimulate local economies throughout the State. Unfortunately, Opposition members in this House voted against a package that will provide new school halls, libraries and science laboratories for our children. Our children will be the beneficiaries of new school halls and libraries and they will benefit from the extra work that the stimulus package will provide, which will help to create employment for their mothers and fathers.

**Mr Brad Hazzard:** Point of order: This is the stimulus package. We have not yet voted on this bill. The member for Miranda should wake up.

**ASSISTANT-SPEAKER (Mr Grant McBride):** Order! The member for Miranda has the call.

**Mr BARRY COLLIER:** I know that Opposition members and the shadow Treasurer, who has just come into the Chamber, will oppose this package. The member for Manly talks about his economic and financial credentials, but if he were some sort of economist he would be talking about the multiplier effects of these capital works programs. He would be telling us how every dollar spent on capital works programs would be more stimulatory in terms of income, output and employment than a dollar in tax cuts. Of course, the reason is that every dollar of capital expenditure goes directly into the income stream whereas part of the dollar in tax cuts is saved.

**Mr Mike Baird:** So how does the cash plan relate to that?

**Mr BARRY COLLIER:** He would know that saving is not spending. He would be talking about the paradox of thrift. The member for Pittwater is taking a great interest in the debate.

**Mr Mike Baird:** He's an economics master.

**Mr BARRY COLLIER:** That is right. Those opposite are encouraging us not to spend but to save in times of economic downturn. If we continue to save and not spend all we will do is drive the economy further into recession—the big R they talk about. The Opposition does not want us to spend money. It relies on the same pre-Keynesian mentality that ensured the Depression that began in 1929 persisted throughout the 1930s in Australia and most other Western industrialised countries. That is the Opposition: negative thinking, negative ideas, negative comments and talking down our great Australian economy.

**Mr Mike Baird:** That was good.

**Mr BARRY COLLIER:** You liked that? The bill is critical to ensure the rapid delivery of infrastructure projects funded by the Commonwealth to implement the Council of Australian Governments [COAG] agreement on the Nation Building and Jobs Plan to help reduce the impact of the global economic crisis on this State. The bill provides New South Wales with additional tools to ensure we deliver these important education facilities for our children within the time frames required by the Commonwealth. It is clear that the bill applies only to projects funded by the Commonwealth under the Nation Building and Jobs Plan and no other projects. Once the projects are completed the legislation will be repealed.

A key element of the bill is the establishment of the New South Wales Infrastructure Co-ordinator General. Bob Leece has started work and is working closely with the Commonwealth Government to meet its time frames. Just this week the Premier announced that the State Government has placed an order for pre-constructed permanent school libraries to replace demountables in government schools: 50 of these new libraries will be built by a western Sydney family-run company that will immediately increase its workforce from 60 to 90 employees, including providing four new apprenticeships. The Infrastructure Co-ordinator General will be responsible for planning and implementing the timely delivery of the projects and will head a special task force with the Department of Housing and the Department of Education and Training.

Where projects are at risk of not being delivered on time the Infrastructure Co-ordinator General will have the necessary power to deliver them. One of the key powers of this bill is that it allows the Infrastructure Co-ordinator General to vary usual planning and environmental approval processes where there is a risk a project will not be built within the Commonwealth time frames. I welcome this particular power. We do not want councils, such as Sutherland Shire Council, unnecessarily delaying projects, or indeed refusing projects,

that will benefit the community. Recently Sutherland council rejected the provision of a 112-bed nursing home on the grounds of Sutherland Hospital. The facility would have reserved 10 beds for elderly hospital patients, thereby improving patient flows and access. But our council, of course, rejected the proposal based on a few neighbours complaining about landscaping, parking and lack of access by cyclists.

While Sutherland council continually spruiks its concerns for seniors and its aged-care policy, it continually places every obstacle it can find in the way of the development of much-needed nursing homes and infrastructure within our shire. I cannot think of one aged-care proposal in the past three years that has not been unreasonably delayed by Sutherland Shire Council, resulting in increased costs and distress amongst our seniors and their families. The Infrastructure Co-ordinator General's power will build on the recently made change to the infrastructure State environmental planning policy [SEPP] to streamline approvals processes for school infrastructure. I welcome this particular feature of the bill.

The State Labor Government has delivered, and continues to deliver, key infrastructure for the Sutherland shire. The Miranda Five Ways, the Woronora Bridge, the Bangor Bypass, the Sea Cliff Bridge and the Alford's Point Bridge are all projects delivered by Labor. They were only ever promised by the Liberal Party. Sutherland hospital, the Cronulla sewage treatment plant, the easy access upgrade and lifts at Miranda, Gymea, Caringbah and Sutherland railway stations, and the Bondi Junction Turnback are projects the Liberal Party only ever whinged about, but State Labor delivered. Of course, the \$344 million Cronulla rail duplication project, complete with lifts at Kirrawee and Woolooware railway stations, is well advanced. It is the largest single public transport infrastructure project in the shire's history, delivering two extra services on the Cronulla line each hour during the peak period. Who only whinged about it? Of course, it was the Liberals. Who is doing it? Of course, it is the State Labor Government. Schools, hospitals, sewage treatment works, and road and rail infrastructure are all being delivered by Labor.

Of course, we are also getting on with the job of securing Sydney's water supply, with a \$1.9 billion desalination plant at Kurnell. The plant is now 70 per cent completed and will have the capacity to provide up to 500 megalitres of drinking water each day. For our growing city we will have a new source of water that is not dependent on climate and rainfall. Local Liberal Party members, including the member for Cronulla, have been on site complaining about how the desalination plant will ruin Captain Cook's Landing Place, interfere with whale migration patterns and, of course, ruin seagrass. Nothing could be further from the truth. The desalination plant is about two kilometres from Captain Cook's Landing Place, between the oil refinery and the carbon black factory. The desalination plant will be powered by 67 wind turbines, of which 47 have been completed.

**Mr Brad Hazzard:** All located in the electorate?

**Mr BARRY COLLIER:** You know exactly where they are located. What the Liberals also will not tell everyone is that the State Labor Government is spending \$6 million to improve and upgrade facilities at Captain Cook's Landing Place in the Botany Bay National Park. Contrary to the assertions of the member for Hawkesbury, we are delivering. Labor has delivered for the electorate of Miranda. Labor is continuing to deliver for the Sutherland shire. The agreement with the Commonwealth Government on the Nation Building and Jobs Plan will provide crucial funding to stimulate the State economy and provide important education infrastructure for local communities and New South Wales. We need to do everything we can to work with the Commonwealth to deliver these projects and as many jobs as possible. The bill provides us with the necessary power to do this. I congratulate the Minister, the Rees Government and, of course, the Rudd Federal Labor Government on the package. I commend the bill to the House.

**Mr MIKE BAIRD (Manly)** [5.16 p.m.]: I support the member for Wakehurst and shadow Minister on the Nation Building and Jobs Plan (State Infrastructure Delivery) Bill 2009. We will not oppose this bill. Members opposite love hearing this phrase but, dare I say, it is a step in the right direction. The bill tries to cut red tape—the system, which has become bogged down with too many projects, has held up infrastructure and capital program delivery across this State and cost this State jobs. We have many concerns; however, we need to explore things. The only reason for this proposal is that Prime Minister Kevin Rudd has forced Premier Rees into it. He has basically said, "We need to do something about this crisis. We need to take some responsibility," and the Premier said, "Okay, well, you tell me what we have to do." The State Government has shown no ideas and no serious policy application other than what we have seen and heard today, which is what Kevin Rudd has produced. I will talk about that in detail.

I certainly hope that the Infrastructure Co-ordinator General does not suffer the same fate as others. We are not sure why this role was cut but we know that the Prime Minister said the projects are needed and so the

role is proceeding. The proposal does not go far enough. The bill is an admission that the system is broken. That is the only conclusion to be drawn when a bill must be introduced to get infrastructure into the market in a prudent and quick way. We have to cut through the present system because it is not working. We must explore why that is the case. Ultimately, we will talk about the Coalition plan. We have spoken about cutting lead times in half and a review is underway. We hope this State Labor Government adopts it.

We will talk about communities having their say and environmental concerns being considered. This legislation allows neither of those. The purpose of the bill is to meet the requirements under the funding arrangements for the Federal Government's Nation Building and Jobs Plan. This is where Kevin's points start to appear. The bill establishes the position of a New South Wales Infrastructure Co-ordinator General to be responsible for all the planning, implementation and timely delivery of these projects. Kevin Rudd has asked for this. The States must meet the delivery deadline, set by Rudd, to receive the funding—another deadline imposed.

Imagine being in the position of running a State government and being given deadlines by a Federal government. If ever there were a vote of no confidence in a government this is it: a Federal government instructing a State government that deadlines must be met and that failure to meet the deadlines will result in funding being withheld. That is an incredible indictment of the current State Government. We really must understand that the Prime Minister, Kevin Rudd, has no confidence in the State Government's systems and he has no confidence in the ability of the Government to meet the timelines associated with the Federal Government's stimulus package.

The Federal Government's plan is to streamline planning and other approval processes. A task force will be established consisting of government and private sector representatives as well as the Co-ordinator General. The bill gives the Co-ordinator General extensive power, and the member for Pittwater will deal with those powers in detail at a later stage of the debate. The bill explicitly excludes a role for councils and local authorities. I state for the record that it is not the fault of councils and local authorities that the system is not working; rather, it is the responsibility of the State Government, and State Labor should heed the warnings that have been given and provide an answer to the question of why the New South Wales Government has not applied a State building and stimulus approach to all existing capital works and infrastructure programs for which the State Government has responsibility. The Opposition certainly supports projects for communities and jobs creation. We also certainly support the stimulus package that has been produced by the Rudd Government. Current economic circumstances require a stimulus package. I will deal with the mini-budget in more detail shortly.

**Mr Frank Terenzini:** You voted against it last week.

**Mr MIKE BAIRD:** No, a stimulus package is required.

**Mrs Karyn Paluzzano:** What did you say last week? Let me check.

**Mr MIKE BAIRD:** The issue last week was the make-up, the timing and the splash of cash. I heard a Government member referring to funds being applied to infrastructure; I think it was "Professor" Collier who said that. He said that funds channelled into infrastructure would create jobs and long-term employment, and he was pleased to be associated with the stimulus package. That is definitely something that should have been debated and considered as part of the Federal Government's win-win approach. The Opposition does not doubt for a minute that government funds should be applied to improvements for schools, as proposed. The Opposition supports that 100 per cent.

However, what must be understood is that there is a genuine concern, following the State Labor Government now facing a tsunami of difficult financial circumstances, over its first approach to addressing the problems, which was to recruit of Graham Wedderburn. There is no way that the arrival of Graham Wedderburn has not had an impact on the State Labor Government. I believe he has told every Government member never to mention the term "mini-budget" and pretend it did not happen. The mini-budget has been consigned to the dustbin of history and the trash has been taken out. I have to say that he was right to do that and right to tell all Government members, the Premier in particular, to forget about the mini-budget.

