

LEGISLATIVE ASSEMBLY

Tuesday 2 June 2009

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

The Speaker read the Prayer and acknowledgement of country.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

PRIVATE MEMBERS' STATEMENTS

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

JUSTICE PUPS PROGRAM

Ms MARIE ANDREWS (Gosford) [1.10 p.m.]: It is always a pleasure to speak about a world first for New South Wales. The world first that I am speaking about today is the Justice Pups program, which was officially launched in my electorate on 17 March 2009 by the Minister for Juvenile Justice, the Hon. Graham West. The Frank Baxter Juvenile Justice Centre in Kariong is the first juvenile justice centre in Australia and the first State-run juvenile detention centre in the world to run such a program. The Justice Pups program is run in partnership with Assistance Dogs Australia, which is a not-for-profit organisation that trains and provides dogs to people with disabilities.

The Justice Pups program at Frank Baxter started in November 2008 when two female labrador puppies, aptly named Frankie and Baxter, arrived at the centre from Assistance Dogs Australia. Four young offenders were assessed as suitable for the Justice Pups program, and under the supervision of two locally based dog trainers the boys are responsible for training the puppies over a 14-month period. My latest information is that the training program is going very well indeed. Frankie and Baxter are trained daily by the young offenders. They are taught basic obedience skills and trained to perform specific tasks that will help their disabled recipients. Central Coast based volunteer trainers from Assistance Dogs Australia visit the centre on a weekly basis to work with the young offenders and help them with training.

This program has been shown to be a great success. Young offenders that are chosen to participate in the Justice Pups program have shown an enhanced sense of responsibility and improved self-esteem and communication skills, and they also gain experience in working as a team. The Justice Pups program not only helps with the rehabilitation of young offenders but also benefits the quality of life of the people with disabilities who are fortunate enough to receive one of these highly trained dogs. I would like to put on record my appreciation to all the wonderful staff and volunteers who have made this very worthwhile program a reality.

The launch of the program was a great success—even if the puppies were not performing on cue. Joining the Minister at the launch were Mr Peter Muir, the Director General of the Department of Juvenile Justice; Ms Anne Meagher, Regional Director of the Department of Juvenile Justice; Mr Jeff Deal from the Department of Juvenile Justice; Mr Richard Lord, chief executive officer of Assistance Dogs Australia; and Ms Jenny Reid, also from Assistance Dogs Australia. Staff from the Frank Baxter Juvenile Justice Centre in attendance were: Steve Wilson, centre manager; Greg Corben, assistant manager; Colin Hill, Christopher Walsh, Joanne Keppie and Ann Maree Hartridge; and volunteer dog trainers Darryl Turley and Fred Weirter. Staff from the GIRRAKOOL school in attendance were the principal, Mr Bill Alexander, Belinda Cappai and Helen Dahbache. GIRRAKOOL, which is located within the Frank Baxter Juvenile Justice Centre, is a community care school within the New South Wales education system providing education and vocational training programs for male juvenile offenders.

The Justice Pups program follows a similar very successful program that has been running in the New South Wales prison system since November 2002, called Pups in Prisons. The Pups in Prisons program was

launched at Kirkconnell Correctional Centre near Bathurst in 2002 by the then Minister for Corrective Services, the Hon. Richard Amery. This program allows specially selected low-security inmates to raise and help train dogs to assist people with physical disabilities. This program has been so popular that five years later two more prisons are running similar programs. One program runs in New South Wales at the Junee Correctional Centre and the other runs at the Darling Downs Correctional Centre in Toowoomba, Queensland. Assistance Dogs Australia has placed over 90 dogs around Australia, with more than 40 dogs currently in training, 12 of which are in the Pups in Prisons program, and the two Justice Pups, Frankie and Baxter. Pups in Prisons programs also run in the United States, Canada, New Zealand and Italy, with experts stating that the program helps break down barriers of fear and mistrust between staff and inmates, reduces recidivism and lessens behaviour violations among inmates.

The assistance dogs are fully trained to specific standards and provided to disabled recipients free of charge. Each assistance dog costs the organisation approximately \$20,000, which covers the two-year training period and follow-up support. The training of these marvellous dogs is a big commitment. Over a two-year period the assistance dogs will learn a variety of specific tasks that will help their disabled recipients. These include the opening and closing of doors, turning light switches on and off, pressing pedestrian crossing buttons, and retrieving and picking items off the floor—tasks that are difficult or nearly impossible for people confined to a wheelchair. They can also bark for assistance, if required. I congratulate Assistance Dogs Australia, the Minister for Juvenile Justice and the Department of Juvenile Justice on introducing this program into the Frank Baxter Juvenile Justice Centre. It is a win-win situation for everyone.

WAGGA WAGGA BASE HOSPITAL

Mr DARYL MAGUIRE (Wagga Wagga) [1.15 p.m.]: There is no project of more importance to the people of the south-west slopes and the Riverina than the redevelopment of Wagga Wagga Base Hospital. The hospital's redevelopment has been mooted for many years. Indeed, since former Minister Knowles allocated some \$400,000 to the planning process, our community has participated in the planning to redevelop Wagga Wagga Base Hospital. I am pleased to say that those plans are now completed. With the bringing down of the Federal budget it is now clear that the Federal Government will not be assisting New South Wales in providing the long-awaited new Wagga Wagga Base Hospital. The hospital serves some 250,000 people in the south-west slopes and Riverina areas. It is a major referral hospital that was built in the early 1960s. It is now outdated and dilapidated and in desperate need of renewal.

On 20 May I launched a petition on behalf of the community calling on the State Government to honour its commitment to begin building a new base hospital in this parliamentary term. The cost of this new hospital is estimated at \$275 million to \$300 million. After eight days the petition has attracted some 10,000 signatures. I have lodged it in the House today and I lay upon the table for members' edification the 10,000 names that were recorded in just eight days. I assure members that another 10,000 names will be laid upon the table of the House, and another 10,000 after that. I will lodge petitions daily in this place to ensure that the message gets through to the Government that the single most urgent priority in the entire region is the building of Wagga Wagga Base Hospital.

Many people have assisted in the launch of this petition and in getting the signatures that I have tabled. Community groups, organisations such as the Country Women's Association, the *Daily Advertiser* and individuals have all put their shoulder to the wheel to ensure that the message is driven home loud and clear to the Minister: We need some direction and action on this long-awaited hospital. With the Federal Government now out of the equation it is important that the Minister for Health give our community an indication of the path he will pursue to provide this important piece of infrastructure. Will it be a publicly funded and built project or will he engage the private sector in a public-private partnership? Whatever the decision, it needs to be made urgently because time is running out. The planning is completed and the community is awaiting a decision by this Government on the future of this very important piece of infrastructure.

With referrals from around the region we have managed to build a skills infrastructure of doctors, nurses and physicians like no other in rural and regional New South Wales. Unlike other communities who have lost theirs, we need to protect that. We need the bricks and mortar and the infrastructure so the doctors and nurses who deliver services that we are proud of can do so in an environment that is ergonomically designed and encouraging and that allows them to go about their important work in a very professional way. That does not occur now because they are working in antiquated surroundings. Every Minister for Health has been through the hospital since I have been the local member. Premiers have visited the hospital. All we can do now is say to the Minister for Health, "You need to make a decision. Our community is desperate for you to give some guidance

on the plans you have for our hospital. We want an announcement; we want communication with our community on the direction you are going to pursue. We have complied; we have jumped the bars and done everything that has been asked of us as a community to assist you with the planning."

What we need now is an indication from the Minister and the department as to the path he is going to follow. Will he begin the hospital in this parliamentary term, will he announce a start date, and will he give us some direction on whether it will be a public-private partnership or a public-built entity? I have never seen such a response to a petition in just eight days—10,000 names—but I assure the House that these petitions are still rolling in to my office and will continue to do so until the Government gets the message: There is no greater priority than the building of Wagga Wagga Base Hospital. I urge all members to send that message loud and clear to the Minister.

ST GEORGE POLICING

Mr FRANK SARTOR (Rockdale) [1.20 p.m.]: Today I speak about the great work that the New South Wales Police Force is doing within the St George Local Area Command. The St George Local Area Command contains up to 24 suburbs bordered in the east and south by the Botany Bay foreshore and Georges River, with close to 145,000 people living there. It is a big and busy command, with the St George Kogarah police station operating 24 hours a day, seven days a week. It is obvious that policing within the St George and Rockdale areas is diverse and demanding. Today I commend the professionalism and teamwork of our local police. I particularly acknowledge the local area commander, Detective Superintendent Helen Begg, for providing leadership to the men and women of the St George Local Area Command.

The work of Superintendent Begg and her team is having an impact on the streets of Rockdale and St George, driving down crime and making the community safer. The latest data from the New South Wales Bureau of Crime Statistics and Research showed that crime rates within the St George Local Area Command are either falling or stable. Break and enter of a dwelling is down 35.5 per cent, motor vehicle theft is down 20 per cent, steal from motor vehicle is down 23 per cent, and steal from person is down almost 28 per cent. These results are very encouraging. The only major crime category to record an increase in the year to December was non-domestic violence related assault, which recorded an increase of 27 per cent. I am advised that local police are already working on strategies to address this issue.

Recent incidents in the Rockdale electorate met with a quick response from the police Minister and from local police. Several weeks ago the Minister organised at short notice a briefing for me and the local mayor with Superintendent Begg, who took us through the police response. Superintendent Begg made the point that the community is the eyes and ears of the police, and I urge anybody who has information about recent crimes, such as the incident at Brighton-le-Sands and incidents in Rockdale, to contact Kogarah police. With local police I recently convened a meeting with business owners to discuss crime and responses to crime in the local area. At the briefing I also brought up the issue of the antisocial behaviour of local hoons. Superintendent Begg assured me that the local police will continue to deploy all the necessary resources to tackle the trouble spots.

On Friday 1 May we saw another example of the fine work that our police men and women are doing. As part of a joint investigation, New South Wales police executed a search warrant on a property in Kogarah and recovered a major cache of firearms, prohibited weapons, explosive devices, prohibited drugs and police paraphernalia. This on-the-ground, in-your-face policing shows that the New South Wales Police Force is doing what it takes to target outlaw motorcycle gang criminal activity. This operation is just one of many that has targeted the activities of outlaw motorcycle gangs and criminal groups that continue to endanger the lives of the public. Since its inception a little over a month ago, Strike Force Raptor has made more than 70 arrests and substantial seizures of amphetamines, firearms and weapons.

The Government and police have made it clear that they will not tolerate these criminal thugs who think they can terrorise our community. I am particularly reassured to learn that the ranks of the St George Local Area Command have just been boosted, with 10 more probationary constables graduating from the Police Academy in Goulburn. This will only reinforce the existing work of Superintendent Begg and her team of dedicated and professional officers. I thank the police for their efforts and know that with persistence we will continue to lower crime rates in the electorate of Rockdale.

TAREE AVIATION BUSINESS PARK PRECINCT

Mr JOHN TURNER (Myall Lakes) [1.25 p.m.]: I request that the Minister for State and Regional Development review an application made by the Greater Taree City Council under the Building the Country

Package—Local Infrastructure Support Fund. The council put together a very good expression of interest submission concerning the development of an aviation business park precinct at Taree Regional Airport. Unfortunately, in recent days the council has received advice that the application has not been short listed. I believe the application has great merit and is imperative for the future of the Greater Taree City Council area, and indeed of the Manning Valley area.

Taree Regional Airport is one of the most strategically placed non-controlled airports in Australia. The project aims to see the development of an aviation business park precinct. The project is designed to capitalise on the many businesses that are being forced from metropolitan airports, which have been privatised and redeveloped into industrial or residential estates. Many visits to Bankstown airport and to Mascot, Hoxton Park and Warnervale airports, to name a few, have demonstrated that there is massive demand and a real opportunity for Taree to attract businesses to the area. Yet this application was not short listed. The council pointed out in its expression of interest that the project is relatively simple but vital, and is broken into three stages.

I point out by way of background that Taree is a very busy airport and is currently serviced by Rex airlines, which carries about 25,000 passengers a year. It is also the home of a number of aviation-related businesses, including five aircraft manufacturers, a skydiving school and a pilot training facility. It also assists the Rural Fire Service to deliver statewide training and is used by rescue helicopters and ambulance services. Three freight companies also use the airport. The aviation business park concept builds on that existing business. Inquiries made by the council—particularly by Chris Ryan, the economic development manager—indicate that there is tremendous interest in the project. By way of example, the council recently created for lease four lots at the airport and called for expressions of interest. Nine expressions of interest were received, and demand has increased significantly since that time. As a result, four businesses were established, creating more than 15 direct jobs initially, with many more to come as businesses expand. It is ironic that the Department of State and Regional Development has already assisted one of those businesses that now needs more room to expand. That is what this application to the Department of State and Regional Development is all about. Without the funding requested in the application, that expansion will not go ahead.

In my view, the council ticked all the boxes and did everything required of it. It related the application to the State Plan. Priority 6, strategy 1 of the State Plan is to "Improve access to employment land". In this case Taree Regional Airport offers a unique opportunity to cater for businesses that require airside access, such as aircraft manufacturers, maintenance businesses and flying schools. Strategy 2 of the State Plan is to "Develop initiatives to assist the manufacturing sector". As the council said, Taree Regional Airport already has five aircraft manufacturers operating from it and many more have indicated their interest in being part of this industry cluster. Strategy 3 of the State Plan is to "Pursue infrastructure for business needs". The council has observed that creating this business park would do exactly that and cater for the many businesses that are being forced from metropolitan airports that are shrinking or closing down in favour of industrial and residential estate developments.

Strategy 4 is to "Develop initiatives to assist investment facilitation in logistics and tourism". The council noted that three air freight companies already service Taree on a daily basis. One in particular has indicated its desire to base its company in Taree. Strategy 5 is to "Develop initiatives to bring skills to the regions and retrain the workforce". This project would necessitate retraining the existing skilled workforce in metals and engineering as well as composites. The development also falls under the Department of Planning's Mid North Coast Regional Strategy, which was launched only about a month ago and which identifies Taree as one of the four major regional growth centres. It is important that we have an airport in the growth centre, and it is observed in the Mid North Coast Regional Strategy that each growth centre has an airport.

It is vital for the Minister to review this application because it fits firmly within the application criteria set out by the Department of State and Regional Development—the strength of the linked business investment and the employment potential, to which I referred earlier. The department refers to a "criteria of commonality of infrastructure" and states that council also has to be "ready for commencement". Using the latest terms, this proposed development is shovel ready: council is ready to roll out its three-stage development but the first stage requires much-needed funding of \$500,000. I believe that council's application is worthy of reconsideration and of being included in the overall short list. I urge the Minister to review this matter because development of this nature would result in vital infrastructure in the Manning Valley and jobs.

BLACKTOWN FESTIVAL

Mr PAUL GIBSON (Blacktown) [1.30 p.m.]: I speak today, as I have spoken many times in this Chamber, about the wonderful city of Blacktown, which has a population of 300,000 and a budget of about

\$250 million. Assets owned by Blacktown council are worth in the vicinity of \$2.5 billion. Blacktown is the largest council area in New South Wales—the third largest in Australia behind Brisbane and the Gold Coast. Every year the Blacktown Festival is held. That festival, which runs for a week, culminated on Saturday in the Streets Alive Day and Parade. This event, which has been running since 1975, has been a great success. Congratulations go to Charlie Lowles, Mayor of Blacktown, and to councillors and staff who organised this wonderful and successful week.

This year the compere of the well-attended festival was Pete Graham, radio star extraordinaire, who did a wonderful job. On Saturday over 80,000 people turned up to watch the street parade—the pinnacle of the Blacktown city festival. There were 850 people on 50 floats that traversed Main Street and terminated on Flushcombe Road. Throughout the day festival-goers mingled amongst 400 street stalls, six performance stages that provided great entertainment, amusement rides and displays throughout Blacktown central business district. Blacktown council heralded the day as a huge success. This year's parade, which ran for close to an hour, was a fantastic display of the city's community pride. After the festival Charlie Lowles, Mayor of Blacktown, said:

Many community groups, schools and local businesses got right behind the spirit of the Blacktown City Festival.

He was spot on! This year many of the floats had as their theme the International Year of Astronomy. Winners of the hotly contested best-dressed float competition will be announced on Wednesday 17 June. On Saturday Premier Nathan Rees officially opened the festival, the first Premier to do so since its inception in 1975, and he was well accepted. Other special guests included Peter Overton from Channel 9 news and Wendy Kingston, who has taken over the late news on Channel 9. They were well received by the crowd and had an extremely good day.

It was great to see all members of the community supporting and enjoying this wonderful festival. The people of Blacktown, who are proud of their community, say to everybody in the nation, "We are as good as it gets in Blacktown. All we need is to be given an opportunity." That was evident from the weeklong world-class events. The Darug people, the traditional owners and custodians of that part of western Sydney, ran a float for the first time since the festival's inception. Darug Tribal Aboriginal Corporation Secretary, Sandra Lee, was proud of the fact that the Muru Mittigar and Peter Strachan dancers led the float.

It would be remiss of me not to place on the record some of the other events that took place. Some events were cancelled because of the rain, including the reconciliation walk and concert. However, events that took place included: the Blacktown City Fun Run, the Small Treasures Exhibition, the Search for a Star Talent Competition at Bowman Hall, the Light and Shadow Exhibition at Blacktown Arts Centre, *Star Trek XI*, which was screened in both Mount Druitt and Blacktown, the Whitereia Performing Arts Show, the Skyworks Planetarium, the Above and Beyond Ghost Tour Experience, Dora the Explorer, Rhythm 'N' Beats and many other events, all of which were fully attended. It was great to see such spirit in a city that is leading the way in Australia. This festival is more than just a parade in Blacktown; it shows that the Blacktown community really cares.

Ms ANGELA D'AMORE (Drummoyne—Parliamentary Secretary) [1.35 p.m.]: I thank the member for Blacktown for referring today to this fantastic festival in his community—a festival that was attended by 80,000 people from Blacktown and the surrounding areas and which has been running since 1975. I congratulate Blacktown council on its initiative and on keeping this tradition alive. Festivals play an important part in this State and give the population a sense of pride in their local community. Blacktown, which has a culturally diverse community, is a good example of how communities can come together, work together, live together and celebrate a fantastic festival. I congratulate the member on being part of that process. I am aware that he is supportive of his local community and this festival. As he said, Premier Nathan Rees opened the festival—the first Premier to do so in the decades that the festival has been held. Congratulations go to the people of Blacktown and we look forward to seeing many more festivals in years to come.

LORD HOWE ISLAND AERIAL RAT BAITING

Mr MICHAEL RICHARDSON (Castle Hill) [1.36 p.m.]: Today I put forward the concerns of my constituents Rob and Carol Rathgeber regarding the proposed rat eradication project on Lord Howe Island. Mr and Mrs Rathgeber have a property on the island and divide their time between it and their other home in Castle Hill. Mr Rathgeber has been a trenchant critic of the proposed use of the rat poison brodifoucam to kill the rats. The plan is to drop baits from a helicopter over much of the island, with the gaps around the settled areas being filled in by hand-placed bait stations.

Mr and Mrs Rathgeber believe that this is far too indiscriminate a way of distributing the baits and that the collateral damage is likely to include killing some of Lord Howe Island's unique and endangered fauna, such as the Lord Howe Island woodhen. In particular, Mr Rathgeber has been unrelenting in his campaign to stop the aerial baiting. He has written to me, to the Minister for the Environment, to the Hon. Tanya Plibersek, and to the member for Port Macquarie, whose electorates take in Lord Howe Island. I hesitate to take sides in this matter, but I have to say that some of the issues raised by Mr Rathgeber and others leave me feeling decidedly uneasy.

The fact is that while there are precedents, in particular, in New Zealand for using aerial baiting techniques to clear islands of rats, this has never been done on an inhabited island and not on an island with such a significant number of endangered species that are World Heritage listed. The plan would saturate the island with 30 tonnes of Pestoff 20R, an anticoagulant poison that causes the rats to bleed to death, in two major drops 14 days apart. The reason for doing this is to reintroduce the Lord Howe Island phasmid to the island. This gigantic stick insect, which is also known as the land lobster, has a body the size of a Cuban cigar. It was presumed extinct because of rats until fewer than 30 specimens were found clinging to sparse vegetation on nearby Ball's Pyramid in 2001.

Mr Rathgeber is the author of some 11 letters to Lord Howe Island's *Signal*, detailing the flaws that he sees in the Government's proposals. They include the threat to the Lord Howe Island silvereye, which eats the weevils that destroy *Kentia* palm seeds—*Kentia* palms being a major export earner for the island. Cattle on the island would have to be removed to the mainland for a minimum of nine months. All the 170-odd Lord Howe Island woodhens would have to be collected and put into captivity for up to six weeks. This inquisitive ground-dwelling bird has been brought back from the brink of extinction over the past 30 years, but its numbers are still so depleted that even the death of a single bird would be unacceptable—and birds taken to Taronga Zoo in 1990 died in captivity.

The endemic Lord Howe Island currawong might require similar treatment. Rain might wash the poison into the ocean, damaging marine life. The proposed baiting program will deposit in just two days the equivalent of 4,000 years of poison using the current ongoing rat-baiting program. Mr Rathgeber has allies in his campaign to prevent aerial baiting of rats on Lord Howe Island. They include scientist Helen Tiffin, whose letter on the subject was published in the *Signal* in January. She wrote in part:

It seems most unlikely that *Rattus rattus* will now exterminate the woodhen if limited ground control is kept up. In the case of non-indigenous species—including of course humans—do we wish to risk eradicating numbers of other birds currently on the island together with fish and other marine groups through run-off effects? On the issue of the return of the Phasmid, it remains to be seen whether there are sufficient controls of its population still available since the extermination (by humans) of the Lord Howe Island parrot.

Ecologist John Johnstone also wrote to the *Signal* in May last year expressing similar views. Cost is another issue to which Mr Rathgeber has turned his attention. On 16 April, in answer to another question on notice from me, the Minister for the Environment estimated the cost for the eradication to be some \$8 million, yet Mr Rathgeber says this cost is grossly overstated. He has obtained a quote of \$96,000 for the poison itself and a further written quote, which he has forwarded to me, for supplying a helicopter from Sydney and laying the poison at around \$60,000. There would be some additional cost in laying hand baits, monitoring the impact of the baiting program on the island's wildlife and transferring the island's cattle and poultry to the mainland, but this is unlikely to run into the millions. So why, he asks, has the Minister quoted such a high figure? After all, a similar program on sub-Antarctic Macquarie Island cost \$24 million, and Macquarie Island is bigger than Lord Howe Island and even less accessible.

Mr Rathgeber says that the National Parks and Wildlife Service cleaned up the rats on Brush Island, off the New South Wales South Coast, in 2005 using bait stations alone. He estimates that Lord Howe Island could be cleared of rats using bait stations for an all-up cost of between \$1.4 million and \$1.7 million, with no danger to native wildlife, pets or humans. These issues that Mr Rathgeber and others have raised must be addressed before the Government spends \$8 million of taxpayers' money distributing 30 tonnes of lethal poison from the air.

MEMBER FOR BANKSTOWN, THE HONOURABLE TONY STEWART

Mr TONY STEWART (Bankstown) [1.41 p.m.]: Numerous constituents in my electorate of Bankstown and in the wider community have been asking questions about the current status of my matter in the Supreme Court and associated public issues. Today the Premier has been reported as publicly saying that he

believed the contents of the Ronalds report: that he believes the report is correct—this being the report by Chris Ronalds, SC, that led to the Premier's decision to dismiss me on 11 November last year as a Government Minister. By any standards the Ronalds report is seriously flawed, both legally and in terms of its format.

This is a report that was simply knocked together over a weekend. The inquiry failed to properly test any of the evidence. It did not formally interview any of the actual witnesses who were seated on and around my table at the event in question arising from which the allegations were made against me. It relies on hearsay to draw conclusions that are unsubstantiated and Chris Ronalds in this report actually, on her own volition, changes the evidence provided by Tina Sanger.

In recent weeks the credibility of Tina Sanger as a truthful and credible witness has been severely tarnished through public exposure of a number of issues in news reports. We have learned through public exposure that Ms Sanger has previously raised similar allegations of misconduct and touching against a university lecturer in England; that Ms Sanger had not told the truth on her curriculum vitae, claiming she was a university graduate and a bachelor of environmental science, but she is not; that Ms Sanger has an apprehended violence order against her, placed on her by her husband, William Sanger, and is currently facing charges of allegedly assaulting and bashing her husband, William Sanger, and yelling at him, "I hope you like your kneecaps"; and that Ms Sanger was reported to be involved in extracurricular duties as a lap dancer at the Spearmint Rhino Gentlemen's Club.

The point about all this is simple. In the Ronalds report Chris Ronalds, SC, states that Tina Sanger is more credible and more believable as a witness than I am. This is despite the fact that a number of people who were actually at the event in question have said publicly that nothing happened whatsoever that even remotely substantiates Sanger's allegations. This includes the wife of the Federal Leader of the Opposition, Ms Lucy Turnbull, and even a Catholic nun, representing the Sisters of Charity, who said:

I would swear on a bible that I saw nothing untoward.

That statement was reported in the *Australian* on 30 May. But Chris Ronalds, despite being aware of these witnesses, and others, who all support my claim that nothing happened to support Sanger's allegations, fails to formally interview and include their prima face evidence in her report, let alone test their evidence against Sanger's allegations. With this all said and done, we still have the Premier saying publicly that he believes the contents of the Ronalds report. Today in a news article in the *Sydney Morning Herald* comment is made about the Acting Deputy Director General of the Premier's Department, Ms Fran McPherson, along the lines that my legal counsel has subpoenaed Ms McPherson, possibly on the basis of her personal relationship with Ms Chris Ronalds, SC.

I need to inform the House that astonishingly last week I was personally contacted by a third party and friend of Ms Fran McPherson, whom I am informed Ms McPherson has asked to call me. This person, speaking on behalf of Ms McPherson, told me that any inquiries about Ms McPherson and her involvement with my issue had no basis in this matter and it would be best if I backed off. What concerns me about this contact is what some people might perceive as a witness attempting to verbal me through a third party in order to stop my legal team from furthering its investigations about this issue.

Clearly, this whole saga has now become a public mess that rivals any plot in a Mills and Boon novel. In this context the Premier now needs to urgently confront the reality of this whole issue and accept that the Ronalds report is severely flawed and makes recommendations that are now discredited because they are based on a false premise and are not legally tested. Over the past weekend an opinion poll was conducted online asking the question: Should Tony Stewart be reinstated as a Minister? Indeed, 3,260 people participated in this poll and 91 per cent of those polled said that I should be reinstated as a Minister. The Premier now needs to intervene and urgently establish a proper judicial reinvestigation of this most important issue.

