LEGISLATIVE ASSEMBLY

Tuesday 3 June 2008

The Speaker (The Hon. George Richard Torbay) took the chair at 12 noon.

The Speaker read the Prayer and acknowledgement of country.

APPROPRIATION BILL 2008

APPROPRIATION (PARLIAMENT) BILL 2008

APPROPRIATION (SPECIAL OFFICES) BILL 2008

STATE REVENUE AND OTHER LEGISLATION AMENDMENT (BUDGET) BILL 2008

The Speaker laid upon the table a copy of Budget Estimates 2008-09, Volumes 1 and 2 of Budget Paper No. 3.

Ordered to be printed.

Bills introduced on motion by Mr Morris Iemma.

Agreement in Principle

Mr MORRIS IEMMA (Lakemba—Premier, and Minister for Citizenship) [12.02 p.m.]: I move:

That these bills be now agreed to in principle.

Debate adjourned on motion by Mr Barry O'Farrell and set down as an order of the day for a future day.

BUDGET SPEECH

[*The Hon. Michael Costa was conducted by the Deputy Serjeant-at-Arms onto the floor of the Chamber.*]

The SPEAKER: Order! I advise members that the House has requested the attendance of the Hon. Michael Costa, MLC. In accordance with our practice on these occasions, the usual courtesies are to be accorded to the Treasurer, particularly that his Speech should be heard without interruption.

The Hon. MICHAEL COSTA (Treasurer, Minister for Infrastructure, and Minister for the Hunter) [12.03 p.m.]: I am pleased to deliver the third budget of the Iemma Labor Government, a Budget that continues our commitment to invest in infrastructure and frontline services, in record amounts.

Twelve months ago the economic environment was significantly different from today's.

Since I last addressed this place, financial markets have experienced severe instability.

The resources boom has continued to create challenges for the national economy, the States, and our budget.

A year of surprisingly strong growth in domestic demand and employment has seen inflationary pressures emerge and the Reserve Bank lift interest rates four times, to levels not seen for more than a decade.

As the Government has previously reported, the ageing of the population will begin to impact within the period of the forward estimates as the first baby boomers turn 65.

The annual increase in the population aged over 65 will more than double over the forward estimates period, increasing demand for services in health, ageing and disabilities, transport, and community services.

The Rudd Government's commitment to reforming Commonwealth-State financial arrangements has provided an opportunity for reform to the way in which government services are funded and delivered—but this opportunity does not come without its own set of challenges.

In this context this budget balances the challenges of delivering improved services, investing more in infrastructure, and cutting taxes.

Within the parameters established by the State Plan it delivers better services with a record $47.6 billion budget.

This includes new spending targeted at the Premier's priority areas: Aboriginal health, emergency departments, child protection, mental health and disability services.

It continues our record investment in infrastructure with almost $14 billion this year alone invested in rail, water, electricity, schools, police stations and hospitals.

It keeps the budget in surplus, this year and across the forward estimates, securing our triple-A credit rating and maintaining Labor's record of strong financial management.

And once again it delivers tax cuts—$3.6 billion worth of tax cuts to support jobs and economic growth.

BUDGET OVERVIEW

The Government's strong financial management means the budget in 2008-09 will be a surplus of $268 million, or $737 million under the accounting standards that applied until last year.

In the following three years surpluses will average around $800 million.

I can also advise the House today the budget result for 2007-08 will be a surplus of $700 million—or $1 billion under the previous accounting standards.

This is an improvement of $660 million since last year's budget.

This improvement is in addition to an early repayment of $390 million in debt accrued during the construction of the Epping to Chatswood rail line.

Last financial year we paid off $960 million of debt associated with this project.

Because of our responsible financial management, by the middle of next year the Epping to Chatswood rail line will be debt free.

The Iemma Government has worked hard for these results.

For the third year in a row we have brought operating expenses in on target.

In 2005-06 the difference between budgeted and actual expenses was 0.1 per cent. In 2006-07 that difference was 0.2 per cent.

Allowing for "pass through" funding from the Commonwealth for specific initiatives and the $390 million rail debt repayment, in 2007-08 expenses are estimated to be just 0.6 per cent higher than budgeted.

These results reflect the Iemma Government's commitment to keeping a tight rein on expenditure in order to redirect taxpayers' funds where they want them—on frontline public services.

Last year I reported that the Government's stringent efficiency measures were delivering savings of around $300 million a year.

Today I can report those measures have yielded $1.7 billion in real savings to date.

Last year I reported that, after years of expenditure growth outpacing revenues, we were on track to align the two, on average, over the forward estimates.

Today I can report that revenue and expenses will continue to grow at around the same rate over the next four years.

Last year I reported that productivity savings would ensure that in coming public sector wage rounds the net cost to taxpayers would be limited to 2.5 per cent per annum.

Today I can report that over the past 12 months the Government and unions have struck 11 agreements where the cost to taxpayers has been limited to 2.5 per cent, while, because of productivity offsets, wage rises for employees under those awards have been as high as 5 per cent.

The Government will continue to utilise the mid-point of the Reserve Bank's target inflation range as the indexation factor for funding wage increases.

This is not only fiscally responsible; it is the key role the New South Wales Government can play in the fight against inflation and higher interest rates.

BALANCE SHEET AND NET WORTH

The balance sheet is now considerably stronger than it was in the mid-1990s, which has put the State in a much better position to handle cyclical fluctuations in revenue, such as those arising from higher interest rates and weaker equity markets.

Demographic change, urban congestion, and greater demand for essential services have seen strong growth in spending in key areas such as health, transport, community services and police, and record capital expenditure.

The Government's record capital works—$57.6 billion over the next four years—will see the value of our physical assets increase from $189 billion in June 2008 to $229 billion by June 2012.

The increase in capital expenditure, further tax cuts, changes to accounting standards, and the recent downturn in capital markets mean some of our fiscal targets will not be met.

General government net debt will increase from 1.4 per cent of GSP in June 2008 to 1.7 per cent of gross State product [GSP] in June 2012.

However, net debt will remain at sustainable levels and will stay significantly lower than in 1995, when it was 7.4 per cent of GSP.

General government net financial liabilities will increase from $29.3 billion in June 2008 to $36.5 billion in June 2012, but will decrease as a percentage of GSP from 8.2 per cent to 8 per cent over the same period.

While above the target of 7.5 per cent, net financial liabilities will also remain below the unsustainably high levels of the mid-1990s, when it was almost 20 per cent of GSP.

In 2006 we estimated that the ageing of the population and other pressures could lead to a budget shortfall in 2044 of around 3.4 per cent of GSP. Subsequent budgets increased that fiscal gap to 3.5 per cent.

Tax cuts announced today and our significant boost to capital expenditure will add 0.3 percentage points to the long-term fiscal gap, while increased growth in demand for services in areas such as health, transport and community services will add 0.1 percentage points.

These long-term pressures highlight the need for an overhaul in Commonwealth-State financial arrangements.

The reform of intergovernmental financial arrangements will be judged by how well new specific purpose payments deal with indexation related to wage costs and demand.

In December last year the Government embarked on the process of securing the State's electricity needs through greater participation by the private sector in the delivery of electricity.

The Government's plans for electricity will also have a positive impact on our balance sheet.

But as has been the case with past major transactions, estimates of the proceeds of electricity sector transactions have not been included in the budget, with the impact on the balance sheet and our fiscal targets to be shown in future years.

NEW SOUTH WALES ECONOMY

Despite the challenges from an uncertain global economic environment, the economic fundamentals in New South Wales remain strong.

In 2007-08 State final demand is estimated to have grown by a very strong 4¼ cent, gross State product by 2½ per cent and employment by 2½ per cent, while unemployment dropped to a generational low of 4½ per cent.

Growth in the first half of 2007-08 was stronger than in the second half, when the economy was hit by constrained credit markets and four interest rate increases between August and March.

Nowhere was this more apparent than in the New South Wales housing sector, which showed signs of recovery during the first half of the financial year, only to slow early in the new year.

Similarly, consumer spending grew strongly in the last six months of 2007, but stalled in the first quarter of 2008.

Business investment—which has been a real strength of the New South Wales economy for some time—grew by more than 10 per cent in the first half of the financial year; however, current expectations are also for that growth to moderate.

In the agricultural and farming sector the follow-up autumn rains we were all hoping for did not eventuate, which is expected to trim overall GSP growth instead of adding to it as originally forecast.

In the current high interest rate environment New South Wales will continue to face challenges this year.

Growth in State final demand is expected to slow to 2½ per cent, GSP to 2 per cent, and employment to 1 per cent.

Unemployment is expected to rise slightly to 4¾ per cent, but remain well below historic levels.

Inflation is expected to ease as a result of the Reserve Bank strategy.

IMPROVED AND EXPANDED SERVICES

Over the four years to 2008-09 spending on priority areas of service delivery has increased significantly.

- Spending on community and disability services has increased by 29 per cent
- Spending on public transport and roads has increased by 25 per cent
- Spending on health has increased by 25 per cent
- Spending on police and justice has increased by 18 per cent
- Spending on education and training has increased by 17 per cent, and
- Spending on environment and natural resources has increased by 53 per cent.

This year the Government will spend $47.6 billion on delivering improved and expanded services for the people of New South Wales.

This includes:

- $13.2 billion in Health, up 5 per cent on last year, including $49 million for the full-year cost of an additional 180 acute care beds added in November to ease the pressure on the busiest emergency departments

- $11 billion on Education and Training, an increase of 4.7 per cent, including $19 million to improve childhood literacy with the Best Start Program
- Spending on Police will increase by 4 per cent to almost $2.4 billion as the Government meets its commitment to increase police numbers to 15,956 by December 2011
- $815 million for Emergency Services, including an 18 per cent increase in funding for the State Emergency Service following one of their busiest years on record
- For the first time spending on Ageing and Disability Services will exceed $2 billion, an increase of 7 per cent
- Spending on Community Services will also increase by 7 per cent to $1.35 billion, including an additional $21 million to provide preschool opportunities for an additional 10,500 children for two days per week in their year prior to school and
- Almost $1 billion will be spent in the area of the Environment, including a 40 per cent increase in funding to buy back water for rivers and wetlands.

Total spending on providing public transport is $5.9 billion, reflecting the Government's commitment to the North West Metro, South West Rail Link, clearways, the rolling stock public-private partnership [PPP], and new environmentally friendly buses.

Challenging economic times also demand that governments target areas of most need.

The budget includes $4 billion for Community Services, Ageing and Disability, Housing and Aboriginal Affairs.

Spending in these areas will include:

- $263 million, an increase of 16 per cent, for prevention and early intervention, to provide support for children, young people and families early on, before their problems turn into a crisis
- $109 million, an increase of 55 per cent, to fund 620 supported accommodation places to provide community-based residential support for people with a disability
- $17.7 million, an increase of 75 per cent, to prevent young people entering nursing homes, improve services to young people who live in nursing homes, and develop alternative models of support and accommodation for young people with a disability
- $10.1 million to assist eligible people with a disability and people with HIV/AIDS to access the private rental market
- $22.9 million over four years to combat child sexual abuse in Aboriginal communities, with the expansion of the Safe Families program in an additional five communities in the Orana Far West region
- $30 million over four years to provide ongoing support for the operation, maintenance, and monitoring of water and sewerage systems, in partnership with the New South Wales Aboriginal Land Council
- $1.1 billion for mental health, including new funding of $31.6 million for the expansion of mental health services and to fully operate the new forensic hospital at Long Bay.

Over the past 12 months the New South Wales Government has committed around $90 million to assist farming communities with the ongoing impacts of the drought, and it remains committed to assisting rural communities in need.

INVESTING IN INFRASTRUCTURE

Two years ago we released the State Infrastructure Strategy, setting out for the first time a comprehensive 10-year plan for New South Wales's infrastructure needs.

The 2006 State Infrastructure Strategy included $110 billion in capital projects over the decade to 2016.

The State Infrastructure Strategy for the decade to 2018 will be released next week, but today I can announce our infrastructure expenditure over the coming decade is expected to reach about $140 billion.

This year the State's total investment in infrastructure will reach $13.9 billion, 11 per cent higher than in the 2007-08 Budget.

Over the four years to 2011-12 the State's capital expenditure will total $57.6 billion, partly funded by an increase in net debt of $20.9 billion.

This is $21.2 billion, or 58 per cent, higher than the previous four-year capital spend.

Over the next four years capital expenditure by transport businesses will almost triple from $1.3 billion to $3.7 billion, driven by the North West Metro, the South West Rail Link, major ports expansions, the continuation of the Rail Clearways Project, and the acquisition of new rolling stock.

Capital expenditure in the electricity sector will grow by more than 60 per cent over the same period, largely because of increased investment by the network transmission and distribution businesses.

Infrastructure spending in 2008-09 in non-commercial areas includes:

- $1.8 billion on transport
- $2.2 billion on roads
- $784 million on health
- $735 million on education and training
- $569 million on housing and
- $411 million on law and order.

Infrastructure spending in 2008-09 in commercial areas includes:

- $3.5 billion on electricity
- $2.2 billion on water and
- $397 million on ports.

Major new capital projects in the budget include:

- the $12 billion North West Metro
- 19 new school projects and 12 new TAFE projects, at a total cost of $246 million
- Almost 1,300 new units of public housing, community housing and crisis accommodation at a total cost of $201 million
- $65 million for the M5 East filtration project and $150 million on the Victoria Road upgrade
- $27 million towards the Lismore Integrated Cancer Centre and
- Riverstone Police Station and Lake Macquarie Local Area Command at a cost of $35 million.

The Iemma Government is delivering on its commitment to invest in new infrastructure.

REVENUE MEASURES

This budget continues the Iemma Government's policy of strategic reductions in taxation, with $3.6 billion in tax cuts.

Since August 2005 there's been a significant rationalisation of property-related taxes, including:

- abolishing vendor duty
- abolishing mortgage duty, and
- overhauling land tax, including indexing the threshold and dropping the rate.

It was Labor that abolished stamp duty for first home buyers on properties under $500,000.

We have cut business taxes, including:

- abolishing a range of stamp duties, the so-called "nuisance taxes" and
- payroll tax concessions for businesses in areas of higher than average unemployment.

We have also cut workers compensation premiums and reduced red tape by harmonising payroll tax arrangements with other States.

And we have done this while continuing to be penalised on the GST.

New South Wales has lower revenue per capita than the average of the other States, and the second lowest revenue per capita of all the States.

New South Wales overall tax rates are around the average of all States, with a lower than average reliance on transfer duty, gambling taxes and motor vehicle taxes.

As announced last year, the 2008-09 budget abolishes mortgage duty on residential investment properties from 1 July 2008 and abolishes stamp duty on unquoted marketable securities from 1 January 2009.

The abolition of mortgage duty on residential investment properties will save property investors $160 million this year and $718 million over the next four years.

It is further proof of the Iemma Government's commitment to reducing the burden of property taxes.

The abolition of stamp duty on unquoted marketable securities will save business $36 million this year and $272 million over the next four years.

Today I can announce further tax cuts worth $2.2 billion.

This budget cuts payroll tax from 6 per cent to 5.5 per cent and indexes the payroll tax threshold to inflation.

This makes New South Wales the only jurisdiction in Australia to index the payroll tax threshold.

From 1 July 2008 the payroll tax threshold will increase from $600,000 to $623,000, rising thereafter with increases in the CPI in Sydney.

Tax cuts must be implemented without jeopardising funding for essential services: that is why the cut to the payroll tax rate will be phased.

The rate will be reduced to 5.75 per cent from 1 January 2009, to 5.65 per cent from 1 January 2010, and to 5.5 per cent from 1 January 2011.

In total, changes to payroll tax announced today will exceed $1.9 billion over the next four years.

I can also announce today that the abolition of transfer duty on non-land business assets will be brought forward by 18 months, from 1 July 2012 to 1 January 2011, a further tax cut for business of $270 million over the forward estimates.

In total this budget reduces taxation by $344 million in 2008-09, increasing to $1.4 billion in 2011-12, and by $3.6 billion over the next four years.

Over the four years to 2011-12 Iemma Government tax cuts and reductions in workers compensation premiums will save New South Wales taxpayers $12.4 billion.

CONCLUSION

The people of New South Wales expect the Government to constantly work at improving and expanding services.

This budget does that.

This budget invests for the future, building social and economic infrastructure.

This budget provides strong financial management.

This budget keeps taxes as low as possible to support jobs, economic growth, and funding for essential services.

I commend the bills to the House.

FINANCIAL STATEMENTS

Copies of the Budget Speech 2008-09, Budget Paper No. 1, Budget Statement 2008-09, Budget Paper No. 2, and Infrastructure Statement, Budget Paper No. 4, tabled and ordered to be printed.

[*The Speaker left the chair at 12.31 p.m. The House resumed at 1.00 p.m.*]

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Budget Sittings

Mr JOHN AQUILINA (Riverstone—Leader of the House) [1.00 p.m.]: I move:

That standing and sessional orders be suspended:

(1) For the remainder of the budget sittings to:

(a) permit the scheduled sittings of the House on Tuesdays and Wednesday to be extended to permit the consideration of Government Business;

(b) on Tuesdays, Government Business to be considered from 4.30 p.m. until 6.30 p.m., and then from 7.30 p.m. until the adjournment of the House on motion;

(c) on Wednesdays Government Business to be considered from 4.30 p.m. until 6.30 p.m. and from 7.30 p.m., with private members' statements to be taken at the conclusion of Government Business, and the House to adjourn on motion;

(d) matters of public importance to not be called on; and

(e) on Thursdays the House to adjourn on motion.

(2) At this sitting, the motion according priority to be not called on, and the motion of no confidence in the Minister for Health to be considered from 7.30 p.m. and

(3) On Thursday 5 June 2008, Government Business to take precedence of General Business between 4.30 p.m. and 5.30 p.m.

It is with some reluctance that I move the motion, but the Government has an avalanche of legislation that must be debated and passed through the House during the budget session. This is testimony to a hardworking Government, which has passed a number of bills during this session. It is important that the Government

introduce and debate a number of other bills and enact further legislation. We are cognisant of the need to maintain private members' statements, general business and motions accorded priority, but also we are mindful of the fact that we have a limited number of days to deal with legislation. I understand that the Legislative Council has some 40 bills be deal with, and the Legislative Assembly has a large number of bills to debate.

Today the Treasurer handed down the budget, and the Government must introduce and deal with a number of matters before the Parliament rises for the winter recess. The Government is keen to get on with the job of governing the State and to enact legislation that is of great importance to the citizens of New South Wales. The motion will enable that legislation to be introduced, debated and enacted later this year, although a considerable amount of legislation will be put in place before 1 July 2008. I leave it to the will of the House.

Mr ADRIAN PICCOLI (Murrumbidgee) [1.04 p.m.]: The Opposition will not support the motion to suspend standing and sessional orders for several reasons. At the end of last year the House debated changes to the standing orders that would affect the sitting times of the House. Further amendments were made to those standing orders in April this year—only one month ago—following negotiations with the Speaker, the Leader of the House, Government and Opposition whips and some crossbench members. The new sitting times would make the House more family friendly and produce significant savings in the cost of running the House. All that is now being thrown out the door.

Members were given notice of the motion today. Members of Parliament are used to having their lives thrown into chaos—we signed up for that—but the lives of House attendants, Hansard staff and others will be thrown into chaos if the motion is passed. The Government did very little during the first four to six sitting weeks this year. The upper House dealt with very little government business. By 5 o'clock the lights were turned off in the other place. What was the Government doing at the beginning of the year? Its lack of activity earlier in the year is a demonstration of the hopeless way the Government runs the Parliament. If it cannot run the Parliament how can it run the State? Indeed, when one considers the way the Parliament is run, it is no surprise that transport, health, infrastructure, and education are in chaos.

If Parliament had been run properly and the Government had introduced a proper legislative program throughout the year, the sitting hours that were agreed to towards the end of last year and earlier this year could have been sustained. A couple of female Labor members would be happy with the motion. They complained about changing to family friendly hours because they feared they would be expected to go into their electorates and do some work. I cannot remember who they were and I do not want to verbal anyone.

The SPEAKER: Order! Members on the Government benches will remain silent.

Mr ADRIAN PICCOLI: A couple of female Government members who were a bit upset about the earlier finishing time because of the expectation that they would have to do some work probably have been lobbying behind the scenes for an extension of the hours. Last year members negotiated an agreement, supported by the Speaker, for family friendly hours, and those hours should be adhered to. Another reason that the Opposition will not support the motion is that matters of public importance, which usually involve non-partisan discussion, will be scrapped. It is an opportunity for Government, Opposition and crossbench members to raise important issues relevant to the State, not just to their electorates.

Mr Daryl Maguire: The Government is effectively gagging debate.

Mr ADRIAN PICCOLI: As the member for Wagga Wagga rightly said, the Government is trying to gag debate on matters of public importance. I know that contentious legislation, such as planning and electricity privatisation, will be rammed through the Parliament. However, the Government has known that all year. It should not ram through legislation in the last few weeks of the session, nor should it disrupt everything. Changing the sitting hours of the House will cost taxpayers enormous sums of money. If this is the way the Government runs the House it is no wonder New South Wales is in its present state.

Mr JOHN AQUILINA (Riverstone—Leader of the House) [1.09 p.m.], in reply: The member for Murrumbidgee spoke about the time we took to establish the new sessional orders. They have worked well for the bulk of this budgetary session; members have been able to go home in record time. I am the longest-serving member in the House and I cannot remember during a budget sittings ever arriving home as early as I have this session, despite, as Leader of the House, usually being the last one to leave this place. Members appreciate that since time immemorial legislation always logjams towards the end of a session. In the 152-year history of the Legislative Assembly that has always been the case; and it certainly has been the case since I have been a

member of this place. That is not due to any downfall in the planning process; rather, it is the introduction of new legislation during a session. The community is hyperactive in proposing what government should do and during a session legislation must be drawn up, put through Cabinet, debated in the respective Houses and then enacted, irrespective of which party is in government—I have been in this House as both the Government and the Opposition.

Towards the end of the session contemporary issues of vital importance to the progress and proper development of the State and to the people of New South Wales must be debated. For those reasons, I reluctantly seek to change the Legislative Assembly administrative process to ensure that important legislation is properly debated and forwarded to the upper House for debate. Incidentally, regardless of what we decide, the upper House, despite its best intentions to adjourn early, will have to sit late to debate the large number of important bills it has received from the Legislative Assembly. Therefore, it is unnecessary to raise the economy of running the Parliament. Upper House debates are more fulsome than those in the Legislative Assembly and its members are not constrained by the time limits that are set out in the Legislative Assembly sessional orders. Consequently, the Legislative Council will have to sit late to complete its legislative program: the Legislative Assembly will piggyback on the Legislative Council's program to get through its legislative program. For those reasons, I commend the motion to the House. I thank members in advance for their understanding and particularly for their patience over the next three weeks.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 50

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

Noes, 37

Mr Aplin	Ms Hodgkinson	Mr Roberts
Mr Baird	Mrs Hopwood	Mrs Skinner
Mr Baumann	Mr Humphries	Mr Smith
Ms Berejiklian	Mr Kerr	Mr Stokes
Mr Cansdell	Mr Merton	Mr Stoner
Mr Constance	Ms Moore	Mr J. H. Turner
Mr Debnam	Mr Oakeshott	Mr R. W. Turner
Mr Draper	Mr O'Dea	Mr J. D. Williams
Mrs Fardell	Mr O'Farrell	Mr R. C. Williams
Mr Fraser	Mr Page	
Mrs Hancock	Mr Piccoli	*Tellers,*
Mr Hartcher	Mr Provest	Mr George
Mr Hazzard	Mr Richardson	Mr Maguire

Pair

Ms Burton	Ms Goward

Question resolved in the affirmative.

Motion agreed to.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Appropriation Bill and Cognate Bills

Motion by Mr John Aquilina agreed to:

That on Thursday 5 June 2008 standing and sessional orders be suspended at 11.00 a.m. to permit the Leader of the Opposition and the Leader of The Nationals to speak on the Appropriation Bill and cognate bills.

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.

CALVARY RETIREMENT COMMUNITY, CESSNOCK

Mr KERRY HICKEY (Cessnock) [1.26 p.m.]: In 1997 Allandale Aged Care Facility converted from a State-subsidised institution, or third schedule hospital, to a Commonwealth-funded nursing home. In 1998 the Hunter Area Health Service announced a shortfall in funding and a major restructure of the service in order to save $6 million per annum. The restructure proposed, among other things, a dramatic reduction in staff: 65.5 positions. The restructure also proposed the construction of a new high-care nursing home with 216 beds at a cost of $20.5 million. Through consultation with the Health Services Union, the Hunter Area Health Service agreed to an alternative staff model and a freeze on its implementation until the new complex was commissioned.

In 1999 a strategic plan was developed in consultation with staff and unions. The strategic plan proposed the construction of a 216-bed nursing home, stage one, and the operation of a 120-bed hostel-group home. The goal was to provide long-term sustainable employment opportunities through the Allandale facility. In October 2000 the Hunter Area Health Service announced that the facility was "up for sale", and it sought submissions from non-government organisations for the purchase of land, buildings, goodwill and other assets. A condition of the sale was that the non-government organisation must maintain 336 aged care beds.

In July 2001 the new nursing home was commissioned and the staffing restructure was implemented, with more than 30 Health Services Union positions being deleted. In December 2002 the sale of the facility to the Little Company of Mary was finalised. Conditions of the sale were deemed to be confidential, but I am reliably informed that they included the following: a sale price of $1; the maintenance of only 216 high-care beds for the next three years; the construction by the non-government organisation of a new low-care hostel within three years; the restoration of a total of 336 beds on site within three years; and the subsidisation of the non-government organisation's operating costs by the Hunter Area Health Service for the next three years, as well as payment of the difference in staff salaries between public and charitable award rates.

In 2003 the Little Company of Mary took over the facility and implemented the staff restructure. Staffing levels were further reduced by approximately 13 positions. Hunter Area Health Service staff were given an option to return to the Hunter Area Health Service, while new staff were employed under a charitable award. In 2005 a further restructure of cleaning and catering services took place. A total of 11 positions were deleted and staff formerly in those positions were redeployed in the Hunter Area Health Service.

In January 2007 the Little Company of Mary advised the Health Services Union that it was in deficit by approximately $1 million, and again proposed a restructure of cleaning and catering services. The proposal was for a reduction in catering hours of 84 hours per week and a reduction in cleaning hours of 46 hours per week. In presenting the proposal, the Little Company of Mary stated that it preferred to retain the catering and cleaning services in house but that if agreement could not be reached it would seriously consider outsourcing the services. The Little Company of Mary also produced benchmark data from other facilities and reports from consultants to support its proposal.

In May 2008 the Little Company of Mary announced that it was well below break-even point in its budget and needed to achieve further savings. The company outsourced all cleaning, catering and maintenance work and advised 28 staff that from 25 June 2008 they would no longer be employed by the company. Of the 28 staff whose employment will be terminated, 16 are previous public sector employees who may have the protection of the State Government Nursing Home Frame Work Agreement and who may be able to obtain some redeployment in the area health service or receive an offer of redundancy under appropriate conditions. Another 12 staff may have the option of seeking employment with contractors.

The problem I have with this matter is that, when we privatise, there is a complete reduction of staff which impacts on the services that are available to an organisation's clients. When I visited the aged care facility I was taken aback by the way the staff work long hours yet come in during their time off to see patients or clients whom they need to see on a daily basis. I have walked around with some of the staff and I admire their dedication to their patients. I am very concerned to ensure that the 16 previous public sector employees will have the protection of the State Government work agreement because that is what it was all about when the organisation was privatised in the first place. I ask the Minister to closely examine the issue.

CARLINGFORD WEST PUBLIC SCHOOL FIRE

Mr MICHAEL RICHARDSON (Castle Hill) [1.30 p.m.]: On Monday last week I awoke to the news that one of the schools in my electorate, the Carlingford West Public School, had been gutted by fire. The news broadcasts indicated that six classrooms had been destroyed. However, when I visited the school later that morning with East Ward Baulkham Hills shire councillor, Larry Bolitho, it became clear that 10 rooms had been put out of action—six classrooms had been burnt out, three had been badly damaged by smoke and water, and one demountable had become unusable because of fears that the two-storey building next to it was in danger of collapse.

The fire had also knocked out all power and water to the school. As the principal, Kevin Gerard, told me, "We can operate without power, but if there's no water, there's no school." In one of the great ironies of life, the school's new assembly hall had become operational only the previous week. Last week's fire reminds me rather of the frog climbing three steps of the ladder during the day, only to slip back two steps during the night. Carlingford West Public School only recently got the builders out of the school grounds; now an even larger area will be out of bounds to the 700 students for the foreseeable future.

I toured the grounds with Mr Gerard and Deputy Principal, Di Mitchell, both of whom had been awake since the wee small hours. Smoke was still rising from the wreckage of the K-2 building, which will require complete rebuilding. Fortunately, the nearby library, with its irreplaceable teaching resource, was unscathed. A group of teachers collected in the staff common room. One of them said she had lost 40 years worth of teaching materials, but she was relatively relaxed about what had happened: her enormous experience made it comparatively easy for her to begin again. For the new teachers I spoke to it will not be so easy. Also the children lost all their art and craft work, which had been on display for Education Week.

A poignant note was sounded by two of the teachers who had managed to rescue three nineteenth-century flat irons, minus their wooden handles, from the smouldering ruins. One of them remarked, "We're really glad we didn't lose these." No doubt they will be calling on one of the fathers to turn some new handles for the irons. Carlingford West Public School is located in Felton Street, Carlingford, and is adjacent to the Cumberland High School. It is a stone's throw from the James Ruse Agricultural High School, which is the best performing school in the State. Carlingford West Public School has the highest proportion of students from a non-English-speaking background in my electorate—approximately 83 per cent, I am told. The students are predominantly of Chinese, Korean and Indian background.

Carlingford West Public School employs five English as a second language [ESL] teachers, a support teacher learning difficulties, and Mandarin and Korean community language teachers in addition to its 22 classroom teachers. It also employs four assistant principals. For new migrants to Australia who do not speak English, there is a New Arrivals Program that withdraws children from their regular classrooms for intensive training in English skills. The schools community language program is designed to ensure that children from a Chinese or Korean background maintain their original language and culture in an Australian context. In March each year the school celebrates Harmony Day when the children are encouraged to wear their national costume to school.

Because of the strong Asian influence, Carlingford West Public School enjoys some of the best academic results of any comprehensive primary school in the State. I routinely hand out more than 100 distinctions and high distinctions in each of the University of New South Wales's primary mathematics,

English and science competitions at the school's speech day, marking the students' extraordinary achievements. The school also runs a highly regarded gifted and talented students program. Although the school is not known for its sporting prowess, it does extremely well in table tennis and tennis competitions. It also has an outstanding band which gives musically gifted children the chance to learn the flute, clarinet, trumpet, trombone, saxophone or drums, and participate in a violin tuition program. I am glad to say that none of the musical instruments was destroyed in the fire.

I am sure members of the House appreciate that the Carlingford West Public School is an exceptional school with outstanding teachers and a strong school spirit. It will overcome the recent adversity and rise again from the ashes. Indeed, classes were being held on the Wednesday after the fire, giving a very good indication of just how strong the school's spirit is. I understand that five demountables have now been installed at the school. The Minister for Education and Training, the Hon. John Della Bosca, visited the school at around the same time as Councillor Bolitho and me. While the Minister's primary focus appeared to be on holding a press conference, I was encouraged to hear him say that the Government would fast-track rebuilding of the school. That is one promise the Government must not break.

There has been no urgency about rebuilding other schools that have suffered fires in recent times, such as Cromer Public School, and, in the Hills district, Pennant Hills High School. Indeed, it took the Government five years to rebuild the industrial and visual arts building that was among the buildings destroyed in 2001 at Pennant Hills High School. I do not want the five demountables left at the Carlingford West Public School for the 23 years that I understand is the State's average. The school is doing a first-class job of educating our doctors, scientists and engineers of tomorrow—children who, as adults, will make an enormous contribution to our nation's growth and prosperity.

The school's parents and citizens committee, under the leadership of Stuart Harvey, plays a major role in supporting the dedicated teachers at the school by providing facilities that the department does not provide, such as air-conditioning and the deluxe loudspeaker system in the new hall. The school deserves better than second-rate accommodation. Today not only do I say that I will hold the Minister and the Government to their promise to expedite rebuilding the school, but I want a timetable for its reconstruction. Councillor Bolitho phoned me on the same day we visited the school to say that he had spoken to the general manager of the Baulkham Hills shire council and that any development application for the school would be approved by council with absolute minimal delay. So there can be no excuses! Let us see the timetable for reconstruction—and let us also make sure that the reconstruction is to a standard that is appropriate for a school of the calibre of Carlingford West Public School.

ALLIANCE PEOPLE SOLUTIONS TRAINING AND RECRUITMENT PROGRAMS

Mr FRANK TERENZINI (Maitland) [1.35 p.m.]: I bring to the attention of the House an organisation that has been operating in my electorate for approximately four years—Alliance People Solutions. This training and recruitment company is doing great things, not only in the Maitland area but also in the Hunter region and nationwide. On 28 March 2008 I had the great pleasure of attending and officiating at the opening of Alliance's new and refurbished offices. The company commenced approximately four years ago in much smaller premises with just two people, Steve Adams and Paul Callinan. Today there are well over 40 employees, the business is thriving and newly obtained contracts have taken the organisation nationwide. Maitland has a very successful nationwide company, and we are very proud of it.

Providing employment opportunities for young people in our communities is by far one of our greatest priorities, especially when it comes to young people who all have the ability to make their contribution to society and who all want to better themselves. Our young people who have their life ahead of them need to be given their opportunity. I am happy to say that, in Maitland, organisations such as Alliance are working with other agencies such as TAFE and the Department of Education and Training to make this happen. Alliance is far more that a recruitment agency; it has developed into a multilevel operation comprising four divisions and addresses skill shortages in industry. It works in partnership with other vital stakeholders, such as TAFE, and it develops training programs and courses before placing newly skilled workers into the right jobs. For example, one strand of the operation prepares participants for entry into the trades with 152 hours of pre-employment training followed by 13 weeks of overall support provided by Alliance. The objective is to secure an apprenticeship or traineeship within the candidate's chosen field.

Another of Alliance's programs addresses the skill shortages in the mining industry. The Hunter Mining and Engineering Partnership Project is a pilot program funded by the Department of Education and Training. It

aims to provide up-skilling opportunities for companies and their employees in the mining and support industries. Skills shortage is identified by consultation with industry and are delivered using a variety of training methods. In November 2007 Alliance was awarded a two-year contract to develop, implement and maintain a National Candidate Testing and Referral Program for candidate identification and referral for the Australian Defence Force [ADF].

The program will identify 200 technical trade candidates each year by way of apprentices and qualified tradespeople who are over 17 years of age and who are interested in a career with the Australian Defence Force. Alliance has also developed a recruiting program to bolster recruiting figures in the Australian Defence Force reserve units—again identifying skills shortages and locating prospective recruits for the right jobs. We live in times when collaborative partnerships are essential for success. This applies no more so than in the field of recruiting, training and placement of our workers. The ability to bring employers, prospective employees and training agencies together is a feature of Alliance People Solutions and represents a service that all of us as a community will increasingly come to rely upon.

Identifying a skills shortage, locating the right person for the job and having that person trained and placed with that employer is the way of the future. Alliance People Solutions, through its foresight and commitment, has placed itself in the modern industrial environment as an innovative, progressive and crucial player in addressing a skills shortage by bringing key stakeholders together as well as training and placing the right people in the right jobs. The programs are not only for those who are looking for jobs, but also for those looking for long-term satisfying job opportunities, especially in the trades, and who will stand to benefit from the initiatives. We in Maitland are very proud to have this organisation in our area. I congratulate Steve Adams, Paul Callinan, Ruth Hutchison and all of the staff at Alliance on the vitally important work they do. I have no doubt that the company will continue to grow.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [1.40 p.m.]: I thank the member for Maitland for bringing to the attention of the House Alliance People Solutions and its work in recruiting, training and placement of potential employees. I am particularly impressed with the important work it does for young people because our future is in our children. I am also impressed with its work in conjunction with other agencies and the dedicated and skilled professionals throughout the TAFE system of New South Wales. I wish Alliance People Solutions and its partners all the best in their future endeavours.

CLARENCE ELECTORATE POLICING

Mr STEVE CANSDELL (Clarence) [1.41 p.m.]: I rise to regrettably talk about unacceptable antisocial behaviour in the electorate of Clarence. At 3.00 a.m. last Saturday a group of morons—that is all I can describe them as—smashed 41 windows at the local primary school with garbage bins, causing glass to become embedded in the carpet where children sit to do their lessons. Only two of the 11 classes survived the carnage. The headline in the local paper reported Chief Inspector Darren Spooner as saying, "It was mindless violence at its worst and these offenders need to be dealt with." From the letters to the editor it is apparent that people are disillusioned with policing in the area. They contend that the police are difficult to contact, as they are busy, understaffed, underresourced and stretched to the maximum. When I met with Assistant Commissioner Lee Shearer on 19 May we discussed the high rate of police going off on stress leave because they are finding working under such extreme conditions too taxing.

Craig Howe recently wrote a letter to the editor in our local paper about reinstating Neighbourhood Watch. It is a shame that the New South Wales Government removed support for the community-policing initiative of Neighbourhood Watch and safety houses, a decision that stands in contrast to the Irish Government. Neighbourhood Watch was getting a bit tired and there was a perception that little old people were peeping through their windows at their neighbours. However, it became irrelevant because it did not have the support of the local community or the Government. Ireland has just completed a three-year study into reinvigorating Neighbourhood Watch. I recently visited Ireland to study this very issue.

Ireland is investing more money into community-policing initiatives and the police are helping the community start Neighbourhood Watch groups to become part of the law enforcement programs to fight crime. For example, if a white commodore is stolen in a particular area, the local police will text the local communities, who will then text others and suddenly there are 1,000 vigilant eyes looking out for a stolen vehicle rather than one police officer in a car looking for something that is akin to finding a needle in a haystack. The Irish Government has given the police directions to become involved in Neighbourhood Watch, making it a viable law enforcement arm. The program encourages people not just to meet once per month to listen to a few people

talk about the crime wave in their area but to become part of the solution. This is an important initiative that the Government will not have the opportunity to do in three years but hopefully the Opposition will. We will be able to form policy that will make Neighbourhood Watch inclusive and therefore give the community empowerment in fighting crime.

The Clarence community, and communities right across New South Wales, feels disempowered by the State Government. When people are unable to contact their local police they are transferred from one police station to another. When they phone the police hotline they do not know where they have called and where the police are coming from. They hear nothing back as the police are too busy to answer them. It is a real problem. I keep battling in my community to keep up the morale of the police as well as people's high hopes and expectations of the police. Right now the people of Clarence feel that there is no point in ringing the police because they never come out and when they do they never hear anything more from them. It is a shame we did not see a greater allocation of police numbers in the record budget handed down today. It is important for the Government to start investing more money into our police force to increase the number of police. On the North Coast we have one police officer for every 700 people; the State average is one police officer for every 450 people. In the future the Government needs to look at the real imbalance in police numbers in northern New South Wales.

MANDAEAN COMMUNITY

Dr ANDREW McDONALD (Macquarie Fields) [1.45 p.m.]: On Saturday 22 March I was fortunate to attend a dinner to celebrate the Mandaean feast of world creation in the presence of my colleague Paul Lynch, the State member for Liverpool, and Chris Hayes, the Federal member for Werriwa. We are proud of our Mandaean community in Liverpool. I meet many of them at our Liverpool citizenship ceremonies and I am struck by their kindness, wisdom and gentle personalities. For example, at a recent ceremony I met two bright, articulate year 12 students from Iraq who now attend Lumea High School. These young people have been in Australia for only two years, but they will enrich our area for generations.

Mandaeanism is an early religion, which follows John the Baptist as the prophet. Baptism is the major religious rite. There were 60,000 Mandaeans in Iraq prior to the gulf wars. Many of them were jewellers and metallurgists for many generations, even though discrimination was common. The language is a dialect of Aramaic. They are a small community of highly educated pacifists—their religion forbids them to carry weapons and they are not aligned with the powerful tribes. For these reasons they have now become a target for terrorists resulting from the breakdown of law and order following the invasions. They have been severely discriminated against and been subject to, and threatened with, extreme violence.

Mandaeans began immigrating to Australia in the early 1980s, having been persecuted in both Iraq and Iran. The original Mandaean homelands on both sides of the borders were targeted for destruction during the first gulf war. Those areas were the banks of the Tigris and Euphrates in Iraq and the Karun River in west Iran. There are only 5,000 Mandaeans left in Iraq. The rest have migrated, mainly to the United States of America and Australia, where their skills are most welcomed. Australia and America have living water or running rivers, which is the most fundamental pillar of Mandaeanism. Mandaeans are not permitted to practise their religion in Syria or Jordan. The Society for Threatened Peoples has stated that there is no alternative at present for them but to leave the country. I do not feel that any Mandaean is safe in Iraq, and request that our Federal Government give their requests for sanctuary sympathetic consideration.

The first meeting of new arrivals was convened in 1982. In 1986 the Mandaeans resolved to form an association of their own. The association was formally registered in 1993. The Mandaean- Australian Community Cultural Club was founded in 2003. Mandaean clerics perform their rites on the banks of the Nepean River. The night was one of joy, as the community was able to share each other's company in absolute safety. My constituent Amad Mtashar is a proud leader of the Mandaean community and he and his family are well known in local political circles. For example, last year we both met with Minister Perry in her role as Minister for Western Sydney at the launch of the *Introduction to Mandaeanism* book at Liverpool Regional Museum. As that book says, "Australians have a right to know that Mandaeans, who boast a rich and ancient heritage, have proudly embraced this wonderful country as their new homeland."

Many cultures, including my family, have come to Sydney's south-west as the land of opportunity. This variety gives us an enormously interesting local area, and I am proud to acknowledge the input of our Mandaean community to the rich tapestry that we call the modern Liverpool. I commend the Mandaean community to the House.

LOCAL GOVERNMENT ELECTION COSTS

Mr CRAIG BAUMANN (Port Stephens) [1.49 p.m.]: Democracy has never been free. The liberal democracy we enjoy today has its roots in England's Glorious Revolution, in the American War of Independence, and in the French Revolution. For the past 300 years, democracy has been paid for with the blood of kings, and has seen entire nations mobilised to war in the name of political liberty. In New South Wales, democracy is not bought and sold at the tip of a sword. The Electoral Commission of New South Wales determines the price of democracy, and sends an invoice accordingly. Whilst this is a more civilised way of doing business, the cost of engaging in our democratic right to determine our local leaders is rising—and no-one can give a straight answer as to why.

In the lead-up to the local government elections in September the New South Wales Electoral Commission has been sending budget estimates to councils, giving them an early approximation of how much they can expect this year's poll to cost. In Port Stephens—my electorate and where I served as mayor for 3½—the cost of the local government election has skyrocketed to $338,000. That is a 123 per cent increase on the cost of the last council election in 2004. This year Singleton Council will see a 164 per cent increase in the cost of its election. In every other local government area the cost will more than double, with Newcastle City Council's election to cost almost $1 million. These figures represent the cost of the Electoral Commission conducting a local government election on behalf of a council, and include everything from the printing of ballots to the training and wages of returning officers and staff. In Port Stephens, for example, one line item is "returning officer accommodation". This equates to 110 nights at the Sydney rate of $210 per night. At the conclusion of the election the councils will be expected to pay these costs to the Electoral Commission.

Democracy is invaluable. The character of our great State and the liberties we enjoy within it would be far different were it not for our constitutionally mandated right to select, via the ballot box, those individuals who represent our concerns to government. The right to elect democratic local councils is being paid for directly by the ratepayer. It is ratepayers' funds that pay the increasing costs of council elections, and it is local services and infrastructure that will suffer as these costs increase. This year Port Stephens Council will need to find an additional $187,000 to cover the cost of the council election beyond that amount for which it has already budgeted. Whilst this figure would not pay the yearly salary of one Iemma Government Minister, it would provide many bus shelters, park playgrounds and community grants. It would certainly fill many potholes. And it would go a long way towards maintaining the many roads the State Government has washed its hands of and that are now the sole responsibility of councils.

It is a fact of life in local and State government that over a given time frame the cost of everything will increase. It is another fact of life that any organisation operating in a monopoly will charge the most that any given market can absorb. The New South Wales Electoral Commission has a monopoly on administering local government elections. It sets its prices independent of any oversight, and as a result councils are taking another hit to the hip pocket at a time when increased cost shifting is already threatening their often precarious financial stability. When I first became a councillor, the council's shire clerk was the election returning officer, and the cost was a fraction of what it is today. As the State Government hands over more of its unprofitable responsibilities to be administered by councils, it stands to reason that it should bear at least some of the costs of local government elections.

Local councils are the most representative forms of government in Australia. Councils are the vehicles for delivering a wide range of essential services that are provided locally because they cannot be delivered effectively from Macquarie Street. We cannot oversee a development application from Macquarie Street. We cannot administer from Sydney garbage collection and parking fines in Port Stephens. We cannot build appropriate bus shelters, park playgrounds and other community amenities unless we are part of our local community. If councils are to get on with their job and if democracy is to remain healthy, an alternative to the current election funding formula must be found.

WARILLA BOWLS AND RECREATION CLUB

Ms LYLEA McMAHON (Shellharbour) [1.53 p.m.]: On Thursday 17 April 2008 the Minister for Sport and Recreation and I had the great pleasure of attending the 2008 World Indoor Bowls Championships held at the Warilla Bowls and Recreation Club. At this event the Minister announced that $15,000 would be allocated to fund two international bowls tournaments to be hosted by the Warilla Bowls and Recreation Club in the electorate of Shellharbour. The club was allocated $7,500 for each event from the Government's International Sports Events Program. The program is designed to attract new and financially viable international

sporting events to New South Wales, with a view to providing an opportunity for talented athletes, officials and coaches to develop further their skills through exposure to, and participation in, international-standard competitions. The International Sports Events Program allocated $300,000 in grants to sporting groups and clubs across New South Wales for the 2007-08 financial year, demonstrating the Government's support for sporting clubs in attracting and staging international events.

For the third successive year, the Warilla Bowls and Recreation Club has been instrumental in both sponsoring and hosting the World Cup, which is now in its fourth year. The Warilla rinks have become the event's home, after hosting the tournament for the past two years. This follows the success of the 2007 World Champion of Champions outdoor singles tournament, which was also held at the Warilla club venue. I take this opportunity to praise the tireless efforts of everyone involved in making this year's World Cup a phenomenal success. I thank the Board of Directors at Warilla bowls—Mr Steve Feeney, Mr Robert Turner, Mr Robert Tynan, Mr Donald Tindall, Mr Chris Cusack, Mr Trevor Wells, Mr Terry Baldwin, Mr William Phillips and Mr Tony Piana—as well as the club's general manager, Neil Bayo; and operations manager Phillip Kipp. I also pay tribute to the entire management team, staff and members of Warilla Bowls and Recreation Club, the volunteers, sponsors and officials, as well as the spectators. They gave enthusiastically of their time and resources, and should be commended for their efforts in organising yet another successful event.

Having the opportunity to stage both international bowls events in the Shellharbour electorate has helped to raise significantly the profile of both the sport of lawn bowls and the local area. I take this opportunity to congratulate all competitors who participated in this prestigious international bowls tournament. Players making up the Aussie contingent included Judy Nardella, Melanie Macaulay, Kevin Kerkow and Aron Sherriff, as well as Shellharbour city local and Australian bowls champion Karen Murphy. Australia was exceptionally well represented throughout the tournament and came third overall on the results ladder, with stellar performances from both male and female competitors. All participants played with honour and pride for the countries they represented. The dedication and motivation with which these athletes approach their sport is admirable.

Shellharbour city resident Karen Murphy is one of the most decorated players in Australian lawn bowls history. She made her debut for Australia in 1997 and since then has been a regular member of the Australian team, competing in three Commonwealth Games, five Asia-Pacific events and two world championships. Ms Murphy's singles achievements include winning the Under-25 World Indoor Championships in 1999, finishing third at the 2000 Women's World Bowls Championships, collecting a singles silver medal at the 2002 Commonwealth Games, and winning the Australian singles title in 2003. She has also won the Golden Nugget Prestige Invitation singles five times. More recently, Ms Murphy won a bronze medal as skipper of the pairs at the 2004 Women's World Bowls Championships.

In 2005 Ms Murphy won the singles crown at the Australian SuperLeague and secured the inaugural pairs title at the Moama Grand Prix. Together with fellow Aussie Lynsey Armitage, she collected a gold medal in the pairs at the 2005 Asia Pacific Bowls Championships. Having already won two Commonwealth Games silver medals, Ms Murphy secured gold as skipper of the women's pairs combination in Melbourne in 2006, cementing her place amongst the world's leading bowlers. My two-year-old son and I enjoyed the day at Warilla Bowls and Recreation Club. He loved watching the games and it was very difficult to restrain him and keep him off the rink! I look forward to him having a successful career as a professional bowler in the future.

TWEED NATIONAL VOLUNTEER WEEK

Mr GEOFF PROVEST (Tweed) [1.58 p.m.]: I preface my remarks by saying once again that I am 100 per cent for the Tweed. On 12 May 2008 I had the pleasure of attending a Tweed National Volunteer Week function at the Salvation Army Hall, Banora Point, to honour the volunteers of the Tweed. The function was held as part of the National Volunteer Week initiative founded by Volunteering Australia. National Volunteer Week, which began in 1989, serves a number of purposes. It provides recognition to the thousands of volunteers located throughout Australia who give up their time to assist others; it serves as a recruiting mechanism to make people aware of the need for volunteers in our society and how they can help; and it focuses on the many volunteer organisations across the country. The theme for this year's National Volunteer Week was "Volunteers change the world". I could not agree more with that motto. Throughout Australia many wonderful organisations help foster the meaning of this theme and the values embodied in volunteering—organisations such as the St Vincent de Paul Society, the Salvation Army, the New South Wales Volunteer Rural Fire Brigade and Surf Life Saving Australia.

One of the great strengths of New South Wales is our volunteer organisations and the goodwill of the volunteers who participate. This is particularly the case in the Tweed, where there is a strong sense of community and willingness to give back to the community and to help others in less fortunate circumstances. The National Volunteer Week function held in my electorate was a wonderful event, with an excellent turnout of approximately 180 volunteers. I presented certificates to representatives of each organisation present, which included Point Danger Volunteer Marine Rescue, Kingscliff Volunteer Coast Guard, Tweed Valley Rescue and the Volunteer Rural Fire Service. My son is a very active member of the Bilambil brigade. Other organisations included the Tweed and Kingscliff branches of the Country Women's Association, Tweed Valley Carers, Tweed Palliative Care, Meals on Wheels, Tweed Rotary Club, Tweed Lions Club, the RSPCA and St Vincent de Paul. A couple of organisations bear special mention: the Tweed Hospital auxiliary, which managed to raise hundreds of thousands of dollars for urgently needed equipment at Tweed Hospital; and the Tweed State Emergency Service, which is currently on standby to deal with localised flooding following more than 200 millimetres of rainfall in the area over the past 48 hours.

At this event I spent much of my time meeting the many volunteers from the organisations. I was astounded by the number of people who have been involved in volunteering for in excess of 30 years. Indeed, the vast majority of volunteers present had been volunteers for more than 10 years. Remarkably, some of them even managed to spread their involvement across several volunteer organisations. These volunteers are the unsung heroes of the Tweed. They generously give their spare time, and they do so not in the pursuit of money or accolades—in fact, they were somewhat embarrassed to accept their awards—but to help others in need. It is vital that we take time to recognise the valuable contributions they make to our communities and to understand how much our community depends on their assistance.

Volunteers are important threads in the fabric of our communities. Many communities in New South Wales would be poorer without them. Volunteering is a truly worthwhile activity. I commend the volunteer groups and their members in the Tweed electorate and throughout New South Wales for their services to the community. National Volunteer Week was an outstanding success. I look forward to working with Tweed volunteers in the future. Volunteering is dear to my heart. For well over 10 years I have been the regional director of the Salvation Army Red Shield appeal. We have just completed another successful campaign. Also, for 12 years I have been a volunteer and leader for Clean Up Australia in the Tweed. Volunteering strengthens the community and volunteers get a lot out of it. I encourage more people to become active volunteers in their local areas. Once again, I am 100 per cent for the Tweed.

ANNUAL PRESS FREEDOM MEDIA DINNER

HUMAN TRAFFICKING

Ms VIRGINIA JUDGE (Strathfield—Parliamentary Secretary) [2.04 p.m.]: I recently had the great pleasure to attend the annual Press Freedom Media Dinner and the launch of the 2008 Press Freedom Report, which was hosted by the Media, Entertainment and Arts Alliance and the Walkley Foundation for Journalism. A number of fine young journalists work in my electorate at the local newspapers, the *Inner West Weekly,* the *Inner West Courier* and the *Scene*. The dinner united a broad range of people from the media, as well as other areas directly and indirectly related to the press, to highlight the important role of journalists and the media in upholding a notion of democracy and the great lengths they go to in delivering international and local news to keep the public informed.

Many journalists brave death or jail to hold those in power accountable to the people of a society. The event also featured the launch of the 2008 Press Freedom Report, which contained a retrospective analysis of issues encountered by the Australian media in the past year. The host on the night was Julia Zemiro, SBS host of programs *RocKwiz* and the *Jonathan Coleman Experience*. I also had the pleasure of listening to the guest speaker for the evening, Michael Elliot, who is the international editor of *Time* magazine. This Walkley Foundation for Journalism event reinforced to me how fortunate we are to live in a liberal society where journalists have freedom of speech and expression, without repercussion. The event shed light on this issue, as it was reported:

> An astonishing 200 journalists and media workers have been killed over the past five years in the Asia Pacific region alone.

Clearly, the freedoms we take for granted are under threat in many countries. This event addressed support that is needed by journalists who operate under threat. The Media, Entertainment and Arts Alliance has taken up the responsibility of protecting these courageous journalists throughout the Asia-Pacific region with the Alliance

Safety and Solidarity Appeal. The alliance advocates that the health of Australian democracy is intimately bound to a media landscape offering the widest possible array of voices. Hear! Hear! I commend the alliance for upholding the rights and safety of these bold journalists who dare to go where others will not. The number of attacks on journalists in the Asia-Pacific region is astounding. In 2007 31 journalists and media staff were killed in the region, so the Asia-Pacific region is a very dangerous area. Many were killed in Pakistan and Sri Lanka. The alarming number of deaths has highlighted the insecurity of these regions. These figures do not include the journalists who have been reported missing and those whose whereabouts still remain unknown.

Let us not forget the hardworking and courageous journalists who suffered during the uprising in Nepal. The alliance has taken on board a project to raise funds to assist children of journalists killed in Nepal. Those journalists were caught up in the violent struggle between government forces and insurgent groups. Through the alliance Safety and Solidarity Appeal the alliance is developing a project to support the education of children of the journalists killed in Nepal. The first stage is expected to provide 28 families with assistance. The appeal will also fund a report about the long-term effects on the families and provide strategies for assistance in the future. I commend the alliance for the project, which will make a great difference to the lives of these people. Obviously, the family members who were killed cannot be replaced, but hopefully the children will be provided with opportunities.

Another important event I recently attended in Parliament House was called "Don't Trade Lives". It is an important initiative of World Vision to create awareness of, and end the suffering caused by, human trafficking. Tim Costello, chief executive of World Vision Australia, was one of the guest speakers. Last year marked the 200th anniversary of the abolition of slavery by the British Parliament, following a campaign by reformist parliamentarian William Wilberforce. In the twenty-first century we are entitled to think that slavery no longer exists. Sadly, however, this is not the case. [*Time expired.*]

RIVERINA CONSERVATORIUM OF MUSIC

Mr DARYL MAGUIRE (Wagga Wagga) [2.09 p.m.]: The Riverina Conservatorium of Music [RCM] based in Wagga Wagga, which is the fourth largest regional conservatorium in New South Wales, had taught in excess of 1,100 students by the end of 2007. The conservatorium employs more than 30 professional music teachers and performers. Like all regional conservatoriums, the conservatorium teaches students from most schools in the region. However, while teaching programs take place in schools, more than 856 school-age students from across the region are engaged in music tuition at the Riverina Conservatorium of Music, including students from remote Riverina schools.