The mini-budget stands as one of the greatest acts of economic butchery this State has ever seen. It really is appalling. Only the State Labor Government can explain why, in such economic circumstances, it produced a mini-budget that increased taxes and charges to the tune of \$3.3 billion and simultaneously cut

infrastructure. Government members must rise to the challenge and defend the Government's position. Considering that "Professor" Collier cited a lovely adage on how we should apply our funds, why was he not involved in the mini-budget discussions? That is a good question, and perhaps the Opposition will investigate that matter further.

**Mrs Karyn Paluzzano:** Point of order: Standing Order 76 refers to relevance of debate. I ask you to direct the member for Manly to confine his remarks to the leave of the bill.

**ASSISTANT-SPEAKER (Mr Grant McBride):** Order! There is no point of order.

**Mr MIKE BAIRD:** The reason the bill is important is that it represents the first step taken by the State Labor Government towards providing a stimulus response to the current economic crisis. I state for the record that Graham Wedderburn has come on board in an attempt to unravel some of the language and substance of policy edicts by the State Labor Government. Last year everybody knew we were in for very difficult times. On 14 September 2008 Alan Greenspan stated:

I can't believe we could have a once-in-a-century type of financial crisis without a significant impact on the real economy globally, and I think that indeed is what is in the process of occurring ...

All the signs were present. The global financial crisis was happening all around us, and then the New South Wales Treasurer delivered his mini-budget, which is what Graham Wedderburn has told everybody to forget ever happened. State Labor has a collection of Sergeant Schultzes in action saying, "I know nothing! Mini-budget? I don't know what you're talking about." On 11 November 2008 the Treasurer stated:

... the Government has made difficult decisions and tough choices. However, in the times in which we live difficult decisions need to be made.

The Treasurer contended that the most irresponsible thing the Government could do was to do nothing—and he does nothing very well! He also stated:

With the decisions announced today in this House and in the other place the Government is confident in the state of our finances and the strength of our economy.

That mini-budget increased taxes and charges, cut infrastructure and flew in the face of the opinion of every economic author and commentator. For some unknown reason the Government decided to go against what every other government in the world was doing, and decided not to implement a stimulus package. There was no State building and jobs plan as part of last year's mini-budget. A word search of the Treasurer's speech reveals that the word "stimulus" was not mentioned once. There was absolutely no mention of stimulus, and I am sure that Graham Wedderburn's advice since then has been that all Government members should take every opportunity to talk about jobs and stimulus packages. That was not a part of the Government's thinking last November, and it is important to bear that in mind as I examine the concerns relating to matters of state and the bill before the House.

On 20 January, which was after the mini-budget had been delivered, Premier Nathan Rees said there was a limit to how much the State could do. He said that the biggest measure of assistance would be the Reserve Bank reducing interest rates. Terrific! That marvellous statement encapsulated the Government's approach. The State Labor Government simply does not regard a prudent economic response in the form of a stimulus package to be part of its responsibility but rather regards the stimulus response as being very much a part of implementing Kevin Rudd's plan. Of course, it will also be used for spin to create the impression that the State Government is taking positive action. The Opposition is onto the Government. The Government must start listening to what economic commentators are saying and take responsibility for its actions. At this stage the State Government is not doing that.

The situation just gets worse. I do not want to unduly take up the time of the House but I must point out the importance of business confidence. As the Government embarks on implementing a stimulus package, business confidence is declining sharply for a range of reasons. The bill purports to create confidence in the business sector and create an environment in which business will confidently invest in jobs and capital expansion as well as work alongside government as infrastructure is delivered. None of that is happening. Last week's Sensis business index stated that New South Wales reached the lowest point ever recorded, and that is not just the last quarter. For 20 successive quarters business confidence in New South Wales has been the lowest in the nation.

The significance of that is that jobs are being created outside New South Wales, and New South Wales is being bypassed. Businesses have no confidence in the fiscal management of the State to the point at which they will invest in capital and employ people. Business has stated that the reasons for losing confidence in the Government are high taxes and payroll taxes affecting small business, and the perception that the Government has internal organisational problems. It is time we started to listen to business and put together considered plans. That is what the Opposition has done.

Another concern of the Opposition relates not just to the economic mismanagement of the State. The Opposition also is concerned about the Government profiting from the implementation of the stimulus package. It is incredible, but the Department of Commerce will take \$50 million for implementing the nation-building stimulus package, and that is \$50 million that could otherwise be disbursed. The bill will empower the Government to charge developer contributions for projects. The Opposition is concerned that the Government will impose hidden taxes as part of its implementing the Federal Government's stimulus package. In other words, the Government will engage in profiteering. The Opposition has planned to cut red tape in half and has appointed Max Moore-Wilton.

**Mrs Karyn Paluzzano:** Oh, yes! Max the Axe!

**Mr MIKE BAIRD:** Government members may scorn Max Moore-Wilton, but he has had considerable experience in the public and private sectors, and he has experience in cutting through red tape to deal with issues that matter—and implementing the Federal Government's stimulus package matters. The issue is not about jobs but, rather, the process of implementation. We have asked Max Moore-Wilton to examine in close detail the processes adopted by the Government and to find out why the Government takes so long to deliver every capital and infrastructure project in the State. They are important matters. Currently, projects lodged with the Roads and Traffic Authority are then referred to the Department of Environment and Climate Change and then to the Department of Planning. By the time a project goes through the whole process, the implementation stage is not reached until years after lodgement. The current process for approval of projects takes far too long.

The Government talks about jobs creation in the State, but the way to deliver jobs efficiently in New South Wales is to cut through lengthy processes and deliver jobs in a timeframe that reflects an understanding of the need for infrastructure to begin operating as soon as is possible. I implore the Government to examine not just the implementation of Kevin Rudd's stimulus package but also the whole process of project approval—including the entire forward infrastructure program and every single capital project—to infuse a sense of urgency about the timely operation of infrastructure. That is the way to turn around the fortunes of the State. The Government's inability to do that is the reason that New South Wales is in its current disappointing position.

The Government must understand that its announcements should mean something. Announcing a project like the North West Metro and then cancelling it six months later erodes confidence in the infrastructure sector. That is turning people away. Why would an infrastructure group spend time in this State when it put resources into a project that it expected to run for 10 years, but which it cancelled within six months? It would be better off spending time in other States. The Government should listen to that concern and start delivering surety in announcements. It must cut through the lead times to start turning the State around. We have confidence in the process. We will make the process public, and we are happy for the Labor Government to take it up. The Government should look at our payroll tax plan, which is not tokenism but shows that we have been listening to business. The ANZ figures released today show that job advertisements are down 25 per cent. That is almost 50 per cent in a year.

Businesses are hurting; sales and profits are going down and, not surprisingly, unemployment will follow. The Government must start providing some relief and joining in this battle. We support the appointment of the Infrastructure Co-ordinator General. However, the powers of the Co-ordinator General could be extended across the whole of government in terms of a process that cuts in half lead times of capital infrastructure projects. The Government should adopt the Coalition's policy. Our final concern is expressed so well by Michael Costa—we want to put this concern on the table—when he says, "In any case, given the historically large existing State capital works spending and the recurring problems in delivering State capital works programs, delivering on the Federal Government's capital works program at the same time will be, as Sir Humphrey Appleby might have said, 'extremely challenging'." We ask the Government to do that. We will watch every project that the Government commences. The Government must maintain the timelines because the future of this State depends on it.

**Mrs KARYN PALUZZANO** (Penrith—Parliamentary Secretary) [5.31 p.m.]: I support the Nation Building and Jobs Plan (State Infrastructure Delivery) Bill 2009. Other Government members have referred to the unique opportunity that the Commonwealth Government's Nation Building and Jobs Plan provides to improve education, housing and road infrastructure across this State. This bill shows the Government's commitment to the Nation Building and Jobs Plan by putting mechanisms in place to ensure that works will be started and completed in time to qualify for Commonwealth funding. The bill is totally linked to the Federal stimulus package. When the money is received and spent, this bill will no longer be required. Part 3 of the bill requires State agencies to cooperate with the Infrastructure Co-ordinator General to ensure that projects are delivered on time. As the member for Manly said, the State Government is taking an amount. However, he failed to realise that that money will not sit in a box somewhere for all of us to look at. The Nation Building and Jobs Plan is also about creating jobs. This State will have the biggest infrastructure spend this side of the Olympics.

**Mr Mike Baird:** This side of the Olympics?

**Mrs KARYN PALUZZANO:** Since the Olympics. Members opposite joke about the amount of infrastructure funding and the time in which it must be spent, but this Government will manage it. I will welcome the person who is employed to coordinate projects such as school halls and the new trade skills centre at Kingswood High School. A person employed in a local area will go to local businesses for goods and services. The Opposition fails to realise that this is all about jobs and that jobs will be created as a result of this package. The bill imposes an obligation on State Government agencies to cooperate with the Infrastructure Co-ordinator General on infrastructure projects, including providing information and assistance and complying with reasonable requests of the Co-ordinator General for the agency to exercise functions in a timely manner.

The bill also enables the Minister to direct State Government agencies responsible for, or involved with, the delivery of infrastructure projects to comply with the request or direction of the Co-ordinator General. The member for Manly made an interesting comment about the mini-budget. It is as though the Premier did not stand at Jamisontown Public School last year and announce the \$100 million Principals Priorities Program for school maintenance. That announcement in the mini-budget is bringing forward maintenance projects. Under the Principals Priorities Program, at the end of last year every principal in New South Wales submitted their top three maintenance projects, whether it be a ceiling, a roof, sewage or school fencing. The announcement of \$100 million for school maintenance in the mini-budget is being delivered. The school community of Jamisontown Public School is thankful for that maintenance spending; the school made representations to me about school fencing.

I am proud that the Premier announced the Principals Priorities Program at Jamisontown Public School, which endorsed the work done by the parents and citizens and the local community in Jamisontown. That is just one small representation. Projects undertaken by the Rudd and Rees governments over the next two years are not only in education: the package provides not only \$4.4 billion for schools but also \$2 billion for new social housing. That social housing will have to be planned, built and delivered over the next two years. Under part 4 of the bill, the Infrastructure Co-ordinator General will take over the delivery of infrastructure projects on behalf of State Government agencies pursuant to project authorisation orders. The \$4.4 billion in school funding and \$2 billion in social housing funding will be delivered. Project authorisation orders will be made when project delivery times would not otherwise be met by the relevant agencies and it is necessary for the Co-ordinator General to take over the delivery of a project to ensure that it is delivered on time.