NORTH COAST FLOOD GRANTS

Mr ANDREW FRASER (Coffs Harbour) [1.45 p.m.]: Yet again during the parliamentary break the North Coast of New South Wales has been inundated with storms and as a result there has been extensive water damage, this time from the Tweed right through Kempsey. We have had flood or storm events in February, March and May. People on the North Coast are hurting, economically and psychologically, especially farmers and oyster growers in the Bellingen and lower Bellingen area. However, I commend officers of the State Emergency Service, New South Wales Fire Brigades, New South Wales Police Force, New South Wales Health

and everyone else involved in the recovery process for their great work following the 31 March event in Coffs Harbour and subsequent events. I give special thanks to Toby Cuthell, Merv Rose and Bob White, commanders of three State Emergency Service units in Bellingen, Urunga and Coffs Harbour, for the phenomenal job they, their volunteers and, indeed, State Emergency Service volunteers around the State have done. They put their lives at risk and I am sure that at some future stage a large number of bravery nominations will be made because people acted selflessly during these events.

However, the last storm event has seen blatant political bastardry by the Federal Government. The entire North Coast, with the exception of Coffs Harbour and Bellingen shires, are to receive payments of \$1,000 per adult and \$400 per child for anyone who has had water inundation through their homes or properties. However, the Federal Government has not seen fit to provide that assistance to people in the Coffs Harbour and Bellingen shires, even though they have been affected three times by these events since the beginning of this year. I have called on the Federal Government and I now call on the Minister for Primary Industries and the Minister for Emergency Services to support the calls of the people of the Coffs Harbour and Oxley electorates to ensure that payments made to others affected by the storm event on the North Coast flow on to the people of the Coffs Harbour and Bellingen shires. Also, I refer to grants that have finally come through for farmers and small businesses of up to \$15,000. I note that as of last Friday the application form on the website of the Department of Primary Industries stated:

Assistance Available: A grant of up to \$15,000 per farm enterprise is available to all eligible primary producers for clean-up and immediate restoration costs as a result of either or both the March/April flood and/or May flood.

It then goes on to state:

A separate grant will not be available to each individual flood event.

That was taken off on Friday. As of Monday the grants are now available for both floods but oyster growers and dairy farmers, especially in the lower Bellingen, have spent hundreds of thousands of dollars in restoring fences and roads and cleaning up their properties so they can carry on with their business. Oyster growers have lost well over \$1 million worth of equipment, which was washed out to sea. These grants should include the February event, which was declared a natural disaster. If those involved qualified for the full amount of this grant they would still receive only \$45,000. This morning I spoke to John Lindsay, who has applied for a loan of \$130,000, which is being offered as part of the natural disaster recovery. He has been offered \$80,000, but consideration is being given to loaning him more money. He has lost somewhere in the vicinity of \$200,000 to \$300,000 due to the floods. One oyster farmer and his brother have left the industry as they believed it was far too onerous to continue.

Another issue of huge concern is the cost of removing flood-damaged rubbish. Coffs Harbour and Bellingen councils removed hundreds of tonnes of flood-damaged rubbish people had put outside their homes—when I say rubbish, I refer to bedroom suites, lounge suites, carpets, you name it—that was posing a health risk and had to be removed in a hurry. The councils have been told that under disaster assistance they will be paid only for rubbish moved after normal business hours. These two councils do not have the ability to absorb the hundreds of thousands of dollars they have spent in this clean-up. The disaster assistance should include all rubbish removal resulting from these floods. I ask the Government to support my call to the Federal Government to extend the assistance to ensure the reimbursement of all expenditure incurred by councils removing flood-damaged rubbish, especially on health grounds. I commend all those involved in the work of the flood recovery committees.

CRANEBROOK HIGH SCHOOL SECURITY FENCE

Mrs KARYN PALUZZANO (Penrith—Parliamentary Secretary) [1.50 p.m.]: Over the years in this place I have spoken about Cranebrook High School and its citizenship winners, the Connected Classrooms Program pilot, its rock eisteddfod performance and other matters. Presently Cranebrook High School has a 103-member Facebook community called Stamp Your Feet for Cranebrook High. We are stamping our feet and requesting a new school security fence. Meetings have been held with the school community, letters of representation have been written to the Minister and replies have been received. The Facebook community comprises many residents and ex-students of Cranebrook High School. In addition to the 103 Facebook members to date, many people have forwarded to my office their petitions about this issue, which I will table in this place on a future day.

I commend former principal Keith Miles and current principal Deb Summerhayes for being at the forefront over the years in helping to increase the learning opportunities for Cranebrook High School students in

literacy, numeracy, sport, creative arts, student leadership and many other student activities. Recently the local newspaper published an article called "A labour of love for pets". Cranebrook High School knitting club participated in the Wrapped with Love knitting program and after the Victorian fires submitted rugs for pets at the Healesville Sanctuary. Cranebrook High School has participated in other out-of-school activities, such as the Solar Boat Challenge in 2007, when 27 students participated at Penrith Lakes under the guidance of teacher Mr Murray.

The Connected Classrooms Program pilot had its infancy at Cranebrook, Jamieson and a number of other high schools in the Penrith area way back in 2006 when students from Cranebrook High School and other western Sydney high schools participated in learning activities. The program was so successful that it now has been rolled out across New South Wales. This Government has committed to providing the Connected Classrooms Program for every primary and high school.

Cranebrook High School needs an improved security fence. The school has suffered graffiti damage and smashed windows, and now also damage to its agricultural garden plot. This serious damage has affected the entire school community. I will continue to campaign and stamp my feet to get that new security fence for Cranebrook High School. I hope the Minister for Education and Training, for whom I am the Parliamentary Secretary, listens to the voices of the Cranebrook community. It is not only the Cranebrook school community that has requested the security fence; one petition presented to my office has signatures of people from Glenmore Park, Cranebrook, Kingswood, Lapstone, Werrington County, Winmalee, Llandilo and Glenbrook. I thank also the members of the Barnardos Youth Group who took a petition around on Saturday at the school's open day. These high school students volunteered their time to do face painting, make badges and assist with plaster painting, but took it upon themselves to make other people within the community aware of the need for a security fence for their school.

I acknowledge also that over the years a number of Cranebrook High School students have been quite outstanding. Last year's winner of my citizenship award was Cranebrook student Peter Gray, who was the award winner also in 2005, demonstrating not only in year 11 but also in his earlier years his commitment to the school's Student Representative Council. Cranebrook High School also boasts Jane Camilleri, Jack Rahaley and Aidan Devitt as former citizenship award winners. I hope Cranebrook High School gets the new security fence in the near future.

M2 TRAFFIC NOISE

Mr WAYNE MERTON (Baulkham Hills) [1.55 p.m.]: On 30 November 2007 I raised in this House the concern of many residents of North Rocks, Northmead, Baulkham Hills and Winston Hills who live near the M2 motorway. These residents brought to my attention the increasing noise emanating from the motorway following the increased traffic volume after the opening of the M7 motorway. On 3 May 2007 I wrote to the then Minister for Roads on behalf of Mr B. Roeleven of North Rocks. Mr Roeleven had provided a detailed submission to the Roads and Traffic Authority showing the inadequacy of the height of noise barriers adjacent to his home. He stated that the most obvious indication the noise barriers were ineffective was that heavy vehicles were clearly visible above the top of the noise wall. Despite constant faxes and emails from my office to the Minister for Roads, no response has been received to my representations on behalf of Mr Roeleven.

On 15 May 2007 I made representations on behalf of Mr S. Lobb of Baulkham Hills. Despite constant faxes and emails from my office to the Minister for Roads, no response has been received to my representations on behalf of Mr Lobb. On 16 August 2007 I made representations on behalf of Mr G. Bird of Winston Hills. I had made previous representations on behalf of Mr Bird on 6 December 2006 advising that Mr Bird was told back in 2005 that a noise-monitoring device would be placed in his home. On 1 May this year Mr Bird contacted my office to advise that he had just received a call from an officer of the Roads and Traffic Authority. Mr Bird advised that he had contacted this gentleman four years ago and had been waiting for a response. It is hard to believe, but it appears that this gentleman was responding now to Mr Bird's message from four years earlier.

Mr Bird stated that this officer said he was moving on from his role with the Roads and Traffic Authority, would no longer be connected with the M2 Motorway and was trying to clear up his messages. Of course, no mention was made of increasing the height of the noise walls. Today, nearly two years later, a response was received from the Parliamentary Secretary Assisting the Minister for Roads indicating that no further noise monitoring is to be undertaken. Again no mention was made about increasing the height of the noise walls—a matter that was raised in my correspondence of December 2006, two-and-a-half years ago.

On 19 August 2008 I made representations to the Minister for Roads on behalf of Ms Whitmore of Baulkham Hills. A response finally was received after many follow-ups. Was it from the Minister for Roads? Of course not. The response, dated 30 January 2009, came from the then Chief Executive of the Roads and Traffic Authority and made absolutely no mention of Ms Whitmore's request that the noise walls be improved. The second paragraph of the reply states:

I am advised that the RTA undertook noise monitoring along the M2 in October/November 2006, following the opening of the M7 Motorway.

That is almost three years ago. Ms Whitmore was astounded that no mention was made of any further monitoring of the noise from the M2 as she believed the traffic had increased tremendously since the M7 was opened. On 24 May 2007 a representation was made on behalf of Mr Alan Holgate, to which a response was received today, almost two years to the date of the original representations.

On 8 April 2008 I made representations to the then Minister for Roads on behalf of Winston Hills Neighbourhood Watch. Have I received a reply from the Minister? No. Correspondence was again received from the then Chief Executive Officer of the Roads and Traffic Authority dated the same date as the correspondence to Ms Whitmore, that is, 30 January 2009. Again, there was no mention of improving the noise barriers. I have now been making constant representations on behalf of my constituents to two Ministers for Roads urging that attention be given to raising the M2 noise barriers. Faxes and emails have been sent constantly to the Minister's office. All I seem to get is fob-off responses from the Roads and Traffic Authority that do not address the request for increased height to these noise barriers.

I invite the Minister for Roads to come out to visit the people who are suffering because of the inadequate noise walls. I believe that when these noise walls were constructed not enough attention was paid to who might be affected, particularly once the M7 opened, with traffic coming from the M7 onto the M2. With the undulating terrain, it can easily be seen where adjustments need to be made to these noise walls. The noise barriers need to be increased as a matter of urgency so that, come summer time, these residents are able to open their windows to get some fresh air without being faced with sleepless nights from the constant noise of traffic.

The M2 has been a tremendous asset to the people of north-western Sydney, but there are fundamental problems as far as noise abatement is concerned. The Government has been well aware of the problems for many years, but we have been constantly fobbed off day after day without being given any real answers to the questions raised by the local residents who have to live with the noise. It is time the Government proved that it is fair dinkum about looking after the people of north-western Sydney. I ask the Minister to inspect the area and speak to the local residents so that he can become personally aware of the situation as far as the noise is concerned. The issue is long overdue for rectification by the Government.

ELECTRICITY PRICE RISES

Mr PETER BESSELING (Port Macquarie) [2.00 p.m.]: Today I speak on an issue of great importance to the electorate of Port Macquarie and, in particular, to many in the community who rely on government support or the proceeds from their savings in order to provide for a reasonable standard of living. The recent determination by the Independent Pricing and Regulatory Tribunal [IPART] to revise the allowance included in retail prices from 1 July this year will have a marked effect in communities such as ours. It also comes on top of substantial increases in network prices as a result of the Australian Energy Regulator's 2009-14 distribution and transmission price determinations, which will flow through to retail tariffs and, ultimately, on to the end user—the consumer.

After allowing for inflation, the result of these price hikes for the consumer is an average increase in their typical bill for regulated retail electricity of 21.7 per cent for EnergyAustralia customers, 21.1 per cent for Integral Energy customers, and for the retailer who services the vast majority of our electorate, Country Energy, an increase of 17.9 per cent for their average bill. As the Independent Pricing and Regulatory Tribunal's determination recognises, "These price increases are substantial and have the potential to significantly impact on all households, especially low income households."

I note, and certainly welcome, the Government response to two of the Independent Pricing and Regulatory Tribunal determination recommendations: to increase the pensioner rebates from \$112 to \$130 per annum, and also to include an indexation that did not previously exist. Likewise, the extension of rebates to include recipients of carer allowances, sickness allowances and special benefits payments to receive a rebate is also welcome. However, the recent effects of struggling or now-defunct investment firms have had a dramatic

impact upon many mid North Coast retirees, with many local firms moving into receivership or voluntary administration, severely depleting independent retirees' fixed or dwindling incomes along with their ability to absorb any increase in electricity costs.

I note that in his submission to the Independent Pricing and Regulatory Tribunal—sadly, one of only three submissions by New South Wales members of Parliament—the Minister for Energy has stated that "the global financial crisis is continuing to have a negative impact on New South Wales families and businesses" and that the price increases, as proposed, come "at a difficult time for many New South Wales residents". Single-person dwellings and typically lower income households represent more than a quarter of all dwellings on the mid North Coast. Indeed, the mid North Coast is recognised as one of the worst areas in the State for people under housing stress—that is, paying more than 30 per cent of their income in housing costs.

The Port Macquarie-Hastings local government area has 15.5 per cent of the population on an aged pension, and the number of those aged 60-plus is set to grow to 40 per cent of the population by 2011. The effect of these price increases, however, is best summed up by the submission of Ernie Leonard and Charles McLauchlan on behalf of the residents committee of the Bellevue Gardens Retirement Village in Port Macquarie. In speaking about the proposed increases to electricity prices determined by the Independent Pricing and Regulatory Tribunal, they note:

This comes at a time when many of our retirees are already experiencing financial difficulty and loss of income from investments and superannuation due to the economic recession, and resident levies are increasing to meet the escalating costs associated with the operation of the Village. The proposed increase will not only affect residents' personal usage, but the cost of electricity supply to common facilities within the Village would also impact on residents' lives.

The supply of electricity is obviously essential to the day to day living of all residents, so they have no choice but to pay whatever charge is imposed upon them. For many, this will mean going without other items important to their health and wellbeing, and this is a very real concern.

I urge government to note the impact that these price increases will have upon not only those on a Pension, unemployment benefits and other government funded allowances but also the many retirees who are struggling to deal with the impacts upon their incomes from the collapse of investment funds and superannuation schemes.

GUNNEDAH ACTIVE MINDS GROUP

Mr PETER DRAPER (Tamworth) [2.05 p.m.]: Many people who would benefit from mental health services often choose not to pursue them, or fail to fully participate in programs once they have begun. One of the reasons for this disconnect is stigma. To avoid the label of mental illness, many people decide not to look for, or take part in, appropriate care. This stigma often diminishes self-esteem and can rob people of social opportunities. The extent to which mental health consumers encounter negative social factors in their daily lives can substantially influence their recovery and quality of life. Studies have shown that mental health consumers report discrimination from a variety of sources, including communities, families, churches, co-workers, and even mental health caregivers. As a result, people often try to conceal their disorders, and they worry that others will find out about their psychiatric status. They report discouragement, hurt, anger, and lowered self-esteem as results of these experiences. Many, however, say that involvement in advocacy and speaking out when stigma and discrimination are encountered can help them to cope. As a result, community-based support groups play a major role in helping consumers and their loved ones through these difficult times.

In Gunnedah, a group of locals set up the Gunnedah Mental Health Group nearly six years ago. Many of these people had experience in mental health issues and they were concerned about the lack of support structures within their community. Families face a daunting experience when facing these issues, and the group believes that a helping hand from non-professionals who have experienced similar circumstances is vital. The group began by organising rooms at Gunnedah hospital as a contact point, and by holding monthly meetings. These meetings subsequently became weekly. Recently the group moved to new premises provided free of charge by the Salvation Army. The group is open on weekdays from 10.00 a.m. until 2.00 p.m., with two volunteers on duty. At the same time, the group has changed its name from the Gunnedah Mental Health Group to the Gunnedah Active Minds Group. Gunnedah Active Minds offers its new rooms as an initial contact point for families and individuals confronting mental illness.

The group does not offer clinical advice or management strategies, but it can be of immense help to both carers and consumers when mental health issues arise. The group points out that mental illness is just another breakdown in the way the human body functions and that, while not as apparent as a broken leg, the issues are just as confronting. The Gunnedah Active Minds Group acknowledges the important roles played by both Federal and State health departments and the quality of many programs. However, it points to a shortage of

health professionals in this field, and highlights the importance of experienced volunteers working in parallel to provide support. Each volunteer has had experience as a carer or consumer in the mental health field and can confidently talk to others about the many social aspects of various conditions. It is possible to turn the negatives into positive, helpful outcomes. The group promotes the importance of family support in a mental health situation, as families play an important role in recovery that cannot be provided by health professionals outside their clinics or after hours.

The Gunnedah Active Minds Group also points out that the treatment of mental health problems can be very expensive, and that financial restrictions see many people relying on the public system. The group has major concerns that while the State mental health system offers very good services, its efforts are restricted by budgetary considerations. Many clinical specialists are also being attracted to the higher incomes available in the private sector. Long waiting times and heavy workloads see many cases not being dealt with as urgently as desired. Some consumers have difficulty dealing with waiting times, and they can become agitated when a consultation comes to an end, especially when some weeks may pass until the next session. People can visit the Gunnedah Active Minds centre to find understanding company, take the opportunity to read, draw, drink coffee, play board games, cards or engage in similar activities. But, most importantly, volunteers offer the consumer an assurance that their situation truly is important. The centre also provides a place for people who are interested in mental health issues to gather and to provide support. It offers an opportunity for all mental health issues to be presented to the public in a simple way so that the stigma surrounding mental health issues can be dispelled.

I personally thank a number of Gunnedah residents who have worked actively to develop the Active Minds group. Dough Ashworth and Anita Foote have both been passionate in working towards their goal. The current president, Jim Coombs, with his wife Gloria, and of course Peter and Carolyn Mitchell, are all very actively involved in the organisation. Doug told me that there are a lot of people who deserve to be mentioned, but that they like to keep a low profile and get on with the job. Gunnedah Active Minds is holding an open house on Thursday 11 June from 5.00 pm at the group's new rooms at 71 Barber Street, Gunnedah, to raise their profile and attract new members as well as supporters. Currently they cater for about 20 consumers, usually on a one-on-one basis. The New South Wales mental health support system could benefit from more government support for organisations such as Gunnedah Active Minds, as they provide a service that benefits many people in their local community.

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

Private members' statements noted.

[The Assistant-Speaker (Ms Alison Megarrity) left the chair at 2.10 p.m. The House resumed at 2.15 p.m.]

ASSENT TO BILLS

Assent to the following bills reported:

Children and Young Persons (Care and Protection) Amendment Bill 2009
 Criminal Legislation Amendment Bill 2009
 Criminal Organisations Legislation Amendment Bill 2009
 Education Amendment Bill 2009
 Gas Supply Amendment (Ombudsman Scheme) Bill 2009
 Greyhound Racing Bill 2009
 Harness Racing Bill 2009
 Home Building Amendment (Insurance) Bill 2009
 Motor Accidents Compensation Amendment Bill 2009
 Racing Legislation Amendment Bill 2009

REPRESENTATION OF MINISTER ABSENT DURING QUESTIONS

Mr NATHAN REES: I inform the House that, in the absence this week of the Minister for Finance, Minister for Infrastructure, Minister for Regulatory Reform, and Minister for Ports and Waterways, due to the illness of a family member, the Minister for Transport, and Minister for the Illawarra will answer questions on Finance and Infrastructure on his behalf, and that the Minister for Tourism, Minister for the Hunter, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer) will answer questions on Regulatory Reform and Ports and Waterways on his behalf.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

QUESTION TIME**ROADS FUNDING**

Mr BARRY O'FARRELL: My question is directed to the Premier. Given that he has axed the South West and North West rail links and that documents obtained by the Opposition now reveal that his budget will not fund major roads, such as the M4 East and M5, will he admit that he has condemned western Sydney motorists to sitting in ever-worsening traffic congestion?

Mr NATHAN REES: Let me deal with this directly. The Government will invest a record \$4.4 billion in roads infrastructure this coming year. This is the largest Roads budget in New South Wales history. It represents an increase of \$400 million on last year's allocation, and is a 10 per cent increase. It is fantastic news for everyone in New South Wales and it is record spending in difficult times. It is great news also for the 5,000 people who are directly employed by our \$1.8 billion of roads infrastructure spending alone. The Government's budget will secure jobs for people right across New South Wales. The Opposition is speaking out of both sides of its mouth. On 2UE radio this morning, with Mike Carlton and Sandy Aloisi, Mike Carlton asked the Leader of The Nationals:

In fact, there is a significant spending on country roads—I mean, \$627 million for the Pacific Highway upgrade around Ballina and Bulahdelah and so on. The Government can reasonably claim that there is record spending, surely.

In reply, the Leader of The Nationals said:

Well, you're right, Mike, in that the overall amount is greater than the former Roads budget ...

That is a concession, but the Leader of The Nationals went on with Graham Gilbert on 2SM and said this:

In terms of spending, there is more money in the Roads budget.

The Leader of The Nationals was not done at that point. There was this question from the presenter:

I'm a little bit confused because the Herald has the front page claiming that Roads was out and the Telegraph says that there's a boost to the budget.

The Leader of The Nationals replied:

It does detail \$4.3 billion for Roads and that is a large amount. I think last year it was \$4 billion, so it's an increase ...

The fact of the matter is that a budget increase in the Roads allocation for New South Wales has been foreshadowed. I like this pearl, in response to Sandy Aloisi on 2UE this morning:

Andrew, if you had \$4.3 billion and you were in government—you're speaking of priorities—what would you do?

This was the response by the Leader of The Nationals:

I'd like to see more of it actually go onto concrete and bitumen.

That is champagne policy development.

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

Mr NATHAN REES: An amount of \$317 million will be invested in western Sydney, including \$52 million for the upgrade of the Great Western Highway; \$12 million for the upgrade between Leura and Katoomba; \$25.5 million for Lawson; and \$15.5 million for the widening between Woodford and Hazelbrook. That is on top of the Camden Valley Way and Mamre Road-M4 overpass duplication projects. We have a record budget for roads as part of the \$56 billion the Government will spend over the next four years—the biggest spend of any State in Australia—to buttress the State against global recession and underpinning 150,000 jobs each year for the next four years. That's a plan; you're a sham!

MURRAY-DARLING BASIN

Mr GERARD MARTIN: I direct my question to the Premier. What action is the Government taking to secure the water supply in the Murray-Darling Basin?

Mr NATHAN REES: I thank the member for Bathurst for his question and longstanding interest in this matter.

The SPEAKER: Order! Members will cease interjecting. I call the member for Upper Hunter to order. The Premier has the call.

Mr NATHAN REES: I have not had a phone call from anyone opposite on this matter. In the driest continent on earth, water equals life for households, farmers and the environment. Unlike the United States of America—a land mass roughly the same size as Australia—we do not have abundant inland rivers. In fact, all of our rivers combined would fill only 10 per cent of a river the size of the Mississippi in the United States. Our water scarcity has been made worse by a protracted drought, which shows signs of hardening under permanent climate change. A nation or State in that position must value its water, never giving it up lightly, and nowhere does that apply more than in the Murray-Darling Basin.

No member needs reminding of the national significance of the Murray-Darling Basin, which covers over one million square kilometres or 14 per cent of Australia's land area—half of that within New South Wales. The basin claims 41 per cent of the nation's gross value of agricultural production, some 71 per cent of irrigated crops and pasture, and 50 per cent of our sheep. Never was the title "food bowl" more appropriate to a region. The basin is also a treasured environmental resource that relies fundamentally on water for its survival. Above all, it is home to thousands of people whose livelihoods—directly or indirectly—rely on that water supply and it is essential for the Government to get the social, economic and environmental balance right.

That is why the New South Wales Government has embarked on bold structural reforms to make our water system more flexible and secure. The Government has created an open and competitive water market, one that respects the environment and considers the needs of irrigators and industry. These reforms have also extended nationally. New South Wales was the first State to sign up to the Commonwealth's Murray-Darling Basin reforms and is the leading State in fulfilling our national water initiative commitments. The support of New South Wales for environmental flows is second to none. We have a proud record when it comes to delivering water to the environment.

New South Wales was the first State to provide the environment with a statutory water right and initiated the \$105 million NSW RiverBank program, which has led the way in purchasing water from willing sellers. This will improve river and wetland conditions in the Murray-Darling Basin. It will also contribute 85,000 megalitres of entitlements to be returned to the environment. In fact, New South Wales is doing all the heavy lifting on water policy in the Murray-Darling. The latest purchase by the Commonwealth of 240 billion litres of water entitlements from the Twynam Agricultural Group means that 97 per cent of all Commonwealth water buybacks have now come from New South Wales. For every 32 litres purchased from New South Wales by the Commonwealth, only one litre has been purchased from the other States combined.

Last week the Minister for Water called for a halt on environmental water purchases from New South Wales by the Commonwealth under the Restoring the Balance Buyback program. There will be a halt until a fairer deal between the Commonwealth and all other States is put in place and until the other States, particularly Victoria, remove their barriers to trade and honour the letter and spirit of the national water initiative. I can today inform the House that New South Wales is committed to intervening in the South Australian High Court water challenge. New South Wales believes it is critical that all States should reform their water markets and contribute their fair share when it comes to water buybacks. This is the position New South Wales will seek to advance in the High Court.

I am pleased to say that the stance by New South Wales is already having an affect. It was reported in the *Australian* today that, as a result of our embargo, Victorian farmers are entering negotiations with the Commonwealth to sell 80 billion litres of water. That is a good start because the towns and communities on the New South Wales side of the Murray have played more than their part in water reforms. Four States have charge of the Murray-Darling. Four States must bear the burden fairly and equitably. This is not a New South Wales-Victoria rivalry. I have immense respect for John Brumby, the senior Premier of our Federation.

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

Mr NATHAN REES: He has made a sterling contribution.

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

Mr NATHAN REES: As I said, I have immense respect for John Brumby, the senior Premier of our Federation.

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

Mr NATHAN REES: But on this issue Victoria's stance has come at a cost to others. Drought and climate change—although the Opposition does not acknowledge climate change—mean that no State gets a free pass. None of us is immune. Everyone must play a part. That is the message from the President of the Shires Association of New South Wales, Bruce Miller, who said:

While we agree our river systems are in desperate need of protection, New South Wales has borne the brunt of this program for too long.