The Riverina Conservatorium of Music is actively seeking to develop programs in all styles and genres of music, and has worked hard to ensure that students can afford lessons, regardless of their socioeconomic background. The conservatorium is the region's only provider of professional tuition with qualified teachers in the following areas: bowed strings, woodwind instruments, classical and jazz guitar, orchestral percussion and drumming, vocal studies, music craft and musicianship, and composition and conducting. The Riverina Conservatorium of Music is the home of the following major community music ensembles: the Riverina Concert Bank, the Cantilena Singers, the Murrumbidgee String Orchestra, Murrumbidgee Magic, the Conservatorium Contemporary Choir and Trio al Quartetto, a resident chamber music ensemble.

The Riverina Conservatorium of Music and other regional conservatoriums are Australian leaders in the use of videoconferencing as a music-teaching tool. The technology addresses major equity issues in regional and rural New South Wales, allowing students in isolated locations to have the same access to qualified teachers as their metropolitan counterparts. This important initiative works effectively but needs additional support in order to continue and develop. The conservatorium is currently under threat because of severe financial circumstances—largely due to the general decline in the rural economy, including the effects of the ongoing drought. Levels of bad debt have risen.

Wagga Wagga and the Riverina region cannot afford to lose the contributions of the Riverina Conservatorium of Music, and that is a real possibility unless circumstances change quickly. The Director of the Riverina Conservatorium of Music, Mr Hamish Tait, is also a member of the executive of the Association of New South Wales Regional Conservatoriums. He has reported to me that the financial difficulties faced by the Riverina Conservatorium are not unique: conservatoriums across the State are facing similar difficulties and the future for rural New South Wales looks very bleak indeed unless urgent action is taken. Currently the Government's funding for music education across all regional New South Wales is $3.4 million. That funding is spread across 17 organisations from Grafton to Deniliquin. A major concern is that conservatoriums can receive

less funding despite documented growth because other regional conservatoriums, which may be 1,400 kilometres away, documented marginally higher growth. That occurred with two regional conservatoriums in 2007.

The executive of the association has conducted surveys of conservatoriums across New South Wales. Regional conservatoriums in New South Wales teach a total of 20,000 students and employ almost 600 professional music teachers and support staff. Like the Riverina conservatorium, they provide music education to rural residents across a range of music genres, provide much-needed support to music education in schools, and are critical to the culture of rural communities. The Government needs to provide a sustainable model to support conservatoriums in regional communities, not only to restore the funding provided in the past but also to ensure that we never face this situation again, and that music in all its forms continues to flourish in regional areas. I support the call of the association for a new funding model that supports those organisations and ensures the future of regional conservatoriums.

School students are presently in the public gallery. I cannot emphasise enough how important conservatoriums are. A short while ago when the budget was delivered there was no mention of conservatoriums, particularly an increase in funding for them. They need approximately $3 million. They do not have enough funding to sustain their growth and to prosper—and deliver musicians and enhance the arts in New South Wales.

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

Private members' statements noted.

[*The Deputy-Speaker left the chair at 2.13 p.m. The House resumed at 2.15 p.m.*]

ASSENT TO BILLS

Assent to the following bills reported:

Crimes (Administration of Sentences) Legislation Amendment Bill 2008
Crimes Amendment (Rock Throwing) Bill 2008
Mining Amendment Bill 2008
National Parks and Wildlife (Leacock Regional Park) Bill 2008
Snowy Mountains Cloud Seeding Trial Amendment (Extension) Bill 2008
Workers Compensation Amendment Bill 2008

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

QUESTION TIME

BUDGET EXPENSES AND REVENUE

Mr BARRY O'FARRELL: My question is directed to the Premier. Given that the budget reveals that expenses will continue to exceed revenue over the next four years, what else will the Government privatise to try to keep the budget in balance?

The SPEAKER: Order! The House will come to order. Members will cease interjecting.

Mr MORRIS IEMMA: I am glad that the Leader of the Opposition asked that question. Prior to the last election he stood up at a press conference and refused to submit his costings under the charter of budget honesty. Let me start with budget honesty. As the Deputy Leader of the Opposition, he had the chance to do that but he told the media that the photocopier had broken down so he could not announce his proposed costings. That was his strategy. The member for Vaucluse was then the front man, but that was the strategy of the then Deputy Leader of the Opposition—$29 billion of unfunded promises. He was going to sack 20,000 public servants, which would have yielded—

Mr Barry O'Farrell: And you wanted to sell off electricity.

The SPEAKER: Order! The Leader of the Opposition will resume his seat.

Mr MORRIS IEMMA: If the Leader of the Opposition wants to talk about retail, he should remind members what he said about retail. Did he say anything about retail prior to the last election? Let us go to the budget. When people had the opportunity to pass judgement he fronted up on the day that he was supposed to 'fess up on budget honesty, under the charter, but he refused to participate. He could not produce any details on the funding gaps of $29 billion and $4 billion. Last time he ran Treasury he could not deliver a budget surplus—between 1988 and 1995, not one. Today, the day that the Government delivered its thirteenth budget with a surplus—13 consecutive surpluses—

The SPEAKER: Order! Members will cease interjecting.

Mr MORRIS IEMMA: The Leader of the Opposition was an adviser to the previous Government, which could not deliver one single surplus. In fact, under the previous Coalition Government debt levels rose to unsustainable levels. Yet today he asked a question about budget management. With that sort of comparison of budget management, no wonder the photocopier broke down.

The SPEAKER: Order! Members will cease calling out.

INFRASTRUCTURE BUDGET

Mr BARRY COLLIER: Will the Premier update the House on the Government's plans to deliver better services and new infrastructure for families across New South Wales?

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

Mr Andrew Stoner: For the hardworking families of New South Wales.

Mr MORRIS IEMMA: Yes. As the Leader of The Nationals says, for hardworking families, the budget delivers the trifecta—record investment in infrastructure, expansion of services and tax cuts. This morning, the New South Wales Business Chamber referred to "the trifecta", record infrastructure, expansion of services and tax cuts. I could add, under the surplus umbrella, that the budget delivers the thirteenth consecutive surplus. The budget also provides $57.6 billion for capital works over the next four years—$14 billion this year.

[*Interruption*]

The member for Upper Hunter might obtain a copy of Budget Paper No. 4 and go through it and tell the Government which projects he does not want it to proceed with. I am more than happy to accommodate him. He can go through the budget papers and tell the Government where he does not want investment in infrastructure in the electorate of Upper Hunter.

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

Mr MORRIS IEMMA: He was all smiles on the day that the Denman multipurpose centre opened, which was delivered by this Government. That is the kind of project that the Health budget delivers: a massive increase of a quarter of a billion dollars in health infrastructure in rural and regional New South Wales. In particular, the next phase of development is in small hospitals, in redeveloping rural hospitals. I note that Budget Paper No. 4 provides $5 million for Narrabri Hospital and makes other provision for small rural hospitals as part of the record investment, including the next phase of investment in the upgrade of Lismore Hospital, $12 million.

Mr Thomas George: It was not mentioned.

Mr MORRIS IEMMA: It was not mentioned? That is not what the member for Lismore said last week.

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

Mr MORRIS IEMMA: The member for Lismore was all praise when the television cameras were rolling at Lismore Base Hospital as we opened the $40 million mental health facility, which I call a hospital

because it is so big. Stage one of the redevelopment of that hospital is finished. I direct the member for Lismore to Budget Paper No. 4 to see the provision for the first instalment of the $27 million stage two integrated cancer care centre at Lismore Base Hospital. In transport infrastructure a record $5.9 billion has been provided, and that includes the first carriages under the $150 million program. There will be three types of rail carriages. The Hunter cars will be delivered and in service this financial year. The outer suburban cars will be completed for the Blue Mountains services. They are already operating in the Illawarra and on the Central Coast.

The manufacture of 626 new rail cars will be commenced as part of the record $5.9 billion program, as the member for East Hills has pointed out. This budget adds another $900 million for the program. The budget provides also for an additional 100 police, front-line workers and expanding services, keeping the community safe. For the benefit of the Leader of The Nationals I point out that the budget provides an extra 100 police officers and 300 more nurses and 120 more disability workers. The budget also provides funding for non-government organisations to employ an additional 1,500 disability workers. That is part of another record investment in expanding services. I will highlight some of the more informed commentary on the budget. Today's *Daily Telegraph* states:

> … a surplus of $268 million, a capital works program of $14 billion for this year and a much awaited cut to the payroll tax for NSW businesses … has secured a tight but fiscally sound budget which has been given a big tick by economists.

Economist Ross Gittins wrote:

> The big increase in spending on infrastructure is welcome, with the limited increase in Government borrowings nothing to worry about.

Patricia Forsythe from the Sydney Chamber of Commerce said:

> The budget is about big, bold infrastructure investment. The reduction in payroll tax—the holy grail of tax relief for the business community—is a major boost …

Paul Ritchie of the New South Wales Business Chamber said:

> This is the trifecta for NSW—payroll tax cuts of $1.9 billion, a record $57 billion infrastructure Budget and increased funding of key government services.

It is a budget that delivers and secures the prosperity of New South Wales.

PUBLIC SECTOR WAGE GROWTH

Mr ANDREW STONER: My question is directed to the Premier. Given the inflation rate is significantly higher than the 2.5 per cent cap the Premier has placed on public sector wage growth, when hardworking teachers, nurses, police and firefighters re-negotiate their salaries this year will the Premier cut their real wages or blow his budget?

The SPEAKER: Order! Government members will remain silent.

Mr MORRIS IEMMA: There have been 11 wage settlements under the Government's wages policy. The Opposition has discovered the 2.5 per cent wages policy today. Its members have read a budget paper or they have surfed the Internet to have a look at the online version of the *Daily Telegraph* or the *Sydney Morning Herald*. While members opposite were sleeping there were 11 wage settlements under the Government's 2.5 per cent wages policy. Those settlements have ranged between 4 and 5 per cent. They have all been consistent with the 2.5 per cent wages policy; that is, the agencies were funded for 2.5 per cent and those settlements of between 4 and 5 per cent were all funded via offsets. The Government's wages policy, which the Leader of The Nationals misrepresented in his question, is for 2.5 per cent and allows for wage claims and settlements above 2.5 per cent. All it states is that is has to be paid for.

TRANSPORT SERVICES

Ms ALISON MEGARRITY: My question without notice is to the Minister for Transport. Will the Minister update the House on the Iemma Government's plans to deliver better transport services?

Mr JOHN WATKINS: I am very pleased that this year's budget delivers $4.24 million to upgrade to Holsworthy commuter car park, which will dramatically increase in size to between 300 and 350 car spaces. The

member for Menai lobbied me tirelessly about that and I am very pleased that we have been able to deliver it. That is just one small example of the Iemma Government's massive investment in public transport in the coming year. This Government has delivered a record transport budget with $5.9 billion to be spent on public transport in the coming year. That is $5.9 billion on delivering services and investing in our future plans to deliver more transport infrastructure for the people of New South Wales.

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

Mr JOHN WATKINS: This year's budget includes an allocation of $3.75 billion, up 12.2 per cent on last year. We are investing $1.8 billion in public transport infrastructure in this year's budget to improve our rail and bus networks. A massive $1.6 billion of this amount will be invested in rail projects such as new trains, new rail lines and new stations. That is on top of the $1.6 billion spent in last year's budget. This new rail infrastructure will continue to deliver improved public transport for the people of the State. The budget includes the first major spending on the $12 billion North West Metro project, more funds for the South West rail line and more money for new rail carriages. We are investing $30 million in a joint State-Federal working group to look at a second western metro. We are committed to delivering the first metro for the people of the North West, from Epping to the Hills Centre by 2015, and from Rouse Hill to the central business district by 2017.

More and more people are using the public transport system and that is why we are investing massive sums in it. With petrol prices continuing to rise and putting pressure on the family budget, more people are using public transport. We are seeing record growth in patronage as people flood back to public transport and stay with it as they find the services are safe, clean and reliable. Our investment in rail shows that we are serious about improving services for those passengers. We have allocated $106 million as the initial amount for the North West Metro. When digging starts in 2010, expenditure will ratchet up on that huge project. We have provided a further $64 million to continue work on the $1.4 billion South West rail link, which is on track for completion in 2012, bringing rail for the first time to those growth areas of south-western Sydney. It will include 13 kilometres of track, two new stations, about 1,600 new car spaces and a substantial upgrade of Glenfield station. We have set aside $212 million for property acquisitions for these two major rail projects. For the CityRail network we will provide more than $353 million in this year's expenditure on the $1.8 billion clearways project.

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

[*Interruption*]

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

Mr JOHN WATKINS: We are not only getting on with the job of improving and expanding the rail network, we are also buying twenty-first century rolling stock to retire old trains and increase capacity. This budget includes continued investment of $152.9 million on new and improved rail carriages in the coming financial year, as part of a record $4 billion investment in new rail carriages. We will continue the rollout of our outer suburban carriage trains, which are already running to the Illawarra and the Central Coast.

It is not just the big rail projects that make a difference; smaller local projects can also make a big difference to people's lives. That is why we are spending more than $24.6 million to deliver on our commitment to increase commuter car parking in target areas. Commuter car parks will be built or extended at Wentworthville, Holsworthy, Woy Woy, Werrington, Seven Hills, St Marys, Glenfield and Blacktown. That means hundreds of new spaces so residents of these suburbs can take advantage of the rail network to make their way to work and home again each day. We are also looking at the potential for car parks at Revesby and Schofields-Quakers Hill. In addition, work is continuing to deliver additional commuter parking at Tuggerah, Morisset, Leppington and Edmondson Park.

We have allocated a further $50 million in this budget to complete station upgrades, start new upgrades and plan for future upgrades right across the CityRail network. That is another $50 million to ensure that when people go to their local station it will be clean, modern, safe and accessible. That figure is on top of the $454 million that has already been spent on CityRail stations in previous years. This budget provides a bonus for passengers with the extension of the pensioner excursion ticket to country New South Wales. We are supporting our farmers and the freight industry through a 28 per cent increase in the maintenance budget for the Rail Infrastructure Corporation, bringing the total allocation to $166.5 million.

Buses are a vital plank of our public transport system and carry almost as many people as our CityRail network. This year's budget will reach a new high of $903.3 million for bus services across the State. Private operators will receive $604.7 million to fund bus services in outer metropolitan areas as well as rural and regional areas and the city, and State transit will receive $298.6 million in 2008-09. We are providing the funding for private bus operators to purchase 101 new buses worth $35 million, as part of their new contracts. Funding is also included for an expansion of the State Transit fleet by adding 150 new environmentally friendly bendy buses at a cost of $112 million over the next three years. We are investing in more than 400 new buses for State Transit and private bus operators, for delivery between 2008 and 2012, at a cost of $222 million. We are keeping the age of our fleet down by retiring older models while at the same time increasing the number of places for passengers. We are spending $50 million on State Transit bus depot upgrades, including $27.2 million to double the capacity of Leichhardt Depot, $6.4 million for an upgrade to Ryde Depot and $10.7 million to expand Brookvale Depot. Sydney Ferries will receive an additional $20.3 million, increasing the total amount of funding for ferries to $80.5 million in the coming financial year.

The Iemma Government continues its long-held commitment to independent safety investigation in the transport portfolio. We are committed to supporting professional and independent safety organisations such as the Independent Transport Safety and Reliability Regulator and the Office of Transport Safety Investigation, which is why we have allocated almost $20 million in this year's budget to both those organisations. This massive public transport budget of $5.9 billion worth of expenditure on transport will continue to improve a basic service on which the people of this State depend so much.

INFRASTRUCTURE BUDGET

Mr BARRY O'FARRELL: I direct my question to the Premier. Given that he failed to deliver, on time or on budget, major infrastructure projects ranging from the Parramatta to Chatswood rail link, the redevelopment of Royal North Shore Hospital and upgrades to the Pacific Highway, why would the public believe his latest State budget infrastructure promises?

Mr MORRIS IEMMA: The Liverpool transitway, North West Transitway, Parramatta interchange, the redevelopment of Campbelltown Hospital, the first stage of Liverpool Hospital, the redevelopment of Canterbury, Lithgow, Belmont, John Hunter, Gosford and Wyong hospitals, the construction and the delivery of the integrated health—

Mr Barry O'Farrell: Point of order: My point of order relates to relevance. I think the Premier missed the operative words, which were "on time or on budget".

The SPEAKER: Order! There is no point of order. The House will come to order.

Mr MORRIS IEMMA: If we look at budget expenditure and at the underlying variation of 0.26 per cent we find that this is the third budget in a row that has come in smack on target. The Leader of the Opposition asked a question about the delivery of infrastructure—all this from someone who sat with a former transport Minister who said in this House that the southern rail link would be implemented at no cost to taxpayers. But $800 million later we are all still paying for the southern rail link. The former employer—

The SPEAKER: Order! The Leader of the Opposition will cease calling out.

Mr MORRIS IEMMA: A former Premier—the former employer of the Leader of the Opposition—said that we were going to have a mini city. Do members remember the Greiner Government's mini city commitment, which sank without a trace? Do they remember the tilt train from Sweden? We are still waiting for the tilt train, which has not run on our tracks. We are still waiting for the Swedish tilt train promised by the Leader of the Opposition—and this from an Opposition leader who does not have a positive thing to say. Even worse, he does not have a policy with which to bless himself.

He cannot find fault with the budget so today he went on about expenditure and revenue and said that, over the forward estimates period, revenue would go up 4.4 per cent and expenditure would go up 4.5 per cent. He then asked whether they were in alignment. If he goes back a decade and a half or two decades and goes over the structural gap between revenue and expenditure he will find that they are now in alignment. The Leader of the Opposition asked that question earlier and, in order to erode his credibility even more, he had the temerity to ask this question.

HEALTH SERVICES

Mr DAVID HARRIS: I direct my question to the Minister for Health. Will the Minister update the House on the Iemma Government's plans to deliver better health services?

Ms REBA MEAGHER: Access to safe and efficient health care is a core responsibility of government. That is what the people of New South Wales expect and that is what they deserve. The community expects continued investment in health to provide better service delivery. This has been a Labor priority ever since taking office—it always has been and it always will be. This budget again delivers on those expectations. Last year the public health system delivered more than two and a half million medical and surgical procedures and more than 2.3 million treatments were provided in our emergency departments—8 per cent more than the figure for the previous year, and well above population growth.

As the Australian Institute of Health and Welfare confirmed last week, our hospitals are performing well in the face of this pressure. The institute found that our emergency department waiting times are the best in the country. No other State came close to our performance on triage benchmarks and elective surgery waiting times. Over the past three years we reduced the average waiting time for elective surgery from 3.6 months in June 2005 to 2.8 months in March 2008. This year the Iemma Government will invest $13.2 billion in the New South Wales public health system—an increase of 5 per cent on last year's budget. That is $36 million each and every day being spent on delivering better health services and infrastructure for the community.

Our budget means more beds, more doctors, nurses and paramedics, new equipment and upgraded facilities across the State. We are adding capacity to the system where it is most needed. An amount of $12.9 million has been allocated for an additional 52 acute hospital beds. Hospitals to receive new acute beds include Campbelltown, Shellharbour, Nepean, Gosford, Belmont, Coffs Harbour, Wagga Wagga and Dubbo. This is in addition to the 180 new acute beds I announced last November to help relieve pressure on our busiest hospitals.

Mr Chris Hartcher: Where are the staff?

The SPEAKER: Order! The member for Terrigal will cease calling out.

Ms REBA MEAGHER: I thank the member for Terrigal for asking. We will also invest $2 million to provide additional senior nursing and allied health staff to better support and treat patients at Temora, Cootamundra, Narrandera and Leeton hospitals. Almost $20 million has been allocated for an extra 160 community-based beds, adding further capacity to treat people closer to their homes. Members will recall that earlier this year I launched medical assessment units as a new model of care in our hospitals. The medical assessment units provide faster, safer and better care for older patients with chronic diseases and are already open at 16 hospitals and underpinned by 224 beds.

The budget will further expand on this new model of care with 72 additional beds this year. New medical assessment units will open at Wyong, Maitland, Port Macquarie, Fairfield, Blacktown and the Children's Hospital at Westmead, bringing the total to 22 hospitals with a medical assessment unit. We will also open four new intensive care beds at Royal Prince Alfred, Wollongong, Nepean and Westmead hospitals, with an additional paediatric intensive care unit bed at Sydney Children's Hospital and an additional neonatal care cot at Nepean hospital. Over the past four years the Government has opened more than 2,000 beds, and more than 600 beds have been opened since May last year.

This year we will also invest $32 million to strengthen statewide services in our acute hospitals, with funding for additional services for bone marrow transplants, spinal injuries and severe burns. We are also adding capacity to cope with a significant increase in birth rates across the State. To build capacity and improve services we will spend $46.4 million over four years to expand maternity services to care for mothers and babies. Our plan will recruit 150 new midwives and 12 obstetricians to work in our busiest maternity wards around the State where there have been increases in births of almost 30 per cent in four years. Other specific workforce initiatives include $7.2 million to recruit an additional 75 full-time ambulance staff.

We will also continue to deliver on our election commitment to fund 80 clinical nurse educator positions by funding 20 of those positions this year. I am also pleased to inform the House that the Government has provided funding for an additional 120 clinical nurse educators, 18 of whom will be funded this year. This means better clinical support and supervision of our nurses, which will have an important flow-on effect for

patient safety. The Iemma Government is also working hard to provide patients and staff with state-of-the-art hospital facilities and equipment. This year our capital programs total almost $840 million as part of a four-year $2.3 billion health infrastructure program.

Some of the new infrastructure projects to commence this year include the $27 million Lismore integrated cancer care centre, with $12.2 million provided this year; $5.6 million for the $41.7 million redevelopment of Narrabri Hospital; and $6.9 million for ambulance infrastructure, including new ambulance stations at Byron Bay, Batemans Bay and the introduction of the electronic patient record. Also, $3.5 million will go towards the $10 million emergency department at Maitland Hospital and $18 million will be used to build the new multipurpose service centres at Coonamble, Balranald, Eugowra and Manilla.

The budget includes funding also to continue a number of projects already underway, with more than $106 million for the major redevelopment at Liverpool Hospital, another $50 million for the Auburn Hospital redevelopment and completion of the Queanbeyan hospital redevelopment. The budget also includes an allocation of $37 million to continue mental health capital works projects already underway at Gosford, Wollongong, Sydney Children's and Shellharbour hospitals, and the non-acute mental health units at Sutherland, St George, James Fletcher and Coffs Harbour hospitals. An amount of $15.3 million will be provided for the redevelopment of Auburn, Deniliquin, Liverpool, Nelson Bay and Ryde ambulance stations, and for fleet replacement and new equipment.

This year's budget will enable construction to begin on two vital redevelopments at Orange and Royal North Shore hospitals. This includes $61.5 million to start the redevelopment of Royal North Shore Hospital and community health facility, as well as to complete the Kolling Research and Education building. Work on the new Orange Base Hospital will continue this year. The budget is a responsible investment in meeting the health needs of our community; but more than that, the budget is a significant down payment on the future of our health system. The demand for health services is only going to increase as our population ages. Half of all New South Wales public hospital beds today are occupied by patients aged over 65 years, and the number of people aged 65 years and over will increase by a third in the next 10 years.

In addition to ageing we are beginning also to see the consequences of our unhealthy lifestyles on our bodies. Indeed, an estimated 77 per cent of New South Wales residents live with at least one chronic disease. Unfortunately, the end result of obesity—diabetes, heart and kidney disease, arthritis, and respiratory disease—is mostly a chronic condition with no easy cure. These ailments condemn the patient to a lifetime of hospital visits: we are seeing the effects of this with rapid increases in attendances at our emergency departments.

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

Ms REBA MEAGHER: It is so important that we start to manage chronic disease in the community to keep people out of hospital for as long as possible and improve patient care. The Council of Australian Governments has recognised the critical importance of chronic disease and has made it a national priority. The Iemma Government once again is leading the way and taking steps to meet this challenge. This year's budget includes funding to develop and implement an innovative chronic disease management program. The new program will provide coordinated care and support in the community for people aged 65 years and over who suffer from severe chronic disease and who are at high risk of needing hospital care.

Currently, older people may receive care from a range of health service providers including general practitioners, medical specialists, community health services and hospitals. Our program will establish a chronic care service in every area health service to be run in partnership with divisions of general practice and medical specialists. This service will facilitate and coordinate the management of each patient's ongoing care in accordance with a shared care plan and broker services as required. This will support the important relationship patients have with their general practitioners and other medical practitioners. Evidence from the United States and Europe demonstrates that a coordinated care management approach can improve clinical outcomes in the treatment of those with chronic illness.

I will seek to hold further discussions with the Federal Government about establishing a partnership on this important issue. The chronic disease management program complements the introduction of the medical assessment units and our expansion of community-based beds. Our plans are centred on improving the patient journey and clinical care. Treating people out of hospital and helping people lead healthier lives through community support is the best way of delivering health care in the decades ahead. Health will consume 27 per cent of the State budget this year—that is a doubling of the health budget since 1995. We are proud of

our record and commitment to public health. With today's budget the Iemma Government is getting on with the job of reforming and shaping a health system to meet the needs of the community now and in the coming decades.

PARKES AND FORBES HOSPITALS REDEVELOPMENT

Ms KATRINA HODGKINSON: My question is directed to the Premier. Given that in last year's budget the Premier said the reason no additional funding was allocated for the Parks and Forbes hospitals was that they were at the planning stage, can he explain why, 12 months later, there still is no funding for these hospitals, which he promised in 2004 and 2007?

Mr MORRIS IEMMA: My advice is that planning for the redevelopment of both hospitals is proceeding.

FRONT-LINE POLICE SUPPORT

Ms TANYA GADIEL: My question is addressed to the Minister for Police. Can the Minister for Police update the House on the Iemma Government's plans to back our front-line police?

Mr DAVID CAMPBELL: I am sure the member will listen intently because a little later I will have some good news for her electorate. The Iemma Government is committed to delivering better services and investment in infrastructure. The men and women of the New South Wales Police Force and the New South Wales community will be delighted with the Treasurer's commitments to the police portfolio in the State budget. We have the biggest Police Force in the country: we have the highest paid and the best resources of any in the country. Quite simply, despite what we continually hear from those opposite, we have the best Police Force in the country.

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

Mr DAVID CAMPBELL: The 2008-09 budget allocates almost $2.4 billion to the police portfolio, which is an increase of around 4 per cent. That means that the largest ever New South Wales Police Force will have the resources and equipment it needs to continue its great work in keeping our streets safe by removing dangerous criminals from our community and putting them behind bars. We are achieving strong results: 16 of the 17 major crime categories are stable or falling, and with a record low road toll police are delivering on the ambitious targets set in the State Plan.

I am delighted to inform the House that 100 extra officers will join the New South Wales Police Force as part of the first instalment of the Iemma Government's commitment to deliver an extra 750 police by 2011. This is in addition to the 750 officers we delivered in January last year, who are now on the streets keeping our community safe. As far as the New South Wales Police Force is concerned, this could well go down as the technology budget because the Government has recognised and delivered on essential services and state-of-the-art advancements aimed at cutting red tape and reducing lost hours.

For example, there is a $6.7 million commitment for enhanced DNA testing, including the enhancement of technical support for criminal investigation; a $26.4 million boost for the upgrading of the Core Operating Policing System, which gives police a computer-operating system that meets contemporary law enforcement standards; a $16.6 million commitment for enhancements to police radio communications, including the eradication of black spot areas throughout New South Wales—something I would have thought The Nationals members might have welcomed, but it seems they are not interested.

The SPEAKER: Order! The Leader of The Nationals will cease interjecting.

Mr Andrew Stoner: He should stop baiting me.

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

Mr DAVID CAMPBELL: There is also a $3.5 million upgrade of mobile data terminals to allow police to spend more time on the beat. Members will be interested also to learn of the Government's commitment to forensic investigations through the purchase of a new mobile forensic laboratory. This state-of-the-art mobile laboratory will be deployed to specific crime scenes not only to save hours of time but

also to possibly assist with the detection of a missing piece of evidence that will solve a particular crime. Of course, a major part of any police budget is major works. I am delighted to say that the 2008-09 budget has allocated more than $133 million to police major works. This represents a real investment in the men and women of the New South Wales Police Force by providing them with the working environment needed to drive down crime: the Government promises and the Government delivers.

For example, I know the member for Riverstone will be delighted to know that funds have been allocated for the pre-planning phase of a new station in his electorate. There is also a pre-planning phase of a new station for Glendale for the Lake Macquarie Local Area Command. The member for Wallsend, in particular, will be delighted to hear that. Almost $7 million has been set aside for works to be completed on the Dubbo, Orange and Wagga Wagga police stations in the next financial year, which I am sure will please members on both sides of the House. The structures will be state-of-the-art facilities that regional communities can be proud of and that the women and men of the New South Wales Police Force will be glad to call home.

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

Mr DAVID CAMPBELL: I am sure that the member for Sydney will be heartened to hear that more than $800,000 has been set aside for completion of the $4 million Rocks police station. It will deliver to police in the Sydney central business district a fantastic new home—a project which I know the member for Sydney has put considerable effort into achieving over the years. The list goes on. Right across the State there is spending on buildings to ensure our Police Force has state-of-the-art facilities as it continues the great job it is doing in driving down crime. It will be a matter of interest to the member for Parramatta to know that this includes $9.8 million at Parramatta. The spending also includes $3.1 million at Camden, $5.3 million at Granville and $6.1 million at Kempsey. The member for Shellharbour will be delighted to know that $5 million will be spent at Lake Illawarra to commence construction at the Lake Illawarra Local Area Command.

The SPEAKER: Order! The Leader of The Nationals and the member for Coffs Harbour will cease continually interjecting.

Mr DAVID CAMPBELL: The Government is meeting its election commitment with $4.3 million to commence construction of police buildings at Raymond Terrace, $9.3 million at Windsor, $7 million at Wyong, $200,000 at Burwood and $2.7 million at Leichhardt. I often say that buildings themselves do not drive down crime—but they can create a good working environment for those who make it their job to do just that. Unlike the Opposition, the Government does not focus on making cheap political mileage out of the men and women of the New South Wales Police Force. We support them—in words, in actions and in dollars. This Government is committed to driving down crime as part of its key State Plan initiatives. This year's budget supports police by achieving those targets.

TOMAREE COMMUNITY HOSPITAL UPGRADE

Mr CRAIG BAUMANN: My question is directed to the Minister for Health. Why has she again ignored the health needs of the Tomaree community by failing to provide any funds in this year's budget to upgrade the Tomaree Community Hospital?

Ms REBA MEAGHER: The worst place to be in New South Wales today is on the Opposition side of the House. We witness the ritual performance by the New South Wales Opposition members year after year when they can have nothing to say about the Government's excellent budget. So what do they do? They farm out questions to odd members of the backbench whom we see only once every 12 months. We do not hear from them, they do not represent the needs of the communities and they virtually sleep for 12 months. When a great budget is presented, the leadership of the Coalition does not want to ask stupid questions and get smashed by the Premier. Instead, they take backbench members out of mothballs, dust them down and say to them, "Okay, here's your question. Go on! Go and ask her!" I would not like to be the member for Port Stephens or any member of the Opposition today because a record $840 million for capital works has been provided in this year's budget.

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

Ms REBA MEAGHER: That represents an increase of nearly 18 per cent on last year's allocation.

Mr Andrew Fraser: Point of order: My point of order relates to Standing Order 129. The question was specifically about the Tomaree hospital. The Minister has not addressed the issue but has elucidated. I ask you to draw her back to the leave of the question.

The SPEAKER: Order! I will listen further to the Minister.

Ms REBA MEAGHER: It is very interesting that another member who represents a country electorate takes a point of order. Recently I had the opportunity not only to visit the wonderful Coffs Harbour hospital, which was delivered for the local member by a Labor Government, but also I announced an expansion of maternity services in the member's electorate. He, of all people, should not question the Government's commitment to rural and regional health in this Chamber.

The Government is committed to the people of rural and regional New South Wales. The Government's investment demonstrates that on every occasion. This budget provides $900,000 for redevelopment of the ambulance station at Nelson Bay in the electorate of the member for Port Stephens. The member for Port Stephens has been stood up, dusted off, and told to get out there and say that the Government has shown no commitment to his electorate. Quite simply, he is a little misguided. It is sad that he has been used so callously by the leadership of the Opposition.

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

RURAL AND REGIONAL INFRASTRUCTURE AND SERVICES

Mr STEVE WHAN: I address my question to the Premier. Will he update the House on the Government's plans to deliver better services and new infrastructure to rural and regional areas of New South Wales?

The SPEAKER: Order! Members will come to order. I am sure everybody is interested in the answer.

Mr MORRIS IEMMA: An amount of $5.4 million has been allocated to the reconstruction of the Narrabri hospital. The $13.9 billion to which I referred earlier did not include the $1.7 billion in infrastructure investment through maintenance for the Roads and Traffic Authority [RTA]. If $13.9 billion is added to the Roads and Traffic Authority's maintenance budget, we get a figure of $15.6 billion that will be invested in infrastructure, and 45 per cent of the Government's total capital expenditure will be outside Sydney.

If we isolate the Roads and Traffic Authority's allocation, 77 per cent of the roads budget will be invested outside Sydney. To put that in context and on a per capita basis, the infrastructure investment in citizens living outside Sydney is $2,478 per person compared to $2,115 per capita being allocated to citizens who reside in the city. I will provide the House with just a few examples, given the time constraints. There will be an increase of $166 million to continue the massive upgrade of the Pacific Highway, taking this year's investment to $613 million. There will be $144 million for road works on the Princes Highway, including the upgrade between Oak Flats and Dunmore at a cost of $45 million, and $24 million to continue the upgrading of the Central Coast Highway to four lanes.

Mr Andrew Fraser: Make sure that is spent on the highway.

Mr MORRIS IEMMA: The member for Coffs Harbour asked about road safety, and $49.5 million has been allocated to road safety initiatives so that, as the member for Terrigal pointed out earlier, we can continue to work with the police and roads and traffic safety officials to drive down the road toll. My colleague the Minister for Health already has outlined some of the health infrastructure investment that will take place this year. Members opposite have spoken about education. I point out that nearly half the education capital works budget will be spent outside Sydney. Given that Opposition members mentioned the Rural and Regional Task Force, I advise them to stay tuned for further information.

PARKES AND FORBES HOSPITALS REDEVELOPMENT

Ms REBA MEAGHER: I provide supplementary information. Earlier questions were asked in relation to the redevelopment of the $64.7 million Parkes and Forbes hospitals. I advise the House that that commenced in August 2007. The Greater Western Area Health Service established a project planning team and a consultant.

Mr Andrew Stoner: Oh!

Ms REBA MEAGHER: No, no—members opposite should wait!

The SPEAKER: Order! Members will cease interjecting.

Ms REBA MEAGHER: A consultant has been engaged to assist with the development of the clinical services plan. I am also advised that the Greater Western Area Health Service has commenced consultation with staff, clinicians, stakeholders and the community concerning future service delivery options. I also point out to the Opposition that this year's budget contains $2 million for the development of a combined service procurement and project definition plan, which will be completed by 2009.

The SPEAKER: Order! The member for Myall Lakes will cease interjecting.

Ms REBA MEAGHER: Those opposite have not been in government for about 14 years so they may well have forgotten how to build a hospital. But it requires quite detailed consultation with clinicians. In fact, I have learned that firsthand. We certainly do not rush the construction of our hospitals—

The SPEAKER: All members who have been called to order are now deemed to be on three calls to order. A member responsible for another outburst will be escorted from the Chamber.

Ms REBA MEAGHER: It is important that these projects are well thought out and that extensive consultation occurs with clinicians. As I have pointed out, as Minister, I have learned that firsthand. It is important that those steps are adhered to fully. Planning for projects of this size is integral to their success. Planning money has been made available to advance this project. But, as the Premier said, if that is not good enough for the local member, we are happy to redirect it to another community that is anxious to see its hospital progress.

Question time concluded.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

The Speaker announced the receipt, pursuant to section 78 of the Independent Commission Against Corruption Act 1988, of the report entitled "Report on an Investigation into corruption allegations affecting Wollongong City Council: Part 2", dated May 2008.

Ordered to be printed.

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to section 63C of the Public Finance and Audit Act 1983, of a performance audit report of the Auditor-General entitled "Protecting our Rivers: Follow-up of 2003 Performance Audit", dated May 2008, received out of session and authorised to be printed.

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Report

The Clerk announced the receipt of a report entitled "Administration of the 2007 NSW election and related matters, Report No. 1/54", dated May 2008, received out of session and authorised to be printed.

LEGISLATION REVIEW COMMITTEE

Report

The Clerk announced the receipt, pursuant to section 10 of the Legislation Review Act 1987, of the report entitled "Legislation Review Digest No. 7 of 2008", dated 2 June 2008, received out of session and authorised to be printed.

PETITIONS

Pyrmont to Town Hall Bus Service

Petition requesting a 10-minute bus service between Pyrmont foreshore via Broadway to Town Hall, received from **Ms Clover Moore**.

Hawkesbury River Railway Station Access

Petition requesting improved access to Hawkesbury River railway station, received from **Mrs Judy Hopwood**.

Schofields Railway Station

Petition opposing the relocation of Schofields Railway Station, received from **Mr John Aquilina**.

Public Library Funding

Petition requesting increased funding for public libraries, received from **Mr John Turner**.

Currawong State Heritage Register Listing

Petition requesting that the entire Currawong site be listed on the State Heritage Register before being considered for redevelopment, received from **Mr Rob Stokes**.

Hornsby Area Haemodialysis

Petition asking that a public haemodialysis centre be established in the Hornsby area, received from **Mrs Judy Hopwood**.

Royal North Shore Hospital Hydrotherapy Pool

Petition requesting that the hydrotherapy pool remain open at Royal North Shore Hospital and that a hydrotherapy pool be included in the redevelopment plans for the hospital, received from **Mrs Jillian Skinner**.

Oaklands Police Officers Residence

Petition requesting that a new police residence be built on the site of the current police residence, received from **Mr John Williams**.

Wymah Ferry Service

Petition asking that the Wymah ferry service be continued, received from **Mr Greg Aplin**.

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**.

Drought Relief Worker Job Protection

Petition requesting that the jobs of drought relief workers be protected, received from **Mr Greg Aplin**.

Queensland Fruit Fly Eradication

Petition requesting funding for local councils to conduct fruit fly eradication programs in the Albury electorate, received from **Mr Greg Aplin**.

Navigation Lights

Petition asking for the enforcement of rules governing navigation lights on vessels using Sydney Harbour, received from **Mr Donald Page**.

BUSINESS OF THE HOUSE

Business Lapsed

General Business Order of the Day (General Order) No. 1 and General Business Notices of Motions (General Notices) Nos 1 to 17 lapsed pursuant to Standing Order 105 (3).

APPROPRIATION (BUDGET VARIATIONS) BILL 2008

Agreement in Principle

Debate resumed from 14 May 2008.

Ms LYLEA McMAHON (Shellharbour) [3.15 p.m.]: The Appropriation (Budget Variations) Bill 2008 seeks approval for supplementary funding. This is a process that successive governments have used to ensure that there is an appropriate balance between accountability and flexibility in the management of public funds—and it is a process that this Government takes very seriously. I wish I could say the same for the Opposition, but the member for Manly cannot even read the bill correctly. In the House the member claimed erroneously that the bill included $1 million for the appointment of a private-sector partner to manage the New South Wales Police Force's property portfolio. That is just wrong. If the member for Manly cannot even read the bill correctly, what hope is there of the Opposition ever being capable of managing its responsibilities to this House if it were in government? What hope is there that the Opposition's financial guru, the member for Manly—who would be the Treasurer in a Coalition government—could take charge of the Treasury portfolio if he cannot even read an appropriation bill?

This Government takes its responsibility to Parliament and to New South Wales taxpayers seriously. That is why this bill seeks the Parliament's consent for an increase of $34.8 million to fund higher than expected expenditure on out-of-home care allowances. The key words are "higher than expected". The Opposition's attempt to argue against this expenditure is appalling. This funding is required to support an increase in the number of young people in out-of-home care and is in addition to $3.2 million in capital funding provided to support Department of Community Services caseworkers. These caseworkers do a vital job. In February this year I, alongside the Minister for Community Services, visited caseworkers in my electorate of Shellharbour. At the time there were some 41 caseworkers in my electorate, many of whom called on the Minister to increase the number of out-of-home care places funded by the New South Wales Government. The Government's inclusion of almost $35 million towards these places is a sign of our strong and ongoing focus on ensuring that the Department of Community Services supports adequately New South Wales children and young people.

The bill also informs the Parliament of unexpected expenditures that must be met this year from the Treasurer's Advance. This year's unforeseen costs include those associated with equine flu. As members may recall, New South Wales supported the national equine influenza response, which brought together industry and Federal and State government funds to bring about a rapid response to the equine flu outbreak. These funds were utilised successfully to support the national response plan, and this is an example of the significant benefits of having an accessible Treasurer's Advance from which to draw. The Appropriation (Budget Variations) Bill 2008 also includes $5 million for the expansion of the school safety zone plan, which is an important New South Wales Government initiative aimed at making the roads around our schools safer. This funding has allowed the New South Wales Government to roll out flashing lights and speed cameras around New South Wales schools, where they are needed.

Other items that were funded from the Treasurer's Advance this financial year include $2.87 million to fund implementation costs associated with New South Wales's new firearms licensing arrangements for State police and $1.7 million for pest and disease control to support the efforts of the New South Wales Department of Primary Industries. I want to highlight that the process of bringing the Appropriation (Budget Variations) Bill to the Parliament has been endorsed by the Auditor-General and Legislative Council General Purpose Standing Committee No. 1 in its report on appropriation processes. This year top-up funding constitutes less than 1 per cent of the total State budget. The introduction of this bill is further evidence of the Government's commitment to transparent and full financial reporting. I commend the bill to the House.

Mr JONATHAN O'DEA (Davidson) [3.20 p.m.]: I will continue my contribution to debate on the Appropriation (Budget Variations) Bill 2008, which seeks appropriations of $190 million in adjustment of the Advance to the Treasurer and an additional $218 million for recurrent services. Before the debate was adjourned I spoke of how after 13 years of hard Labor this State does not suffer from a lack of revenue but from a lack of confidence in how the Government manages available resources in delivering basic public services to the long-suffering residents of New South Wales. I was surprised by the apparently lazy $140 million available to repay debt when the Government announced major new borrowings for public infrastructure expenditure in the 2007-08 budget.

In the spirit of its supposed commitment to transparent and full financial reporting to the Parliament and the community, I ask: Why is this debt repayment specified to apply regarding the Chatswood to Epping rail

link project? The previously named Chatswood to Parramatta rail project had a massive budget blow-out despite delivering only half of the originally promised track distance. How much of the extra debt repayment represents the extra interest payable? What is the current extra debt level for that project, above that originally budgeted for the now shortened project? Unfortunately, the budget process lacks information regarding variations to the cost of major projects and such programs.

Government members said that Parliament and the community should now simply accept top-up funding bills such as this one because they have occurred in four of the past five years. I do not accept that. We should always strive to get it right when managing public money. On behalf of the people of New South Wales we should not simply accept that close enough is good enough, as this Government proposes. The fact that this Government got the estimates right once in five years gives it a 20 per cent strike rate, which is very ordinary at best. However, I do not want to be too harsh on Treasurer Costa—

Mr Michael Daley: Go on!

Mr JONATHAN O'DEA: —who some see as the train driver of the train wreck that is the New South Wales Government. I will leave that to Government members. Indeed, the member for Maroubra encourages me to criticise his colleague. At least the financial blow-out is not as bad as in previous years. Minister Costa has publicly reprimanded or corrected his ministerial colleagues on various occasions when they have clearly underperformed. At the moment Treasurer Costa is no doubt on a Watkins-watch, just as I will increase my focus on a government waste-watch. After all, Minister Watkins is the person responsible for the massive blow-out of the Chatswood to Epping rail project, for the waste of almost $100 million of public funds on the Tcard debacle, for systematically late or substandard delivery of railway rolling stock, and for RailCorp where corruption and mismanagement have been highlighted by the Independent Commission Against Corruption and the Auditor-General.

I will not even start on the deficiencies with various everyday transport services, including in my electorate of Davidson—that can wait for another day. New South Wales cannot afford such mismanagement and lack of proper governance oversight, as we see in the New South Wales Government. With the recent change of Federal Government, New South Wales Labor can no longer rely on excellent financial management federally, and the consequent health of our national economy, to carry a relatively underperforming New South Wales economy over the line.

Mr MICHAEL DALEY (Maroubra—Parliamentary Secretary) [3.24 p.m.], in reply: I thank members representing the electorates of Manly, Willoughby, Wollongong, Shellharbour and Davidson for their contributions to the debate on the Appropriation (Budget Variations) Bill. The member for Davidson talked about a financial blow-out, but the Government's 13 consecutive budget surpluses suffered by the Coalition is hardly a budget blow-out. It does not surprise me that the member for Davidson should speak in those terms as he is not the only member of the Opposition who is masquerading in respect of financial management. The member for Manly masquerades as a future leader, an economist and as a political historian, as does his colleague, the member for Davidson.

I am happy to put them straight. The Coalition have the gall and hide to lecture the Government on debt. I remind the Coalition that this Labor Government has now delivered 13 consecutive surpluses. I also remind the House and the people of New South Wales that when the Coalition was removed from government in March 1995 government debt was $12.4 billion, or 7.4 per cent of gross State product [GSP]. By June 2007 it was reduced to 1 per cent of GSP. Today, as outlined on page 3 of the Budget Overview and its accompanying papers, the net debt per cent of GSP is 1.7 per cent to 2012, even with the modest increase in debt. Opposition members should not lecture the Government on debt, as the member for Davidson did.

Mr Daryl Maguire: Point of order: The Parliamentary Secretary is misleading this House.

The DEPUTY-SPEAKER: Order! What is the point of order?

Mr Daryl Maguire: He knows full well that the debt was Neville Wran's $20 billion worth of debt.

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

Mr MICHAEL DALEY: There is no point of order, as Mr Deputy-Speaker rightly pointed out. The Opposition Whip ought to read *Hansard* and the contributions of his colleagues on 7 May on this bill. I laughed

when once again the member for Davidson held out Howard and Costello as the great economic managers of this nation. I, like the rest of the Australian people, consider them irrelevant. I will examine their treatment of the budgets in respect of appropriation bills of the kind that we are debating today. In the past five years the Howard and Costello Coalition Government introduced 12 Appropriation Acts for additional spending above its normal budget Acts. They totalled $9.088 billion, compared with what we are debating today, which is replete with details of the recipients of the funds and programs on which the items were spent. All Howard and Costello did was describe them as equity injections. There was no transparency and a simple contempt for the Parliament of Australia and the people of the nation. In the State Government's 2007-08 Budget Paper No. 5, Treasurer Costa has advances for recurrent services and capital works and services totalling $325 million.

What has this pesky Treasurer done? He has a bad habit of walking into the House and delivering tremendous budgets. He did that again today. But he has another bad habit with appropriation bills, one that he followed again today. He could have spent $325 million but spent only $190 million. He availed himself of only 58 per cent of the available amount, and $135 million is still left in current advances. Firstly, as a matter of principle, that is within his legislative charter and his right, and, secondly, that is hardly the profligate management and spending that Coalition members have described. I am sorry to disappoint them, but they have got it absolutely wrong.

Another aspect of the bill is that $140 million relates to debt. Schedule 1 J shows a payment of $140 million. At the Government's discretion, it has decided to pay for additional rail grants for debt repayment. Again, that is hardly mismanagement, hardly profligacy. As I said when introducing the bill to the House, over the past year a number of calls have been made for irregular, one-off events to be funded through the Treasurer's Advance. The bill offers Parliament the opportunity to scrutinise the Government's one-off expenditures. I again draw attention to schedule 1, which itemises expenses met through the Treasurer's Advance to date and unbudgeted expenses for which the Government seeks Parliament's approval.

The bill includes $7.9 million for the equine influenza response plan, which I mentioned when introducing the bill on 7 May 2008. A key recommendation of Mr John O'Neill's recent report on improving the competitive advantage for New South Wales in attracting major events was the establishment of Events New South Wales. The Government listened and this bill informs members that $11.1 million was sourced from the Treasurer's Advance to establish Events New South Wales. That organisation will help to attract major cultural, commercial and sporting events. The bill also includes a $25 million recurrent grant to match the Commonwealth's commitment towards the construction of a new hill grandstand at the Sydney Cricket Ground.

The new hill grandstand will replace the existing Sydney Cricket Ground hill seating, that members will know of as Yabba's Hill, as well as the Doug Walters Stand. I am advised that as a result of Government funding the new hill grandstand will be open in December this year, in time for the all-important New Years Day Sydney test match. The Appropriations (Budget Variations) Bill 2008 will also support the people of my electorate. The Prince of Wales Hospital in Randwick that services my constituents will receive $2.1 million to open a further eight acute beds. The member for Heathcote is intensely interested in that.

Members of the Coalition cannot have it both ways. On the one hand they cannot call for additional beds and on the other hand when those beds are provided—as provided for in today's budget—they cannot incorrectly criticise the Government. That provision is in addition to initiatives announced in the 2007-08 budget for the Prince of Wales Hospital, which included $3.3 million towards the construction of a hyperbaric chamber at an estimated cost of $7.6 million. That vital, specialised equipment will be utilised by citizens across the State.

The 2007-08 budget makes provisions for the next financial year and was delivered before the start of that financial year. Members would be aware that throughout the year the Government must cater for unforeseen expenditures. The bill ensures that variations to the 2007-08 budget are appropriated by Parliament and that there is a transparent process for examining that expenditure. The Government, in presenting a further appropriation bill, seeks, as far as possible, to ensure that Parliament has the opportunity to scrutinise anticipated additional funding requirements prior to expenditures being incurred. That practice has an enhanced accountability for the expenditure of public moneys from the Consolidated Fund. Members opposite may need to be reminded that some other items relevant to the bill include the $10 million for a new educational wing at the Museum of Contemporary Art.

Ms Linda Burney: Hear! Hear!

Mr MICHAEL DALEY: The Minister for Fair Trading said, "Hear! Hear!" Further, $10.3 million has been allocated to extend the school safety zone plan and $4.4 million to cover World Youth Day planning costs.

Mr Mike Baird: A big plan.

Mr MICHAEL DALEY: Yes, a big plan, as the member for Manly quite rightly pointed out, in respect of the Government's budgetary achievements for the State. I remind the House that the bill includes $140 million to reduce rail debt. That is on top of the $960 million in rail debt repayment announced during the 2007-08 budget. It is prudent financial management for the Government to pay down debt where it can. Members opposite know all about debt: they are tremendous at racking it up but no good whatsoever at paying it off. Without exception they always leave that up to the Government. As highlighted in this debate, the Government's presentation of this bill is further evidence of its commitment to transparent and full financial reporting to Parliament and the community. I commend the bill to the House.

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

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT BILL 2008

BUILDING PROFESSIONALS AMENDMENT BILL 2008

STRATA MANAGEMENT LEGISLATION AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from 15 May 2008.

Mr BRAD HAZZARD (Wakehurst) [3.37 p.m.]: I lead for the New South Wales Liberal Party and The Nationals on the Environmental Planning and Assessment Amendment Bill 2008 and cognate bills. Potentially, the Environmental Planning and Assessment Amendment Bill involves one of the major changes in the planning law framework since 1979, and is also one of the most damaging bills to the planning framework. The Coalition believes that achieving an appropriate framework in planning law is critical to the economic and environmental sustainability of New South Wales.

The DEPUTY-SPEAKER: Order! There is too much audible conversation, which is making it difficult for Hansard to record the proceedings of the House.

Mr BRAD HAZZARD: Maximum consultation with the community and the various specialists who understand the planning law would have been desirable. Indeed, there should have been a dialogue with the community, with those who are at the front line of any damaging policy decisions that the Government may bring about. In the twenty-first century the New South Wales community expects and demands transparency and honesty in its government's dealings with it; and it is entitled to that transparency and honesty. The community expects that prior to major change there should be a dialogue between the Government and the community. The Government should listen and reflect the community's expectations. Prior to the introduction of the 1979 Act, which is current, extensive consultation took place over some years. Eventually it led to a massive overhaul of the planning laws and, as I said, to the current Environmental Planning and Assessment Act.

Many submissions about this bill have been made to the Opposition by interested parties and a number have contrasted the almost indecent haste and lack of substantive consultation that has taken place in the context of this bill to the more careful process of consultation that occurred prior to the 1979 legislation. Even without the immediate experience of having been involved in the lead-up to the 1979 legislation it has been very obvious to me that the so-called consultation about this bill has been largely contrived and lacking in transparency. Minister Frank Sartor announced the review of planning law in early 2007. By 14 August 2007 there was a New Ideas for Planning forum, which took place at the Australian Technology Park, and for which invited groups were asked to pay $250 per head.

As shadow Minister I sent my cheque for $250 with a certain wry amusement that the Labor Party was effectively getting donations in the planning and consultation phase of this bill. I note in passing that some weeks later my cheque came back to me, but many others I am sure contributed to government coffers and many others who could not afford to go—perhaps that is the more significant issue—were unable to contribute their policy ideas. On the day in question Minister Sartor was joined on stage by a number of parties, including Ken Morrison, on behalf of the Property Council. It seemed to me that the Minister had already drawn certain conclusions as to what was required in the bill. It was not so much about listening; it was more about telling.

The so-called discussion paper was then issued in November 2007 and submissions were sought. Not one of the submissions was publicly released by the Labor Government. Indeed, to this moment not one of those submissions has been released by the Labor Government. In March 2008 a summary of submissions, as interpreted by the Government, was released. On 3 April 2008 the first form of the bill was released. It was termed a draft bill. It contained a number of absolutely outrageous provisions, which appeared as if from nowhere. One such provision was contained in schedule 5, section 9A, which facilitated compulsory acquisition of a person's property to allow the on-sale to developers for profit or for no profit. That was probably part of some broader deal that Labor planned to do with developers from time to time. The draft bill was appropriately condemned on the basis of a number of such outrageous provisions, but also by many members of the community and professional groups, who considered that the broader aspects of the bill were also inappropriate. I will address some of these aspects in due course.

Let us understand clearly that the Liberal-Nationals alternative government believes it is necessary—indeed critical—that we get planning law right. We believe that the planning law as amended inappropriately by Labor in 1997 and again in 2005—the latter being the occasion when Minister Sartor determined he would be the consent authority for major projects—needs a complete overhaul. In government, the Liberal-Nationals will implement a major review of planning law with a view to striking the right balance, ensuring there is a planning framework that appropriately protects our natural and built environments while at the same time minimising unnecessary bureaucracy.

We do not believe that the bill before the House will achieve those objectives. We believe the bill runs the grave risk of increasing the delays in dealing with planning matters and, in an ostensible effort to reduce reliance on lawyers and legal proceedings, it will in fact do precisely the reverse. The question has to be asked why this Government accepts so readily the concept of diminishing the capacity of local communities to have a say on their local built and natural environments and then ensure there is limited opportunity, if any, to seek redress through the Land and Environment Court, which has been hailed as a model for planning review processes.

The Liberal-Nationals alternative government has engaged extensively with local government—the 152 councils across the State—elected officials and staff of those councils, peak professional groups, including the Planning Institute of Australia, Urban Development Institute of Australia, Urban Taskforce, Property Council, Royal Australian Institute of Architects, Sydney Chamber of Commerce, Tourism and Transport Forum, Master Builders Association, Australian Institute of Building Surveyors, Planning Committee of the New South Wales Law Society, New South Wales Bar Association, and a broad range of environmental groups and community members. In addition we have received copies of some submissions sent to the Government and, as I said earlier, not formally released by the Government. I thank those parties that considered it appropriate to send the Liberal-Nationals copies of their submissions, as clearly the Government had no intention of releasing those submissions publicly.

Major submissions were received from many councils as well as the Environmental Defender's Office, Total Environment Centre, Nature Conservation Council of New South Wales and National Trust New South Wales. On behalf of the Coalition I acknowledge the passion with which many of these groups applied great energy to their submissions and viewpoints. It makes it all the more disappointing that Minister Sartor and State Labor appear to have been on a pre-determined trajectory on planning reform, largely uninfluenced by the weight of community views. I acknowledge and respect the arguments put forward by the Property Council and other major property advocacy groups that have moved to a position of wanting this bill approved. I acknowledge that that is their position.

The Opposition is sympathetic to their frustration with the current planning system but is not convinced that providing unqualified support for this bill would give them a better framework within which to operate. I note that a group calling itself the Coalition for New South Wales Planning Reform has moved to a position of support for the bill. However, it seems to the Liberal-Nationals Coalition that much of what they believe they

will get from this legislation is little more than a mirage. If it were as good as the State Labor Government has presented to the Coalition for New South Wales Planning Reform one suspects there would be far greater support from professional planners, architects and lawyers more broadly than just the peak groups that are brought together on this body under the chairmanship of the Property Council. We are extremely sympathetic to the thirst for reform, but it must be good reform. It must be reform that reflects what the residents and business community of New South Wales need to strike the balance on future development.