If such an order is made the Co-ordinator General will be able to exercise all the functions of the agency in relation to the project. The Co-ordinator General will also be able to issue directions to the agency. Part 4 also provides the Co-ordinator General with all the powers necessary to complete the projects, which are taken over pursuant to project authorisation orders. This bill will ensure that we deliver infrastructure to the people of New South Wales. Last Friday in my electorate I attended a round table that was auspiced by the Penrith Valley Chamber of Commerce. Business leaders, representatives of the local council—councillors as well as council officers—and people from a range of businesses in the Penrith area attended the round table. They were concerned about the minutiae and the lack of information from those opposite. They want to know where the traineeships and apprentices will be located.

Today in question time we heard about a local company, Eastern Nomad. I will report to the Penrith Valley Alliance—the alliance resulted from the round table—that Eastern Nomad, the company that is providing the prefab for the school halls, will increase its employee numbers from 60 to 90. Those are local jobs in western Sydney—90 jobs in Blacktown. I will be able to tell Judith Field, who is a representative there, that the

construction company has four young apprentices. I am pleased that this local company is responding and is taking the initiative to be part of the stimulus package. Those are real jobs in real locations in western Sydney that will help families and provide employment to apprentices in the local area. With this legislation, the Government is supporting employment. It supports the Federal Government's stimulus package.

For the information of the member for Hawkesbury, who is not in the Chamber, the Government's \$56 billion worth of infrastructure spend is directly underpinning a total of 180 jobs. The Blacktown business I mentioned is one example of a company benefiting from the stimulus package. The \$56 billion worth of infrastructure will include an easy access upgrade at Emu Plains, school improvements at Lapstone, Glenbrook and Kingswood, improvements to the new after hours general practitioner clinic, the accident and emergency department at Nepean Hospital—the list goes on. Training for the future to make sure that New South Wales is the cleverest State will support the infrastructure spend.

I note that the \$56 billion spend on infrastructure during the next four years will underpin 150,000 jobs across the State. The Government is proud to stand shoulder to shoulder with the Federal Government's Nation Building and Jobs Plan, which New South Wales will fast-track with this legislation. That is why it is important for members to support this vital bill. Because of the global financial crisis we must invest better for our future. These will be tough times. I am proud of the business in Blacktown that is increasing its employee numbers from 60 to 90 because of this stimulus package. Families in New South Wales will have a hard time financially. That is why investing \$56 billion during the next four years is important. However, we also have to ensure that this legislation is made strong for the Nation Building and Jobs Plan. We must have a commitment from the Co-ordinator General to ensure that projects are delivered on time.

The Australian Treasury estimates some 230,000 jobs will be established in areas such as retrofitting homes, and large commercial and trade buildings. Last week I had the pleasure to be with the Premier, the Minister for Education and Training, and the Deputy Prime Minister at Cambridge Park High School when the announcement about the Federal Trade Centre was made. Every metal trade area at Blaxland, Nepean, Kingwood, Glenmore Park, Cranebrook and Cambridge Park high schools will be retrofitted. When Glenmore Park High School was constructed it did not have what was known as a metalwork laboratory. This morning I was at Nepean High School, which has the same metalwork laboratory it had when I went to that school. It will be retrofitted as a part of the trade centre announcement. That retrofit will provide local jobs. The trade centre will be Kingswood High School, which is two blocks from a TAFE and one block from a university. Jobs will be provided not only for its construction but also as part of the vocational training network. I welcome that multi-million dollar announcement by the Deputy Prime Minister in western Sydney.

In a prior economic crisis the then Federal Government put its head in the sand and said, "no skills". The Howard Government did not develop skills and train apprentices. In these tough economic times the Government is considering what impact skills development will have by investing money into it. By the time the economy is in better shape the skilled force will be ready. It is about making sure that this State is clever and is geared to stand shoulder to shoulder with the Rudd Government. We should be proud that the Commonwealth Government's Nation Building Jobs Plan will provide improvement in schools, social housing and roads infrastructure in New South Wales. I commend the bill to the House.

**Mr ROB STOKES** (Pittwater) [5.45 p.m.]: Although the Opposition does not oppose the Nation Building and Jobs Plan (State Infrastructure Delivery) Bill 2009 it has serious concerns about why it is needed in the first place. If our planning processes and system were working properly this bill would simply not be required. Under the Nation Building and Jobs Plan announced by the Commonwealth Government, \$21.5 billion of the entire stimulus package would be directed to the States for the purposes of infrastructure provision for education, social housing, and road and rail infrastructure. I will not refer to other parts of the stimulus package that are being frittered away. Nonetheless, money is being directed and targeted for building things that this Government has neglected to provide in its 14 years in office.

Due to the goodwill of the previous Federal Government over a decade the Australian economy has weathered the global recession quite well so far. However, we all know that worse is to come, so this stimulus is very much needed for our State economy. As part of providing this money to the States the Council of Australian Governments [COAG] agreed to national coordination arrangements, one of which this bill is designed to implement—that is, to have an Infrastructure Co-ordinator General whose process it is to assess and deliver the infrastructure under which the Nation Building and Jobs Plan is being provided. As its communiqué states, COAG also recognised:



There remains considerable scope for further micro-economic reform in the following areas:

major city strategic plans that incorporate clear provisions for long-term infrastructure needs;

planning reforms for individual infrastructure projects ...

Leaders agreed to support that microeconomic reform agenda and papers will be prepared for discussion at the next COAG meeting.

What has the New South Wales Government been doing for the past decade or more? If those things still need to be addressed why has the New South Wales Government not addressed them and why is this bill necessary to paper over the massive cracks within the New South Wales planning framework? My colleague the shadow Minister, the member for Wakehurst, referred to the Legislative Council inquiry into the State planning framework. It is ironic that the terms of that inquiry were announced immediately after the reforms that will be retrofitted to planning legislation the Government passed through Parliament last year. If this Government keeps getting it wrong and keeps admitting that the planning laws need to be changed, why is this type of legislation needed to fill the gaps? It is simply not good enough.

Certainly the Opposition recognises that extraordinary times such as these call for extraordinary measures. Communities have well-founded concerns about what these extraordinary measures mean for good planning in their local communities. Certainly our local communities have learnt to expect nothing less from this Government other than the erosion of their rights to participate, to be informed, to have appeals, to genuine democracy, to genuine deliberation, to dialogue and to discourse about planning proposals that affect their local communities. What is truly extraordinary is that this legislation is required at all.

A wise person once pointed out to me that proper planning prevents poor performance. This is a classic example. If the planning system were properly organised, we would not need this legislation. South Australia does not require an amendment to its development Act. It has simply passed regulations, which will expire when the nation-building money runs out. It does not need special legislation to facilitate the expenditure of this money. Why do we need this legislation? It demonstrates the failure of our existing legislation. I will now comment on the bill, and there is much that needs comment. In the explanatory note, paragraph (a) of the overview states that the purpose of the bill is to:

establish a NSW Infrastructure Co-ordinator General who will be responsible for planning and implementing the timely delivery of the infrastructure projects

Considering the Government has just seen the resignation of the Infrastructure Co-ordinator General, it is ironic for the Government to set one up a few months later. Paragraph (b) states:

establish an advisory Taskforce consisting of government and private sector representatives

Again, just last year the Government, under the growth centres legislation, abolished the board of the Growth Centres Commission. Clearly, the Government is at the wrong end of history. The final paragraph of the overview of the bill states:

enables the Co-ordinator General to streamline the planning and other approval processes for infrastructure projects

That is political speak, if ever I have heard it—streamline planning and approval processes. This is not a matter of streamlining processes; it is a matter of getting rid of any process whatsoever. Clause 5 (2) of the bill states:

Development is taken to be funded under the Nation Building and Jobs Plan if the Co-ordinator General certifies, by order in writing ... Development cannot be certified after the erection of those buildings or the carrying out of those works is completed.

I want to ask the Minister a question about modifications to projects. Some projects will be complex and involve a lot of modifications along the way.

*[Interruption]*

The Minister for Planning says that erection of school halls does not necessarily go on for a long time. The Minister should be aware that this legislation also applies to roads and infrastructure projects, which can be complex. My question is: Does it apply to modifications?

**ACTING-SPEAKER (Mr Thomas George):** Order! The Minister will direct her comments through the Chair.

**Mr ROB STOKES:** Subclause (3) of clause 7, Advisory Taskforces, states:

The members of a Taskforce ... are entitled to be paid such remuneration as the Minister determines (including re-imbursement for travelling, accommodation and other expenses incurred in exercising their functions).

So a task force, if not a series of task forces, has the role of creating yet more planning panels in our planning process. Rather than streamlining the process, the Government is establishing more panels, again at public expense. It is another layer of bureaucracy. As we have seen time and again, on each of the 87 occasions that the Government has amended the planning laws since it came into power in 1995, it has added more layers of bureaucracy. Ironically, every time it says it, it is in an effort to reduce or cut red tape. Under part 3 of the bill, clause 9, Obligations of government agencies, states:

A government agency has the following obligations in respect of infrastructure projects;

- (a) to co-operate with the Co-ordinator General ...
- (b) to provide resources and assistance in accordance with any request of the Co-ordinator General ...

This provision juxtaposes with the planning reforms introduced last year where a similar obligation was placed on local councils to comply with panels appointed over them or with greater powers. Under those reforms, not only were councils required to cooperate with the panels, but also a sanction was applied if they did not. A general manager or council officer could be fined for failing to comply with a panel's directions. There is no sanction in clause 9—it may as well not be there—states that government agencies have to cooperate, but there is no sanction if they do not. Under part 4, subclause (1) of clause 18, Acquisition of land, states:

The State of NSW may, for the purposes of the exercise of the functions of the Co-ordinator General in relation to an infrastructure project as authorised by a project authorisation order, acquire land by agreement or compulsory process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.

On first glance, that seems reasonable. To facilitate important infrastructure, it is necessary to resume land. All governments hold on to that power, and it is appropriate for them to do so. Clause 18 (4) states that the Infrastructure Co-ordinator General may act for the State of New South Wales in connection with this power. I am concerned that people may be prevented from lodging any type of appeal in relation to the exercise of these powers. Pursuant to clause 27 (1) (c), a court challenge cannot be made against the making of a project authorisation order under part 4. If issues relating to a project authorisation cannot be the subject of court proceedings then, in relation to the acquisition of land, does a person have the right to appeal a land valuation under the Land and Environment Court Act? The problem when we abolish any process is that we end up with real problems. If it does extinguish a person's right to challenge the valuation of land, that is a matter of concern to private property owners and civil liberties generally. If a person can challenge, then surely that negates the purpose of the bill. It could undermine the whole purpose of the bill by slowing up the process. This matter must be addressed. [*Extension of time agreed to.*]

Clause 22 relates to development control legislation, which is overridden by this legislation. When we talk about development control legislation, we are not only talking about the Environmental Planning and Assessment Act. We are talking about permits under any of the environmental Acts—coastal protection, fisheries management, heritage including State heritage, national parks and wildlife, rivers and foreshore, native vegetation, rural fire, water management, threatened species conservation. It refers to all these Acts and processes, which raises a fundamental point. If the infrastructure that is being provided is so important it overrides the need for these environmental checks and balances, does that bring into question the whole system? Why are we removing these processes in relation to only some classes of development? Are we papering over problems in the planning system or are we engaging in the fundamental reform that the planning system requires?