The Riverina and Murray Regional Organisation of Councils [RAMROC] expressed "appreciation from councils and communities in relation to the strong stand Minister Costa is taking to embargo further sales of irrigation entitlements out of New South Wales at this stage". Further, RAMROC "strongly believed that a coordinated national strategic water plan is urgently required before the buyback program continues any further". The Australian Conservation Foundation said that more needed to be done to get Victoria to surrender some of its water. Arlene Buchan from the Australian Conservation Foundation said that the Twynam buyback threw a spotlight on how much work New South Wales was doing to save the basin, compared to Queensland, Victoria and South Australia. She said that every large water purchase had come from New South Wales and it was time for real progress in Victoria and along the Murray River. The New South Wales Irrigators Council said:

New South Wales has now taken too much of the burden of readjustment in the Murray-Darling basin.

In New South Wales, councils, environmentalists, industry and government are speaking with one voice. They are saying clearly and firmly that the Murray-Darling needs a fair go from every State. There are no excuses and no free passes. The people who live in the Murray-Darling Basin deserve as much.

RURAL AND REGIONAL ROADS FUNDING

Mr ANDREW STONER: My question is directed to the Minister for Roads. Will the Minister reverse his decision to cut \$160 million in rural and regional roads funding, as detailed in budget documents obtained by the Opposition, before the budget is delivered on 16 June 2009? If not, will he admit that these cuts will cost the lives of even more drivers on country roads?

Mr MICHAEL DALEY: I sincerely thank the Leader of The Nationals for giving me the opportunity to talk about an issue that was confirmed today—that is, this State will enjoy in the upcoming budget a record \$4.4 billion spent in the Roads portfolio. It will be the largest spend in the Roads portfolio in the history of this State. When speaking on the radio, the Leader of The Nationals pretends to stand for everything. This morning he supported funding for the M2, the M4, the M7, the Princes Highway and the Pacific Highway. Based on his comments this morning, he would spend in one year the entire State budget on every road in New South Wales. More bunkum and fairytales from the Opposition, which has no plans whatsoever. In contrast to the Opposition's lack of planning, cohesion and policy, the Government will provide an additional \$400 million on last year's budget for roads. That is a 10 per cent increase. It is fantastic news for every driver in New South Wales.

The Government is delivering a record spend in these tough times. We are supporting local communities, motorists and, importantly, jobs across the length and breadth of New South Wales. As a result of the \$1.8 billion record road infrastructure spend in the upcoming budget 5,000 people will be directly employed. This money will secure jobs for people particularly in rural and regional communities in New South Wales. I say to the Leader of The Nationals that simply repeating a lie over and over again does not make it true. There will be no cuts to the maintenance spend in this budget. There will be no cuts to the spend for rural and regional people in the Roads budget to be delivered in two weeks. This is great news for the people who live, work or

holiday along the Pacific Highway—a road fringed by National party seats up to the Queensland border. The Government will provide \$700 million worth of projects—for example, \$152 million of new money for the Coopers Creek to Herons Creek project, which I know the member for Port Macquarie will be thankful for, and \$170 million of new money for the Ballina bypass. Just say thank you, Don. It is great news.

The Leader of The Nationals bangs on about road safety, which is about as low as he can get. I have some news for the Leader of The Nationals. Most of the people who are killed in rural and regional New South Wales are people who live in rural and regional New South Wales. They are killed on their own roads—roads that they know. Speeding and alcohol are two of the biggest contributors to deaths on rural and regional roads in New South Wales. That issue is not only a job for the Government to get on top of. All of us must play a leadership role and it is a matter for discussion in the community. The starting point for the condition of roads in New South Wales is always about money, and this year the Government will spend a record \$4.4 billion. I know that disappoints the Leader of The Nationals. I say again to the Leader of The Nationals that his proliferation of lies does not make them true.

ENVIRONMENT PROTECTION AND JOBS

Mr KERRY HICKEY: My question is addressed to the Minister for Climate Change and the Environment. What action has the Government taken to protect the environment and support jobs in local communities?

Ms CARMEL TEBBUTT: I thank the member for Cessnock for his question and his strong commitment to the environment. Our national parks and reserves protect some of the most beautiful parts of the State. We protect these areas not only for their beauty, but also for future generations, to guard against climate change and to ensure a more sustainable environment. With our national parks and reserves we also can tap into the enormous potential and growing demand for global nature-based tourism. New South Wales Labor has a strong record on parks and reserves, having more than doubled the number of reserves in this State. Many of these reserves are along the coastal strip, but we also recognise the need to increase representation of our reserves in those parts of the State that are poorly represented, particularly western and south-western New South Wales. Last Thursday we saw one such initiative with the opening of the magnificent Yanga National Park in the south-west of the State.

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

Ms CARMEL TEBBUTT: The opening was an occasion for the community of that part of New South Wales. The residents of Balranald and surrounding areas turned out in force to the opening. We look forward to building on an already strong relationship, as the region begins to welcome the first visitors to the State's newest national park. The Murrumbidgee River, which is unquestionably one of the remarkable natural features of the landscape, winds for 150 kilometres along Yanga National Park. The rare opportunity to bring into the State's reserve system more than 17,000 hectares of Murrumbidgee red gums that grow along the river's banks was one of the main attractions for the Government when we embarked on the ambitious plan to secure Yanga as a national park back in 2005.

Yanga supports a diverse range of habitats, from wetlands to semi-arid ecosystems. It is situated in the Riverina bioregion, which is one of the most poorly represented and threatened ecosystems in the State. Its declaration as a national park enables us to protect those important environmental values. It also provides the opportunity to protect some of the important cultural values of the old Yanga homestead. Interpretative signage will guide visitors around some of the special features, including the massive woolshed and historic homestead, and give them an understanding of the rich rural history in this part of the world. Of course, there is also a very strong Aboriginal cultural heritage at Yanga. More than 250 Aboriginal sites are registered within the park, including an important Aboriginal burial site on the southern shoreline of Yanga lake.

Since November 2005 the Department of Environment and Climate Change has spent approximately \$3 million on Yanga. We recognise that the initial transition to a national park was challenging for the local community, but it is now seeing that investment in national parks in the local economy is very beneficial. The \$3 million is an investment that has improved management to ensure the public are safe when they visit Yanga, that they have good facilities and that the many treasures are well protected. Most of the money has been spent in the local area buying goods and services from businesses and contractors. More than \$1 million has been spent in the Balranald shire alone, but businesses in Hay, Mildura, Deniliquin, Swan Hill, Wagga Wagga and Griffith also have benefited. The Government is committed to promoting growth in local economies and supporting local jobs.

As a direct outcome of the establishment of Yanga as a national park, up to 19 full-time permanent positions have been created, including nine staff operating from Yanga. Six of these staff members were former employees of Yanga Station and have a long association with Yanga, some stretching back decades. They are of great value to the National Parks and Wildlife staff. With some facilities in place and more to follow, the National Parks and Wildlife Service will be working hard to promote tourism in this part of New South Wales. The opening of Yanga and the recent purchase by the Commonwealth and New South Wales governments of Booligal Station, within the nationally renowned Booligal wetlands on the Lachlan River in western New South Wales, will contribute to attracting visitors to the Riverina. As a local described it to me last week, it is the Kakadu of the south-west of New South Wales. We need to promote it as such and get people to come to this part of the State and see the beauty that is there.

Both Yanga and Booligal provide significant protection of the river red gum forests. However, the Government recognises more needs to be done in this area. The river red gum forests in the Riverina are recognised for their exceptional biodiversity and cultural values, including wetlands of international significance. The protection of the river red gum forests is a priority for the New South Wales Government. There are several vulnerable species in this region and the forests themselves are stressed by current drought conditions and by changes to natural flooding regimes. This is impacting on the forestry industry in the region. Forests NSW has prepared an environmental impact statement for timber harvesting operations in south-west New South Wales, covering primarily the river red gum forests. The Government will look closely at the environmental impact statement to ensure it adequately assesses the environmental impact of forestry operations.

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

Ms CARMEL TEBBUTT: The Government is committed to getting a balance between the environment and sustainable industry operations in the area. It is what this Government has done in other parts of the State since 1995 and it is very good at doing that. We will get a balanced outcome in the Riverina—one that protects jobs and protects the environment.

MAIN ROAD 92 UPGRADE

Mrs SHELLEY HANCOCK: My question is directed to the Minister for Roads.

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

Mrs SHELLEY HANCOCK: Will the Minister confirm that the roads budget documents obtained by the Opposition reveal no funding for the key project Main Road 92 upgrade, despite numerous commitments—the latest in March this year by the Minister—promising delivery of this vital piece of road infrastructure?

The SPEAKER: Order! Government members will cease interjecting.

Mr MICHAEL DALEY: Another question about rural and regional roads. I reiterate once more to the House that \$1 billion in this budget will go into maintaining around 20,000 kilometres of the State's existing rural and regional roads. More than \$3.1 billion, or 70 per cent, of the Roads and Traffic Authority capital and maintenance program will be spent on rural and regional roads. This year \$78 million specifically will be invested on improvements to the Pacific Highway to improve travel times and road safety for motorists travelling on the New South Wales South Coast.

The SPEAKER: Order! Members will cease interjecting, including the member for South Coast. She has asked her question.

Mr MICHAEL DALEY: I have received numerous representations from other members of this House concerning the Princes Highway. I inform them that \$67 million will be spent on major infrastructure upgrades, including Oak Flats to Dunmore. So there is plenty of money being spent on the South Coast. I could go on but I will not.

[Interruption]

I can go through all the dot points if the Opposition wants me to. Main Road 92 is a regional road and not a State Road.

The SPEAKER: Order! Opposition members will cease interjecting.

Mr MICHAEL DALEY: As the member for South Coast knows, it is a regional road for which two councils are responsible.

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

Mr MICHAEL DALEY: In 2001 \$81 million was committed to upgrades—

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

Mr MICHAEL DALEY: —and \$54 million for Main Road 92 between Nowra and Nerriga by Federal, State and local governments. The Main Road 92 upgrade is being built in three stages and generally involves reconstructing, widening, realigning and sealing the gravel road. It also involves a new bridge at Bully Gap. Stage one—24 kilometres at the Nowra end—has been finished. Stage two—a nine-kilometre stretch at the western end—is expected to be completed in mid 2009. Only stage three—a 21-kilometre stretch in the middle of the project—still needs completion. Tenders have now closed for this section.

NORTH COAST FLOODS

Ms ALISON MEGARRITY: My question is directed to the Minister for Emergency Services. What is the latest information on North Coast flood recovery efforts?

Mr STEVE WHAN: I thank the member for Menai for her question and for her continuing support for the work of our emergency services. I pay tribute to the resilient people of northern New South Wales. The communities along the rivers in our State's north have a long experience with floods. However, the latest events are natural disasters of enormous magnitude. To ensure that the necessary assistance could start flowing quickly to these communities, the Rees Government declared a natural disaster covering 14 local government areas, from the border at the Tweed to Port Macquarie-Hastings and as far west as Glen Innes. Even before the vast inland sea of floodwaters began to recede, it was clear that a large-scale sustained effort would be needed to help restore these northern communities.

The Premier appointed Ken Moroney, a former New South Wales police commissioner, to lead the recovery efforts. The Government has set up four disaster recovery centres—at Lismore, Grafton, Kempsey and Coffs Harbour—to provide people with a one-stop shop for advice, support and assistance. Mr Moroney has been on the ground working shoulder to shoulder with local mayors. He has actively participated in the recovery efforts, meeting individuals, stakeholders and insurance companies to make it clear to them that they must honour their policies fairly and without delay. This natural disaster has had a harsh impact on small business.

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

Mr STEVE WHAN: It is interesting that while I am responding to a question about a natural disaster in the north of the State, Opposition members are more interested in speculating about their fight over who should run for the seat of Monaro—something I would be delighted to discuss at length in this place but will desist on this occasion because of the seriousness of the issue we are talking about. I will refrain from talking about the way the Liberal Party split on the weekend over its vote to try to find a candidate to stand against me.

Mr John Williams: Point of order: We are well aware of the Minister's loss-of-seat paranoia. Could you bring him back to the leave of the question?

The SPEAKER: Order! I note that the Minister was responding to inappropriate interjections. The Minister has the call.

Mr STEVE WHAN: Given that we are dealing with such a serious issue, the interjections were inappropriate. This natural disaster has again had a harsh impact on small businesses and farmers throughout the region. As a result, through its natural disaster relief arrangements the State Government has made low interest loans of up to \$130,000 available to eligible farmers and small businesses. In addition, the Commonwealth Government agreed to this Government's proposal to jointly fund grants of up to \$15,000 to eligible small businesses and primary producers, not only for these most recent floods but also for the devastation caused during the April event.

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

Mr STEVE WHAN: These grants and low interest loans are being administered by the New South Wales Rural Assistance Authority. As well as testing the resources and goodwill of local communities, these floods challenged our emergency services, which have again proven their preparedness and professionalism in the face of nature's worst. More than 1,500 State Emergency Service [SES] volunteers took part in this operation, with almost 300 volunteers travelling from all over the State to reinforce the 1,200 local members. While I was there I met volunteers from Randwick and a range of other areas around the State. The unit from Queanbeyan, the area that I represent, also travelled to the disaster area along with many others.

Due to the good work of the SES and Bureau of Meteorology some of those volunteers were part of advance groups on the ground before the storms started. It is a great credit to the SES planning and its cooperation with the bureau. In all, the SES responded to more than 3,200 calls for help and the emergency services conducted 190 rescues, including 63 flood rescues of people who found themselves in peril, often as a result of driving into floodwaters. I met many of the SES and Rural Fire Service volunteers who were out in driving rain and wind clearing fallen trees and ambulance workers who got to patients by helicopter or through rivers. Of course, those ambulance officers are trained to cross rivers in those circumstances.

There were some touching stories, like that of the kidney transplant patient brought out by the SES from Bellingen and who was as a result able to get a long-awaited transplant in Sydney. A mum travelled on that same helicopter to get to her daughter's wedding. All these personnel—particularly our emergency services volunteers—are quick to say that they are just doing their bit. I assure the House that everyone in the community holds their work and dedication in highest esteem. I am sure all members would join me in placing on the record the gratitude of this Parliament for their enormous efforts in atrocious conditions and commitment to helping those in need.

I saw for myself some of the tough decisions that had to be taken. I observed in Lismore as locals with years of experience discussed with the weather bureau whether the levee at Lismore would be topped and, if it was going to happen, when to evacuate. The same decision had to be made in other centres. Unfortunately, there is no exact science in this and sometimes the people who make the call get criticised for making it. From what I could see, the decisions were well based. Floodwaters did not top the Lismore levee, but they were only 20 centimetres short. The fact that they rose 10.4 metres and stopped 20 centimetres short demonstrates that the call made by the SES was a good call in the circumstances. Again, I thank everybody involved in the massive response to this natural disaster. I assure the people of northern New South Wales that this Government is working hard to support them every step of the way on the road to recovery.

Mr Andrew Stoner: Point of order: I refer to Standing Order 104. On matters of such significance to the State as the floods on the North Coast the usual form of the House is for a ministerial statement to be made. In that way the Opposition is also able to congratulate our volunteer workers, the State Emergency Service and others.

The SPEAKER: Order! The Leader of The Nationals has made a valid point. However, the question and the answer were in order.

F3 TO M2 LINK

Mr CHRIS HARTCHER: My question is directed to the Minister for Roads. Given the importance of the F3 to M2 link, as stated in the Minister's infrastructure strategy but now left out of the planned roads budget, and with no new projects proposed to widen the F3, will the Minister reverse that decision before 16 June to ensure that Central Coast motorists are not ripped off yet again?

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

Mr MICHAEL DALEY: I am more than happy to talk about Central Coast motorists. I inform the member for Terrigal that \$111 million will be invested in Central Coast roads in this budget alone. That reaffirms this Government's commitment to roads on the Central Coast. These key projects will support 320 jobs. Key funding for Central Coast roads includes: \$85.3 million for major road infrastructure projects, \$2.7 million to maintain existing roads, \$3.2 million for traffic management and \$1.6 million for regional road safety initiatives. That is just the start.

The member for Terrigal might also like to know—as I am sure members on this side of the House are keen to know—that the Government will spend \$25 million to start construction of the Central Coast Highway, \$15.6 million to complete widening of the Pacific Highway at Ourimbah, \$13 million to start widening Avoca Drive from Sun Valley Road to Bayside Drive, \$7 million for planning to widen the Central Coast Highway from Matcham Road to Ocean View Drive, \$6 million to start a major upgrade of the Central Coast Highway intersection with Woy Woy Road, \$5.5 million to finish widening the Pacific Highway from Tuggerah to Wyong, and the list goes on. The electorate of Terrigal will do extremely well in the Roads budget. If the member for Terrigal does not want the money, he should hand it back. However, there is no reason that his residents should have to suffer because of his inability.

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

Mr MICHAEL DALEY: There are plenty of members on this side of the House from the Central Coast who thank me for the maintenance of their roads. I acknowledge their thanks and also the fact that they have lobbied me hard to maintain the Central Coast roads budget. We have done that.

TOURISM INVESTMENT AND JOBS

Ms CHERIE BURTON: My question is directed to the Minister for Tourism. What action is the Government taking to stimulate tourism investment and support jobs?

Ms JODI McKAY: I thank the member for Kogarah for her question and her interest in this area. As most members know, Sydney is the most popular tourist destination in Australia. It attracts a greater share of international and domestic visitors than any other capital city. We continue to win international recognition as a destination that is vibrant and welcoming to visitors. The New South Wales Government is committed to building on what is an impressive platform because we know that 2009 is critical in terms of the way we as a Government and, of course, the industry respond to the slowdown in global spending and international travel worldwide. That is why we are very pleased to be partnering with the industry every step of the way to think about innovative ways we can promote and showcase Sydney to the world.

The Government recognises the importance of the tourism industry to the New South Wales economy. We know that it generates \$27 billion to the bottom line. We also know that 158,000 people are employed in the industry and that constitutes almost 5 per cent of all jobs in New South Wales. Sydney is pivotal in the way it works; it is the international gateway to our nation and it is a major drawcard for visitors from New South Wales and other States. In the past 12 months we have been highly successful in attracting new investment to Sydney from international airlines, including Qantas, Delta, V Australia, Etihad, Emirates and Qatar airlines. Emirates' increased services alone are expected to bring an additional 125,000 travellers to Sydney each year, injecting more than \$250 million into our economy. That sort of expenditure will generate around 1,800 jobs. We are also using major events and festivals as a platform to attract visitors and to showcase all that our city has to offer to the world.

The spectacular Vivid Sydney Festival, launched last week—and I hope members have been able to take part in it—is a fantastic way for residents and visitors to enjoy the creative side of Sydney and to experience our world-class attractions in a new light. This festival alone is expected to generate around \$10 million in visitor expenditure for Sydney and New South Wales. I am also pleased to report Vivid Sydney is attracting significant international media interest. More than 21 countries around the world are reporting on Vivid Sydney and broadcasting images of our landmarks such as the Sydney Opera House, illuminated with Brian Eno's Light the Sails artwork. The scale of this international reporting is truly impressive. For example, a single Reuters article in North America has been run in scores of publications across the United States and affiliated websites, generating an extraordinary 400 million media impressions. As most people in the House would know, that is advertising you cannot buy. I am also pleased to advise the House that the Government is also supporting local areas of greater Sydney.

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

Ms JODI McKAY: Thank you. I know the member for Manly, in particular, will be interested in what I have to say because he raised the issue with me. Over the next three years, some \$400,000 will be made available annually to support cooperative marketing campaigns for all 37 councils operating in the greater Sydney area. This will promote their diverse culture, heritage, shopping, dining, nightlife and, as the member for Manly knows, their beach life. In addition, \$100,000 will be allocated for grants to assist local precincts. This

will be used to promote events that have the potential to attract overnight visitors from outside of Sydney. This package of a cooperative marketing campaign and an event-based campaign is worth some \$2.7 million over three years. This initiative will be well received by local councils and the many members in this House who represent electorates in greater Sydney.

Members such as the member for Manly, the member for Granville, the member for Parramatta and the member for Kogarah have raised with me the need for the Government to support greater Sydney. Recently the member for Cabramatta took me to his local area where we went on a Taste of Asia food and cultural tour of the local area. This is a prime example of a local government area in metropolitan Sydney that has a unique precinct, capable of attracting visitors and investment. Often the best tourism experiences, as members well know, are those where you can do as the locals do, and this marketing program will help promote the diversity and vibrancy of Sydney and give visitors more reasons to stay longer and spend more time in precincts like Cabramatta.

M4 EAST EXTENSION

Mr ANDREW STONER: My question is directed to the Minister for Roads.

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

Mr ANDREW STONER: As the M4 East extension alone has been announced by his Government in various forms, including by Carl Scully in 2002, in the State Infrastructure Strategy in 2006, by Morris Iemma five times in 2007, in his 2008 submission to Infrastructure Australia, and again by him in March this year, yet these road budget documents reveal no funding for this key project—

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

Mr ANDREW STONER: —when will he stop making announcements like this, and many others, that he will never carry out?

Mr MICHAEL DALEY: I have told the Leader of The Nationals once today—and he needs to listen again—the fact that he keeps repeating a lie does not make it true. The M5 East is an important project, like many others.

Mr Chris Hartcher: The M4, not the M5.

Mr MICHAEL DALEY: The Leader of The Nationals has today covered the field on every road other than any road in rural and regional New South Wales. This morning on radio he said that if given the opportunity he would widen the M2, and he would fix the M5, widen that, and fix the M4. Let us proceed for a moment on the premise offered in those comments by the Leader of The Nationals that those three roads are flawed and need fixing. Let us go first to the Hills M2 motorway. It is operated by Hills Motorway Ltd. The deed was signed on 26 August 1994 by whom? The Hon. Bruce G. Baird MP. Who was his adviser? The big gasbag over there, the Leader of the Opposition. The M4, the western motorway, is operated by Statewide Roads Ltd. The deed was signed on 15 December 1989 by the Hon. Bruce G. Baird; the adviser was Barry O'Farrell, who is now Leader of the Opposition, and who still does not have a policy on roads for New South Wales. Let us proceed even further, to the M5 South-West, a motorway owned, operated and maintained by Interlink Roads. The deed was signed by the Hon. Wallace T. Murray, of the Coalition, on 22 December 1991.

Mr Andrew Stoner: Point of order: I refer to Standing Order 129. It seems the Minister needs a TomTom to navigate his way around the roads. The question is about the M4 East extension.

The SPEAKER: Order! The Leader of The Nationals will resume his seat. That is not a point of order.

Mr MICHAEL DALEY: Firstly, the Leader of The Nationals should stop telling lies. Secondly, if he has no idea about roads, he should stop standing up in this Chamber and asking questions which achieve the impossible by making him look more stupid than he really is.

The SPEAKER: Order! The House will come to order. The Minister will direct his comments through the Chair.

Mr MICHAEL DALEY: In relation to the M4 East the Commonwealth Government has allocated \$300 million for planning and land acquisition. As I have said time and again, given the price tag exceeds \$10 billion, if we can negotiate a good deal for the taxpayers of New South Wales we will sign a deed and build it, and it will not be a flawed deed like the Coalition signed in respect of the paltry motorways it built when it was last in government. That applies not only to the M4 East, it applies also to the M5 East and the M3 to Branxton.

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

Mr MICHAEL DALEY: I notice the member for Upper Hunter has not asked a question today. I ask why has the member for Upper Hunter, of all the Hunter members in this place, remained silent?

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

Mr MICHAEL DALEY: Because New South Wales has just secured the biggest road funding item in the Federal budget in the nation. That is why he is silent—40 kilometres of brand-new dual carriageway right to his territory. He, like other members of this House, should just say thank you.

REGIONAL JOBS

Ms NOREEN HAY: My question is to the Minister for Regional Development. What action is the Government taking to support jobs in regional New South Wales?

Mr PHILLIP COSTA: I thank the member for her question and her interest in protecting jobs in regional New South Wales.

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

Mr PHILLIP COSTA: New South Wales is blessed to have such a diverse mix of strong regions that play a major role in the economic prosperity of our State.

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

Mr PHILLIP COSTA: Regions like the Hunter and the Illawarra are areas of natural beauty and economic strength.

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

Mr PHILLIP COSTA: That is why we are pouring Government resources, money and expertise into these regions, to work with local businesses and industry to create and sustain jobs for thousands of families. Last week the Premier led a regional jobs summit in the Hunter at Warners Bay, and I had the pleasure to be with him. This followed on from the Illawarra jobs summit in April. Both summits provided an opportunity for the Government to listen to regional issues and ideas raised from local industry, business and community representatives. Listening is a good lesson. At the Hunter jobs summit the Government unveiled a package of programs to support jobs and investment in the region. This included an extra \$3 million for the Hunter Advantage Fund—money well received—to encourage new businesses and create jobs.

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

Mr PHILLIP COSTA: To date this fund has already supported 91 projects in the Hunter, representing around \$430 million in business investment and the creation and retention of 2,900 jobs. We also announced at the Hunter jobs summit \$250,000 towards identifying green job opportunities for the region. Similarly, at the Illawarra jobs summit a \$3 million extension to the Illawarra Advantage Fund was announced to attract new businesses to the region and capitalise on current business growth.

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

Mr PHILLIP COSTA: The Illawarra Advantage Fund has also been a very successful project to date, supporting 120 projects, representing around \$218 million in business investment and the creation and retention of 2,858 jobs. We are on the job working with people across regional New South Wales. Also for the Illawarra is \$250,000 to develop a green jobs action plan, as part of the Illawarra regional business growth plan. Just like all Australian economies, our regions face unprecedented pressure as a result of the global recession. The New South Wales Government will continue to work alongside industry, business and community groups to make these regions more resilient to the downturn, maximise the potential for investment and create jobs in regional New South Wales.

Question time concluded.

DISTINGUISHED VISITORS

The SPEAKER: I welcome to the Speaker's Gallery the Hon. Magdalene Toroansi, Chair of the Public Accounts Committee of Bougainville. I also remind members that the Bougainville House of Representatives is one of the branches of the Commonwealth Parliamentary Association that is twinned with the New South Wales Parliament. Welcome to the Parliament this afternoon.

VARIATIONS OF RECEIPTS AND PAYMENTS ESTIMATES AND APPROPRIATIONS 2008-09

Mr David Campbell laid upon the table, pursuant to section 26 of the Public Finance and Audit Act 1983, variations of the Consolidated Fund receipts and payments estimates and appropriations for 2008-09 arising from the provision by the Commonwealth of specific purpose payments in excess of the amounts included in the State's receipts and payments estimates.