I return to the issue of lack of appropriate consultation. Amongst many submissions that I have read was one from senior counsel—M. G. Craig, QC, P. W. Larkin and C. D. Norton. Early in their submission they state:

> Prior to 1979, there were a wide variety of Courts, tribunals and review boards, which heard merit appeals in local Government and environmental matters. The Land and Environment Court was established to create a single body to deal with all merits appeal and judicial review functions relating to such matters.

The 1979 amendments sought to bring some coordination to the appeals process. Sadly, this bill appears to add layers of confusion and bureaucracy in regard to merits-based appeals. In other words, the bill does not impact on the judicial review aspects of the legislation but does redefine the merits-based aspects. It is interesting to note that, as highlighted by the submission of senior counsel to whom I referred, there was a review in 2001 by the current State Labor Government. A working party was established and various senior and appropriately qualified people were tasked with reviewing whether merit appeals to the Land and Environment Court should be restricted or abolished. According to senior counsel, the report of the working party "reveals that numerous conflicting submissions were received and considered". One statement of particular interest to me reads as follows:

> Organisations such as the Council of the City of Sydney made submissions to the effect that merits appeals should generally be taken away from the court and should be conducted by panels.

Whilst learned counsel did not raise this issue in the context of who was Lord Mayor at the time, the Liberal-Nationals note that at the time the City of Sydney was pushing for panels to take over merit reviews the current Minister for Planning was then the Lord Mayor of Sydney. It seems that Minister Sartor brought with him some of his favoured processes and they have found their way into being a dominant feature of this bill, notwithstanding the fact that the panel process, to which I shall refer later, has a reasonable number of qualified opponents. I am sure that the Minister, who is in the Chamber, would be interested to hear my quote. He might have forgotten it, so I will repeat it succinctly for his benefit. Senior counsel also noted that the panel proposals were rejected by the working party and stated:

> It is generally accepted that the public interest in administrative law is served by giving members of the public the right to having decisions reviewed by an independent and impartial tribunal. The existence of tribunals carrying out this function, not only provides a fair and just outcome for dissatisfied applicants, but improves the quality of administrative decision making generally.

The working party also stated:

> It would be a retrograde step to abandon appeals on the merits.

It concluded that it was "of the opinion that merit planning appeals should remain and be determined by the Land and Environment Court". I thank learned counsel for drawing these matters to the attention of the community through its submission. On behalf of the Liberal-Nationals I express concern that the State Labor Government, through this bill, effectively trashed the recommendations of its own specialist 2001 working party.

Mr Frank Sartor: Nonsense!

Mr BRAD HAZZARD: Yes you have, Minister. This bill seeks to entrench panels and to deny, in certain instances, opportunities for review through the Land and Environment Court. I note that the bill purports to develop a more simplified system, but all indications are that it is adding to the complexity. I further note that at the National Trust rally yesterday evening John Mant, urban planner, seemed to be addressing the duplication, what I might term the alternative pathways for applicants and objectors to planning decisions. He referred somewhat succinctly to the Minister's reforms being "infantile". Whether or not his view is correct, it is extremely concerning that this review process has been so poor that a major urban planner such as John Mant should feel disposed to describe the Minister's reforms in such a way. He notes that the bill contains a number of issues including:

- widened opportunities for conflict of interest.
- the regulated selecting and paying the person who regulates them.

- one public body being accountable for the costs and actions of someone beholden to another public body.
- the exercise of a judicial function by people who are not provided with the normal judicial protections such as the security of tenure and freedom from executive retribution.
- banning representation of people appearing before judicial type bodies even when facing parties who can directly employ staff who are well qualified, experienced advocates.

Mr Mant has been briefed by the Local Government Association to reflect its concerns about this bill. Not all the concerns of the Local Government Association are shared by professional bodies or by members of the Government or the Opposition. As I said earlier, it is particularly concerning that the process has been so lacking in consultation and involvement that someone as significant as John Mant has been moved to use the sort of language that he used in last night's presentation to the National Trust.

Mr Frank Sartor: He always uses that language. It is classic Mant. He always uses that language. It is just Mant.

Mr BRAD HAZZARD: Maybe he uses that language only in the context of—

The DEPUTY-SPEAKER: Order! The dialogue across the Chamber will cease.

Mr Frank Sartor: He has used that language for half a decade.

Mr BRAD HAZZARD: I have known him for just over a decade and I am yet to hear such language.

The DEPUTY-SPEAKER: Order! The member for Wakehurst will address his remarks through the Chair and the Minister will cease interjecting.

Mr BRAD HAZZARD: It should be acknowledged that the concerns of the Local Government Association are largely, but not entirely, the concerns of the public. I note that there is proper concern amongst many in the community—in particular, the business sector and also mum and dad investors—that councils often fail to act expeditiously on development applications. There is room for councils to look closely at themselves to determine what procedure they might adopt, even under current legislation, to accelerate consideration of planning issues.

Mr Frank Sartor: They have been doing it for 30 years.

Mr BRAD HAZZARD: The Minister should be quiet. He had a free run earlier. Some councils have moved to the use of voluntary independent hearing and assessment panels [IHAPs], which would appear to have merit in the context of the current entitlement of local councils to represent local views and determine local decisions.

Mr Frank Sartor: They still can.

Mr Jonathan O'Dea: Point of order—

The DEPUTY-SPEAKER: Order! The point of order is noted. The Minister will cease interjecting and inciting the member for Wakehurst, who is trying to focus on an important debate.

Mr BRAD HAZZARD: Thank you, Mr Deputy-Speaker, for bringing gravity back to this debate. As I said earlier, there is room for councils to look closely at themselves to determine what procedures they may adopt, even under current legislation, to accelerate consideration of planning issues. IHAPs provide an opportunity for the community to have its say and, in the end, for local elected officials to make the final decision. I note that this bill recognises the voluntary nature of IHAPs. The Government's initially publicly touted support for compulsory IHAPs evaporated earlier in the so-called consultation phase. Under current planning laws there has also been scope for councils to vastly increase the categories of development falling into "exempt" and "complying".

If this bill does not pass through this Parliament the Opposition—the Liberal-Nationals alternative government—encourages councils to look closely at themselves with regard to these issues and other matters that would accelerate consideration of development applications, whilst at the same time not denying community input. The bill also seeks to broaden the use of private certification. Currently private certifiers are

primarily involved in the process of supervision after development applications are approved by council. There have been many examples of the need for more rigorous supervision of the process of certifiers doing their work. Certifiers provide choice for the consumer, but thus far the regulatory processes of some certifiers who step outside reasonable boundaries has not been as rigorous as it should have been.

This bill seeks to broaden the responsibility of certifiers in certain instances, in particular, where there is residential development of less than $1 million, and to allow them entry into the regulatory approval process. As John Mant pointed out, there are some inherent conflicts in that broadening of their role. Equally, the certifiers point out that there are some inequities in the provisions of the bill, which limit their capacity to do work for individual developers. From whichever perspective one looks at it there are still aspects about the involvement of private certifiers that might benefit from a close review or inquiry—an issue that I will address shortly. There is also the issue of joint regional planning panels. These panels, which are designed to be on a regional basis, will have members appointed by the Minister for Planning.

Mr Frank Sartor: After consultation.

Mr BRAD HAZZARD: Pardon? After consultation? The Minister indicates that will happen after consultation. Imagine the level of consultation from Minister Sartor when he sits down and asks, "What do I think? Who should I appoint to these joint regional planning panels?" After much deliberation Minister Sartor decides that he will appoint certain people.

Mr Ray Williams: If they contribute $100,000 or $200,000, that is the question.

The DEPUTY-SPEAKER: Order!

Mr Ray Williams: And if it's $200,000 he gets to be appointed.

The DEPUTY-SPEAKER: Order!

Mr BRAD HAZZARD: The dominant members on the panel will be ministerial appointees. In effect, this is the original independent hearing and assessment panel mooted by the Government but reconstructed into a regional forum where a council the subject of a likely decision will be able to nominate two appointees. This proposal is an interesting model. One wonders what councillors will volunteer for appointment to a panel to consider a planning issue in their local area when the majority of members will be Minister Sartor's personal appointees and the local council will be represented by only 2 of 12 panel members.

Why is there any expectation that these joint regional planning panels will be successful in attracting councillors to their ranks? One would assume councillors would step backwards rather than forwards to volunteer as a member of a panel of which their council will not have the dominant numbers and consequently will have to accept any decision handed down. Serious issues are raised about the associated costs of the function of these joint regional planning panels. What this bill is doing is increasing the bureaucracy; adding a layer of bureaucracy. Who will pay for that additional layer? It will not be the State Labor Government.

Mr Ray Williams: It's not Frank.

Mr BRAD HAZZARD: It is not Frank Sartor.

Mr Ray Williams: It is not the Labor Party.

Mr BRAD HAZZARD: The Labor Party collects money; it does not pay out money.

Mr Ray Williams: That's what I'm saying.

The DEPUTY-SPEAKER: Order! The member for Hawkesbury will cease interjecting

Mr Ray Williams: Hey, Frank, I couldn't see over the—

The DEPUTY-SPEAKER: Order! The member for Hawkesbury either has a hearing impediment or he is being downright rude to the Chair. I hope it is the former.

Mr BRAD HAZZARD: The bill contains no provision for the running costs of this additional layer of bureaucracy. Therefore, the councils who make up the areas of the joint regional planning panels presumably will have to find more money from their budgets—for services they would have provided for their communities, such as childcare centres, parks, roads, or whatever—for more bureaucracy.

Mr Thomas George: More red tape.

Mr BRAD HAZZARD: More red tape, the member for Lismore said. This proposal is under the guise of a Government saying it is reducing red tape by simplifying the planning process. It will, in fact, do the precise reverse, which is why the Opposition is concerned about the bill. The State Government too readily dismisses the importance of local government; certainly, there has been no indication of a partnership between the former Lord Mayor of Sydney and the current Minister for Planning—in fact, quite the opposite. The situation seems adversarial: no partnership, no dialogue, no discussion. I have mentioned already a few potential local government problems in addressing some aspects, but local government represents ratepayers, the residents of New South Wales. Local government deserves proper, professional and mature dialogue on these important reforms. If this bill passes through this House—indeed, if it passes through the Parliament—how can local government be expected to pay for this additional bureaucracy? The State Government should contribute towards those costs. If it does not, I fail to see the equity in establishing joint regional planning panels.

Beyond the joint regional planning panels is the next level of bureaucracy: the Planning Assessment Commission. On the face of it the establishment of the Planning Assessment Commission has some merit. Why? In recent months a great deal of controversy and community debate has emerged regarding corruption in Wollongong City Council and whether all developments under the 2005 amendments were brought in appropriately to the planning Minister's office. I remind the House that in 2005 part 3A of the Act was amended to allow Minister Sartor to call in developments and to bring in—

Mr Jonathan O'Dea: More money.

Mr BRAD HAZZARD: To bring in more money to the Labor Party, potentially. That was the debate.

Ms Linda Burney: People who live in glasshouses should not throw stones.

Mr BRAD HAZZARD: People who come from France should not throw stones either!

The DEPUTY-SPEAKER: Order! The member for Wakehurst will ignore interjections. The Minister will cease interjecting.

Mr BRAD HAZZARD: The Planning Assessment Commission brings into focus the whole question of corruption around this State Labor Government; the stench of corruption did not just waft up from Wollongong, it blew across the State. Of course, it raises further issues and reminds us that part 3A has been a conduit for massive amounts of donations to the Labor Party. That legislation has been used and abused by the State Labor Party. I am not reflecting necessarily on the Minister; it is a systemic dysfunctionality of the New South Wales Labor Party that if it has some way of cajoling people into putting tens of thousands of dollars on the table, it will do it. That is what Labor is good at.

Remember the comments of the member for Wollongong, Noreen Hay: "Don't worry guys, I'll fix it." She was going to fix it before she even knew what it was about! She did know the amount of money coming into the Labor Party coffers. What about Mr Bitar? I understand that the New South Wales system—not necessarily known to individual Ministers, and not necessarily known to Minister Sartor—is that Mr Bitar makes it known that if someone wants to see a Labor Minister, he or she must cough up $100,000. That has been confirmed to me time and again. As the shadow Minister for Planning my eyes have been opened to a whole new world and the behaviour of the Labor Party. The planning laws of New South Wales are like Aladdin's cave for the Labor Party: it is an incredible resource, much of which reverts back to the 2005 amendments to part 3A. Those amendments have been utterly used and abused by State Labor.

Ms Marie Andrews: Point of order: My point of order is relevance. I draw your attention to the member's comments. I ask you to draw him back to the leave of the bill. He is talking about things that are not contained in the amending bill.

The DEPUTY-SPEAKER: Order! I ask the member for Wakehurst to focus on the bills being debated.

Mr BRAD HAZZARD: I am. I outlined in the preamble to the point I am making that the Planning Assessment Commission has some merit—they were my words—in the light of what has gone on in the past few years under the State Labor Government. The only modicum of merit in the Planning Assessment Commission is that there is a possibility, albeit on the face of it, that some of the planning decisions that would otherwise have found their way to the Minister's desk may instead end up on the Planning Assessment Commission's desk. I emphasise the word "may".

Mr Frank Sartor: Most.

Mr BRAD HAZZARD: The Minister says "most", and I say "may". Only time will tell. It will depend on how desperate the Government is for dollars. First, the Planning Assessment Commission creates another level of bureaucracy. Second, it will take over certain developments for its consideration, but only with the Minister's agreement. I ask members to think about that. Those who are concerned about Minister Sartor's role in the planning system in New South Wales should take note that he will choose who is appointed to the Planning Assessment Commission. He will choose his own people, and after he has done that, who chooses which projects go to the Planning Assessment Commission?

Mr Ray Williams: Frank.

Mr BRAD HAZZARD: Frank Sartor, as the member said.

Mr Frank Sartor: That's it.

Mr BRAD HAZZARD: The Minister has confirmed it: Frank Sartor. That is the inherent problem with the Planning Assessment Commission, quite apart from the fact that it creates an additional layer of bureaucracy. Whether the commission has merit only time will tell—if the bill is passed by Parliament—but on the face of it, there has to be some concern about a Planning Assessment Commission whose members are appointed by the State Labor Minister for Planning, who is also the recipient of larger amounts of funding than are lots of other Ministers and members of Parliament. Whether that is because of the system, I do not know. I do not purport to reflect personally on Minister Sartor, but it does not look good. Now we come to the next point of concern, the critical infrastructure level. The definition of "critical infrastructure" is wide open. Guess who gets to determine what amounts to critical infrastructure?

Mr Rob Stokes: Frank.

Mr Ray Williams: Frank.

Mr Jonathan O'Dea: Mr Sartor.

Mr BRAD HAZZARD: Mr Sartor. The member for Davidson shows more respect, as he should as a new member of Parliament. Each member of the Coalition in the Chamber knows the answer—again, it is Minister Sartor who gets to choose what constitutes critical infrastructure and which projects come to his desk. In the absence of recent occurrences in Wollongong and in the absence of massive donations rorts, on which the Labor Party has thrived in the past few years, that would not have great political import, impact or concern. As I have said, I do not cast personal reflections upon Minister Sartor. He has come up with his own ideas for these reforms, and, like them or not, that is really not the issue. The issue is what it looks like in terms of the planning structure that is proposed to be set up. It is not really about Minister Sartor but, rather, about the people who are behind him—those who are in the smoky back dens of Sussex Street, those snake-oil salesmen who are telling people, "If you want to get in to see the Minister, a couple of hundred thousand and you will get in."

Mr Frank Sartor: Really?

Mr BRAD HAZZARD: The Minister thought it was more than that?

Mr Frank Sartor: I can think of dozens of people who get in who are just ordinary people.

Mr BRAD HAZZARD: As I said, I am not reflecting on the Minister personally at all. I am reflecting on the structure behind him and what those people tell people in the community, the community's perception, and whether these planning reforms will address those perceptions.

There are many other aspects of the bill that raise concerns. The bill is being debated late in the afternoon with an air of urgency about moving through all its stages. Of concern are councils' section 94 levies and the system that the bill proposes to implement. If the bill is passed against the wishes of the Coalition, at least there will be some guidelines, and some guidelines are better than the current situation. But it is of extreme concern that there will be one rule for some and a totally different rule for others—the "others" being the State Labor Party.

I remind the House that it is very difficult to develop property in New South Wales partly because the current planning system is not good and partly because of the major cost of bringing land to the market. In May last year, A. V. Jennings told its shareholders that it would do more work in other States of Australia than in New South Wales because of its regulatory framework and the costs of development. I cannot tell the House how many meetings I have had with major property interests who are the people who really should drive the New South Wales economy. They have told me that the current structures for raising contributions from developments are inequitable and unreasonable.

Those issues are ripe for debate. It is quite clear that the legislation does not provide the same level of guidelines for State Government demands for infrastructure contributions as are provided for section 94 levies. There are no guidelines in place, and that means that the inequities will continue. A great deal of concern has been expressed by local government about the collection of section 94 contributions, which goes to cost transference between the State Government and local government. As I indicated earlier, there is a complete non-existence of partnership and dialogue between the State Labor Government and local government, but we need both. The State Government should recognise that the 152 local councils around the State are at the front line of delivering services to local communities. Those councils need support, recognition and a Government that will discuss issues with them. They also need to understand that section 94 contributions need an appropriately developed management regime rather than a scheme that takes funds from councils and tells councils, "We are going to manage the funds, and you are not."

In October or November last year when the Government was looking for a headline, it announced that it would reduce section 94 levies and the State infrastructure contribution levies by 10 per cent. It is now 3 June 2008 and the Government has provided no clarity about how that will be achieved. However, we know that the Government has backed off at a million miles an hour on the idea of grabbing and managing all the funds. That would appear to have been another lunatic idea of the Treasurer. I do not know why that adjective leapt into my head when I mentioned the Treasurer, but it just jumped out at me. In another lunatic deal, the Treasurer's idea was to announce to the press and the public in October or November last year that all projects providing section 94 levies would be pulled in and managed because the State Government knew how better to manage the funds.

Nobody in the New South Wales community accepts that. After some time the Government was forced to back off. Subject to correction by the Minister if I am wrong, I believe that only the six councils in growth areas will have their funds managed by Treasury. It is difficult to obtain details because, as I have noted, the process has been vague and all over the place like a dog's breakfast—like so much of the Government's policy development. However, the Government did a backflip. As at 3 June, that is the Government's proposal. Who knows what it will be tonight or tomorrow? I think that is the proposal.

Mr Frank Sartor: Councils like that are catching up, Brad. They have been a little slow at catching up.

Mr BRAD HAZZARD: The Minister has just confirmed as correct what I have said. He just said, "Yes, Brad. You are absolutely right." I heard that. That is good. On behalf of the Labor councils, people like Labor stalwart Leo Kelly, who manifests everything that was good about the good old Labor Party before the current Labor Party took over, have been very critical of the proposal. Mayor Kelly has been slamming Minister Sartor and State Labor about the planning reforms.

Mr Frank Sartor: He's just being Leo.

Mr BRAD HAZZARD: Is he?

Mr David Harris: He's just got another point of view.

Mr BRAD HAZZARD: Indeed.

Mr Frank Sartor: It's a broad church, the Labor Party—it's got Leo in it!

Mr BRAD HAZZARD: It is a broad church and, if it could, I think it would excommunicate the Minister. The process must be clarified. That is why the Opposition is concerned about the bill and why we have decided to act in a certain way in relation to it. The Local Government Association has run a strong campaign: the Keep it Local campaign. It has raised many of the issues that I have highlighted today and, although the Local Government Association may not be correct in every aspect, it is certainly right to demand a seat at the table during discussions. Members will have seen the posters that have been erected across Sydney—I do not know whether they can be found elsewhere—and we congratulate the association on raising issues of concern to the community. However, as I said earlier, it must think also about the way it does business and ensure that, regardless of whether the bill passes this House, it applies planning law as efficiently as possible. Several environment groups have expressed concerns about the legislation. The Total Environment Centre Inc. wrote to the Premier on 3 April 2008, and said:

> In recent years, the NSW planning system has shifted away from a system focused on public involvement and transparent and accountable decision-making, to one that is discretionary, ad hoc and that has significantly eroded the community's ability to participate—

Mr David Harris: It strengthens the community's ability to participate.

Mr BRAD HAZZARD: Does it?

Mr David Harris: It certainly does.

Mr BRAD HAZZARD: I am glad the member for Wyong thinks so. Unfortunately, the Total Environment Centre and many others in the community do not share that view. The letter states that there has been a shift to a system that is:

> … discretionary, ad hoc and that has significantly eroded the community's ability to participate in planning processes.

Interestingly—bearing in mind the fact that the Minister has no problem with part 3A and the planning Minister's role—the Total Environment Centre goes on to say:

> This has largely stemmed from the introduction of Part 3A to the Environmental Planning and Assessment Act 1979.

The centre then suggests six areas for reform:

- Require actions under the Act to be consistent with Ecologically Sustainable Development (ESD);
- Reinstate genuine public participation;
- Strengthen environmental assessment provisions;
- Remove certain discretions from the Act;
- Repeal critical infrastructure provisions; and
- Repeal concept plans provisions.

The Total Environment Centre has expressed great concern about the lack of genuine public participation. It states:

> We note a fundamental shift in the government's attitude towards community involvement and broad public participation. Opportunities for the public to participate in planning processes have been significantly eroded, primarily in Part 3A. There appears to be a perception that community participation is an administrative and bureaucratic burden rather than a process that can add much value to decision-making. Indeed, genuine public participation adds significant value to government decision-making. This is for three main reasons.

The centre goes on to give those reasons. It also considers strengthening environmental assessment provisions, and states:

> We have identified a need to strengthen the environmental assessment provisions in the Act. Environmental assessment under Part 3A is ad hoc, discretionary and unstructured.

I emphasise those three words. It continues:

> There is no clearly defined environmental framework within which decisions are to be made. Further, although Parts 4 and 5 of the Act do contain a clearly defined and mandatory process of environmental assessment, there are significant shortcomings.

The part 3A provisions were introduced in 2005—three and a half years ago. The Total Environment Centre points out that there is "no clearly defined environmental framework within which decisions are to be made." I note that the Labor Government said at the time that it would develop guidelines but, for all intents and

purposes, the community has none. They have never been published. But this is a great Opposition that has the faith of the people and I have in my desk drawer a copy of the full draft guidelines that the Minister did not want to put into the public domain. Is that cause for concern?

Yes, it is of concern for two reasons. First, the guidelines were never released so the public does not know what they are. Second, and more fundamentally—this is a source of major concern to many in the community and the Opposition—the bill, which contains about 130 pages and is layered upon roughly 150 pages in the Environmental Planning and Assessment Act, depends in so many ways on what the Government will promulgate through regulations, codes and guidelines. In other words, it is a "Trust me, I'm Frank" bill. The Minister says he will release the guidelines. However, in spite of any goodwill and best intentions on his part, the facts speak for themselves. The part 3A provisions have been in place for three years. They are most significant provisions that have had the biggest effect on planning law since the 1997 amendments and have caused enormous concern about how many dollars are flowing into Labor Party coffers. Yet we have seen none of the guidelines that were promised.

So why would we put our faith and our trust in the unknown? Why would we put our faith and our trust in a few hundred more pages of regulations? I remind the public that those regulations will not come before Parliament. They can be reviewed and possibly rejected but they cannot be discussed and debated in this place. No-one knows the details of guidelines, codes and regulations.

That is the most concerning aspect of this entire debate. The Property Council, the property industry and major businesses in New South Wales that provide stimulus for our economy desperately need appropriate and sensible planning reform. There is absolutely no question about that.

Mr Gerard Martin: That is why they're supporting this bill.

Mr BRAD HAZZARD: That is wrong. I will tell the member for Bathurst why they are supporting the bill: they are desperate. I do not reflect on their capacity; they are very capable—far more capable than the member. In fact, I have received letters from most of them outlining the various reforms they would like to see in legislation that is to come before the House. But they believe this bill is the best they will get from this Government for the next three years. Like most of us, they think Minister Sartor might be moved from the Planning portfolio sometime in the next 12 months.

Mr Ray Williams: Very sad.

Mr BRAD HAZZARD: It is very sad, I know. Coalition members are disappointed and the Minister believes it is unthinkable; but it is quite possible. Industry and the business community believe no other Minister has the capacity to do anything so this bill is their last chance. That is a pretty desperate stance, and a concern. If they think this is their last chance, we can understand why they want the bill to pass.

But as a sensible, responsible Opposition it has to listen to that concern. Every member of the Opposition is sympathetic to that concern. The Opposition wants reform and for the reform to be done properly. Sadly, from the point of view of the Opposition it has to make a call as to whether this legislation is sensible and will bring about the necessary reform and, if not, it has to weigh up what it will do. The Opposition has considered each issue I have raised in this debate and, with any sense of responsibility, it cannot support the bill. Therefore, in the Legislative Assembly the Opposition morally, ethically and in every other way thinks it is duty bound to oppose the bill and proposes to do so. In the Legislative Council the Opposition will review that position and look at the possibility of it being referred it to an upper House inquiry.

The Opposition believes there has been utterly inadequate consultation in relation to this bill. Various professional bodies have an incredible wealth and depth of capacity, given the opportunity in an impartial environment, to present their arguments and debate them and to contribute to what they believe is a better planning framework in an upper House inquiry. The Liberal-Nationals alternative government, hopefully with the support of the crossbench, proposes to refer this bill in the upper House to an appropriate inquiry. The Opposition does not believe it should be an interminable inquiry, but it might take six or 12 months of substantial debate and opportunity. In so doing the Opposition calls on the crossbench to consider its position logically and sensibly. The 1979 bill involved approximately 4½ years of consultation before it became an Act and has provided faithfully for us in the past three decades. I do not suggest that is needed now because the problems in New South Wales are so urgent that we need action, but the right action.

If the Opposition accepts blithely the undertakings of the State Australian Labor Party, as occurred in 1997 under Craig Knowles, then the Opposition is not doing its job. In 1997 approximately 60,000 development applications were considered each year by councils. The 1997 planning reforms were thought to be the panacea for all problems and would accelerate the processing times, increase the exemption and complying developments, and would see a massive quickening of decision making. In fact, the time for decision making blew out and development applications doubled from 60,000 to 120,000 per year. The last time State Labor launched itself in this place with big undertakings it destroyed the planning system in New South Wales. It was the genesis of the problems we are now facing today.

I accept that Minister Sartor may well honestly believe that the provisions of this bill will be the panacea for all ills but the truth is that the broader community is entitled to have time in an objective environment to consider the matters and put forward their contributions. The Opposition will oppose the bill in the Legislative Assembly and will seek in the Legislative Council to refer it to an upper House inquiry. In conclusion, whilst the Opposition differs with the Minister for Planning on the way forward, I acknowledge that at least in recent weeks he has made efforts to talk to the Opposition and to discuss the issues, although we have not agreed on many of them. I also thank his staff for their briefings. Andrew Abbey has put up with more in my office than he should have to put up with. I understand that he has a much better time in the office of the Minister. I also thank officers from the Department of Planning who briefed the Opposition. The Opposition will oppose the principal bill and cognate bills in the Legislative Assembly.

The DEPUTY-SPEAKER: Order! Perhaps you should thank the Deputy-Speaker for listening to your entire speech.

Mr BRAD HAZZARD: I thank the Deputy-Speaker, who always brings the appropriate gravitas and rationale to the debate.

Ms LINDA BURNEY (Canterbury—Minister for Fair Trading, Minister for Youth, and Minister for Volunteering) [4.35 p.m.]: I refer to the Strata Management Legislation Amendment Bill 2008, which is a cognate bill to the Environmental Planning and Assessment Amendment Bill. I assume from the very long speech of the member for Wakehurst that the Opposition supports the Strata Management Legislation Amendment Bill 2008, as he did not mention it. I strongly support the amendments to the Strata Schemes Management Act 1996 and the Home Building Act 1989. As the House has already heard from my colleague the Minister for Planning, the proposed amendments are the result of a thorough, extensive and lengthy consultation process involving publication of a detailed discussion paper and draft exposure bills, despite the protestations of members of the Opposition. The feedback from that process was strongly supportive of the proposals.

Specifically, in regard to my portfolio of Fair Trading, only one of the changes from the discussion paper is not proceeding. The proposal to limit the number of proxy votes that any individual can hold was opposed by the majority of submissions that commented on that issue. Those submissions provided strong arguments that such a move could make it difficult to achieve a quorum at meetings of owners' corporations, and might also discriminate against investor owners who are not able to attend meetings in person. The remaining strata management reform recommendations listed in chapter eight of the planning reform discussion paper have received widespread support and are going ahead.

First, amendments will clarify the caretaker provisions of the Act. That amendment will make it crystal clear that the caretaker provisions apply to anyone undertaking the role of a caretaker, regardless of which title is adopted for the position—whether it be "building manager", "residential manager", "caretaker" or some other term. That will close a potential loophole in the law that had led to concerns from strata residents that merely by the use of a job title other than "caretaker" a de facto caretaker would not be bound by the caretaker provisions. They are important provisions which, among other things, limit the length of caretaker contracts to 10 years and prevent a caretaker from using proxy votes to vote themselves a financial benefit, such as a pay rise or an extension to their contract.

The next measure relates to a specific exception on the making of by-laws. Under existing provisions in the Act, a developer cannot make any exclusive use by-laws during the initial period of the scheme except for exclusive use by-laws relating to the parking of vehicles on the common property. The Office of Fair Trading has received complaints about the apparent abuse of this exception. I understand that there have been cases where people have purchased their residence in a strata development, have moved in and only then have become fully aware that the right to permanently occupy visitor parking has been sold or kept for the developer's own use. The exception is being removed from strata management legislation to give owners other than the developer a greater say is such matters.

Another issue that gives rise to significant concerns is the procedure for the granting of proxy voting powers. The Act allows for proxy voting so that strata unit owners who are, for whatever reason, unable to attend meetings of their owners corporation can nevertheless participate and still have a say in the operation of their strata scheme. The Strata Schemes Management Act contains a pro forma proxy voting appointment form and owners can use that to make any person their proxy. When appointing a proxy owners can specify what matters can be voted on and how, or they can leave this open. Either way, an appointment is still limited to 12 months or for two consecutive annual general meetings, after which it automatically expires. Owners can also rescind a proxy appointment at any time or replace it with a new one.

The person appointing a proxy to vote in his or her place retains the right to override the appointment and can do so by turning up at the meeting to cast his or her vote in person. The current proxy voting provisions were carefully designed and drafted to provide owners with the flexibility they need to take account of the wide variety of circumstances in which they live and work. This makes it all the more disappointing to see unscrupulous developers circumventing the legislation by finding ways to remove owners' rights to vote in owners corporation meetings or direct the use of their proxy vote as they wish.

The practice of some developers of including proxy appointment conditions in contracts for sale of strata residences is of great concern to many strata owners, owners corporations and the Government. These clauses are generally included in the sale contract as a mandatory requirement for the sale of the strata unit. Suggestions that the buyer can ask for the offending term to be removed from the contract before it is signed are usually met with the response that they can go and buy a unit elsewhere. These contract terms require the potential buyer to give the developer unconditional and sometimes permanent proxy voting rights or power of attorney.

Any attempt by the owner to assert his or her rights to vote at an owners corporation meeting or appoint someone else as his or her proxy could be considered a breach of the contract of sale, which could lead to financial or legal penalties. I understand that in some extreme cases the relevant clauses in the contract of sale go so far as to require that owners cannot sell their strata unit unless they ensure that the future buyer of the unit also gives the developer unconditional proxy voting rights. I am certain that members would agree that that is a highly questionable practice and inherently unfair to consumers. I certainly feel that way, and that is why this bill prohibits that practice.

While there is some doubt that such a contract term would be upheld by a court, most owners cannot afford the costs and risks involved in opening themselves up to potential legal action by a developer with very deep pockets. It is clear that the intent of these types of contractual conditions is to override the proxy voting provisions in the Act and to deprive strata unit owners of their right to participate in the decision-making process for their strata scheme. What is even more disturbing is that this contractual voting power has apparently been used to prevent rectification of defective building work or to ensure that contracts for the provision of certain services is assigned to firms with which the developer has a close connection or pecuniary interest, under what can be politely described as very favourable terms. The Strata Management Legislation Amendment Bill 2008 will prevent the highjacking of proxy votes in that manner. However, it is important to understand that the measure will not stop owners from voluntarily appointing anyone they wish to act as their proxy, including the developer, using the legitimate and flexible means provided for in the Act.

I turn now to measures in the bill that will enhance the transparency of strata scheme executive committees. Once an owners corporation of a strata building has been established, a smaller body called an executive committee is generally elected to handle the day-to-day running of the strata complex and to take responsibility for decision making on many administrative matters. The committee can include up to nine members and is elected at each annual general meeting. I am sure that I do not need to explain that an executive committee has both significant responsibilities and significant influence. Unfortunately, the Office of Fair Trading has received many complaints from strata unit owners about executive committees making decisions that are not in the best interests of all the residents in the scheme.

Strata unit owners have also expressed concerns that some executive committee members have strong connections or family ties with the developer or caretaker, a fact that was unknown when the election for the executive committee took place. To address the concerns of strata residents and the perceptions of biased decision making, and also to ensure greater transparency in the operation of executive committees, any persons standing for election to the executive committee will be required to disclose any connection they have with the developer or caretaker. This requirement will also apply to sitting members of an executive committee if they subsequently develop a connection with the developer or caretaker.

I emphasise that the existence of any connection with the developer or caretaker will not prevent a person from nominating for or being elected to an executive committee. But owners deserve to be as well informed as possible when voting to elect executive committee members or considering whether to remove a committee member from office. The last provision in the bill will amend the Home Building Act 1989 and concerns rectification of building defects. As part of its services to members of the public, the Office of Fair Trading provides a free and independent dispute resolution service to homeowners and builders.

The dispute resolution process commences when the Office of Fair Trading is notified of the matter by one of the parties involved in the dispute. An Office of Fair Trading inspector can attend the site and inspect the work to assess whether there are defects, incomplete work or damage for which the builder is responsible. Where possible, inspections are done in the presence of both parties and have proven very effective in assisting builders and homeowners to achieve solutions. If appropriate, the inspector may issue a rectification order to the builder. In regard to a building dispute that relates to common property, currently only an owners corporation or strata managing agent can invite an Office of Fair Trading inspector onto common property to assess the situation. An individual homeowner who has notified a dispute may only invite an inspector onto his or her lot.

Regrettably, Office of Fair Trading inspectors have encountered a number of situations where a developer has used his voting power or influence over an owners corporation to block a decision to lodge a building dispute with the Office of Fair Trading or to invite an inspector to enter common property to inspect building work. Those cases have involved significant and expensive matters, including faulty fire safety systems or widespread water penetration to a building. In some extreme cases, access to common property has been intentionally blocked, with caretakers being directed not to provide Office of Fair Trading inspectors with access to locked areas of the common property. This amendment will clarify the notification process so that there is no doubt that either an individual owner in a strata or community scheme or an owners corporation or association can notify a dispute in relation to common property or community association property, and can invite a Fair Trading inspector onto common property to assess the situation.

The amendment will require also caretakers and other persons who control access to areas of the common property to cooperate with officers from the Office of Fair Trading to enable the inspection to be carried out. In closing, I reiterate that all of the proposed amendments have been subject to thorough and extensive consultation with a wide range of stakeholders and are strongly supported by those stakeholders. I commend these bills to the House.

Mr RAY WILLIAMS (Hawkesbury) [4.48 p.m.]: I speak against the proposed changes to planning reforms as provided in the Environmental Planning and Assessment Amendment Bill 2008 on behalf of all my fellow councillors across New South Wales. They see their roles as local representatives diminished. I speak against the bill on behalf of the council administration staff in all councils across New South Wales, as it will see their powers reduced. I speak against the bill on behalf of every resident across New South Wales who, I believe, will be subjected to more inappropriate development by way of large high-density development, apartment development and the continual rollout of the urban consolidation policy of this Labor State Government.

There is no doubt that reform to the plan-making process is long overdue. It is incredibly cumbersome and time consuming to undertake even the most minor amendments to local environmental plans. This has become an even bigger issue since the department revoked many of the delegations that were given to local councillors to streamline the process. Now that the whole of the State is moving towards more standardised local environmental plans, local councils are the appropriate authorities to manage the minor amendments that arise from time to time. A new system of delegation back to councils should be introduced, not removed. The State Government, and in particular the Minister for Planning, is critical of councils and their processing of applications. While these reforms are presented as part of natural evolution—part of a global trend—it is the planning reforms of 1998 that set the trend and created many of the problems we are now experiencing.

Prior to private certification the planning system rarely required development consent for dwellings, dwelling additions or outbuildings. Instead these kinds of developments were the subject of building applications, or "BAs" as we called them, assessed and determined under the Local Government Act. Assessment under this Act mirrored considerations for consent under the Environmental Planning and Assessment Act and, even taking into account the notification period to adjoining landowners, generally resulted in a certain and faster approval. Importantly, these decisions also involved consideration of merit, but because only councils could undertake that role with any impartiality, council, having regard to the relevant procedures, policies and development standards of the local authority, determined applications. We had an efficient,

accountable planning and building regulation system. With the 1998 reforms, suddenly almost all development handled by building applications became local development requiring development consent, which has added weight to this system.

Private certification of merit considerations is not considered to be in the community interest and does not provide any confidence of impartiality—quite the opposite. These reforms do not satisfactorily address this issue and in fact canvass wider private sector involvement. The Minister should learn from the mistakes of the 1998 reforms and ensure these reforms do not add further complexity and duplication, as is the case at the moment. The Minister should take the opportunity to increase delegations to councils for minor local environmental planning amendments. Apart from the part 3A developments, councils' role as consent authority should be reinforced, enhanced and strengthened. Councils across New South Wales reject suggestions that expansion of the role of the private sector in the planning and development process or certification will bring any greater benefits. It will provide many worse outcomes for residents of New South Wales.

The biggest problem with the planning process in this State is not how long the decisions take; the biggest problem with development at the moment, particularly in areas of Sydney, is that millions of dollars are being paid to the Labor Party and we feel these donations are influencing both planning policy and individual planning outcomes. These reforms will speed up the approval times for large developers to get their developments through. They will downgrade the role of councils as a result of their power being diminished. They will remove the rights of communities to object to high-density and medium-density development, which is opposed vehemently in every suburb in Sydney and, I suggest, across New South Wales. Under the State Government's new planning proposals, termed the Metro Strategy, an additional 600,000 apartment-type dwellings will be built in suburbs right across Sydney. That will result in 1.5 million to two million more people in the next 10 to 15 years in suburbs across Sydney, which is completely and utterly unsustainable. The population cannot be sustained at the moment. Our roads are gridlocked, our public transport is overcrowded—now we are hearing the words "crush loads"—and our hospitals are at capacity and cannot cope. To introduce an additional 600,000 apartments as proposed under this Government's Metro Strategy is just absurd.

I turn now to the land use and plan-making aspects. Standardisation of environmental planning instruments does not fully consider the unique attributes of a local area or a community. The Department of Planning should allow the new template to provide greater flexibility to express individual communities' concerns. What may suit a community in one area of the State certainly will not suit a community in another area. Imagine putting housing provisions that suit an area such as Broken Hill into in an area such as Bondi. It is extraordinary that we should have a one-size-fits-all approach. We need to reduce the number of State planning policies and incorporate requirements into local instruments, or at least consolidate State environmental planning policies where possible to reduce the number of instruments that apply to an area. This is where a local council's input is being ignored and should be strengthened on behalf of its community. We do not want to see the New South Wales Government telling someone he or she should or should not have housing development, swimming pools or libraries. A local council and its community are the ones who should retain that power. Local councils are best placed to implement those procedures on behalf of their communities.

We consider the planning assessment commission and regional planning panels to be unnecessary. They will advise the Minister on planning, development matters and environmental planning instruments. They take the local community's ability to plan out of a council's hands and will place a financial burden of undefined proportions onto local councils and therefore onto ratepayers. They are the ones who will end up picking up the bill. They add another layer of complexity to the existing system. Their failure to comply with panels and the commission attracts penalties for councils and general managers. If this happens it will place a further burden on council ratepayers. The decisions of the Minister may not be challenged, reviewed, quashed, called into question, restrained or removed. The Minister retains the ultimate right to say yes or no and the council or the community cannot challenge him, making him quite a dictator. I will not mention the other word that I wrote next to "dictator" in my notes.

The commission and the panels are not required to hold meetings in public, which means they report only to the Minister and are employed by him. What hope does the community have of a say in how their community is to be developed? The fact that local councils determine $20 billion of local investment projects is testimony to the skills and capacity of local government to perform this role. The role of local governments should be reinforced and supported rather than the Government introducing further layers of duplicating consent authorities. The Minister and the department have ample tools already to address those councils whose performance in development assessment they feel is unsatisfactory. The creation of different consent authorities for different thresholds of development is questionable for the following reasons: it wrongly presumes that

another authority would be any more competent. It also wrongly presumes that another authority would be any more efficient than those we have at present. It also wrongly presumes that sufficient skills are available to resource alternate consent authorities.

The compelling of councils to establish independent hearing and assessment panels to deal with certain developments is also not supported. Councils should be able to choose this model themselves. Independent hearing and assessment panels are not found to produce acceptable outcomes in all circumstances. These panels have been found to have their own inherent problems, including inconsistent advice, delays affected by the skills shortage and conflicts of interest. The inception of independent hearing and assessment panels would impose an additional financial burden on councils, which will have to pick up the cost and seek to reclaim some of the cost from the applicant, thereby increasing the cost of development.

Councils are accountable to the community for their processes through the legal system. Mandatory independent hearing and assessment panels are certainly not supported. I refer to exempt and complying development. In most instances the system has failed, including State environmental planning policy 60. Thresholds are easily breached due to environmental sensitivities, for example, bushfires, slopes, threatened species and heritage. Those kinds of environmental constraints knock out even the most minor developments such as clotheslines, television aerials, sheds, pools and the like, and they should be reviewed.

It is possible to achieve an increase in complying development in new greenfields release areas. However, infill projects, which often create the biggest issues, will prove to be the most difficult. It must also be remembered that many developers choose not to design to complying development standards. It would be simplistic to measure a council's performance on the extent of complying development in its area. It appears that local government areas in Sydney, which have comparatively high levels of complying development, will achieve those levels as they have a higher proportion of development. Madam Acting-Speaker, I seek an extension of time.

Leave not granted.

On behalf of all residents in New South Wales I express disappointment. I refer, next, to my council area of Baulkham Hills. Last Thursday the Growth Centres Commission announced the next stage of development in the north-west sector of Sydney. Another 4,700 homes will be built in north Kellyville, providing housing for up to 15,000 new residents. All residents expect good quality local roads, footpaths, libraries and, importantly, parks and playing fields. All local community facilities are currently paid for through section 94 contributions. Those facilities will be jeopardised if this funding is removed from the control of council. Given the track record of this State Government in providing basic infrastructure for which it is responsible—such as rail, buses, main roads and hospitals—I shudder to think how my local area will suffer if it is responsible for constructing our parks, playing fields, community buildings and libraries.

While the State Government proposes to withhold section 94 contributions, it will still insist on council remaining as the acquisition authority. Many councils will have to find hundreds of millions of dollars from other means to acquire land for parks, playing fields, council buildings, et cetera. If section 94 contributions are removed councils will still have to pay for acquisitions and infrastructure. Every member of a community and every member of a council area will have to pay more for their rates. Council will be viewed as the creator of these problems, yet we know that the reforms of this State Government are creating them. As I said earlier, these problems have been caused by the Minister for Planning.

I refer to what former Labor Prime Minister Paul Keating said in 2006 at a local government conference. He referred to planning Minister Frank Sartor as the Mayor for Triguboff and called for donations from property developers to be outlawed. That statement specifically outlines what these reforms are doing. They will give more power to the Minister for Planning, speed up developments of large developers who fund the Labor Party's coffers, and result in a poor outcome for our communities. [*Time expired*.]

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [5.04 p.m.]: I support the Environmental Planning and Assessment Bill 2008. There is no argument in New South Wales about the need for planning reform. There have been widespread calls for reform from families, planners, industry and infrastructure groups, as well as from councils. Over the past few weeks, debate on this issue has been most disappointing. As a member of the Rural and Regional Taskforce many council staff have talked to me about the need for a significant reform of the planning system. The Government's reforms respond to this imperative. Two new types of decision-making bodies have been created—the Planning Assessment Commission and joint regional

planning panels—to depoliticise the planning process, ensure independent decision making, provide increased accountability and transparency, and, importantly, help to improve community confidence in the planning system.

Today Opposition members said that the Government should depoliticise the planning process by moving it to arm's length. The member for Hawkesbury said that it should not be removed from the political process at a local government level. There are some serious inconsistencies in the Opposition's position, and there were strong contradictions in the statements of the first two Opposition speakers. I refer first to the Planning Assessment Commission, which will comprise a chairman and up to eight part-time commissioners. Appointees will have to demonstrate relevant experience in planning-related areas. People with specialist expertise may be appointed on a casual basis. This will be important for projects with potential impacts requiring assessments by experts in a relevant field.

Appropriate accountability measures have been included in the bill with respect to members of the commission, including requirements for disclosure of pecuniary interests and members being subject to oversight by the Independent Commission Against Corruption and the Ombudsman. The commission will have a range of functions. Importantly, the bill provides that the Minister for Planning may delegate to the commission his decision-making role for part 3A projects which to date have not been permitted under the Planning Act. This will not apply to critical infrastructure projects, given their significance in delivering essential infrastructure.

I understand that around 80 per cent of projects are likely to be determined by the commission under delegation. That will mean that the time of the Minister for Planning can be more appropriately spent on important strategic planning matters of significance to the State. The bill will enable the establishment of joint regional planning panels—another important anti-corruption measure. Regional panels will be based on the Central Sydney Planning Committee model, which has operated successfully in the City of Sydney for a number of years. Regional panels will comprise three State members, with expertise in relevant planning areas, and two council nominees.

The assessment of development applications will continue to be done by council staff, who will prepare assessment reports on development applications, including recommendations that will then be considered by the regional panel. Councils will continue to receive fees for development applications, as they do now. I note that Victoria recently announced the establishment of 26 regional panels. Clearly, the planning reforms being undertaken in New South Wales are leading the way. The appointment of State members will follow a public process for the calling of applications and expressions of interest. Councils will be able to decide how they will appoint their nominees.

Regional planning panels will be responsible for determining regionally significant development, following assessment of the proposal by the relevant council. It is appropriate that regional panels determine such proposals, given the significance of these developments to regional areas. As with the Central Sydney Planning Committee, I expect panels to demonstrate how State and local government can work cooperatively to deliver effective planning outcomes. They will also ensure that elected councillors are able to use their time more effectively in dealing with strategic planning for their local areas. Last year, as I travelled around with the rural task force, I received a lot of feedback about the need for both State and local government to improve their planning performance.

One of the key issues that might have been missed in debate is that this planning proposal makes significant changes to the way in which State agencies deal with requests from councils to deliver advice or approvals on particular applications, as required under a number of planning instruments and legislation. The system is being cleaned up to remove more than 1,000 redundant or duplicated requirements so that we can help speed up the planning system overall. We are also trimming the time taken to deliver advice and concurrences from 40 to 21 days and introducing a new deemed approval period of 21 days so that councils can get on with the job. Most councils in New South Wales will strongly welcome that provision.

Some of the more positive things have been buried under the negative publicity generated by some councils that are members of the Local Government Association. It is a bit like throwing out the baby with bath water, which is disappointing.

Mr Andrew Stoner: Throwing you out.

Mr STEVE WHAN: The intelligent interjection from the member opposite about throwing people out is up to his usual standard. He must be disappointed that his similar remarks last session were not acted on. The member for Hawkesbury spent the first six minutes of his contribution to the debate talking about the metro strategy. He has failed to read the bill. He spoke about density of developments and things that are not part of this bill. A multistorey apartment complex is not likely to be the subject of complying development. He and a number of other members spoke about this being a one-size-fits-all bill. The Minister has made it clear that that is not the model. It is disappointing to hear that false statement continuing to be bandied about in rural areas.

As the Parliamentary Secretary Assisting the Minister for Planning I responded to the comments the member for Ballina made on a local radio station suggesting that these reforms are terrible because they would allow the Government to compulsorily acquire land and sell it to developers. The discussion documents originally contained that proposal but it was omitted from the final bill. It is a pity members opposite talk about proposed legislation without reading what has been introduced. A number of councils in the area I represent are positive about these reforms. Cooma council refused a request from the Local Government and Shires Associations to fund its campaign because it believes the reforms are positive. The Mayor of Queanbeyan also welcomed the reforms. I have urged councils in my electorate to look carefully at the reforms. Early in the piece I took on board issues raised by Palerang Council. Changes for section 94 contributions were modified because issues were raised regarding the original proposal.

Unfortunately, it seems those modifications have not been acknowledged by some areas. The Minister made an effort to talk directly to the mayors in many areas. He visited Gundagai to explain the intent of the reforms while the discussion paper was being exhibited and a series of road shows were undertaken to other country locations. One issue that must be debunked is this one-size-fits-all claim that has been floating around the State. The bill is not a one-size-fits-all legislative reform; it is an attempt to improve the performance of procedures for complying developments. Victoria has achieved improvement in 50 per cent of developments, compared with 11 per cent in New South Wales. Councils told the rural task force that staff were tied up with small development applications and did not have time to focus on longer-term strategic issues, such as local environmental plans. An example of that is one shire in the south-east region with 12,000 residents having 193 development applications awaiting approval—with delays involving 591 days, 368 days and 297 days.

If development applications have problems the council must be able to focus on resolving them and not be bogged down by other smaller issues. These proposed reforms and the accompanying codes were developed cautiously by a group of practitioners, including a majority of local government representatives. They deal with single-storey dwellings, internal alterations for two-storey dwellings, internal fit-outs and changes of use for some commercial dwellings. Four regional councils have been trialling the codes. The Minister spoke at length about those trials in his agreement in principle speech.

Country councils have little to fear because already they are among the better performers of complying development processes. Some have already achieved the 50 per cent target: Cobar, Warrumbungle, Coolamon, Port Macquarie-Hastings, Junee, Murrumbidgee, Conargo, Coonamble and Narrabri, to mention a few. Another misrepresented aspect of these reforms is the section 94 levy. I was disappointed this morning at the shires association conference to hear the continued claim that these reforms will cost shires money. I have yet to come across a country or regional council that will lose money through the changes to section 94; the section 94 charges councils have put in place are nowhere near the limit provided in this bill.

These reforms simply make the system more transparent, accountable and workable. The section 94 contributions levy provisions were modified after I raised issues regarding the purposes of the levy. Guarantees are in place to ensure that infrastructure can be delivered within a reasonable time, that those contributions are affordable and are a reasonable apportionment of new and existing demand—not unreasonable requests. Reasonable estimates of infrastructure costs must be used and the estimates demand must be reasonable. I do not believe this will negatively affect any council I represent. In fact, one council has only just started charging section 94 contributions.

The Government has included provision for councils that want to levy beyond the list of key community infrastructure—that is, land works and buildings—including drainage and water management works, local roads, bus stops, local parks, sporting, recreational, cultural and social facilities, and district facilities that have a direct connection with the development that is being levied. Councils that demonstrate a sound case for levies relating to matters included on that list will receive approval to levy for such infrastructure. As I said earlier, I was disappointed to hear the president at the shires association conference say that the Government will be taking money from some councils. The only areas affected by the State Government holding some of the money in trust will be the major growth areas, none of which are in areas the shires association represents in country and regional New South Wales.

This legislation has much to offer country New South Wales, particularly those councils that told me, the member for Northern Tablelands and Col Gellatly, the rural task force, "We are overworked in planning. We cannot get enough planners. We need you to do something to reduce the workload of day-to-day planning work so that we can focus on the strategic longer-term issues." Those councils should welcome this bill. There has been significant misrepresentation of what these planning reforms will achieve, which is a pity. A number of councils support the Government's reforms. Indeed, after the official shires' position had been stated at a meeting I attended at one country venue with Country Labor, council officers said to me, "Steve, we actually agree with what you are trying to do."

The extensive dialogue and consultation regarding these reforms have resulted in significant changes from what was in the original discussion documents. I commend the Minister for presenting the discussion documents and an exposure draft of this bill for comment. That sort of consultation is necessary for such an important issue. I hope the positive parts of this legislation will not be thrown out like the baby with the bathwater simply because the Opposition feels it needs to respond by grabbing headlines or trying to be populist rather than constructive. The Opposition spokesman's contribution contained some elements of constructiveness but it is disappointing that the Opposition intends to oppose the legislation in this House. In the long term the people of New South Wales will see the Opposition as disappointing—a party that does not respond to the need for genuine planning reform. Regional New South Wales needs a reasonably fast process that protects people's rights. That is what this legislation is all about. I commend the bills to the House.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [5.18 p.m.]: No doubt New South Wales desperately needs reform of planning legislation and, indeed, the broader planning system. Part of the need stems from the Government's mismanagement of the process, including the centralisation of many development decisions to the department and the Minister for Planning. Layer upon layer of regulations and legislative provisions affecting planning, and myriad changes within the planning department regarding procedures, structures and staffing, have contributed to the present planning mess. A major driver of the New South Wales economy, the property industry, rightly wants reform of planning in New South Wales and considers that the current regime for property development is confusing as well as prone to delay. I do not think there would be any disagreement with that. A person involved in the property industry on the mid North Coast contacted me by email and stated:

> If you want to send some constructive criticism to Sartor advise him to delegate some authority back to local government & then Regional DoP offices. At the moment DoP Grafton are nothing more than a mail box!
>
> He needs to understand that his policy of **Centralised control** simply means that nothing happens because it all gets log jammed at the Ministers Office …
>
> If we don't fix the mess that is Planning legislation the whole development industry in NSW will collapse & any remnants of business confidence that remain will disappear.

Individual property owners also have contacted me out of frustration with red tape in obtaining approval for minor development applications through council on matters ranging from fences to extensions and dwellings. There is legitimate demand for planning reform, but the issue before the Parliament is whether Frank's reforms are the right reforms, or will result in the continuation of a climate that is conducive to corruption.

Frank has a particular style. One has to admire that he wants to achieve change, but he has a particular style that has led the Coalition to refer to him as "Steamroller" Sartor. He likes to ram things through and achieve the change he wants. We can see that in the way that the environmental and planning bill has been brought together and the extent of consultation in relation to the changes it will create. Past changes to the Environmental Planning and Assessment Act 1979 were the subject of extensive consultation. The current package of legislation, as complex as it is, has been promulgated in the community for really only eight months, including a Christmas holiday period. While some people consider that there has been an opportunity for consultation, it has not been long enough to refine the package that is before the Parliament.

People want reform because of the changes affecting part 3A that were introduced following previous reforms in 2005. The recent changes gave the Minister for Planning increased power to pull in and determine State significant developments. Subsequently donations to the Labor Party increased substantially. A couple of months ago the ABC's *Four Corners* program reported that a culture which was created in the business community became manifested in a belief, whether real or otherwise, that unless donations were made, principally through attendance at Labor Party fundraising dinners, part 3A would not be available. In other words, businesses that supported the Labor Party could have their development application called in and dealt with by the Minister. That certainly was the perception. We all want change that will deal with a climate that is conducive to corruption.

In early 2007 Minister Sartor announced a review. A discussion paper was followed by a draft bill. The current bill then was introduced. All of that occurred over less than eight months. I understand that, after some hesitation, stakeholders, including planners, architects and others in the property industry, support the bill, albeit with some qualifications in each case. However, other stakeholders, including local government, environment groups and the public, have serious concerns about the reforms proposed by the Government. The *Four Corners* program covered, among other things, the Wollongong corruption debacle that led to widespread concern or belief that the Government is interested only in planning and change for the sake of receiving donations.

The Opposition has a number of concerns about the Environmental Planning and Assessment Amendment Bill 2008. In relation to development applications worth up to $1 million, arbitrators will determine a new range of complying developments. Appeal rights to the Land and Environment Court will apply to applicants only. Therefore there will be no appeal by objectors or a council. Essentially, neighbours will not be given prospective notification of development that could be taking place next door to their property. If a developer or neighbour wants to undertake development on land adjacent to a neighbour the developer could obtain approval before the neighbour even became aware that anything was about to take place. That is the equivalent of someone being flattened by a steamroller and receiving notice after it has happened. That is hardly helpful.