**Mr Steve Whan:** What does Max the Axe say?

**Mr ROB STOKES:** He is more of a surgeon. Clause 24 relates to the authorisation of the Infrastructure Co-ordinator General to carry out infrastructure projects. If an applicant proposes to carry out an infrastructure project, this legislation sets up a process whereby the applicant applies in writing to the Co-ordinator General. There is no provision in the Act that any of this information will be made publicly available. The written proposal provides a quick overview of the infrastructure project. Subclause (4) of clause 24 states:

The Co-ordinator General may authorise the carrying out of the infrastructure project subject to any conditions set out or referred to in the authorisation.

This is another area that again the legislation breaks apart. The Co-ordinator General can set conditions but there is no process under the legislation whereby these conditions can be enforced. There is no point in setting conditions if there is no mechanism for enforcing or monitoring them or ensuring that they are carried out. There is no enforcement provision for conditions that are put on infrastructure projects—not even the Building Code of Australia is given as a condition that must be met. Further, because the bill overrides all the provisions of the Environmental Planning and Assessment Act, the prescribed conditions set out in the Environmental Planning and Assessment Regulation also do not apply. Therefore, there is no power in the bill to ensure that what one would consider to be fundamental conditions—notwithstanding all the other bits and pieces to ensure that something is built safely and properly—are met.

Clause 24 (6) (h) provides that the conditions of an authorisation to carry out an infrastructure project may, without any limitation of any kind, include development contributions by the person carrying out the project for other State, regional or local infrastructure. That is an odd provision because as money is provided by the Federal Government—taxpayers' money—why should the State be in a position to levy development contributions on the expenditure of funds for infrastructure projects using Federal money? It is a case of robbing Peter to pay Paul. Development contributions should not be elicited from Federal funds; it is tantamount to misappropriation of funds if development contributions are levied upon them.

I have real concerns with part 6 of the bill, headed "Miscellaneous", in relation to what is euphemistically called the protection of "the exercise of certain functions". Basically, it refers to quashing any right in law or in equity to bring any proceedings in relation to any aspect of a certification given by the Infrastructure Co-ordinator General. I note there is an exemption relating to proceedings to corruption, so the corruption risk is dealt with. However, conflicts of interest by a Minister or the Infrastructure Co-ordinator General are not dealt with. The bill does not address the situation when a decision by a Minister or the Infrastructure Co-ordinator General is manifestly unreasonable, and it certainly does not deal with mistakes in jurisdictional fact—that is, when the Infrastructure Co-ordinator General might say he has jurisdiction to give a certain authorisation when he does not, and a project for which he is giving approval is not technically a project to which these Federal funds apply. The right of any person to bring any legal challenge to that is extinguished by part 6 of the bill.

The bill endeavours to make provisions in polite terms, but it states that one type of proceeding that cannot be brought relates to the improper exercise of functions by the Infrastructure Co-ordinator General. That is appalling, and it reflects badly on this place, when a bill prevents people from bringing legal action relating to the improper exercise of functions by a public official. There is something fundamentally wrong with that provision. Part 6, clause 30 of the bill covers the review of the exercise of the Infrastructure Co-ordinator General's functions. Other jurisdictions have acted to facilitate a co-ordinator general to oversee the expenditure of these funds, and the moment the funds are used that co-ordinator general's role automatically ceases to exist. Not so with this bill. Under clause 30 of the bill a review of the exercise of the Infrastructure Co-ordinator General's functions is given to a joint committee of Parliament unless no joint committee can undertake the review. One wonders what circumstances that would entail.

In that case, the Minister may appoint another appropriately qualified person to undertake the review, but, again, no definition is given of what appropriately qualified person might undertake to do that. That provision takes the review out of the purview of the democratically elected representatives of the people. Under clause 31 the repeal of the Act may be determined by the Infrastructure Co-ordinator General. So he is in the position of determining when to turf himself out of a job. It is quite strange to have a person determine when his employment and the Act under which he is employed will come to an end. The challenge for the Government is to devise a real planning system and not to paper over cracks in the existing one. [*Time expired.*]

**Mr STEVE WHAN** (Monaro—Minister for Emergency Services, and Minister for Small Business) [6.05 p.m.]: I have great pleasure in supporting the important Nation Building and Jobs Plan (State Infrastructure Delivery) Bill 2009, which will help to deliver the Rudd Government's infrastructure packages and their economic boost for the Australian economy. This is an absolutely vital bill. So far our economy has not experienced the worst-case scenario, as some overseas economies have. But I note the apparent confusion of the member for Pittwater and other Opposition members as to whether they support the bill. The member for Pittwater appeared confused about whether it is good to override laws. I will focus on the important economic impact the bill will have on the electorate of Monaro by allowing vital projects, such as those involving schools and public housing in particular, to go ahead.

Projects that are likely to be funded by the National Building and Jobs Plan will prove to be absolute positives for the community and for local businesses, particularly small businesses that will be awarded contracts to carry out the work. It is worth highlighting that point, as well as the reasons why it is so important to support the bill. Money will be spent on local educational projects such as replacing demountable libraries

and other demountable buildings and a range of other school-based projects. That will build on the State Government's commitment to stimulate the economy through its record capital works spending—something that has given a vital boost to the electorate of Monaro. The State Government's program of economic investment delivers the Principals Priority Program under which the Queanbeyan West Public School and Queanbeyan South Public School obtained a new security fence. We have seen a range of other—

**Mr Brad Hazzard:** Point of order: The Minister is referring to infrastructure provided by the State Government. Mr Rudd declared and directed specifically that State infrastructure that was already on the agenda would not form part of the bill, and it does not form part of this bill. The Minister is not within the purview of the bill and I ask that you rule him out of order.

**Ms Kristina Keneally:** To the point of order: Mr Acting-Speaker—

**ACTING-SPEAKER (Mr Thomas George):** Order! The member for Wakehurst has raised a point of order. Is the Minister for Planning rising on that point of order?

**Ms Kristina Keneally:** Yes. I note that members who have spoken on this bill have been allowed latitude by the Chair to speak about infrastructure projects funded by both the State and Commonwealth governments. That latitude has been allowed to members opposite. I ask that you allow the Minister for Emergency Services, and Minister for Small Business to continue his remarks in the same vein as members opposite.

**Mr Brad Hazzard:** Further to the point of order: Not a single, solitary member on this side has talked about local issues.

**Ms Kristina Keneally:** Further to the point of order: Mr Acting-Speaker—

**ACTING-SPEAKER (Mr Thomas George):** Order! Members will remain seated until they receive the call.

**Ms Kristina Keneally:** The *Hansard* will show that the member for Wakehurst and the member for Hawkesbury canvassed quite significantly infrastructure projects that were not funded by the Commonwealth stimulus package.

**ACTING-SPEAKER (Mr Thomas George):** Order! This debate has been wide-ranging. I was in the Chamber earlier when members were speaking to the bill. A number of Government members interjected at the time. The Minister will confine his remarks to the leave of the bill. The bill is wide-ranging, as stated on page 2 of the bill.

**Mr STEVE WHAN:** The member for Wakehurst is sensitive about discussing the achievements of the Labor Government in New South Wales and the way that two infrastructure packages dovetail to provide an economic boost to jobs in rural and regional New South Wales, particularly the Monaro electorate. The replacement of demountable libraries—a program that will be funded by this package—will produce jobs here in Sydney. As the Premier highlighted today, it will be a spectacular boost for local schools to have better facilities and for local contractors to be employed delivering those facilities. There will be a significant economic boost and multiplier effect from construction jobs, particularly in rural and regional New South Wales, with a considerable number of small projects being delivered quickly.

The infrastructure projects will build on important work such as the toilet improvements at Berridale school that the State Government delivered recently; new science laboratories, which the Commonwealth Government has been talking about in its infrastructure funding; and upgrades at Bombala, Braidwood, Karabar and Monaro high schools, which were funded recently under this Government's program—again dovetailing with the work of the Federal Government. The Commonwealth is providing funding to improve facilities in a range of public housing. That is absolutely critical work. Just before Christmas, as part of its injection of funds to stimulate the economy, the Government announced that it would bring forward a range of public housing maintenance. The Federal Government's program will add to our ability to maintain our public housing.

**ACTING-SPEAKER (Mr Thomas George):** Order! If members wish to conduct conversations they will do so outside the Chamber.

**Mr STEVE WHAN:** Many public housing tenants in Queanbeyan, Cooma and in other parts of the Monaro electorate will have their housing upgraded significantly as a result of State and Federal expenditure.

That is a real positive. In Queanbeyan one in 13 houses is rental public housing so the package will make an important contribution in a city where rental rates are almost the second highest in Australia. The Rudd Government's package is a real change from the policies of the Howard Government, which failed miserably to support public housing. The Howard Government pushed people to access rent assistance. In an area such as the one I represent, where rentals are the second highest in Australia, it meant that a lot of people could not afford housing. We are now seeing investment in public housing. Since the last election more than 60 new public houses have been built in Queanbeyan, worth more than \$10 million.

**Mr Brad Hazzard:** Point of order: The Opposition certainly does not oppose spending any money on social housing. But the point of this bill is that it is in futuro: it is about not what has been done but what will be done. That is stated clearly in section 5, and if the Minister wants to address those issues we will listen happily to his views on the bill. But if he intends simply to give us a rundown on what his Government may or may not have done in the past, he is outside the leave of the bill.

**Mr Frank Terenzini:** To the point of order: I reiterate what the Minister said previously—

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

**Mr Frank Terenzini:** My point of order is that members opposite were given significant latitude to talk about the self-same topic—

**ACTING-SPEAKER (Mr Thomas George):** Order! Under which standing order is the member taking a point of order?

**Mr Frank Terenzini:** It is relevance.

**ACTING-SPEAKER (Mr Thomas George):** Order! I repeat: Under which standing order is the member taking a point of order?

**Mr Frank Terenzini:** Standing Order 76 says clearly that the argument must be relevant to the debate. Members opposite have been given the latitude to speak on the self-same topic as was raised by the Minister has.

**ACTING-SPEAKER (Mr Thomas George):** Order! There is no point of order. I extended the Minister a degree of latitude. However, he will confine his remarks to the leave of the bill and refer to future projects.