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to section 63C of the Public Finance and Audit Act 1983, of the Auditor-General's Report for 2009, Volume Two, dated 20 May 2009.

LEGISLATION REVIEW COMMITTEE

Report

The Clerk announced the receipt, pursuant to section 10 the Legislation Review Act 1989, of a report entitled "Legislation Review Digest No. 7 of 2009", dated 1 June 2009.

PETITIONS

Drink Container Deposit Levy

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

National Parks Tourism Developments

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

Hornsby Palliative Care Beds

Petition requesting funding for palliative care beds in the Hornsby area, received from **Mrs Judy Hopwood**.

Wagga Wagga Base Hospital

Petition requesting funding for and the commencement of construction of a new Wagga Wagga Base Hospital in this parliamentary term, received from **Mr Daryl Maguire**.

Tumut Renal Dialysis Service

Petition asking that the House support the establishment of a satellite renal dialysis service in Tumut, received from **Mr Daryl Maguire**.

Tumut Hospital and Batlow Multiple Purpose Service

Petition asking that vital equipment be provided immediately to both Tumut Hospital and Batlow Multiple Purpose Service, received from **Mr Daryl Maguire**.

Bellinger River District Hospital

Petition opposing the conversion of the Bellinger River District Hospital to a multipurpose centre, received from **Mr Andrew Stoner**.

Orange Ambulance Rescue Helicopter Service

Petition requesting that the operational hours of the ambulance rescue helicopter service at Orange be increased and that the service be equipped with a winch, received from **Mr Russell Turner**.

Schofields Railway Station

Petition praying that Schofields Railway Station remain on its current site, received from **Ms Gladys Berejiklian**.

South Coast Rail Services

Petition opposing any reduction in rail services on the South Coast line, received from **Mrs Shelley Hancock**.

South Coast Rail Line Facilities

Petition requesting that train carriages be fitted with toilet and luggage facilities on the South Coast rail line, received from **Mrs Shelley Hancock**.

South Coast Rail Line Staffing

Petition opposing the relocation of and reduction in staff on the South Coast Illawarra rail line, received from **Mrs Shelley Hancock**.

Hawkesbury River Railway Station Access

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

Bus Service 311

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

Kempsey East Public School

Petition requesting that Kempsey East Public School be included on the priority list for improvements under the Federal stimulus package or the State's school improvement project plan, received from **Mr Andrew Stoner**.

Old Northern Road, Castle Hill, Vista Preservation

Petition requesting that a heritage order be placed on Old Northern Road, Castle Hill, to preserve the vista of the Blue Mountains, received from **Mr Michael Richardson**.

Caged Birds Trade

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

Pet Shops

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

Sow Stalls

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

Shoalhaven Police Station

Petition requesting funding for the establishment of a new police station in the central Shoalhaven area, received from **Mrs Shelley Hancock**.

Culburra Policing

Petition requesting increased police numbers in the Culburra area, received from **Mrs Shelley Hancock**.

Cowra Policing

Petition requesting that Cowra police station be staffed 24 hours a day, received from **Ms Katrina Hodgkinson**.

Brooklyn Police Station

Petition opposing the closure of Brooklyn Police Station and requesting an increase in the number of officers to man the station, received from **Mrs Judy Hopwood**.

Newtown Neighbourhood Centre Staffing

Petition requesting funding for a worker at the Newtown Neighbourhood Centre to address the increase in the number of homeless people in Newtown, received from **Ms Carmel Tebbutt**.

Shoalhaven Mental Health Services

Petition requesting the establishment of a dedicated mental health service in the Shoalhaven, received from **Mrs Shelley Hancock**.

Iron Cove Bridge Project

Petition opposing the construction of an additional bridge over Iron Cove, received from **Ms Gladys Berejiklian**.

Princes Highway Rest Areas

Petition requesting adequate toilet facilities on the corner of the Princes Highway and Sussex Road, received from **Mrs Shelley Hancock**.

BUSINESS OF THE HOUSE

Business Lapsed

General Business Notices of Motions (General Notices) Nos 1 to 7 on the Business Paper for Friday 15 May 2009, and General Business Order of the Day (for Bills) No. 1 and General Business Notice of Motion (General Notice) No. 1 on the Business Paper for today lapsed pursuant to Standing Order 105 (3).

Message sent to the Legislative Council advising it that, in accordance with Standing Order 105 (3), General Business Order for the Day (for Bills) No. 1 had lapsed.

ADMISSION OF THE TREASURER INTO THE LEGISLATIVE ASSEMBLY

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [3.16 p.m.]: I move:

That:

- (1) on Tuesday 16 June 2009 standing and sessional orders be suspended to allow for the following routine of business prior to 2.15 p.m.:
 - (a) at 12 noon, the introduction of the Appropriation Bill and cognate bills;
 - (b) the Honourable Eric Michael Roozendaal, MLC, Treasurer, being immediately admitted to the House for the purpose of giving a speech of unlimited duration in relation to the New South Wales Budget 2009-2010;
 - (c) after the Premier has moved "That these bills be now agreed to in principle", the debate shall be immediately adjourned;
 - (d) the Speaker shall leave the chair until 1.00 p.m.; and
- (2) A message be sent to the Legislative Council inviting the Treasurer to attend the Legislative Assembly on Tuesday 16 June 2009.

This will be the fourteenth year that this has occurred—the fourteenth year that the Treasurer from another place has been invited to come and present the Appropriation Bill to this Chamber, as is appropriately the case under the Westminster system. No doubt, this will be the fourteenth year that the Opposition will bring out its tired, old arguments for why the Treasurer should not be allowed into the House. The Opposition might even move an amendment, as it has done on many previous occasions. I make this point: that no matter how vehemently the Opposition presses its point, those arguments are old and tired; they will not win the day.

Mr ADRIAN PICCOLI (Murrumbidgee—Deputy Leader of The Nationals) [3.18 p.m.]: I move:

That the motion be amended by leaving out paragraph (c) with a view to inserting the following paragraph:

- (c) the Treasurer be required to remain in the Legislative Assembly for a period of one hour to take questions without notice.

Lots of questions will remain unanswered about the New South Wales State budget and what members of the Government know about the State budget. The other day the member for Coogee gave us insight about what might be in the State budget. His local paper the *Southern Courier* reported that he said, "The State Government found about \$80 million of allocated disability funding not being used throughout schools in the State." We thought it was only about \$11 million but the member for Coogee has confirmed that it is \$80 million.

The SPEAKER: Order! The member for Murrumbidgee will hand his amendment to the Clerk.

Mr ADRIAN PICCOLI: We also want to know who has been involved in drafting the numbers, because we know that Noreen Hay cannot count. We remember that from a year ago. She got it wrong by \$110,000. They were the donations she had received. We want to know what is happening with the Opera House. The Premier announced that the Government was going to spend \$1 billion renovating the Opera House. Where is that money coming from? What taxes is the Government raising? What schools is it closing? They are the questions we want answered. But, most importantly, we want to know the result of Joe Tripodi's trip overseas. It is very important for the State budget—

The SPEAKER: Order! I ask the member for Murrumbidgee to sign his amendment.

Mr ADRIAN PICCOLI: It would be a lot easier if the Leader of the House gave us notice that he was going to move such a motion. But that is okay; we can deal with that. We want to know the result of Joe's overseas trip—\$290,000 of taxpayers' money—money that would have been much better spent on schools. The schools in my electorate would have loved some of that \$290,000. We are hoping that we have got good value in New South Wales. If I were a serious businessman in China, the United States, England, or one of the other

26 countries that Joe Tripodi visited, I would have gone onto Google. I would have googled "Joe Tripodi". Just as a test, today in my office I googled "Joe Tripodi". There were only 12,742 hits. I just printed out the first three pages.

Mr Matt Brown: Point of order: The member for Murrumbidgee is not speaking to the motion—

The SPEAKER: Order! I have heard enough on the point of order. I will hear further from the member for Murrumbidgee.

Mr ADRIAN PICCOLI: I know the member for Kiama is nostalgic about budget night. The first Google hit is: "Mafia cash-for-visa scandal". This is what the business people looking at buying electricity assets are reading about the person the Government sent to do the deal: "Mafia cash-for-visa scandal"; "Scandal—Politics—Australian New Message"; "Tripodi faces expulsion for misusing allowances"; "NSW Government implodes as Minister jumps ship"; "Top NSW cop lashes out at Joe Tripodi"; and "Labor in damage control over Wollongong corruption scandal". This is important for the budget. The Government is telling us about the need to sell electricity assets, and this is the salesman it sent overseas. Any prudent businessman would have googled "Joe Tripodi". This is the face of New South Wales that the Government is sending to the rest of the world: Another Google hit: "ICAC becomes blanket for dousing flames of scandal".

[*Interruption*]

They were not all bad. Let us be fair. There was a Wikipedia entry—

Mr John Aquilina: Point of order: The member for Murrumbidgee has not even attempted to justify his amendment; he has simply engaged in a slanging match and sought to incriminate the member for Fairfield. His contribution is grossly out of order. If the member for Murrumbidgee wants to engage in a slanging match against another member, he should do so by way of substantive motion.

[*Time expired.*]

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [3.24 p.m.], in reply: In speaking to the motion I indicated that the Opposition would bring out the same tired, old amendment and seek to justify it in the same old way. It seems that on this occasion the Opposition has varied it slightly. The member for Murrumbidgee made no attempt whatsoever to justify the amendment. In fact, the amendment has differed from previous years' amendments. I would like to know what it is that has endeared the Hon. Eric Roozendaal to the Opposition. This time the Opposition only wants to grill him for an hour, whereas last year it wanted to grill the Hon. Michael Costa for two hours.

Question—That the amendment be agreed to—put.

The House divided.

Ayes, 40

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

Noes, 48

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

Pair

Mr Hartcher

Mr Tripodi

Question resolved in the negative.**Amendment negatived.****Motion agreed to.****SUCCESSION AMENDMENT (INTESTACY) BILL 2009****Message received from the Legislative Council returning the bill without amendment.****CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY****Building the Country Package**

Mr FRANK TERENCEZINI (Maitland) [3.32 p.m.]: My motion should have priority because nowhere is the effect of the global financial crisis being felt more than in rural and regional New South Wales. This motion is about telling the people of New South Wales about the Government's record of creating jobs and keeping communities together. The communities of rural and regional New South Wales are doing it tough and the people want to know what the Government is doing, and what the Opposition has to say about the Government's efforts, to secure jobs in all electorates in this State. The Government has an \$85 million package, which includes 455 projects and 7,600 jobs. There has been a \$1.24 billion investment in rural and regional jobs in the past two years. The \$85 million package will ensure that we have infrastructure and that businesses are assisted with broadband and all types of information services—

Mr Thomas George: Broadband?

Mr FRANK TERENCEZINI: That is right. The member for Lismore did not know that. That is why the member should speak to and support this motion, which is all about electorates such as his and those of the Leader of The Nationals and the member for Barwon. Rural and regional communities in New South Wales are in need of assistance. The biggest priority we face is ensuring business and employment continue in those areas, and in that endeavour I seek the support of all members in this House.

Roads Funding

Mr ANDREW STONER (Oxley—Leader of The Nationals) [3.34 p.m.]: My motion should have priority for debate today because of the embarrassing leak of Roads budget documents. These documents have

revealed that the Rees Labor Government has no plans whatsoever to fix the road infrastructure problems facing the State. The M4 East extension, the F3 to M2 link, and the F3 to M7 link—all of which appear in the State infrastructure strategy—have been shelved or axed. The M5 only attracts \$6 million in planning for so-called possible improvements to the M5 corridor. There is no mention whatsoever of the M2 widening. In combination, this is a slap in the face for the long-suffering commuters of western Sydney from a Government that has axed the south-west and north-west rail links. Other major projects such as the F6 will not be funded. The planned \$1.8 billion for the construction of new roads equates to a net cut in real terms because it is the same figure from last year's State budget.

Mr Steve Whan: Point of order: The standing orders state very clearly that members cannot quote from unsubstantiated documents. It was made very clear during question time that the document to which the Leader of The Nationals refers does not represent the budget. Perhaps the Leader of the Nationals did not understand that clear statement, but I suggest that he is out of order in quoting again from an unsubstantiated document.

The SPEAKER: Order! The Leader of the Nationals may continue. If he quotes from a document he should acknowledge its source.

Mr ANDREW STONER: The figures in this document, which have come from the Government, are a cause for concern to the motorists of New South Wales. This motion should be given priority because the leaked document is not just a huge embarrassment to the Premier and his rookie Minister for Roads, but a major concern to the long-suffering motorists of New South Wales. The document indicates—and the Government has not denied the veracity of the figures—that the Government is totally out of touch with the needs of the people of New South Wales. The document indicates that the Government has once again got its priorities wrong and is inexperienced, incompetent and ill-disciplined.

This motion should be given priority because the document effectively reveals the entire Roads budget, which was leaked to the Opposition two weeks before the State budget is handed down. There are now only two weeks to get it right and fix the problems I have highlighted, including a substantial cut in last year's allocation of \$3.1 billion for rural and regional roads capital expenditure and maintenance—down to \$2.94 billion, or a \$160 million cut—and the Princes Highway reduction from \$144 million last year to \$96 million this year. The Government has denied none of these figures because they come from its own document.

The motorists of western Sydney and elsewhere in the State must be totally infuriated with the Government. Some of these road projects have been announced time and time again. For instance, in 2007 former Premier Morris Iemma announced the M4 East extension five times. But it does not appear in the 2009-10 budget. Congestion gets worse, vital rail links get axed, and drivers are stuck in car parks on the city's motorways. There are no increases for new roads in and around Sydney, including those proposed in the Government's infrastructure strategy. I mentioned earlier the \$160 million cut to rural and regional roads funding. We have seen an increase in the State's road toll this year. Statistics indicate that the majority of road accidents occur on non-metropolitan roads so this cut is an absolutely gob-smacking decision. Already thousands of kilometres of roads in country and coastal New South Wales are crumbling, which has been acknowledged by the Roads and Traffic Authority when classifying them as being in a poor condition.

Mr Steve Whan: Point of order: At no time during his 4½-minute speech has the Leader of The Nationals made any justification for his motion to be accorded priority. Given that the budget will not be delivered for two weeks, it is difficult to see any reason why his motion should be accorded priority.

The SPEAKER: Order! I have heard enough on the point of order. I will hear further from the Leader of The Nationals.

Mr ANDREW STONER: My motion should be accorded priority because the Government has got two weeks to get it right.

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

The House divided.

Ayes, 47

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

Noes, 40

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

Pair

Mr Tripodi

Mr Hartcher

Question resolved in the affirmative.**BUILDING THE COUNTRY PACKAGE****Motion Accorded Priority****Mr FRANK TERENZINI** (Maitland) [3.47 p.m.]: I move:

That this House:

- (1) congratulates the Government for supporting country jobs through the new \$85 million Building the Country package;
- (2) notes that more than 40 community halls across country New South Wales have received grants for upgrades as part of the package, providing jobs for local tradespeople; and
- (3) calls on The Nationals to stop in-fighting with the Liberal Party and back Country Labor's support of rural and regional communities.

I am thankful for the opportunity once again to inform the House about the Rees Government's most recent commitment to the people of rural and regional New South Wales. Last Friday the Minister for Rural Affairs, the Hon. Tony Kelly, MLC, announced the successful applications for the first round of funding under the Community Halls Renewal Fund. I am pleased to say that 43 community halls throughout the State soon will

commence refurbishment and renovations, thanks to the Rees Government's investment in this program. The Country Halls Renewal Fund is a vital component of the Government's \$85 million Building the Country package in rural New South Wales. It is good to see the Federal Government and New South Wales Government working together—as would be expected—to look after rural and regional New South Wales. We are actively seeking out businesses across the State to assist them to invest and expand.

Over the past few years the New South Wales Government has shown a commitment to rural and regional New South Wales, with the creation of 7,600 jobs, the investment of \$1.24 billion and the commencement of 455 projects. The progress in rural and regional New South Wales shows our level of commitment. The \$85 million Building the Country package will top that up with a five-year program focused directly on country towns such as Maitland and those that the member for Murray-Darling and the member for Barwon represent. They will benefit from this, but do they appreciate it? I do not think so. These programs represent \$52 million for local infrastructure funds, \$11.6 million for community broadband, \$9 million for country libraries, \$2.5 million for renewed country halls, \$9 million for a water innovation fund, \$450,000 for a community awareness fund and \$450,000 for small chambers of commerce.

One would expect members who represent country New South Wales—whether they are from the Liberal Party, The Nationals or any other political party—to support this package and show their constituents how they are committed to their electorates. But they do not. We have instead the usual ongoing decay between the Liberals and The Nationals. The people of New South Wales should not think that that decay started only recently; it began just after the last State election. I refer to a newspaper article that reflects the situation today as much as it did on Tuesday 27 March 2007. The article is headed, "We've had a gutful of Libs: Nats". It was written after the election when The Nationals knew they faced 16 years in opposition—and deservedly so.

Mr Gerard Martin: Twenty coming up.

Mr FRANK TERENZINI: It is coming up 20. After 16 years in opposition The Nationals had had a gutful. The following is the lead-in to the article that appeared in the *Daily Telegraph* on 27 March 2007. It states:

Nationals Leader Andrew Stoner has threatened mutiny by pulling his party out of the Coalition unless the Liberals end their internal warfare.

What has changed? Absolutely nothing—except it has got a little worse. That was no light-hearted quote from the Leader of The Nationals; it is pretty serious stuff. He went on:

The Coalition is not a government. We are separate parties and we [The Nationals] will decide what is in the best interests of country NSW.

Those opposite expect the people of New South Wales to take them on board and vote them in at the next election. What a farce! What a joke that is! The people of New South Wales deserve to see all that is going on behind the scenes with the Liberal-Nationals Coalition. There is the most intense bickering and infighting that one could imagine. The member for Murray-Darling is laughing as if that is a joke. It is no joke.

Mr Gerard Martin: He is.

Mr FRANK TERENZINI: I have just been told that the member for Murray-Darling is a joke, and that is probably the case. But this is no joke. We are now approaching the time when parties start to consider preselections for the next State election, and I bet we will see the same thing this time as happened in the run-up to the last State election: there will be bickering and open warfare between the Coalition parties. We must ensure that the people of New South Wales know exactly what the Liberal Party and The Nationals are up to. The way they are carrying on is an absolute joke. Nothing has changed since their last spat.

Mr John Williams: Point of order: We are wondering when the community halls will be built so that we can hold our preselection meetings in them.

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

Mr FRANK TERENZINI: Is that not typical? Opposition members do not even bother to read the motion. Have they read paragraph (3) of the motion? I do not think so. They probably pay as much attention to debates in Parliament as they do to issues in their electorates—none whatsoever. They are interested only in

scoring cheap and nasty political points. If Opposition members were genuinely interested in country New South Wales they would make a significant contribution to this State as best they could. In times of difficulty people look to the Opposition for guidance as much as they look to the Government, but I can see that nothing has changed whatsoever—we have the same good old-fashioned bickering between the two Coalition parties.

The Nationals are desperate. They know the writing is on the wall, they know that things are getting tough and they know that they will have to come up with some policies before the next election. That is the biggest challenge facing the Coalition: coming up with some policies and ideas instead of just whingeing, carping and whining. I look forward to hearing the contributions to this debate from the member for Murray-Darling and the member for Barwon. I want to hear some ideas and some policies. I want to hear what they have to offer.

Mr KEVIN HUMPHRIES (Barwon) [3.54 p.m.]: We had the clock on the member for Maitland and he spoke for 45 seconds on an announcement that was made previously by Minister Costa. There was not one mention of a single job.

Mr Frank Terenzini: There was! You didn't even listen.

Mr KEVIN HUMPHRIES: The member did not name them. We had six minutes and 15 seconds of utter claptrap. I move the following amendment to the motion:

That the motion be amended by leaving out all the words after "That" with a view to inserting instead:

- (1) condemns the Government for its failure to acknowledge the contribution country people make to the New South Wales economy; and
- (2) calls on the Labor Party to acknowledge that they are no longer relevant to the people of country New South Wales."

We heard earlier today that the Government thinks that \$85 million over five years will be the panacea and the silver bullet that will save rural New South Wales. The Federal Government announced \$750 million in priority funding, including roads funding. But if we slipped down to the shires conference today or cast our minds back to last year we would wonder where all the water and sewerage funding went. Today it was revealed that we are going to lose \$160 million from regional road funding in the State budget. If you people are so confident about your position and your standing in rural New South Wales, go to the polls. You are gutless. You will not go because you know you will be out tomorrow. We will give you a tip: Do not go out and buy a new suit because you will not need it.

Mr Frank Terenzini: Point of order: Members should direct their comments through the Chair, and I ask that the member for Barwon do so.

The DEPUTY-SPEAKER: Order! I uphold the point of order. The member for Barwon will direct his comments through the Chair.

Mr KEVIN HUMPHRIES: We found out today that \$160 million will be wiped off the rural and regional roads budget. The problem the Labor Party has—and I refuse to acknowledge Country Labor; it should do everybody a favour and remove the word "Country" from its title—is that the Roads and Traffic Authority has classified rural and regional roads as a disaster. If members opposite want to read about that in the budget papers they should let me know and I will send them around. The Government is not backfilling any positions in the bureaucracy in rural areas—a decision that led to the disaster in health.

Mr Gerard Martin: We're not going to sack 50,000.

Mr KEVIN HUMPHRIES: I acknowledge the member for Bathurst, who last year on ABC radio said, "I do not think we have got a problem with Bathurst hospital. I do not think there is a problem with health." Then a couple of months later he said, "We do not want to become part of the Greater Western Area Health Service; we want to defect to the city". He knows the system is broken and the Government is not paying \$65 million worth of bills. If it were not for The Nationals, who stand up for the people of rural New South Wales, those bills would never, ever be paid. In fact, members of the bureaucracy and the Labor Party rang me to say, "Member for Barwon, will you stop coordinating all those public demonstrations in western New South Wales about health". I asked, "Why?" They said, "Because we cannot attract staff". But everyone knows that if the Government paid its bills it would get people there—whether doctors, nurses, or the small business operators who service our rural communities.

The Government has let them down, and Labor members have the hide to look down their noses and tell us that \$85 million over five years is going to fix the problem. They are a joke. The Government cannot even pay its bills. Forget about the jobs not being filled, the bureaucracy needs to be worried about those clowns opposite and the fact that they cannot even pay their bills. People who work for the Government throughout New South Wales—not just in rural areas—want some sort of commitment that it will pay their wages. That is what they are worried about.

Mr Gerard Martin: You are going to sack half of them.

Mr KEVIN HUMPHRIES: We are not going to sack them, mate. The Government is not even backfilling positions. To claim today that 7,600 jobs have been created in rural New South Wales on the back of 42 new community halls is pathetic. That is symptomatic of this Government. Under its management it would take 7,600 people to build 42 halls! That is how incompetent it is. Members opposite should not look down their nose at country people. They are no longer relevant in this House, let alone in western New South Wales. We have talked about the \$160 million that will be wiped off our regional roads budget in the next two weeks. Country New South Wales has lost 25 air services in the past 10 years. Members opposite are aware of some of the critical air transport issues confronting remote parts of the State. They have dropped the ball and they need to do something about that situation.

Mr Frank Sartor: What are you going to do about it?

Mr KEVIN HUMPHRIES: Frank is back! How many fingers am I holding up, Frank? Today the Premier apologised for the Labor Government's effort with regard to the Livestock Health and Pest Authority. He apologised for the performance of a Labor Minister and the fact that Country Labor got it wrong. Country Labor members go on about the fantastic job they have done with rural lands protection boards. They certainly did a job on them! Workers lost their jobs, offices were closed and the Minister was panned by the Premier. And they say that we have problems!

We have a creative and dynamic team. All I see opposite is a rabble. As the member for Murrumbidgee said, fancy sending the Minister for Finance overseas to represent New South Wales. This Government is an embarrassment. If members opposite want to get serious they should go to the polls. The people have made their assessment of this Government and it is poor. One need only look at the quality of the candidates they preselect. The Labor Party does not even run candidates in half of the electorates. They are an embarrassment. One candidate did not even live in the electorate for which he was preselected. Members of Country Labor are a disgrace to the people of country New South Wales and they are no longer relevant.

Mr GERARD MARTIN (Bathurst) [4.02 p.m.]: I will depart from what I was going to say to address the comments made by the member for Barwon. His friends call him "Mirrors" because he is always looking in mirrors and he believes his own publicity. On three or four occasions this bloke has put out press releases pre-empting events that have not happened. I will give the member a lesson in mathematics: \$85 million has been allocated to this budget and the country halls component is only \$2.5 million. The great bulk of the \$85 million will be spent on job creating projects around the State. I know of a number of proposals that have been submitted from my electorate that will create dozens of jobs in local towns if they meet the criteria. There is \$2.5 million for the halls projects, \$11 million for the broadband project and \$7 million for country libraries. That means there is about \$60 million left. It is no wonder that the member is having trouble with his ethanol plants. He never answered the questions about that. Where did the money go? The member will not be smiling if we do an investigation of that situation.

This is a very serious attempt by the Government to implement programs quickly to create jobs, including in country communities. The country communities that are getting hall upgrades to the value of \$50,000 are not whingeing like members opposite. They are saying, "Thank you very much." Members opposite are preening in the mirror in preparation for getting their names on plaques. They have done no work, but they want some of the credit. They want to bask in the reflected glory of the Rees Government. They are not happy to do any of the work, but they are happy to take the credit.

The broadband package will help those communities that will not meet the criteria set down by Telstra and the other telecommunications providers. This program is a demonstration of this Government's working with isolated communities to provide high-speed broadband services. People in those areas will be able to tap into international markets and get good information. Everything in this package is aimed at creating jobs. We have heard that it will create 6,000 or 7,000 jobs, but it will probably be more than that. Members opposite do

not know how to add up. The \$2.5 million is a long way from the \$85 million. They would spend \$2.5 million on mirrors and crack the lot of them. The member for Barwon is not known as the spiv of The Nationals or Old Mirrors for nothing. [*Time expired.*]

Mr JOHN WILLIAMS (Murray-Darling) [4.05 p.m.]: It gives me great pleasure to highlight the shortcomings of Country Labor. During private members' statements today I heard the member for Myall Lakes talk about a hall application lodged by one of the shires in his electorate that was knocked back. If the Government keeps knocking back applications at the rate it is we will save that \$17 million and carry it forward. I doubt that that money will ever be spent. It is like everything else this Government does: all spin and no substance. I draw the attention of the House to the difference between the Coalition and the Government. The Western Australia Government has recognised that it has a role in regional Western Australia, just as we have a role in regional New South Wales. The Western Australian Government has implemented a fuel card for pensioners. That card recognises the difference between the city and the country and the fact that there is no public transport out in the country.