I cite a letter I received from the very good Mayor of Kempsey, Betty Green, who has expressed the concerns of local government authorities and asked the Coalition either to vote against the proposed planning system reform proposals or to request amendments and/or additional information prior to voting on the bill. Her letter, setting out reasons, states:

> We all agree that there needs to be improvements to the processing of Planning Development Applications across NSW. As the recently published Monitoring Reports on Local Government Processing of Development Applications demonstrates some Councils are performing well, some not so well and others very poorly. The current legislation targets all Councils, not just the underperforming ones, and has a tendency "to throw the baby out with the bath water".
>
> Kempsey Council, like many other Councils across the State, has concerns about some aspects of legislation. These have the potential to reduce or negate our community's ability to have a say in development proposals which will impact on their lives, enjoyment of their locality and possible destruction of the lifestyle which they enjoy.
>
> Having read the current legislation being debated, there are currently three (3) specific areas of concern relevant to our Shire—

which, of course, is the beautiful Kempsey Shire—

> 1. The proposed Complying Development templates
>
> 2. Increasing Private Certifiers
>
> 3. Reduction and/or removal of S94 Contributions by Developers and restrictions on local projects being funded by S94.
>
> At the present time it is very difficult to see the long term implications of the legislation before parliament as the wording is very open ended and ambiguous. The Government argument is that the changes will make housing more affordable for families and speed up the time involved.
>
> This is not necessarily the case as many of the proposals will in actual fact increase processing times, incur additional delays and associated costs.
>
> Our specific concerns:-
>
> 1. The proposed Complying Development templates have not been published yet and possibly have not been developed. However, the concern is the ability of the Council planning staff to have input into the development of these.
>
>   The system of implementation, if these twelve templates will apply across the State and the Council planning staff are able to choose which template best suits a particular application, could possibly be effective and increase the percentage of Development Applications processed as Complying Development. However, if the respective templates are to be applied to a particular geographic area, (one size fits all in that locality) this will be detrimental to the community.
>
> 2. **Private Certifiers**. While we do not, to date, have many private certifications, we are finding that those private certifies external to our Shire continue to present Council planning staff with significant difficulties which results in additional work being required at Council (ratepayers) expense. If this is to be increased and this will exacerbate the difficulties currently being experienced. The respective Regulatory Board does not appear to have the power nor the desire to monitor and control the certifiers.
>
> 3. **S94 Developer's Contributions**. The truth is that current S94 contributions in non metropolitan areas are less than those that apply in the metropolitan regions. These are maintained at as low a level as possible to provide community infrastructure which the Shire needs to maintain our community's lifestyle. This includes the provision of roads, playgrounds, environmental projects, arts and cultural developments etc.

> While much of the Legislation is stated to apply to NSW's major growth areas only, it would be foolish not to realise that if one area within the State has specific exemptions then other areas and participants (developers) will claim the same privileges under the guise of discrimination and procedural fairness.
>
> Thank you for taking the time to read this information and we trust that you will support us in our endeavours to ensure that all of NSW residents are able to maintain a reasonable lifestyle.

That is a pretty good summary of the concerns of local government generally, as expressed in a letter from Betty Green, the Mayor of Kempsey. She is backed up by North Coast Environment Council spokesperson John Jeayes, who has also written to me. Amongst other things, he said:

> … it was clear from a raft of government legislation including Planning Reforms that environmental protection will be removed with local government powers to protect residents and the environment from developer greed.

He continued:

> It seems that the Minister is attempting to deflect criticism over approval of large projects (often involving proponents making large political donations) by transferring a lot of the approval responsibility for these projects to Planning Assessment Commissions, IHAPS or Joint Regional Planning Panels.
>
> It also seems these panels may have approval powers in other areas such as where local government LEPs and also REPs will be replaced. It is likely that the panels selected and controlled by the minister will achieve the same result that is frequently abhorred by the community. And you do not have to be real smart to figure out who will comprise the majority of the panel.

They are some of that environmental group's concerns. In addition, the Opposition is concerned about the substantial increase in complying development categories. The devil is in the detail, which will be produced via regulations, codes and guidelines. The detail is not known at this stage. The Minister is basically saying, "Trust me." The expanded role of certifiers in the approval of complying development arguably increases their regulatory role at a time when there are many concerns about certifiers. In 2002 the Minister for Planning when Lord Mayor of Sydney—the current Lord Mayor is in the Chamber—complained about the building quality of high-rise apartment blocks, and particularly the issuing of fire safety certificates by private certifiers who did not abide by the code. In view of his concerns then, I do not know why Minister Sartor is now pushing for a greater role for private certifiers.

There is also lack of clarity about the types of development that will go to regional panels, about the assessment procedures to be adopted by the Planning Assessment Commission and about how notification of reviewable development applications will occur for "occupiers" within one kilometre of the development. So much in this bill may add to the complexity of planning laws, and so much more that is not in the bill will be left to regulations, codes and guidelines. Together, these provisions may slow planning and increase costs. There is also community concern that the Labor Party is focused on fast tracking development for donation-friendly developers. So we return to the question: Is Minister Sartor's reform the right reform? The Opposition says no. This legislation is rushed and ill considered. There are too many warts on it. We want to achieve proper planning reform, which we will seek via the parliamentary committee process.

Mr FRANK TERENZINI (Maitland) [5.33 p.m.]: I am pleased to speak in support of the Environmental Planning and Assessment Amendment Bill 2008. A key element of the planning reforms that I will address is the creation of a series of statewide complying development codes. By way of background, it is important to remember that these are significant changes. The current determination times for proposals under $500,000, which would include most houses, is 69 days. Some 94 per cent of applications in the planning system are worth under $500,000. Even small alterations and additions to existing homes that are worth less than $100,000 amount to 68 per cent of all applications across the State. That is the background to the proposed development codes.

However, there is a simpler way to gain planning approvals for the large number of relatively small-scale proposals. This is through a system of complying development, which has been in use since 1997. The idea is that a code defines an envelope for a typical house on an average-size lot. The envelope will be determined by setbacks and height controls to protect neighbours' amenity and preserve the streetscape. If a proposal fits into the envelope, the approval should take less than 10 days—a reduction from the current 69 days for this type of development. Some councils, such as Port Macquarie-Hastings, have embraced the concept. Port Macquarie-Hastings Council deals with about 60 per cent of developments using this effective process, freeing up council staff and reducing costs to applicants. However, last year on average only 11 per cent of developments across New South Wales were dealt with in this way.

The complying development approach has been endorsed at a national level and is accepted practice in other States. We must make it work better in New South Wales. The Department of Planning has prepared a

series of draft codes that are currently on public exhibition. These draft codes relate to single-storey dwelling houses on lots of land of 600 square metres and over, internal alterations for two-storey dwelling houses, and internal fit-outs and change of use for certain commercial and industrial properties. A State environmental planning policy [SEPP] will give effect to the codes. The SEPP will contain general limitations on what may be included as exempt and complying development. It will include exempt and complying development in certain environmentally sensitive areas or permit only certain types of exempt or complying development in those areas. For example, in many situations internal office fit-outs could be considered complying development in a heritage building, and a swimming pool could be complying development in a bushfire zone.

In response to community submissions, the proposal allowing minor non-compliance with complying development codes has been removed from the reform package. If a proposal cannot strictly meet the requirements of the codes it must be subject to a full merit assessment. A complying development expert panel has overseen the preparation of the draft codes. There are several heritage buildings in the electorate of Maitland of which we are extremely proud. Reports have appeared in the media—and representations have been made to my office—that the bill may endanger heritage buildings and put them at risk of demolition. I reassure my constituents and others who treasure those heritage buildings that the bill does not affect their protection. There is no reduction in their protection because the bill's reforms do not affect heritage buildings in any way. Buildings that are heritage listed have their own protection and legislation. I make that point clear in response to representations on the subject.

I should also clear up some of the myths that have been circulating about the bill. One of them is that all development less than $1 million will be exempt from complying development. The Minister's policy statement reveals clearly that that is not so. Another myth doing the rounds is that the bill will create a one-size-fits-all system. That is also incorrect. There will be a variety of codes for different house types—single-storey, two-storey, duplex and terrace houses—and varying lot sizes. Different codes will stipulate different types of construction. Particular code provisions are being developed for different classes of development and they will be able to be augmented in certain circumstances to take into consideration location differences. As an interim step, heritage conservation areas have been excluded from the complying development codes so that further work can be done to ensure that, as I said earlier, developments will not impact on the heritage significance of those sites.

The first suite of draft codes is on exhibition until 4 July 2008. Between now and then a series of professional and community workshops will be held across the State to explain the codes and to seek feedback. Workshops will be held at Parramatta, Blacktown, Wollongong, Queanbeyan, Coffs Harbour, Newcastle, Dubbo and Wagga Wagga. During that time it is understood that 11 councils have agreed to review the codes against their current development applications to see whether the matters could be dealt with as exempt or complying development under the codes. The New South Wales Government has set a target that 30 per cent of development will be dealt with as complying development in two years, and 50 per cent in four years. This will bring New South Wales in line with other States that have already achieved that target.

I note that Cobar, Warrumbungle, Coolamon, Port Macquarie-Hastings, Conargo, Junee, Murrumbidgee, Coonamble and Narrabri are already achieving the target of 50 per cent. A similar result achieved across New South Wales would significantly reduce the regulatory burden on small business and homeowners, and free up planners so that they can give more of their time to assessing development that really matters.

For the benefit of my constituents I will clarify some further matters relating to certain campaigning that has been going on. We are all aware of the Keep it Local campaign in response to the Minister taking away power from councils. However, the campaign is conveniently neglecting to report the facts—that is, the new Planning and Assessment Commission has been established to undertake an independent determination role, and will deal with approximately 80 per cent of applications currently dealt with by the Minister. That cannot be said in any way to give the Minister more powers; it is actually a delegation of those powers. The new Joint Regional Planning Panels will have State Government and council appointed nominees and will deal with certain coastal applications currently dealt with by the Minister—again a delegation of the current role and a giving back of the power to councils.

The new plan-making part of the reform will, for the first time, allow the Minister to delegate back to councils the approval role for making small-scale local environmental plans, which is very different from the current arrangements. Independent arbitrators will provide a quick, cheap and non-legalistic option for mums and dads to have a decision reviewed. There will also be new third party appeals on certain types of

development where the rules have been broken—something that would have helped in the Wollongong council corruption scandal—which was recommended by the Independent Commission Against Corruption. It is about making the system more accountable and efficient. In my electorate of Maitland, which has a growth rate of 2 per cent, the vast majority of development is residential housing. Currently people have to wait six to eight weeks for a planning response. If an application fits neatly in the envelope of compliant development, a reduction to 10 days will be a welcome change to the community in view of the area's fast growth rate. For those reasons in particular I have great pleasure in commending the bill and cognate bills to the House.

Mr ROB STOKES (Pittwater) [5.42 p.m.]: I take issue with the member for Maitland on heritage items. I point out that schedule 1.4 to the Environmental Planning and Assessment Amendment Bill will amend the Heritage Act to remove the role of the Heritage Council in reviewing proposed environmental planning instruments that effectively lessen the heritage protection offered to heritage items. Furthermore, unelected planning arbitrators will have the opportunity to make merit decisions on items of local heritage, which will include making orders for the demolition of heritage items. Rather than securing heritage items, the bill will put them at risk. I have been asked by the shadow Minister for Planning, the member for Wakehurst, who, in his dotage, forgot to mention the work of his assistant Lee Dixon in listening to the community and preparing for debate on this bill. He asked me to thank Lee on behalf of Opposition members for her diligence and commitment. She is the only resource we have and we are grateful to her.

The bill has a long background, beginning with the lengthy review process begun by Sir John Fuller in the early 1970s, and exacerbated by a change of government, and culminating with the implementation of a comprehensive land use planning system following the introduction of the Environmental Planning and Assessment Act 1979. As pointed out in the second reading speech to that bill, the Environmental Planning and Assessment Act, as first enacted, had three distinct objects: to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and man-made resources; to share government responsibility for environmental planning between the State and local government; and to increase the opportunity for community involvement in environmental planning.

While it is difficult to properly address the entirety of 150 pages of legislation and countless pages of supporting documentation in 20 minutes, I will try to explain how each of the original and continuing objects of the Environmental Planning and Assessment Act are undermined and attacked in the Environmental Planning and Assessment Amendment Bill 2008. The first object of promoting the social and economic welfare of the community and a better environment was explained in the second reading speech to the original Act as "the essence of environmental planning", and was to be achieved through the "orderly and economic use and development of land", which had been the standing object of the State Planning Authority since it was established in 1963. Yet, the current bill undermines the proper management of the natural and built environment, and does not provide for the orderly and economic use and development of land.

Proper management and orderly development depends on clear, transparent and consistent processes. In fact, planning itself is a process. Yet, the bill completes the effective gutting of good planning process that was commenced by the Labor Government with the disastrous planning reforms of 1998. Before Labor came to power, the planning system was reasonably straightforward, and provided for four clear categories of development: advertised development, designated development, Crown development and prohibited development. Yet, in a somewhat ironic effort to reduce red tape, Labor has since added the categories of exempt development, complying development, local development, integrated development, staged development, major projects and critical infrastructure.

Through the passage of the bill, Labor proposes to introduce the following new layers of bureaucracy into the planning system a Planning Assessment Commission, joint regional planning panels, independent hearing assessment panels, a planning assessment panel review panel, joint regional planning panel review panel and planning arbitrator review panel. Those panels will add to the following levels of bureaucracy in the planning and heritage system introduced by Labor over the past decade: planning assessment panels, design advisory panels, ministerial review panels and building professionals board. Ten years, and 10 new layers of bureaucracy—it is time the planning system went to a panel beater. Each of the new layers of planning bureaucracy merely duplicate existing processes of the Land and Environment Court, commissions of inquiry or local government.

Whereas standing bodies have independence to set up processes and to appoint staff on merit, the panels will be entirely dependent on the Minister for Planning for their procedures, functions and resources.

Whereas a judge or a commissioner can make decisions without fear of retribution from government there is nothing to prevent a Minister for Planning from quietly dropping a recalcitrant panellist from the favoured list of approved panel appointees if he or she makes a decision that is not consistent with the Government's wishes. In this light, I raise a couple of specific concerns about schedule 2, division 6, to the bill. First, in relation to indemnities for planning arbitrators, clause 23P provides that council must indemnify a planning arbitrator appointed to determine a matter against a liability for costs incurred by the planning arbitrator with respect to an appeal.

Why should local ratepayers be liable for legal costs incurred by an inept or dodgy planning administrator who was ultimately selected by the Minister? Furthermore, in clause 23N I note that obligations will be placed on councils to assist panels that are appointed over the top of them. In particular, the general manager or staff member of a council may be liable to penalties exceeding $1,000—criminal sanction, penalty notices—for failing to comply with directions from panels. Surely council staff should be answerable solely to the general manager who, in turn, should be solely answerable to the local community, through local government councillors. An extra layer of people to whom council officers are accountable undermines democracy and is certainly not clear or good process.

Decisions about planning and development can have real impacts on local communities and economic growth. We need a clear and simple system of decision making on planning proposals. More layers of bureaucracy will make the planning system more bloated, confusing and unresponsive than it already is. The second object of the Environmental Planning and Assessment Act is to promote the sharing of the responsibility for environmental planning between the different levels of government and the State. The significance of democratic participation in planning has been acknowledged since the genesis of land use planning in New South Wales. At the first meeting of the Cumberland County Council in November 1945, local government Minister Joe Cahill said:

> It is the Government's intention that town and country planning shall be democratic and that, under skilled guidance, the people themselves shall join in the planning to the greatest extent possible. We will not have planning imposed from above.

As the Minister said in his second reading speech to the Environmental Planning and Assessment Act:

> … the department should be primarily concerned with initiating and developing policies and plans for matters of State or regional significance.

Sharing of governmental planning powers in this context requires that the State Government must be relieved of involvement in local planning in order to discharge this heavy responsibility. Emphasising a commitment to devolution of planning powers has continued to be an important feature of planning. In 1988 Premier Greiner stated:

> Local planning is a function of local government and there is no place for the State Government to override or second-guess the decisions of the community. It is a leading plank of our … policy … that local residents and their councils should be able to determine the nature of developments in their areas.

Yet, ever since Labor came to power in 1995 it has sought to centralise power in environmental land use planning. First, prescriptive State environmental planning policies, such as policy 5 and policy 53, imposed development standards on local communities. Next, part 3A removed major projects with huge impacts on local communities from the purview of the democratically elected representatives of the community most directly affected. Now Labor seeks to remove from local government the major decision-making role on plan making and development assessment. The bill effectively completes the centralisation of planning power into the hands of the Minister for Planning.

The Minister or his delegates can make local environmental plans and State environmental planning policies, including substantive changes to drafts prepared by local government. Complying development codes are entirely determined by the Minister with no reference to Parliament and no rights of participation in preparing the codes for local government, even though they will be primarily responsible for enforcing them. Minimising the planning responsibilities of local representatives is likely to exacerbate conflict, and therefore cost and delay, in planning. Planning lawyer Ian Ratcliff recently observed:

> … the lack of procedural or legal remedies means that objectors are increasingly likely to use the political arena to fight development proposals.

The costly and divisive political stoushes over development proposals at Currawong and Catherine Hill Bay are relevant examples. Furthermore, the gradual erosion of local government planning powers, coupled with the

concomitant increase in ministerial power, means that developers can exert pressure on councils to accede to their demands rather than negotiate towards an outcome with which the local community agrees. As planning lawyer John Mant said:

> … the pressures on councils to waive the controls is likely to become even more intense … "Give in or I'll go to the Minister".

Over the past decade, the Government has said that its approach to planning is all about moving from a "process-driven approach to an outcomes-focused service". However, that reveals a fundamental misunderstanding. Planning is a process; it is the process that produces good outcomes, not the other way round. United States of America's former President Dwight Eisenhower commented, "Plans are nothing, planning is everything." We need an efficient planning process, not efficiencies at the expense of good process. Undermining good process reduces transparency in decision making on development that can have a huge and lasting impact on the environment and on peoples' lives.

The third object of the Act, as originally formulated, provided for increased opportunities for community involvement in environmental planning and assessment. The need for public participation as a fundamental part of achieving good planning outcomes is internationally recognised. Chapter 23 of Agenda 21 asserts that individuals need to know about and participate in environmental and development decisions, particularly those that affect their communities. That has long been recognised by government. In 1972 the New South Wales Government released a discussion paper recognising the lack of general rights to public participation as a failure in the existing planning law, as well as the huge number of bodies involved in the planning process.

Subsequently, the Government sought public input into how the planning system might be improved and released a series of proposals that resulted in the drafting of the Environmental Planning Bill 1976. That bill proposed expanded rights of participation but the incoming Labor Government took the further step of proposing that public participation be a fundamental objective of the new Environmental Planning and Assessment Bill 1979. Minister Landa stated in his second reading speech on that bill that the intention of the legislation was to overcome the deficiencies of earlier local government and town planning laws by "conferring equal opportunity on all members of the community to participate in decision making under the new legislation". Another Government member asserted:

> … the opportunity for people to be involved in the planning process is most significant …
>
> plans should not be made for people, but should be made by people, that is, reflecting their desires, needs and aspirations.

But this bill effectively removes legislative rights to meaningful participation in environmental planning. For example, there are no legislative rights to a guaranteed process of public participation in plan making, and there are no legislative rights to be informed of development applications for most classes of development. [*Extension of time agreed to.*]

Although the Minister for Planning said that he will introduce a non-legislative right for immediate neighbours to go to a bureaucrat for a review of certain development applications that exceed development standards by 25 per cent, that is no real right at all. It is simply ridiculous to not empower the community to enforce a planning law until it is breached by more than 25 per cent. It is like saying that the speed limit is 100 kilometres per hour, but a driver will not be charged for speeding unless he drives at more than 120 kilometres per hour. Basically, it is giving a green light to dodgy developers to exceed development standards by up to 25 per cent without consequence. The Minister's power to determine the timing, nature and type of participation emulates the process that English planning lawyer Bedford criticised, whereby the Minister may pre-determine acceptable alternative outcomes and then have citizens comment on the alternatives. Therefore, as Bedford said:

> … the crucial decisions have already been made and citizen involvement becomes a formality leading to small changes that do not challenge basic assumptions …

Bedford and his colleagues concluded:

> [that since participation] generated no meaningful changes to the developers' proposal, it achieved nothing and "the game" need not have existed …
>
> This is a dangerous way to proceed because expectations are raised but meaningful outcomes are not delivered. Such a process readily generates cynicism and ultimately leads people to question what public participation is about in the first place.

According to Richard Buxton in the *Journal of Planning and Environmental Law* in 2002 a situation in which the public is encouraged to participate through processes that have no result in mitigating the impacts of unpopular development can be:

> … too much for people to bear without protest. A spirit within is stirred to do something. The common denominator is a profound sense of injustice.

Consequently, trust in administrators, experts and decision makers has "dissipated", according to Graham Marshall in a paper presented to the Australian Agricultural and Resource Economics Society. In a 1973 paper, "The Planner as a Bureaucrat", Norman Beckman noted that the deafness of officials to public voices on conflicts over land use planning means that public perceptions of decision makers are "often heavily tinged with venality and hypocrisy, if not outright dishonesty". British planning lawyer Patrick McAuslan noted that although the demands for greater public participation in planning have resulted in an "increased expectation of statutory rights by participators … the failure to adapt the law to meet these increased expectations adds fuel to the flames of disillusionment and frustration with the planning system". Lord Justice Harman famously noted in *Britt v Buckinghamshire County Council* that "planning stinks in the nostrils of the public". Clearly, the same situation prevails in New South Wales and, frankly, the bill does little to remove the stench.

Mrs KARYN PALUZZANO (Penrith) [5.58 p.m.]: I have a 14-year-old son whose favourite television show is *Myth Busters*. I am not wearing a pair of overalls nor do I have an orange moustache, but I will try to allay some of the myths that have circulated about the Environmental Planning and Assessment Amendment Bill 2008. I am pleased to support the bill. We know that the planning system must be reformed. We know that because the community, practitioners, industry groups and local government have told us so. This reform package is the result of extensive consultation. Over the past year the Government has held forums, studied national trends, published a discussion paper and an exposure bill, scrutinised feedback and made changes. Despite that, the contents of the reform package has been the subject of much misinformation, and a few myths still persist.

I turn now to the levies myths. Libraries, childcare centres and parks are not under threat from these changes. Councils can continue to fund them from community infrastructure contributions—to say that they cannot is misleading and dishonest. These reforms will not deprive communities of infrastructure. These reforms will ensure that infrastructure paid for by communities is delivered to them. Communities do not benefit from things that are not built, so we will require councils to set out the time frame for delivery up front.

This does not have to be in years; it can be in milestones. However, it will mean that communities will know what they are getting and when they should be getting it. We are also introducing some checks and balances to stop these contributions becoming an uncapped, backdoor tax on the family home. The current system is unaccountable and we are working to fix it. We are moving to ensure that both councils and the State Government consider issues such as housing affordability when developing contribution plans. Another myth that is doing the rounds is that contributions will somehow end up in State Government coffers. This is blatantly incorrect. The New South Wales Government will hold in trust contributions in just six council areas in the south-west and north-west growth centres because we are coordinating the provision of all infrastructure consistent with the release of development areas involving $2 billion in State taxpayer funds.

I refer now to the pro-developer myth. The idea that these reforms are pro-developer is an absolute furphy. This legislation allows more neighbourhood challenges to development decisions, hands significant proposals to independent panels to depoliticise the system, reduces developer controls of strata committees in new buildings and creates much stronger limits on private certifiers. I am struggling to see how this could be considered pro-developer. This brings me to another myth—that private certifiers will get more power under this bill. They will not. This legislation strengthens the accountability of the certification system and provides greater consistency in the regulation of building and complying development in New South Wales. Under these changes councils will be given greater powers to enforce development consents, with new investigation powers and mechanisms to recover costs of enforcement action. Consent authorities will be able to issue stop-work orders to immediately stop unauthorised work or work that affects the support of adjoining land.

A consent authority will be able to require payment of an enforcement bond as a condition of consent. I note the Minister's assurance that there will be limits on the types of things the consent authority will be able to fund from the bond. However, this is an important reform to assist councils in funding necessary enforcement action where developers breach conditions of consent. The bill will also enable councils to recover the full costs of assessing unauthorised works when they are asked to issue a building certificate for recently completed unauthorised work. This will be a deterrent to people who carry out building works without consent and then ask council to endorse the development once it is finished.

The Government is also toughening penalties for accredited certifiers and building professionals. Where the board makes a finding of professional misconduct it will be able to impose fines of up to $110,000—up tenfold from $11,000—and cancel or suspend accreditation without having to go to the Administrative Decisions Tribunal. Certifiers and building professionals will still be able to appeal to the tribunal but the board will be able to take quick and decisive action where a disciplinary finding is made. The board will also be able to suspend an accreditation holder where they have persistently breached the legislation while an investigation into their conduct is carried out.

This brings me to the one-size-fits-all myth. These reforms to the certification system will help ensure the introduction of statewide codes for small development will be a success. These codes will help unclog the system by ensuring that small developments that comply with preset rules are dealt with in around 10 days. These codes have been the subject of some of the most persistent myths of all—that they will be one-size-fits-all and cause neighbourhoods to lose their character. Again, this is simply untrue. There will not be one code for the whole State but a series of codes dealing with different types of development. These codes will maintain and enhance local character and protect privacy while giving ordinary mums and dads quick decisions. The Government is also inviting comment on local variations and is working with several councils across the State to trial the codes. The first set of codes to be released for public comment covers single-storey houses on land of 600 square metres or more. Data held by the Department of Planning show that proposals for detached single-storey homes comprise more than 65 per cent of all residential development applications in New South Wales. I commend the principal bill and cognate bills to the House.

Ms CLOVER MOORE (Sydney) [6.04 p.m.]: The Strata Management Legislation Amendment Bill 2008, the Building Professionals Amendment Bill 2008 and the Environmental Planning and Assessment Amendment Bill 2008 have the common theme of the rights of people and communities versus developers' powers. There are also critical issues of environment, heritage and the climate of corruption. I support the Strata Management Legislation Amendment Bill, which is long overdue. It improves the rights of strata development owners and should have been part of the Government's urban consolidation policies. The Sydney electorate is the most densely populated electorate in New South Wales and, in fact, in Australia. The population has increased dramatically over the last 10 years and growth is continuing. The vast majority of new residential developments in this area are multi-unit. Constituents routinely contact me about strata management issues and I have long called for many of the measures set out in this bill, which reduce developers' control of apartments after residents move in. While past reform has resulted in some improvements, apartment owners remain concerned that developers continue to dominate building management, particularly for large multi-unit developments.

The bill prevents developers from getting proxy votes or power of attorney through provisions in the sale contract. It requires executive committee candidates to disclose their connection to the developer and original owner before an election. It removes by-law exemptions that allow developers to get exclusive use of car parks before a third of lots have been sold. The bill clarifies that regardless of the name of a position, someone who carries out the role of the caretaker is subject to the same provisions and requirements under the Act. It also ensures Fair Trading inspectors can access common property at the request of an owner. The absence of safeguards in the past has caused years of distress and expense to strata owners and has allowed occupation of defective and non-compliant buildings. There is more to be done to fully protect consumers and residents and I call on the Government to continue to review strata title law and processes.

I also support the removal of place of public entertainment licences, known as POPEs, which have for too many years discouraged live entertainment in this State, favouring venues with television screens and poker machines. However, the eleventh hour introduction of the place of public entertainment reform is a cynical and transparent attempt by the Minister for Planning to get the support of the "raise the bar" group for quite shocking and undemocratic changes to planning legislation. The Building Professionals Amendment Bill introduces bandaid measures in an attempt to make bad policy look better. I opposed the original introduction of private certifiers on the basis of conflict of interest. It has led to development that does not comply and incomplete defective buildings. It is a cause for alarm over safety. At the time my stance was supported by the former Lord Mayor, now the Minister for Planning, who said at the time, "Any fool should be able to see the enormous conflict of interest that [private certifiers] have got."

The Environmental Planning and Assessment Amendment Bill 2008 is pushing private interest over public interest, with its unresolved failings and potential to destroy amenity, degrade our environment and extend the climate of corruption in New South Wales. It virtually wipes out the progressive and environmentally responsible Environmental Planning and Assessment Act 1979 with its public involvement focus. A previous

Labor Government proudly introduced the legislation in response to community anger over development excesses during the Askin years. This Environmental Planning and Assessment Amendment Bill is the worst legislation I have seen in 20 years in this place. I am amazed that it has been allowed to progress so far. It has been introduced and is being rushed through on the night the budget has been introduced, following the suspension of standing orders and a change to the program. Why is it being rushed through on the night the Government has introduced its budget? We all know the answer to that.

This bill reduces communities' say in local development and transfers planning decisions from elected representatives to bodies predominantly hand-picked by the Minister, or by developers, to make decisions behind closed doors. The bill removes processes that are in place to protect environment, heritage and neighbourhood and community amenity and reduces the role of the independent Land and Environment Court. People and communities will be excluded. If this bill is enacted, our planning system will be more conducive to corruption, not less. There is no excuse in a democracy, whatever the claimed benefits or otherwise, for excluding people from being informed about and involved in issues that affect them and their lives.

The process of getting this legislation to Parliament has been appalling. So-called consultation began with a $250 a seat seminar in August last year. Each council was given one free seat. A discussion paper was released over the Christmas summer break followed in April by lengthy draft bills, with only three weeks to assess them. Much of the detail is not available with regulations and final codes to come. This is asking the people of New South Wales to sign a blank cheque and trust the Government and this Minister. At a time when global warming threatens our planet's future and the very future of our children I cannot believe that reform does not focus on sustainable development to reduce damaging emissions, ration scarce resources and address energy consumption.

The challenge for us now is to create environmentally and socially sustainable places in which an increasing population can live. These so-called reforms seek to fast track development at any cost and ignore the urgent need to incorporate sustainability goals. I fear that our urban environment, which is where the majority of Australians live, will be shaped by vested interests for short-term profit, while sustainability, design excellence and community benefit will be compromised. The bill takes us back to the 1960s and the 1970s. It is alarming that the State Government is presenting the introduction of so-called independent planning bodies and panels as part of the solution to address planning corruption exposed by recent scandals, in particular, in Wollongong.

Councillors are directly accountable to the people that they serve and the public vote for them. They can be voted out. They must declare pecuniary and non-pecuniary interests at public meetings before assessing developments. Joint regional planning panels will have three ministerial appointees and only two local appointees, and the Planning Assessment Commission will be comprised entirely of ministerial appointees. The Minister will appoint chairpersons. Pecuniary interests are disclosed at private meetings and are available in a book that can be inspected for a fee determined by the body. The legislation will enable panels to be stacked with development professionals whose future livelihoods depend on relations with industry and with the Minister.

The Government expects us to believe that the same level of accountability and transparency will be achieved through these panels. It should be noted that the Wollongong scandal not only involved corrupt Labor councillors; it also involved corrupt planning professionals. Allowing the planning Minister to delegate the extraordinary development assessment powers under part 3A of the Environmental Protection and Assessment Act to a body comprising ministerial appointees will not increase transparency or reduce risks and perceived risks of corruption. This is particularly outrageous, given the recent exposure of substantial development donations to major parties and to individuals within those parties, including Ministers.

It is a betrayal of consumer protection, transparency and accountability to allow developers to select and pay the person who checks whether a development complies with council conditions and building standards. The Minister said that the bill does not give private certifiers new powers, but certifiers can approve complying development, which will be expanded to include approving new dwellings. The Paddington Society believes that private certifiers are the biggest threat to Paddington's heritage and points out shocking examples of destruction permitted by private certifiers. This would apply equally to Balmain, Glebe, Redfern, Surry Hills or any of those Victorian neighbourhoods. The Minister flagged that complying codes should include internal work in heritage buildings. However, all heritage experts believe that heritage is more than just a facade; internal detail is also important.

In a recent *Sydney Morning Herald* article the National Trust pointed out that heritage value areas are not always heritage listed. It rightly fears that, unlike local government which has local knowledge and

sensitivities, private certifiers do not and heritage could be lost. The role of elected councils is to balance public interests with competing interests within the broader context of community, environment and the future. That is what I support and that is what I would have thought all parliamentarians would have supported. A council's right to challenge complying construction certificates will be removed if it takes more than 21 days to respond to a certifier's request for advice. This timeframe, while increased from 14 days in the draft bill, is far too short, given the potential serious consequences, and it will be a particular problem if advice is sought around the Christmas break.

If there are delays that prevent councils from providing advice, given the potential impacts of inappropriate and unauthorised work, where there is doubt councils will be inclined to deem proposals not consistent. Consultation is removed but residents get a courtesy notice, the details of which will be in the regulations. That will apply to all members' constituents and they will hear from them. It is essential that these notices include plan details so that neighbours know what was approved. I am concerned that restrictions on complying development for critical habitat, wilderness areas, interim heritage orders or items of environmental heritage have been removed and could further reduce environment and heritage protection.

All land development is important. Often it is the smaller developments that require more skilful and sensitive design input. That is particularly so in urban consolidated areas. Under the bill reviews of arbitrator matters will be done by arbitrators appointed by the director general from a list approved by the Minister. Planning arbitrators have one-year appointments, can be removed for no reason by the Minister and, typically, will be development professionals. However, the Land and Environment Court commissioner works full time, has a fixed seven-year term and receives a salary irrespective of whether determinations support or oppose development, and Land and Environment Court hearings are public. There is a genuine separation of powers making the court independent of executive government.

Under this legislation councils will not even be able to appeal to the Land and Environment Court to oppose arbitrator reviews, but councils are best placed to understand the compliance and impact of a development. There will be provisions for third-party objections but, unlike pro-development appeals, third-party objectors will not be able to access the Land and Environment Court. While there is an argument for a gateway process for local environmental plans, how can the Minister, who does not have local knowledge, determine community needs and aspirations? As local representatives, councillors understand the community's needs and are best placed to determine the appropriate level of consultation. Consultation should be via local government.

The bill provides for consultation only before the development of a plan and not in response to a final proposal. This denies the community—our communities—an opportunity to respond to specific plans, which will have impacts that are not apparent in the gateway process. I strongly oppose that aspect of the bill. The proposed provisions that would allow the Minister and other bodies to make or change local environmental plans if a council fails to comply with obligations in a "satisfactory" manner, are typical of a number of sweeping powers for intervention with loose definitions that encourage developers to lobby the Minister to bypass councils.

In conclusion, the Minister seeks to justify these proposals by claiming that they will benefit "mum and dad" applicants, but this is to be achieved by excluding "mums and dads" who are neighbours—our constituents. My experience as an inner city representative is that the older, long-term residents living in areas where values have increased are most vulnerable to amenity impacts by new wealthy residents. It would be reasonable to expect that any reform would aim for process simplification and open decision-making, and for clearly defined steps and governing criteria. But these proposals are confused and complicated with diminished capacity for open and transparent decision-making and subjective and inadequately defined rules.

This legislation stuns me with its blatant ineptitude and attack on democratic principles. I cannot believe that a democratically elected government would propose reforms that exclude the involvement of citizens. The Government is so embroiled in the developer donation scandal of influenced decision-making it is prepared to sell out planning development and heritage decisions to developers. Sustainable development is so critical that controls are being fast-tracked for developer convenience and oversight removed from a democratic tier of government. Many members of this House who have come from local government and who believe, or who believed, in grassroots democracy are mute or are meekly supporting this travesty of democracy.

What stage have we reached in this State when unelected hired hands are given the reins to our built environment and are charged with the design and sustainability of our neighbourhoods? I oppose this

shantytown amendment bill, which rubbishes our cities, our State and our future. I support the widespread call for an independent upper House public inquiry into the planning system to maintain democratic involvement, abolish conflict of interest and influence, protect heritage and the environment, and address the critical issues of global warming and diminishing energy resources. Given that I support the Strata Management Legislation Amendment Bill I ask the Speaker to put the agreement in principle question on these bills as separate questions.

Mr GEOFF CORRIGAN (Camden) [6.17 p.m.]: I indicate at the outset that, as a former councillor, I fully support the Environmental Planning and Assessment Amendment Bill 2008. When the Environmental Planning and Assessment Act was introduced in 1979 it was a watershed moment for environmental assessment in New South Wales. The new Act led the nation. Over the years the Act has been extended, altered and interpreted by the courts to the point where one could argue that it no longer fulfils its original intention. It is time for reform. One of the areas of the Act that is being reformed—an area in which I have a keen interest—is in the contribution section. Over the years this section has evolved on an ad hoc basis. It has become confusing and unnecessarily complicated.

I strongly support the moves of the Minister for Planning in this area to create a simpler and more accountable contributions framework—a framework that takes into account affordability as well as making sure that councils deliver infrastructure for communities and not just a wish list. The Local Government and Shires Associations have been misleading about and misinformed on the new contribution provisions. The Minister investigated all the council's contributions plans and the results are telling. While the majority of councils take a sensible approach to contributions some of them are rorting the system. They are approaching levying as an uncapped backdoor tax. It has to stop.

I note that the Minister said in his agreement in principle speech that, under the current provisions of the planning legislation, local developer contributions vary widely between councils for no clear reason. For example, in metropolitan Sydney, contributions vary from between $57,000 per lot to nothing at all. In addition, there is no clear definition of the kinds of infrastructure that contributions should fund. Some councils are using contributions to fund things such as council administration buildings, cat and dog pounds, and computer upgrades.

I understand that many councils also are retaining funds and not spending an increased amount of levied money—that is, not delivering facilities to the community. I agree with the Minister that something must be done about that. This bill is a step in the right direction. The establishes a new part in the Act for developer contributions—part 5B. The bill places renewed emphasis on three principles: delivering infrastructure, maintaining affordability and restoring accountability. The bill supports local communities by recommitting local councils and State agencies to providing infrastructure to meet the real needs of new residents.

This bill sets out for the first time key considerations for determining, collecting and then spending contributions—about time! Councils and State agencies must take the following into consideration: Can the infrastructure be delivered within a reasonable time? What is the impact of the contribution on affordability of land? Is the contribution based on a reasonable apportionment of new demand and existing demand? Has a reasonable estimate of the cost of the infrastructure been used? Are the estimates of demand reasonable? These key considerations will make contribution schemes accountable and stop these levies being an uncontrolled backdoor tax on the family home.

The bill establishes also a two-tier system for local council contributions, which provides flexibility for councils. Councils can levy for key community infrastructure without approval, as they do now. The list of key community infrastructure is set out in the bill and includes land, works and buildings. This broad list includes drainage and water management works; local roads; bus stops; sporting, recreational, cultural and social facilities; parks; and car parking. It includes also district facilities that have a direct connection with the development the subject of the contribution. The accusation by the Local Government and Shires Associations that these reforms will stop councils providing services simply is not true. It makes the council accountable, and this is good for local communities. I am sure the member for Strathfield would agree.

Ms Virginia Judge: Hear! Hear!

Mr GEOFF CORRIGAN: In addition, councils also can seek contributions for other community infrastructure, but first must demonstrate that a legitimate case exists for the extra contribution by preparing a business plan and getting an independent assessment of the proposal that address the key considerations I have outlined. The plan and assessment will need the approval of the Minister. The Minister spoke to Camden, Campbelltown and Wollondilly councils last Wednesday night. Like most people, councillors were not aware of this provision, and they were impressed with the reforms because they were about being accountable.

The same approval requirement will apply when councils use a voluntary planning agreement to get the extra contribution. In this case the approval of the Minister for Planning will be required not just for additional community infrastructure, but also for provision of any public infrastructure that could be obtained under a planning agreement beyond key community infrastructure. I am pleased that the bill retains key provisions of the existing legislation to ensure that councils continue to obtain the full range of community infrastructure—the former public amenities and public services—subject to the new accountability requirements the Minister outlined.

Similarly, although the bill adopts new terms such as "public infrastructure" and "the provision of public infrastructure", it preserves the range of infrastructure and other public benefits local councils and other planning authorities can obtain legally under a voluntary planning agreement. Finally, the bill leaves untouched also the range of infrastructure requiring a contribution in a State contributions area. I am pleased—I am sure that the member for Maroubra also is pleased—that the bill strengthens the anti-double dipping provisions of the existing Act. This will end unjustified doubling dipping between subdivision approval and grant of development consent for a subsequent dwelling or other development.

Councils still will be able to seek a direct contribution, the former section 94, or an indirect contribution, the former section 94A flat rate 1 per cent levy, but not both. While an indirect levy will generally remain limited to 1 per cent of the development cost, the bill provides that councils can seek a higher rate from the Minister for Planning in the same way they can for additional community infrastructure. The bill strikes the right balance between allowing councils flexibility to seek an appropriate or increased levy, and ensuring affordability considerations are protected through appropriate accountability measures such as a business plan and independent verification.

The bill will allow improved reporting of development contributions, their collection and spending, and applies new rigour to the delivery of infrastructure requiring time frames to be met for each infrastructure item. If a council is not delivering the infrastructure for communities, as a last resort the council can be directed to use those unspent contributions to provide infrastructure to new and existing communities within reasonable time frames. I repeat: that is a provision of last resort. I am glad the Minister and the Government have listened to community concerns. The bill allows councils to continue to hold and manage their community contributions with one exception. Let us be clear: the State Government will not be taking any other council contributions.

I understand that with respect to Sydney's north-west and south-west growth centres, the bill will amend the Growth Centres (Development Corporations) Act 1974 to establish a Community Infrastructure Trust Fund to be managed by Treasury. A significant part of Camden is in the south-west growth sector. In these areas the Government has committed to providing $7.9 billion in infrastructure, of which $2 billion will be funded by New South Wales taxpayers. The Growth Centre Commission has been given the job of coordinating the provision of infrastructure consistent with the release of the development areas. The Community Infrastructure Trust Fund will be established to enable the Government to manage the delivery of infrastructure.

Without the Community Infrastructure Trust Fund any of the six councils in growth centres could use contributions to prioritise the delivery of community infrastructure in areas outside the growth centres. It makes sense that local and State contributions are protected and that spending is coordinated for the benefit of the new communities in the growth centres. This bill provides for an orderly transition to the new regime for contributions. Councils will have until 31 March 2009—nine months—to identify those plans where they have entered into legally binding arrangements for the provision of infrastructure that would not be key community infrastructure under the new provisions. Councils will have to adjust all of their plans by 31 March 2010 to comply with the new requirements.

I am also pleased that there will be consultation with local government practitioners, and the Department of Planning will update the development contributions manual and practice notes before commencement of the new part in the Act. The reforms being put forward by the Minister are sensible and measured, particularly for development contributions, and will help ensure that housing is affordable and communities actually receive infrastructure and services in a timely way.

Mr CRAIG BAUMANN (Port Stephens) [6.26 p.m.]: When I was first elected to Port Stephens Council in 1987 things were different and planning was much simpler. We recommended land zonings, which usually were approved by the Minister for Planning. We determined development applications, we considered building applications, and as the works proceeded we carried out inspections and issued an occupancy certificate upon completion. I say "we", but 99 per cent of this work was done by council's professional development and building staff.

It is interesting to note that in the late 1980s or early 1990s one of our residents complained that the house next door to her was too high. Her name was Judy Stone and she identified an honest mistake made by a council officer. The Land and Environment Court found in Judy's favour and recommended that all building approvals be advertised to affected neighbours. This was done already with development applications and although it was a huge impost on councils and applied a minimum 21-day processing time, it allowed neighbours to bring matters such as overshadowing and privacy issues to council's attention prior to building approval. Judy has forgiven the council, but this Act will do away with a neighbour's ability to protect their privacy.

In a later case a disgruntled neighbour complained that a dwelling under construction was over the height limit. The roof was re-pitched, but the Land and Environment Court determined that the floor levels indicated on the plan had all been raised. Council offered to reconsider the application with the actual levels—as it made no real difference to the neighbour's amenity—but the court determined that council could no longer issue retrospective approvals. This was another first for Port Stephens. The house was demolished. The builder went out of business. Some time later a waterfront resident improved an old boat shed without council approval. A neighbour complained. Port Stephens Council with the court's "no retrospective approval" decision ringing in its ears, suggested the resident remove the boat shed using a crane, allow council to issue the approval and replace the building—a relatively cheap option. The resident took council to the Land and Environment Court and $40,000 in ratepayers' money later the same judge ordered council to issue a final certificate on the boat shed.

A former Minister for Planning, Craig Knowles, introduced the coastal policy, giving the Minister the authority to determine all "major" developments within one kilometre of a tidal waterway from Port Stephens to the Tweed. A cynic might think it started at Port Stephens because the former Minister's brother was, and is, Newcastle City Council's planner—and I might add that he is an excellent planner who is doing a good job.

One of the first approvals was for a 14-metre high building in an 8-metre height zone on Shoal Bay—a limit respected by all colours of Port Stephens councillor since Adam wore shorts—but this development was six metres over the height limit. The department's excuse was, "We cut the applicant back by one floor". As mayor, I visited all coastal councils from Port Stephens to the Tweed, and every council was frustrated by Sydney-based planners determining the character of their towns, and ignoring local residents. We now have part 3A—so that all of us can share the pain.

I am not too critical of part 3A; the Minister has used it for good as well as evil. The Minister refused a huge eco-resort in a swamp at Anna Bay, and I thank the Minister for calling in Fame Cove last week. As the shires association meets just across the road we are debating a bill that will strip it of its powers—a bill that will submit the mum and dad ratepayers to the mercy of faceless bureaucrats in Sydney. The Act needs changing. I would put it back to the way it was in the mid-nineties if I could. Specifically, this amending bill has a few fatal flaws. The establishment of joint regional planning panels to determine development applications to a value in excess of $50 million represents another layer of bureaucracy. My experience in local government has solidified my belief that professional assessment and decision making with regard to development applications should occur at the local government level.

Councillors and council staff live and breathe these communities and are best suited to determine the validity of a development application—not bureaucrats in Sydney. I oppose the increasing centralisation of planning responsibilities within the State Government in both plan making and development assessment. I reiterate that local councils and councillors should be empowered to make decisions on behalf of the communities they represent. The people of new South Wales did not elect the Minister for Planning, who is appointed by the Premier, but they did elect councillors to represent them and their needs at a local government level. While I support ministerial oversight, when appropriate, I also support wholeheartedly the role of local government in the broader administration of this State.

I refuse to support this bill because of its erosion not only of local government as an institution but also for its erosion of ratepayers' rights to submit comments on development applications for single dwellings and other minor developments. The proposed independent hearing and assessment panels will devalue the input of individual ratepayers in the development application process and will enforce an additional, and wasteful, layer of bureaucracy when there is no need for one. Councils already have the ability to review and assess development applications by using their own resources. It is crucial that neighbours have the opportunity to make submissions on development applications for single dwellings and other minor developments. Judy Stone proved that 20 years ago.

Overshadowing issues are real. Privacy issues are real. Councils need the ability to assist sympathetic development. Private certifiers are a blight on council governance. How can the idea of a consultant having an approval role for a client who pays him to issue that approval be credible? Every one of the 152 councils in New South Wales can recite horror stories about the actions of various private certifiers. Private certifiers should not be final determining authorities; that role must stay with councils. I presume that this amending legislation will be passed tonight. It is just another aspect of the Government's contempt for democracy—contempt for local government. The Environmental Planning and Assessment Act needs changing, but it should be completely rewritten. This amending bill is not the way to go.

Pursuant to resolution debate interrupted and set down as an order of the day for a later hour.

[*The Acting-Speaker (Mr Wayne Merton) left the chair at 6.30 p.m. The House resumed at 7.30 p.m.*]

MINISTER FOR HEALTH

Motion of Censure

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [7.30 p.m.]: I move:

That this House no longer has confidence in the Minister for Health for:

(1) Misleading Parliament on 6 March 2008 when she claimed background checks were not conducted on Dr Graeme Reeves before he was employed despite a Health Department memo confirming a check was conducted by at least one senior bureaucrat.

(2) Failing to respond to community concerns about Dr Reeves.

It is typical of the Minister for Health—who not only lacks competence and empathy with those who fail to get the services they deserve from the health system, but also offers no apologies for her actions—that she is not prepared to front up to this place for the start of debate on a censure motion against her. She is no doubt tutored in the skills that the Labor Party teaches to new and old Ministers in how to say everything except "Sorry", to say everything except "I resign", and to say everything except "I accept responsibility for my failures". It is clear that the Minister for Health should resign because she has misled Parliament regarding one of the most grave cases in decades that involves the medical profession, affects the Department of Health and, regrettably—as the member for Bega has pointed out repeatedly in the House—will have a devastating and lasting impact upon women across New South Wales, particularly in the Bega electorate.

The case is clear cut. The reason the Minister for Health should resign is obvious. On 6 March, in answer to a question from the Deputy Leader of the Opposition, the Minister for Health claimed that the Greater Southern Area Health Service:

… failed to perform background checks on a candidate who the Medical Tribunal found lied and cheated his way into a job.

She could not have been more definite. The Minister did not say, "I am advised that they failed to undertake background checks"—which is what a former Minister for Health and the current Premier always did in the Chamber. The Minister made a categorical statement. There was no doubt: her statement was designed clearly to create the impression she wanted that no background checks were undertaken.

The New South Wales Liberal Party and The Nationals have long understood the need not to take the word of the Minister for Health—or, frankly, of most of those who occupy ministerial positions in this Government. As a result, we sought through a motion in the upper House to obtain copies of documents. On 9 April 2008 the Coalition moved a production of documents order that sought under Standing Order 52 of the other place that:

… there be laid upon the table of the House within 14 days of the date of the passing of this resolution all documents in the possession, custody or control of the Minister for Health or the Department of Health relating to the appointment in 2001 of Dr Graeme Reeves to the Greater Southern Area Health Service and any document which records or refers to the production of documents as a result of this order of the House.

As other speakers in the debate will point out, the documents tabled in the Legislative Council demonstrate categorically that the Minister for Health lied to this House. Since the production of those documents the Minister for Health has not come into the Chamber and sought to apologise for misleading the House or to correct the record—and that is an important issue to which I will return later.

Amongst the documents that the call for papers discovered was a file note by a senior Greater Southern Area Health Service bureaucrat, Jon Mortimer. It indicates that a background check was undertaken, despite the claim by the Minister for Health in this House. The background check, in Dr Mortimer's handwriting, is headed, "Referee's report for Dr Graeme Reeves". The only humorous thing about the background check is the statement that Dr Reeves is "OK when normal". It hardly fills me with reassurance that an area health service would employ anyone who in a background check was discovered to be only "OK when normal". Maybe that is okay for the Iemma Government but it is pretty horrific in these circumstances. The next line of the document says, "not meant to do obstetrics". Yet this person was applying for a position with the Greater Southern Area Health Service as an obstetrician and gynaecologist. This was a person whose background was being checked to allow him to practise obstetrics and gynaecology on women served by the Greater Southern Area Health Service—and it discovered that he was not to do obstetrics. Yet, as we now know, to the great shame of this State and to the great distress and lasting agony of the women involved, he was employed.

It is this document that blew the whistle on Reba Meagher's lie. If there were justice in this Chamber—I know we are in not a court of law but a House of Parliament—the Minister would walk into this place, resign and walk out again with her head hanging low because there could be no clearer case. But in case those opposite have come into the Chamber to cheer for someone who would stand up for a person who is described as the "Butcher of Bega", I refer to the release of another report commissioned by the Government. The report by retired judge Deidre O'Connor—a person of impeccable record—was released last Thursday. In relation to Dr Reeves' appointment by the Greater Southern Area Health Service, the report found "SAHS carried out a criminal reference check on Dr Reeves". That is a background check by any measure and another check the Opposition was not aware of but confirmed by a former esteemed judicial officer. Page 12 states:

> Further, such inquiries should have been prompted by the fact that during referee checks carried out on Dr Reeves a clinician raised an issue about Dr Reeves' practise rights in obstetrics.

That is a reference by Judge O'Connor to Mr Mortimer's qualification, written in his handwriting as an official Department of Health document, which should have raised alarm bells about the appointment of Dr Reeves to such a sensitive position. By any measure Reba Meagher has lied to the Parliament—

Mr David Harris: Point of order: I refer to Standing Order 72, which relates to offensive or unbecoming words, imputations and aspersions. Speaker Murray ruled on two occasions in 1995 that the terms "lied" and "lying" are unparliamentary and should not be used. In 2005 Speaker Aquilina ruled that to accuse anyone of lying was unparliamentary and did not comply with the standards of the House.

Mr BARRY O'FARRELL: To the point of order: Mr Speaker, as you well know, having been in this place longer than the member for Wyong, this is the most serious motion that can be moved against a Minister. The motion goes to the fact that the Minister misled and lied in the House. I am happy to give the members opposite and you a copy of the definition of "misleading" from the *Macquarie Dictionary*. It means lying. I do not say it lightly; I say it on the basis of two pieces of evidence that I have referred to so far. Mr Speaker, I say to you in the context of this substantive motion—one of the most serious that can be moved—that it is appropriate language, particularly for a Minister who is not prepared to front up herself.

The SPEAKER: Order! I uphold the point of order in accordance with previous rulings that the term "lying" is an unparliamentary term. However, a number of options are available to the Leader of the Opposition to state his position very clearly within the context of a parliamentary contribution.

Mr BARRY O'FARRELL: The Minister mendaciously misled the public in this Chamber. As has been said by a former Leader of the Opposition, the Minister lied her head off in this place on 6 March when she sought to mislead the public—which demonstrates she has as much truth as other members opposite—and sought in the most horrendous of circumstances to try to shift the blame. Let us not be under any false impression: that is what she was trying to do. Once again this Government's lack of willingness to accept any responsibility for its actions is on display. I do not care if the Minister for Health is trying to cover up for the incompetence of her current Premier, the former Minister for Health; it is simply not acceptable when a scandal such as this is uncovered for a Minister to behave in that way.

By any measure the Minister lied and misled the Parliament. By Labor's measure she should be sacked. If the Minister is not prepared to leave herself, the Premier should sack her. It is time that this vote of no confidence was passed, because the Minister has been found wanting on more than one occasion. She clearly lacks the competence to run the State's biggest portfolio—$12.5 billion last year and $12.8 billion this financial year. The Minister lacks compassion or empathy in relation to those who have been let down by the health

system under her administration. She fails to offer any hope of improvement to those who work in the health system and those who rely upon it for services. The Minister for Health has been found wanting in this affair from the start.

On 26 September 2007 the member for Bega first raised in this place not concerns about the practices of Dr Reeves but the evidence of what Dr Reeves was doing, the harm that he has inflicted, the mutilation and ongoing distress that he caused to constituents of the member for Bega and his former patients. The member for Bega concluded his contribution by urging the Minister to undertake an investigation. Did it happen? No. The Minister should no longer be the Minister for Health on a number of grounds. First and foremost, even when tipped off about something so horrendous she, like every other Iemma Government Minister, waited until it became a media issue before being seen to do something. She had not addressed the issue, and that is why she engaged in this lie.

When the mendacious activities of the Minister for Health were exposed and it was clear that she misled this place and deliberately sought to create an impression that was false, did she seek to apologise? No, she has not apologised to this day. Has she sought on any sitting day since 6 March to say to the House, "I got it wrong. I apologise to the House. I should not have said this. I will make sure it does not happen again"? The only defence of the Minister for Health when she was questioned on 15 May was to claim that the Mortimer reference was not an official memorandum or document of the Department of Health. Somehow or other her claim on that day in response to a question from the Leader of The Nationals was that because it was handwritten it was not official.

This document only came to light in response to a request from the upper House for the production by the Department of Health of all the official documents that it held on the reappointment of Dr Reeves. Those documents were provided to the upper House with a covering note signed by a gentleman called Todd Hayward who apparently is the chief of staff of the Minister for Health. Despite those documents from her own department that had been signed off by her chief of staff on 15 May the Minister for Health sought to claim that they were not official documents. She again lied her head off in this Chamber. On 6 March she lied her head off about no background checks for Dr Reeves. We know from the tabled papers that Mr Mortimer carried out a background check—this was confirmed by Judge O'Connor—together with another criminal reference background check. To exacerbate the problem, this woman who apparently has no compunction about lying her head off in this House, on 15 May—

Mr Barry Collier: Point of order: The Leader of the Opposition is continually canvassing your ruling with the use of the word "lie".

The SPEAKER: Order! I uphold the point of order. I ask the Leader of the Opposition to refrain from using the term "lying". I have ruled that it is an unparliamentary term and I do not want to hear it used again in the Chamber.

Mr BARRY O'FARRELL: I think "Reba Meagher" is an unparliamentary term. Reba Meagher is a grub who should not sit in this place, because she is prepared to play politics with women who have been mutilated by a doctor. She claimed no background checks were made on the doctor, but evidence clearly indicates that there were background checks, and she is not prepared to justify that situation. That is why I call her a grub, and I will continue to call her such names until she is prepared to front up to the Chamber.