**Mr STEVE WHAN:** I know the Opposition is sensitive about the Government's achievements so I will speak about the support, or otherwise, for programs such as the Rudd Government's stimulus package. First, I put on record my congratulations to the Hon. Mike Kelly, the Federal member for Eden-Monaro, on his work in supporting this package, which will bring such a big boost to the people of the Monaro and Eden-Monaro electorates, and to many schools. I expect a number of schools in the Monaro electorate to benefit directly from this funding, which dovetails with the ongoing work by the State in future projects, such as the fencing at Queanbeyan West Public School.

**Mr Brad Hazzard:** Point of order: I admire the Minister's enthusiasm—

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

**Mr Brad Hazzard:** It is the same point of order as before: The Minister should address his remarks to the bill. It contains certain provisions. He is the Minister for Emergency Services; why does he not explain why he is prepared to have bushfire protection overruled by this bill?

**ACTING-SPEAKER (Mr Thomas George):** Order! The member for Wakehurst will resume his seat. The Minister will confine his remarks to the leave of the bill and refer to future projects.

**Mr STEVE WHAN:** That was an interesting point of order given that the member for Wakehurst has indicated he will vote for the legislation. I cannot understand why he intends to vote for the legislation if he is so opposed to particular aspects of it. I point out that the vast bulk of the projects, particularly those involving schools, will occur on existing land. So in many cases there is no need to look at certain issues; they have been

dealt with already. Important legislation is needed because an economic boost is needed. The Federal Coalition's opposition to this package, a package that will boost infrastructure projects and the economy, reveals that it lives in a bubble and thinks that world economic conditions do not require action on the part of the New South Wales Government or the Federal Government. The same thing has happened in the Australian Capital Territory, where the Liberals and the Greens have indicated that they will vote against similar legislation that is needed to get this stimulus package up.

Why is this such an important measure and why do we need an economic boost? We need only to look at our international trading partners—for instance, recently the American economy had 6.2 per cent negative growth and the Japanese economy had 12 per cent negative growth—to see why Australia needs to act now and why the Rudd Government's initiatives are so important. As we have seen during today's debate, the Opposition's failure to lend its unequivocal support to these issues reveals once again that it is more interested in political point scoring than in generating and preserving jobs in local economies and ensuring the future of those economies. As Minister for Small Business I point out again that the best way to help small enterprises is to generate business through their doors. That is what this sort of package does, and that is why this legislation is so important. It goes hand in hand with the New South Wales Government's economic stimulus measures for this State, delivered through record capital works expenditure. I commend the bill to the House.

**Mr DONALD PAGE** (Ballina) [6.17 p.m.]: I make a brief contribution to debate on the Nation Building and Jobs Plan (State Infrastructure Delivery) Bill 2009. In so doing, I commend particularly the erudite contributions of the member for Wakehurst, the shadow Minister for Infrastructure, and the member for Pittwater. I support strongly the construction of important infrastructure to deliver better services for the people of this State and the nation, and also to protect and create jobs, including the flow-on effects for small business. However, I have concerns about the powers this legislation gives to the Infrastructure Co-ordinator General, the way this legislation takes away the normal environmental and community protection that applies under current planning laws, and the way in which this legislation deprives local communities of having a say about local developments—even when those projects are roads, schools, social housing and other infrastructure.

I draw some comfort from the fact that the legislation applies only to the expenditure of the Federal Government's \$42 billion stimulus package and will conclude when this money is spent. Having said that—and acknowledging the need to support jobs and infrastructure investment in these difficult economic times—how tempting would it be for a Labor government, especially this State Labor Government, to extend the legislation to support subsequent stimulus packages by either State or Federal governments in the future? It is always important to protect jobs and build infrastructure, especially in the current economic climate when thousands of jobs are being shed across the State and the nation every month. That is the rationale for this legislation and the reason why ultimately the Coalition will not oppose it. However, I point out that the fact the legislation is necessary underscores the fact that our planning system in this State has become almost dysfunctional.

**ACTING-SPEAKER (Mr Thomas George):** Order! There is too much audible conversation in the Chamber. Members will listen to the member for Ballina in silence.

**Mr DONALD PAGE:** The fact that this bill is necessary underscores the reality that the planning system in New South Wales has become almost dysfunctional. It should be possible under the current planning laws to deliver new roads, schools and other infrastructure of the type outlined in the stimulus package in a timely manner and with proper assessments being made of both the environmental and social impacts. The fact that this legislation is necessary is a reflection on the inadequacy of the current planning system in New South Wales and its inability to deliver major projects in a timely manner having been subject to proper assessment and with the local community having had a say. The bill robs local communities of the opportunity to have a say about the impact of the projects outlined in the Federal Government's stimulus package. Indeed, clause 27 (2) specifies that a right of appeal will not exist. It states:

The exercise by any protected person of any protected function may not be:

- (a) challenged, reviewed, quashed or called into question before any court of law or administrative review body in any proceedings, or
- (b) restrained, removed or otherwise affected by any proceedings.

It is quite clear that the community will not have any right of appeal against the decisions of the Infrastructure Co-ordinator General. I know this is of particular concern to the people of my electorate because so many decisions have been made by this Government under part 3A of the Act to exclude the opportunity for the local community and in many cases the local council to have input into the decisions. While I support the need to

stimulate our economy in the current economic circumstances I am concerned about this legislation taking away environmental and community assessment in the planning process. As I said, no-one will be able to challenge, review or call into question before any court or administrative review body any of the projects outlined in the Federal Government's stimulus package. This effectively silences the ability of the community to have a voice, and that in turn is inconsistent with the fundamental principles underpinning our democracy—that is, people should have a right to have a say.

If our planning system were working properly, this legislation would not be required. As the member for Pittwater pointed out in his contribution, such legislation is not required in South Australia because it has planning laws that are capable of delivering these major infrastructure projects in a timely manner after they have been subject to full environmental and social assessment. I also make the point, as the member for Pittwater did, that there is an issue here in relation to modification of these projects. How will that be dealt with? The Government and the Minister need to take a very close look at what will happen if these projects require modification. We support the package but I have serious concerns about how the community will be excluded from the process.

**Mr FRANK TERENCEZINI** (Maitland) [6.22 p.m.]: I support the Nation Building and Jobs Plan (State Infrastructure Delivery) Bill 2009, which has specific aims and objectives and is being enacted to fulfil those objectives. We have a golden opportunity with the amount of money—over \$7 billion—being given to us by the Federal Government to improve school buildings and structures and public housing. Governments all over the Western World are pouring trillions of dollars into their economies. The Australian Government is no different. It is doing this through its \$42 billion stimulus package. The Opposition has no direction whatsoever. On the one hand, last week Opposition members voted in this House against the stimulus package; on the other hand, today they have said that they will not vote against this bill but they have not said anything positive about it. That is a totally confusing position to adopt. All I can say is it is a good thing that the members opposite are in Opposition and we are in Government, otherwise this bill might never get off the ground.

**ACTING-SPEAKER (Mr Thomas George)**: Order! The member for Maitland will confine his remarks to the leave of the bill.

**Mr FRANK TERENCEZINI**: I have. The bill will bring over \$7 billion of investment to New South Wales. It is specifically targeted at school sites and public housing. When that work has been done there is provision in the bill to wind things up. When Opposition members make far-fetched, vague and irrelevant statements about planning they should remember that this bill has been introduced for a specific purpose. One of the reasons the planning legislation has been streamlined is the time limit; we have about 20 months to erect 6,000 public homes. That means things have to be done to get these projects off the ground. We cannot dillydally. We have to make sure the projects get off the ground. There are 800-metre limits around railway stations and 400-metre limits around centres.

We have devised these guidelines and given the Infrastructure Co-ordinator General a very onerous task to make sure these things are done. It is important that the projects get going from the point of view of the jobs they will create and the multiplier effect they will have. We are very constrained by the time limit. We have an opportunity to comply with the Federal Government's demands to ensure that 6,000 new public homes are built and that 3,000 schools are equipped with gymnasiums, science laboratories and such facilities. I remind members of the reason that the bill has been introduced and wholeheartedly commend it to the House.

**Mr JOHN WILLIAMS** (Murray-Darling) [6.25 p.m.]: There is no doubt that the Nation Building and Jobs Plan (State Infrastructure Delivery) Bill 2009 is a vote of no confidence by the Federal Government in this Government's ability to manage its planning. The Federal Government has had to put in place some amazing laws to try to get the job done. The reality is there have been many lost opportunities over the years. I see that often in my electorate because I have regularly crossed the border into Victoria and have seen firsthand the situation there. The money proposed to be spent today by the Federal Government could quite easily have been spent by private enterprise in New South Wales if the Department of Planning showed any flexibility or had the ability to adjust its draconian red tape and bureaucratic style and get on with business. Just yesterday I was at a property at Buronga, where a major development should be taking place. It is a farming property that is being strangled by residential development. For 12 years it has been proposed to develop this area and the Department of Planning has got in the way of progress. This is an ongoing situation—

**Ms Kristina Keneally**: Point of order: I ask you to uphold the previous ruling you made on the point of order by the member for Wakehurst and ask the member to speak to the infrastructure projects funded under

the bill. You made a ruling in response to an objection by the member for Wakehurst when you asked the member with the call to limit his remarks to the bill and the projects funded under the bill. The member for Murray-Darling is not doing that and I ask you to apply your ruling.

**ACTING-SPEAKER (Mr Thomas George):** Order! The member for Murray-Darling will direct his remarks to the leave of the bill.

**Mr JOHN WILLIAMS:** It is amazing how this Government reacts to the touch of a magic wand. It had the opportunity to do exactly that on many occasions in the past. This sort of legislation could have been enacted and we could have got on with business—

**Mr David Harris:** Now you are accusing us of going too slow.

**Mr JOHN WILLIAMS:** I am not accusing you of going too slow. I want to get the job done.

**ACTING-SPEAKER (Mr Thomas George):** Order! Members will direct their comments through the Chair.

**Mr JOHN WILLIAMS:** It would be nice for me to be able to go back to my electorate and tell Joe and Teresa Camira that the planning application they have had before the State Government for 12 years can go ahead if the Department of Planning shows some flexibility. There may be one positive out of all of this: the Department of Planning may suddenly have to adjust its thinking. It might realise that all the red tape and bureaucracy it puts into place in planning decisions is not required and we might get on with business.