Country people in Western Australia will be compensated for that and the higher fuel prices that are compounded by the distances they must travel. The Western Australian fuel card acknowledges the difference between people who live in the city and people who live in the country. That is the sort of policy that a Coalition government would implement. The Nationals will be working with the Liberal Party and we will introduce that sort of differentiation. Country Labor has never had the ability to differentiate. Country members opposite have put "country" in front of "Labor", but they are simply stooges. They are the wooden soldiers of the Labor Party. They come into this place with speeches that they have been told to make. They fill in a couple of hours in the House and read out whatever they are handed. The speechwriters try to put a bit of a spin on it for the country to give them some legitimacy.

A Liberal-Nationals Coalition has that legitimacy because its members work well together. The Nationals do the job for regional New South Wales. That is what The Nationals' Brendan Grills did in Western Australia with the \$500 per annum fuel card. There is no red tape involved and the card is renewed every year for four years. That is the sort of thing that happens when someone is working for regional New South Wales, which Country Labor members are not. The allocation of \$17 million spread over New South Wales will not produce very many jobs.

Mr KERRY HICKEY (Cessnock) [4.08 p.m.]: The contributions of the member for Barwon and the member for Murray-Darling have enlightened me about why people should not vote for The Nationals. The Liberals and The Nationals have been working well together since the 2007 election. So much so, that the Leader of The Nationals told the *Daily Telegraph*, "We have had a gutful of the Liberals." That is how closely they are working together. It would be in the best interests of our constituents if they were to pull out. The member for Barwon wants to talk about grey hair. He talks about everybody else's problems and preens himself in the mirror every day. Everybody calls him "The Spiv". It is sad that he will not even acknowledge Country Labor members—the people who are doing all the work in his electorate. While he is swanning around Sydney, Labor Party members are up north telling him how to fix things. It is sad that he will not acknowledge who does all the work. The member for Barwon also said that the Leader of The Nationals represents the bush. Today during question time he asked questions about the M4, the M5 and the M2.

Mr John Williams: Point of order: I remind the member for Cessnock that the Leader of The Nationals is also the shadow Minister for Roads.

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

Mr KERRY HICKEY: The Leader of The Nationals talks in this House about the M4, the M5, the M2 and other issues. He does not talk about roads in rural areas. He does not talk about the Hunter Highway—the Hunter Expressway, as it is now. I have seen that road expand from the Kurri Kurri corridor to the F3 link road and now the Hunter Expressway. Country Labor is fighting for these stretches of road while members of The Nationals are too busy swanning around this place and trying to talk down the Liberals in a big way. The member for Murray-Darling talked about spin and no substance. I thought his three-minute contribution was spin and no substance. He says The Nationals work with the Liberals. Remember that the Leader of The Nationals said, "We've had a gutful of the Libs." What is Charlie Lynn doing to build that Coalition? What is Alby Shultz doing about the Coalition he is trying to build?

Mr FRANK TERENCE (Maitland) [4.11 p.m.], in reply: What a great debate this has been. The member for Murray-Darling talked about how he works together with the Liberals—there were all these pyrotechnics coming from the member. What was the central point of his contribution and that of the member

for Barwon: that they work together with the Liberals. The member for Murray-Darling may not know this but I have just been advised that Alby Shultz, the Liberal member who always comes down unintentionally on this side of the House, has had to be torn off his colleagues, ripped apart from his colleagues, in the fight he has been having because of the Liberals' decision not to run a candidate against The Nationals in Monaro. Is that the sign of a Coalition that is working together?

Alby Shultz and his mates almost came to blows because the Liberals have decided not to run a candidate against The Nationals. The people in the public gallery and in New South Wales will be shaking their heads. If Coalition members are working together why do they come almost to blows on a decision on who to run in a seat? Members opposite have the gall to tell us how well they are working together, yet behind the scenes in the party room—I would love to be a fly on the wall in the party room with these guys—they are coming to blows and having to tear each other off each other all over a preselection battle. What a joke.

The member for Ryde has a nice smile on his face. He is still under MP warranty. He should do more listening before he says something. He should go back to the workshop for a couple of adjustments while he is still under warranty. The guys who have been here longer should know better than to make fools of themselves by trying to convince the people of New South Wales that these two parties are working together. Nothing has changed since 2007. They were fighting then, they have been fighting for the past two years and they are fighting now. They are fighting at both the State and Federal levels. I was absolutely right in what I said in my initial contribution. All the members opposite can do is what they are doing now, making light of the situation, trying to cover it over. Meanwhile, behind the scenes, Alby Shultz keeps letting the cat out of the bag. Members opposite do not like him because he says what is really going on. Opposition members are a joke.

Question—That the words stand—put.

The House divided.

Ayes, 51

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

Noes, 36

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

Pair

Mr Tripodi

Mr Hartcher

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

The SPEAKER: Order! Debate on the motion accorded priority having concluded, the House will now proceed to Government business.

CRIMES (SENTENCING PROCEDURE) AMENDMENT (COUNCIL LAW ENFORCEMENT OFFICERS) BILL 2009**Message received from the Legislative Council returning the bill without amendment.****HERITAGE AMENDMENT BILL 2009****Agreement in Principle****Debate resumed from 13 May 2009.**

Mr BRAD HAZZARD (Wakehurst) [4.23 p.m.]: I lead for the Coalition on the Heritage Amendment Bill 2009. This bill comprises 22 pages. Pages 1 to 20 relate to heritage and various amendments that the Government is proposing.

Mr Ninos Khoshaba: That is good, Brad—very impressive!

Mr BRAD HAZZARD: You should be impressed because you should know a bit more about the bill that you are backing. Pages 21 and 22 relate to something that has absolutely nothing to do with heritage except that it is in keeping with the approach of this Government under other planning provisions, such as part 3A, where the Government has a total disregard and disrespect for the preservation of heritage. I remind the House that the major planning amendments made last year were under the auspices of the former Minister for Planning, the Hon. Frank Sartor. This planning amendment, which seeks to push further forward and against community consultation, is being done under the Minister for Planning, the Hon. Kristina Keneally, who is at the table.

If the hallmark of this Government is incompetence, inexperience and wrong priorities, we can safely add another adjective to this Government and, unfortunately, to this Minister: sneaky. Government members are not only incompetent, inexperienced and have the wrong priorities, but they are also sneaky. Whacked on the back of this bill are environmental, planning protection legislation amendments, which indicate that this Minister is driving forward with those amendments that were introduced last year and that caused so much concern to the community.

[Interruption]

The Liberal-Nationals Coalition opposed the planning amendments last year and we oppose the planning amendments the Minister is now seeking to make in a sneaky fashion at the back of the Heritage Amendment Bill 2009. Last year many of the amendments were around panels at all levels of the process. It followed a contrived period of consultation and, in the end, what we got in July last year were new planning provisions that are alienating the community across the State. It would be safe to say that we have a panel-led planning amendment system. No Opposition member would rule out—

[Interruption]

Madam Deputy-Speaker, if the member for Rockdale continues to interject, I will ask Opposition members to interject when Government members are speaking. Are you going to rule Government members out of order and tell them to listen quietly? If the interjections continue, I will do that. It is your job to bring members into line.

Ms Kristina Kenelly: Point of order: Those were inappropriate remarks. The shadow Minister appeared to be threatening the Deputy-Speaker. If he is concerned about the behaviour of members he should raise the issue in an appropriate way.

The DEPUTY-SPEAKER: Order! I do not regard the comments of the member for Wakehurst as a threat, nor has the member for Rockdale made inappropriate comments about the legislation. However, as the member for Wakehurst is finding it difficult to concentrate, I ask the member for Rockdale to keep his comments to a minimum.

Mr BRAD HAZZARD: The issue is simple: If I am asked not to respond to interjections, perhaps the member for Rockdale could be directed to leave the Chamber or to sit quietly. Last year the Opposition indicated—and it confirms—its concern about those planning amendments. We are particularly concerned about the way these planning changes are being developed and expanded by this Minister. Whilst I may take exception to the vocals of Frank Sartor, who is in the Chamber at the moment, I do not object to, nor am I concerned about, his approach to the issue, in the sense that at least he was upfront. We may disagree totally on policy issues, but at least he was upfront and he forced through legislation, although we disagreed with it. What we have now, though, is a Minister for Planning who is purporting to have a different and softer approach, but in fact she is doing far worse than what Minister Frank Sartor ever did.

The DEPUTY-SPEAKER: Order! The member for Rockdale will come to order. He knows that the member for Wakehurst is having difficulty with this speech.

Mr BRAD HAZZARD: I am not having difficulty with this speech; I am having difficulty with the moronic interjections coming from the Labor Party benches. Unfortunately you, Madam Deputy-Speaker, are also part of that team. I ask you to keep members opposite in order. Madam Deputy-Speaker, you are different, of course, but you are part of the moronic team opposite that keeps interjecting. The problem with the joint regional planning panels has been recognised as recently as morning, at the Shires Association meeting, and it has been recognised all across the community. The communities in Ku-ring-gai, Burwood and Wagga Wagga will tell you they have experienced the worst of these panels. The Minister for Planning has already extended the power and domain of the joint regional planning panels. I note that the Hon. Bob Carr has just come into the Chamber; we acknowledge his presence. In the days when he was here, there was sound intellectual capacity on the other side of the House. It has totally disappeared; we are now left with a "Z" team.

The DEPUTY-SPEAKER: Order! I acknowledge the presence in the Speaker's Gallery of former Premier Bob Carr. It is indeed lovely to see you here, Bob.

Mr BRAD HAZZARD: I think they need him back. The joint regional planning panels were to cut in at \$50 million. In other words, there was to be a level of authority left with local government. However, the Minister for Planning has moved it down to \$10 million, and in so doing she has further intruded into local government and local communities' capacity to determine their own future. Against that background over the last few months, we also have to consider what occurred before that. The former Minister for Planning removed the Heritage Office from being a stand-alone office and made it an office inside planning. A sequence of events has occurred in which heritage has been subsumed in planning; we have had planning provisions centred around panels, and a reduction of the community input and involvement through their local council; and now we have sneakily put at the back of the Heritage Amendment Bill amendments that mean that the Environmental Planning and Assessment Act will be further extended with regard to the use of joint regional planning panels.

This legislation seeks to ensure that where joint regional planning panels are in place, not only will they be able to deal with local environmental plans but they will also be able to deal with development control plans as well as contribution plans, a measure the Opposition vehemently opposes. The Opposition has indicated to the Government privately that if the Heritage Amendment Bill were split, and if it were dealt with on a more open and honest basis—that is, if the heritage provisions were dealt with in a stand-alone bill and the amendments to the Environmental Planning and Assessment Act were dealt with in a separate bill—we would consider discussing with the Government the appropriate amendment to the Heritage Bill, to at least ensure that some of the Heritage Amendment Bill could proceed with the Opposition's support. However, the Government has indicated that it is not interested in splitting the bill; it wants to maintain that sneaky approach of having the planning provisions attached to the last two pages of the Heritage Amendment Bill. On that basis, the Opposition is left with no alternative but to oppose the bill.

I turn to the heritage amendment issues per se. The Minister for Planning has indicated that she is not prepared to countenance or consider any serious amendments to the heritage legislation. She has failed to

acknowledge, or to agree to, a pivotal requirement for heritage to be protected in New South Wales—that is, under the policy announced by the New South Wales Liberal and Nationals parties three months ago, it is absolutely critical for the conservation of heritage items in New South Wales that there be a separate Minister responsible for heritage, away from the planning Minister. The Minister for Planning, together with the former Minister for Planning, has shown no inclination whatsoever to ensure that heritage is properly protected in New South Wales.

The Opposition has announced that under a Coalition government there will be a requirement for a separate voice at the Cabinet table: there will be a Minister solely responsible for heritage; there will be a Minister who could argue the case for conservation of our heritage in New South Wales. The Minister for Planning argued at the National Trust breakfast held just a month ago that that was not something that would produce the best outcome for heritage in New South Wales. The Minister must have been the only person at the National Trust breakfast who thought that, but she sought to argue it in any event. Afterwards, it was incredible to hear the number of voices in the room saying they could not believe that the Minister tried to argue that.

The Minister seems to be pursuing an agenda that is planning at all costs, in the sense that it does not matter what it costs the environment, but also planning that is purposefully around a model that denies local communities the capacity to have a say. An example of that is the situation that has occurred in Wagga Wagga, Burwood and Ku-ring-gai. In each of those council areas panels are operating to the exclusion of the community and the council. I recognise that the Minister has an issue particularly with Burwood council, where she found that the capacity for the panel to deal with certain issues was limited and therefore, in order to expand that capacity, she has dealt with the process by also appointing an administrator. I also recognise that the Minister is seeking to address that issue in the Heritage Amendment Bill. However, there is a more fundamental reason why the Opposition is opposing the bill. We are opposing it because of the Government's absolute focus on denying communities a voice in the development of their local community.

A couple of weeks ago I attended a meeting at Hornsby where there were almost 1,000 people. The local community were absolutely outraged about the State's planning laws and the way they work. But they were particularly outraged about the Government's approach to those planning laws and about the constant drive for development in areas without the related provision of infrastructure. Nothing in this legislation—particularly in the last two pages of the bill, which relate to planning issues—provides any guarantees of a change of direction. It appears that we are destined—at least for the life of this Government—to have more and more people jammed into suburban areas, and into the Illawarra and the Hunter, and yet there will not be any consequent increase in infrastructure.

In relation to the heritage legislation generally, the concern in areas such as Ku-ring-gai is that areas that should be the subject of heritage conservation will be decimated under the current planning laws. The Heritage Amendment Bill does little to address that issue. The Heritage Amendment Bill does not come with a collateral removal of part 3A of the Environmental Planning and Assessment Act. We know from the way both the legislation and the Minister operate that part 3A will mean the Minister will always give priority to non-heritage issues. Ku-ring-gai is a classic example of the problem that is spreading right across the State: a problem with the planning approach of this Government that will see no end while it is in office.

The Opposition and the community have a number of concerns. The Opposition wrote to 152 councils across the State and received responses from quite a few. We also received concerned responses about many aspects of the bill from many organisations across the State which would normally show some deference to the Government. Concern was expressed by many different groups that with the reduction of the numbers on the Heritage Council from 15 to 11 the Government has removed the possibility of a qualified historian being appointed to the panel. Heritage has many facets. An understanding of history, particularly the history of New South Wales, is critical to getting heritage conservation right. That concern was raised by many groups, including the Burwood and District Historical Society.

Interestingly, the bigger peak groups, such as the National Trust, who hosted a breakfast debate that the Minister and I attended a few weeks ago, also raised the issue of the appointment of an historian. The Minister should be responding to the groups who have expressed concern about the removal of the historian classification as a required skill. In fact, a number of groups have pointed out that if the Minister were so inclined—and I am not suggesting that the Minister would be so inclined in the current environment—she, or any subsequent Minister, could appoint the six members from one just class, for example, the building industry, given that "development industry" is the term used in the legislation.

Presumably the Minister will respond to the many people who wrote to the Opposition about that issue, including the History Council of New South Wales and the Professional Historians Association New South Wales. At the very least the Minister should address the issue and she is duty bound to respond to those communities who are concerned about it. The Minister may advise us in reply whether she has received correspondence from groups expressing similar concerns. The Heritage Amendment Bill was allegedly born of the Government's inquiry into the Heritage Act. Heritage legislation was first passed in this Parliament in 1977. Thirty years later, in 2007, former Minister for Planning Frank Sartor announced an inquiry into the Heritage Act to consider necessary amendments. The Opposition has no difficulty with the people who took part in that process.

Gabrielle Kibble chaired that review and I understand the issues raised were many and varied. However, the Opposition is concerned with the way the former Minister for Planning and the current Minister for Planning have dealt with the process. The Government did not make public even one of the 120 submissions but a summary report was put out in 2008. A summary, by definition, allows for coloured interpretation. At very best, the summary report contained a number of positions that had been determined by somebody working for the panel, presumably with Government oversight, but the report gave no indication of how many groups had expressed concern or the level of their concern. This bill was introduced into Parliament just three weeks ago and there has been very little time for community consultation—

Ms Kristina Keneally: Three weeks.

Mr BRAD HAZZARD: The Minister is excited about three weeks, because that is what the Labor Party calls community consultation. Three weeks!

[Interruption]

What did the Minister say? The Minister should go down to her Heffron electorate sometime. I met with some Heffron community members recently who were quite concerned about the Minister's approach to the development going on in the area and the fact that the Minister does not listen to her community. The Minister needs to do a lot more listening and thinking, and not just push through with her steamroller-type approach. As I was saying before the Minister so rudely interrupted me, it is difficult to recognise in the context of the bill the result of the Government's review. The bill does not give the stand-alone Minister for Planning a voice at the table to argue for heritage, yet the minister is responsible for heritage. In the past two years heritage has taken a backseat in New South Wales. The Heritage office has been subsumed into the Department of Planning. Quite a number of those who were transferred to the department were taken away from their tasks or have left their heritage conservation roles, some in frustration at the current arrangements.

This bill, at the very best, is a lukewarm effort in addressing some of the heritage issues that were raised in the review. The bill does not go anywhere near to clarifying a number of issues about heritage conservation. The bill makes little reference to heritage conservation by local government. The Urban Taskforce and the Property Council of Australia has prepared written submissions expressing concern about aspects of the bill, some of which relate to appropriate compensation for private property interests when they are affected by heritage orders—not a word in the bill about that. The bill makes no mention of a role for an independent arbitrator when a local government seeks to place a heritage conservation order on local properties. The only suggestion in the bill is that there would be a right of appeal to the Independent Hearing and Assessment Panel, if it exists.

The Heritage Amendment Bill is a limp effort by the Government in dealing with conservation and heritage. It comes on the back of a Government whose history has been to forsake heritage. It has put heritage at the bottom of the pile when it comes to pushing for developments at all costs. The Liberal-Nationals Coalition is not opposed to appropriate development. We support it. We understand that in the current economic climate if the Government could get its planning laws and processes right the development industry, which provides houses for families, could get on with the job. But the development industry is stagnant. Major companies have headed off to Queensland and Victoria because of the complexity of the planning system in this State, the failure of the Government to ensure that concurrent powers of State agencies are appropriately enforced, and the failure of the Government to ensure the provision of adequate infrastructure.

As a consequence, the New South Wales economy has been depressed by a failing capacity to bring new properties to the New South Wales market. The Government has failed both the development sector and families who need housing in this State and it has failed the State's economy. With this bill the Government has

failed to get the balance right on heritage conservation. The Opposition makes it very clear that we are not prepared to support the bill. We will oppose this legislation. We strongly suggest that the Government reconsider its sneaky approach of dealing with both planning and heritage issues in this bill. By bringing them together in the one bill, it has failed on both counts.

Ms NOREEN HAY (Wollongong) [4.51 p.m.]: I am pleased to speak in support of the Heritage Amendment Bill. Successive Labor Governments in New South Wales have a proud track record of heritage conservation. Members would be aware of the substantial expansion of national parks under successive Labor Governments. Another landmark in heritage conservation was the establishment of the State Heritage Register in 1999 through amendments to the Heritage Act, instigated by former planning Minister Craig Knowles. This register confirmed the appropriate role of the State Government and the Heritage Council as the identification and management of heritage items of State heritage significance. The register now stands at some 1,500 diverse items of Aboriginal, natural and historic heritage.

The processes for listing and removing a listing from the register are thorough. They involve the assessment of heritage values by the Heritage Council, consultation with owners and affected parties, including local councils and the broader community, and the final decision being made by the Minister. The Heritage Council first assesses a request against its published heritage assessment criteria and considers if the item is of potential State significance for listing or is no longer of State significance and advertises the proposal for public comment. At this stage formal consultation with owners and stakeholders occurs, pursuant to the Heritage Act. Following consultation, the Heritage Council reconsiders the request in light of owner and community comments received before making a recommendation to the Minister whether to list or remove a listing from the State Heritage Register.

The principal issue to be determined by the Heritage Council and the Minister is whether an item is of State heritage significance. I am aware that the Minister and the Heritage Council are concerned to confirm the views of owners about proposals to list their properties on the State Heritage Register. To this end, the Heritage Branch of the Department of Planning, whose staff services the Heritage Council, carries out consultation with owners as well as other requirements set out in the Heritage Act prior to a request being considered by the Heritage Council. Owners also are offered the opportunity to address the Heritage Council in person when it considers the listing of their properties. An owner is free to raise any relevant matter with the Heritage Council whilst the listing or removal of listing is under consideration. As well as the critical issue of heritage significance, owners can discuss the economic use of the land, the capacity to conserve the item in the long term, and whether the listing would cause financial hardship.

The bill proposes to make explicit the consideration of these issues, both heritage and economic. For example, in order to list an item on the State Heritage Register the Minister will be required to form the opinion that the item is of State heritage significance. In addition, the Minister will be required to consider a recommendation from the Heritage Council that the item should be listed, whether the long-term conservation of the item is necessary, whether the listing would render the item incapable of reasonable or economic use, and whether the listing would cause undue financial hardship to the owner, mortgagee or lessee of the item or the land on which the item is situated. There is a view that the listing or removal of the listing of an item on the State Heritage Register should be only on the basis of State heritage significance, with owner and management issues being considered separately. The Government does not subscribe to that view. It is important that the individual circumstances of owners are considered, as well as the broader planning context of the site when making a decision to list or remove a listing of an item from the register. The National Trust understands the need for a balance between heritage values and economic considerations. A National Trust media statement dated 15 May 2009 states:

We support the bill's intent to allow the concerns of owners and developers to be heard and considered.

Ms Silvia Hale, MLC, also understands the balance that needs to be considered. In a recent speech at a National Trust breakfast in April, Ms Hale said:

The Greens recognise that heritage protection is a balancing act ... Once a rigorous assessment has been made, the protection we give to our heritage sites must be strong although tempered with a suitable degree of practical flexibility ... There is no point, for example, in keeping old buildings in a State of permanent vacancy and long-term neglect and decay.

These are the exact issues that this bill seeks to address. This bill promotes the adaptive reuse of heritage items through the consideration of the future uses of heritage items. The Government does not believe that the amendments proposed in the bill will lead to fewer State heritage listings being made or an unreasonable

number of items being removed from the register. As these matters concern items of potential or established State heritage significance, the Minister will carefully consider all owner submissions. The Minister will not give weight to owner objections based on unfounded economic or irrelevant arguments. Similarly, objections based on unreasonable development expectations for a site will not be supported. The ability for the Minister to consider non-heritage issues in the decision to remove an item from the State Heritage Register was a recommendation of the Independent Expert Panel's review into the Heritage Act. The panel's report stated:

The Expert Panel considers that the current requirements for delisting ignore a range of important issues which may have a bearing on the conservation of a place.

The removal of items recognised as being of State heritage significance should be contemplated only when all conservation and adaptive reuse options have been thoroughly investigated, costed and found to be not viable. This was the case with the Wagga Wagga rail bridge over the Murrumbidgee River. The bridge, which was built in the 1870s, was one of 11 examples of an early lattice girder bridge in the State. It was suffering from metal fatigue and trains could cross only at reduced speeds of 20 kilometres per hour. The bridge also had significant structural components replaced over time, other significant changes such as the loss of original arches and pilasters, and unsympathetic alterations. The bridge was in urgent need of repair and upgrading to meet current operational needs. In 2002 the upgrade to replace the bridge was costed at \$12 million, as opposed to \$25 million to repair the structure.

This is a clear example where economic matters should be taken into account in the listing and delisting of items on the State Heritage Register. It would not have been reasonable to spend the additional \$13 million of limited government funds on repairs, given the existence of other examples of this bridge type. Indeed, under the bill the Minister will be able to remove an item of State heritage significance from the register only after having considered a recommendation from the Heritage Council and if the Minister is of the opinion that the long-term conservation of the item is unnecessary and that the listing renders the item incapable of reasonable or economic use or it causes undue financial hardship to the owner, mortgagee or lessee of the item or land on which the item is situated.

When considering owner objections to listings on the register or requests for the removal of listings, the Minister will require submissions to be thoroughly documented and to clearly establish the case. Proof of economic disadvantage and financial hardship will be required. The Minister will make balanced decisions based on heritage and other relevant considerations. I should add that the criteria for consideration in the bill are included to assist the Minister in decision-making. It is within the rights of a Minister to come to a conclusion that the heritage values of an item make it worth saving, despite any economic burdens that result. The criteria do not stipulate any weighting for criteria—the Minister has complete discretion. I believe the amendments in the bill strike an appropriate balance between an owner's rights and conservation aims. The amendments provide more rigour in the processes for listing and removing a listing from the register and provide for better consideration of economic and non-heritage issues while still ensuring that the State's most important heritage is conserved. I commend the bill to the House.

Mr PETER DRAPER (Tamworth) [5.01 p.m.]: I make a brief contribution to debate on the Heritage Amendment Bill 2009, which amends the Heritage Act 1977 and the Environmental Planning and Assessment Act 1979. This bill has elicited a number of areas of concern from individuals and historical organisations within the electorate of Tamworth. As has been pointed out, the Heritage Act 1977 is one of this State's key pieces of legislation to protect the historical record in New South Wales. It is critical that changes the Government makes to the Heritage Amendment Bill, seemingly to accommodate wider reforms to the New South Wales planning system, do not impact negatively on the future safeguarding of items of historical significance and their safekeeping for future generations.

The electorate of Tamworth is blessed to have a number of very experienced historians who have done a remarkable job preserving our history to share with future generations. These historians have raised concerns with me about this legislation and the opportunities it may give to developers to ignore the historical importance of particular sites. In addition, Australian Railway Monument Incorporated and the Rail Journeys Museum based at Werris Creek have raised concerns with me. They acknowledge the State Government's contribution of \$1.3 million to develop the Werris Creek Railway Monument. The Australian Railway Monument is a tribute to the railway industry and it recognises its employees for their contribution to Australia's development. There are two major parts: a monument that includes an honour board with names commemorating those people killed while working on the railways, and an exhibition hosting a series of graphic displays. The themes cover selected topics relating to the history and operations of the railways.

In choosing a suitable location for the Australian Railway Monument, recognising the major contribution by the railways to the formation of Australian rural life, its culture, its character and its development was a key consideration. Werris Creek was chosen as the ideal location because of its significance as a railway town, with its manifestations of Australian railway culture, its historical link to railway management and operations, its significant heritage assets, and because of the availability of land. It is called the Australian Railway Monument rather than the New South Wales Railway Monument because this striking display is an opportunity for all States to pay tribute to all the railway men and women of Australia who lost their lives on duty. At the same time, it represents the railway industry and all its employees, and recognises their contribution to Australia's development. It is a wonderful tribute to the men and women who developed the rail network that opened up our country. I recommend that everyone who passes through the district take the time to go and have a look at it.