Mr Nathan Rees: All class, Barry!

Mr BARRY O'FARRELL: Yes, all class. I do not think the Minister for Health has any class. Putting aside her Labor Party loyalties, where is her compassion to the women mutilated by this bloke? Where was her action in September 2007 when the member for Bega urged an inquiry and she sat on her hands? For goodness sake, she is a woman! She ought to understand better than the Minister for Water and me the sort of pain and suffering these women have gone through. But what did she do? She simply sought again to behave as members of the Labor Party always behave. They ignore the issue hoping that it will go away: it is not a real problem until it makes the media.

Thank goodness there are brave people in the electorate of Bega and people in the media prepared to expose these sorts of scandals, because if it were left to those opposite with the moral and ethical code of the Minister for Health we would have no evidence of what had gone on, and who knows where Dr Reeves would be today and how many other Dr Reeves would be in the health department? Who knows how many other

victims of people engaging in those sorts of practices would exist in our electorates? If the Minister for Emergency Services, and Minister for Water wants to cast aspersions on me, I ask him to think about his female constituents and the impact this could have had upon them.

Today is the first sitting day since Deirdre Connor's report became available. I would have thought that a person who was decent, honourable and honest, who had some ethics, and who had empathy, compassion and sympathy for those whom, as a Minister of the Crown and as the Minister for Health, she is meant to represent and whose interests she is meant to protect, might have fronted up to the House today, particularly on a day when the State budget is delivered, when she is unlikely to get media attention, and done the right thing and said, "I got it wrong. Here is Deirdre O'Connor's report. It demonstrates that I got it wrong." But, of course, she was not prepared to do that; she is not even prepared to come into the House at this time. She had an opportunity before and after Question Time today when, on both occasions, Mr Speaker called for ministerial statements to get up and do the honourable thing. She could have done the honourable thing at any stage as a Government Minister, because standing orders would have been suspended for her.

That is when the refusal of Morris Iemma to impose standards becomes an issue. Those of us who were here in October 2006 remember a remarkable happening. A Minister of the Crown was sacked for misleading Parliament. What was extraordinary in that circumstance was that Carl Scully was sacked not for misleading the House once, but for misleading the House twice. On 26 October 2006 Morris Iemma, in justifying why he had sacked Carl Scully the night before, said that Carl Scully had made one mistake too many. Premier Iemma said that he had accepted Minister Carl Scully's apology for previously misleading the House, but that when he misled the House again, he had to go.

At that time the media made much of the Premier's rewriting of the Westminster tradition, which is that if a Minister misleads the House once, he or she is meant to go. But, no, Morris Iemma made it once too often. We now know that the Minister for Health has misled the House and that she has done so on a number of occasions. First, she misled the House when she said that no background checks had been done; second, she misled the House when she suggested that Mr Mortimer's background check and note, which Deirdre O'Connor found satisfactory as evidence that the former Southern Area Health Service had undertaken a background check, was an official document of the Department of Health; and, third, she exacerbated her problem by not coming into the House today at the start of Question Time, 'fessing up and throwing herself on the mercy of the House. For all of those reasons, she should go.

If the Minister for Health will not resign, Premier Morris Iemma should sack her. That is what he did to Carl Scully. The Minister for Health failed to fix the problem today when the House sat: no ministerial statement, no contrition, no apology. The same offence by two Ministers, but double standards. Why do we have double standards? Why the differential treatment between Reba Meagher and Carl Scully? One is a mate, one was a rival. The suggestion that Premier Morris Iemma puts the public interest ahead of his political interest is further exposed by his failure when it comes to a gross breach of duty by the Minister for Health, when it comes to her mendacious activities within this place, and when it comes to the fact that she is prepared to mislead the public deliberately, willingly, repeatedly and without remorse.

The Premier is not prepared to do to the Minister for Health what he did to Carl Scully. It is the mark of Graham that sits on Premier Morris Iemma; that is, the mark of Graham Richardson, his version of the mark of Cain. No matter how much he tries to wash it off, the whatever-it-takes approach that is ingrained in our Premier will continue as long as he is in the job. I am conscious that crossbenchers do not normally support a motion such as this, and, of course, I would not expect Mr Speaker to do so. However, I say to the Independent members of this Chamber that this motion is not usual: it is a serious motion about a grave situation—the horrific treatment of women by someone employed by the Department of Health—and an appalling failure of the Government to employ that person, as confirmed by Deirdre O'Connor. The Minister for Health has made a bungled attempt to cover it up, and her boss, the Premier, has refused to maintain any sort of standard.

I implore and urge the Independents on this occasion not to do a Pontius Pilate, but to vote for the motion and stand up for the victims of that bloke—Graeme Reeves—to stand up for those who want better standards in our society and, above all, to stand up for those who want the tone of this place to be lifted. They could send the strongest possible message by their vote for this motion this evening, and send a warning to others in the Government who may decide at a later date to adopt this tactic.

Premier Morris Iemma's refusal to act fails the victims of Dr Reeves; it fails the honest, hardworking health professionals who are doing their jobs across the health system under difficult conditions. Of course,

when a pattern of behaviour starts it is just that; and it continues. If one looks at the press releases issued by Reba Meagher as the Reeves issue started to attract media attention, one sees that she casts aspersions on health professionals all the way through them. She was happy, and I would have no objection, to seek to lay the blame on Graeme Reeves for his actions, but she then sought to broaden the attack on other health professionals as she sought to flurry around and share the blame.

There is so much blame emanating from this Government, but not enough citizens in the State to share it. Unbelievably, in this most critical issue, the Minister for Health was prepared to try to share the blame. The Deputy Leader of the Opposition will say that she sought to share the blame by suggesting the problem was related to broader issues affecting the medical profession; about the unwillingness of clinicians to report malpractice by other clinicians, issues that Judge O'Connor found had no substance, but that did not stop the Minister the Health from issuing media release after media release seeking to bring into disrepute thousands of hardworking health professionals within the New South Wales Department of Health and the area health services—they are the people that Premier Morris Iemma should stand up for.

Finally, Premier Morris Iemma should stand up for the community who deserve, want and need not only better health services but also a Minister for Health who is capable of managing the State's largest portfolio. Since this matter was first raised in May, and since the O'Connor report was released last week, Premier Morris Iemma has had the chance to stand up, the chance to raise the standard of accountability that applies in his Government, the chance to say, "This is the day on which we start to become an honest Government", but he has failed. Instead, he has chosen to protect his incompetent friend, Reba Meagher. He continues to expose those who work in the Health portfolio and the public who rely on the health system to her continued bungling incompetence. God help us all.

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [7.57 p.m.]: Mr Speaker, it is astonishing—

The SPEAKER: Order! The Minister has arrived late, and I beg the indulgence of the Deputy Leader of the Opposition to allow her to speak now. The sessional orders provide for the Minister named to speak after the mover of the motion. Everyone will have an opportunity to speak, as provided under the sessional orders.

Mr Adrian Piccoli: Point of order: It was a deliberate strategy of the Minister to not be here while the Leader of the Opposition spoke. That is the risk that the Minister took. As part of the standing orders, if no-one seeks the call the House does not stop and the next member who seeks the call is given the call. The shadow Minister for Health sought the call. The rules are the rules. The Minister took the risk by not being here and then she tried to sneak in. She did not want to confront—

The SPEAKER: Order! The mover of the motion and the member named have an unspecified time to speak. I will call the Deputy Leader of the Opposition as soon as the Minister has concluded her contribution. It is purely a process issue. I apologise to the Deputy Leader of the Opposition. I ask members to be in the Chamber as early as possible if they are expecting the call.

Ms REBA MEAGHER (Cabramatta—Minister for Health) [8.00 p.m.]: As I have said in this House on a number of occasions the allegations surrounding Graeme Reeves' appointment and medical practice have been disturbing in the extreme. Contrary to the allegations that have been made here this evening by the Leader of the Opposition, I have forthrightly and sincerely apologised on a number of occasions to the women who have been affected by these circumstances. Indeed, my focus has been on addressing their concerns and trying to meet the needs of the victims. [*Quorum called for.*]

[*The bells having been rung and a quorum having formed, business resumed.*]

As I have said, the allegations surrounding Dr Graeme Reeves have been of enormous concern and very disturbing for everybody. That is why my focus has been on moving forward by addressing the concerns of victims and introducing legislation to ensure the strongest protection for patients against unscrupulous conduct by medical practitioners. It is a condemnation of the Opposition that it has done nothing in this whole issue but try to use it for its own tawdry political purposes. There has been far too much selective quoting of reports and documents when it comes to the O'Connor report and the documents produced with regard to the Reeves matter, so I welcome the opportunity this evening to set the record straight. With regard to the appointment of Reeves at the Southern Area Heath Service, Ms Deirdre O'Connor found the following:

> SAHS did not make any direct inquiries of the NSW Medical Board to check Dr Reeves' registration status or whether he had conditions … and was unaware of the order made by the PSC in June 1997 that Dr Reeves was not to practice obstetrics.

They are not my words; they are the words of Deidre O'Connor, straight from page 11 of the report. The Southern Area Health Service did not make any direct inquiries of the New South Wales Medical Board to check Dr Reeves' registration status. Ms O'Connor went on to say:

> The applicable policies at the time required SAHS to 'thoroughly check' Dr Reeves' registration prior to his commencement as a Visiting Medical Officer.
>
> Further … by April 2002 an additional policy had been introduced by NSW Health requiring that applicable proof of professional registration be sighted at the time of the interview.

From this Ms O'Connor concluded the following:

> I accept that it is not entirely clear whether the NSW Health policy requirements described above … that were applicable at the time of Dr Reeves' appointment to Southern Area Health Service … required health services to make direct contact with the Medical Board to verify registration status in all instances ...
>
> However … in the circumstances of Dr Reeves' application I consider SAHS was required to take these steps.
>
> The information provided by Dr Reeves indicating that he had been the subject of action by the Medical Board … and had conditions placed on his registration … should have led SAHS to make direct enquiries of the Medical Board.

Those comments come from page 12 of the O'Connor report and are a clear reference to a background check that was not done. Those opposite might believe that close enough is good enough, but I do not believe it is. I have made that clear in this House on repeated occasions. Those opposite will have this House believe that there was nothing wrong with the appointment process of Dr Reeves. That is now the logic being propagated by the Opposition. To support their case they have made another selective reference to a handwritten diary entry of 15 April 2002 by Dr Jon Mortimer, the Deputy Director of Medical Services at Southern Area Health Service at the time. Those opposite assert that this is clear evidence that a background check was carried out, despite the findings of the O'Connor report to the contrary. I will come back to that matter in time.

I have stated that I am not going to make any excuses for the failures in an appointment process that was undertaken by Southern Area Health Service in 2002. I have said the area health service did not perform the background checks it should have even in the context of someone who attempted to lie his way into a job. This was confirmed by the findings of Justice McGuire, who presided over the Medical Tribunal hearing into Reeves in 2004. The judge found of Reeves:

> He was prepared to take whatever steps he deemed expedient to place himself in a position whereby he could resume practice as an obstetrician ...
>
> Those steps included bare faced lies and calculated omissions to provide information which he knew would affect his application.

The O'Connor report also makes reference to Reeves' deception and the role it played in his flawed recruitment process. I quote again from page 12 of the report:

> It is also relevant to note, however, that the failure to make enquiries—

I repeat—the failure to make inquiries—

> of the Medical Board occurred in a context in which … Dr Reeves deliberately set out to deceive SAHS as to the conditions that had been placed on his registration as a result of the PSC decision in June 1997.

The report then goes on to list a number of ways in which this deception was crafted. The O'Connor report findings reflect what I have said in this House on more than one occasion. I will repeat those key findings. Southern Area Health Service did not make any direct inquiries of the New South Wales Medical Board to check Dr Reeves' registration status or whether he had conditions—

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

Ms REBA MEAGHER: The Opposition seems to fail to understand that the Area Health Service failed to undertake a background check with the New South Wales Medical Board. Deirdre O'Connor went on to say that in the circumstances of Dr Reeves' application, she considered the Southern Area Health Service was required to take those steps. She further went on to say that the information provided by Dr Reeves indicating that he had been the subject of action by the Medical Board and had had conditions placed on his registration should have led the Southern Area Health Service to make direct inquiries of the board. The message for those opposite is this: You can play with the words and waste the time of this House because you do not have a policy and you do not have any idea how to make the New South Wales health system any more robust than we have made it.

Opposition members have run out of ways to denigrate the hardworking doctors and nurses in our health system. I would have thought that they would have thought twice before deciding to quote selectively from the report of Ms Deirdre O'Connor—the first Australian female to be appointed a Federal Court justice—with the intent of misrepresenting her findings. Her report deserves to be read in full, not picked apart to satisfy the agenda of Opposition members in a no-confidence motion in this House. I express the Government's appreciation to Ms O'Connor for the work she has undertaken in the examination of Dr Reeves in the New South Wales health system and the contribution that that has made to the review of the Medical Practice Act.

The review focused on the need to strengthen protection for the public from doctors engaging in a pattern of misconduct or poor performance. The results of the review formed the basis of the changes that are now before the House in the Medical Practice Amendment Bill. I look forward to seeing whether those opposite support amendments that are designed to restore public confidence in the trusted position that doctors have in people's lives. Apart from selectively quoting from the O'Connor report, Opposition members have been even more selective in their reading and quoting of the 27 documents that were delivered in response to the Legislative Council's order for papers on the subject of the appointment in 2002 of Dr Reeves to the Southern Area Health Service. In fact, so far they have been able to find only one of these 27 documents to satisfy their agenda—an agenda that has nothing to do with protecting patients.

These documents were considered also by Justice O'Connor as part of the broader review she conducted into the appointment, management and termination of Dr Reeves as a visiting medical officer in the public health system. It would have been too onerous a task for the Deputy Leader of the Opposition or anyone in the Opposition to read through all 27 documents in sequence and to represent them properly. It is far easier for those opposite to give them a quick scan and to pick out a quote from any document that suits the story that they want to tell and misrepresent the full set of documents. It is time for us to paint a broader picture of what those documents tell us. The first document of interest is dated 10 February 2002. It is a facsimile from Dr Reeves to the Southern Area Health Service lodging his official application for an advertised position calling for a suitably qualified obstetrician and gynaecologist for the Bega Valley.

As part of the application, Reeves provided a curriculum vitae that listed three referees. I will remind members later of that reference to three referees. On 10 February 2002 he also provided a statement with regard to his medical registration. That statement made reference to the fact that in 1997 his registration was made conditional on the basis of a severe depression and he was placed in the Impaired Physicians Program. However, at that time Dr Reeves provided no disclosure of the decision of the Professional Standards Committee of the Medical Board to ban him from practising obstetrics. We know from the findings of the O'Connor report that the area health service failed to check the details of his registration with the Medical Board, despite Reeves indicating—

[*Interruption*]

The harping from the Deputy Leader of the Opposition is becoming irritating. When I have finished she will have an opportunity to paint a broader case. The sad thing is that Opposition members are so determined on their course of action that they will not be swayed by the facts I am laying out before them.

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

Ms REBA MEAGHER: As I said, we know from the findings of the O'Connor report that the area health service failed to check the details of Dr Reeves' registration with the board, despite the fact that he had indicated that he had been the subject of action by the board and that conditions had been placed on his registration. The next document of interest is dated 26 March 2002—we go from 10 February to 26 March 2002—and it relates to the minutes of the meeting of the credentials committee of the Southern Area Health Service held at 6.30 p.m. Dr John Mortimer, Deputy Director of Medical Services, chaired that committee. The minutes make specific reference to the consideration of Dr Graeme Reeves for the position of visiting specialist obstetrician-gynaecologist at Bega and Pambula hospitals. The minutes make the following reference:

> The conditions of registration (that is Reeves' Medical Board registration) were described to the Committee.

Again we know that the area health service failed to check directly with the board about the conditions on Reeves registration—rather, it accepted his word. With regard to Reeves' application, the minute of the credentials committee shows the following determination:

> The Committee RECOMMENDED clinical privileges in obstetrics and gynaecology within the delineated roles of Bega and Pambula Hospitals.

At this point I add that there is no documented evidence that any referee checks had been conducted with regard to Reeves. In relation to all three referees that he supplied on his CV, there is no indication that they had been contacted prior to the recommendation being made.

The SPEAKER: Order! The member for Bega will cease calling out.

Ms REBA MEAGHER: The next document of interest, which is also dated 26 March 2002, is a letter to Dr Reeves signed on behalf of Dr Robert Arthurson, Director of Medical Services at the Southern Area Health Service. The letter advises Dr Reeves that his interview via teleconference with the Medical and Dental Appointments Advisory Committee of the southern area would be held at 6.30 p.m. on 2 April. It confirms the following:

> Members of the Medical and Dental Appointment Advisory Committee consist of representatives from the Southern Area Health Service Board, Executive staff and visiting medical officers.

It goes on to state:

> The Medical and Dental Appointments Advisory Committee will make its recommendation to the Board.

The next document relates to the minutes of the Medical and Dental Appointments Advisory Committee that was held on 2 April. Mr Grattan Wilson chaired the committee and Dr Jon Mortimer was the secretary. With regard to the position of the specialist obstetrician at Bega and Pambula hospitals the committee minutes read as follows:

> There was a discussion on the merits of the candidates. It was RECOMMENDED that Dr Graeme Reeves be offered the position. The other two candidates were considered unsuitable for the position.

It is worth noting again that, at this time—2 April—almost two months since Dr Reeves had submitted his CV on 10 February and when an advisory committee had recommended Reeves' appointment to the Southern Area Health Service Board, there is still no record that any referee check had been conducted. The next document to which I make reference is the one that has been conveniently ignored by the Opposition. It is a letter to Dr Reeves dated 10 April 2002, again from Dr Robert Arthurson, Director of Medical Services. It refers to an application by Dr Reeves for appointment as a locum visiting medical officer at Pambula District Hospital for the period 10 to 13 April 2002. It states the following:

> I am pleased to advise that your temporary appointment has been approved.
>
> Clinical privileges are consistent with your credentials as a specialist obstetrician and gynaecologist.
>
> Your duties during this period are to provide an on-call obstetric service for emergency caesarean sections, if indicated.

Enclosed in the letter is a 13-page fee-for-service contract. By 10 April 2002 we have the following situation: a letter and a contract were offered for approval for Reeves to provide locum coverage at Pambula District Hospital from 10 to 13 April. Furthermore, a recommendation from the Medical and Dental Appointments Advisory Committee of the Southern Area Health Service had also been made that Reeves be offered the permanent visiting medical officer position of specialist obstetrician and gynaecologist at Bega and Pambula district hospitals. He had been offered the job. There is no evidence that any referee checks on Reeves had been done, despite the area being in possession of his CV, including the three referees that he had listed since 10 February.

There is no evidence that the area health service checked the information provided by Reeves with regard to his registration with the Medical Board, which we know from the O'Connor report did not take place at any stage. Yet despite this trail of documents that tell us these facts, the Opposition will have you believe that this was not a flawed recruitment process. I cannot understand that logic. That is what Opposition members must believe because they have accused me of being misleading in making statements to this House that the Southern Area Health Service in 2002 did not carry out the background checks it should have. I say again that that service did not.

The bunch of hypocrites sitting opposite originally asked on 6 March how Reeves could have been employed, but by 15 May they had slightly shifted their position and were of the view that somehow the recruitment process was not flawed and that in fact I was trying to tell some sort of lie about it. That is just rank hypocrisy and the documents bear out the position that I have put to this House on a number of occasions and

that I have repeated publicly at press conferences. Nothing but hypocrisy comes from those opposite. I return to the documents. The next document of interest in the sequence provided in the call for papers is dated 12 April 2002. Importantly, this is an extract of the Southern Area Health Service board meeting. Item 9.6 on the agenda of that meeting is titled "Medical and Dental Appointment Advisory—Minutes dated 2 April 2002". It goes on to note:

> Dr J Mortimer spoke to the Minutes of the Medical and Dental Appointments Advisory Committee dated 2 April 2002:
>
> > A motion was moved that Dr Graeme Reeves be offered the position of specialist obstetrician and gynaecologist and this motion was formally approved by the board—that was 12 April 2002.

We then come to the only document in this sequence of documents that the Opposition has found interesting. Unlike the others to which I have made reference, it is not a formal document. It is a handwritten diary entry of 15 April. It is unsigned, but is identified in the call for papers as belonging to Dr Jon Mortimer. The note makes reference to a phone call to or from a referee for Reeves. It does not identify the referee, so it is unclear if it is one of the three referees identified by Reeves in his curriculum vitae on 10 February. Far from answering any questions, it actually raises a whole series of questions: Why did it take two months for any record of a referee check on Reeves to take place? Why would that referee check have occurred after and not before the Southern Area Health Service Credentials Committee had recommended the permanent appointment? That is right—it occurred after the permanent appointment had been recommended, not beforehand. It was after the Medical and Dental Appointments Advisory Committee had recommended his appointment and after Reeves had been appointed to a fee-for-service locum contract at Pambula Hospital.

If the phone call took place on 11 April, did Dr Jon Mortimer alert the board to the referee's report before it appointed him at a meeting that he attended on 12 April 2002? If not, why not? Why was the diary entry relating to this phone call of 11 April made on 15 April 2002, three days after the board had formally endorsed Reeves appointment as a VMO obstetrician-gynaecologist? Why? The only person who can answer these questions is Dr Jon Mortimer. My advice is that when this series of documents was brought to the attention of the Greater Southern Area Health Service the Chief Executive, Ms Heather Gray, wrote to Dr Mortimer and asked him to account for his role in the events of this time. I am advised that Dr Mortimer has since been suspended from duty and he remains suspended at this time.

Further, the O'Connor report into the appointment, management and termination of Dr Reeves during his time of employment in the public sector has been forwarded to Special Commissioner Garling to inform his investigation of Reeves. All of these events when taken in context and in sequence point to a recruitment and appointment process that was less than satisfactory. It is an absolute nonsense to suggest that an unofficial handwritten diary note constitutes adequate background checks, considering that even that was made after two formal committee recommendations, a temporary contract for appointment had been issued and a formal board endorsement of Reeves' appointment took place. I totally refute the claims by the Opposition that I have in any way misled this House. I have said from the outset that I am appalled by the mistakes that were made during the appointment process of Dr Reeves. I have been very disturbed and saddened like everybody else in this House.

Mr Andrew Constance: You have not seen fit to provide a trauma counsellor for women, have you?

Ms REBA MEAGHER: That is an absolute disgrace.

ASSISTANT-SPEAKER (Mr Grant McBride): Order!

Ms REBA MEAGHER: Like everybody, I have been horrified by the circumstances that have unfolded. That is why we have put the interests of victims first. That is why I first apologised to them. That is why we established counselling services for them. That is why I said as soon as possible that where there have been any failings in the public hospital system, New South Wales Health will meet its compensation obligations. We will explore every avenue so that we can minimise the trauma to the women involved. We have done everything to try to place the interests of victims above politics, but on this occasion the New South Wales Opposition has stooped to a new low. I stand by the things I have said. I have said them honestly and forthrightly, and the evidence supports the things I have said.

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [8.26 p.m.]: I have never heard such a misleading statement to the House. On top of the previous misleading statements made by the Minister for Health, that takes the cake. Selective quoting from the Parliament—

ASSISTANT-SPEAKER (Mr Grant McBride): Order!

Mrs JILLIAN SKINNER: Mr Assistant-Speaker, I ask you to ask all of these members—

ASSISTANT-SPEAKER (Mr Grant McBride): Order! I have called for order. Please continue.

Mrs JILLIAN SKINNER: Again this Minister has misled the House. First she misled the House on 6 March. Let me remind members that on that occasion I asked the Minister a question in the House, not the question the Minister has tried to twist today to suit her response.

Mr Campbell: Tell the truth.

Mrs JILLIAN SKINNER: I will tell the truth because I will read from the *Hansard* of 6 March 2008:

> My question is directed to the Minister for Health. Given there are 45 entries on the New South Wales Medical Board's file on Dr Graeme Reeves, including a 1997 finding of serious unsatisfactory professional conduct and impairment and a doctor's letter dated 2000 claiming Dr Reeves is "displaying unpredictable behaviour, dysfunctionality and an unsatisfactory manner with staff and patients", how could the Government have allowed this man to continue mutilating women across the State?

The Minister replied as follows:

> In relation to the appointment of Dr Reeves in 2002, I am not going to make any excuses for the Southern Area Health Service. It failed to perform background checks on a candidate who the Medical Tribunal found lied and cheated his way into a job.

The question was not about a background check on the medical board, it was a background check. For the Minister to suggest in this place that somehow this reference check made by Jon Mortimer is not a background check is plainly disingenuous. It is misleading the Parliament. This is the reference that was seen fit to be tabled among the papers in the Legislative Council as a formal paper required of the Government.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! This is a very serious motion involving a Minister.

Mrs JILLIAN SKINNER: It is.

Mr Gerard Martin: Tell them!

ASSISTANT-SPEAKER (Mr Grant McBride): Order! All members, particularly the member for Bathurst, should behave in a manner befitting debate on such a serious motion.

Mrs JILLIAN SKINNER: Perhaps the best thing I can do is skip ahead and go to what this episode has meant to patients who have been treated by Dr Reeves. I met Carolyn Dewaegeneire in July 2006 when I visited Bega with the member for Bega. I was horrified and almost moved to tears by her story. This is a woman who went in to have surgery—

Mr Gerard Martin: Oh, don't go through that again!

Mrs JILLIAN SKINNER: The member for Bathurst should listen to what I have to say in case this happens to a woman who is his loved one. This woman went in to have an operation for treatment of a lesion. As she was going under the anaesthetic, that doctor whispered to her, "I am taking your clitoris and all your genitalia", and that is exactly what he did. He removed all her external genitalia for a mere lesion. This woman won her case in the civil court. She won an award against Dr Reeves—the man who went on to treat other patients. It is only because of the bravery and courage of Carolyn Dewaegeneire that other women spoke out. Let me tell the House about another conversation I had with a woman who called me about how she was treated by Dr Reeves.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! Earlier I made the point that this is a debate on a very serious motion, a motion of no confidence in a Minister. I expect members on both sides of the House to behave appropriately. The member for Lismore and the member for Bathurst should refrain from disorderly and inappropriate behaviour.

Mrs JILLIAN SKINNER: A member opposite said it will not make any difference.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! The Deputy Leader of the Opposition should not provoke members opposite and should continue with her speech.

Mrs JILLIAN SKINNER: I must make the point that I heard an interjection—that what I have to say will not make any difference to the outcome. Sadly, that is true because Government members will not listen to a word I am saying. They will not vote to support the women of this State who have been badly misled by the Minister for Health. I will finish my story about a conversation I had with a woman who called me and said that, despite her incident having occurred almost two decades ago, she had not spoken about it with anybody until Carolyn Dewaegeneire found the courage to come forward and tell the world about what had happened.

The woman had had a baby that had been delivered by Dr Reeves. He delivered the baby when she was eight centimetres dilated. He used forceps and put his foot up on the end of her bed to pull the baby out of her. She has suffered ever since and will suffer until she dies. Any woman in the House would understand what that means—the scarring and the mutilation—and every man in this place should be silent when he hears such stories. Let me refer again to what the Minister has said to the House. She somehow suggests that the written note was made during a reference check. I emphasise the term "reference check", or a background check with a referee. A "reference check" was the term I used in the question I asked in the House to which the Minister replied that there were no background checks.

The note was made during a reference check with a referee on 15 April and it clearly states that Reeves was not meant to do obstetrics. That memorandum is included in the list of papers to which the Minister referred. I have read every single page. I have all the papers in my possession, if anyone wishes to see them, and I will be happy to table them in the House so that some members opposite who have the guts to read them can find out exactly what this is all about instead of blindly following a Minister who, quite frankly, is not competent. This happened on 14 April 2002. Tonight the Minister spent a lot of time suggesting that that was after Dr Reeves was appointed. It was not.

The Minister referred selectively to documents. If she had continued, she would have referred to the signed contract that Dr Reeves was offered some two days after the reference check on 17 April. She would have referred to the signed document relating to visiting medical officer [VMO] liability coverage. Dr Reeves was appointed following an interview two days after a background check with a referee found that he was not supposed to be doing obstetrics. Why did the Minister for Health not know that? The member for Bega raised the matter in the House in September last year. Why did the Minister not call for these papers at that point? Why did she not ask for every document that had been written relating to the appointment of Dr Reeves? If she had, she would have known about the reference check and the note which, by the way, Justice O'Connor thought was a document serious enough to warrant being referred to in her official report.

Any suggestion that the note is not an important or official document flies in the face of Justice O'Connor's report and, frankly, is an insult to a very learned and respected legal professional. The note has been referred to do in Justice O'Connor's report, but if the Minister had taken the time and been competent enough to check on exactly what the member for Bega was referring to when he raised the matter in the House in September, she would have seen the note. If she had, she would have been able to answer my question on 6 March and said, "Yes, there were background checks done, but they were not good enough." That would not have been misleading of the Parliament, but she said that there were no background checks.

Frankly, that shows that she did not care and was not confident enough to go down to the Southern Area Health Service and ask it about it. It was only after the documents were revealed through the upper House that the Minister referred to them. The Minister has trashed all the traditions of the Parliament that I know many members of the House regard as very important. The Coalition knows that Labor will use its numbers in this place to defeat the motion.

Mr Michael Daley: Because we know that the Minister has not done anything wrong. That is why.

Mrs JILLIAN SKINNER: The Coalition has not moved the motion lightly. The Minister has misled the Parliament.

[*Interruption*]

The member for Bathurst should read *Hansard*. After being questioned in Parliament on 6 March about her involvement, she denied that background checks had been done, even though the note was part of a

background check—make no mistake. It is a check with a referee. If members opposite consult a dictionary, they will find that a check with a referee is a background check. On 15 May the Minister again referred to the note as a flimsy handwritten memo. A dictionary refers to a "memo" as an official document. The O'Connor report, which was released last week, directly contradicts the Minister. The report confirms:

> … enquiries should also have been prompted by the fact that during referee checks carried out on Dr Reeves a clinician raised an issue about Dr Reeves' practice rights in obstetrics.

I am referring to page 2, page 12, and I have read the full report. The report confirms that Deirdre O'Connor viewed the check as official; otherwise, she would not have included it in her report. Misleading Parliament used to be viewed as one of the most serious offences a member of Parliament could commit. The member of Parliament whose conduct is the subject of the motion has deliberately misled the Parliament—make no mistake about that—by saying that the legislation she has amended will prevent further Dr Reeves cases from occurring. That is simply not the case. The legislation that Justice O'Connor reviewed was not legislation in relation to the employment of doctors. That legislation is legislation that I have moved to amend. A motion is set out in the Business Paper indicating that I will introduce a private member's bill to amend the Health Services Act, and my bill will make it mandatory for employers—

Mr Michael Daley: I am sorry, but you won't be.

Mrs JILLIAN SKINNER: I beg the member's pardon?

Mr Michael Daley: You won't be.

Mrs JILLIAN SKINNER: Why?

Mr Michael Daley: Because you are on the Opposition side.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! Members will cease conversations across the Chamber. The Deputy Leader of the Opposition will confine her remarks to the motion.

Mrs JILLIAN SKINNER: I am getting an indication that Government members will not support Coalition legislation that will make it mandatory for employers to run a check with the Medical Board to determine whether there is a condition attached to a doctor's employment.

Mr Gerard Martin: The Minister has already done that.

Mrs JILLIAN SKINNER: No. There is no provision under the law making it mandatory for an employer to check with the Medical Board. The bill introduced by the Minister to amend the Medical Practice Act amends provisions relating to doctors and requires doctors to report other doctors they believe to be impaired. That bill provides for a penalty, in the event of failure to report, of 20 penalty units. I ask Government members to point out to me any law that requires an employer to do the same thing. There is none. There are no penalty provisions under the law applying to an employer doing what the Southern Area Health Service did in relation to the employment of Dr Reeves. The Minister for Health has let down the patients of Dr Reeves who have been so badly mutilated and who expected that the Government, and the Minister in particular, would understand the anxiety, the pain and the suffering they have experienced, and act accordingly.

Mr Steve Whan: As the Minister has said.

Mrs JILLIAN SKINNER: I can tell that the member for Monaro is not interested in this issue. The Minister has paid lip service to our concerns. The victims of Graeme Reeves are on the record as saying that they do not believe anything the Minister has done will prevent other patients from suffering the same kind of fate. The Minister not only misled the Parliament about the background checks but she did not check with the former deputy chair of the board of the Southern Area Health Service, Mick Veitch. In 2001-02, as deputy chair, he seconded a motion approving the appointment of Dr Graeme Reeves as a specialist obstetrician and gynaecologist at Bega and Pambula hospitals. Mick Veitch continued to serve as deputy chair in 2002-03, when Dr Reeves practised as an obstetrician, attending a total of 36 obstetric patients at Pambula and Bega hospitals.

Members—particularly the member for Monaro—might be interested to know who chaired the Southern Area Health Service at that time. It was Gratton Wilson, who handed out election material for the member for Monaro at the last State election. There are Labor connections everywhere. No wonder the member

for Monaro is so loud in his defence of the area health service: his mate Gratton Wilson handed out how-to-vote material at a polling booth on election day. Mick Veitch seconded the appointment of Dr Reeves. Why did the Minister not ring those close mates of the Labor Party as soon as the member for Bega raised the matter in Parliament in September 2006 and ask her to investigate it?

Of course, there has been movement at the station since the matter has come to public attention. Denise Robinson, who was chief executive officer of the Southern Area Health Service when Graeme Reeves was appointed and who went on to be a deputy director general of NSW Health and chief health officer, has quit. She resigned at the end of April this year. Perhaps it was a matter of honour. Maybe she found it difficult to live with herself, knowing what had happened. Jon Mortimer, the author of the handwritten file note and reference check, has been stood down on full pay. I believe Commissioner Peter Garling will look into the matter.

Mr Gerard Martin: So he should.

Mrs JILLIAN SKINNER: Absolutely. I wrote to Mr Garling asking him to look into this matter and he replied very courteously and said that he would—before the Premier or any other Minister sought to refer the matter to him. I assure Labor members, despite their interjections and carry on, that I will always stand up for patients—particularly female patients—who are abused.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! I do not mind a feisty exchange, and the Deputy Leader of the Opposition has taken part in such exchanges. Members on both sides will behave with civility or they will be called to order.

Mrs JILLIAN SKINNER: Labor members are already out of hand; their behaviour in the Chamber has been disgraceful. I hope that every victim of Graeme Reeves will read *Hansard* and watch the video of this debate so that they can see how Labor members dismissed the Minister's misleading of Parliament and the fact that a reference check revealed that this man should not have been appointed to practise obstetrics. But he was appointed and continued to practise obstetrics and gynaecology in Pambula and Bega for many months, leading to the absolute devastation of many women. The member for Bega and I met some of them in my office, and I have spoken to many others. I know how they are suffering. They will be sickened that Labor members have behaved so badly during this debate.

The Minister for Health tried to wheedle her way out of the censure motion with words, pretending that a reference check is not the same as a background check. In my opinion, and according to all the definitions that I have found, a background check involves checking with referees. That is what the file note referred to: a check with a referee. That check was done before Dr Reeves was offered his appointment. That is in the papers that were tabled in the upper House. I refer members to the document to which the Minister referred that reveals that the file note was made on 15 April, and the contract was signed on 17 April. I seek leave to table the documents.

Leave not granted.

I put on record the fact that the member for Bathurst does not want to check the documents. If he and his colleagues did so, they would find that I am telling the truth and the Minister for Health again misled the House when she suggested that the reference check was conducted after Dr Reeves was offered his contract. But the contract was signed on 17 April. It is a disgrace that the Minister has again misled the Parliament.

Mr DAVID CAMPBELL (Keira—Minister for Police, and Minister for the Illawarra) [8.46 p.m.]: I have absolutely no hesitation in debating this motion and supporting the Minister for Health. Opposition members should be absolutely ashamed of themselves for the way in which they have chosen to try to score cheap political points by taking advantage of the distress and total anguish endured by the women who are the victims of Dr Reeves. But the reality is that the people of New South Wales have come to expect this type of behaviour from those opposite—it is all they are capable of. The Minister for Health has acknowledged and made it very clear from day one that she was not happy with the way in which Dr Reeves' employment application was assessed and the necessary background checks were not made. The Minister has not run away from this fact. She has apologised on behalf of the New South Wales health system and made it clear that changes are needed.

Rather than carping from the sidelines like those opposite, the Minister for Health and the New South Wales Government have acted swiftly and appropriately. Let us make clear what the Government has done in relation to this issue once we were made aware of it. The matter was referred to the police for investigation, and

Strike Force Tarella was established. Former Federal Court judge Deirdre O'Connor was commissioned by the Department of Health to review the circumstances surrounding the appointment, management and termination of Dr Reeves. The issue was referred to a special commission of inquiry, and the allegations were forwarded to the Health Care Complaints Commission. So perhaps, just once, Opposition members should take a long, hard look at themselves and, instead of trying to score some cheap headlines, support the Government in trying to get justice for the women who have had horrendous physical and psychological experiences allegedly at the hands of this individual.

Since the establishment of Strike Force Tarella in February, detectives have been continuing to carry out extensive inquiries into allegations about this former New South Wales doctor. Experienced police tell me that historical complaints of this nature require thorough investigation, and a core team of 18 officers is dedicated to the inquiry. I am advised that this core team of detectives is being assisted by other investigators from within the State Crime Command. Detectives have been conducting detailed interviews with former patients and health professionals, and following other lines of inquiry stemming from those interviews. The welfare and wellbeing of each of the former patients is of primary concern to the New South Wales Police Force, as I am sure it is to the Department of Health, and more specifically to the detectives attached to Strike Force Tarella. I am informed that counselling and support services have been and continue to be made available. Detectives are acutely sensitive to maintaining the dignity of each and every patient involved in this investigation, and have established clear communication lines to patient support groups.

To protect those affected people whose matters are the subject of investigation no details of individuals or their circumstances will be released, and rightly so. Generally in investigations of historical circumstances such as this all evidence needs to be legally gathered and assessed by police. All that has to be done prior to consideration being given to any action, such as the laying of charges or seeking an interview with a person of interest. Failure to follow this process can seriously jeopardise a criminal investigation. The priority now is for those investigations to be allowed to be carried out without the interference of individuals such as the pathetic rabble opposite.

Mr Andrew Constance: Point of order: I seek a withdrawal of the remark that we might be interfering with a police investigation.

Mr DAVID CAMPBELL: To the point of order: There was no comment of that nature. I will repeat what I said: The priority now is for those investigations to be allowed to be carried out without the interference of individuals such as the pathetic rabble opposite.

Mr Andrew Constance: Further to the point or order: Again I ask that the statement that implies that the Opposition is interfering with a police investigation be withdrawn.

Mr DAVID CAMPBELL: A very old saying from my Nan is: If the cap fits wear it. If Opposition members can throw it but cannot take it I will withdraw the remark so that they do not cry. The bald-faced ambulance chasing and the stumbling political point scoring of the shadow Minister for Health stand in stark contrast to the determined efforts of the Minister for Health to acknowledge the faults in the selection process, to hold to account those who fail to follow proper process, to ensure a proper investigation and to design and implement best practice policies and procedures to learn from this sorry saga. But, most importantly, the Minister has sought to maintain the dignity and privacy of the individual women who have been mistreated so badly.

A nuisance motion such as this does nothing to add value to that determined approach to better public policy and improved service delivery. A nonsense motion such as this shows up the weak and pathetic rabble that masquerade as the Opposition. It contrasts absolutely with the determined processes of this Government to learn from this saga, to do its best to support the women involved and to ensure a more robust system is put in place so that such instances will not occur with any other patient.

Mr ANDREW CONSTANCE (Bega) [8.55 p.m.]: This debate has been very interesting. Tonight some women are at home in bed, in pain. Their life expectancy is reduced because their fallopian tubes have been cut by this monster. They live life constantly in pain because of what has happened, both psychologically and physically, to them. I have heard many stories of women being sewn up and their genitals having been mutilated. On 26 September when I spoke in relation to this matter in this House I did so after consultation with Carolyn Dewaegeneire. At that time I did not reveal her name but had the expressed wishes of Carolyn in the hope that the Minister for Health would launch an investigation into Dr Graeme Reeves.

That was key at that time because Dr Reeves had come off a three-year suspension and could practise again. What happened? The Minister in the chair on that day did not speak to the Minister for Health, who obviously did not watch the proceedings in the House. Labor Party members did not refer the serious matter that was raised in the Chamber to the Minister. I graphically spelt out the story of Carolyn. She is, without doubt, one of the bravest women this State will ever see.

Mr Barry O'Farrell: A hero.

Mr ANDREW CONSTANCE: That is right, she is the hero in this matter, and history will record that. My point is that in September I expected a response.

Mr Michael Daley: Did you write a letter that day to the Minister?

Mr ANDREW CONSTANCE: I gave a speech in the New South Wales Legislative Assembly.

Mr Michael Daley: You didn't write a letter and you didn't make a phone call?

Mr Brad Hazzard: Point of order: At least on 20 occasions Mr Speaker has asked Labor Party members to desist from making a noise and indicated very clearly to one or two of them, whom I will not name at this point, that he may consider removing them from the Chamber. Standing Order 52, particularly in the context of such a serious debate, states:

> When a Member is speaking other Members shall not converse or make any noise or disturbance.

I ask you, in accordance with Standing Order 49, which states that "The Speaker shall maintain order in the House", to ensure that those two members—they know who they are—desist and allow this extremely sensitive matter to be heard.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! I call the member for Bega.

Mr ANDREW CONSTANCE: One of the reasons I gave that speech in this House was because I could speak under privilege. I will not write to the Minister for Health. I delivered a speech and she should have responded. When the Minister for Health failed to act it became apparent that nothing was going to be done. What did Carolyn Dewaegeneire do? She then secured the interest of Ross Coulthart with Lorraine Long from the Medical Error Action Group and Channel 9's *Sunday* program. The story aired in February and then all of a sudden the Minister for Health responded. As a result of that horrific story more women came forward with allegations and a police investigation was launched. All of a sudden the State Government introduced legislation to make changes to the Medical Practice Act. It was all because of the media, not because of my speech in this Chamber on behalf of a woman who had been mutilated by this man. I encourage all members to read *Hansard* of 6 March, when the Minister for Health said:

> I am not going to make any excuses for the Southern Area Health Service. It failed to perform background checks on a candidate who the Medical Tribunal found lied and cheated his way into a job.

When the called for papers were produced to the New South Wales Legislative Council it was established that a criminal check and a referees check were done on Graeme Reeves by the then Deputy Director of Clinical Services at the Southern Area Health Service, Dr Jon Mortimer. He is now the Deputy Director of Clinical Services for the Greater Southern Area Health Service and is on full pay and currently is under suspension. My point is that that statement alone, that no background checks were performed, misled the House, the women involved and the community. The referees check undertaken by Dr Jon Mortimer, which involved a phone call and subsequent written note, is horrific. It states that the doctor is okay when normal. It states that he is not meant to practise obstetrics. That was written down two days before Dr Reeves' contract was signed, not, as stated this evening, afterwards. It was signed two days before.

The Minister for Health has misled the House not only in relation to the statement about Dr Reeves' background check but also in relation to the referees check. I appeal to the Premier to sack the Minister for Health. He must stand her down because what has occurred is a tragedy. The Minister for Health did not respond to a private member's statement of a serious nature until the issue blew up in the media. I cannot explain what must have occurred for the Minister to not get the facts and deliver them accurately and appropriately in the House. I do not understand that process. No-one can understand the incompetence on that point. I guess that is the crux of the matter: it goes to the heart of the matter.

All members know the requirements for parliamentary practice and for accountability by Ministers. It is particularly alarming that women across the State who are experiencing incredible pain, pain which they will have for the rest of their life, are not able to ascertain accurate and timely information about the appointment process of Dr Graeme Reeves. Tonight the Minister quoted selectively from Deirdre O'Connor's report. Had the Minister quoted further she would have pointed out that there have been systemic failures in the disciplinary and dismissal process of Dr Graeme Reeves. On 10 January 2003 the area health service suspended Dr Reeves only to reappoint and reinstate him on the same day. That was at the time of the alleged criminal actions—the mutilations and the sexual assaults. Yet he was suspended and reinstated on the same day.

Did the Minister for Health tell us why that happened? No. What did happen? Dr Jon Mortimer was suspended, on full pay. Denise Robinson has left the health system, without explanation. At every step of the way there has been frustration, caused by a government that is more committed to protecting its reputation than getting to the bottom of these tragic events. The tragedy will continue to unfold. Women continue to come forward. Women were too scared to own up to their partners, their husbands, their families, and their communities, about what happened to them. But other brave, determined women have come forward and laid it on the line.

On the same day that these women's cases were laid on the line in this place in the hope that they would get answers from the Minister for Health the best that the Government could do was to send a press secretary to the gallery with a letter from the doctors to Grattan Wilson, the chair of the area health service at the time, in an attempt to put the focus back onto the doctors and not on the Government. Earlier the Leader of the Opposition said that the debate has focused on the medical profession, not on the conduct of the Government. Because of that the women have not been given answers. The actions of the Minister were very serious and that is why I support the motion. I do so as a local member who is standing up for and representing the women who have been harmed by Dr Graeme Reeves.

I am sure the vote will go in the Government's favour, but I ask all members opposite to consider what they might think about the conduct of the Minister if their wife, their mother or their grandmother wanted answers about what the hell went on. I appeal to the Premier to dismiss the Minister for Health, because that is the right thing to do. I am surprised and disappointed that the Minister for Climate Change and the Environment, Minister for Women, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer) is laughing. She produces a lot better outcomes than many Ministers in this place. This is no laughing matter, Minister.

I have pleaded with the Government. I wrote to the Premier on 18 March 2008 via facsimile from my office asking for an independent councillor to be appointed to provide trauma support to those women. That request did not emanate from me; it came directly from the women and some of their friends, because they are living in pain and they are depressed and traumatised. Some of them do not want to have to ring a hotline number to obtain telephone counselling; they do not want to disclose some private information about what had occurred to them to the Government that is now going to address compensation—the same Government that has to take responsibility for appointing Dr Graeme Reeves in the first place. They want someone independent, someone on the ground, to whom they can talk face to face.

Currently the women cannot form a victims support network because the police investigation and, I hope, subsequent criminal charges, prevent that occurring. Many of them are living in isolation, and that is why I pleaded with the Minister for Health to provide independent trauma counselling—it is needed. Again, I plead with members opposite to reconsider their position in relation to this matter. I hope that internally in the Labor Party the Premier produces the right outcome. Members on this side of the House believe that Reba Meagher has misled Parliament. That is very clear from her own statements.

Ms VERITY FIRTH (Balmain—Minister for Climate Change and the Environment, Minister for Women, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer)) [9.08 p.m.]: This attack on Minister Meagher seeks to insinuate that the New South Wales Health system is not capable of delivering the highest quality of care to our community. The series of accounts that have surfaced in recent months with regard to the conduct of Dr Graeme Reeves have been disturbing in the extreme. No-one on either side of the House would disagree with that. We are all appalled about the alleged treatment of women patients by Dr Reeves. Of course, I extend my sympathies to the women who have allegedly suffered such terrible abuse.

That the patients who have allegedly been sexually assaulted and abused were seeking obstetric and gynaecological care—a particularly sensitive health care issue for women—adds an even more disturbing

dimension. But that situation is not made better by the Opposition politicising the issue. The Minister has indicated that she is acting to fix the systemic issue that this situation exposed—ensuring that the situation will not happen again. That is action from the Minister, compared with the motion from the Opposition that will bring no joy to anyone, and which advances this issue not one bit.

The Opposition has failed to make the case that this terrible series of incidents is representative of the state of our public health system. Our public health system is delivering world-class results every day. For example, I can report to the House that in the area of cancer care and control the New South Wales health system is a world leader, delivering results equal to or better than almost any comparable jurisdiction worldwide. The five-year survival rate for cancer in New South Wales is 63 per cent—better than in Victoria and in New Zealand and better than in Australia as a whole.

Mr Brad Hazzard: Point of order: Quite apart from the fact that what the Minister is doing is demeaning to the women involved in the serious issue we are discussing tonight, I ask you to point out to the Minister that the motion does not refer to the health system as such. It refers to the Minister for Health misleading the Parliament on 6 March. It is a very clear motion. The Minister is now going well outside defending the Minister for Health by talking about the health department. If she has nothing to say in defence of the Minister she should sit down and not say anything. She should not talk about the health department. It is not within the leave of the motion.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! I call the Minister.

Ms VERITY FIRTH: This is absolutely defending the Minister because it is about—

Mr Barry O'Farrell: Point of order: Can you please rule on the point of order that was just taken because it is an important one that relates to the motion before the House? Do you remember it?

ASSISTANT-SPEAKER (Mr Grant McBride): Order! Yes. The Minister at the table is talking about health and the responsibilities of the Minister for Health. If you want to narrow it down specifically—

Mr Barry O'Farrell: Can I acquaint you with the motion?

Mr Frank Terenzini: It did not stop you from talking about other things.

Mr Barry O'Farrell: It did not stop you from taking a point of order if you wanted to.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! I call on the Minister to continue.

Mr Barry O'Farrell: Point of order: Are you telling me that in light of a motion that is clearly crafted in relation to a specific incident by the Minister for Health in this Chamber on 6 March you will allow the Minister for Health (Cancer) to make a broad-ranging, across the board defence of the Department of Health? Is that what you are saying, because we are happy to move dissent from your ruling right now.

Mr Michael Daley: Point of order: Paragraph (2) of the motion seeks in effect to censure the Minister for Health for failing to respond to alleged community concerns about Dr Reeves. Implicit in that paragraph is an allegation by the Opposition that there has been an undermining of public confidence in the health system in New South Wales. It is quite implicit, and therefore the Minister is in order to embark upon the discourse to which she has committed herself.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! In regard to the point of order taken by the Leader of the Opposition, paragraph (1) of the motion states that checks were not conducted on Dr Reeves before he was employed despite a health department memo confirming a check was conducted by at least one senior bureaucrat. In my view the motion extends to the Department of Health.

Mr Andrew Fraser: Point of order: I draw your attention to the motion before the House, which refers to misleading Parliament on 6 March 2008, when the Minister for Health claimed background checks were not conducted on Dr Graeme Reeves before he was employed. The Minister at the table—Mr Assistant Speaker, I hope you are listening to me and not the Clerk—wants to tell us about how good the cancer care units are in New South Wales. I am quite happy to take that up as a separate debate on behalf of the people of the Coffs Harbour electorate at any time. Ministers who knowingly mislead Parliament are expected to offer their

resignation. Ministers should also be as open as possible in Parliament. The Minister who is the subject of this motion has clearly misled Parliament. The Minister who is responding to the motion is clearly drawing the debate away to cancer care in New South Wales. It has absolutely nothing to do with the substance of the motion before the House. I ask you to draw the Minister back to the leave of the debate. She can defend the Minister against the charge of misleading the House but she cannot expand the debate to cover cancer care in New South Wales. I am quite happy to take up that debate at any time and give examples in my electorate of the lack of cancer care.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! As this is not a narrow debate the Minister's remarks should be generally relevant to the motion. I ask her to return to the terms of the motion.

Ms VERITY FIRTH: I place on record that this motion refers to the Minister for Health and her competence and achievements in her portfolio. Part of the motion is about failing to respond to community concerns. My argument is that she very realistically responds to community concerns when she fights for her budget and delivers real health outcomes for the people of New South Wales. It is interesting that the Opposition does not want to hear me talk about cancer care in New South Wales. That is because it has been an overwhelming success and because the Minister for Health has been able to deliver to the budget greater expenditure than ever allowed—

Mr Andrew Fraser: Point of order: Mr Assistant Speaker, you have clearly indicated that the Minister should come back to the motion under debate. Nowhere in the motion is cancer care mentioned. It does mention the Minister's misleading Parliament and failing to respond to community concerns about Dr Reeves, not cancer care in this State. I remind you, Mr Assistant Speaker, and the Minister at the table that what the Minister is saying is insulting to the women who have been mutilated by this doctor. It is insulting that the Government has put up the Minister to defend the Minister for Health by pretending that cancer care is the issue. This is about obstetrics; it has nothing to do with cancer care. What the Minister is putting forward as a defence is totally outside the leave of the motion. I ask you to draw the Minister back to the motion.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! As I said before, the Minister's remarks should be generally relevant to the motion.

Ms VERITY FIRTH: The Minister did not mislead the House. Members opposite accuse us of all sorts of tricks and debating techniques at a time when the Opposition is politicising an issue of deep significance to those women. How dare the Opposition say that we do not care about these women. The Opposition is politicising this issue in a way that does not give those women any joy or comfort and that delivers no outcomes for them. The Minister has seen the situation exposed, has addressed the issue and has ensured that it will not happen again. The defence we are mounting today relates to the Minister's ability to deliver for the health system of New South Wales and to respond to significant health issues as they arise.

There is absolutely no way that this Minister misled Parliament. We have said it time and again. The Opposition is politicising this matter to a ridiculous degree. I will give members one instance in which she did not in any way mislead Parliament. She has demonstrated her commitment to a strong public health system by the very real budget commitments made today. In the face of unprecedented demand on our public health system the Minister for Health and the Iemma Government are proud that they are continuing to deliver some of the best outcomes for patients in the world. The Government is responding to community concerns that were raised in this motion. We are responding—

Mr John Williams: Point of order: We have listened to debate on this no-confidence motion and we listened to the earlier contribution of the Minister for Police. We are clear on the motion that is being debated today. We are not looking for a character reference for the Minister for Health; we are talking about a clearly stated set of timelines. The Minister lied about those timelines. That is the issue we are debating tonight.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! As the character of the Minister for Health is being debated comments in regard to the character of the Minister for Health are appropriate.

Ms VERITY FIRTH: Opposition members do not talk about the latitude that they have been given to rip apart the character of the Minister.

[*Interruption*]

Opposition members should talk about that. They are trying to rip apart the character and good name of a woman who has fought hard for the public health system in New South Wales. Earlier today I listened closely to the Treasurer delivering his Budget Speech. I listened even more closely when he outlined the Premier's priorities for this budget. For the record, they included: Aboriginal health, emergency departments, child protection, mental health and disability.

Mr Andrew Constance: Point of order: Could you explain to the House what today's budget for Aboriginal health, mental health and cancer care has to do with a motion relating to Dr Graeme Reeves? This crap will insult women who read this debate. I hope you can fix it up.

ASSISTANT-SPEAKER (Mr Grant McBride): In response to the point of order taken by the member for Murray-Darling I ruled that as the character of the Minister is in a no-confidence motion it is appropriate to refer to the character of the Minister. Provided the Minister's remarks are generally relevant to the motion she may continue.

Ms VERITY FIRTH: Members will note how many of the things that were outlined in today's budget relate to health. Money flowing to these areas includes a record health budget of $13.2 billion, up 5 per cent, in response to community concerns. More importantly, $1.1 billion was allocated for mental health. I do not want to give away to the Opposition too many secrets about how government works. However, one of the real tests of a Minister is how he or she argues for funding for his or her portfolio area in government. On that measure the Minister for Health is a Minister that Opposition members would like in their corner.

Mr Brad Hazzard: Point of order—

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! What is the member's point of order?

Mr Brad Hazzard: Under Standing Order 49 it is incumbent on you to keep order in the House. This no-confidence motion in the Minister for Health arose as a result of a specific set of circumstances. Let me read it to you.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I remind you that other speakers have been heard in silence and with far less interruption. Are you simply re-reading the motion at the moment?

Mr Brad Hazzard: Hopefully, I am explaining to you why I am taking a point of order.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! Printed copies of the motion are before us. What is the point of order?

Mr Brad Hazzard: If you are that astute you can certainly read it. By definition, a no-confidence motion is a no-confidence motion in a Minister. We just heard from a Minister who, I acknowledge, is fairly new to this Chamber. She has never been through a no-confidence motion.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! Stick to the point, please.

Mr Brad Hazzard: The Minister for Climate Change and the Environment has no experience in this matter, but you have had experience. You are in the chair. Under Standing Order 49—

ASSISTANT-SPEAKER (Ms Alison Megarrity): What is your point of order?