**Mr ANDREW FRASER (Coffs Harbour) [6.30 p.m.]:** All we have heard throughout the past two or three question times is the Government asking members to support the Rudd Government's plans for New South Wales. Is this a State Government administering State projects or is it a State Government paying lip service or obeisance to a Federal Government that is picking up the slack that this Government has not picked up for the past 14 years? This Government has not provided an appropriate level of funding for many years to projects such as the upgrade of the Pacific Highway, which was supposed to be completed in 2006. The Federal Government is now providing funding to address this Government's lack of attention to that project and others like it. The Minister at the table is desperate to ensure that we stick to the leave of the bill. This legislation proves the Government's ineptitude. In a desperate effort to win the next Federal election—which will be held before the next State election—Mr Rudd must appear to be doing something in New South Wales or to be getting this Government off its backside to deliver infrastructure projects that have been promised for many years.

I have some real concerns about this legislation. First, it states that developer contributions will be payable to the State Government for projects funded under the legislation. That is double dipping of the worst kind. This State Government is both financially and morally bankrupt. The Federal Government is handing out \$42 billion, and this Government intends to take the cream off the top. It has done that in the past with federally funded Roads and Traffic Authority projects by collecting huge levies. How much of the \$42 billion will be paid back to the State Government by way of developer contributions? What percentage of the \$42 billion does the Minister expect to be paid back to the State Government? How will those funds be spent, or will they be slipped into consolidated revenue and wasted? We need that infrastructure spending in regional New South Wales, but it will probably be wasted in marginal seats in Sydney.

For the past few years this Government has been involved in a major push to flog off to developers premium Crown land in coastal regions of New South Wales. I am extremely worried that the Government will say that these projects are significant and will therefore be funded through the stimulus package. As a result, someone will be approving projects that the local communities of Coffs Harbour or other coastal towns do not want. I draw the attention of the House to the fact that we no longer have a Minister at the table. Is the House in order?

I also draw the attention of the House to the fact that the Government was trying to flog off the foreshore at Coffs Harbour despite strenuous local objection. The local high school hung banners stating, "Don't sell our heritage", and the Minister for Education and Training ordered their removal. Talk about democracy in action! I want an assurance that projects that will lead to the overdevelopment of coastal land will not be signed off by the Government under this legislation. I want a guarantee that proposed projects such as the \$1 million Brelsford Park development in Coffs Harbour will be proceeded with in consultation with the community. We



do not want to end up with monstrosities. Local government and the local people must have some say in what infrastructure will be provided under this legislation. The Government and project administrators should not ride roughshod over local objection and local planning processes. Important coastal land must be protected and overdevelopment should not occur. I have some real concerns and I ask that the Minister address them in her response.

**Mr ANDREW CONSTANCE** (Bega) [6.35 p.m.]: Given the time constraints, I will not repeat the arguments already presented with regard to the Nation Building and Jobs Plan (State Infrastructure Delivery) Bill 2009. I refer the House to clause 24, which deals with the authorisation of the Infrastructure Co-ordinator General to carry out infrastructure projects. Clause 26 provides:

- (6) The conditions of an authorisation to carry out an infrastructure project may (without limitation) include conditions relating to any of the following:

...

- (h) development contributions by the person carrying out the project for other State, regional or local infrastructure,

The Opposition is concerned about development contributions. That subclause could be read to suggest that the State Government will do nothing more than launder Federal money. I presume that that money will end up in Department of Commerce's coffers or in the consolidated revenue fund. The Government should clarify what will happen with those development contributions. This Rudd plan is about addressing the global recession, and this State Government has been required to introduce specialised planning laws because its planning infrastructure is inadequate. Given that, one must wonder how much money—I suspect that it will be tens of millions of dollars or even hundreds of millions of dollars—will be laundered by this State Government. At the same time it will limit the funds available to be invested in infrastructure. The Government is doing that to secure additional funds for the consolidated revenue fund. We are talking about school and social housing projects. If the development contribution is set at 1 per cent, the Federal Government could collect \$420 million across the nation.

The Minister at the table should spell out what is meant by "development contributions". If she does not, Nathan Rees will stand accused of laundering Commonwealth moneys to advantage this State. This bill constitutes an admission by the State Government that its planning laws are hopelessly inadequate and need to be rewritten. No other State has been required to introduce legislation such as this to be able to roll out the Commonwealth's infrastructure stimulus package. That speaks volumes about Frank Sartor and the way he has administered planning in this State over the past couple of years. Minister Keneally must now clean up the mess. I am very keen to hear what the Minister has to say about development contributions.

**Mr MICHAEL RICHARDSON** (Castle Hill) [6.39 p.m.]: I am not surprised that the Government would want to introduce a bill entitled the Nation Building and Jobs Plan (State Infrastructure Delivery) Bill 2009. Since 1995 this Government has demonstrably failed to deliver on both counts—on infrastructure and certainly on jobs. This State now enjoys—if one can use that word in this context—the second highest level of unemployment in Australia, and last week we were told that we recorded the lowest growth of any State apart from South Australia.

This Government is aiming for jobs, jobs and more jobs. Nobody suggests that some sort of stimulus package should not be put in place, but this Government is not the government to deliver it. So far as my electorate of Castle Hill is concerned, the title of this bill is a misnomer, and so far as this Government is concerned, nation building and infrastructure delivery are foreign concepts. I understand that this package is designed to fast track the New South Wales Government's implementation of the Federal Government's \$42 billion package for Australia. Opposition members understand the necessity for a stimulus package but they are questioning this Government's ability to deliver on that package. This package is supposed to include schools, public housing and other infrastructure projects.

Government speakers talked about this Government's record infrastructure spend, which is an absolute farce. We have only to look at the wonderful Action for Transport document that was published in 1998 to see how poorly this Government has performed in the provision of infrastructure. In fact, infrastructure and this Government go together like water and oil. Opposition members understand the need for economic stimulus but this Government must be the only government in the Western world to have increased taxes in the mini-budget while decreasing infrastructure spending. It imposed \$3.3 billion in additional taxes while scrapping just about every major infrastructure project. I might add that that included the North West Rail Link, which would have serviced my electorate.

One of the projects promised in the 1998 Action for Transport Plan, which was then modified, amended and extended, eventually ended up becoming the \$12 billion North West Metro from St James to Rouse Hill. I do not think any right-thinking person in our area ever really expected the Government to build that railway line, but we all thought that the original \$600 million heavy rail line from Epping to Castle Hill was a goer. We thought ultimately that the Government would be able to find that sort of money. That was before the disaster of the Parramatta to Epping link when we ended up with half the line at twice the price.

The Parramatta to Epping line was scrapped. With the last redistribution I inherited the Carlingford railway station, on the Carlingford line, which was supposed to have been a substantial station on the Parramatta to Epping line. We did not get the continuation of Epping to Chatswood and through to Parramatta. In 2005 this Government scrapped the vast majority of services on that line and downgraded it to one direct service to the city a day with no services in return. To add insult to injury, in the mini-budget the Government also scrapped the Rydalmere passing loop on the Carlingford line, which would have provided an opportunity for increasing those rail services to a level commensurate with a realistic service rather than a Clayton's service. As compensation the Government gave us 100 buses that were already in the pipeline.

Talking about jobs, one of the biggest employment centres in New South Wales is the North West Business Park at Bella Vista. At the moment there are 25,000 jobs at that park, with 15,000 to come. We were supposed to have had a station on that North West Metro line—or the North West Rail Link, whichever members prefer—but that has not happened and it put that area at a significant disadvantage. Unquestionably, it will cost jobs. I am sure members can see why my constituents are disillusioned with everything that this Government introduces and everything which it proposes. We must build a dedicated rail line to the north-west and complete the Parramatta to Epping line. The Government's solution is to build a rail line out to Rozelle. As the member for Baulkham Hills remarked, Rozelle is not Rouse Hill: the Government has its geography wrong. I think that this bill, which will provide nothing in the way of infrastructure and jobs for my electorate, is a farce.

**Ms KRISTINA KENEALLY** (Heffron—Minister for Planning, and Minister for Redfern Waterloo) [6.45 p.m.], in reply: I thank members for their contributions to debate on the Nation Building and Jobs Plan (State Infrastructure Delivery) Bill 2009. This bill is critical to ensure the rapid delivery of infrastructure projects funded by the Commonwealth under the Nation Building and Jobs Plan to help reduce the impact of the global financial crisis. It is necessary to respond to some of the matters that were raised in debate. I thank the members for Monaro, Miranda, Penrith, Wyong, Maitland and Menai for their contributions to and their support for the bill.

The member for Wyong referred earlier to the Olympics. This bill is similar to the bill that was passed for the Olympics. We have tight timeframes and we have an imperative to deliver. The planning powers available in this bill to the Infrastructure Co-ordinator General are not dissimilar to the powers that were given during the Olympics and during World Youth Day. When the New South Wales Government delivered the Olympics and World Youth Day on time and on budget, both those projects were considered to be the best examples of that event anywhere on earth.

The member for Penrith spoke about the role of the Infrastructure Co-ordinator General, for which I thank her. Many contributions, in particular, those from Opposition members, were limited strictly to planning matters, but the member for Penrith reminded us all about the role of the Infrastructure Co-ordinator General. She said that the bill was not just about planning; it dealt also with the delivery, in particular, of the provisions in part 4. I thank her for outlining the relationship that the co-ordinator general will have with agencies. The member for Wakehurst spoke for more than half an hour but barely referred to the bill. While I respect the member for Wakehurst, his flip-flop approach to planning was evident. He said simultaneously that the planning system was broke and was not working, and that it was too efficient and I was approving too many projects.

Since September there have been 64 part 3 (a) project approvals, 20,000 jobs have been created and there has been \$9 billion worth of investment. Government members will continue to support projects that create investment and jobs in New South Wales. I do not know whether or not the member for Wakehurst understands exactly what this legislation covers. It covers projects such as public housing proposals, local school halls and school libraries. If they were constructed under the usual planning processes almost certainly they would all go to local councils. This is not the type of planning approval to which part 3 (a) would apply. In the next 21 months we will be asking local councils to get 6,000 public housing dwellings and \$5 billion worth of projects at local, public and private schools approved.

This gargantuan task is designed to deliver a stimulus package. A stimulus package works only if the money gets out the door quickly and starts stimulating jobs and the economy, which is what this proposal is about. In my briefings with local government and industry stakeholders I established that they had an understanding of the challenges that we face and they resolved to work with us to ensure that those projects would go out the door. The Opposition shadow spokesperson and member for Wakehurst said that the planning system needed to be overhauled and improved. Where is his policy and when or where will he produce such a policy?

In the six months since I have been the Minister for Planning the housing code has been gazetted and is operational; the Planning Assessment Commission, which has a clear delegation to depoliticise decision making has commenced operation; infrastructure charges and levies have been reduced significantly, in particular, in the growth centres; we have seen the integration of the Growth Centres Commission into the Department of Planning; funding has been made available for new project delivery coordinators; the Barangaroo Delivery Authority has been created and the board and a new chief executive officer have been appointed; and we have seen significant changes to the infrastructure State environmental planning policy.