The Australian Railway Monument's management committee has resolved to support the areas of concern that have been raised by the Royal Australian Historical Society in relation to the New South Wales Heritage Amendment Bill 2009. The committee believes the proposed changes threaten the role of the historian in heritage and dilute the statutory protection of heritage in a variety of ways. It is particularly concerned that for the first time there will be no requirement that a historian be a member of the Heritage Council. It points out that for the past 32 years the Royal Australian Historical Society has nominated, on behalf of the profession, a panel of three historians, and the Minister then appointed one to the Heritage Council. The committee also points out that the expert panel that reported to the Government on the Heritage Act at the end of 2007 recommended that experts in each of six defined categories, including history, should be members of the reformed Heritage Council, whether it remained with 15 members or, as is now proposed, with 11.

The current amendment provides instead for six members with qualifications, knowledge and skills in any one of these 15 stipulated areas to be appointed by the Minister. Although one of these 15 areas is New South Wales or Australian history, there is no provision for the Royal Australian Historical Society or any other body to nominate a panel of suitable historians and, even more troublingly, there is no guarantee that a historian will be appointed at all. I agree with the Royal Australian Historical Society and the railway monument committee that the case to retain an historian is extremely strong. State listings are currently being considered under selected historical themes and the present criteria for assessment are headed by historical and associational significance. As such, there should be a historian on the Heritage Council.

The organisations are also concerned that there will be a shift of balance from the Heritage Council to the Minister. For example, the criteria used to assess heritage items will in future have to be approved by the Minister. There is a series of detailed, wide-ranging adjustments to the Minister's powers in listing and de-listing heritage items, in assessing the alleged economic impact of listings, and in enhancing the role of property owners. There are also major concerns that heritage items listed on local environmental plans will be subject to review by assessment panels and regional panels with powers overriding those of the local government areas. I am aware that the New South Wales Local Government and Shires Associations have raised concerns also about this issue.

Proposed changes to the definition of archaeological relics under the Act are also being questioned. This means that the definition of archaeological relics and pursuant protection under the Act would now be linked to the relic or relics having either local or State heritage significance. The Royal Australian Historical Society and the Australian Railway Monument committee believe that at this point in time the State Government and the Department of Planning do not have sufficient measures in place to identify where in New South Wales relics of local or State significance are likely to be found, and hence to provide adequate protection for those relics.

The current Act applies blanket protection to all relics currently defined as any deposit, object or material evidence relating to the settlement of New South Wales, not being Aboriginal settlement, and 50 or more years of age. However, the Act also has a filtering mechanism within it to enable the significance of those relics to determine the protection level required, if any. The organisations believe this system has worked well since its establishment in the late 1990s to date. In effect, this has meant any relic that meets the definition must have its significance assessed before it may be harmed or moved. These organisations are concerned that the proposed changes will provide no overall strategic system that identifies where relics of local or State significance are likely to be found in New South Wales. For example, a series of zoning plans for archaeological sites would be appropriate throughout the State, or at least in all early and archaeologically significant areas. The real danger in changing the definition of relics is that archaeological relics and sites across New South Wales that are not already identified and assessed will not necessarily be protected by the Act in the first instance to trigger a further investigation of their significance.

The Royal Australian Historical Society and the Australian Railway Monument committee point out that by their very nature archaeological sites are often not visible and that few people, other than interested community members such as the local historical society, individual historians or archaeologists, will know that they may be present. This means that archaeological sites tend to be more fragile and require protection from potential destruction. The organisations believe that a change to the Act could very well see the end of any number of local and State significant archaeological sites, which we will lose forever. They have justified fears that a developer could argue they were unaware that any relics of significance were present on a site before they destroyed them forever. It puts the onus back on the person causing harm to know the significance of the relics they are going to destroy, assuming of course they know they are there in the first place. I note that the National Trust has a seat on the Heritage Council and that its executive director, John Neish, has said:

Successive Governments have wrestled to get the balance right between heritage protection and the need to allow people to live their lives and look after their properties as freely as possible. The Heritage Amendment bill suggests that there is potential for fewer items to be listed on the State Heritage Register, the impact of which we may not see for many years to come.

While the National Trust support the bill's intent to allow the concerns of owners and developers to be heard and considered.

It is clear that the Minister is giving herself, and her appointees, more control over heritage issues, which is something we are concerned about, and a position, which will need careful monitoring.

While not questioning the credentials of the current Minister, the trust goes on to say:

What about future decisions by her and her successors? Our hope is that the controls in the bill will be used judiciously and transparently.

As the trust says, its member on the board will certainly:

... need to be a hand of caution when development runs the risk of ignoring the conservation and protection of our past that we hold in trust for future generations.

The History Council of New South Wales has also expressed concerns about the proposed changes, stating its belief that they will have an adverse impact on heritage in New South Wales. In particular, the council is most concerned about the removal of the Royal Australian Historical Society representative from the Heritage Council of New South Wales. The council believes it is essential that an historian, recognised by the sector, be guaranteed a position on the Heritage Council. Its preference is to retain the current system of Royal Australian Historical Society representation. The History Council of New South Wales believes that history gives context to heritage items and places and is therefore crucial to any heritage assessment process.

The Government has recognised this through the recent introduction of thematic-based listings for State heritage items. The History Council of New South Wales questions how it will possibly assess heritage significance against the new thematic listings criteria without the input of an historian. It is calling for an amendment to the bill to include the guarantee of an historian representative on the council. Furthermore, the council has expressed concern at the emphasis in the bill on considering "economic use" and "undue financial hardship to owners" in the heritage assessment process. The History Council of New South Wales feels that these considerations should be reserved for the domain of planning, not heritage assessment. I urge the Minister to take on board the concerns of the Royal Australian Historical Society, the Australian Rail Monument and Rail Journeys Museum, the Heritage Council and the History Council of New South Wales in regard to this legislation. Those organisations play a critical role in protecting the State's heritage. In this debate that must be the key goal—protecting our past that we hold in trust for future generations.

Mr NINOS KHOSHABA (Smithfield) [5.14 p.m.]: I am pleased to speak in support of the Heritage Amendment Bill 2009. The bill implements many of the recommendations of the independent expert panel appointed to review the Heritage Act and it is consistent with recent reforms to the New South Wales planning system. The bill will ensure that the concerns of owners of items of local heritage significance are better considered and that there is greater rigour in the heritage listing processes carried out by local councils across New South Wales. Local councils are responsible for identifying and managing the bulk of the State's heritage through the planning system. This is in line with accepted policy that the Commonwealth is responsible for the heritage of items of world and national significance, the New South Wales Government is responsible for the management of items of State heritage significance, and councils manage locally significant matters.

To outline the magnitude of these respective responsibilities, there are five World Heritage places protected under legislation in New South Wales, 20 national heritage places, 1,500 State heritage places and

25,000 local heritage places. The number of items of local heritage significance that are listed in local environmental plans is significant, with an average of 164 items per local government area. It is therefore important that we get the local heritage listing process right. The Government recognises the importance of properly identifying and managing local heritage items. Through the Department of Planning, the Government provides support in the form of funding for local council heritage advisors and local heritage studies. Training for local heritage advisors is also provided. A critical issue identified by the independent expert panel's review of the Act with respect to local heritage listings was the need to involve the owners of properties proposed for listing sufficiently and as early in the process as possible. Owners need to understand the reasons supporting proposals to list their properties in local environmental plans as items of local heritage significance and the implications of such listings.

Most importantly, an owner should have the right to express their views to the local council and have those views taken into account when a council is considering whether to list their property. The independent panel recommended that consultation measures commence earlier in the listing process, during the preparation of the heritage study—which is used as the basis for determining the local heritage significance of a property—as well as later in the process, following exhibition of the draft local environmental plan. The Government proposes to introduce guidelines for procedures undertaken at the heritage study stage to guide the decision as to whether an item should be listed in a draft local environmental plan. The panel also recommended that any objection to a proposed listing should be referred to an independent body for assessment.

One option proposed by the panel was the referral of an owner objection by the local council to an independent hearing and assessment panel for review. The bill clarifies that a council that has proposed the listing of an item in its local environmental plan can refer an objection or any matter relating to that objection to the proposed listing to such a panel. This will enable greater consideration to be given to the concerns of owners of items that are proposed to be listed. The panel can independently review the owner's concerns. This will result in a more comprehensive assessment of the proposed local heritage listing. Following its review, the panel will then make its recommendations to the local council. The council can then decide whether to include the property as a local heritage item in its local environmental plan. The Environmental Planning and Assessment Act 1979 already enables a council to refer a planning matter to an independent hearing and assessment panel for assessment.

I do not believe that the involvement of these panels will hinder heritage listings at the local level. In fact, I believe that the panel assessment process will actually enhance the listing process by providing councils with independent expert advice. The reforms to the local heritage listing processes will not stop here. The Government is reviewing the recommendations of the independent expert panel to determine what further actions can be implemented by way of guidelines. The independent listing review measure outlined in the bill, as well as the further measures being actively considered by the Department of Planning, will strike an appropriate balance between the private property rights of owners and achieving conservation outcomes for the broader community. They will assist in achieving public confidence in the heritage listing process by local government.

The bill also proposes important reforms to heritage approvals processes in New South Wales that will streamline approvals and ensure the conservation of the State's heritage. One of the effects of a State Heritage Register listing is that the Heritage Council's approval is needed for certain types of development such as the demolition of a building or work listed on the register, altering a building work relic or moveable object listed on the register and carrying out any development in relation to the land on which a building work or relic listed on the register is situated. Many heritage items are listed on both the State Heritage Register and in local environment plans.

When an item is listed on the State Heritage Register a developer may be required to obtain an approval from the Heritage Council under the Heritage Act and a development consent from the local council under the Environmental Planning and Assessment Act 1979 in order to carry out development in relation to the item. The Rees Government is committed to cutting red tape to encourage development that is needed by the New South Wales economy. There have been instances where local councils have refused development applications on heritage grounds in circumstances where the Heritage Council has already given approval to the same development following a detailed consideration of those same heritage issues. This situation is not desirable because it adds uncertainty and cost to the development approvals process.

The bill prevents a local council from refusing a development application on heritage grounds if an approval of the Heritage Council under the Heritage Act has been given in respect of the same development.

These provisions will ensure greater consistency between a development consent granted under the Environmental Planning and Assessment Act 1979 and an approval under the Heritage Act. Heritage issues in the planning process will also be integrated more effectively. This approvals streamlining can be carried out while still ensuring heritage issues are considered adequately and the community and councils are involved adequately.

The heritage assessment expertise of the Heritage Council is acknowledged by the community. The Heritage Council development assessment processes are also rigorous. In determining an application for approval, the Heritage Council must take into consideration the extent to which an application for approval will affect the significance of the heritage item, any representations made, for example, by the owner, the community or community groups, any matters relating to the conservation of the item and any other relevant matters. Significant development proposals must be advertised by the Heritage Council for community comment. This ensures that there is a high level of community consultation involved in the Heritage Council's assessment of development. I note that this approvals streamlining measure was recommended by the independent expert panel's review into the Heritage Act. I commend the bill to the House.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [5.19 p.m.]: I have to hand it to the member for Smithfield, who, unlike his predecessor, could not get up in this place and refer to the real substance of the Heritage Amendment Bill 2009, which is in the last two pages. This is a Trojan horse of a bill. It is apparently about heritage, but in reality it is about centralising more power in the hands of the State's Minister for Planning despite Independent Commission Against Corruption reports about the corruption risks involved and despite a donations-for-decisions culture in this State that stinks from Macquarie Street down to Wollongong.

I am happy to talk heritage. I will not talk heritage at length this afternoon but I simply rest the Opposition's case in opposing this legislation with the words of Clive Lucas, a respected architect and heritage consultant, who says the bill ought to be opposed because it further shifts power from the Heritage Council to the planning Minister. Planning Ministers—the current one and her predecessors—have shown scant regard for heritage across the State. If this were a fair dinkum heritage policy change, like the policy proposed by the Liberal-Nationals, it would start with separating heritage from planning. It would seek, as we will in government, to appoint a separate Minister for Heritage to avoid the conflict of interest that currently exists—a conflict of interest that is seen on a daily basis whether at Riverstone, with the Butchers Row terraces that are being sacrificed on the altar of development, or in other places, including the electorate I represent.

If we were serious about heritage reform in this State we would give heritage a separate voice at the Cabinet table. We would relocate the Heritage Office from the Department of Planning, and reverse Labor's changes. We would ensure that the number of appointees to the Heritage Council was no more than nine, which would ensure that we reduce the power of the Minister to exercise influence on that body. We would abolish ministerial review panels to ensure that only the Heritage Council made recommendations to the Minister for Heritage on proposed additions to the State Heritage Register. We would introduce timelines for the heritage assessment process, including the production of recommendations from the Heritage Council and decisions by the Minister for Heritage.

We would require the Minister for Heritage to publish reasons for his or her decisions about Heritage Council recommendations. We would ensure that the Minister for Heritage makes public any recommendation from his or her department as to the heritage conservation priority of any item that may be subject to development proposals, and we would require the Minister for Planning to make public the reasons for his or her determinations on planning approvals involving items subject to heritage conservation orders. We would smash the silo that Labor has built. We would shine light into areas where there is now darkness. That was epitomised by the first words of the member for Smithfield, who said that this bill implements "some" of the recommendations of the independent committee. What is the point of having independent inquiries to do this sort of work if you are then going to cherry pick and choose only those recommendations that further your cause of centralising power in the hands of the planning Minister?

I referred to this bill as being a Trojan horse because the last two pages of the bill contain what the Minister for Planning desperately wants to get her hands on—additional powers to further the capacity of the Labor Party to take planning control from one end of the State to the other and to deny communities and local councils the right to make local planning decisions. Buried in the last two pages of the bill, in schedule 2, are powers that ensure that the Minister can not only appoint planning panels—as she has in Wagga Wagga, in Burwood and in Ku-ring-gai—but also make sure that those panels have control of determining not just part or all of a local environmental plan but the development control plan and the contributions plan.

For the member for Davidson and I, what is extraordinary about that in relation to the Ku-ring-gai local government area is that the defence used by the panel in the face of community concerns about the unacceptable development proposals being put forward is that it is okay because council has the capacity, through the development control process, to determine how it will work. Here is proof positive that that is only because the Minister did not have the power to determine it herself. The very safeguard that the Ku-ring-gai planning panel is holding out forlornly to residents as hope for better planning in Ku-ring-gai is something that this Minister wants to eliminate.

This is a Minister for Planning in a government that wants increasingly to take over local planning powers. It wants to have planning panels determine either part or all of local environmental plans, it wants planning panels to then determine the finetuning or the final shape of those local environmental plans, and it wants the planning panels to have the capacity to set the contribution plans. It means that you could have mass-density development. It means that that massive development could be imposed on neighbourhoods in a way that is completely at odds with what local residents and their councils want, and it means that those local communities could be denied the developer contributions to secure the important infrastructure that is meant to make the developments acceptable and provide the work. There is no greater demonstration that Kristina Keneally is no different from Frank Sartor, no different from Andrew Refshauge—

Ms Kristina Keneally: You said I was Frank in a frock.

Mr BARRY O'FARRELL: Absolutely, you said it just then. And she is no different from Craig Knowles. There has been an inexorable growth in ministerial power to the detriment of local communities, and we on this side of politics oppose it. We on this side of politics trust people. We on this side of politics believe that communities can be trusted to make decisions. I was at a planning meeting the other night with the member for Davidson, and person after person got up to speak. They did not say "No, not ever". First, they said, "Honour your agreement of 10,000 dwellings over 25 years—although we know that these proposals on top of others will deliver more than that". Secondly, they said, "We can help you deliver this development in a way that is more acceptable to our community." The powers proposed in the bill would deny the community any capacity to do that.

I am sure that the member for Davidson will recount the extraordinary revelations the other night about flawed process and failure to recognise the genuine heritage worth of buildings. My favourite example is the Prell home in Roseville Avenue, which has been classified as heritage because of its double-hip roof. It is regarded as having heritage significance because it has a double-hip roof. The problem is that the double-hip roof was built in the past 10 years. That is the sort of rigour this Government brings to heritage identification in this State. Yet it is the sort of rigour that local communities are allegedly meant to accept.

Ms Kristina Keneally: Didn't the council do that?

Mr BARRY O'FARRELL: No, this is the work of your planning panel. The other night when this issue was raised with it—as well as the case of the house next door, which is acknowledged as having heritage significance because of its Federation character but whose owner says he made the Federation features himself from fibreglass—the panel refused to acknowledge that it got it wrong. It refused to give any indication to the local community that it would rescind those pronouncements. Communities across the State better get used to it because it is coming to a neighbourhood near you! This Minister for Planning has increased her planning power and decreased control by local communities, and it is delivering worse outcomes. The Minister and her advisers do not have to live with those outcomes, but communities will have to live with them for the next generation and the generation after that.

Those of us on this side of politics understand fundamentally what the Government does not: our planning system is in need of reform. We will deliver those reforms to the planning system but we will include the people of this State, and along the way we will ensure that there is adequate advocacy and protection for heritage issues in New South Wales. We value heritage. It has to be recognised. It is not inimical to the growth of the State and it is not inimical to the economic development of the State. Those of us on this side of politics will put in place a heritage and planning system that not only furthers the development of New South Wales and delivers better outcomes for the people of New South Wales but involves the people of New South Wales in preparing and delivering those outcomes.

Ms LYLEA McMAHON (Shellharbour—Parliamentary Secretary) [5.28 p.m.]: I am pleased to speak in support of the Heritage Amendment Bill 2009, particularly after listening to the contribution of the Leader of

the Opposition. This bill will change the definition of a heritage relic from something that is 50 years old to look at its innate heritage value. Under current legislation the views of the Leader of the Opposition could have some heritage value, but under this legislation they would not because they clearly have no innate value. This bill makes important amendments to ensure the conservation and management of the State's heritage and also to ensure that the Rees Government's wider reforms to the planning system are implemented. These reforms will ensure costs and red tape are cut for business and the community whilst also achieving balanced heritage conservation outcomes.

As the Minister outlined in her agreement in principle speech, the bill also includes several amendments to the Environmental Planning and Assessment Act about which the Government has been extremely up-front. However, the spirit of the bill is about improving the conservation and management of the State's heritage, and the inclusion of these amendments does not in any way detract from that. I urge members to be mindful of this in their consideration of the bill. These amendments are simply designed to improve certainty and transparency in the planning legislation.

The bill will amend the Environmental Planning and Assessment Act to enable the Minister to give powers to a planning assessment panel to prepare, make and approve a development control plan and prepare and approve a contributions plan. This amendment has arisen out of practical experience with planning assessment panels in the Burwood, Ku-ring-gai and Wagga Wagga local government areas. Currently the Minister has the power under section 118 of the Environmental Planning and Assessment Act to appoint planning assessment panels to undertake council functions in preparing local environmental plans in certain circumstances.

Importantly, all members should be aware that the Minister can also already appoint a planning administrator to make a development control plan or contributions plan instead of council under section 118 of the Environmental Planning and Assessment Act. This means that if panels are to carry out all the work they need to do to ensure the proper planning for an area, which requires the preparation of a local environmental plan, a development control plan and a contributions plan, they need to be appointed both as the panel and as planning administrators. This is an anomaly in the legislation and the need for these two separate appointments confuses councils and their communities. At the request of Burwood Council the Government has had to make two separate appointments to do what is really one job.

The amendments in this bill will simply mean that the Minister will be able to appoint a panel to prepare the local environmental plan, prepare, make and approve the development control plan, and prepare and approve the contributions plan at the same time by way of one order, as opposed to having to make separate orders for the appointment of a panel and a planning administrator, as is the case now. As I have said, the amendments simply correct an anomaly that exists in the current legislation. The amendments will make the process clearer for councils and more up-front for the community. Nothing in this bill affects the clear obligation already on the Minister under the Environmental Planning and Assessment Act to give councils a proper opportunity to present their case for why a panel should or should not be appointed.

I turn now to the provisions in the bill concerning the joint regional planning panels. The introduction of joint regional planning panels forms part of the planning reforms introduced last year by the Environmental Planning and Assessment Amendment Act 2008. The regional panels were modelled on the successful Central Sydney Planning Committee, where a combination of technical experts and local councillors determined development applications for major development. The joint regional panels are scheduled to commence on 1 July 2009. The Government is aware that many stakeholders are keen for the regional panels to commence. However, stakeholders want clearly defined roles and responsibilities for councils, council staff and the regional panels.

ACTING-SPEAKER (Mr Matthew Morris): Order! Members will cease interjecting.

Ms LYLEA McMAHON: The Department of Planning will work with councils in implementing the operation of the regional panels to make sure there is no confusion. The proposed amendments in the bill will enable the Government to provide a comprehensive statement of the various roles, rights and responsibilities of everybody involved in the one place. The proposed amendments will clarify the role of regional panels in determining development applications for regionally significant development. In this context, the bill includes technical amendments that will provide extra clarity as to the respective roles of councils and council staff in processing development applications as distinct from the regional panel's role in determining such applications and imposing conditions of consent.

The provisions are generally consistent with provisions under the City of Sydney Act applying to the Central Sydney Planning Committee and similar provisions under the Environmental Planning and Assessment Act that already apply to regional panels exercising other council functions. The provisions are designed to assist local councils and their staff in performing functions relating to regional panels, such as the preparation of assessment reports. The alternative would be to have these amendments in numerous places throughout the regulations, State policies, ministerial directions and delegations, which is clearly not satisfactory. These amendments continue the implementation of the Government's planning reforms. They are about improving certainty and transparency in the planning legislation. I commend the bill to the House.

Mr ROB STOKES (Pittwater) [5.35 p.m.]: I speak on the Heritage Amendment Bill 2009. Our heritage consists of the things we choose to keep; the things we want others to inherit. Protecting our State's heritage is all about remembering what is important in our surroundings and preserving these things for future generations to enjoy. We know that people in this State care about the preservation of their cultural and natural heritage. A recent AC Nielsen poll found that 92 per cent of New South Wales residents surveyed considered it important to protect heritage. Even though they may never visit a site, more than three-quarters of those surveyed agreed with the statement, "My life is richer for having the opportunity to visit or see heritage."

We need to reform our heritage system to effectively and efficiently identify, protect and manage those parts of our story that are too precious to lose. Yet more than 58 per cent of the respondents to the poll felt that not enough was being done to protect heritage items. This is important in our current difficult economic situation because more than 50 per cent of people also considered that looking after our heritage was important in creating jobs and boosting the economy. Over the past few decades, threats to heritage have been linked to patterns of development. In the 1960s and 1970s built heritage was threatened by the redevelopment of the Sydney central business district and inner-city freeway developments.

In the 1980s and 1990s built heritage in the middle-ring suburbs of Sydney, Wollongong and Newcastle was threatened by the implementation of urban consolidation policy. Since the later 1990s the sea change to intensive development of coastal areas has brought a new wave of threats to built heritage and natural heritage along our coastline. Tragically, the response of the Labor Government has failed to ensure that our coastal heritage has been adequately protected. Ribbon development along our coastline has minimised the heritage curtilage of coastal settlements such as Sandon Point, The Entrance, North Angels Beach and many more.

Pressure for intensive redevelopment of coastal property has also seen the loss of important heritage buildings such as Regentville, also known as Strone House, at Mount Ousley, Sheoaks at Bayview in my electorate of Pittwater, Kirkwood House at Newcastle, and Wollongong School of Arts. Unique coastal heritage precincts such as Manly Quarantine Station and the historic maritime precinct at North Head, Catherine Hill Bay heritage conservation area and Bantry Bay munitions depot in Middle Harbour have each been damaged or threatened. Aboriginal relics have not been adequately protected and natural heritage has been placed at risk.

Time lines for considering items for inclusion on the State Heritage Register are too long, generating uncertainty for property owners and the community. For example, Currawong workers camp in Pittwater was first recommended to be considered for inclusion on the State Heritage Register in 1999. I acknowledge the efforts of the Minister in listing that site on the State Heritage Register after a long campaign, but it should have been there in the first place. The matter was formally referred to the Heritage Council in August 2007 and a recommendation was issued in October 2007. However, a ministerial review panel appointed in December of that year only provided recommendations on the Heritage Council's recommendations in April 2009. That involved 10 years of red tape, 10 years of delay and 10 years of uncertainty for the community and the property owners.

The New South Wales Heritage Act needs to provide for more binding time frames for the consideration of items before the Heritage Council. Labor has failed to give local communities the power to protect local heritage. The categories of State and local heritage determined by the Council of Australian Governments were not intended to be hierarchical in nature, with one being considered more important than the other. However, a review of submissions to the recent Productivity Commission inquiry into the System of Heritage Management in Australia found that the nationally agreed approach to heritage is hampered by insufficient financial resources and skills at the local level, with local government lacking the capacity to properly identify, assess and manage local heritage. This is significant because the vast majority of heritage items are items of local heritage significance, with more than 20,000 local heritage items listed in local environmental plans as compared to 1,500 on the State Heritage Register.

Submissions to the 2005 Productivity Commission's heritage report highlighted the fact that local councils are burdened by a large portion of heritage responsibility without the capacity to deal effectively with it. While heritage surveys have been conducted in some areas, in many they have not. Listing on local environmental plans is often a reactive procedure accompanied with consideration of a development application. Inconsistent regulatory approaches by local government are not only costly and confusing for councils, but they generate resentment among local residents seeking to preserve the character of their neighbourhoods and landowners seeking to redevelop their properties. Inconsistent approaches to identifying, assessing and managing local heritage erodes public confidence in local institutions and decision-making processes, rendering the process vulnerable to influence by special interests and expensive litigation.

All the while, local heritage resources disappear because of neglect, despite being identified as local heritage items on local environmental plans. From Goulburn to Mount Druitt, Campbelltown and Sydney's northern beaches, such demolition by neglect is symbolic of State Labor's failure to manage and protect our heritage resources. By downgrading the Heritage Office, confusing the role of heritage in the planning system, and ignoring the needs of local heritage, the Government is failing to secure our heritage. Now the Government is proposing that, under new section 38 (1), the planning Minister should have new powers to "de-list" a heritage item where the Minister decides heritage protection renders an item "uneconomic" or causes hardship to an owner, such as a mortgagee in possession. The Government may be concerned about the suffering of our banks, but this is simply not a heritage consideration and should not be part of heritage assessment. At present, the Minister can do whatever she wants with the recommendation of the Heritage Council, but putting more rules into the Heritage Act about issues which have nothing to do with heritage simply makes the Act more complex, potentially weakens heritage protection, and opens the door to litigation.