Mr Brad Hazzard: Under Standing Order 49 you are bound to direct her to come back to the leave of the motion. She talked about Mr Costa, Treasury and everything else and has not defended the Minister for Health. I ask you to bring her back to a topic that is significant for a lot of women in this State.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I have heard enough on the point of order. The point of order seems to relate closely to ones that have previously been raised. The ruling of the Assistant-Speaker who was previously in the chair was that the Minister's remarks must be generally relevant to what is being discussed. Former Speaker Rozzoli ruled that these debates can have fairly wide latitude. However, the rules of relevance continue to apply. With that in mind I ask the Minister to continue. I ask all members of the House to hear her in silence in the time that she has left because others have been afforded that opportunity.

Ms VERITY FIRTH: The Minister for Health stated earlier tonight that she has not misled the Parliament. We on this side of the Chamber support our Minister. We support a Minister who has increased the health budget by 5 per cent this year. We support a Minister who has delivered to the New South Wales health system on this issue. We defend our Minister for Health who responded to community concerns about Dr Reeves, called for an inquiry, and delivered on the recommendations of that inquiry. That is a much more positive response than the response of Opposition members who have politicised in the most blatant and brutal way what has happened to these women.

Mr Andrew Constance: How juvenile!

Ms VERITY FIRTH: Opposition members are the ones who are juvenile. They have wasted the time of this House by trivialising and politicising an incredibly important issue rather than supporting the Government in sorting out and resolving it once and for all. This Minister, who has responded to these concerns, has not misled the Parliament. We stand in her defence.

Mr Barry O'Farrell: As I understand it, the Minister is due to respond and then I will reply to debate on the no-confidence motion. Is that not the way it goes? She missed her call last time. I am trying to check where she is this time.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! The Minister does not have to respond at this point.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [9.26 p.m.], in reply: I am pleased to have an opportunity to sum up debate on this no-confidence motion. I note for the record that, just as the Minister for Health failed to appear at the commencement of this no-confidence motion, she has again refused to defend herself. I presume that is because the Minister for Police and the Minister for Climate Change and the Environment put up the only defence that could be put up by the other side. I was fascinated by the absence of any defence to the charge made against the Minister for Health, which is that on 6 March she misled the House.

The police Minister waxed eloquently about the police investigation of this issue. In fact, he sought to use that police investigation somehow or other to cast aspersions on people in this House and outside this House and he had to be called to order. As the member for Broken Hill said, the Minister for Climate Change and the Environment was more interested in discussing everything other than the motion before the House. The Minister for Climate Change and the Environment does herself no good in this Chamber by describing this motion as a waste of time. No-confidence motions are not moved very often.

The Minister for Climate Change and the Environment thought it was a waste of time to ensure that things that were said in this House were honest. Ministers can tell lies, mislead the House, be mendacious and engage in perjury, falsehoods or fraud—a much lower standard of ethics and professionalism than I thought she had. I do not know whether the Minister for Health is now in the Chamber because she missed her opportunity to speak again in debate on this motion. As we were reminded at the commencement of debate on this motion, the speaking order is very clear. The defence of the Minister for Health was appalling.

The one issue on which there is no disagreement on either side of the House is that Dr Reeves lied in relation to his application. It is not a matter for dispute or argument. The member for Bega, the Deputy Leader of the Opposition and I have never contradicted that, and I am not aware of anyone who has done so. The crux of the Minister's defence was that because Dr Reeves had lied it took the pressure off her lie on 6 March. Minister, two wrongs do not make a right. A little earlier I had an eight-year-old child in my room who understood that. It is time that the Minister for Health also understood it. It is simply disgusting that the Minister for Health accused Opposition members of seeking to quote selectively from documents when she could not honestly or accurately quote from a report presented by Justice Deirdre O'Connor on this matter.

The motion before the House is explicit. It goes to the fact that on 6 March the Minister for Health said in this House that the Southern Area Health Service undertook no background checks prior to the appointment of Dr Graeme Reeves. I am happy to read it again from the *Hansard*—the exact quote is that the Southern Area Health Service failed to undertake background checks before the candidate was appointed. The production of documents in the upper House, the documents produced in the week commencing 12 May, demonstrate, even according to the Minister's own comments in this debate, that before he was contracted to the Southern Area Health Service Dr Jon Mortimer had undertaken a background check, had undertaken a reference check, and that reference check said "not to do obstetrics". Yet this bloke was being employed in the position of obstetrician and gynaecologist in the Southern Area Health Service.

Dr Mortimer's note came to light during the week commencing 12 May. Last Thursday Justice Deirdre O'Connor's report was tabled in the Legislative Council and in her report she refers to the senior clinician, Dr Jon Mortimer, who undertook a reference check. I only went to a middle level Catholic school. I understand what misleading the House is. I understand what telling a lie is. I understand that when you are accused of saying one thing and the truth is something else that you have told a lie. The Minister came into this place on 6 March and said something that now has been proven to be untrue from two sources—Justice O'Connor and the tabled papers, including Dr Mortimer's handwritten diary note made before Dr Reeves was contracted to the Southern Area Health Service. By any standards the Minister should have come into this place tonight and resigned her commission as a Minister.

As I said earlier, if the Minister for Health had any shred of decency she would have come in at the start of question time today and on the basis of justice O'Connor's report, which was released only five days ago, sought to apologise for her actions. As I sat here listening to the Minister for Climate Change and the Environment talk about a range of issues the interesting point was that this issue was not just about deception of the House on 6 March; it was about Labor's failure to tackle issues, even issues as important as this, until they come to the media's attention. That goes to the actions of the member for Bega in September last year when in this Chamber he referred to the case of a particular victim. He stood at this very rostrum and made a plea for an investigation.

As has been said a couple of times, it surprised me that something as horrific in its reading again today as it must have been in its telling when the member for Bega spoke on 26 September 2007 did not automatically signal problems to the Minister for Health or to members of the Labor Party, which were then relayed to the Minister for Health. I checked the *Hansard* to see who was the Minister in the chair during private members' statements that day. I regret to say that it was the Minister for Emergency Services, and Minister for Water. If I had been sitting in this Chamber and heard the speech of the member for Bega I would have been appalled as an Opposition member. I cannot imagine how I would have felt if I were a Minister in a Cabinet responsible for a health system into which the Government had been urged to undertake an inquiry because women had been mutilated by a doctor working in the Government's area health service, and the issue had been raised because his suspension was about to expire and he could be employed by other area health services.

Ms Reba Meagher: Which you knew about since April 2006.

Mr BARRY O'FARRELL: I hear some utterances from the other side. If the Minister could have organised herself to be down here on time, she could have had half an hour to defend herself a second time. She could have used the opportunity the Minister for Police failed to use successfully in trying to defend her.

Ms Reba Meagher: You lied about the number of speakers you had in this debate.

Mr BARRY O'FARRELL: The Speaker previously ruled that the expression used twice then by the Minister for Health was unparliamentary. I seek its withdrawal.

Ms Reba Meagher: You bandied it around with cavalier indifference.

Mr BARRY O'FARRELL: Reba, if you want to drink upstairs quietly, do it yourself. I want a withdrawal.

Ms Reba Meagher: I want that comment withdrawn. That is an absolute disgrace.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! One member at a time will speak.

Mr BARRY O'FARRELL: You withdraw yours first.

Ms Reba Meagher: That is really low. In fact, there has been quite a lot of low stuff coming from the Opposition this evening. My point of order is this: I want that comment withdrawn. It is unparliamentary, it is unfair and it is quite disgraceful.

Mr BARRY O'FARRELL: I ask for a withdrawal of the comment that the Speaker ruled earlier was unparliamentary. I will then happily withdraw the comment I made about the Minister.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! Does the Minister withdraw her remark?

Ms Reba Meagher: It is unusual that withdrawals would be conditional, but I will make this point. The Opposition signalled that it had an additional speaker before its right of reply and that was not a situation that has been honoured. It may be a lie or it may not be. Only members of the House who witnessed that performance could make a determination for themselves.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! Does the Leader of the Opposition now withdraw his remark?

Mr BARRY O'FARRELL: Absolutely. I am astounded. When I was watching the debate upstairs and listening to the Minister for Police I noticed that this was the first time in all the time I have been associated with this Chamber that I had ever seen more people in the Chamber when the Minister for Police was speaking to one of these motions than when the Minister under attack was speaking.

Ms Reba Meagher: Do you have a point or are you just filling in time? You're going round and round. There is nothing new.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! The Leader of the Opposition will continue.

Mr BARRY O'FARRELL: This is my speech. The second point is that this is the first time I have seen a Minister not only nearly miss the call to speak the first time, but also fail to sit through the entire debate on a motion of no confidence. As a result, the Minister lost her opportunity to provide a 30-minute response. The third point is that before question time today the Opposition indicated, when asked by the Leader of the House, that it had three speakers to the motion.

Ms Reba Meagher: No, you said there were three others.

Mr BARRY O'FARRELL: If the Minister for Health knew the standing orders, she would know they provide for two speakers from each side. We asked that the member for Bega be allowed to participate. Because the Minister for Health did not think it was important enough to sit through this debate, she now has a sore head because she missed her spot. No amount of diversion is going to take away from the simple fact that on 6 March she came in here and sought to deflect political attention by telling an untruth. On 6 March she came in here and sought to deliberately mislead the public. She came in here on 6 March and said something that was untruthful.

By any measure she came in here on 6 March and dealt doubly with the truth in relation to the public. That sort of mendacity has no place in politics. I say again: I am surprised that the Minister for Climate Change and the Environment thinks that trying to ensure that a Minister tells the truth in this place is, to use her words, "a waste of time." I am surprised that anyone opposite would seek to defend a Minister telling untruths about a case as horrific as that unveiled about patients who were mistreated by Dr Graeme Reeves. Perhaps that explains why both the Minister for Police and the Minister for Climate Change and the Environment were not prepared to do so. The Minister for Health sought in her contribution to suggest that somehow or another the censure motion is a distraction brought forward by the Opposition because we do not have any policies. I assure the Minister for Health of one thing: the Coalition has a policy of telling the truth and a policy of honesty that she would do well to follow.

Ms Reba Meagher: Point of order: The Leader of the Opposition has not told the truth in this place. The Deputy Leader of the Opposition received a 13-page facsimile about this matter in April 2006.

Mrs Jillian Skinner: I did not.

Ms Reba Meagher: And she sat on it. We have the facsimile transmission receipt, so when it comes to who is telling porkies in this place, the Opposition stands condemned.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! There is no point of order.

Mr BARRY O'FARRELL: I am delighted that finally we see some passion from the Minister for Health, but during her speech we have seen no defence or explanation of her attempts to redefine the issue. We are not talking about just any background checks; we are talking about a background check with the Medical Board. The Minister was not prepared, when she had a chance to speak, to apologise for her misstatement, untruth, falsehood or lie—whatever we want to call it. Instead she sought to do again what she is good at—dissemble. She sought to redefine what she said on 6 March to suggest that the area health service had not undertaken the appropriate background check, which is a check with the Medical Board.

Justice Deirdre O'Connor found that not only was there a reference check by John Mortimer, which is something that the Minister still disputes, but that there was also a criminal record check. Two background checks were carried out on 2 May, yet the Minister's clear statement on 6 March was that no background checks were undertaken and that is why the problem arose. The position cannot be clearer. It must be clear even to the Minister. The Opposition contends that, because of the seriousness of the matters and the Minister's complete

unfitness for her role, which she again demonstrated during this debate by her lack of preparedness to do the right thing despite the report by Deirdre O'Connor confirming the Opposition's claims, the Minister should go.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 32

Mr Aplin	Mr Humphries	Mrs Skinner
Mr Baird	Mr Kerr	Mr Smith
Mr Baumann	Mr Merton	Mr Souris
Ms Berejiklian	Mr Oakeshott	Mr Stoner
Mr Cansdell	Mr O'Dea	Mr J. H. Turner
Mr Constance	Mr O'Farrell	Mr R. W. Turner
Mr Fraser	Mr Page	Mr J. D. Williams
Ms Goward	Mr Piccoli	Mr R. C. Williams
Mrs Hancock	Mr Provest	*Tellers,*
Mr Hazzard	Mr Richardson	Mr George
Ms Hodgkinson	Mr Roberts	Mr Maguire

Noes, 50

Mr Amery	Mr Harris	Mr Morris
Ms Andrews	Ms Hay	Mrs Paluzzano
Ms Beamer	Mr Hickey	Mr Pearce
Mr Borger	Ms Hornery	Mrs Perry
Mr Brown	Ms Judge	Mr Piper
Ms Burney	Ms Keneally	Mr Rees
Mr Campbell	Mr Khoshaba	Mr Sartor
Mr Collier	Mr Koperberg	Mr Shearan
Mr Coombs	Mr Lynch	Mr Stewart
Mr Corrigan	Mr McBride	Ms Tebbutt
Mr Costa	Dr McDonald	Mr Terenzini
Mr Daley	Ms McKay	Mr Tripodi
Ms D'Amore	Mr McLeay	Mr Watkins
Mr Draper	Ms McMahon	Mr Whan
Mrs Fardell	Ms Meagher	*Tellers,*
Ms Firth	Ms Megarrity	Mr Ashton
Mr Greene	Ms Moore	Mr Martin

Pairs

Ms Burton	Mr Hartcher
Ms Gadiel	Mr Stokes

Question resolved in the negative.

Motion negatived.

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT BILL 2008

BUILDING PROFESSIONALS AMENDMENT BILL 2008

STRATA MANAGEMENT LEGISLATION AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from an earlier hour.

Ms VIRGINIA JUDGE (Strathfield—Parliamentary Secretary) [9.52 p.m.]: I support the Environmental Planning and Assessment Amendment Bill 2008. I commend the Minister for Planning, his staff and those of the Department of Planning for their energy and the effort they have expended in bringing this

important legislation to the Chamber. I know that many in our community, particularly musicians, are keenly interested in the bill. Indeed, people have spent hours preparing extremely thoughtful and thorough submissions on the legislation and their views have been canvassed widely in the community. I thank the Minister for taking the trouble to ensure that all members of the community were consulted, especially regarding the State's live music industry.

As some members may know, many years ago I was privileged to study music at the Canberra School of Music, and completed a double music major. I do not call myself a musician because I am not very talented in that area—I wish I were. But during my course I got to know a number of very fine musicians and others who worked in the industry in the Australian Capital Territory. When I moved to Sydney I continued my keen interest in, and support of, music. I have taught music at primary and high schools, produced musicals and established orchestras. However, I am a musical novice; I have never made a living from music—although I have often thought how wonderful it must be to do that. But in order to make music, one needs a venue. That is one of the reasons that I am so pleased to speak in support of the bill.

Through this bill, the Government is providing even greater support to the State's live music industry. The bill contains a proposal to simplify the planning process further for hosting live entertainment in pubs and bars. The proposal removes the definition of a "place of public entertainment", preventing a local council from potentially requiring an additional application for even minor forms of light entertainment. Under the current system, places of public entertainment licences are effectively a duplication of an existing process. Many in the industry claim that the current system is expensive, difficult and highly complex—not to mention highly anti-competitive.

Under the changes, owners will no longer have to go through the rigmarole of wading through enormous amounts of red tape to allow musicians to perform in their venues. I believe this will make an immense difference and greatly improve the live music industry. The changes remove an anomaly that currently allows councils to request a development application based on the type of venue and the type of entertainment to be provided. This has the potential to be an unnecessary and highly undesirable hurdle to the provision of live entertainment in venues across the State. Nobody wants their local pub to have to lodge an entire development application simply to have a guitarist strumming quietly in a corner—especially when the same venue could install a big-screen television to broadcast sport, which would have a similar impact on amenity, without lodging a development application. It is really quite staggering, but that is the situation we are taking action against and remedying.

The proposed legislation will concentrate on what is really important: the safety and amenity of patrons and locals. Fire safety and construction compliance will be addressed at the development application stage while amenity impacts and population capacity will be addressed by the introduction of new provisions under clause 80A of the Act. This will put the emphasis on safety and amenity and not on whether the live entertainment should be allowed. Two of the biggest cities in New South Wales—the City of Parramatta and the City of Sydney—have already welcomed this proposal. Furthermore, in the bill before us we have provided that councils will no longer have to require repeat development applications for hours of operation of a venue.

They will have the power to give one up-front approval and the power to review some of the hours any time in the future if the venue is disturbing local people. The new provision, which is based on a New Zealand model, will allow for the reviewable component to be revisited when considered necessary by the content authority without the need for regular new applications. The bill provides that the reviewable condition provisions can be used only to regulate the extended hours of operation, not core hours of operation, and an extended number of people, not core numbers of people.

[*Interruption*]

It is most distressing that Opposition members seem to care not a brass razoo about the bill. They are talking and chatting and moving around the Chamber. This is an important issue that affects many people who are employed in the music industry, which helps to build the culture and fabric of this great city and the entire State. This is a very important bill, and I hope Opposition members are taking note of this debate. The Government is on the front foot when it comes to making changes in this area. The regulations will require the consent authority to identify clearly that the consent is subject to a reviewable condition.

If an applicant is dissatisfied with the review he or she will be able to appeal to the Land and Environment Court, as per the usual planning process. These changes follow a number of other initiatives

proposed by the Government to help boost the State's live music industry, thus stimulating new jobs and entertainment opportunities. The Government is committed to promoting live music and other forms of entertainment in pubs, bars and other public venues across New South Wales. The bill is a clear demonstration of this approach.

In preparing for this debate I consulted a number of musicians to gauge their views about the bill. I spoke to Tomson Sowonja, who lives in Croydon in my electorate and who has been a rock and roll guitarist for about 10 years. He told me that in the past decade he has seen many changes in the type, style and number of venues available for use by artists and musicians. He said that many smaller venues have disappeared altogether—which is terribly sad. Because of economies of scale it is often difficult for owners to offset costs, so they try to find ways of making ends meet. Unfortunately, this sometimes means installing a row of poker machines in a room in which bands used to play. He also said that it is very important that venues that are committed to music run a subsidiary facility, whether a bistro or gaming machines, to subsidise the activity of live music.

Mr Brad Hazzard: Passing mention, Virginia?

Ms VIRGINIA JUDGE: I am saying it is about choice. We want to make sure that everyone has a choice of venues. Our clubs are absolutely fantastic and everyone in the club industry knows that since my entry into this place in 2003 I have been extremely proud to support the club movement. This legislation is about choice and supporting live music. Even some landmark venues—for example, the Annandale Hotel and the Hopetoun Hotel in Surry Hills—have sometimes had to subsidise their ability to operate as live music venues, according to Tomson, with adjunct activities. A whole new generation of musicians is emerging. There is sometimes almost a bottleneck, with so many musicians but not enough venues in which they can perform. It is sad to have these wonderful talented young people, who give up so many years through dedication and practice to become great musicians, and not have the venues so that we can all enjoy their wonderful talents and gifts. I am pleased that so many people agree with me.

Mr Brad Hazzard: It has got nothing to do with the bills, but I agree with the member for Strathfield.

Ms VIRGINIA JUDGE: It is entirely about the bills because they allow this to happen. It is sad that the member has not read the bills. Mr Sowonja also said he has travelled widely, including overseas. He said it is sad that there is less work and that other musicians have had to move elsewhere to keep performing and to keep a roof over their heads. It is all very well to talk the rhetoric about Sydney as the city for tourists but we must make sure it is a city for people and its residents. A city is not just about businesses, which are important; it is about having a variety of venues where people can attend, reconnect and talk to each other. It is about culture and building our communities, which is another reason why people, our urban consumers, love to live in our beautiful city.

Newtown has a new demographic and its residents want to have venues. In the past a huge number of our great bands cut their teeth in such venues. They should be available to musicians and poetry slams again. It binds a community together; it is part of building a special character and uniqueness of our great cities of Sydney and Parramatta and in rural areas. People can make music and share time, friendship and fellowship together. I also spoke to Keegan O'Shea from South Strathfield who has been on the music scene for some time. He is a guitarist who has been in a band for five years. He has noticed that the scene has become more and more sterile. He said it is different in Victoria and Queensland, and New South Wales needs to make sure that it is ahead of everyone else.

He is keen on the reforms in this legislation, which he thinks will ease the burden, and he is looking forward to a cultural change brought about by them. He said that at some venues he is asked, "How many people will you bring in? If you play can you guarantee 100 people will come? Have you cut a CD?" Basically, he had to justify his attendance and on one occasion he had to pay for a sound technician afterwards.

Mr Michael Richardson: Do you like the 130 pages of the bill?

Ms VIRGINIA JUDGE: That is not it. I spoke to another very important person, John Heartacre from Croydon near the Strand in my wonderful electorate. He said:

> I am a musician in a small jazz group. I find the smaller venues … intimate and … personable. I would love to play in those … [sorts of] venues. Musicians like myself don't like the "beer barns".

Mr Michael Richardson: Point of order: With the best will in the world, we are debating a planning bill, not a bill about the live music industry. If there is a small section in the bill that has caused the member for Strathfield to waffle on for the past 13 minutes about the live music industry, that is okay, but then she is guilty of tedious repetition. She has repeated herself over and over again about how this bill is all about live music.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! Raising a point of order does not provide the opportunity to make a speech. The remarks of the member for Strathfield are relevant. Had the member for Castle Hill read the bill he would know that the issues raised by the member for Strathfield are directly relevant. I am sure members are receiving representations on this issue. The member for Strathfield may continue her contribution.

Ms VIRGINIA JUDGE: Absolutely. It is a shame members opposite do not bother to do their homework. I am glad I do not live in the electorate of the member for Castle Hill because he obviously does not support the music industry and live entertainment. What a shame! What a pity!

Mr Michael Richardson: Point of order: I strongly support the music industry. If I had read the bill I would find the reference. In fact, no bills are on the table.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! The point is noted.

Ms VIRGINIA JUDGE: I have a copy of the bill. Obviously, he is not on the same song book that I am on. To conclude, this is a wonderful initiative. One of my staffers spoke to David Weir, another musician. I spoke to Mr O'Shea and Tomson personally. Mr Weir said he had been working in different styles and he supports this legislation. I have received lots of emails from people who are very happy that the Government is introducing this initiative. I will be gracious and say that all of us, including members of the Opposition, will benefit when we build communities through live entertainment and allow people to express their talents. I wholeheartedly commend the bill to the House.

Mr MALCOLM KERR (Cronulla) [10.06 p.m.]: All members are indebted to the member for Strathfield for taking us down that musical journey. It could be described as a speech of note. I do not know whether during her singing career she ever sang "Kansas City". If she did she may have learnt some of the building height requirements contained in the lyrics. Despite her finale, the Environmental Planning and Assessment Amendment Bill will not benefit the people of New South Wales. In fact, the way the Minister conducts himself and planning in New South Wales, and the way he has orchestrated this situation is not to the benefit of the people of New South Wales. That is not just my opinion. I refer to the Legislation Review Digest of the Legislation Review Committee, on which there is a majority of Government members. The committee came to a number of unanimous conclusions that should greatly concern the House and that support what was said by the member for Wakehurst. He indicated that he wants this matter referred to a Legislative Council committee for investigation. Page 29, paragraph 77, of Legislation Review Digest No. 7 states:

> The Committee notes that a consent authority cannot, without the approval of the Minister, refuse a Crown development application or impose a condition on its consent to a Crown development application …
>
> The Committee considers these official powers appear to unduly trespass on individual rights to have their views heard and represented by making the consent authority unable to refuse or impose conditions on a Crown development application without the prior approval of the Minister.

Other matters are contained in paragraph 81, page 30, which states:

> The Committee has concerns about procedural fairness and the right to review in respect to the proposed section 79C (1A), to be inserted by Schedule 2.1 [19], by legislating away the need to give notice and to the right of review, and considers individual rights and liberties may be unduly trespassed …

On page 30, paragraph 83 states:

> The Committee will always be concerned about legislation or regulations that authorise administrative decision-making without providing for the right of those affected to be represented where there is a right to be heard, especially if there are to be no appeals from determinations of the Planning Assessment Commission after a public hearing, and persons qualified to apply for reviews for certain classes of development or determinations may be limited by regulations.

Paragraph 84 states:

> Therefore, the Committee considers this may be an undue trespass on the right of procedural fairness and access to justice, by proposing powers to remove the current unlimited right of a person to be represented arising from the proposed powers to make regulations prohibiting or limiting the right of persons under the Act to be represented at reviews by the Commission or before other planning bodies.

Paragraph 88 states:

> The Committee is concerned that the proprietary rights of the remainder of the owners may be unduly trespassed and refers this to Parliament …

The committee's concerns are then specified. Paragraph 90 states:

> The requirements that the acquisition of property be on just terms and be appropriately compensated as a result of acquisition are important safeguards of the right to property. The Committee is concerned about the Bills departure from the *Land Acquisition (Just Terms Compensation) Act 1991* in respect of its provisions on the determination of compensation.

On page 32, paragraph 95 states:

> The Committee notes that the above clauses provide for the compulsory acquisition of subdivision land or interests in land without the application of the provisions (or modified application) of the *Land Acquisition (Just Terms Compensation) Act 1991* with regard to the valuation of land compensation; determination of amount of compensation …

Paragraph 100 states:

> The Bill proposes that a planning agreement can be registered if the agreement relates to land under the *Real Property Act 1990* or if the agreement does not relate to land under the Real Property Act, then where there is agreement to the registration by each person who has an estate or interest in the land … Therefore, the proposed clause 21 (1) of enabling the Minister to approve the addition of any party to the planning agreement without specifying requirements for a relevant connection, appears to be very wide in scope and may erode the rule of law with regard to the principle on the privity of contract since the planning agreement can be registered by the Registrar-General under the Real property Act …

On page 33, paragraph 103 states:

> The Committee notes that the scope for policies that may be made "with respect to any matter that is, in the opinion of the Minister, is of State or regional environmental planning significance", appears to be extremely wide.

Paragraph 104 states:

> The Committee also considers that in the circumstances of where there is no requirement for consultation with other Ministers and public authorities (other than the Director-General of National Parks and Wildlife) in the drafting and preparing of the SEPPs, along with the wide power of the Minister to determine any matter that is, in the opinion of the Minister, of State or regional environmental planning significance, may make personal rights and liberties unduly dependent on an unfettered discretion on the making of SEPPs and an insufficiently defined administrative power. Accordingly, the Committee refers this to Parliament.

On page 34, paragraph 107 states:

> The Committee notes that the scope for the Minister's determination with regard to a gateway determination as set out in the above proposed section is very wide, including the extent for community consultation requirements and other consultation …

Paragraph 108 states:

> The Committee considers that this may make individual rights and liberties unduly dependent on an insufficiently defined administrative power …

Paragraph 110 states:

> The Committee considers that it is appropriate to vary any maximum contribution level by regulation as such variation would be disallowable by Parliament. However, the proposed sections 116K (4) and 116L of allowing the Minister, by direction, to vary the maximum percentage for contributions, appear to be very wide, and unlike a contribution level to be varied by regulation, would not be disallowable by Parliament.

Paragraph 111 states:

> The Committee further notes that no default maximum amount is set by the Bill in the event that the regulations do not prescribe an amount. The Committee is concerned that the failure of the Bill to provide a default maximum level of direct and indirect community infrastructure contributions may be an inappropriate delegation of legislative power …

The Legislation Review Committee has raised a number of other matters. It is important that they be referred to. They appear at paragraphs 116 and 119 on page 35; paragraph 126 on page 36; paragraphs 128, 130 and 131 on page 37; paragraphs 136, 137 and 140 on page 38; paragraphs 142 and 144 on page 39; and paragraphs 147 and 148 on page 49. The importance of those conclusions is that they were made by a bipartisan committee, and they raise serious questions about the amount of power given to the Minister. If members opposite have absolute faith in the present Minister for Planning and believe that he can do no wrong, that he is all wise—

Mr Steve Whan: All wise and all knowing.

Mr MALCOLM KERR: I see, all wise and all knowing. I hate to break this to the member for Monaro, but he will not be Minister for Planning in perpetuity. I am sorry to break that to him at this time of the night as I appreciate the effect it will have on his sleeping habits. However, it is true, take my word for it. People lose office, people die; that is a fact of life.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! Members will cease interjecting and allow the member to continue his contribution.

Mr MALCOLM KERR: I could bring in medical evidence that death is a fact of life, if that would convince members opposite. My point is that this all-wise, all-knowing Minister—in the eyes of the Government at any rate—will not be there in perpetuity. Other Ministers, who may not be all wise and all knowing, will exercise the same degree of discretion and power that the Government is investing in the present Minister for Planning. Another problem is that everyone accepts that the present planning system is in need of reform; after all, this Government has been in office since 1995. Planning is in a mess and that is why this bill was introduced. One problem with the current planning system, if it can be called a system, is that it is extremely complicated and has a great deal of unjustified red tape. The Environmental Planning and Assessment Amendment Bill 2008 increases both the complexity and the red tape. Madam Assistant-Speaker, I seek an extension of time.

Extension of time not granted.

The bill creates a huge range of overlaying decision-making bodies, including a planning assessment commission, joint regional planning panels, independent hearing and assessment panels—

[*Interruption*]

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! Members will allow the member for Cronulla to continue his remarks.

Mr MALCOLM KERR: —as well as new review panels for the planning assessment panel and a joint regional planning panel for the appointment of planning arbitrators. As I mentioned, the bill gives unprecedented discretionary power to this Minister and Ministers in the future. Planning controls can be created without public consultation. These are totally undesirable aspects of the legislation. The Minister will refer any developments that he considers to be major developments to a new planning panel called the Planning Assessment Commission. Again, he appoints the people on the commission and therefore has direct control, in addition to being in a position to determine which developments are considered to be major developments. They are totally unsatisfactory features of this legislation.

The people who determine a local environment are opposed to this. The Minister has created an unprecedented coalition of communities opposing what he is doing—for very good reasons: they will lose the funding for parks and playgrounds that comes from developers by way of section 94 contributions.

Mr David Harris: That is not right.

Mr MALCOLM KERR: Then it will be interesting to hear from the Minister in his reply how he will safeguard the contributions in light of what he said about the way in which councils have administered those contributions and the effect of this legislation. I can assure members that the people of the Sutherland shire want contributions so that they can have parklands, green spaces and playgrounds. These are all part of any civilised society. That is why greater consultation should take place to ensure that those community facilities can be financed and people at the local government level can have a say.

Ms LYLEA McMAHON (Shellharbour) [10.21 p.m.]: I have three words for the member for Cronulla—lazy, lazy, lazy! He had the audacity at this time of night to read verbatim for 15 minutes a tabled document that members of the House already had available to them. He also made a number of errors. This document refers to the draft legislation. In particular, the acquisition of land aspect is not included in the bill. As riveting as the member's speech may have been, he then had the audacity, after wasting our time by reading a tabled document—

Mr Malcolm Kerr: Point of order: The member gave an undertaking that she had three words for me. She has used in excess of three words and has misled the House!

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! There is no point of order.

Ms LYLEA McMAHON: His seeking an extension of time after that display of laziness shows that some people have the hide of a rhinoceros.

I, on the other hand, am pleased to speak in support of the Environmental Planning and Assessment Amendment Bill 2008. The biggest winners from this package of planning reforms are the mums and dads, particularly those in my electorate. Under these changes working families will be able to get approval for small projects without unnecessary cost or delay. The process for small developments that comply with a set of clear rules will be streamlined. That is not the only thing in this package for mums and dads. We are also introducing new cost-effective reviews and appeals, which will again benefit working families. I particularly congratulate the Minister for Planning on this aspect of the reforms.

The bill includes not only a new cost-effective, non-legalistic right for applicants to seek a review, but also provisions allowing a third party to seek a review where a council's decision would result in development standards being exceeded. This new appeal right will increase the accountability of councils and is consistent with the recommendations of the Independent Commission Against Corruption. It will be an important safeguard for locals, empowering those affected by inappropriate development to do something about it. Currently across New South Wales people are routinely spending up to $20,000 on lawyers and experts, taking often minor matters to the Land and Environment Court. As part of this package we are introducing planning arbitrators to undertake reviews of council decisions relating to minor proposals. Typically, such reviews would be sought by homeowners or small businesses. This will avoid those costly and intimidating court proceedings. It will also ensure access to a faster and cheaper review that is genuinely independent. Currently the only non-court review option is a section 82A review, which involves a council reviewing its own decision. This proposal is widely supported by planners and architects.

As I mentioned earlier, this bill also introduces a new type of third-party review known as neighbourhood reviews. This is an important part of the planning reforms because currently third-party appeals apply only in relation to designated developments such as coalmines and cement factories. This new type of review will apply to certain types of commercial and residential developments where, if approved, development standards for height and floor space ratio would be exceeded by more than 25 per cent. This review power will provide an appropriate check on decisions. It is appropriate that those who are directly affected by such decisions have a right to seek a review. Appropriately, the right to seek a review is limited to people who own or occupy property within the immediate vicinity of the proposed development and who lodged an objection to the development.

In addition, the bill includes provisions to ensure that commercial competitors are not able to take advantage of these reviews for the sole purpose of securing a financial advantage over a competitor. This is about moving to ensure councils exercise proper and appropriate discretion when granting consent to development that would otherwise result in standards being exceeded or not complied with. It will increase accountability and ensure local communities have a greater say in developments that affect the neighbourhood. I commend the Minister for including these important new neighbourhood review provisions in the planning reform package.

I also note that the bill includes important changes in relation to applicant appeals. The exposure draft of the bill provided that applicants other than for planning arbitrator matters could seek a review by a regional panel or the Planning Assessment Commission or appeal to the court. I understand that a number of submissions received during the consultation period raised concern about this proposal on the basis that it may undermine the role of the court. I understand that as a result of those submissions the amendment will not be pursued. Rather, as is currently the case, applicants may request that the council review its decision or they may appeal to the court. This will maintain the status quo. These changes to the bill demonstrate the effectiveness of the consultation process that has been undertaken in relation to the planning reforms. It shows the willingness of the Minister to listen and be responsive to the concerns expressed by stakeholders.

I note the bill also includes provisions dealing with amending development applications when a matter is before the court. This has long been a frustration for councils. The bill provides that where the court allows an applicant to amend a development application, other than a minor amendment, the court must order that the

applicant pay the consent authority's costs thrown away as a consequence of the amendment. This will act as a disincentive to applicants seeking to amend their proposals before the court without community consultation or input from councils and other relevant authorities. The bill includes broad-ranging and important reforms that will result in a better, fairer and more effective planning system. I congratulate the Minister for Planning on this planning reform package. I thank the Minister for his consultation and for demonstrating that he listened to community concerns and amended the draft bill.

Mr JONATHAN O'DEA (Davidson) [10.29 p.m.]: I speak in debate on the Environmental Planning and Assessment Bill 2008. The New South Wales planning system is in need of reform. It is too complex, there is too much red tape, it is open to corruption and political interference, applications often take too long, and a great financial burden is placed on some parties. The bill, which proposes reforms related to environmental planning, development assessment, development contributions, certification of development, arbitration and reviews, contains some appropriate changes but must be rejected on balance largely because it undermines local communities.

While the proposed reforms recognise the need for change and suggest some real planning improvements, overall they do not represent appropriate planning reform; they represent a grab for power and control by the planning Minister and this New South Wales Labor Government. Today I read a research report prepared by the Property Council of Australia based on an independent poll of 1,000 residents of New South Wales, which found:

> Residents of New South Wales have a poor impression of the planning approvals process in New South Wales. Almost half (45%) regard the process as poor or very poor and just 7% consider it to be good.

We genuinely feel for the thousands of homeowners and others across New South Wales who are affected by the malfunctioning planning system. The Opposition, likewise, is sympathetic to the property industry's frustration, as articulated by some of its professional bodies. A number of those bodies, which are now expressing support for this bill, have done so while noting requests for clarifications or further improvements. There is a danger of this Parliament passing a package of planning legislation reform that involves a complex house of cards.

The bill proposes a number of major reforms. Schedule 1 relates to environmental planning. Among other provisions it appears, sensibly, to provide for gateway determinations that would filter out planning proposals that are not credible. Schedule 2 relates to development assessment and provides for the establishment of the Planning Assessment Commission and joint regional planning panels. The Minister would be able to delegate part 3A projects to the commission for determination. The commission could provide advice, hold hearings, or undertake investigations, and it would operate as a regional planning panel in areas where one had not yet been established.

Joint regional planning panels would assess projects of regional significance and would comprise five members—three Minister-appointed members with planning expertise and experience, and two council-appointed members, one of which must have planning expertise and experience. I suggest that in order to promote trust and local democracy it might have been appropriate for the Minister to reverse the three to two split if he wanted a greater chance of local government support. I also note that there are provisions that allow councils to establish independent hearing and assessment panels to advise them on planning matters.

The bill contains amendments to review and appeal provisions. Applicants could appeal council decisions to a planning arbitrator in relation to certain development applications and development consents. Appeals to the Land and Environment Court relating to planning arbitrator matters would be restricted unless a planning arbitrator had reviewed them or the council consented to the appeal being made. The period for making an appeal to the Land and Environment Court regarding a development assessment matter generally would be reduced from twelve months to three months. Applicants could seek a third-party objector review regarding certain residential and commercial and mixed-use developments within 28 days of a determination.

The bill also proposes changes regarding complying developments and to certification processes and arrangements. For such significant reforms the Government appears to have deliberately restricted community consultation. Before introducing this bill to the Parliament on 15 May 2008 the Government released a draft exposure bill of over 200 pages, on 3 April 2008. However, it allowed review and accepted submissions only until 24 April, which clearly limited scrutiny and community debate on the bill. The Minister made some important changes following the release of the draft exposure bill, including the removal of section 9A in schedule 5, which allowed the compulsory acquisition of land for an urban renewal proposal or an urban land release. He also somewhat backed away from previous Government suggestions regarding control of section 94 funds. However, his concessions have not gone far enough.

Like a dodgy developer, the Minister has simply turned an appalling proposal into an unacceptable one. The bill undermines local government and democratic values. Local councillors perform a difficult job for little money in the spirit of community service. One of the great strengths of local government is that it is accountable to, and within close proximity of, the people whom it affects. The proposed joint regional planning panels directly undermine local democracy and grant the planning Minister an inappropriate level of centralised power. Some proposed changes in schedule 3 regarding development or infrastructure contributions also financially undermine local government.

Citizens rely on their local council to protect their planning interests and the character of their area. They rightly expect that the people they elect, not some unaccountable State government-approved bureaucrat, will make the decisions that affect them. Planning decision-makers must be in touch with the community and must be accountable to them. The New South Wales Government has inappropriately substituted local control for supposed efficiency. It is obvious that the Iemma Government does not properly accept the legitimacy of local government. Instead of working with local government in order to develop reforms that would improve the New South Wales planning system, the Government effectively has sidelined them. Minister Sartor's contempt for local government was again obvious recently when he imposed a planning panel on the Ku-ring-gai council area.

He is now imposing joint regional planning panels statewide in order to dilute the power of all councils. It seems as though councils are simply getting in the way of the New South Wales Government's plans to impose high-density housing wherever it wants, without regard for local infrastructure or character. It is no wonder that New South Wales councils and the Local Government and Shires Associations of New South Wales are against this bill. That has been made clear, for example, through the Local Government Association Keep it Local campaign.

Mr Anthony Roberts: A good campaign.

Mr JONATHAN O'DEA: It is a good campaign. The Parliament should listen to and reflect community expectations, including those reasonably expressed by the level of government closest to the people we represent. At this morning's shires association conference it was interesting to hear the president state that "local government is under an unprecedented attack" in the face of these proposed planning law reforms. I do not think the member for Monaro was there to represent his electorate.

Mr Steve Whan: I was there.

Mr JONATHAN O'DEA: The member for Monaro was not listening. I was certainly there and I heard the president say that.

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

Mr JONATHAN O'DEA: I challenge the member for Monaro to stand up for those he purports to represent and for those who obviously feel that they are under an unprecedented attack from his Government. The New South Wales Government simply will not listen. The bill also undermines environmental and heritage protections. The New South Wales division of the National Trust of Australia understandably opposes this bill and is particularly concerned about the repeal of part 5 of the Heritage Act 1977. How can a Minister and department responsible for regulating new development also credibly be charged with overseeing the protection of our valuable heritage and areas worthy of environmental conservation? It is appropriate that the bill be referred to an upper House inquiry to allow for better and fuller consultation with all stakeholders, which then should result in an improved planning framework for all of New South Wales.

Mr PAUL PEARCE (Coogee) [10.40 p.m.]: Given the lateness of the hour, I do not propose to go through the bills in detail as other members have. The Environmental Planning and Assessment Amendment Bill 2008, the Building Professionals Amendment Bill 2008, and the Strata Management Legislation Amendment Bill 2008 envisage significant change in the way planning and assessment will proceed in this State. The primary bill—the Environmental Planning and Assessment Amendment Bill—is complex. The complexity becomes very apparent if members have been required to explain the bill to members of their communities. However, complexity in and of itself does not determine the merit of the bill.

This bill has aspects with which I agree, some with which I disagree, and others which we should make up our minds about after we have seen how they work. However, it is important to view the bill in its totality to

assess its impact. I will briefly deal with the primary bill and especially those aspects of concern within my community in the Coogee electorate. First is the change in the process for development consent depending on the various categories of application. The intent is to increase the percentage of complying development to closer to 50 per cent. The issues raised at the various public meetings I have attended can be summarised by one word: notification.

Residents recognise that most applications are minor and unlikely to impact adversely on them. However, the clear concern is that in the case of complying development the first notification, assuming their neighbour does not knock on the door, is when the consent is issued. This issue should be examined. From my reading of the bill, notification requirements will require that a courtesy notice be given to neighbours immediately after the complying development certificate has been issued and before work commences. The significant change in how complying developments currently are dealt with is that the proposal relating to minor non-compliance with complying development will not proceed. This emanates from the exposure draft.

I will try to minimise my comments on this aspect, but we have seen a significant change from the exposure draft to the bill introduced. This is indicative of the Minister having listened to a number of issues raised by a number of members, including me. However, the issues about which I wish to comment include the contributions of $20 million for retail-commercial development and $50 million for residential development being handled by the proposed joint regional planning panels. The real concern is that these major developments will be approved with little local input. I have explained the process to my local community, as best I understand it. The processes outlined in the bill, and within the available policy statements, reveal a high level of complexity. Other members have referred already to the formation of the committees, what they will deal with and how people will be able to be present at hearings. One issue about which I am concerned and which I have flagged with the Minister is that, whilst understanding the desire to try to keep lawyers out of the process in order to ensure procedural fairness, not everyone has the same capacity to represent themselves at these types of gatherings. I am confident that I will receive a positive response about the concept of having McKenzie friends.

Mr Anthony Roberts: Some lawyers are people too.

Mr PAUL PEARCE: I will not respond to that.

ACTING-SPEAKER (Mr Thomas George): Order! The member for Coogee will be heard in silence.

Mr Barry Collier: I believe councils are very important.

Mr PAUL PEARCE: So do I. Councils can nominate two of the five members of the panel, with one council nominee being qualified in the range of skills designated under the Act. From my reading of the bill, a council is not prohibited from nominating two elected persons, assuming one nominee has the designated skills. However, I believe the assumption is for the chief planner or a representative of the chief planner to be on the panel. I have sought clarification of the role of council planners in assessing an application, in particular, from what level within a council structure the joint regional planning panel [JRPP] will seek the reports of planning or related assessment staff. Most councils operate on the basis of a number of reports prepared, in many instances, by relatively junior officers which then are reviewed and consolidated by senior officers and a recommendation is submitted. I assume that it is this final report that will be submitted with recommendations to the joint regional planning panel.

The bill proposes a range of changed appeal mechanisms. Whilst I appreciate that the intention is to reduce costs and delays by having a non-judicial system for neighbourhood appeals—the so-called arbitrators—I am concerned that this may lead to an increase in complexity. My understanding of the concept of arbitrator essentially is what assessors originally were envisaged to undertake under the 1978 Act. To that extent, from a neighbourhood basis, this is a significant step forward, but it is important that we do not have the situation of a matter being heard and the parties involved then simply lodging an appeal elsewhere. Given that most instances involve neighbourhood matters, that process may occur. I hold out hope for the success of the arbitration process because I believe there is merit in the system.

I understand that arbitrators essentially will reconsider applications under section 82A of the Act. The current system of appeals to the Land and Environment Court favours those with the deepest pockets. It also excludes a third party from seeking a merit review of a decision with the only third-party appeal rights being under section 123 and what have been identified as designated developments. The proposal within this bill to permit a limited third-party appeal on merit is welcomed; however, I still seek clarification of the precise

circumstances when the appeal right can be exercised. This should not be dismissed. For many years people within the community have argued in favour of merit appeals by a third party. That process will be granted in this instance under this Act in limited circumstances on neighbourhood-type appeals. The Minister deserves congratulations on implementing that process.

The changes to community contributions schemes under section 94 will deliver a fair result and act as a deterrent for those few councils who, frankly, have abused the section 94 system by accumulating contributions with no foreseeable plan of expenditure. However, I flag that community facilities should be interpreted broadly enough to allow for localised tailoring of needs. For example, where housing affordability is a major issue—particularly for older residents—developer contributions may be utilised by councils with a housing provision, such as was the case with my old council, Waverley. As a general comment, substantial criticism has been directed towards the role of elected councillors in the consent process. The Independent Commission Against Corruption [ICAC] looked at the corruption risks in the current process. Without dwelling on the issues, I point out that, where there have been convictions for corruption or findings of corrupt conduct in the planning processes in New South Wales, overwhelmingly it has been amongst professional officers rather than elected persons.

Bluntly, should one be of a mind, it is easier to corrupt an individual behind a closed door than it is to corruptly influence a majority on a council floor at an open public meeting. Beyond all else, residents expect transparency and accountability within the process. In order to ensure this, I strongly reject the argument of the development industry that the role of elected councillors should be marginalised. The so-called Coalition for New South Wales Planning Reform—a self-interest group if ever there was one—states in its "Planning Reform Score Card" that it wants 95 per cent of projects decided by professional staff and for councils to have stronger delegation policies. Without drawing the obvious conclusion as to why this coalition of developer interests clearly prefers dealing with professional planning staff rather than elected public representatives, it would help if they correctly informed themselves of the facts.

In an average council, between 94 per cent and 96 per cent of all applications it receives currently are dealt with by staff under delegation. The real problem that the development industry has is that those matters that go to council determination are their money projects where they invariably submit a State environmental planning policy 1 objection to increase the size of the building and improve their yield. That is not about good planning or quality design. The development industries' gripe is that they feel that elected persons do not understand their need to maximise yield of the site. Unfortunately, councillors have a habit of taking the local communities' views into account!

I have raised with the Minister the proposal to have template local environmental plans. It makes sense to have documents that are understandable and consistent from one local government area to the next. The current mishmash of zonings, development control plans and definitions doubtlessly are a problem. However, consistency of definition does not mean that one size fits all, and the Minister had made that point. There is an absolute need for localised tailoring.

The impact of a large dwelling or extension on a house on a 600 or 700-square-metre allotment is likely to be considerably less on a neighbour than is an unsympathetic minor addition on an inner-city terrace situated on a 120-square-metre allotment. I am aware that various codes are being developed. It is essential that these codes recognise urban variations. In my opinion, when it comes to complying developments, it is essential that in densely populated local government areas with small average allotment sizes that complying development be seen as the exception, rather than the norm.

I will now turn to one of the cognate bills, particularly the Building Professionals Amendment Bill 2008. Let me state at the outset that I have never agreed with the concept of private certifiers. In my opinion certification is clearly a regulatory function and, as such, should unquestionably reside with the local public consent authority. However, having said that, I recognise that private certification is a fact of life in New South Wales. I will briefly state why I have a problem with private certification. I know of a particular development which, unfortunately, has been dragging on for approximately 20 years in my electorate. It was the subject of a court decision and conditions of consent were imposed. A private certifier failed to ensure compliance with all the terms of the court-impose conditions of consent and public space considerations were ignored.

In spite of that, the private certifiers granted an interim occupation certificate based on the fit for purpose principle. The building is still not finished. It has had an adverse impact on the neighbouring building. The developer is sitting back, bringing in the cash. That is a very disturbing situation. The bill goes some

distance to addressing some of the shortcomings of the current scheme for private certification. I will not deal with those matters in detail, but suffice it to say that the bill provides that private certification work being carried out by a company will be done by an employee who holds the correct level of accreditation. Private certifiers that are carrying out building certification work on behalf of councils will have to be accredited by the board. The bill deals with the whole process of accreditation and brings private certifiers under the provisions of the Independent Commission Against Corruption legislation. The legislation imposes an onus on private certifiers as well as the companies involved to work for the benefit of all, just as a council certifier must.

The bill also breaks the nexus that is developing very unfavourably between individual certifiers, individual developers and speculative builders. That nexus has been a constant source of problems. Anyone who has been involved in local government, or indeed in parliamentary representation, would be familiar with the problems that have arisen. The proposals within the Building Professionals Amendment Bill 2008 will serve to break that nexus. I agree with the intent of the bill and commend the Minister for bringing it into the House. I believe that the result will be for the long-term benefit of our communities.

I also support the other bill being dealt with cognately, the Strata Management Legislation Amendment Bill 2008. It is an excellent piece of legislation. On balance, whilst I have some continuing concerns regarding some issues within the planning bill, I consider the bills deserve our support. I commend the Minister for introducing the bills.

Mr ANTHONY ROBERTS (Lane Cove) [10.53 p.m.]: It is indeed with great pleasure that on behalf of my community I oppose the Environmental Planning and Assessment Amendment Bill 2008. I state for the record that the Minister for Planning, Frank Sartor, has done for planning in New South Wales what the Black Death did for the Rat Appreciation Society of Europe in the Middle Ages.

Mr Steve Whan: That is a bit rough.

Mr ANTHONY ROBERTS: I apologise to the Black Death! The bill provides for multiple amendments to the Environmental Planning and Assessment Act 1979, and for minor amendments to the Heritage Act.

[*Interruption*]

ACTING-SPEAKER (Mr Thomas George): Order! The member for Lane Cove will address his remarks to the Chair. Members will cease conversing across the Chamber.

Mr ANTHONY ROBERTS: The Coalition opposes the Environmental Planning and Assessment Amendment Bill 2008 and will seek to move an amendment to have the bill referred to an upper House committee for inquiry. This amending legislation has been introduced on the back of the unsuccessful amendments introduced by the State Labor Government in 1997 that led to a doubling of development applications. The last major reform occurred in 2005 when the Minister for Planning, Frank Sartor, exercised powers under part 3A and allegedly created pathways to vast amounts of money from property developers who felt bound to donate to the Labor Party in return for favourable consideration being given to their major projects.

The Coalition wants a complete review of the Environmental Planning and Assessment Act, not tacked-on legislation. This amending legislation has been introduced in the Government's usual dodgy and slipshod manner that we have come to expect, particularly from the Minister for Planning. In relation to development applications worth up to $1 million, the bill provides for arbitrators to determine whether a development fits within a new range of complying developments, whose details will be set out at some time in the future, in regulations, codes or guidelines. There is an old adage:

> Fool me once
> Shame on you
> Fool me twice
> Shame on me.

The people of New South Wales have had a great deal of experience in dealings with Minister Frank Sartor. I have collected an assortment of files, and I will read to the House a mere selection. The first one I mention is the "Frank is the Most Useless Planning Minister in the World" file. The next one is the "Get Rid of Frank, He's Destroyed My Community" file. The next one is the "We Hate Frank Sartor's Ministry" file, and my favourite is the "Morris, Please Get Rid of Frank, He's Gonna Cost Us The Election" file. I will not table the contents of the

last file I mentioned in case it embarrasses the Minister's colleagues. I must say that I am running out of space trying to accommodate the volume of correspondence that comes into my electorate office regarding the Government. For example, among the hundreds of similar letters I have received, there is this one:

> I am a local resident in your electorate concerned about the community impact of the new planning laws introduced by Planning Minister Frank Sartor.
>
> These State Government pro-Developer Laws will significantly tip the balance away from local communities towards the state government and developers.
>
> Changes to planning laws are needed but not at the expense of local residents having their say about developments in their own street. Local voices matter.

I am sure my Coalition colleagues would agree. The letter goes on to state:

> The changes will also dramatically reduce funding for local services like childcare, local roads and sporting grounds. I would like to know what services would be at risk in our area? Where will our community find the money for the next 150 childcare places now that we have less funding?

At this point, I must ask: What has the New South Wales Labor Government got against communities? What does it have against little kids who just want to go up to the playground and kick a footy? What about smaller children who cannot get a childcare place—something that the member for Burrinjuck is well aware of?

Mr Barry Collier: You have lousy councils.

Mr ANTHONY ROBERTS: The member for Miranda mentioned Hunters Hill. What has the Government got against Hunters Hill council, Lane Cove Council or Ryde City Council? There are Labor members on Ryde City Council.

Mr Barry Collier: Stop misleading the House.

Mr ANTHONY ROBERTS: You have Labor members on Ryde City Council.

ACTING-SPEAKER (Mr Thomas George): Order!

Mr ANTHONY ROBERTS: I apologise, Mr Acting-Speaker.

Mr Barry Collier: Let him go. He's on a roll.

Mr ANTHONY ROBERTS: I thank the member for Miranda. I am glad the member mentioned lousy representation because under this Labor Government my communities are suffering. For example, Hunters Hill council has 4,500 dwellings and has to accommodate 1,200 new dwellings, Lane Cove Council has 14,000 dwellings and has to accommodate 4,000 new dwellings, and Ryde City Council has to accommodate 14,000 new dwellings. That type of development is already impacting upon local infrastructure and local roads. Commuters cannot even get a train when they need one. My colleagues and I will discuss trains and commuters in greater detail at a later stage. Commuters are discussing the impact of planning legislation at great length.

Local councils are doing a great job. The latest campaign, Keep it Local, is highly commendable. The Coalition's shadow Minister for Infrastructure and Planning, the member for Wakehurst, is a great supporter of communities and local organisations, as is the member for Manly. We love our communities and we back our communities, but Labor members do not. The Local Government Association and community groups have made the point that there will be limited appeal rights if people are not happy with decisions made by the arbitrator. Only the applicant will be able to lodge an appeal in the Land and Environment Court. That adds a level of confusion and a level of uncertainty for local communities.

Mr Brad Hazzard: Complexity.

Mr ANTHONY ROBERTS: Exactly. Development that is considered to be major development by the Minister for Planning will be referred to a new planning panel to be known as the Planning Assessment Commission—not to be confused with the wonderful, august body of this Parliament, the Public Accounts Committee. Who will appoint members to the Planning Assessment Commission?

Mr Brad Hazzard: Frank Sartor!

Mr ANTHONY ROBERTS: That is right. But the Minister will be able to override the Planning Assessment Commission if it does the dirty on him—like backbenchers are trying to do now. I fully support that move, although the Minister for Planning is good for our side of politics. That is the Labor mentality. Our major concerns with the bill include the reduced level of transparency. It gives unprecedented powers to Minister Sartor. Giving unprecedented discretionary powers to Minister Sartor is the equivalent of supplying automatic weapons to the prisoners at Long Bay jail. We just cannot trust him.

Mr Barry Collier: Point of order: It is beyond a joke for the member for Lane Cove to suggest that the Minister for Planning is involved in some sort of criminal conspiracy. The member should withdraw the remark. He does not have to go that far.

Mr ANTHONY ROBERTS: I would certainly never say that the Minister would supply automatic weapons to anyone. If the prisoners at Long Bay jail—who I am sure read *Hansard*—object to the remark, I am happy to amend it.

ACTING-SPEAKER (Mr Thomas George): Order! Has the member for Lane Cove withdrawn the remark?

Mr ANTHONY ROBERTS: I withdraw. The bill destroys our community's involvement in its future. Communities are not created; they are nurtured and built over time. That is something the Coalition understands and respects. The Minister has made disastrous decisions in my electorate. The roads in Putney—a fatality occurred recently on Morrison Road—carry a volume of traffic 300 per cent above Roads and Traffic Authority guidelines. The Minister has ridden roughshod over our local councils. The Riding for the Disabled Association has been displaced and we have had to fight tooth and nail to ensure the residents of Weemala, Royal Rehabilitation Centre, continue to receive the accommodation and care they need. And this is only the beginning.

My constituents are fearful that the community in which they have grown up and live and to which they have contributed significantly will be handed over to developers. They are worried that their lifestyles will be crushed and their housing bulldozed to make way for ridiculous high-rise buildings simply to please developers. More tinkering through this ridiculous bill and giving greater power to the Minister for Planning will cause further disarray and angst and produce more bad planning in our community. There is nothing better or fair about this bill, and the Opposition will punt it. The bill must be considered fully in the Legislative Council. My constituents are not happy with the bill, and they certainly commend the Coalition for opposing it.