When the Opposition puts up its policy we will be able to judge it on its merits. If the Opposition thinks our policy needs to be overhauled it should bring forward its policy. The member for Wakehurst also asked questions about transparency. I suggest he get online: he can look at the COAG website about the national partnership agreement. It provides information about the agreement itself, the rules under which it operates and the transparency and oversight provisions. Finally, the member for Wakehurst referred to an alleged loss of \$48 million in the AusLink negotiations. I remind the House what the Premier stated earlier today. He said that AusLink negotiations are always robust. These were no different.

Instead of money for maintenance this year, the Federal Government has offered New South Wales \$48 million for Pacific Highway funding in the next financial year. The people of New South Wales are not missing out on a single cent. The money will still come to New South Wales and still be spent on vital road projects. While the speech of the member for Hawkesbury was interesting, it did not make one reference to the bill except its title. The member clearly failed to understand that the bill only covered projects funded by the Commonwealth stimulus package. He spoke extensively about projects not funded under the bill—and the member for Wakehurst later took points of order on that point. The member for Hawkesbury spoke about the Riverstone rezoning issue. The member for Hawkesbury should understand that—

**Mr John Aquilina:** He is not the member for Riverstone.

**Ms KRISTINA KENEALLY:** First, he is not the member for Riverstone. He was all across this issue, but existing land use rights will still apply even if we change the zoning. I ask whether the member made a submission when that zoning proposal was on exhibition. I remind him that we are still taking submissions on that zoning proposal. He still has time, if he wants to do more than just rant and rave in this place, to make his views known. I could go into the content of an interview I had today on radio, but I will not. I just point out that I do not believe the Opposition understands this proposal or understands the rights that existing landowners have.

The member for Hawkesbury also talked about Windsor Road—again not demonstrating a significant understanding of how things get done. He said that Windsor Road was paid for by developer contributions. I am advised by the Roads and Traffic Authority that Windsor Road cost \$524 million. I am also advised by the authority that developer contributions raised around \$3 million every year for 10 years. The Roads and Traffic Authority advises me that the State Government paid for the rest—more than \$490 million. I ask the member to be clear about what is happening in his electorate before he speaks in here. I am certain has not read the bill.

The member for Manly not only spoke to the bill; it was obvious he had read it. His remarks were revealing. He referred to the bill as cutting red tape. So he would get rid of threatened species legislation and heritage considerations. He considers environmental impact statements to be red tape. He said that ultimately we will talk about the Coalition's policy. We are waiting for that moment. He tells us ultimately it will come.

**Mr Chris Hartcher:** Hold your breath.

**Ms KRISTINA KENEALLY:** I do not intend to turn blue by holding my breath waiting for Opposition policy. The member for Manly asked why we do not apply this legislation to all infrastructure projects. That is the most revealing comment in this debate tonight. The Opposition has said it will abolish part

3A and tonight we have had a glimpse into what it would replace it with. It would replace it with a system such as this—a planning system that has been designed to meet significant time frames and extraordinary measures for extraordinary times. The Opposition will apply it carte blanche across the State. So, gone will be threatened species considerations, heritage considerations, community consultation, coastal protection and consideration for bushfire protection. That is what the member for Manly raised tonight, that that would be the Opposition's planning policy for all infrastructure projects.

**Mr Thomas George:** Isn't that what this bill is doing?

**Ms KRISTINA KENEALLY:** The member for Manly might want to talk to his colleagues the member for Ballina and the member for Pittwater, who raised concerns that that is precisely what this bill did. It was a completely confused approach from the Opposition. Members opposite cannot decide whether they are too concerned that the community and certain environmental protections are being cut out of the process or whether they think it should be done for every infrastructure project. It is a broad church over there and ultimately, one day, we may get some planning policy out of the Opposition. The member for Lismore asked, "Isn't that what the bill does?" Yes, but it does it in a limited way, to the projects funded by the stimulus package so we meet the timeframe set by the Council of Australian Governments [COAG]—as with the Olympics and World Youth Day. It is extraordinary legislation to meet the extraordinary demands of the times we live in.

The member for Manly raised a concern, as did the members for Pittwater, Coffs Harbour and Bega, about developer contributions. The bill allows the Infrastructure Co-ordinator General to charge infrastructure contributions. Members opposite raised concerns about whether this constituted a windfall for the State Government. We should be clear that the charging of developer contributions arises when the development demands new infrastructure to support it—for example, a Department of Housing proposal that would increase the density to such a level that new infrastructure was required around the development. That is why a developer contribution would be charged and what it would fund. It would fund local infrastructure for local communities, often administered by local councils. This is not some windfall for the Government. This is supporting the structure the development gives rise to. It is supporting and funding local communities.

The member for Pittwater, Dr Stokes—I sometimes think of him as the shadow shadow planning Minister—has clearly read the bill. I suspect he has read the COAG communiqué. Maybe he can show his colleagues where the website is. He argued that this was filling in the cracks. With due respect, I think the member the Pittwater is smarter than that. He argued that local communities have the right to be heard. We fundamentally agree with that. That is why we see more than 14,000 submissions each year to our part 3A proposals. The member for Manly is proposing to create this as a system for all infrastructure projects.

**Mr Thomas George:** He didn't say that.

**Ms KRISTINA KENEALLY:** He did suggest that. Some technical issues were raised by the member for Pittwater about modification. Yes, modification is covered by the Infrastructure Co-ordinator General. However, once the project is built there are provisions in the Act for it to be put back under the Environmental Planning and Assessment Act, and future modifications, once this bill is no longer relevant, will be dealt with under that Act. The member raised the issue of appeals and the acquisition of land, whether people have the right to appeal a land evaluation. Yes, they do, because that is still being done under the provisions of the Land Acquisition (Just Terms Compensation) Act. This just allows the Infrastructure Co-ordinator General to exercise that function.

The member also raised the enforcement provisions. If the project does not comply with the conditions of authorisation under the order, the Infrastructure Co-ordinator General can order that the project be exempt from this legislation and then it would have to go through the usual planning processes. I note that the members for Ballina, Broken Hill, Coffs Harbour and Bega all made contributions. I believe I have covered the points they have raised in answering the points made by other members. I thank all members for their contributions and I commend the bill to the House.

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

**Motion agreed to.**

**Bill agreed to in principle.**

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

**Bill declared past and transmitted to the Legislative Council seeking its concurrence in the bill.**

**ACTING-SPEAKER (Mr Matthew Morris):** Order! It being almost 7.00 p.m., the House will now proceed to the matter of public importance.

## HOME WARRANTY INSURANCE SCHEME

### Matter of Public Importance

**Mr GREG APLIN** (Albury) [6.59 p.m.]: In November 2006 Ian and Kylie Mulholland contracted with a builder to undertake renovations on their Oyster Bay home. The project would be finished within four months, but this was not to be the case. Without going into unnecessary detail, the building work was not carried out to the satisfaction of the homeowners. I have seen photographic evidence of the defects and incomplete works as itemised in the expert report prepared by Macarthur Building Consultants in 26 October 2007. The problems include wastewater leaking onto floors, water damage to ceilings, plasterboard walls not fitted plumb and true, gaps, warping of timbers, roof leaks, unsealed gutter joins, missing sections of pergola roof, damage to the driveway and to the kitchen benches, and much more.

After the owners discussed their building problem with the Office of Fair Trading in late 2007 they took the person they knew as their builder to the Consumer, Trader and Tenancy Tribunal [CTTT]. At the first CTTT hearing on 5 December 2007 the homeowners reached agreement with their builder to remedy the defects. Orders were made by consent. Things looked to be improving for the Mulhollands, but the builder did not do the works outlined in the consent orders. On 19 March 2008 the owners brought the dispute back to the CTTT. At this hearing the builder disputed aspects of the initial agreement mediated by the tribunal member and said he had not had time to do the work. The builder was legally represented. I have a copy of the Notice of Order from the CTTT, which clearly states:

On 5 December 2007 the following orders were made by consent: the respondent, Clayton Grigg, shall carry out the following specific work in a proper and workmanlike manner.

The order lists 10 works. It is clear that the builder agreed to remedy the defects and then did not follow through, yet the tribunal member did not now hold the builder to his word and the matter was adjourned. Back in the CTTT once again, on 23 April, the Mulhollands brought along their own barrister and attempted to reconcile the dispute. The builder's barrister announced he had to leave early and the hearing was therefore adjourned once more without real progress. On 10 June everyone was in the CTTT with their lawyers, but still no decision was made. By this time the homeowners had discovered other building defects and wanted them added to the list. The tribunal member adjourned the hearing to 22 July, with all evidence and statements to be submitted by 15 July.

Did the hearing proceed on 22 July? I am afraid not. The builder's lawyer wanted to send his own building inspector through the house. The tribunal member agreed to adjourn the case once more. On 19 August the Mulhollands attended the tribunal with their barrister, their solicitor and an expert witness in tow ready to argue the details of the defects. Costs were mounting. However, the builder's barrister had other ideas. Despite the opportunity for his own expert's inspection, he still wanted more detail from the homeowners to be presented to the informal tribunal in the form provided by Australian Standards. This resulted in the fifth adjournment of the matter.

On 2 September the Mulhollands received by fax a letter from their builder informing them that he could no longer afford legal representation. The builder sent a copy of this letter also to the CTTT, but even this did not appear to ring any alarm bells with the tribunal. Back in the tribunal on 15 September it was time for each party's experts to debate the defects. Despite what might have been expected by this time, the builder never sent his own building inspector through the house, nor had he submitted any evidence to support his case—in disregard of the various orders of the tribunal member, who, nevertheless, granted the builder yet another adjournment. The adjourned hearing date was set for 3 October. Instead of going to the CTTT the builder, Clayton Grigg, chose that day to declare bankruptcy. Bankruptcy puts all legal proceedings on hold.

After this seventh adjournment it was brought to the attention of the tribunal member that the Mulholland's builder was now bankrupt. The member noted that there were in fact two builders mentioned in the building contract: brothers Clayton and Luke Grigg, trading as Lukton Installations. It was a partnership. It was Clayton who was bankrupt and he was the one with whom the Mulhollands had dealt throughout—the man on the spot. Lukton Installations is a partnership; surely each partner is responsible for the acts and omissions of the other partner and of the partnership itself. Brother Luke was not named on the CTTT application and would now have to be joined to the proceedings. As Clayton Grigg was not present, the tribunal member adjourned the hearing once more, for a telephone directions conference on 18 November.