The bill makes the Act longer and more process focused, but it does not do anything to protect heritage more than it is already protected at present. I note that these concerns have been pointed out by the Professional Historians Association. I acknowledge the association's amazing work in fighting for our heritage. In particular, I acknowledge Virginia Macleod, Sue McClean and Pauline Curby. The amendments will further merge heritage concerns into the development process. This is a bad path to go down; indeed, the idea cannot work. Heritage is about protecting our past and handing it on to future generations. Development is about replacing an existing item with something new. Trying to assess heritage at the same time and through the same process as assessing development is a bit like mixing water with oil—it does not work, and it leaves a mess.

The underlying conflict of interest between planning and heritage has been exacerbated with the insertion of part 3A into the Environmental Planning and Assessment Act 1979 in 2006, which was obviously not envisaged by the drafters of the Heritage Act in 1977. Part 3A has dramatically increased the number of development proposals to be personally assessed by the Minister for Planning, increasing the likelihood that the Minister will be required to assess a development application in relation to an item being considered for State heritage listing. Such situations undermine the integrity of the planning process and the heritage listing system by creating a perception of a conflict of interest between the Minister's two roles. Ironically, the bill symbolises the unhappy marriage between heritage and development in New South Wales. Although the bill is titled the "Heritage Amendment Bill", as other speakers have already alluded to, the last two pages of it have nothing to do with heritage but are focused on changes to the planning Act.

To avoid such conflicts of interest, the role of the Minister for Planning should be separated from the role of the Minister responsible for administering the Heritage Act. The Queensland Government has recently moved to appoint the Chief Executive of the Environmental Protection Agency as the recommending body on matters of State heritage and the Queensland Heritage Council as the determining authority on matters of State heritage. Similar delegations in New South Wales may help to counter perceptions that decisions on State heritage listing are tainted by political considerations and conflicts of interest on the part of the planning Minister.

Victoria is the only other State in Australia to have its heritage functions administered by a Department of Planning—and even that State moved last year to strengthen heritage protection in its legislation. Heritage is administered in Queensland by the Environmental Protection Agency; in Tasmania by the Department of Environment, Parks, Heritage and the Arts; in South Australia by the Department of Environment and Heritage; in the Northern Territory by the Department of Natural Resources, Environment and the Arts; and in Western Australia by the Department of Environment and Conservation. The Australian Government administers heritage issues through the Department of the Environment, Water, Heritage and the Arts.

In New Zealand heritage is handled by the Ministry for Culture and Heritage; in the United Kingdom heritage is sponsored by the Department of Culture, Media and Sport; in Canada there exists a Department of

Canadian Heritage; while in South Africa heritage is managed by the South African Heritage Resource Agency. There is a clear theme here: heritage is considered important enough either to qualify for its own ministry or to be merged with environmental concerns. This makes sense. Environmental conservation and cultural conservation are deeply connected and integrated. Conservationists deliberate upon the same sorts of questions with similar outcomes in mind. The bill is therefore a lost opportunity for genuine reform.

In 1974 the Committee of Inquiry into the National Estate observed that Australians enjoy real national pride in our heritage, and that such pride "should be a strong factor in considering the real value of any item now and in the future". Yet, while the Heritage Act provides many opportunities for the community to make comment on proposals for heritage listing, or even to take legal action to prevent damage to an item on the State Heritage Register, the public has no legal right to nominate items for heritage listing. Other States recognise the role of the community in legislation, and New South Wales should too. It is, after all, their system, and their heritage, and they should have the right to nominate. Any member of the public can nominate a site for English heritage listing, for example, and can do so online. Similarly, all other Australian States legislate that any person can make a nomination to the Heritage Council. New South Wales should do the same.

Other jurisdictions are considering further reforms that engage with this issue in a meaningful way—not just a bit of papering over, which this legislation is. For example, the British Government, through the Heritage Protection Bill 2008, is considering a range of novel ideas. They include a system of purchase notices issuable by the owner of a registered heritage structure to the relevant council requiring the council to purchase the structure; the creation and maintenance of historic environment records to be a statutory duty for local planning authorities in England and Wales; and for the historic environment records to contain details of assets considered by local planning authorities to be of special local interest.

New South Wales is a beautiful State. From wide expanses of untouched bushland to sweeping beaches and headlands, to remnants of civilisations tens of thousands of years old, to relics from the settlement and development of one of the world's most successful liberal democratic States, we are endowed with a rich heritage. As Matthew Baird recently stated in the *Local Government Law Journal*, "Heritage has an intrinsic value that must be recognised and protected." Despite this, and because of it, the inheritance of future generations is under threat from short-term interests and pressures. Our heritage system needs to be independent of these short-term motives—one with the perspective of generations, one capable of fostering and nurturing this ongoing public debate about who we are and how we came to be this way.

Unfortunately, the current system does not fulfil these aspirations. Some good reforms in the mid to late 1990s have been completely undone, with the once-independent Heritage Office now languishing as a branch of the Department of Planning. Heritage interests are now sidelined to facilitate development at any cost under part 3A of the planning laws, and local government remains powerless to protect and manage local heritage items. More than 30 years after the introduction of the Heritage Act, there is no effective integration of natural and built heritage, so that the State's approach to heritage management is confused between agencies, leading to duplication and delay.

At the same time, we live in an era of "creative destruction", to use Rupert Murdoch's phrase, where fast cultural, social, economic and technological change is threatening established built and natural environments, and social and cultural conventions. To confront these challenges, we need a clear and simple heritage process to identify the things that are worth keeping, and to ensure that these items can be efficiently managed and effectively protected. The Heritage Amendment Act 2008 is timid, reactionary and flaccid. We need genuine reform in New South Wales—reform from and for the people, reform that preserves and enhances our story and our heritage, not more tinkering that addresses the concerns of certain developer lobby groups. We need a new approach, not more of the same.

Mr DAVID HARRIS (Wyang) [5.49 p.m.]: I am pleased to speak to the Heritage Amendment Bill 2009, and particularly to the membership of the Heritage Council and how stop-work orders will operate. The bill makes important amendments to the constitution and membership of the Heritage Council aimed at ensuring the council has an appropriate and balanced representation of skills, perspectives and experience, and is able to meet future challenges. The Heritage Council has changed considerably since its establishment in 1977. I support the change in the constitution of the Heritage Council from one that includes organisational representatives to one that is based on the appointment of members on the basis of their skills, knowledge and qualifications. I agree also with the proposed reduction in the size of the Heritage Council to make it more workable in line with contemporary government boards and similar bodies in other States and territories. The

reduction in the size of the Heritage Council was one option put to the Government by the independent review panel. Both amendments can be made without reducing the expertise available to the Heritage Council and without reducing community input into the Heritage Council's decision-making processes.

I acknowledge the contribution made to the Heritage Council by the member organisations since its inception in 1978—that is, the National Trust of Australia (New South Wales), the Royal Australian Historical Society, the Royal Australian Institute of Architects, Planning Institute Australia and Unions New South Wales. In particular, I acknowledge the founding role of Unions New South Wales and the union movement in heritage conservation in New South Wales. The Green Bans movement led by Jack Munday saved much of historic Sydney for future generations. I am pleased to note that a New South Wales representative of the National Trust of Australia, the community's peak advocacy body for heritage, will continue as a member of the Heritage Council. However, it is time to modernise the Heritage Council in line with the skills-based membership as proposed in the bill.

The recommended skill set for the new Heritage Council membership addresses the future range of heritage issues likely to be encountered as well as the interests of owners and industry. I note that many of the membership skills in the bill reflect those brought to the table by the current organisations. The new membership arrangements will not exclude members from those organisations. All organisations currently represented on the Heritage Council can nominate individuals for membership in line with the skill sets. Organisations currently represented on the Heritage Council will not be excluded from future Heritage Council business. Consultation with those organisations by the Heritage Council will continue as part of its day-to-day activities where relevant.

The planned membership changes in no way affect community consultation obligations under the Heritage Act. Owners, industry bodies, local councils, State agencies and the broader community will continue to be consulted regarding listing proposals and proposed developments affecting State Heritage Register items. With any membership change to an important advisory board such as the Heritage Council it is important to have continuity of membership. The bill retains all existing skills-based members as well as three statutory representatives and will allow organisation-based members to reapply under the skills criteria. The bill also proposes powers for the making of a stop-work order to urgently prevent damage to important heritage places, items listed on the State Heritage Register or items subject to interim heritage orders.

Items listed on the State Heritage Register are recognised to be very important to the people of New South Wales. Many of these items, such as colonial homesteads or Italianate terraces, include delicate external and internal fabric that can be destroyed easily by inappropriate works. The condition and integrity of a building's fabric is usually central to its overall heritage value. Items subject to interim heritage orders can be made of equally important materials and details. Interim heritage orders are made by the Minister to allow time to determine the heritage significance of a place and whether it merits long-term listing on the State Heritage Register. Given the importance of the fabric, the approval of the Heritage Council is required for works to, or development of, these places. While every effort is made by the Heritage Council to work with owners and explain options for conservation and adaptive reuse, on rare occasions unauthorised works occur.

Currently an injunction granted by the court is the only way to stop unauthorised works to these items. This can be a slow and costly process for delivering interim protection. It may be too late to prevent significant damage to an important heritage item of the State. The bill proposes that the chair of the Heritage Council or the Minister will be able to issue a stop-work order if it is considered that an item listed on the State Heritage Register or the subject of an interim heritage order is being or is about to be harmed and where a prior approval of the Heritage Council has not been obtained. The stop-work order is temporary, 40 days in duration, which is sufficient time to enable the Minister or the Heritage Council to commence other action such as seeking a court order if necessary. Given its short duration, there is no right of appeal against the stop-work order. However, these orders will be used rarely—typically in cases where negotiations between the owner, the Heritage Council and the Department of Planning cannot resolve matters.

Another safeguard is that neither the Minister nor the chair of the Heritage Council will be able to make more than one stop-work order in relation to the same work. This will prevent multiple stop-work orders being made without end and without the ability of an owner to appeal. It will be the Government's preference in cases of illegal works that attempts be made by the Heritage Council and the Department of Planning to reach resolution by negotiation in the first instance before the stop-work order is contemplated—unless, of course, serious damage is about to be, or is in the process of being, carried out. The orders will have limited application. As I have said, they will apply to items already listed on the State Heritage Register—some 1,500 items in the

State—or places subject to interim heritage orders. These orders are needed as rare cases arise where rapid preventive action is required to preserve the State's most important heritage places. I certainly commend the bill to the House.

Mr RAY WILLIAMS (Hawkesbury) [5.56 p.m.]: In speaking to the Heritage Amendment Bill 2009 I point out that the Hawkesbury area has some of the oldest remaining relic buildings and historically significant artefacts dating back to the very beginning of European settlement in this country. Buildings and homes that are more than 200 years old still adorn several areas of the Hawkesbury region. Hawkesbury residents do not take lightly to amendments to the Heritage Act that may place at risk these important links with our past. Churches that were approved by Governor Macquarie, such as St Matthews Church in Windsor, and that were built by great architects such as Francis Greenway, hold a special place in the hearts of Hawkesbury residents. This month we will celebrate the bicentennial of Ebenezer Church, the oldest church still standing in this country. Next year we will celebrate the bicentenary of the reign of Governor Macquarie, who played such a sensational role in the heritage of the Hawkesbury area.

Spread across the Hawkesbury area are many heritage homes that are just as old and in perfect order, not the least being Rouse House, the home of Richard Rouse, the overseer of the construction of the original Windsor Road, who was gifted with a land grant at Rouse Hill. Governor Bligh's original hunting lodge built on his land known as Copenhagen stands in perfect order no more than 500 metres from my home. My family's home known as Allen House on Old Northern Road at Round Corner is a wonderful testament to the heritage homes in the area. This home was built originally in Castle Hill on a land grant to my family in 1814. It was constructed from sandstone on the property by my great-grandfather Ambrose Allen and then moved stone by stone in horse and cart to its current position in the early 1930s by my grandmother's brother Reg.

We must ensure that this precious heritage is never lost. My great fear is that this amendment may place these and many hundreds of other significant buildings across the Hawkesbury region and New South Wales in jeopardy in years to come. The Hawkesbury Historical Society and my good friend Judy Newland, a member of that society, have raised serious issues about this amendment to the Heritage Act. They believe the changes proposed will have an adverse effect on our already fragile heritage. It is noted also that for the first time there will be no requirement for a historian to be a member of the Heritage Council. In the past the Royal Australian Historical Society has nominated a panel of three historians of which the Minister has appointed one to the Heritage Council. At the end of 2007 when the Heritage Council was reformed the expert panel reporting to the Government recommended that experts from six defined categories, including history, should be members.

The current amendment provides for six members with qualifications, knowledge and skills in any of 15 stipulated areas to be appointed by the Minister, but only one of the 15 areas stipulates New South Wales or Australian history. It appears that no provision is made for any suitable historian to be nominated for appointment. How can this amendment have any credibility when it pays nothing but lip service to the real experts being appointed to panels assessing heritage? We should acknowledge the vast foundational heritage of New South Wales. There should be, specifically, a historian of New South Wales on the council, and there should be an amendment that appointed members should have knowledge of "New South Wales including Australian history". A member appointed only with knowledge of Australian history, and lacking area-specific knowledge about the State of New South Wales, would be charged with making informed decisions on the heritage items I have just mentioned.

Another point of concern is the change in definition of archaeological relics under the Heritage Act. Under this new definition relics would be linked to having local or State heritage significance. At the present time, government bodies may not be able to identify where relics are likely to be found in New South Wales to determine whether they are of local or State significance. This change means that the Heritage Act may not necessarily protect items that are not already identified and therefore no further investigation will be undertaken into their significance. Currently under the Act a blanket protection exists for any deposit, object or material evidence relating to the settlement of New South Wales, being more than 50 years of age and not including Aboriginal settlement. Within this system a relic, so defined, may not be harmed or moved before having its significance assessed. This amendment will remove that protection.

In the area of local government, which is referred to in new section 8 (3) (h), the local community, consisting of historical societies, historians and archaeologists, assisted by a wealth of local knowledge, could indicate where objects and evidence of occupation may be found. Their expertise should be sought as a source

of information for future planning strategies. If a developer was interested in a site, a system could be put in place to determine what areas needed protection prior to that development. The proposed legislation will not strengthen and protect our national heritage. In fact, it can be argued that these amendments will place our heritage at risk in the future. We have a duty of care to make informed judgements on heritage, and that can happen only if qualified historians are appointed to the council. Otherwise there is a real danger of our heritage being inadvertently destroyed. Once destroyed, our heritage cannot be replaced.

Consideration should have been given to the strengthening of the historical and archaeological components of the Heritage Council of New South Wales. It is of paramount importance to future generations to preserve our heritage for the benefit of all Australians. Mark Dunn, the President of the History Council of New South Wales, supports these views and has advised me that the council has great concerns about the proposed changes to the Act. The History Council believes this amendment will have an adverse impact on heritage in New South Wales. In particular, the council is concerned about the removal of the Royal Australian Historical Society representative on the Heritage Council of New South Wales. The council believes it is imperative that a historian, recognised by the sector, is guaranteed a position on the Heritage Council, and its preference is for retention of the current system.

History gives context to heritage items and historical places and is crucial to any heritage assessment process, and the Government recently recognised this through the introduction of thematic-based listings for State heritage items. It is therefore questionable how the Heritage Council will possibly be able to assess heritage significance against the new thematic-listings criteria without the input of a historian. Furthermore, the History Council is concerned about the emphasis in the bill on considering economic use and undue financial hardship to owners in the heritage assessment process. It is felt these considerations should be reserved for the domain of planning, not heritage assessment.

Another significant heritage item close to the heart of my electorate and to me is the old homes that are still located on the grounds of the Riverstone Meatworks. Benjamin Richards founded the Riverstone Meatworks in 1878 and the road alongside the railway line was named Richards Road in his honour. In the early 1880s Benjamin Richards constructed several homes that were used by managers and meat inspectors at the Riverstone Meatworks. The meatworks provided employment to thousands of local residents of Riverstone for 114 years. The homes that are still located on Richards Road, which is colloquially known as Butchers Row, represent that era and are a reminder of the importance that the meatworks played in the lives of the people of Riverstone—as historical items are supposed to.

Blacktown council has listed these homes as significant heritage homes. That means that local environmental plans and State heritage orders should guarantee that they are never removed, damaged or allowed to fall into disrepair, because they are an important link with our past. My good friend Rosemary Phillis wrote a wonderful book on the history of the Riverstone Meatworks. Rosemary, a resident of Riverstone, is also a member of the local historical society and a passionate supporter of these homes and what they represent to the community of Riverstone. My wonderful friend Heather Smith recently told me that the removal of these homes would tear the very heart out of Riverstone. As someone who grew up in the area and went to school at Riverstone, I fully support Heather's sentiments and the retention of these homes. As Heather said, Riverstone has survived two world wars, many meatworks fires in which many lives were lost, and too many floods to count, but will it survive the current New South Wales State Government, which is tearing out Riverstone's heart by proposing to develop the Riverstone West Business Park in the flood-affected paddocks of the Riverstone Meatworks?

The construction of the business park will require millions of tonnes of fill to be deposited where these old heritage homes are located. Various options have been put forward about retaining the homes. The local council supports their retention, but the question is: What hope will they have when this amendment, with its particular mention of removal of heritage items for economic purposes, is enacted? The Minister for Planning suffers considerable conflict between planning and heritage in her portfolio. That is why the Opposition supports the introduction of a portfolio to separate heritage from planning, as it should be.

The Minister for Planning has already made comments publicly on radio 2GB to Ray Hadley that she believes these old historic homes should not stand in the way of progress and that if there is some "collateral damage", as she puts it, then that is acceptable. That displays the ignorance of the Minister for Planning about any historical and heritage significant items in my area. I find her comments about these significant heritage homes in Riverstone both offensive and an insult to the residents of Riverstone, especially the thousands of

residents who worked for many years at the meatworks. The fact that the member for Riverstone has also publicly supported the demolition of these homes proves he too is out of touch with sentiment and feeling within his community.

Local Councillor Nick Tyrrell, who is a passionate supporter of the retention of these homes, recently held a rally in Riverstone, attended by 300 members of the Riverstone community. The Leader of the Opposition and I also attended the rally to oppose the building of the business park in the old meatworks' paddocks, which are on a floodplain. The business park places in jeopardy the significant heritage homes on Butchers Row. The owners of the land have indicated their strong support for the business park and they have little consideration for these heritage homes. One could be forgiven for thinking that this amendment has been introduced to deal with this issue and this issue alone. A simple argument could be raised that, given the proposed economic use of the land and the possible adverse financial burdens, the owners of these homes face a very bleak future.

One wonders why the Government would consider dumping millions of tonnes of fill into this environmentally sensitive area in order to raise the ground above the 100-year flood level, to a building height of 17.3 metres, in order to build a business park, when there is an abundance of available land in close proximity and significant heritage homes exist on the site? The report on 12 March 2009 by Simon Benson in the *Daily Telegraph* that hundreds of thousands of dollars in political donations have been paid to the Labor Party by the consortium building the business park may hold the answer to that question. If that is the case, then the bill is an absolute sham, the amendment is a sham, and the Minister for Planning is an absolute disgrace and has no consideration whatsoever for the history of Riverstone or any historical aspects of New South Wales.

Debate adjourned on motion by Mr Frank Terenzini and set down as an order of the day for a future day.

ENERGY LEGISLATION AMENDMENT (INFRASTRUCTURE PROTECTION) BILL 2009

Agreement in Principle

Debate resumed from 13 May 2009.

Mr BRAD HAZZARD (Wakehurst) [6.09 p.m.]: The member for Upper Hunter will lead for the Opposition in debate on the Energy Legislation Amendment (Infrastructure Protection) Bill 2009. The continuous provision of energy is critical to the economic wellbeing of New South Wales. It is vital that the supply of gas or electrical energy should not be susceptible to interruption. The bill provides for changes that are designed to ensure the security and reliability of the energy distribution network. As the member for Upper Hunter will state, the Opposition is very keen to see stronger security and reliability of the State's energy supply.

The bill provides for obligations upon network operators, including Country Energy, EnergyAustralia and Integral Energy, to become part of a system in which they will have certain membership responsibilities and obligations. The Dial Before You Dig system will ensure that network operators provide very important information on the location of cables and gas pipes to assist excavation workers to safely carry out their duties. It does not matter what development takes place or where it takes place, it is critical for everyone to be able to find out where energy supply pipelines are located. This legislation provides for a Dial Before You Dig service in the hope that, by people knowing the location of energy infrastructure installations, damage to the energy distribution system will be avoided.

Mr ROBERT COOMBS (Swansea) [6.11 p.m.]: I support the Energy Legislation Amendment (Infrastructure Protection) Bill 2009 because I believe it will help to safeguard critical New South Wales infrastructure. Infrastructure of all types—roads, bridges, ports, airports and broadband networks—is critical to the success of modern economies. The Government is keenly aware of that, which is why it is rolling out a huge investment over coming years, working with the Commonwealth to secure even more investment in New South Wales infrastructure, reforming the planning system and the energy sector to promote private sector infrastructure investment, and overseeing the biggest upgrade of the electricity network in history. The bill will perfectly complement those initiatives. It seeks to safeguard critical energy infrastructure. By upgrading protection of our energy network, the reliability of electricity and gas supplies, as well as the confidence of the business community, will be significantly improved for all consumers.

This is the first element of the Government's five-point plan, which was announced by my colleague the Minister for Energy on 19 April 2009, to further secure Sydney's power supply. The bill does that in a

number of ways that have been outlined by the Minister, but the aspect of the bill that I draw to the attention of the House is the obligations it places on network providers. The bill places obligations on building contractors, and that is fair and reasonable. As recent occurrences have shown, contractors clearly need more encouragement to behave carefully near network assets. But it is also fair and reasonable that network providers be required to do their bit. Network providers are businesses—in most cases, very large businesses—and it is not unreasonable to require them to maintain high quality databases on the location of their assets as well as an easily accessible system for making that information available to the construction industry.

The industry has established the Dial Before You Dig scheme for that purpose. Dial Before You Dig is an industry-funded information service for professionals, particularly building contractors, who are planning to excavate. It provides information to assist contractors to locate any underground network infrastructure in the vicinity of the proposed excavation. The bill seeks to add to the scheme to ensure it is as effective and efficient as possible. The key change in the bill that ensures effectiveness and efficiency of the Dial Before You Dig scheme is the introduction of two requirements that will be met by network operators. First, the bill requires network operators to become a member of Dial Before You Dig scheme. Second, the bill requires them to comply with their membership responsibilities.

The primary intention of these requirements is to ensure that the information available to Dial Before You Dig about the location of network assets is, first, more comprehensive because it will include all electricity and gas network operators and, second, more accurate and up to date. Alternatively, if the necessary information on a location is unavailable to Dial Before You Dig, network providers will be required to deliver the required information in a timely way. The bill will make the Dial Before You Dig service more comprehensive by requiring all network providers to join the scheme. This means it will cover all of New South Wales and all the network assets in New South Wales. The bill will create an incentive for network providers to ensure that the information held by Dial Before You Dig is accurate and current: Contractors who call Dial Before You Dig and who have followed instructions will be protected from prosecution in the event that they damage any network assets.

In conclusion, I urge members to support the bill because it is important legislation that will minimise disruption to the people and economy of New South Wales and help to protect the value of the billions of dollars in investment that have been made in the past as well as the further investment that is about to be made under the Minister's five-point plan. It is a balanced approach that recognises the need to minimise impacts on the construction industry while at the same time improving the level of protection of energy network assets. It balances these competing needs by placing obligations on contractors to follow industry guidelines and obligations on network providers to make sure that accurate information is available to contractors in a timely way. For the reasons I have stated, I strongly support the bill. I urge my fellow members to do the same.

Mr GEORGE SOURIS (Upper Hunter) [6.18 p.m.]: It is with pleasure that I lead for the Opposition in debate on the Energy Legislation Amendment (Infrastructure Protection) Bill 2009. I thank my friend and colleague the member for Wakehurst who commenced debate on behalf of the Opposition. I state at the outset that the Opposition will not oppose the bill. The legislation was announced by the Government following recent blackouts in Sydney. It is the first part of the Government's five-point plan to improve the security of power supply in New South Wales. The Opposition supports moves to improve the security and reliability of the State's energy supply by reducing the risk of damage to underground powerlines and pipelines from excavation works. But of course the Opposition wonders why that has not been done before. The Opposition does not support the Government constantly shifting blame for its own incompetence in managing the State's energy infrastructure.

In many respects the bill creates new rules and regulations in an area that really requires many million dollars of investment. The way to consider securing the State's electricity future is by investing in its infrastructure. The rules provided by the bill are not a substitute for investment in infrastructure. The Government's blaming the first of the central business district energy network failures on a backhoe operation that took place 10 years ago is indicative of its failure to take any responsibility for its own actions. The Government has ripped \$11.4 billion out of the State's electricity system and has failed to reinvest any of it to ensure that our power supply infrastructure has kept pace with population growth and industry needs. The chickens have now come home to roost. The obsession with dividends has resulted in a shortfall in infrastructure investment. We saw the consequences of that with the recent central business district blackouts, which caused chaos in the city.

After 14 years of neglect, it is time the Rees Government improved our electricity system by substantial investment in infrastructure. Although the Opposition supports the bill, we ask that the Government impose

further requirements. Those requirements are that industry engage in discussion on the merits of using warning tape above all power cables; that it is a condition that civil contractors have a representative on the New South Wales Dial Before You Dig board; and that training on the correct use of Dial Before You Dig is compulsory for all building contractors, excavators and persons required to use this service. As I said, the Opposition will not oppose the bill. However, we ask the Government to consider our suggestions. This bill is not the panacea for the security of our electricity system. The only way we can ensure security is by substantial direct investment in infrastructure.

Mr ALAN ASHTON (East Hills) [6.21 p.m.]: I support the Energy Legislation Amendment (Infrastructure Protection) Bill 2009. Many communities rely on a secure supply of gas as a component of their total energy needs. With this in mind, I am particularly supportive of the bill. It is critical that underground gas pipelines receive the same level of protection as that given to underground electricity cables. The bill proposes amendments to the Gas Supply Act 1996 similar to those proposed to the Electricity Supply Act. Some weeks ago work was required to be undertaken outside my electorate office as a result of electricity supply problems. The appropriate authorities turned up to do the work but could not find the old plans that show the electricity supply to my office.