Mr DAVID HARRIS (Wyong) [11.02 p.m.]: Some of the contributions to the debate on the Environmental Planning and Assessment Amendment Bill 2008 by Opposition members have been quite entertaining and thoroughly theatrical but very short on fact. It is clear either that they have not been briefed properly about the bill or that they do not understand it. The object of the bill is to amend the Environmental Planning and Assessment Act 1979 to implement improvements to the New South Wales planning system resulting from proposals in the discussion paper released by the Department of Planning in November 2007. In speaking in support of the bill, I will comment particularly on a couple of key areas of concern in my electorate and lay to rest the notion that there has not been sufficient consultation.

There has been some criticism that there has not been enough community consultation about the changes. I will kill that myth right now. Some 538 formal submissions were received on the discussion paper, "Improving the NSW Planning System". An additional 124 form letters were received. The Royal Australian Institute of Architects and the Planning Institute of Australia conducted two surveys as part of their submissions.

Mr Brad Hazzard: Do you know what your council said?

Mr DAVID HARRIS: I will get to that. A total of 286 members of the two institutes responded to the survey. Just under half the 538 formal submissions—or 46.7 per cent—were from residents and community groups, 22.3 per cent were from professional practitioners and 21 per cent were from councils. I want members to appreciate the number of people who responded to and commented on the discussion paper. Some 180 submissions were received from residents, 71 from community groups, 104 from individual councils, three from peak local government bodies, eight from regional organisations of councils, two from individual councillors, 120 from planning professional practitioners, 21 from State government agencies, 26 from industry and three from members of Parliament.

Additionally, in December 2007 as part of the consultation process on the proposed reforms Department of Planning staff conducted roadshow information sessions throughout New South Wales so that

local government, industry and community stakeholders had the opportunity to learn about the proposed reforms. Eleven venues across the State hosted the road shows, which involved more than 1,000 people and provided the opportunity to comment further on the proposed changes. Guess what? The Government listened to the comments. Following wide community consultation, the New South Wales Government and the Minister for Planning made a number of changes to the original proposed planning reform package. These important changes deal with issues raised during the consultation process.

They include deleting from the bill a proposal to clarify council powers to compulsorily acquire land for the purposes of urban renewal. Some Opposition members think that is still part of the bill. They do not know that it has been removed. Also deleted is the proposal to allow accredited certifiers to approve minor non-compliances with complying development. Community consultation also led to the clarification that local environmental plans cannot be made if required community consultation has not occurred. Therefore, the community must be involved in making those plans. The Government has ensured that applicants cannot forum shop appeals by going either to an independent panel or to the Land and Environment Court. Applicants must go to the court. We have maintained protections to prevent new developments in Sydney's drinking water catchment unless they have a neutral or beneficial water quality effect. We have broadened the range of people who may be appointed as Planning Assessment Commission members to include legal, engineering, traffic, transport or tourism skills.

The Department of Planning, not councils, will appoint a planning arbitrator to review a council determination to avoid a potential or perceived conflict of interest. The Government has expanded provisions to allow more than one arbitrator to be appointed to review complex matters. We have clarified that libraries and community centres together with volunteer rescue and emergency services are key community infrastructure that councils can fund automatically through local infrastructure levies. That change, which also includes parks and so on, was obviously missed by many Opposition members. The bill also ensures that councils can no longer double dip by levying both at the subdivision stage and on the approval of a dwelling house development application envisaged in the subdivision. All these major changes were made after extensive community consultation.

So why are these changes necessary? The reforms proposed by the New South Wales Government are aimed at modernising the planning system and better equipping it to deal with challenges such as population growth, urbanisation, natural resource management, job trends and changing community expectations. Everyone agrees that red tape must be cut to make the system more accessible for mums and dads, because the research shows that they use the system most. The planning system is subject to continuous public scrutiny and sometimes criticism—we hear plenty of that from those opposite. This legislation addresses public concerns and delivers reforms that are long overdue.

The Department of Planning produces an annual performance monitoring report on the development application assessment times of all New South Wales local councils. The 2006-07 report showed that small-scale residential development applications took an average of 57 days to process, with new single dwellings taking 78 days. About 60 per cent of all development applications determined by councils were for new homes and about 97 per cent of all development applications were valued at under $1 million. The 2006-07 findings reveal a clogged, inefficient planning system, in which homeowners are waiting too long for approvals to build homes or renovate. In my electorate there is a deal of concern about the calculation of levies for local infrastructure and the rights of existing residents. In Wyong, the issue of levies, or section 94 contributions, is very important. We are in the process of trying to release two areas for important investment, which will improve services and provide much-needed jobs for the area.

The Wyong employment zone is a proposed industrial and commercial precinct, which will hopefully provide 7,000 jobs for local residents. Its importance to the local Wyong and Central Coast economies cannot be underestimated. It is a vital area. It needs the necessary infrastructure—roads, water, and sewerage et cetera—to get up and running, which is very costly and there is an expectation, rightly, that developers who will profit from the opening up of this precinct will make a contribution. However, there can come a point when the required contribution is too prohibitive and investing in the area is too expensive, which is what has happened in the Wyong employment zone. The same applies to the nearby Warnervale township.

The Government's approach to establishing section 94 contributions is sensible. It identifies key infrastructure that must be provided but also it allows extras if local councils can justify the need and provide detailed costings and timelines. Councils collect money but nothing ever happens. One developer told me that eight years ago he was promised that certain facilities would be provided for the people who built in his estate,

but they have still not been provided. The money was collected but was not spent. With the need for affordable housing and important employment generation we must ensure that we do not kill the goose that lays the golden egg by levying investors too highly. We must get an economical balance between levying for infrastructure and encouraging investment in new developments that benefit the community.

Contrary to some of the scaremongering about the levy, councils will be able to continue to impose levies for regional facilities but the system will hold them more accountable. That is both fair and reasonable and something most people to whom I have spoken in the community support. The bill also protects the rights and amenities of neighbours. The vast majority of development proposals assessed under the planning system are for renovations to existing houses or applications for new houses. The Government is introducing a series of codes that give homeowners certainty about the rules that apply to their property and their neighbour's property to ensure that everyone knows the rule—a complying development under the code will not impact on neighbours.

At present, the right of objectors to challenge decisions or undertake merit appeals only exists against what is called designated development—typically development with potentially major local impacts such as mines, quarries, waste management facilities or chemical industries. However, the Government is proposing to expand the ability to challenge other types of approvals, further extending the New South Wales planning system's reputation as one of the most legally inclusive and accountable in Australia. This legislation proposes to allow persons affected by development to seek a review of the council's decision if it exceeds planning controls significantly. This could include development where planning controls are over 25 per cent of the scale of what the project should be. The reforms also propose to shift reviews of determinations or deemed refusals of small development proposals to planning arbitrators in the first instance, unless the applicant and council agreed to go to court. These arbitrators will conduct non-adversarial reviews, free from legal argument, at a minimal cost. These reforms are designed to drive down legal costs and make reviews more accessible to households unhappy with the determination.

Last Thursday the Minister's office held a briefing on changes to the planning system for the benefit of Central Coast interest groups. Present were representatives of community groups, Wyong and Gosford councils and business groups. A detailed explanation of the planning changes was undertaken and the assembled group was able to pose questions. At the end of the almost two-hour session the response was very positive, with comments such as "long overdue" and "very comprehensive". The changes to the system are designed to improve the overall functionality and fairness of the system. Finally, let us examine some of the general commentary on the proposed changes to the system. As was mentioned earlier, the Property Council of Australia carried out a survey through Auspoll. The accompanying letter from Ken Morrison, New South Wales Executive Director of the Property Council of Australia, states:

> In a bid to close the debate on planning reform, and to address criticism that the current reform package isn't supported by the community, the Property Council of Australia commissioned an independent poll of 1,000 aged 18-plus residents of New South Wales.

Outcomes were then listed. Finally it says:

> The data makes extraordinary reading regardless of political voting persuasion. Support for the proposed reforms is overwhelming. We ask you to take a moment to read the comments.

Patricia Forsythe wrote:

> The reforms proposed by the Government are reasonable and moderate. The legislation is supported by a broad alliance of industry groups.
>
> We believe the current planning system no longer serves community interests.

She continued:

> As a member of Parliament I strongly urge you to support this important legislation and bring commonsense back to the planning system.

The changes in the legislation are well thought out and will, when implemented, provide a stronger, fairer system. They are necessary. I commend the bill to the House.

Ms KATRINA HODGKINSON (Burrinjuck) [11.45 p.m.]: The Coalition will not support the Environmental Planning and Assessment Amendment Bill 2008. We will oppose it. Instead, the Coalition will

support the Keep it Local campaign, www.keepitlocal.org.au, which has been launched in association with the Local Government and Shires Associations whose conference I attended this morning. I commend the associations for their fight on behalf of their local communities, in particular, Genia McCaffery and Bruce Miller, mayor of Cowra in my local community. As one would expect, the Opposition supports local government and its local communities—that is what we are here for.

The purpose of the bill is to make multiple amendments to the Environmental Planning and Assessment Act 1979, with minor amendments to the Heritage Act and other miscellaneous Acts. We know that this Act has been reviewed and amended on several occasions. In 1997 amendments that were designed to halve and significantly reduce the number of development applications resulted in their being doubled from 60,000 to 120,000—another failure by this Government. In 2005, part 3A was introduced to give the Minister for Planning increased powers to pull in and determine State significant development, as the shadow Minister for Planning, the member for Wakehurst, and the member for Pittwater have outlined already in their contributions to this debate.

Minister Sartor announced a review during early 2007, and a discussion paper was followed by a draft bill. Then the current bill was introduced and, as we have heard, so-called consultation occurred in less than eight months. As soon as the legislation was introduced into this place I contacted councils in my area and asked them to read the legislation and advise me of their concerns. A constant concern was that they did not have time to go through the legislation due to its size and striking complexity. The detail in "Legislation Review Digest No. 7 of 2008" of the dozens of concerns and recommendations of the Legislation Review Committee in relation to this legislation is extensive. It is important to raise those matters in this place because the Legislation Review Committee undertakes a very important role.

I will touch on a couple of those concerns in my brief comments. Councils in my electorate have expressed concern that they do not have access to appropriate section 94 levies to provide local facilities under the legislation. They will not get financial support to run new joint regional planning panels. They will not have a say on developments next door or nearby to them.

That is very import in country towns, because no two country communities are the same. Certainly the difference between metropolitan communities and rural communities can be quite stark. For example, compare Gunning with Brookvale—not many things are similar, particularly the general environment, the rainfall, the population, the size of residences and the general communities. A continual concern addressed to me is that there cannot be one-size-fits-all legislation on something that is as important as planning. That is one of the reasons that councils exist: to assist with those sorts of issues.

Councils have raised concerns with me about the expansion of certifiers' roles in development approvals. Some local communities have experienced problems in the past that emanated from certifiers. It is important to note that the last major reform of this legislation was in 2005 when Minister Frank Sartor introduced part 3A and a free pass to making a significant amount of money through donations from property developers who felt bound to donate to the Labor Party. I know that there have been many inquiries about that in the public arena over the past several months, to get consideration of their major projects under part 3A. The word is that when one gets the dollars to Sussex Street, one gets through to the Minister. I heard from Burrinjuck constituents about Sydney hotels—

Mr Steve Whan: Point of order: I draw attention to Standing Order 73, relating to imputations of improper motives and personal reflections on members of either House. The member's suggestion that part 3A results in improper contributions and improper motivations of approval of projects is in breach of that standing order. The member should withdraw that comment and desist from making those sorts of imputations.

ACTING-SPEAKER (Mr Thomas George): Order! Unfortunately, I did not hear the comments as I was speaking to the member for Wakehurst.

Mr Brad Hazzard: I apologise. It was all my fault—as everything is!

ACTING-SPEAKER (Mr Thomas George): Order! The member for Wakehurst will resume his seat. I ask the member to repeat the comment.

Ms KATRINA HODGKINSON: I highlight that it was a comment that has come to me from my constituents.

ACTING-SPEAKER (Mr Thomas George): Order! The member for Wakehurst will resume his seat.

Ms KATRINA HODGKINSON: There was nothing defamatory about it; I was just passing on concerns that have been relayed to me by my Burrinjuck constituents who have interests in Sydney properties such as hotels. It is concerning also that under this legislation, for development applications of up to $1 million, arbitrators will determine whether a development fits within a new range of compliant developments that are to be detailed at some future time in what could be a regulation, a code or a guideline. We do not really know what it will be. As the member for Wakehurst outlined, and which bears repeating, the problem is that so much detail is missing in the legislation. Neighbours will not receive notification of development until after approvals are given. There will be appeal rights to the Land and Environment Court only by applicants. Objectors or councillors will not have appeal rights.

Really, the legislation gives a free rein to the Minister for Planning who, at this stage, is Frank Sartor. We do not know who will be the Minister for Planning in the future. Members opposite might have full confidence in Minister Sartor, but I certainly do not. I know the residents of Burrinjuck certainly do not. I know the councillors of Burrinjuck certainly do not. A future Minister who may not necessarily have our trust will have a free rein. We have to make sure that the legislation is not so free wheeling gives so much power to one individual, which is what it does. There may not be 100 per cent confidence that a future Minister will not take advantage of the legislation. I am so concerned about that that I will vote against the legislation. I will outline a few concerns that have been raised with me by some of my shires. Almost universally, the shires do not have sufficient time to look into the detail of the legislation. In a letter to me, the group leader of planning and environment of Young Shire Council, Craig Filmer, wrote:

> In response to your letter of 6 May 2008, please find attached reports to Council in February and April 2008 …
>
> Generally I would advise that Council professional Staff are disappointed in the reforms, the agenda, the faux consultation and the lack of applicability of most reforms, west of the Great Dividing range. Also and of particular interest is the disdain that the Bills treat longstanding professional Building Surveyors with a lack of skills recognition. As a result, Building Surveying is now a divided profession with no serious qualification for dual Health and Building Surveyors and our professional Institute (Australian Institute of Building Surveyors) [is] in extreme conflict between Private Certifiers and Council employed Building Surveyors. This is to the point that our Union is now defending the ethics and profession of Council employees over our professional learning body …
>
> It all appears a done deal unfortunately.

Craig Filmer enclosed an extract of a business paper presented to the Young Shire Council meeting in April 2008 entitled "NSW Planning Reforms—Improving the NSW Planning System [154] [Report by Group Leader (Planning & Environment)]". That report states that the council has concerns in relation to the key issues of exempt and complying development; panels, their funding and their operational levels; empowering certifiers with assessment of development application matters; recognising adequately the skills of local government building surveyors and their ongoing maintenance of accreditation; and maintaining localised planning controls. The report states that those matters:

> Are dealt with summarily and will not, we believe, work to streamline the process but moreover, restrict or add more layers to the already complex planning system. The application of the Act in the bush varies markedly from in the city due to availability of resources and competition and the system is not flexible enough to address this.

I also received correspondence from Cootamundra Shire Council and Cowra Shire Council which referred the bill to the general manager's department. A significant report was received from Weddin Shire Council containing a recommendation from the Mayor, Councillor M. A. Simpson, advising support to the Local Government and Shires Association campaign for a freeze on the implementation of the State Government's draft exposure bills for planning changes, and a parliamentary inquiry into the New South Wales State Government's draft exposure bills on planning changes. That is exactly what the Opposition is setting about doing. As the shadow Minister for Planning, the member for Wakehurst, has advised, we are opposing the bill and we look to an inquiry being held in another place. Mr Acting-Speaker, I request an extension of time.

Extension of time not granted.

The Upper Lachlan Shire Council wants a law change inquiry. I am very disappointed that the Government is attempting to gag me in that regard because significant concerns have been raised with me right across my electorate. This is one of the most significant legislative changes that has come before the House. Upper Lachlan Shire Council Mayor, John Shaw, opposes the State Governments' proposed planning changes. He believes they will have serious implications for the Upper Lachlan community. He said:

> The State's pro-developer laws are taking control away from local communities, which is why we're calling for a freeze on the implementation of the changes as well as a Parliamentary Inquiry.

A letter to me from D. W. Philpott, General Manager of Boorowa Council, stated:

> At the 28 April 2008 meeting of Council, discussion took place regarding the Planning Legislation and the concerns raised by the Local Government and Shires Association and the short timeframe for consultation with Local government, Council resolved:
>
> > "*To endorse the actions of the Local Government and Shires Association and that a letter of concern be written to the Local Member, Ms Katrina Hodgkinson.*"

That was a reference to the Keep It Local Campaign. Time will not permit me to go through the many serious problems and anomalies in this complex piece of legislation, one of the most serious of which is giving unfettered power to an individual, no matter who that individual is, in control of the planning department. I have extreme concerns about that and I believe they are justified. This Government has once again failed to address the very real concerns that have come from the Local Government and Shires Associations and councils across the State, as well as individuals and people who will lose power under this draconian legislation, which is not in the best interests of our communities. [*Time expired*]

Mr PHILLIP COSTA (Wollondilly) [11.30 p.m.]: I appreciate the opportunity to speak on the Environmental Planning and Assessment Amendment Bill as my interest in local government, in particular, goes back two decades and continues to this day. I have been wondering which bill some members have been referring to in relation to the section 94 contributions plans and the comments about what can and cannot be included. I refer to the explanatory note on page 26, which says that key community infrastructure is local roads, local bus facilities, local parks, local sporting, recreational and cultural facilities and local social facilities. It goes on to list others. Today a number of members have said that councils will not be able to impose levies for those sorts of pieces of infrastructure, and that is just not right. It is incorrect.

I thank the Minister for Planning because in Macarthur we have brought the councils together with all the professional staff and gone through this bill in detail. We have spoken to them about their concerns and have had a significant amount of dialogue locally. My local councils have worked through this with us, so it is not being done in isolation. The need for planning reform is well established. As I said earlier, I have extensive experience in local government and, in fact, I trained first as a planner. It is an area in which people were looking for change over time. The Government has consulted widely in putting this package of planning reforms together. For example, it has looked at systems from other States and it has held forums. A previous speaker referred to that so I will not go into it in detail.

A discussion paper and an exposure bill have been published and distributed. Mr Acting-Speaker, you may be surprised to hear—or maybe not because you are such a learned person—that I am reliably informed that of the 126 principal recommendations in the discussion paper "Improving the New South Wales Planning System", 71.4 per cent were generally supported by councils across the State. The package before us today is backed by a broad alliance of stakeholder groups including those representing the practitioners, such as the Planning Institute of Australia and the Royal Australian Institute of Architects.

However, some concern persists among councils that this legislation will undermine their authority. In reality, joint regional planning panels will consider only a few hundred determinations each year across the State. We anticipate that when the reforms are up and running local councils will continue to determine more than 97 per cent of all development applications in New South Wales. Larger regionally significant proposals, some of which are currently dealt with by the State, will be dealt with by the joint regional planning panels, on which councils will have two representatives. I should also mention that those two council representatives will rotate and if there is a development in a particular council area the two representatives on the panel will come from that council.

In Macarthur, for example, where we will have four councils one day—we are looking at Liverpool joining Macarthur—if there is an application in the Wollondilly area the two representatives will come from that council. Statewide complying development codes will help to free up council bureaucracies to deal with the more significant applications. It is important to note that most of the applications that will be picked up by the codes are currently dealt with by council staff, not elected councillors, under delegated authority.

If we take off the blinkers it is clear that this legislation contains a number of wins for councils. I want to mention a few. There is a general feeling that the existing plan-making process is too complex. I have been working on our local environment plan [LEP] in Wollondilly for the past five years and I know how complex it can be. It is confusing and time consuming. Figures show that minor local environmental plan amendments take an average of 196 days, while a major LEP can take an average of almost five years, as is the case locally. This

legislation will help to fix the problem. The legislation will create a new gateway process to provide early feedback to councils on whether new LEPs are justified. We are also moving to tailor the plan-making process to the scale and size of a proposed plan. These provisions will benefit councils significantly. They will provide greater certainty and cut a lot of unnecessary red tape.

I want to refer also to concurrence and the role of the State. We are also cutting red tape for councils in the area of concurrence. The Government is getting its own house in order, and rightly so, by reforming the way that State agencies deal with requests from councils to deliver advice or approvals on particular applications as required under a number of planning instruments and legislation. We have had to deal with this consistently in Wollondilly. In some instances we just cannot get State agencies to support or make comment on applications. We are slashing unnecessary duplications and introducing three-week deadlines for concurrence, with a new deemed approval period at the end of 21 days if the agency has not responded so that councils can get on with the job. It is about time because sometimes we have major problems in approving processes in my shire.

On the issue of certification, councils will be given greater powers to enforce development consent with new investigation powers and mechanisms to recover costs of enforcement action. Under this legislation councils will be able to issue stop-work orders to immediately stop unauthorised work or work that affects adjoining land. A consent authority will be able to require payment of an enforcement bond as a condition of consent. That is a good thing. This is an important reform to assist councils in funding necessary enforcement action where developers breach conditions of consent. The bill will also enable councils to recover the full costs of assessing unauthorised works when they are asked to issue a building certificate for recently completed unauthorised work. That is a very important condition because I am aware of a number of situations, particularly in my area, where the cost of pursuing unauthorised work can be quite high. This will deter people who carry out building work without consent and then ask council to endorse the development once it is finished. We need to get tough on people who do things like this, and being able to get money back in the process will hopefully deter some of these unscrupulous developers.

The bill is a far-reaching one. I have gone through it in detail. There are some very good clauses and there are some that I believe will prove to be quite successful over time. I have to admit that I am looking forward to the implementation of the bill because despite the fact that I believe it is good legislation, we will not know whether some things are going to hit the fan until the bill is implemented and we see how the process comes together. Whether it hits the fan or not, I suspect it will be quite successful. I hope no more members refer to this Legislation Review Committee report because although it is good it deals with the draft bill and it does not reflect the bill before the House.

Mr MIKE BAIRD (Manly) [11.39 p.m.]: I join in debate on the Environmental Planning and Assessment Amendment Bill 2008. I state at the outset that I do not pretend to be an expert on planning or planning systems, but I know what my community has told me about this legislation. I acknowledge the contribution of the member for Pittwater, who has significant knowledge and expertise in this area. I commend him for his contribution to debate on this bill. Having reviewed the legislation I have a strong fear that our local community will be sidelined in all future planning decisions, and all communities will be treated very much as one. That is representative of the Manly community, and I am sure it is representative of many other communities.

I view the Manly community as unique and I am sure that all members view their communities as unique areas that should be considered carefully. Some good provisions in this bill will attempt to change the planning process and identify problem areas that require to be changed. However, this bill does not provide solutions to all those problems. Having looked at the legislation I am aware that it increases problems relating to issues such as red tape. The bill will attempt to smooth out development applications and afford closer scrutiny of exempt and complying development applications—something that is long overdue. The Government must smooth out, enhance and streamline exempt and complying development applications but it must not throw out the baby with the bathwater.

Community members have written to me expressing fear about these legislative proposals. I will not read out every letter that I have received but they have said that they fear they will have sun one day and two-storey extensions the next. There is no community consultation and the local community is diminished because people can do whatever they like within the guidelines. One of the shortcomings of this legislation is that the Government has not consulted the community about it. I agree with the sentiments expressed by local mayor, Peter Macdonald, and I have spoken to council seeking its views. Peter Macdonald said that community members were concerned about the Government's move to give more power to private certifiers as they were not accountable and there was a perceived conflict of interest.

Ultimately, the problems that are created by private certifiers end up in council anyway. Clearly, there is a conflict of interest. These people operate independently; there is no election; they are accountable to no-one; and, ultimately, their bills are paid by those who are seeking approvals. I believe that people in that position should not be given more power; rather they should be given less. I refer members to development issues in Wollongong and to public and community perception of a conflict of interest. That is a good example of a distorted process resulting in bad planning outcomes. I agree with the views of my local mayor. If we give powers to private certifiers who oppose this legislation it is open to manipulation and corruption.

There is real community concern about the Government's lack of consultation in relation to this issue. The Government must take into account and focus on the views and concerns expressed by the Local Government Association. It should not be afraid of consultation, even if it takes more time to achieve an outcome that is more aligned with community interest. Legislation creates a whole new layer of bureaucracy. I read from a submission prepared by Manly Council that states:

> Many of the proposed reforms would add to the complexity of the system by increasing the number of regulations and regulatory bodies such as the joint planning panels ... planning arbitrators and independent hearing assessment panels ... all of which require administration and funding of their operations.

The legislation makes reference to a whole range of regulatory bodies such as the Planning Assessment Commission, joint regional planning panels, independent hearing and assessment panels, planning arbitrators, review panels, et cetera. Effectively, this new process will duplicate the existing framework, remove significant power from the local community, and centralise power in the Minister. Is that a good thing? Will the Minister for Planning state in reply to debate on this bill who will appoint people to these individual panels? There is no longer a need for the local community to be involved in almost anything under this legislation.

This new process will centralise power in the Minister, no-one will be accountable for these panels, and there will be a huge impost on the community, as ratepayers will clearly have to pick up the costs. The legislation does not make it clear who will be appointed to these panels and the community has expressed concern about the Minister's unfettered power.

ACTING-SPEAKER (Mr Thomas George): Order! The Minister will have an opportunity to reply to the debate.

Mr MIKE BAIRD: I look forward to the Minister's response to that issue. Communities are concerned about the Minister's power to establish the panels proposed in this legislation, which will result in reduced accountability and scrutiny and a bypassing of the views of those communities. The shadow Minister said earlier that this legislation should be referred to a parliamentary inquiry. I said at the outset that there were some positive aspects about this legislation but the community has not been consulted on this issue. We must get the balance right. As the legislation stands at the moment we do not have a balance. The Government must consult the community, refer this legislation to a parliamentary committee and allay community concern. Opposition members are concerned about several provisions in this bill. The Government must address those concerns. Manly Council's submission also states:

> The Council is of the view the reforms as proposed should be deferred, and a broad round of consultation be undertaken by the Department of Planning with all interested parties.

That is a summation of the feelings of my community. Local communities want power and these legislative provisions must be streamlined. This bill goes only part of the way towards addressing these issues. If this legislation is referred to an upper House parliamentary committee, all our concerns will be addressed.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [11.47 p.m.]: I am pleased to speak in debate on the Environmental Planning and Assessment Amendment Bill 2008 and note that the member for Cronulla read excerpts from the Legislation Review Committee's report on the bill. While the work of the Legislation Review Committee is a valuable contribution to the legislative process, I note that the report includes a number of errors and misconceptions. For example, it is clear that the report was written with respect to the exposure draft of the bill, not the bill that is currently before the House. It refers to the urban renewal acquisition powers that are no longer included in the bill. The report also criticises the Crown development provisions as being "oppressive official powers that appear unduly to trespass on individual rights".

The provisions in the bill are no different from the provisions in the current Act; they merely simplify the dispute resolution process. There is no change in the public participation requirements for Crown

development applications. The report also criticises provisions in the bill concerning third party reviews and the safeguards that have been included to ensure that commercial competitors do not abuse those review rights. The relevant commercial competitor provisions are modelled on similar provisions in the Victorian planning legislation—a provision that has been successfully in place for a number of years.

The inclusion of these provisions is an important and necessary safeguard for these types of third party reviews. The report also criticises provisions in the bill limiting people's ability to be legally represented in matters being dealt with by the Planning and Assessment Commission, joint regional planning panels, and planning arbitrators. The Government is unapologetic about these provisions, which are aimed at increasing access and equity in the planning system, ensuring everybody has the ability to seek an independent review of decisions, irrespective of their ability to pay lawyers. These are just a few of the examples of the way in which the report has misunderstood the provisions in the bill and the purpose of the planning reforms.

While I respect the role of the Legislation Review Committee in the legislative process—I do so having been the first chairman of that committee—in my view the significant reforms to the planning system and public benefits introduced by this bill outweigh the concerns expressed by the committee. I am also pleased to speak in support of the complying development certification provisions. I would like to focus on an aspect of the reforms that I believe will have the most positive impact on the everyday person—that is, the move towards more complying development. An increase in complying development will mean faster and more straightforward approvals for simple extensions to the family home, making a currently daunting process less daunting.

The vast majority of development proposals assessed under our planning system are for simple renovations to existing houses or applications for new houses. At present, on average, small-scale residential development applications take 57 days to process, with new single dwellings taking 78 days. In many cases the Government proposes to reduce this to 10 days—and it goes without saying that this would be a vast improvement. It is important to make clear that to qualify for a 10-day approval applicants will need to meet the relevant design code. The codes are being developed in consultation with local government planners and the community, and would be specifically designed to take into account local factors and cover issues such as overshadowing, setbacks, privacy, height and site coverage.

The codes will allow homeowners to avoid a lengthy development assessment for complying proposals. However, if applicants want to do something out of the ordinary that does not comply with the relevant code, they will have to follow the normal development application process. The increase in complying development is quite a significant change. It will give homeowners certainty, which in many cases they currently do not have, about the rules that apply to their property and neighbouring properties. Quite a lot of misinformation has been bandied around about this aspect of the reforms, especially that we need new legislation to increase complying development. That simply is not true. The bill does not include any provisions to increase complying development: that can be achieved already under current legislation. However, the bill does include provisions to tighten up the regulation of private certification.

Unlike what the Local Government and Shires Associations have been sprouting, the bill does not broaden the role of accredited certifiers. Currently, either the local council or an accredited certifier can issue a complying development certificate; it is not proposed to change that arrangement. The bill actually introduces tougher rules and penalties for accredited certifiers. The bill strengthens and clarifies the certifier's role in preparation for an increase in faster approvals for mums and dads. The accredited certification system came into force back in 1998. It was a good reform that provided greater choice for persons seeking sign-off for building subdivision and minor works. The current certification system is fast and efficient and ensures buildings are assessed against the building code. However, we must ensure community confidence in how certifiers operate, especially in light of plans to increase complying development.

The bill addresses serious current existing concerns about certification, such as possible conflicts of interest. For example, the bill contains much tougher rules and penalties for certifiers, including restricting them from earning more than 20 per cent of their income from one person or company. In addition, the bill gives the Building Professionals Board the power to cancel a certifier's certificate of accreditation. The planning reform package does not contain radical changes. As mentioned, we already have complying development and we are developing various housing codes separate from the legislation. However, the reforms will lead to vast improvements for the everyday person who uses the planning system the most. Obviously, the need for planning reform is well established. The Government has consulted widely in putting together the package. It has examined systems from other States, it has held forums, presented a discussion paper, and an exposure bill has been published for comment.

I am advised that of the 126 major recommendations in the discussion paper entitled "Improving the NSW Planning System" councils generally supported 71 per cent. The package before the House is backed by a broad alliance of stakeholder groups, including those representing practitioners such as the Planning Institute of Australia and the Royal Institute of Architects. Of course, Sutherland Shire Council has been conducting a misleading campaign at great expense to its ratepayers, including me. Its campaign is that this legislation actually will undermine it and take away its powers. The council has been stinging its ratepayers and spending funds that could be used for infrastructure on its misleading Keep it Local campaign. In reality, joint regional planning panels will consider only a few hundred determinations each year. It is anticipated that when the reforms are up and running the local council will continue to determine about 97 per cent of all development applications in New South Wales.

If we take off the blinkers and look closely at the legislation, we see that there are a number of wins for councils. For example, the existing planning process of course is too complex and time consuming, but the figures show that local minor environmental amendments can take an average 196 days while a major local environmental plan can take an average of almost five years. Again Sutherland Shire Council is a case in point. We are moving also to tailor the plan-making process to the scale and size of a proposed plan. Of course, councils have been giving misleading information by bandying about that without contributions they will not be able to provide things such as playgrounds, green space and even childcare centres. Nothing could be further from the truth. Certainly, one of the most important areas in reforming the Act is the section pertaining to contributions. That section evolved over the years on an ad hoc basis, and it has become confusing, and unnecessarily complicated. I support the Minister for Planning in his moves to create a more simple and accountable contributions framework that takes into account affordability as well as making sure councils deliver infrastructure for their community and not just a wish list.

Again, as I have said, Sutherland council has been running a misleading, misinformed and very costly campaign against the new contributions provisions. The council is saying it will not be able to provide parks, childcare centres, green space or the like: "We have $57 million sitting in funds. We can't use those. We can invest in the sub prime mortgage market and so on in the United States, but we can't use those funds for infrastructure." The Minister has investigated all of the council's contributions plans and the results are telling. While the majority of councils take a sensible approach to contributions, some are rorting the system by approaching the contributions levy as an uncapped backdoor tax. Of course, that approach must be stopped. I note that the Minister in his agreement in principle speech stated that under the current provisions of the planning legislation local development contributions vary widely between councils and often for no clear reason.

For example, in metropolitan Sydney contributions vary from $57,000 per lot to nothing. In addition, no clear definition exists of the kinds of infrastructure that contributions could fund. Some councils use contributions to fund things such as changes to their administration buildings and even computer upgrades. Some also are retaining funds and not spending an increasing amount of levied money—that is, they are not delivering facilities for their community. The bill is a step in the right direction by establishing a new part of the Act for developer contributions and placing renewed emphasis on three principles: delivering infrastructure, maintaining affordability and restoring accountability. The bill supports local communities by recommitting local councils and State agencies to providing infrastructure to meet the real needs of new residents.

The bill sets out for the first time key considerations for determining, collecting and spending contributions. It established a two-tier system for local council contributions, which provides flexibility for councils. Contrary to the misleading scare campaign of the Sutherland Shire Council, councils already can levy for community infrastructure without approval. The list of key community infrastructure is set out in the bill and includes land, works and buildings. It includes drainage and water management works; local roads; bus stops; sporting, recreational, cultural and social facilities; parks; and car parking. It includes also district facilities that have a direct connection with the development the subject of the contribution—the list is broad.

Accusations by Sutherland Shire Council that the reforms will stop councils providing services simply are not true. However, the bill makes councils accountable, and that is a good thing for the community. In addition, councils can seek contributions also for other community infrastructure if they can demonstrate that a legislative case exists for extra contributions, prepare a business plan, obtain an independent assessment of the proposal and address the key considerations I have outlined. It will need the approval of the Minister. Unfortunately, Sutherland council seems intent on squirreling away its section 94 funds by focusing on buying land when owners sell their property or pass away.

The families of the Sutherland shire need services and facilities now, not at some indeterminate future time. The member for Cronulla in his contribution to this debate said that the people of the Sutherland shire want parklands, green spaces and playgrounds. He said that these are all part of any civilised society. For once I agree with the member for Cronulla. We want those things, but we want them now, not in 50 or 60 years. We do not want councils sitting on millions of dollars for donkey's years or investing overseas in subprime mortgage markets and the like. We want these things now. I asked two Sutherland councillors what council spends its contributions on. They said green space and blocks of land that people have: when they pass away no doubt they will have to bequeath them to the council or have to sell them to the council if they move. I am pleased that the bill retains key provisions of the existing legislation to ensure that councils continue to obtain the full range of community infrastructure and the full range of public amenities and public services, subject to new accountability requirements outlined by the Minister.

The bill will improve reporting on the collection and spending of development contributions, and provides for the application of new vigour to the delivery of infrastructure. The legislation will require timeframes for delivery to be met for each infrastructure item. However, when councils are not delivering infrastructure for communities the council will be able to be directed, as a last resort, to use unspent contributions to provide infrastructure to new and existing communities within reasonable time frames. I ask the Sutherland Shire Council to please take note of that.

The Environmental Planning and Assessment Amendment Bill 2008 provides much-needed reforms to planning laws in New South Wales. It has often been argued that we are removing lawyers from the process, but that contention does not stand up to scrutiny. The Government is not changing the status quo by introducing this legislation but is simply allowing lawyers and planning advocates to create a new industry and new bodies. It may well be that some members of panels or arbitrators are lawyers, but that is a matter for the selection process. I commend the Minister for Planning on the Environmental Planning and Assessment Amendment Bill 2008, which I commend to the House.

Mr JOHN WILLIAMS (Murray-Darling) [12.01 a.m.]: I oppose the Environmental Planning and Assessment Bill 2008 principally because the shires in the electorate I represent have no confidence in the Department of Planning and the Minister the Planning, and do not understand the policy direction of the legislation. The Minister says that one size does not fit all, but the Balranald and Hay shire councils want to know how new planning policies will apply to them. The Government should provide much more explanation of the implications of the legislation so that shires in my electorate will be able to understand what their position will be.

The Minister for Planning should recognise that he is working within the local government sector and that he needs to engender confidence among local government authorities. At present local councils do not have any confidence in planning edicts of the Government. I am sure that if a censure motion were moved tomorrow at the shires association conference against the Minister for Planning, the Minister would not be able to count on support of the shires. The Minister for Planning should recognise that he must articulate the implications of the changes provided in the legislation to give shires some confidence in their capacity to work within the proposed legislative framework. Currently there is no trust between the State Minister for Planning and local government authorities.

The history of local environment plans [LEPs] in shires in my electorate began with the introduction of a local environment plan. Subsequently adjustments were made in conformity with the plan. No sooner had the plan been implemented than a series of changes had to be accommodated. The shires employed people to work on the local environment plan and invested a great deal of money in its implementation. However, somewhere along the line the Department of Planning decided to reverse the local environment plan and switch to another process. That bad experience created a feeling among shire councils of no confidence in any changes that the Minister for Planning may wish to introduce.

There are practical difficulties associated with the legislation. For example, how will the Hay Shire Council be able to convene a planning panel? Where will the Hay Shire Council obtain appropriately qualified people to appoint to a planning panel? Who will remunerate members of the panel? The costs of the planning panel will fall onto the shoulders of the ratepayers of the Hay shire, but the reality is that the resources for a planning panel simply do not exist in the shires of my electorate. I challenge the Minister to outline how he will support the implementation of this legislation in the real world of remote western areas of New South Wales.

Clearly, the Minister for Planning has not provided any support for councils and planning panels to work together under a centralised system of planning management. Currently there is complete distrust of the

Minister. Many shires believe that the Minister wants to control all of the New South Wales planning powers by removing planning authorisation from local councils and cutting them adrift. In contrast to the situation that exists in New South Wales currently, the New Zealand model works on trust between local government and the national government. New Zealand local government authorities manage their own planning and get on with the job. They do not have to be put up with an overarching organisation that is being run by a megalomaniac. Local shire councils in New Zealand make decisions and conduct audits. Local council planning departments examine the way in which councils organise planning and they provide some direction. Unfortunately, local councils in this State are caught in a vice and there is no flexibility. The Government issues edicts to local authorities, saying, "We will give you the determinants and you will work within those."

In my view the Minister has some responsibility to the shires of my electorate to clearly articulate the impact of changes introduced by this legislation. Shires in my electorate are entitled to have the same confidence about the changes as that enjoyed by the Minister. The Minister contends that all the changes provided in the bill will work, but the general feeling is that local government administration in New South Wales is falling apart at the seams. The principal Act has had bits and pieces tacked onto it. Shires will be thrown to the wolves. The Government's attitude is that it will make all the changes, dictate the policy direction, and the mess can be cleaned up later.

Local councils view this legislation as an imposition of change and a situation with which they are being forced to contend. Ultimately local councils will bear the brunt of this legislation. One of the most obvious difficulties is demonstrated by what occurs currently in my electorate. The Department of Planning office for the Southern Riverina area, to which shire council officers in my electorate refer, is based in Queanbeyan and currently is understaffed. Whenever shire council officers refer to planning officers in Queanbeyan they have to discuss the issues with a succession of different planning officers. There is no continuity of control, and that is a clear indication that the department is underresourced. I do not believe that the Minister has sufficient resources to make decisions on behalf of shire councils; nor do I believe that he has the capacity to make planning decisions that are based on good sound thinking rather than on the basis of rush and tear.

As members in the Chamber can see, the Minister wants to go home. He is in a hurry and will ram through this legislation, and that is typical. If he applies that same approach to approvals that come before him, I do not believe that the legislation will work. The questions I have raised must be answered. The Minister has a responsibility to the local government sector because the changes introduced by the legislation will impact mostly on them. I urge the Minister to promote confidence among local councils by explaining how the legislation will work. The Minister should explain the details of the legislation to officials from the Balranald, Hay, Wakool and Wentworth shires as well as officials from other shires in remote areas of New South Wales. He should tell them how the hell the changes in the legislation will work for them.

Mrs DAWN FARDELL (Dubbo) [12.08 a.m.]: My remarks will be directed to the Environmental Planning and Assessment Amendment Bill 2008. Intense lobbying has been carried out by the Local Government Association: I am sure all members have been approached. I arranged to have a meeting with the Minister and he agreed. That was before Easter. Although there was lobbying for the Keep it Local campaign, the majority of councils of my electorate did not fully support the campaign and agreed with some of the amending provisions of the bill before the House. Repeatedly I asked them to express their concerns about the bill. Since then I have spoken to the Minister

The local government association considered that the three-week consultation period, from 3 April to 24 April, was too short to allow for meaningful review of the legislation and submissions to be prepared. The local government association felt that rather than take a short cut, the Government should engage in proper consultation with local government and stakeholders in the community. As I said, as a result I contacted the Minister and met with him and his staff to discuss concerns raised by Forbes Shire Council, Parkes Shire Council and Dubbo City Council. Upon request, these local government bodies forwarded notes that were discussed. I thank the Minister for the follow-up meeting held that same week—on 24 April—and council planning staff representing those various areas and other areas in New South Wales.

The Local Government Association acknowledged that the draft exposure bills differed in only a few respects from the recommendations in the discussion paper released in November 2007. However, they believed that submissions on this paper had not been properly considered in the drafting of the exposure bills. The association's key concerns relate to community rights, the overall reduction of the role of councils and the community in the planning process, probity, greater corruption risk due to the expanded role of appointed

panels, the introduction of planning arbitrators, increased costs borne by councils and their communities due to changes in the development contributions framework, and costs associated with supporting regional panels and arbitrators. The association agreed that the bill has a number of positive provisions, such as the establishment of a planning assessment commission, improvements to plan making, and the creation of the gateway test, which may have practical merit.

The preliminary assessment undertaken by the Local Government Association of the draft legislation focused on decision-making processes, reviews and appeals, development contributions, certification and extension of exempt and complying development, plan making and heritage. Dubbo City Council and the association generally supported the provisions dealing with decision-making powers and had the general support of the Local Government Association. No concerns were expressed about them in my electorate. However, the association opposes the establishment of joint regional planning panels as an unnecessary duplication of existing government and judicial bodies. This measure will add costs and time to the development assessment process.

Dubbo City Council is also concerned about funding, additional costs and resourcing with respect to the provision of up to two council nominees for what could be an extended period. It is also concerned about who defends the ultimate decision of any joint regional planning panel in legal disputes. At the meeting with council and shire staff, the Minister indicated that development application fees should cover the burden and that he may increase fees, if necessary, to ensure that. The Parkes Shire Council advised me that the Minister indicated he was willing to review the fees to cover excessive costs that may be incurred. However, this would need to be assessed once the process had been implemented. It is anticipated that council nominees will be on the panel to deal only with their own council developments, not developments relating to other council areas. It would be a council's responsibility to defend the ultimate decision of any joint regional planning panel in a legal dispute.

Forbes Shire Council also questioned the costs and responsibilities for the establishment and operation of the joint regional planning panel and asked for clarification of the panel's jurisdiction. Where panels are established to deal with a project of regional significance, it is imperative that rural communities be reasonably represented. To this end, consideration of the panel's structure and skills sets is required as part of finalising any legislative reforms. The Forbes Shire Council says that the reforms indicate that members of the panel will be remunerated for their participation on the various panels. It is noted that councils are responsible for providing staff, resources and facilities for the various panels. Councils are also concerned that section 123N makes it an offence for council staff or the general manager to fail to provide assistance to the panels despite potential resource limitations at the time.

The Local Government Association deemed the independent hearing assessment panel model to be unnecessary. Dubbo City Council felt that the referral of development applications to an independent hearing assessment panel constitutes an additional step that will slow down and complicate the development process. The establishment of an independent hearing assessment panel would have significant resourcing implementations for Dubbo City Council, including consuming staff resources to establish and manage the panel and the expenditure of additional funds to cover panel members' fees. Referral of relevant development application reviews to an arbitrator also constitutes an additional step that will slow down and complicate the assessment process. It will add to councils' costs and encourage frivolous claims. Forbes Shire Council is also concerned about the indemnity that would apply to the planning arbitrators who, having made a determination on behalf of a council, are not required to defend such a decision in the Land and Environment Court.

They were the concerns raised by council representatives at the meeting with the Minister. Following the meeting they indicated that the system is aimed at moving away from the current adversarial approach to resolving disputes. The councils are concerned that appropriate fees will cover the financial burden when the applicant applies for a review. Parkes Shire Council noted following the meeting that the system is designed to combat the existing delays where councils are sitting on development applications and not processing within time frames. That may be due to inadequate skills in this area.

Councils also advised of the need to keep matters out of the court where issues are merit considerations, not legal technicalities. It allows appropriately qualified people to consider the matters. It is anticipated that the Department of Planning will produce a list of people from which an arbitrator can be chosen. This could even be a mayor or an adjoining council mayor if the person has the appropriate skills. The Local Government Association believes that the New South Wales system involves a complex set of arrangements for review and appeals and it opposes the proposed system because it is unnecessarily costly and open to corruption.

The Local Government Association welcomes the State Government's concession on councils being able to levy contributions to pay part of the costs of upgrading or building district- or council-wide facilities. However, the wording of the bill and the lack of detail about the type of projects that may be funded are of concern. The association is opposed to wide-ranging powers, Treasury control and lack of formal mechanisms. Local government authorities in my electorate have not raised this issue. For example, Forbes Shire Council's average section 94 contribution is $1,000. It is understood that four to six council growth areas in New South Wales will be affected. Parkes Shire Council states:

> Western regional councils were not involved in this discussion because it was not a particular concern to our representatives.

With regard to private certification, Dubbo City Council and Forbes Shire Council are subject to exclusion zones such as flood-prone land, heritage items and character conservation areas. At this stage they are unaware of any detail. However, they are concerned about private certifiers being able to make such qualitative judgement calls and to issue a complying development certificate in those circumstances.

Forbes Shire Council said that enabling accredited certifiers to vary these standards at a whim makes a farce of the whole process of community consultation in development of the localised future planning controls. Dubbo City Council believes that the proposed changes will allow complying development certificates to be issued as a minor non-compliance with development standards. It is concerned that council's resources will again be taxed and that the proposal ignores the concept of a complying development, which is to provide certainty for developers and the community with regard to minor developments. The Local Government Association opposed this measure.

Parkes Shire Council advised following the 24 April meeting with the Minister that this defeated the purpose of complying development because valuable council staff time would be diverted to minor developments and the proposed time frames would be difficult to comply with when council was dealing with other developments and activities. The majority of representatives at the meeting agreed that a development is either complying or not.

Dubbo City Council advised that planning reforms are generally supported as being a positive step forward. The Local Government Association recommended that draft State environment planning policy proposals should be publicised and submissions received. Forbes Shire Council advised me that the proposed reforms to streamline and simplify the process for making local environment plans are supported. Hopefully, they will alleviate the frustration of delays.

Dubbo City Council has expressed serious concern about the Building Professionals Amendment Bill and the new restrictions and requirements imposed on council certifiers. Proposed section 66B will limit the number of development certificates that a building surveyor employed by councils can issue on behalf of a particular person. Forbes Shire Council is concerned that the proposed amendments to schedule 1 of the Building Professionals Regulation 2007 will include three new categories of individual accreditation to apply to those staff employed by councils to carry out certification work on behalf of council. A council staff member will be able to undertake any mandatory inspection of, for example, footings or a slab for a garage, only if that staff member has a minimum CA3 accreditation.

To achieve that accreditation a certifier must have 12 months of relevant experience and an ordinance 4 certificate, A1BS national accreditation, BSAP accreditation or an associate diploma in building surveying. Due to the diversity of workloads of health and building surveyors in rural areas that was an acceptable option for councils, which in turn supported and developed the competency of these employees via mentoring and provision of additional training. If the regulation is implemented it will make it very difficult for young people to train to carry out this work. Councils are encouraged to employee trainees and the proposal will result in trainees being unable to undertake even the most basic inspections unless under the direct supervision of a council certifier. Dubbo City Council expressed similar concerns.

Parkes Shire Council also raised these issues at the 24 April meeting with the Minister. Questions were asked about whether the accreditation should proceed in its current form. A large proportion of existing experienced building surveyors carrying out certification work in the Central West would not achieve accreditation.

I have been advised that the Minister indicated at the meeting with Parkes, Forbes, Dubbo and other councils that this cannot be permitted to occur. They were told that existing qualifications that have adequately

allowed persons to carry out certification work for councils should be incorporated in the regulation, and staff were advised to address the western council areas' concerns through a more thorough discussion at the end of the meeting. This was a major issue for shires and councils in my electorate. I believe it has been addressed and the general manager will be able to decide who is qualified to carry out inspections. We must not put at risk young people who are training in jobs.

While Forbes Shire Council appreciates the benefit of using new technology to streamline processes such as those relating to development applications and section 149 certificates, the associated cost burden to the council is an important consideration. The time frames and accountability expectation proposed must be realistic within the context of organisational realities. Officers from the Department of Planning have had many meetings in Parkes, and I appreciate their time and that of the Minister. The shires raised with me six major issues regarding the bill. I believe those concerns have been addressed to the satisfaction of local government in my electorate.

Individuals and local professionals have not lobbied me about the bill, apart from the memos that all members have received. I note that the Local Government Association and others have requested an upper House inquiry. This State does not need another inquiry; members must decide whether to support the bill. On 23 April 2008 an article entitled "Centroc mayors support new direction for State Planning" appeared in the *Canowindra News*. It read:

> Mayors from around the Centroc region met in Orange today to hear a presentation on the draft State Environmental Planning Policy (SEPP) for rural lands by Gerard Martin, MP State member for Bathurst, representing the Minister for Planning the Hon. Frank Sartor.
>
> Mayors spoke very positively about the presentation …
>
> "This has resulted in far superior planning for Central NSW. This new direction provided has been needed for a long time," said Cr Neville Castle Chair of Centroc and Mayor of Lithgow … Cr Maurice Simpson, Mayor of Weddin welcomed the State's announcements.

The member for Burrinjuck earlier quoted a different response from him, but people change their minds. Councillor Simpson was quoted as saying:

> "The fact that they are willing to listen is a very good thing. We have been involved in this process from the start and now it is up to us to make the new system work" …
>
> Cr Ann Jones of Wellington was particularly pleased with the transition arrangements enabling people with existing development approvals to retain them.
>
> "I think it is also important to get the message out to people considering putting in Development Applications under existing laws to move now, as this new legislation will be gazetted very soon," said Cr Jones.
>
> "Hearing that Minister Sartor is keen for feedback and has appreciated the role the Centroc Mayors have taken to date on the reference panel developing the statewide planning policy is also heartening, " said Cr Castle.
>
> "Centroc will remain in contact with the Minister to ensure the best outcomes for our region," said Cr Castle.

The bill is controversial, and deciding whether to support it was a matter of conscience for me. However, there have been good meetings between the Minister, the Department of Planning and the shires in my electorate. Some concerns remain but the majority of major concerns have been addressed. As a consequence I will support the bill.

Mr MICHAEL RICHARDSON (Castle Hill) [12.22 a.m.]: The Environmental Planning and Assessment Amendment Bill 2008 is a major overhaul of the State's planning laws. It is 153 pages long and I suspect that even the Minister for Planning is not across all the detail in the bill. The bill is like the curate's egg: it is good in parts. Unfortunately, on balance, it is bad in more parts than it is good. Therefore, I will not support the bill. The Minister claims that a major feature of the bill is that it will reduce the time taken to process development applications and reduce the possibility of corruption in the process. The reason the Minister is introducing legislation to reduce the possibility of corruption is the disgraceful state of affairs that was exposed recently at Wollongong City Council, which is now a synonym for corruption. Therefore, I guess any changes in that area will be well received. The bill will also give mums and dads the opportunity to have a decision reviewed without having to spend $20,000 in the Land and Environment Court. That is a step in the right direction.

I note the Minister's comments in his agreement in principle speech that only 11 per cent of development applications are dealt with as complying development in this State compared with more than

50 per cent in Victoria. I suspect that is more a function of the Government's failure to drive its previous reforms at a local level than any failing in the legislation that this place passed 11 years ago. As Harvey Grennan wrote in the *Sydney Morning Herald* on 8 April:

> The last time the planning laws in NSW were "simplified" in 1997 the delays in processing development applications got a lot worse.

That was despite the claim at the time that the process would be streamlined. So why should we have any confidence that the new reforms will work? The proposal is to have far more matters dealt with as complying development by private certifiers.

Mr Frank Sartor: That is a good idea, isn't it?

Mr MICHAEL RICHARDSON: The Minister believes this will bring approval times down to as little as 10 days. The Minister believes it is a good idea, but that is exactly what one of his predecessors, Craig Knowles, claimed in 1997. It just has not happened. Gone is the requirement to notify neighbours of a development application in advance of its approval. That will supposedly save time, but the Government is removing people's rights and trampling over the community in order to fast track development applications. Henceforth, next-door neighbours will be notified after approval is granted and before construction begins, but only as a courtesy measure. It is too bad if the private certifier gets it wrong. As Councillor Genia McCaffery, President of the Local Government Association, said, "It's too late when your view or your sunshine has gone." It may streamline development approval but at what cost to neighbourhoods?

The bill also sets up a massive new system of mini bureaucracies: independent hearing and assessment panels, joint regional planning panels, planning arbitrators, and a new Planning Assessment Commission. And this is supposed to reduce the time taken to process development applications! The Government is going to produce a series of preset housing codes and, if the development complies, it will be approved. The Minister outlined what those codes will cover in a policy statement that he tabled when he gave his agreement in principle speech. There will be 20 codes in all, covering single-storey, two-storey and terrace houses, duplexes, small new commercial and industrial buildings, industrial, retail and commercial change of use and internal alterations to a commercial building. This area of the legislation is probably the most contentious part of the package. Many people are concerned that there will be a one-size-fits-all approach to the codes. That fear is given some weight by the Minister's "NSW Housing Code Community Guide", which states:

> In some instances local variation within a Local Government Area may be appropriate for street setbacks or side setbacks due to large blocks greater than $600m^2$.
>
> There will be potential for variations within the code standards but the number of variations should be kept to a minimum.

Perhaps it will not be a case of one size fits all, but it will certainly be a case of a minimum number of sizes fits all. Another great fear is that the Government may move to include on the list medium- and high-density developments such as townhouses and blocks of flats. So the entire character of a street or a suburb could be changed with no opportunity for input from residents. I seek an assurance from the Minister that no consideration is being given to classifying other types of development as complying development. Indeed, I wonder what safeguards have been, or can be, built into the legislation to ensure that this cannot happen in the future.

That concern is given greater weight by the bill's creation of joint regional planning panels to determine the following classes of development to be specified in a State environmental planning policy: designated development, Crown development and private infrastructure greater than $5 million; commercial development over $20 million; residential development over $50 million; and development where council is the proponent or has a significant financial interest in the proposal. Three of the five panel members will be appointed by the Minister and two by the relevant council. Many sections of the community believe this process will take the democracy out of the planning process. Certainly, the $500 million extension of Castle Towers shopping centre in my electorate—which is much more than $20 million—would be determined by a regional planning panel rather than by Baulkham Hills Shire Council. This could mean that conditions of consent that benefit the local community, such as a contribution to widening Showground Road, for example—which we were looking for in today's budget but did not find because it is not there—are ignored.

The panels could presumably also consider a major new subdivision and decide that the block sizes should be 300 square metres, even if that is totally incompatible with the local area. And there is not a thing that the local community could do about it. The Minister has the numbers on the committee—he appoints three of

the five members. Indeed, he appoints the members and has the numbers on all the new bodies. The panels are supposed to be independent but one wonders just how independent they will be—certainly under this Minister.

On the other hand, the panel would consider council-funded developments, and that potentially is a good thing because I happen to think that councils should not be in the development business. But they should also act independently of the Minister. It always gets back to the same issue. The Minister said the regulation would be changed to require a council to provide reasons justifying a decision made contrary to advice from council's planners. I am not quite sure where this leads us. Every council across the State makes decisions for political reasons, but those political reasons may well accord with the local community's wishes. I can think of a number of cases in my electorate in relation to which the community did not want development to go ahead and the council voted with the community. This provision will make it more difficult for councils to reject development that they think is inappropriate.

On the plus side, the bill is like the curate's egg: it is good in parts. There are new appeal mechanisms, one of which will be the appointment of planning arbitrators so there will be no need for families and small businesses, as I said earlier, to go to the Land and Environment Court to dispute a council decision. Minor developments such as for single homes, dual occupancies and home additions can be arbitrated. That is a positive move for small developers, mums and dads. There will also be a process of neighbourhood reviews. Where standards have been exceeded by more than 25 per cent, a review can be undertaken by a regional panel, or the new Planning Assessment Commission where no regional panel exists. The concern here is that those standards should not have been exceeded by more than 25 per cent. If a code is drawn up and put in place it should be adhered to. Neighbourhood reviews would apply to homes of more than two storeys, the development of five or more homes on a 2,000 square metre-plus site, and certain types of commercial and retail development.