On 18 November the bankruptcy trustee for brother Clayton was not available for the teleconference. The tribunal member adjourned the hearing to 27 November. On that date the trustee could not be found and the

member adjourned the case for a further three months to 27 April. The builder's bankruptcy trustee had said he was unable to give consent for the other brother in the building partnership, Luke, to be joined to the current proceedings before the CTTT. The Mulhollands were advised that they would have to make application to the Federal Court seeking leave to join Luke Grigg to the CTTT proceedings. One might ask: "Why didn't the Mulhollands claim on their building warranty insurance?" In fact, they have tried to do just this. I refer to a letter the Mulhollands received from Vero Insurance, dated 6 January 2009:

We confirm we received your claim form on 23/12/2008. The policy of insurance only responds in cases of insolvency, death or disappearance of the builder. The searches we have undertaken revealed that Luke Grigg is not insolvent. Accordingly, your claim is denied as you have not demonstrated the right to claim against the policy. We will review your claim upon receipt of documentation confirming that the builder has become insolvent.

I should like to make the meaning of this letter clear to the House. After obtaining initial advice from the Office of Fair Trading; after taking their builder to the CTTT and obtaining consent orders for the defects to be rectified; after 10 adjournments—all but one at the instance of the builder or tribunal member; after finding out that the man they knew as their builder had declared bankruptcy and stalled the proceedings; after realising the CTTT application should also have mentioned the second business partner of the builder; after spending \$30,000 on legal and expert witness expenses; and after the CTTT has let the dispute stretch out for over 16 months without putting its foot down and pulling the ducking-and-weaving builder into line, the Mulhollands have their warranty insurer tell them to start chasing brother number two for a judgement or tribunal order before they can lodge a claim. No wonder people give up. The home building warranty scheme in New South Wales is a disaster for consumers. It is a scheme of last resort, and in the case of the Mulhollands one has to wonder if it is a resort at all.

**Ms LYLEA McMAHON** (Shellharbour—Parliamentary Secretary) [7.06 p.m.]: The dream of building a new home is becoming a reality for families all over New South Wales with the help of the First Home Buyers Grant from the Federal and State governments. Latest figures show that more than 4,600 first homebuyers received financial approval for a new home in December—a jump of almost 40 per cent on the previous year. It is probably the biggest investment most families will ever make and it makes sense to have a safety net for those occasions when a builder does not finish the home or does not do the work properly. The New South Wales Home Warranty Insurance Scheme acts as a safety net to protect homeowners where a builder does not honour its fundamental responsibilities. It is a last-resort scheme that ensures that builders do not avoid their legal responsibilities to construct quality buildings in accordance with agreed plans and contracts, and affords consumers vital protection in the event that a builder is unable to begin or complete a building contract or return and rectify defective work because they have become insolvent, have died or disappeared.

I will try to do the right thing and bring Opposition members up to speed by filling them in on essential background. The collapse of HIH Insurance precipitated a home warranty insurance crisis in New South Wales and Victoria. Policies became very expensive and difficult to secure with builders required to provide bank guarantees, mortgages or collateral as indemnity. As a result, residential building slowed, and some builders simply could not continue. While the Opposition's limitations and lack of policy alternatives are evidenced by its continuing reliance on media reports, which can only be described as wilful in its misrepresentation of the facts, I shall share with them some data that went unreported in today's article.

New South Wales is the only State or Territory that collects and publishes data on its home warranty insurance scheme. The data provided in these reports is more comprehensive than that of the Insurance Ombudsman, and it is independently checked and verified by actuaries. That data shows that in 2007-08 New South Wales insurers reported 1,120 claims notified by consumers. Only 86 claims were fully rejected, 415 claims were finalised last financial year and 329 of those were fully or partially accepted. That means New South Wales consumers successfully claimed for liability in almost 80 per cent of cases. Compared to figures from the Insurance Ombudsman, the rate of refusal in New South Wales is less than half the national average.

New South Wales data shows that claims are usually refused when a builder is shown not to have become insolvent or disappeared. Our figures indicate that the New South Wales system is working and providing an important backup for consumers. Indeed, the Senate committee recommended that other States adopt our recent reform by introducing a new trigger for homeowners to lodge an insurance claim when a builder fails to comply with a monetary order from the consumer tribunal. The Government is happy to look at further improvements to home warranty insurance in New South Wales, but only sustainable and prudentially sound improvements. We will not entertain a return to the old Building Services Corporation [BSC] model, which exposed taxpayers to a dangerous level of risk.

What the Opposition chooses to ignore in its rewrite of history is future budget liabilities and the raids the last New South Wales Coalition Government launched on the old Building Services Commission in the dying days of its administration. In just four months between April and August of 1994, the John Fahey-led Liberal Government siphoned off \$53 million to support the HomeFund housing rescue scheme, a rescue package of the Liberals own making. Home warranty insurance is a long tail operation. Given that we are in the grip of the worst financial crisis since the Great Depression, future claims could run into the hundreds of millions, a real tab that the people of New South Wales would have to pick up.

New South Wales and Victoria account for more than 70 per cent of residential building work in Australia. In 2002 the New South Wales and Victoria governments moved towards uniform home warranty insurance schemes, providing substantial protection for homebuyers, a healthy building industry and a viable market for insurers. This was in the face of an unprecedented crisis in the insurance industry, namely, the collapse of HIH and the aftermath of September 11. The Opposition's willingness to rewrite history extends to the activities of their old mate in Canberra, the member for Higgins. After all, it was under Peter Costello's stewardship that the Howard Government changed the Corporations Law, effectively changing home warranty insurance to a wholesale product and removing the oversight role of the Australian Prudential Regulation Authority.

Proponents of a return to the old Building Services Corporation or a Queensland-style, first resort, taxpayer-underwritten scheme must bear in mind that Queensland's current liabilities are only funded for the next 6½ years, according to a media report on 25 June 2008. As I said, home warranty is a long tail business. When families are making the biggest investment of their lives insurers, both public and private, need to be viable to pay out claims. I read with interest that the other State mentioned in this morning's media reports—Tasmania—is the only jurisdiction to make home warranty insurance an optional extra. Does the Opposition seriously propose to leave consumers swinging in the breeze, potentially ruined in the worst-case scenario?

Home warranty insurance policy in New South Wales provides cover of \$300,000 to consumers for incomplete and defective work for contracts entered into after 1 March 2007. There are now five insurers providing home warranty insurance and another providing specialist cover for owner-builders. The increased competition has resulted in reduced premiums. Home warranty insurance is one of a number of options provided to consumers involved in disputes with their builder. Fair Trading provides free dispute resolution services to consumers who have concerns over the quality of their building work. Building inspectors are also empowered to issue rectification orders to builders and failure to comply can result in the loss of a builder's licence. Fair Trading is successful in resolving 80 per cent of consumer disputes with builders. If the dispute cannot be resolved in this way, consumers can take their matters to the Consumer, Trader and Tenancy Tribunal where orders, including money orders, can be issued.

**Mr CHRIS HARTCHER** (Terrigal) [7.13 p.m.]: It is appropriate that this matter of public importance is being debated today as *Sydney Morning Herald* consumer affairs reporter Kelly Burke has published an excellent analysis of the New South Wales scheme and the Financial Ombudsman's report upon it under the headline "Building insurance offers flimsy protection". The article states:

Almost half of all claims lodged under compulsory homebuilding warranty insurance were rejected in 2007-08, compared with a national rejection average across all personal and commercial insurance of just 2 per cent.

That is about 25 times the rate of other insurance rejections. That shows the flimsy foundation for the Government's defence of the existing home warranty scheme, which came about because the Government privatised the scheme and has stubbornly refused to acknowledge it has continued to fail the building industry and consumers in New South Wales. The Senate committee resulted from strong pressure principally from New South Wales but also from Victoria into failures of the scheme.

I acknowledge the spokesman of the Builders Collective, Phil Dwyer, who has been fighting on behalf of builders and consumers in a magnificent action to acquaint the community with the "flimsy protection that the scheme does offer". Phil Dwyer is quoted in the article saying that the most comprehensive data to date proved the scheme "was the most disgraceful scheme ever to be presented at a consumer protection product". All the spin of the Government and attempts to blame the Fahey Government of 14 years ago or John Howard—usual Labor Party defences—simply fall by the wayside when contrasted with the fact that the scheme does not work. Indeed, the Minister for Fair Trading, the Hon. Virginia Judge, is quoted in the article as saying:

... state data showed only 86 out of a total of 1120 claims were fully rejected in NSW in 2007-08.

However, that same data also reveals that only 329 claims were either fully or partially approved, a payout rate of just 30 per cent compared with a level deemed acceptable within the insurance industry of about 80 per cent.

The Government's spin denies the fact that dissatisfied consumers have no recourse other than to go to the Consumer, Tenancy and Trading Tribunal. The Government is forcing them into that tribunal because its insurance scheme is not an insurance scheme at all; it is just another government tax.

**Mr GREG APLIN** (Albury) [7.16 p.m.], in reply: I thank the member for Terrigal and the member for Shellharbour for their contributions to this matter. I note that the member for Shellharbour gave us a history lesson on home warranty insurance. I am talking about the here and now, about the problems faced by the Mulhollands, which show a greater problem at the heart of the Consumer, Tenancy and Trading Tribunal [CTTT] and home warranty insurance. I note the offer by the member for Shellharbour that the Government is happy to look at improvements. I hope that by outlining this case we will see some improvements because the Office of Fair Trading has been involved. Indeed, the Mulhollands turned for help to the Minister for Fair Trading. In a letter dated 17 February the Minister was sympathetic but in the end simply advised the Mulhollands to seek legal advice and consider joining the other brother to the CTTT application, along with Vero, the building insurer. We know the outcome of that inquiry.

The matter does not end there. In December last year the Government pushed through an amendment to the Home Building Regulations. Regulation 63A commenced on 19 December 2008, allowing the insured homeowner six months to make a claim on his or her home warranty insurance after first becoming aware of the problem that forms the basis of a claim. The regulation applies retrospectively. Of course, for the Mulhollands, after 16 months chasing their builder through the CTTT, their six months is over. They are back near the start once more with the CTTT and they cannot make a home warranty claim, thanks to regulation 63A.

When Kylie Mulholland says that she hates her house, one should believe her. She complains that she is not sleeping and argues that she has done nothing wrong. She says that the flawed process of ineffective dispute resolution, combined with a pathetic last resort building insurance scheme, has put their lives on hold. The final insult is regulation 63A, which retrospectively removed Kylie's right to make an insurance claim as she is outside the six-month deadline, thanks to the CTTT and an elusive builder. What must be done is that regulation 63A must be replaced urgently. That should be done as part of the Government's announced intention to amend the Home Building Act 1989, the purpose being "to clarify the time period for claims made before that date". The CTTT must be called to account for its delay in processing the Mulhollands' application. Finally, the Government must give the people of New South Wales a home building warranty scheme that offers true warranty protection.

**Discussion concluded.**

**The House adjourned, pursuant to sessional orders, at 7.19 p.m. until  
Wednesday 11 March 2009 at 10.00 a.m.**

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