Controversially, the bill also changes the system of section 94 development contributions. I can remember, not so long ago, when developers were lobbying me over what they regarded as totally unreasonable section 94 charges in the Rouse Hill development area of $15,000 a block. They are paying more than three times that now, and that, of course, significantly increases the cost of a block of land. No wonder people are fleeing to Queensland. Under this bill most councils will hold and manage their own community contributions. This will not apply to Sydney's north-west and south-west growth centres. Moneys collected in the Rouse Hill development area—now known as the north-west growth centre—will go into a Community Infrastructure Trust Fund managed by Treasury and the Growth Centres Commission. The Minister said that without this fund any of the six councils in growth centres could use contributions from the growth centres to prioritise the delivery of community infrastructure in their own areas outside the growth centres. Frankly, I cannot see how that could happen. Certainly under the existing system councils must develop a section 94 plan for a particular area, and only levies collected within that area can be spent in that area. Consequently, Baulkham Hills Shire Council could not collect funds in Kellyville and use them to build a new swimming pool in Carlingford or a tennis centre in Castle Hill.

Mr Frank Sartor: Yes it could.

Mr MICHAEL RICHARDSON: No, it cannot. Currently it has to be in the section 94 plan. It has to collect funds from that area and apply them in the area to which the section 94 plan applies. I would have thought that priorities for the delivery of community infrastructure are what it was all about. That is not the case for this Government, as we have seen with the sad case of the North West Rail Link, but it is certainly the case for councils. The Government has said that levies can be spent only on facilities that directly serve a new community, not on facilities for existing residents. Genia McCaffrey says that it would be impossible to prove that money spent on services for new residents would not also benefit existing residents. It is more likely that under the new system money would be collected in Kellyville and used in Camden, so the Hills community will suffer again.

The member for Hawkesbury raised that issue earlier in debate. Baulkham Hills Shire Council would be forced to spend money it has not collected to acquire open space, for example, with everyone in Baulkham Hills shire—and not just those in the new release areas—being forced to contribute. The bill gives councils greater powers to enforce development consents and to issue stop work orders to stop unauthorised work. Councils can also grill certifiers about a development. These positive steps should result in a greater level of compliance with development consents in the future.

Mr Frank Sartor: Good.

Mr MICHAEL RICHARDSON: I said it is like the curate's egg: it is good in parts. However, I have considerable concern about a provision that allows for a consent to lapse just two years after the consent was issued unless development has substantially commenced.

Mr Frank Sartor: No, that is after physical commencement. You have misunderstood it.

Mr MICHAEL RICHARDSON: The definition of "substantially commenced" is to be included in a regulation. Preparing a development application can cost tens of thousands of dollars, and a home builder might defer the start of construction because of higher interest rates, for example—something that is beyond his control. So, there is a legitimate reason for not starting, and that could affect the very people the Minister claims to be assisting—mums and dads. The Minister did not spell out why that change is necessary or, indeed, why it is being reduced from five years to two years. Why not three years or four years?

The bill also makes consequential amendments to the system of accrediting certifiers, including limiting the amount of income a certifier can make any year from the same person or company. Of course, that is designed to reduce the cosy relationship that could be created between a developer and certifier. The Strata Management Act has been amended to allow a single owner in a strata scheme to notify the Office of Fair Trading of a building dispute in relation to common property. I hope this will not lead to unnecessary disputation. The Office of Fair Trading seems manifestly unable to manage the building industry currently. I wonder how many more inspectors will need to be employed because of this provision.

I have said that the bill is good in parts. On the plus side, the development and building industries are crying out for reform of the planning system, because money is going interstate, and we want economic growth in this State. The bill is likely to reduce the chances of a recurrence of what took placed in Wollongong recently by determining at arm's-length, through a regional planning panel, development applications in which councils have an interest. If the bill succeeds in cutting development approval times, investment in this State will be stimulated.

On the minus side, there will be a massive increase in new bureaucracies, all appointed by the Minister. There is absolutely no guarantee that the new system will cut approval times. Indeed, based on experience, that is unlikely to occur. The bill will remove the community from the approval process, and this will disadvantage Baulkham Hills Shire Council and other councils in Sydney's growth areas. We are asked yet again—and this is a major issue—to take the Minister and the Government on trust, with much of the detail contained in codes and regulations and guidelines yet to be published. For that reason the Opposition believes that this bill should be referred for inquiry to a committee of the upper House. We would prefer to get it right this time. The many changes to the Environmental Planning and Assessment Act over the years of this Government have not necessarily resulted in improvements. This time, let us do it properly and get it right.

Mr GREG PIPER (Lake Macquarie) [12.37 a.m.]: In speaking to the Environmental Planning and Assessment Amendment Bill 2008, I say that clearly there is wide agreement that the current planning framework and legislation in New South Wales is in need of reform. I support that proposition but cannot support the bill in its present form. To begin with, it is very likely that a bill that is really an amendment to previous amendments will produce a much less than optimum outcome. New South Wales and the community of New South Wales deserve a complete review of planning legislation from the ground up. The bill will not deliver in that respect.

I will commence my contribution by referring to matters with which I agree. I found the Minister and his department very accommodating in providing information about the proposed bill and in listening to complaints or suggestions that staff from Lake Macquarie City Council and I have made. Unfortunately, my main area of concern relates to what I believe should be the absolute right of elected representatives to make decisions that will affect their local communities. Many of the most significant changes proposed by this bill are contrary to that belief and I believe set a bad precedent for the future. I support the greater use of complying development and I support measures that will increase overall efficiency of development assessment so that there is some certainty for the time frames for a determination. Many councils have already greatly increased their use.

I have concerns about the removal of the notification. At the same time I acknowledge that people who will be carrying out a development that, in its general context, is relatively modest, should have some guarantee that it will proceed if it fits within certain constraints—setbacks, heights, et cetera. However, the simple courtesy of notification pre-determination, I believe, would reduce friction within the community in the future.

The need for all parties to act fairly and in a businesslike manner is a given, and I believe the vast majority of councils do just that. Lake Macquarie City Council has attempted to embrace greater complying development but has the problem that some 90 per cent of its zoned residential areas are affected by mine subsidence, thus removing the opportunity for complying development to the degree sought by the Government. This bill will not address this problem.

Other provisions that I support include those that address paper subdivisions, reform of strata management and an attempt to introduce affordable arbitration, amongst others. I do, however, have doubt about the workability of an arbitration that is capped at a relatively low level, begging the question as to where people with the skills and qualifications willing to resolve difficult neighbour disputes, for example, will come from. That will bear some watching. Private certification has created many problems local communities and councils since its inception. It would be fair to say, however, that the majority in the industry act properly, and I acknowledge that the bill imposes additional responsibility on the industry and proposes significant oversight of it.

Since the Government seeks to ease the burden of red tape on developers, whether mums and dads or multinationals, it is at least pleasing to note this bill proposes a reduction in State agency concurrences. Whether concurrences or the time frames for responses should be reduced, this component goes to the heart of the problems that many councils have had for years in having to deal with an ever-growing raft of State legislation, which has greatly increased the complexity and cost for councils assessing proposals—all without any additional resources. During the process there have been some changes, including the removal of the ability for private certifiers to determine that a departure from the code is a minor non-compliance. Also, the requirement for compulsory acquisitions for the purpose of urban renewal has been removed. Those changes are absolutely appropriate.

Community infrastructure derived through section 94 and voluntary planning agreements has been the subject of considerable debate and concern from local government. But let us not forget the kind of inflammatory and generalised statements that were made by the Premier and the Treasurer, in particular, in relation to that—accusations of local government using section 94 as an uncapped tax and using the funds to pay for a range of inappropriate purposes. I note that some were referred to again in this debate, including spending on administration buildings, cat and dog compounds and computer upgrades. While such examples of inappropriate spending exist, they are very much the exception and do not in themselves justify these changes.

While I hear from supporters of the bill that local government is overstating its concern on changes to section 94, I am not so sure. It will be interesting to see whether communities experience difficulties in gaining approval for section 94 plans that do not meet the strict definitions within the bill and that are contested by development proponents. Section 94 does need changing, but the simplistic notion that has been put forward that the changes will see the reduced costs to developers passed on in lower land prices is not universally accepted, even by those in the development industry. They will not, however, look this gift horse in the mouth!

The most objectionable part of the bill is that which seeks to diminish local democracy in the determination of development proposals. The notion that there can be or even should be a depoliticisation of the proposal is absurd, as absurd as suggesting that an independent panel be established to make decisions on behalf of the Government. In most development application assessments some components are arguable and require a person to exercise judgement. Those components cannot be measured, run through a template and ticked off—they are by their very nature subjective.

It is a shame that politics has become a dirty word in this argument. Politics, as I know it, is about representing the local community, and this can be best done by those chosen by the community and who are answerable to the community through the electoral process. Of course we have compelling statistics that show that in the scheme of things very few development applications will be determined by either the new Planning Assessment Commission or by joint regional planning panels.

Mr Frank Sartor: That is right.

Mr GREG PIPER: I agree with the Minister, but that does not justify the removal of consent powers from the local council or the creation of any other unelected, unrepresentative and unanswerable body to make decisions on matters that will affect a community. The transfer of such power through this bill will I fear be the thin edge of the wedge, with the wedge being ever driven further by industry groups opposed to local government determinations. This is already demonstrated by the reduced threshold for commercial and retail

development from $50 million to $20 million as sought by industry. I understand that it wanted a much greater reduction, and I have no doubt that further attacks on local decision-making will occur if this bill is passed in its current form. In supporting the bill, Patricia Forsythe, from the Sydney Chamber of Commerce, said that "the community can't afford to have a planning system at risk from corruption and political interference". Well, I am sorry, but I believe that the removal of elected representatives will only add to the ability of unseen forces to influence planning decisions.

Joint regional planning panels consisting of five members, three of whom are appointed by the Minister, with the other two members coming from local government, hardly guarantees that decisions will be kept local and accountable. Does anyone seriously suggest that a locally elected representative would want to sit on a panel that is responsible for decisions that may be against the wishes of their local community and their council? Depoliticisation? I do not think so. The Minister has attacked the inconsistency of local government's argument in relation to joint regional planning panels and the proposed Planning Assessment Commission—that is, they do not support the joint regional planning panels but do support the Planning Assessment Commission making decisions rather than the Minister. I have a different view about that. I support the Planning Assessment Commissions, but not as a consent authority.

Mr Frank Sartor: I see you have changed your position!

Mr GREG PIPER: No I have not; the Minister just did not listen. To be consistent with the principle of elected accountability I believe the Minister for Planning should remain the ultimate decision-maker on any matter considered by the Planning Assessment Commission. I do support assessment by a Planning Assessment Commission of applications that by definition are State significant. It is appropriate that expert professional staff should make recommendations to an accountable elected representative, such as the Minister. The need for that has, in my view, been exacerbated by the high demand by developers for the Minister to assume control of their applications, clearly with a view to a more favourable outcome than if determined by local representatives. Acceding to so many requests since part 3A was introduced has created a proverbial rod for the Minister's back.

Councils are not perfect, I concede. There are inept and even corrupt elected representatives and professional staff. The recent examples of that have involved predominantly Labor councillors and Wollongong council. Why? People can draw their own conclusions, but in my experience one cannot legislate for honesty and integrity; one either has those qualities or one does not—and if one does not have those qualities, it seems there will always by ways around the rules. I believe that the vast majority of people who enter local government are honest and decent, and they get most decisions right. We should not be supporting capricious changes to planning law or even electoral law to deal with the lowest common denominator. Instead the bill should have sought to strengthen local government and improve the quality of decision-making, particularly in those councils that are used as examples of why change is necessary. Democracy may not be perfect, but it is better than the alternative.

I do not agree with or support allegations against the Minister of impropriety or of his being compromised by developer contributions to the New South Wales Labor Party. Such allegations are made all too lightly. I am sure, however, that the Minister would not have supported the bill in this form when he was the Lord Mayor of Sydney. As a matter of fact I believe he would have been an articulate and vociferous opponent of it. The results of a poll conducted by the Property Council of Australia, one of the leading industry groups supporting this bill, shows that 71 per cent of the population claim that they have heard nothing about the bill.

There are plenty of ways to interpret the results of that particular poll. This was a very contemporary poll that was conducted in May this year. This is a huge concern for such an important matter and also begs the question as to whether this should be advancing through this House with such haste. It may not seem like it but I do support the Minister's desire for improvement and much of this bill I could support. However, the removal of local consent powers is abhorrent to me and I will therefore vote against the bill and support stated intentions for an upper House inquiry into planning reform. I would further support commencement on the much more significant approach of a "ground up" rewrite of the State's planning legislation.

Ms GLADYS BEREJIKLIAN (Willoughby) [12.50 a.m.]: I make a brief contribution on the Environmental Planning and Assessment Amendment Bill 2008 and cognate bills. I do so recognising the representations made to me by many local community organisations, which strongly oppose the legislation. Respecting their views and in line with the decision of my party, I will not support the legislation. I make the point also that although the Government's initial consultation process was very rushed, many community organisations made the effort to put in submissions but they are concerned that the Government has clearly ignored those submissions.

I place on record the names of those community organisations. They included Willoughby Council, North Sydney Council, the Federation of Willoughby Progress Associations, the Castlecrag Progress Association, the Castle Cove Progress Association, the Walter Burley Griffin Association, the Willoughby South Progress Association, the Northbridge Progress Association and the Naremburn Progress Association. They all made submissions in strong opposition to the bill. At the outset I state that every single organisation in my electorate that made a submission supports planning reform. They all accept the need for reform but they cannot stomach the way in which the Government has approached the issue or the provisions of the bill, which they feel could irrevocably change the future of local communities and the way decisions are made at a local level.

Local organisations have expressed concern that the proposals remove development decisions from elected local government representatives, placing those decisions in the hands of private certifiers, who are paid by development proponents. That concern has been raised many times, both locally in the press through representations and through community action in opposition to the Government's proposals. Another major concern of Willoughby residents is that the proposals will result in approved development in residential areas without any reference or notification to the community or adequate consultation with affected neighbours. We are blessed to have wonderful surroundings and many residents have worked hard during their lifetime to be able to live in the Willoughby electorate. They are concerned that their lifestyle and local environment will be forever put at risk following the passing of these bills.

I will briefly outline major concerns expressed by my community. Notwithstanding their support and recognition of the need for reform in the planning process, they acknowledge that the problems, both intended and unintended, as a consequence of these proposals will make the situation much worse than the status quo. Rather than reforming the system, we will actually go backwards. With respect to red tape and complexity, previous speakers have highlighted the huge range of decision-making bodies to be established under the legislation. They include the Planning Assessment Commission, joint regional planning panels, the independent hearing and assessment panels, planning arbitrators, new review panels for other panels. The number of panels and decision-making bodies will exacerbate, not simplify, red tape and complexity. Each of these new layers of bureaucracy merely duplicates existing processes by other bodies, such as the Land and Environment Court, commissions of inquiry or local government. The added bureaucracy will make the system much more complex and increase red tape rather than have the opposite effect.

My local organisations and I believe that the bill will reduce transparency and give unprecedented discretionary powers to the Minister on matters such as the appointment of planning panellists. Under the bill, planning controls can be created without any public consultation. Probity concerns have been raised about panellists being appointed on an ad hoc basis who may be influenced unduly by the Minister of the day who appoints them. Concerns were also expressed about local environmental decisions being taken away from those who best know their communities.

I could speak for much longer but given the early hours of the morning and that I have raised this matter during private members' statements, I will conclude by thanking my local community organisations for their vigorous representations to me and clear submissions. I support their concerns. They believe strongly that local communities will be completely sidelined once this environmental bill is passed because it represents a massive centralisation of decision-making power. It increases complexity rather than simplifying issues. The biggest concern is that the Minister missed an enormous opportunity to make a positive planning reform process work. Instead he chose the alternate path. He chose not to have proper consultation in the initial phase and not to include amendments that would enhance the pride that people have in their local communities and local decision making. He has taken a retrograde step; he has increased complexity and reduced transparency. He has created probity concerns by making the process much less palatable for local communities. On that basis I cannot support the bill and again thank my local organisations in the Willoughby electorate for providing me with ample ammunition to use in this place on this occasion and previous occasions.

Mr ROBERT OAKESHOTT (Port Macquarie) [12.56 a.m.]: At the outset, I state that it is 12.56 a.m. and for two months we have been twiddling our thumbs in this Chamber with a very light legislative program. It is disrespectful to members of Parliament in the lower House that the Minister for Planning, or the Executive, or the Leader of the House has decided to ram through such substantial legislation in one night. Whoever made that decision should think twice before ramming legislation through this Chamber. There is no question that the Environmental Planning and Assessment Amendment Bill 2008, the Building Professionals Amendment Bill 2008 and the Strata Management Legislation Amendment Bill 2008 comprise substantial reform. I understand that the Strata Management Legislation Amendment Bill is supported and that changes to places of public entertainment are well supported on the mid North Coast as those laws have been a thorn in the side of many in New South Wales. So those changes are welcome.

The Environmental Planning and Assessment Amendment Bill amends the Environmental Planning and Assessment Act 1979, which brings together the three tiers of State, regional and local plans. Very generally, the bill abolishes regional environmental plans and introduces a range of State and local appointed panels, the Planning Assessment Commission, joint regional planning panels and independent hearing and assessment panels. I will not get too wound up in the fight between local government and State Government, and who delivers better. I have been a member of this Chamber for 12 years. I have seen reforms come through this place on several occasions in this and other planning-related areas. In the end it comes down to personalities and resources. That is not available to any of us now. In many ways answers to questions raised about whether this is better or worse reform will be answered when the Minister gives the actual names of people appointed to the panels and demonstrates that decent resourcing will be provided.

The North Coast Department of Planning office is under enormous pressure as a growth area. The resourcing of that department is skinny, and development approvals are running behind time. Regardless of structural reforms, resourcing and personalities will save the day. Other members have spoken about that and, although I concur with a lot of those views, for me that is not the driving issue on the mid North Coast. Local councils have expressed their concerns. The North Coast Environment Council has expressed its concerns and I note that the Leader of The Nationals raised its concerns—an interesting alliance is forming between The Nationals and the North Coast Environment Council. I endorse those concerns and concur with the views that were raised.

Private certifiers in my area have expressed some concerns, which I have raised with the Minister for Planning. I understand he is across the issues raised by private certifiers in regional areas, with an exemption put in place. Surveyors and architects have raised issues and generally they are supportive. Some development interest is obviously supportive. Generally, community interest at this time is not supportive but is concerned about what is perceived as an increase in State Government discretion in the planning process and a loss of local autonomy in the decision-making process, whether that is right or wrong.

Along with most members, I have received letters from Patricia Forsythe and various business lobbies; that process has done as much harm as good. We all recognise that. I will comment from an angle slightly different from what I have heard so far. I couch my comments relative to the electorate that I represent. Port Macquarie is largely a lifestyle residential electorate that is very much driven by small business. More than 95 per cent of community business is family based, consisting of two or three people. The commercial business represents less than 5 per cent. A lot of planning reforms are not relevant to the dollars that are talked about in my area. The first part 3A application, currently before the community, is for a peak power plant of $110 million in the Camden Haven area, and it is causing enormous community concern.

I am sure a lot of submissions have gone to the department and the Minister's office. Good and genuine arguments have been raised by members of the community about something that is in the hands of the Minister and the department. I take this opportunity to raise once again the concerns of the community that we are coming to decision-making time in regard to a diesel-fired peak power plant at a time when we are supposed to be climate change friendly. That got me thinking about the vision splendid in the bill of streamlining the planning process and speeding up opportunities for large-scale development. In many ways that is not the direction in which the community is looking—a community which I have been successful at the ballot box four times in being elected their representative.

The community is looking for a combination from the Department of Planning to bring all the various silos of government together in the planning process, so that environmental and economic issues are brought to the table along with community issues. This would help deliver ecologically sustainable development, a phrase we all know, an idea we all say we endorse, but when it comes down to practice and planning detail, it is just not happening; it is becoming a cliché. We are not pulling together all those various silos of government. I find it a fascinating discussion with various arms of government that different people seem to be able to talk about different things. Environmental scientists can take the conversation so far about all the issues they faced, all based on fact and quite well meaning. At the same time, at the other end of the spectrum, the urban planners and various planning organisations talk about their issues almost in a different language.

However, it is a rare person in government who can bring those different spectrums together. In many ways that is the role of members of Parliament, and that is our role as members of this House. That is why I am so disappointed with this planning reform. It continues down the path of simply talking planning to planners and developers. It does not engage with the broader issues facing public sector management in New South Wales and Australia today.

I apologise to everyone that we are debating this at 1.00 a.m. Unfortunately, I play by other peoples' rules, as we all do. My proposed amendment is based on some of the public consultations to the exposure draft that have resulted in some changes. Some of the changes have been quite good, such as the broadening of expertise requirements for members of various panels. That is a good amendment that has come from the exposure draft process. The dropping of the compulsory acquisition issues of land for urban renewal proposals will not proceed. That is a good proposal, and was causing concern. The provision that jumped out at me was the provision to protect Sydney's drinking water catchment to be included in the Environmental Planning and Assessment Act. I find it fascinating that Sydney's drinking water and the Sydney catchment is good enough to be included in the planning process, but the catchments of New South Wales regional areas do not seem to get a look in in the planning process. For that reason I flag an amendment. Catchment management for all of New South Wales should be included in the planning process as part of the consideration.

Further, we all talk about climate change and say that we are believers. There are not too many sceptics, although I have heard a few in this place lately. Climate change is on the agenda and I know that good developers are doing good developments in New South Wales that already take those factors into consideration, despite government. We should codify it, to include it in planning processes. It should considered, as should biodiversity, connected landscapes and energy management. These big issues facing government and public sector management today are not included in this substantial planning reform. They should be, and could be a vision of government in New South Wales.

I accept that to some degree these are ideals that we expect of development and developers. Quite often they will not be able to meet those standards that we, as community representatives, want of those developers and developments. The beauty of today, which takes this away from being some green caftan wearing issue to one that is mainstream and an economic issue, is that we now have offset schemes available. Biobanking is alive in New South Wales to those who cannot meet some of these standards. Carbon sequestration is now on the agenda. We are seeing plantation forestry starting to kick off, quicker in other States but in its infancy in New South Wales. Of course, the new Federal Government talks up its emissions trading scheme. I hope that New South Wales wants to be a part of that.

This could be a great opportunity to drive investment in all three of those offset areas. I flag this amendment, which we will talk about during the consideration in detail stage. I ask every member of this Chamber to consider it, to give an opportunity for a bit of vision and leadership in the Chamber. I ask members to place planning at the centre of government, where it pulls together the silos of the various departments—Primary Industries, Environment and Climate Change—into one sensible planning document that is workable for developers, communities and government. I ask the Minister and the Government to consider that. Despite its having some good aspects, the bill contains too much that is objectionable from a community perspective to give it any support at all.

Mr WAYNE MERTON (Baulkham Hills) [1.10 a.m.]: I make the point that it is 1.10 a.m. and it is typical of this Government that two substantial events occurred earlier in the day. The first was that in the morning we finished a debate on last year's budget and at midday or thereabouts we debated this year's budget. That cannot be called good planning and it is the reason we are here at this unearthly hour. Nevertheless we are paid to do the job and we proceed with great pleasure. I am concerned about this legislation its effect on local councils and local people. Baulkham Hills is part of Sydney's North West sector, a development for 250,000 people that was planned by a previous Labor Government in 1985 when Bob Carr, who later became Premier, was the Minister for Planning. The North West sector will be the size of Canberra when it is developed.

This legislation will disenfranchise local communities from having a say about the types of developments that will occur in their region. The bill expands the role of certifiers and introduces a plethora of faceless people, bureaucrats and panels that will usurp the functions of elected councils, such as that elected by people living in the Baulkham Hills area. Unfortunately, Baulkham Hills is rapidly acquiring the name "Balcony Hills" as a result of excessive development. Taking power away from local elected representatives will lead to people saying: "We don't want to live in another area that is as congested as other parts of Sydney. We came to Baulkham Hills because we thought we could get peace and quiet on a decent size parcel of land and a decent environment for our children." Handing building development powers to unelected representatives is a detrimental step as far as the people of Baulkham Hills are concerned.

The bill makes multiple amendments to the Environmental Planning and Assessment Act and minor amendments to the Heritage Act and other miscellaneous Acts. The Coalition opposes the bill and will seek to refer it to a Legislative Council committee for inquiry. We share the view of the business community that a

major overhaul of the Environmental Planning and Assessment Act is needed but this legislation is just tacked on to the Act, which adds to existing complexity by introducing additional factors to an already congested planning regime. The Coalition believes there should be a complete review of the Environmental Planning and Assessment Act, and that is not possible with this tack-on bill.

The bill creates new overlying decision-making bodies including the Planning Assessment Commission, joint regional planning panels, independent hearing and assessment panels and planning arbitrators, new Planning Assessment Commission review panels, joint regional planning panels, and the appointment of planning arbitrators. This stuff could have come out of *Yes, Minister*. Each of the new layers of planning bureaucracy merely duplicates existing processes provided by the Land and Environment Court, commissions of inquiry or local government. The new codes for complying development are extraordinarily long and complex.

The bill reduces transparency and gives unprecedented discretionary powers to Minister Frank Sartor and to other Ministers who may follow him. Planning controls can be created without any public consultation. There are concerns about ad hoc appointment of planning panellists who may be open to undue pressure from outside parties. Who appoints these people is a critical issue in the effective working of these proposals. More development costs will be pushed onto local communities. Local ratepayers will be forced to pay for planning panels imposed by the Minister and they will be required to pay legal costs incurred by planning arbitrators. Councils will face added burdens to finance community infrastructure. The role of local communities in planning will be completely sidelined. They will be cast aside in favour of a central bureaucracy that will be wholly within the control of one Minister, the Minister for Planning. This centralisation of decision-making power will affect the lives of so many people, particularly in the growing area of Baulkham Hills. I repeat that by the time the North West sector is built it will be the size of Canberra and will attract 250,000 additional residents. The bureaucracy will usurp elected representatives. Local people who know what should happen and have a real interest in the area because they have chosen it to be their home will have very little say.

The bill fails to fix the problems introduced into the planning system by Labor over the past 13 years. Tinkering with an already broken system will simply exacerbate confusion, cost and disarray. The fact that councils will no longer have access to the appropriate section 94 levies to provide facilities is a scandal. Who knows better than the local elected representatives what local facilities are needed? For a council to be denied the right to section 94 levies is another tangible sign that this Government is focused on Macquarie Street and centralisation of ministerial control. Local people will just travel along as passengers who have no control over which way the vehicle is going. They will have no way of driving issues. Instead those issues will go straight back to the Minister and a Labor Government whose track record to date has been a disaster. They will leave office with a litany of broken promises and shattered ideals. This legislation is another legacy of that disaster.

Mr PETER DRAPER (Tamworth) [1.17 a.m.]: I speak at this hour of the morning to support the Environmental Planning and Assessment Amendment Bill 2008. Every council and interest group that I have had discussions with has said that changes are needed. They have differed on what the changes should be but they have indicated that change is essential. This bill provides an opportunity to speed up development applications, which is a very important issue for country communities. Importantly, it also provides an opportunity to improve transparency and to remove the justifiable perceptions of corruption that the community currently associates with the planning process. My one sticking point with the legislation is that the representation balance on the planning panels is weighted towards the Department of Planning. I ask the Minister to correct the situation and weight the process to give local councils a fairer say. After all, councillors live in the local area and are much more aware of community needs and sentiments than the department.

Considering our rapidly changing world, it is timely that we bring such important legislation as the Environmental Planning and Assessment Act into the twenty-first century because a lot of societal changes have occurred since it was introduced in 1979. It is important to ensure that the competing interests of environment and the management of natural resources are balanced with the social and economic welfare of the community in an orderly and economically viable fashion. When the Minister introduced this bill he said there was a national mood for reform, and I think he was referring to Federal participation in the process. However, it seems the national mood for reform is being driven by the concerns of the general community at the ongoing revelations of corruption surrounding the existing planning process. We have seen millions of dollars that should have been invested in health, education and other services spent on corruption investigations.

Many parties involved in the reform process have lobbied and presented submissions on this issue as part of the consultation process. The reaction from these parties indicates to me a general satisfaction in the way

the process has developed. It appears the Government has listened, as there have been some 50 changes to the original package. For example, the New South Wales Chapter of the Royal Australian Institute of Architects has told me it is pleased that the Minister for Planning has responded positively to the representations of professional organisations. They point out that the bill will reduce the total number of development applications by making many forms of houses and house alterations "complying developments" within the definition of the Act.

They believe most State significant and major project applications will be delegated to independent planning panels with approval powers. These panels will comprise members with professional expertise in accordance with agreed national principles. This should simplify the rezoning process as the system proposed is clearly related to the size and impact of development and rezoning proposals, and it extends the rules governing certifiers including limiting exclusive client lists and extending certification to houses and house alterations. I note the Minister has addressed the concerns of country councils in regard to this.

It is important to note that the needs and expectations of rural and regional councils are vastly different to the needs and expectations of metropolitan councils. I understand the concerns rightly expressed by metropolitan councils; however, rural and regional New South Wales interests call for expedited processes that encourage expansion and job creation. This is a big issue. While Sydney is overdeveloped and bursting at the seams, in rural and regional New South Wales we are crying out for development opportunities and they must not continue to face the delays that are currently a frustrating part of the process.

I will share with the House a situation in Tamworth. There has been a rash of housing development in Tamworth over recent years to the point where the available land bank for development is starting to dry up. In 1996, the former Tamworth City Council and neighbouring Parry Shire developed a concept for future residential development that would balance the city's housing development around the central business district. This has become known as the Hills Plains Development. The plan is for about four and a half thousand blocks that would meet Tamworth's requirements for the next 25 to 30 years. However, this vision has not been easy to bring to fruition. In 2004, following the merger of the two councils and the formation of the Tamworth Regional Council, there was a real push to realize the vision. Over that period of time the goal posts have moved many times, requiring backtracking, additional investigations, and lost investment potential.

Since then, critical time frames associated with the Hills Plains local environmental plan have been that on 19 January 2006 council notified the Department of Planning of the Hills Plains local environmental plan in accordance with section 54, and on 4 July 2006 council advised the department of section 62 consultations and requested it to provide a section 65 certificate. On 15 November 2006, the department issued the section 65 certificate, and on 18 January 2007 the council requested the department to finalise the plan in accordance with section 68. On 2 November 2007, the Hills Plains local environmental plan was gazetted. Following gazettal, there were still more frustrating delays as government departments negotiated a fee structure per allotment for the provision of services.

In November 2007, the department sought expressions of interest from other government departments and agencies seeking contributions from the infrastructure levy. In December 2007, the department met with landowners and explained that 39 requests were received, which had been reduced to a single claim, and was the Roads and Traffic Authority upgrade cost of Manilla Road from Tribe Street to the city. The department advised that the Roads and Traffic Authority wanted eight months to design and cost the works to calculate the levy. The department advised the landowners that the Roads and Traffic Authority was told this was unacceptable and unless the levy was finalised by 14 February 2008 there would be a nil determination.

On 4 March 2008, the department advised the landowners that as yet the matter had not been finalised and it would take a further one to two weeks for the Roads and Traffic Authority to obtain chief executive officer sign off to the figure, at which time it would be advised. The department then further advised that the legislation prescribed that any such levy must be advertised for a period of 28 days before it can be enacted, regardless of whether the agreement is prepared to be accepted and signed.

On 16 April 2008, the developers met with Richard Pearson and the Department of Planning, and at that meeting they conveyed their concern at the delay and the seeming intransigence of the Roads and Traffic Authority. Mr Pearson advised that a review panel would determine the levy at its meeting on 23 April. On 1 May 2008, the department forwarded the draft Voluntary Planning Agreement for comment. The levy was established at $1,680 per lot. Alternatively, there was an option to pay for upgrades. At this rate, and using the formula provided, the department had adopted a capital cost for the works of $8.4 million.

On 8 May 2008, the developers were supplied with a quote from Daracon, a Roads and Traffic Authority accredited contractor, to complete the works at a cost of $1,859,000. This has been forwarded to the Roads and Traffic Authority for comment. I find it extraordinary that the developers have been advised that while their independent quote is $1.8 million, the Roads and Traffic Authority is now recommending a four-lane reconstruction at a cost of $24,000,000. Just so it is clear, I will repeat the figures. The developers obtained a quote from a Roads and Traffic Authority accredited contractor who is prepared to complete the work for $1.8 million but the Roads and Traffic Authority is saying the job will cost $24 million. No wonder there is frustration about the current process. I think this is a classic example of highway robbery. In summary, the levy using the Roads and Traffic Authority calculation is $4,500 per lot; the department compromise calculation is $1,680 per lot; and the calculation based on the Daracon quote is $375 per lot. Quite obviously the levy has not yet been agreed to.

The delay to date arising from the hold up to the local environmental plans is 12 months. The delay due to the inability to obtain a reasonable agreed works cost from the Roads and Traffic Authority is six months. The cost of the delay in holding costs is now conservatively valued at around $1 million. All of these expenses will eventually be borne by the purchasers of the properties, dramatically increasing costs and reducing housing affordability. Consideration of the content of the bill probably added to these delays but hopefully once enacted it will considerably reduce delays for future developments. While existing available land has met Tamworth's requirements up to this point, it is becoming increasingly urgent for the Hills Plains land to become available as builders are now facing a shortage of available sites. A local councillor told me:

> It's frustrating trying to promote a development in a regional community. Council has done some very good work, but the process is so slow. We have been stalled by many legislative and technical changes, and there is growing frustration for councillors, builders, developers and the community at large.

He went on to say:

> Government departments and bureaucrats appear unaware of the implications for country communities caused by long delays in approving important local planning initiatives. I believe regional centres have lost opportunities to other States as a result of such delays.
>
> There are real perceptions with developers that it is currently much easier to do business in Queensland, for example, than in Tamworth.

Where major investment is concerned, a process taking six months may be acceptable but if it blows out to several years you cannot blame the investor for looking elsewhere. The key reform I hope this legislation can achieve is stopping such outrageous delays in local environmental plans and spot rezonings. The system will be vastly improved if we can achieve this. I reiterate that I do not support the further removal of planning controls from local government. While I have no objection to a planning panel, the majority representation should be weighted in favour of local government.

Local Government provides the conduit for transparency in the local community when developments are being debated and progressed. This local accountability should remain a paramount feature of any legislation and I ask the Government to consider amending the legislation accordingly. Speeding up the processing of local environmental plans will have positive economic and social benefits for our communities while cleaning up the opportunity for corrupt dealings and will remove a public perception that is damaging to the political process.

In conclusion, I thank the Minister, who kindly facilitated a meeting with my local council general managers or their representatives. They have not come back to me with any concerns so I am assuming that the meeting was constructive. I hope the Government can correct the balance on planning panels to favour local government, and with that request I commend the bill to the House.

Mr ANDREW CONSTANCE (Bega) [1.27 a.m.]: Opposition members have eloquently put many arguments about why we are not supporting the bill. The fact that 150 pages of legislation are being rammed through the House in this way is disappointing because the various stakeholders have mixed views about it. As a local member my concern rests with the communities on the far South Coast who from time to time express frustration at the way in which planning issues are handled in this State.

One of the key reasons why we are saying, "Let's overhaul this properly and not tack on to the end of it" is that in seeking to streamline the legislation the Minister is creating more tiers of bureaucratic structure that will just make it more complex. The planning process will be duplicated and it will cost more to run. People will have to face the Planning Assessment Commission, joint and regional planning panels, independent hearing and assessment panels and planning arbiters, coupled with Land and Environment Court processes, commissions of inquiry and local government. The list goes on and on.

The frustration for local communities is that coastal development triggers vigorous community debate. I need only refer to a number of issues that the Minister for Planning is no doubt aware of, including the Merimbula retail floor space restriction, development density at the Tathra River Estate and, more recently, a 19,000-odd square metre retail proposal at Surf Beach near Batemans Bay.

Earlier the shadow Minister said that a key issue related to the fact that local communities believed they had been sidelined. Councils are concerned about section 94 contributions, the duplication of processes, and the like. We have expressed concern about transparency, the centralisation of power in one Minister, the appointments process, and costs. I oppose the legislation. All members should oppose it rather than seek to amend it. We should completely rewrite it and then implement a planning system that makes this State competitive with other States and the envy of the world. We want to get New South Wales back to where it should be—the leading State in Australia.

Mr FRANK SARTOR (Rockdale—Minister for Planning, Minister for Redfern Waterloo, and Minister for the Arts) [1.31 a.m.], in reply: I thank all members for participating in debate on, and for their valuable contributions to, the Environmental Planning and Assessment Amendment Bill 2008. Before I deal with specific issues I remind members of the beneficiaries of these reforms. I remind them of one compelling statistic, that is, that in 2006-07 67 per cent of all development applications had a capital value of less than $100,000. These are not developers, investors, or property speculators; these are ordinary people who have been forced to endure a cumbersome, lengthy and uncertain process for minor works.

We have received numerous letters from residents supporting the reforms. These letters are not ideologically driven or based on false information peddled by the Local Government and Shires Associations; rather, they are letters of fact. Only last week a letter written in response to a newsletter by the member for Sydney inviting a person to protest about the planning changes stated:

> Six months ago we may have been convinced to do this. However, having just been through the DA approval process with the City of Sydney, it is with regret that we have to say they maybe such changes, if carefully implemented, are necessary. Twice now we have had first-hand experience of how councils are incapable of handling residential DAs consistently and within a reasonable timeframe.

That is an overwhelming message that we have to change the planning system. Most members have conceded that that is the case. It is a pity that the Local Government and Shires Associations has not entered this debate in a meaningful or honest way, and has failed to show any leadership in this debate. If it were genuine about creating a better planning system it would have come up with solutions or practical propositions, not just misleading rhetoric that ignores the real benefits that these changes will bring to communities. Not just mums and dads will benefit; there are practical measures to fix problems in the system that will benefit all users, including local councils, the professions, local communities as well as industry.

I believe that these reforms are a balanced and measured response. In my agreement in principle speech and the accompanying policy statements I provided a comprehensive outline of the policy intent of the legislation. I will now reply to some of the key issues that were raised during debate. The first general criticism was that the process had been too quick. This process has been in place for over a year, with at least 10 months of public consultation with stakeholders, local government and practitioners. Last year all the issues were flagged in a comprehensive discussion paper. I have met with many councils, for example, Lismore, Ballina, Bega, Byron Bay, Shoalhaven, Coffs Harbour, Dubbo, Parkes, Forbes and Newcastle, to name just a few.

These reforms were negotiated over a period of five months with the certification liaison committee, which comprised members of the Local Government and Shires Associations, local government practitioners, private certifiers and the Housing Industry Association. A complying development expert panel developed the draft codes. The majority of members on that panel are either current or former local council people who have met on many occasions. It has been argued that there is not enough detail to support the legislation. It is not unusual that subordinate legislation and guidelines follow the legislation. Nevertheless, six regulations have been listed in this bill so that people can see exactly what is being proposed.

In addition, I placed on the table five policy statements that indicate how we would appoint regional panels, arbitrators and so on. A complying development code is already on public exhibition. Interestingly, last week the Coalition for Planning Reform, which comprises 12 organisations—the Planning Institute of Australia, the Institute of Architects, property industries, chambers of commerce and other bodies—changed its position. It now no longer supports an inquiry and believes that this legislation should go through both houses of Parliament. Reference was made in debate to part 3A, but the bill does not propose any significant changes to the system introduced in 2005 which, at the time, was supported by the Opposition.

Most part 3A projects automatically come to the State for assessment and the vast majority of them would now be delegated to the Planning Assessment Commission. The member for Bega and other members who have asked me to intervene in local matters defended the autonomy of local communities, but they run to me when they want intervention to solve problems that local communities often want the Minister to solve. Many Opposition members claimed that these reforms would centralise power. The Minister would lose 80 per cent of all development decisions to the Planning Assessment Commission, but local government would lose only 2 per cent of its decisions to regional panels and planning arbitrators. It has been suggested that I would lose 2 per cent of development decisions and keep 98 per cent when, in fact, the figure would go from 100 per cent to 20 per cent of development decisions. It is one of the great furphies of this debate.

This legislation is about decentralising power—devolving power to sensible levels, whether it is State significant, regional or local, or whether it relates to neighbourhood issues. I tried to listen intently to the earlier contribution of the member for Wakehurst and shadow Minister, who spoke for a long time. He said that if the reforms were sound they would have received widespread support from professionals at the coalface, such as planners and architects and not just the peak groups. I am pleased to inform the member for Wakehurst that I received such support. He should go back to the survey that was conducted by the Institute of Planning and the Institute of Architects, which reveals that 67 per cent of planners said they supported the Planning Assessment Commission and 73 per cent of architects said the same thing: 69 per cent of planners supported joint regional planning panels and 78 per cent of architects supported them.

Professional bodies conducted these surveys of their members; they were not conducted by us or by anyone else. The survey reveals that 56 per cent of planners supported the use of arbitrators and 76 per cent of architects supported them; 77 per cent of planners supported complying development codes and 76 per cent of architects supported them. That is what the professions have said to us. When I meet with the professions they keep saying that they want these reforms. People at the coalface have to put up with the exigencies and complexities of the current system. The member for Wakehurst referred to the cost of joint regional panels and, in virtually the same breath, he rambled on about the Wollongong corruption inquiry.

Let me join the dots for the member for Wakehurst, who had a lot of dots in his speech. These panels will stand in the shoes of the council, consider the views of the community and the assessment report of the council's professional officers, and then make a determination about the delays and politics that are currently plaguing the system. The member for Wakehurst raised the question of costs. Untangling the system for small applications will free up council resources and enable planners to focus on strategic work and larger applications. However, as I have said repeatedly to local government, if there is evidence that councils are bearing increased costs I would be happy to look at the development fee structure, in particular, for regional standard development.

I am receiving contradictory messages about the inquiry timeline. Opposition members said that there was an urgent need for reform. The member for Wakehurst said that not one Opposition member was not sympathetic to current frustration with the planning system. The Opposition's solution is another 12 months of delay. If Opposition members want reform right now why did they not provide proper policy alternatives? All that they want is more delays, which is all about politics and not really about the substance of this bill. Council performance statistics speak for themselves. Some issues have not been correctly addressed.

The member for Pittwater, an expert in environmental planning law, unfortunately does not understand some aspects of the bill. For example, the first stage of complying development does not apply to heritage conservation areas. We foreshadowed that there might be opportunities to apply it to some areas, but it will need policy work to ensure that we do not put complying development into merit assessment. I rebut the suggestion from Opposition members that amendments to the Heritage Act are related to these codes. They are not related to these codes. Changes to heritage relate to local environmental plan making and are intended to allow heritage considerations to be dealt with upfront at the gateway stage when decisions are made relating to consultation.

The member for Pittwater also raised a number of issues about regional panels. The Act clearly provides that they are not subject to the direction or control of the Minister in exercising their functions. They are obliged to comply with the statutory obligations for all consent authorities. Any breaches of these procedures could render decisions open to challenge. There is a bigger problem when it comes to panels and the member for Pittwater, who I note was the only Opposition member to make a submission on the planning reform discussion paper. In his view panels charged with conducting public hearings on difficult proposals, such as Currawong and Catherine Hill Bay, are costly and divisive. He said:

> The use of expert planners in the planning system minimises the role of democratic expression by local communities and will ultimately increase conflict and resentment, which will undermine the speedy resolution of development issues and lead to a decline in public trust.

The only problem for the member for Pittwater is that the use of panels has been endorsed already in principle by his leader. This attempt to depoliticise the system is just as applicable at the local level as it is at the State level. In the words of the Leader of the Opposition:

> We need to separate the strategic and the policy from the operational.

That is precisely what this bill does for the bulk of State and regionally significant planning decisions. The member for Pittwater then became confused about State environmental planning policy 1 in relation to the additional appeal right. This does not affect the operation of State environmental planning policy 1, which still must be complied with. The member said that the planning system is all about process. That is inspirational talk from the Opposition. I make no apologies for seeking to ensure that we have a more efficient and transparent process that delivers the best possible outcome for the people of New South Wales. The planning system exists to allow property owners to achieve their objectives within constraints and to protect other owners, residents, the environment and the public interest. People expect decisions in a reasonable time, not to be held hostage by those who are addicted to process.

The member for Sydney has approached this debate using the most exaggerated, intemperate and strident language. This is not the first time we have heard this sort of language from the member. In 1988 on the City of Sydney bill the then member for Bligh called the Greiner Government bill a "betrayal of the people of Sydney". She said, "The City of Sydney bill is a sleight of hand of monumental proportions." The member called the proposal for the city a "sham" and claimed that "the city's users and residents have all but been abandoned." Interestingly, last year the member was quoted as saying:

> The Central Sydney Planning Committee is working exceptionally well. It depoliticises big city projects such as the Westfield shopping centres to ensure that development approvals and planning controls are in the public interest.

On that occasion the member supported independent panels. Tonight the member for Sydney wanted a headline, so she made the remark, "The reform paves the way for corruption and would exclude people and councils." She said that this is "a shanty town amendment bill rubbishing our cities, our State and our future," and possibly the whole solar system. She wanted a headline and she got a headline. The member's speech was entirely predicated on the convenient fiction that elected councillors pore over and debate every application they receive. They do not. In fact, the local development performance report tells us that for the last financial year on average only 4 per cent of development applications were determined by elected representatives. In 55 councils more than 98 per cent of determinations were made under delegation to professional staff. Are they also "unelected hired hands", to borrow her term? The joint regional panels will not undermine councils and they certainly will not undermine democracy. We anticipate that with these changes councils will still determine well over 97 per cent of all development applications.

The reforms will strengthen democracy by allowing the introduction of neighbourhood appeal rights, which have been debated tonight. These rights will give locals a chance to appeal inappropriate developments in their neighbourhoods. The member for Sydney also claimed that we had forgotten the mums and dads next door. That is simply not true. The complying development code that we are developing in partnership with local government will protect neighbours. The rules will be clear and everyone will know what they are. If she ventured out of the gentrified neighbourhoods of Sydney she would find people who do not have the resources to endure lengthy and costly court and council proceedings. These reforms will help make life easier for those people. I note that the member for Sydney strongly opposes the significant reforms to plan making, including the gateway process. Perhaps she should have consulted more widely on this issue because the proposal received virtually universal support from stakeholders, including councils.

Another claim was that the bill does not address sustainability and that the complying development codes are not consistent with sustainable development. Again, that is not so. One of the key good design principles that form the basis of the development standards in the housing code is an environmentally sustainable design. In addition, complying development will still require a BASIX certificate. The code additionally makes water tanks, solar water heaters and photovoltaic systems exempt from development. The member for Wakehurst acknowledged that the proposals in relation to development contributions represent a fair balance.

Mr Brad Hazzard: I think I have been verballed.

Mr FRANK SARTOR: Go back and look at the *Hansard*. Councils will be able to levy for all the necessary infrastructure that they build and they will be held accountable for their buildings. I would call the

member for Lane Cove a buffoon, but I am not allowed to use unparliamentary language. The member's personal remarks were unbecoming and typical of his contribution to public debate. I will not dignify them with a response. The member showed his complete ignorance of the bill by confusing the role of planning arbitrators and the use of complying development. Planning arbitrators have nothing to do with complying development. He does not understand. These reforms will allow more neighbourhood challenges to development decisions. They will allow people to undertake low-cost arbitration rather than spending $20,000 to $30,000 on court cases. They will reduce developer controls on strata committees in new buildings and create much stronger limits on private certifiers. The uniform codes will make it easier for homeowners to renovate their homes.

I take this opportunity to thank my colleagues for their contributions to the debate. I also thank staff, particularly the Director General of the Department of Planning, Chris Johnson, Yolande Stone, Marcus Ray, Eloise Murphy, Brett Whitworth and Neil Cocks, my chief of staff, and Andrew Abbey and all the staff in my office who worked tirelessly on this very important reform. I also thank Parliamentary Counsel Don Colaguiri and those members of the working party who worked on the policies. I commend the bill to the House.

Question—That these bills be now agreed to in principle—put.

The House divided.

Ayes, 46

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 Rees
Ms Burney	Ms Judge	Mr Sartor
Mr Campbell	Ms Keneally	Mr Shearan
Mr Collier	Mr Khoshaba	Mr Stewart
Mr Coombs	Mr Koperberg	Mr Terenzini
Mr Corrigan	Mr Lynch	Mr Tripodi
Mr Costa	Mr McBride	Mr Watkins
Mr Daley	Dr McDonald	Mr Whan
Ms D'Amore	Ms McKay	
Mr Draper	Mr McLeay	*Tellers,*
Mrs Fardell	Ms McMahon	Mr Ashton
Ms Firth	Ms Megarrity	Mr Martin

Noes, 34

Mr Aplin	Mr Humphries	Mr Roberts
Mr Baird	Mr Kerr	Mrs Skinner
Mr Baumann	Mr Merton	Mr Smith
Ms Berejiklian	Ms Moore	Mr Souris
Mr Cansdell	Mr Oakeshott	Mr J. H. Turner
Mr Constance	Mr O'Dea	Mr R. W. Turner
Mr Fraser	Mr O'Farrell	Mr J. D. Williams
Ms Goward	Mr Page	Mr R. C. Williams
Mrs Hancock	Mr Piccoli	
Mr Hazzard	Mr Piper	*Tellers,*
Ms Hodgkinson	Mr Provest	Mr George
Mrs Hopwood	Mr Richardson	Mr Maguire

Pairs

Ms Burton	Mr Stokes
Ms Gadiel	Mr Stoner

Question resolved in the affirmative.

Motion agreed to.

Bills agreed to in principle.

Consideration in detail requested by Mr Frank Sartor.

Consideration in Detail

Clauses 1 to 5 agreed to.

Mr ROBERT OAKESHOTT (Port Macquarie) [1.54 a.m.]: I move:

Page 6, schedule 1 [8]. After line 9, insert:

Section 34C

Special provision for catchment management, climate change, biodiversity, connected landscape and energy management

(1) In this section:

catchment management means an area of the State to which the Catchment Management Authorities Act 2003 applies, and a catchment action plan is in place.

climate change is as defined by the NSW Minister for Climate Change, based on latest available information, and as tabled in Parliament on an annual basis.

biodiversity is as defined by the NSW Minister for the Environment, based on latest available information, and as tabled in Parliament on an annual basis.

connected landscape refers to the links to and between biodiversity "hot spots", and is at the discretion of both the NSW Minister for Planning and the NSW Minister for the Environment, with decisions on outcomes to be tabled in a report to Parliament on an annual basis.

energy management refers to the energy demand and supply within NSW and the details of any offset/trading schemes in energy. A management report on this will be tabled in Parliament on an annual basis by either the Minister for Energy or the Minister for the Environment.

(2) Provision is made in a State Environmental Planning Policy requiring a consent authority to refuse to grant consent to a development application relating to catchment management, to climate change, to biodiversity, to connected landscape, or to energy management, unless the consent authority is satisfied that the carrying out of the proposed development would have a neutral or beneficial effect on each.

I shall be brief because it is late. We all play by someone else's rules and I apologise for that. Once again the Executive shows a lot of disrespect to all members in this Chamber because we are still here. The science is in and the policy is in. I gather that both sides will oppose this amendment. However, I am pleased that the Opposition has indicated it will try to get these issues dealt with through an inquiry of a standing committee in the upper House that it will move to establish. I hope that in good faith the Government does likewise. If that is so, I will not speak for too long and we can all go home.

Mr FRANK SARTOR (Rockdale—Minister for Planning, Minister for Redfern Waterloo, and Minister for the Arts) [1.57 a.m.]: The Government opposes this amendment.

Mr BRAD HAZZARD (Wakehurst) [1.57 a.m.]: The Opposition understands what the member for Port Macquarie is trying to achieve, which is an appropriate consideration in the context of this planning bill. The Opposition generally would support the environmental issues that relate to catchment management, climate change and biodiversity issues and in principle we do support them. However, as I indicated to the member for Port Macquarie in earlier discussions, the Opposition will oppose this amendment simply because this is a Government bill with which we disagree. We will not engage in amendments to a bill that we inherently think is dysfunctional and will cause further problems for the planning system. However, when the bill is sent to the Legislative Council we certainly will make every effort to have the issues he has raised in this amendment included in the agenda for the committee inquiry that the Opposition will move to establish. I indicate again our strong opposition to the bill, but indicate also that we oppose this amendment.

Ms PRU GOWARD (Goulburn) [1.58 a.m.]: I support the comments of the shadow Minister and oppose this amendment as it will not address the environmental concerns it claims to address. It certainly cannot improve on a bad bill. I example the rifle range at Hilltop, which has been referred to an independent panel only

after a long and continuous campaign waged against it by the residents of Hilltop. The opposition of the Wingecarribee Shire Council to the rifle range on the grounds of noise and traffic problems also is well identified. I do not see any capacity with this amendment to improve on that process. Certainly other mining and industrial developments in the Goulburn electorate also are beyond the reach of this amendment and the control of local residents. This amendment does nothing to address those difficulties and on those grounds needs to be opposed.

Question—That the amendment be agreed to—put.

Division called for and Standing Order 181 applied.

Ayes

Mr Draper
Mrs Fardell
Mr Oakeshott

Question resolved in the negative.

Motion negatived.

Schedule 1 agreed to.

Mr FRANK SARTOR (Rockdale—Minister for Planning, Minister for Redfern Waterloo, and Minister for the Arts) [2.02 a.m.]: I move Government amendment No. 1:

No. 1 Page 37, schedule 2.1. Insert after line 7:

[33] Section 96 (3A)

Insert after section 96 (3):

(3A) For the purposes of the application of section 79C (1) under subsection (3):

(a) the consent authority must treat the application for modification as if it were an application for development consent made at the time the consent authority is determining the application for modification, and

(b) without limiting paragraph (a), the provisions of any environmental planning instrument apply to the application for modification as if it were an application for development consent.

The need for this amendment arises from a recent decision of the Land and Environment Court; a decision that was handed down by the court after the bill was introduced. The amendment deals with the modification provisions in the Environmental Planning and Assessment Act 1979. I am aware that some applicants are relying on existing modification provisions to avoid certain development standards that otherwise ought to apply to the development.

The matter was recently brought to a head by a decision of the Land and Environment Court in *Progress and Properties v Burwood Council*. In that case the court approved an application for modification that significantly exceeded the development standards relating to height and floor space ratio. Section 96 of the Act already requires the consent authority when determining a modification application to take into consideration the relevant matters referred to in section 79C, including provisions of local environmental plans. Unfortunately, those requirements have over time become so watered down that the consent authority only has to pay lip-service to the development standards in local environmental plans when determining a modification application.

The proposed amendment will ensure the consent authority must give proper consideration to the relevant controls when determining modification applications. It will not, however, open up the whole of the consent for reassessment, just those aspects that are directly and indirectly related to the proposed modification. As part of these changes I will also amend State environmental planning policy 1 to make it clear that SEPP 1 applies to modification applications as well as development applications. I want to make it clear that the proposed amendment will not reduce the flexibility that is provided by SEPP 1: this will remain. The only change is that SEPP 1 will now apply also to modification applications. These changes will ensure greater transparency and accountability in our planning system.

Mr BRAD HAZZARD (Wakehurst) [2.03 a.m.]: The Opposition has put on the record very clearly its opposition to the bill. We have voted against the bill but we do not propose to vote against the amendment moved by the Government because this is the Government's bill and it brings it into the entirety of the Government's bill. As a matter of reasonableness and fairness we will not oppose the amendment. We want the matter tried on its merits when it moves to the upper House.

Motion agreed to.

Amendment agreed to.

Schedule 2 as amended agreed to.

Schedules 3 to 5 agreed to.

CHAIR: Order! The House will consider in detail the Building Professionals Amendment Bill 2008.

Clauses 1 to 4 agreed to.

Schedules 1 and 2 agreed to.

CHAIR: Order! The House will consider in detail the Strata Management Legislation Amendment Bill 2008.

Clauses 1 to 5 agreed to.

Schedules 1 and 2 agreed to.

Consideration in detail concluded.

Passing of the Bills

Motion by the Hon. Frank Sartor agreed to:

That these bills be now passed.

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

ADJOURNMENT

Motion by Mr John Aquilina agreed to:

That this House do now adjourn.

The House adjourned at 2.07 a.m. on Wednesday 4 June 2008 until 10.00 a.m. on the same day.