They had to undertake digging and contacted the Dial Before You Dig service to get the appropriate information. It was not available. The old blueprints probably had been lost umpteen years ago. As a result, the chemist shop and the dry cleaners across the road were out of action for almost two days because of disruptions to their electricity supply. The problem in this case related to the age of the infrastructure. It is acknowledged that some infrastructure is old; however, some is not. But we must have a reliable Dial Before You Dig service, otherwise people may take the view that they can do a small job in a hurry if they do not use the service. That can cause great problems, as we have seen.

The bill will improve the security and reliability of the State's energy supply by reducing the risk of damage to underground gas pipelines from excavation work. Other speakers in this debate will no doubt refer to electricity. The member for Upper Hunter referred to the security of the electricity supply. All we can do is reduce the risk of damage. Members who have served on local councils would know that a great deal of the services infrastructure in New South Wales is underground; sewer pipes, gas pipes, electricity cables and broadband cables are underground. People might say that a cable or pipe was laid in line with that tree or that pole. But things change; boundaries and fences are moved. It is important that we do all we can to mitigate against any interruption to gas pipelines and electricity cables.

The bill imposes new requirements on network operators in New South Wales and on people undertaking excavation work, such as building contractors. These new requirements include, first, requiring network operators to belong to Dial Before You Dig and comply with the membership responsibilities. In the past I have been comforted by the Dial Before You Dig stickers on workmen's utilities and EnergyAustralia vehicles. But they do not mean much if the service is not used. Network operators will be required to provide information on the location and type of underground gas pipelines to assist excavation workers to work safely and without damaging the network. We must keep in mind that this information is not only in relation to maintaining gas and electricity supply. Any hit on a gas pipeline has the potential to cause the loss of many lives, as well as significant damage to property and infrastructure. Second, the bill requires correct procedures to be followed prior to commencing excavation work, including obtaining information from the Dial Before You Dig service about the location and type of underground gas pipeline and complying with the regulations on excavation procedures.

Third, the bill requires all persons to notify network operators in the event of causing damage to their gas networks, with a penalty to apply for knowing non-compliance. This will allow network operators to take remedial action at an early stage and will minimise the costs of repairing any damage and any subsequent disruption of gas supplies to customers. I support the bill, and I urge all members to support it also. I am pleased that the Opposition has indicated it will support the bill, although it has raised some issues. The bill is an important additional step in providing further protection to the State's gas networks. No-one suggests it is the solution to every problem we may face. Energy supply interruptions are inconvenient and costly. These legislative amendments will strengthen our ability to provide secure gas supplies to the communities that rely on them. I commend the bill to the House.

Mr JONATHAN O'DEA (Davidson) [6.26 p.m.]: The Energy Legislation Amendment (Infrastructure Protection) Bill 2009 has the purpose of further strengthening the ability of the Government and, in turn, supply

authorities to protect electricity and gas supply lines. It attempts to put more teeth into protecting services infrastructure. The relevant amendments will be incorporated into the Electricity Supply Act 1995 and the Gas Supply Act 1996. These services, together with water, sewer and telephone, are spread across the State and intertwined with other built infrastructure in our communities. They are not in a defined space and cannot be constantly watched or fenced off. As such, the Government and its authorities need to put in place procedures, regulations and sanctions, such as fines, to reasonably protect this infrastructure.

The care of services at the coalface involves engineers designing projects and the construction methods of foremen and workmen on site. Yesterday I witnessed an example of a foreman and workers acting responsibly with an excavator at Lindfield station, which is in my electorate of Davidson. A small digging machine was gently scraping the bottom of a hole. Two workers were on their knees intently watching the bucket. They detected something hard and proceeded very carefully. A worker yelled out that it was only a tree root and the digger continued in earnest. I will outline some considerations that the Government must bear in mind, in addition to making these laws. These matters are part of the role of Ministers and senior departmental officers in minimising supply disruptions.

Electricity supply authorities must maintain sufficient supply circuits to each area to ensure alternative routes of supply. No area should be supplied by only one circuit, except in extreme circumstances and then only out of business hours. If a circuit is out of use due to external factors, at least two other circuits should be operational. In areas such as the lower Blue Mountains that are prone to lightning strikes, more circuits should be available. In recent years extreme major supply disruptions lasting days, even weeks in some areas, occurred in New York and Auckland. These cities were reliant on too few routes of electricity supply by privately owned companies. I understand a further result of the New York blackout was an increase in hospital births some nine months later.

The Sydney central business district had three power outages, including a major power outage, on three separate days in late March and April this year. The Government has not provided any clear and full explanation for these outages, just talk of failsafe mechanisms and faults in power cables. Do the real reasons involve a lack of sufficient supply routes, lack of maintenance or insufficient protection of cables? Closer to home at Belrose, in my electorate of Davidson, there were 10 power outages from Christmas Eve 2008 and into the first three months of this year. This was unacceptable, especially when the longest outage lasting many hours was due to equipment failure.

The Government must be open and issue reports on electricity and gas supply routes, and identify the weak links in the supply chain. It needs to allocate sufficient funding to upgrade these weak links. Dial Before You Dig is an industry-funded service that assembles and collates information on services locations, and is a single point of contact for designers and construction personnel. This is an appropriate concept but it must be appropriately funded and staffed by technical officers so that it never becomes a token or unreliable service. Collating the huge amount of civil and electrical information statewide that changes every day is an enormous job.

The Government must ensure that the performance of Dial Before You Dig is periodically audited for reliability of information. The price of failure can be far in excess of the cost of a fine. The Government should also monitor supply authorities to ensure that they have suitable education programs to educate builders and contractors about their responsibilities before digging. On some occasions no amount of recorded information will be sufficient and authorities will need to carry out field investigations to determine what is in the ground. Recently a person in my electorate of Davidson recounted an example of such investigations that occurred 10 years ago at a railway site in Lee Street, Railway Square, where there were 150 years of services in the ground, many of which had been discarded. The problem was to determine which services were still in use and which were obsolete. This was no Dial Before You Dig site; it required costly, careful field work. There are numerous similar sites still in Sydney.

The Government, through its oversight of authorities, must ensure that a conservative approach is taken to supply infrastructure and that sufficient funds are available for field identification of existing services. The Government and its authorities need to supply construction contractors with accurate details of services in a locality to prevent an accidental cutting of supplies. Supply authorities should ideally remove discontinued or unused services from the ground so that workers have more respect for services found and take adequate care and protection. The Government also needs to ensure that authorities have procedures and funds in place for the removal of such unused services. Having said that, the Opposition does not oppose this bill.

Mrs JUDY HOPWOOD (Hornsby) [6.32 p.m.]: The purpose of the Energy Legislation Amendment (Infrastructure Protection) Bill 2009 is to amend the Electricity Supply Act 1995 and the Gas Supply Act 1996 to make further provision for the protection of electricity and gas infrastructure. The objects of the bill are:

- (a) to enable network operators to require persons carrying out excavation work near electricity works or gas works to modify or cease the work if the excavation work would cause damage to or interfere with the electricity or gas works, and
- (b) to enable network operators to recover compensation for damage to electricity works and gas works in certain circumstances, and
- (c) to place a condition on licences and authorisations held by network operators that they belong to a designated information provider, and
- (d) to enable regulations to be made in relation to the provision by network operators of information relating to underground electricity power lines and underground gas pipelines, and
- (e) to make it an offence for a person to carry out certain excavation work without first contacting a designated information provider to obtain information as to the location and type of underground electricity power lines or underground gas pipelines in the vicinity of the proposed work, and
- (f) to make it an offence for a person to carry out certain excavation work in contravention of the requirements of the regulations in relation to the carrying out of the excavation work, and
- (g) to make it an offence for a person to fail to notify a network operator after becoming aware that the person's actions have caused damage to the operator's underground electricity power lines or underground gas pipelines, and
- (h) to increase the penalties for the offence of unauthorised interference with electricity works or gas works.

The background to this bill is directly related to the massive blackouts that the central business district has endured in recent months. Obviously, it is too little, too late in relation to the need to improve and maintain infrastructure provision across New South Wales and, indeed, in my electorate of Hornsby, which regularly experiences blackouts. A couple of years ago the Galston and Dural area had the most crippling blackouts and brownouts, with homes, service provision and businesses severely impeded. There was a huge campaign to encourage the Government to ensure that essential expenditure in this area was provided. I am pleased to say that the community spoke out so loudly that the Government allocated \$30 million worth of expenditure in the area and a major substation is being constructed at the moment.

However, the rest of my electorate is still suffering from a lack of infrastructure. I concur with the statement by the member for Upper Hunter that the Government has ripped \$11.5 billion out of the electricity system because of its amazing obsession with dividends—dividends that go into the Government's coffers but not to improve and maintain electricity infrastructure. Recently when I was in Brooklyn I received further reports of regular brownouts and blackouts in the area. Also, over the past few years a number of blackouts have extended from Berowra and all the way to Hornsby. Frankly, I am sick of the excuse that a blackout was caused by dew on some equipment or a branch falling on power lines. I suppose that makes the point that, in terms of Dial Before You Dig, more underground protection must be provided.

Some parts of my electorate are dense with trees; it is a bushland shire and trees do fall across power lines. However, more expenditure is needed to provide residents and businesses alike with the services and electricity supply that they deserve in 2009. The Coalition is supporting this bill but I reiterate the suggestions made by the shadow Minister. The industry should be engaged in discussions about the merits of using warning tape above all power cables, it should be a condition for civil contractors to have a representative on the New South Wales Dial Before You Dig board, and there should be enforced compulsory training for all building contractors and excavators on how to correctly use the Dial Before You Dig system.

Mr ROB STOKES (Pittwater) [6.38 p.m.]: The purpose of the Energy Legislation Amendment (Infrastructure Protection) Bill 2009 is to amend the Electricity Supply Act 1995 and the Gas Supply Act 1996 to make further provision for the protection of electricity and gas infrastructure. Underground cables and pipelines are not often thought about but society relies heavily on them. They are the assets that provide essential services for our hospitals, emergency services, businesses and households. It does not matter whether a person is digging a shallow trench for minor landscaping works or carrying out major excavation for an inner-city construction; serious damage, destruction and injury can occur from a collision with a pipeline or an underground cable.

The reality is that underground cabling can be as shallow as 50 centimetres below the surface. With modernisation and construction taking place across New South Wales, it is imperative that appropriate measures

be taken to ensure that the likelihood of injury and disruption is reduced. In my electorate of Pittwater, the end on the peninsula of one of the trunk routes out of the central business district is particularly vulnerable to disruptions in supply. I grew up in Pittwater and it was not uncommon to have the hurricane lantern come out at night-time, even though we are not all that far from the city.

There has been a range of incidents, damage and near misses throughout my jurisdiction. The member for Davidson also spoke about overseas jurisdictions where there have been explosions in gas mains and high-voltage electricity cables that have come into contact with excavation works. In many cases, workers have been very lucky to escape with their lives and the incidents have caused substantial disruptions to essential services and resulted in huge costs to those responsible. It is therefore essential that this amendment be introduced. We need these changes to ensure that New South Wales underground assets are protected; that workers undertaking excavation work are protected; that accidents and disruptions to services are reduced; that all those involved in any form of excavation, including plumbers, builders, landscapers and homeowners, utilise the services provided by Dial Before You Dig; and that all operators who own New South Wales underground assets provide comprehensive information on their underground networks.

Therefore, I am pleased to note that this legislation will ensure that contacting Dial Before You Dig is a compulsory requirement before any excavation work is carried out; that network operators will have to provide information on the full extent of their underground networks; that network operators are notified of any damage that occurs so that immediate restoration work can take place—and I note that in my community of Pittwater there have been some lengthy delays in restoration work—that network operators are informed of any proposed works, enabling them to prevent potentially damaging excavation work from commencing; and that appropriate penalties are put in place to help ensure that any unauthorised interference with underground infrastructure is prevented.

The bill outlines what are essentially commonsense measures that will provide assurance for homeowners and businesses, that will reduce the likelihood of accidental injury and disruption to essential services, and that will provide more detailed information for those undertaking excavation works. Accidents involving gas pipe disruption can also place a huge burden on emergency services, which are the ones called to fix up the mess. Mr Barney Fenasse, one of the station commanders at Narrabeen fire station in my community of Pittwater, informed me that call-outs to accidents involving gas pipes occur on a regular basis and take up the valuable time and resources of New South Wales Fire Brigades. He believes that this is caused by lazy builders, plumbers and landscapers not taking the time to seek advice before commencing work. He believes that making it mandatory to contact Dial Before You Dig would reduce the demand on emergency services, reduce the dangers posed to lives, and encourage responsible practices.

This is legislation that is well overdue and, if introduced earlier, could have prevented countless numbers of incidents, including both major and minor disruptions that occurred recently in residential streets. A constituent in my community of Pittwater is unfortunately an example of how this legislation would have assisted if introduced earlier. The gentleman resides in Narrabeen and his home sustained substantial damage from a gas explosion caused by contractors accidentally striking a gas pipe outside his property. Fortunately the explosion did not injure him. However, he faced the substantial inconvenience of having his house repaired as well as enduring the lengthy process—which lasted more than three years—of seeking compensation from those responsible. Had legislation been in place requiring the contractor involved to seek information about the location of the underground pipes, this situation could have been avoided. This amendment will help ensure that such damaging accidents are less common and will help to protect workers, businesses, homeowners and network providers against the essential yet highly dangerous infrastructure that exists beneath the surface. Although it is overdue, I support the amendment and this legislation.

Mr PETER DEBNAM (Vaucluse) [6.43 p.m.]: I make a brief contribution to debate on the Energy Legislation Amendment (Infrastructure Protection) Bill 2009. Obviously it is a critical bill and, as Opposition speakers have said previously, we are a little surprised not to have seen these provisions before. I suppose everyone assumed that this type of legislation was in place, when clearly it was not. Energy infrastructure is absolutely critical; it is also very complex. Our entire economy and, indeed, our lifestyle depend upon it. It is very important that it be managed properly and that incentives be in place for people to do the right thing. But it is a mutual obligation to do the right thing: there is not just an obligation on private contractors or the public when they are dealing with the energy network; there is also an obligation on the Government.

Last week in the middle of my electorate we suddenly lost electricity, gas and water supplies. There will be questions asked for some time as to how that happened. The bill contains the words "Dial Before You

Dig", but I believe in the case of infrastructure in New South Wales it is important also to speak about "fix before it collapses". Time and time again in this State over the past decade we have seen not only across the electricity network but also in water and road infrastructure that the Government simply has not put resources into maintaining that infrastructure. I believe it is vital in this debate on the importance of energy infrastructure that we acknowledge also that it is critical that the Government does the right thing in terms of maintaining the system.

In my electorate last week part of Victoria Road in Bellevue Hill disappeared down the hillside. The cause appeared to be a water leak next to the road under the footpath. Surprisingly, after the road disappeared down the hillside more and more people said that they had seen the water bubbling from a water leak for a number of days. Then we heard from Sydney Water that it had visited the site at least once, if not twice, in the three days before the road collapsed. I have asked the Government a number of questions about this incident and I ask it again in relation to that critical infrastructure: What reports were made on the concerns about water bubbling up from the leak? What was done about any such reports? When did Sydney Water visit the site and what did it decide to do about it within the system, because this collapse happened over a number of days?

When we talk about obligations in relation to energy infrastructure it is important to realise that the Government has a critical obligation to carry out maintenance and, once a defect becomes apparent, do something about it very quickly. It was just a matter of luck that no-one was killed in the recent collapse, which occurred about 50 metres from apartments on one side and shops on the other. Thank goodness nobody was killed. But there are many questions to be answered about the incident. I hope in its budget planning over the next two weeks Treasury will provide funding for compensation, which the bill states that private operators are required to offer. I hope that Treasury is considering compensating Woollahra council for the excellent job it has done since Thursday of last week in repairing the damage.

Mr THOMAS GEORGE (Lismore) [6.47 p.m.]: I make a contribution to debate on the Energy Legislation Amendment (Infrastructure Protection) Bill 2009, which amends the Electricity Supply Act 1995 and the Gas Supply Act 1996 to make further provision for the protection of electricity and gas infrastructure. In April the Minister for Energy announced a five-point plan to improve the security of the electricity supply. This followed a massive blackout in the central business district. The first point of the plan was this bill to change the Electricity Supply Act 1995 to provide greater protection to underground electricity cables. The aim of the bill is to improve the security and reliability of the State's energy supply by reducing the risk of damage to underground powerlines and pipelines from excavation works. The bill will make it compulsory for all network operators to belong to Dial Before You Dig. We asked the Minister's office how many companies were not members because I thought nearly every contractor was a member of Dial Before You Dig. The member for Vaucluse referred to the road collapse in Victoria Road, Bellevue Hill, which is typical of what happened in the recent northern New South Wales floods.

Ms Lylea McMahon: What's this got to do with it?

Mr THOMAS GEORGE: The floods damaged powerlines and I am trying to explain to the Parliamentary Secretary through you, Mr Acting-Speaker, what happens in floods. Exactly the same thing happened in Lismore when a section of the road, together with services, was completely washed away in the floods. Again, it was not the fault of the community. Part of the road in the middle of the main thoroughfare to the local council chambers and to Goonellabah village slipped away before our eyes. The newspaper reported that five minutes earlier the Minister for Emergency Services crossed that road and was lucky not to be involved.

Ms Lylea McMahon: Point of order: I ask that the member be drawn back to the leave of the bill.

Mr THOMAS GEORGE: Through you, Mr Acting-Speaker, the Parliamentary Secretary has no practical experience in these matters. I referred to this incident because a power pole went down the chute with the road, resulting in a loss of power. Electricity went in underground cables off the pole—that is what the incident has to do with the bill. Will the Parliamentary Secretary please stop showing her ignorance?

ASSISTANT-SPEAKER (Mr Grant McBride): Order! I will extend a degree of latitude to the member for Lismore.

Mr THOMAS GEORGE: I refer to infrastructure. During the recent floods contractors were called out at 10.00 p.m. to restore electricity. They could not ring Dial Before You Dig at that time of night. What do

operators in country and regional areas do in those circumstances? I have spoken to contractors who were placed in that situation who said that by restoring power they could have affected Telstra lines or other cabling. If they do not know in emergency situations where those things are located it is a problem for them. I place that on record. The Opposition suggests that there is a need to engage the industry about the merits of using warning tape above all power cables. It also suggests that there should be a condition on civil contractors to have a representative on the New South Wales Dial Before You Dig board so that experienced people are able to update the system and respond to contractors' needs. Finally, compulsory training in how to use Dial Before You Dig correctly should be enforced for all building contractors, excavators and persons required to use the system. As the shadow Minister indicated, the Opposition will not oppose the bill.

Ms LYLEA McMAHON (Shellharbour—Parliamentary Secretary) [6.52 p.m.], in reply: I thank members representing the electorates of Upper Hunter, Davidson, Hornsby, Pittwater, Vacluse, Lismore, Swansea and East Hills for their contributions to this debate. For the benefit of the member for Upper Hunter, the industry established Dial Before You Dig, and until recently it has been effective. However, due to careless and rogue operators, incidents of power outages have occurred. The Energy Legislation Amendment (Infrastructure Protection) Bill 2009 reinforces the industry scheme and sends a clear message to contractors who are not prepared to take the necessary steps and preparation to ensure that they do their job properly without damaging State energy assets. An independent national body, the Australian Energy Regulator, approves investment in infrastructure. Recently the New South Wales Government committed \$16.7 billion over five years through that process.

The Government is happy to take on board the Opposition's suggestions for consultation with industry and the use of tape as part of its regulatory process. The member for Davidson referred to the network's reliability. The Government has imposed stringent reliability conditions on network business, requiring 99.98 per cent reliability by 2016, which equates to just 105 minutes on average per year. More than \$1 billion will be invested in meeting the enhanced reliability conditions. Networks are required to publish annual reports on the performance of their networks. EnergyAustralia has undertaken a full investigation into the city outages, and the Government has already committed to making the findings public. I advise the member for Vacluse that the causes of the water-induced collapse in Bellevue Hill are still under investigation.

The Government is committed to improving the security of energy supplies in New South Wales. Recent power interruptions in the Sydney central business district have reinforced the importance of this issue, and the Government's five-point plan is a clear demonstration of its ongoing commitment. The plan put in place measures to strengthen legislation and inject investment to ensure that the integrity of energy networks is preserved. The amending bill is a critical step towards implementing the five-point plan. The bill provides for improved security and reliability of the State's energy supply by reducing the risk of damage to underground powerlines and pipelines from excavation work. The amending bill will preserve the network's integrity by giving network operators the ability to serve notice on people who they suspect may have damaged their assets. Under these provisions, network operators will be able to serve written notices that require proposed work to be modified or stopped, or they may apply for an injunction to prevent excavation work.

In support of this, the bill increases the maximum penalty for the offence of interfering with electricity works from two to five years imprisonment. The maximum fine for individuals will rise from \$11,000 to \$22,000. For corporations, the maximum penalty will be increased from \$220,000 to \$440,000. These penalties send a strong message that interference with the electricity network will be viewed very seriously. Importantly, in support of prevention provisions, the amendments introduce a statutory indemnity for Dial Before You Dig and authorised officers of network operators. The indemnity will ensure that Dial Before You Dig can operate effectively under the legislative amendments without incurring any civil monetary liability for an act or omission in the exercise of its statutory functions.

The amendments extend the statutory limits on civil liability to authorised officers of network operators. Provided those officers are acting in good faith, the personal liability of authorised officers will be removed and will instead lie against the network operator. These indemnities are an important means of ensuring that both the Dial Before You Dig organisation and authorised officers of network operators can perform their statutory roles effectively. Similar indemnities already apply in relation to the exercise of functions under the national electricity law. The statutory indemnity will not apply if the act or omission is done in bad faith or as a result of negligence. The bill amends the Electricity Supply Act to place new requirements on network operators, such as EnergyAustralia, Integral Energy and Country Energy, and people undertaking excavation work, such as building contractors.

The amending bill will require network operators to belong to the Dial Before You Dig scheme. Dial Before You Dig was established to assist anyone planning excavation work to locate underground infrastructure that may be affected by excavation activities. Network operators will be required to comply with the Dial Before You Dig requirement to respond to excavators with information on the location and type of underground electricity cables and gas pipelines near the proposed excavation work. For contractors, the amending bill requires those undertaking excavation work to follow correct procedures prior to commencing their work. The amending bill will facilitate the recovery of the costs and expenses associated with the damage to networks. A court will be given the discretion to order the payment of costs incurred in preventing or mitigating damages to networks. The legislation is crucial. It will allow the Government to protect the State's electricity and gas networks. 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.

MOTOR ACCIDENTS (LIFETIME CARE AND SUPPORT) AMENDMENT BILL 2009

Agreement in Principle

Debate resumed from 13 May 2009.

Mr MIKE BAIRD (Manly) [7.01 p.m.]: The purpose of the Motor Accidents (Lifetime Care and Support) Amendment Bill is to enable certain people who were injured before the commencement of the Lifetime Care and Support Scheme to buy into that scheme. The bill will also extend the period of interim participation in the scheme in the case of young children. It was only in the last sitting period that this House debated the Motor Accidents Compensation Amendment Bill. In some respects, it would have been logical to debate these two pieces of legislation together. I do not intend to spend a long time speaking to the bill because a number of the issues were covered in that debate a couple of weeks ago. However, I will raise some key points that need to be addressed. The Coalition supports the bill and it understands what the Government is trying to achieve, but it is concerned about the crucial issue of the increasing cost of green slips and the impact that is having on families in New South Wales.

The Lifetime Care and Support Scheme is important because it ensures that people who are severely injured in motor vehicle accidents receive necessary treatment and ongoing support. That care is provided irrespective of who is responsible for the accident. The scheme commenced for children on 1 October 2006 and was extended to adults on 1 October 2007. Most people who enter the scheme do so in tragic circumstances, with either a spinal cord injury or severe brain injury. There are 227 seriously injured people participating in the scheme, including 199 adults and 28 children.

This bill will allow people to buy into the scheme even though they sustained injuries prior to its establishment. Participants in the scheme are required to use whatever lump sum payment they have received to buy in. The Lifetime Care and Support Authority will determine the buy-in amount that will fund the person's treatment and care requirements for the rest of their life. We hope that joining the scheme will assist people who receive large amounts in compensation to better manage those funds to ensure that they have ongoing care for the rest of their life. I understand that participation is voluntary. The objective of this arrangement is that it be cost neutral to the scheme.

The legislation also enables children who are under the age of three when they are injured not to have their lifetime participation in the scheme assessed until they are five years of age. This extends the current two-year limit at which an assessment must be made. That is in line with the recommendation made by the Standing Committee on Law and Justice in its first review of the scheme. The rationale for that recommendation is that it can be difficult to provide an accurate assessment of a child's needs, particularly a child with a brain injury, until their condition is stabilised, and that may take a number of years.

The Opposition's greatest concern is that increases in the green slip levy seem to go unabated and without any accountability or direct intervention by this Government. Although the buy-in arrangement is designed to be cost neutral, there is obviously a risk that the authority will mismanage the funds or miscalculate the cost of a person's care. I have met with senior managers and I think they are doing a good job. However, the risk remains and whenever this Government is responsible for finances and overseeing a long-term investment scheme, whatever it might be, we have real concerns. If the authority miscalculates it could be significantly out of pocket and might need to increase levies to cover potential losses. That would create a long-term stream of funding, similar to the stream of funding going into our unfunded superannuation schemes. As a ballooning amount of unfunded superannuation is paid out there is an increase on the State's day-to-day budget.

We must also ensure that the authority does not take advantage of people who have been severely injured by trying to make a profit out of their buy-in contribution. Having met the authority's senior management team and understanding the objectives of this legislation, I am sure that that would not be anyone's intention. However, the Coalition wants to see fairness. This is not a moneymaking exercise; it is an opportunity for people who have been so tragically injured to buy into the scheme on a cost-neutral basis. Unfortunately, I have significant reservations about the Government's ability to manage its finances. The green slip levy is a testament to that. When the Labor Government increased the cost of a green slip with the introduction of the Medical Care and Injury Services Levy (MCIS) in 2006 the community was told that it would cost motorists only \$20.

The Insurance Council of Australia confirmed today that the average cost of that levy across the State is \$85. That is four times the amount promised by this Government. That is why it is appropriate to raise these concerns when the Government fiddles with these levies. We must highlight what it is doing and demand that it be truthful about the real financial impact. I have mentioned previously in the House the case of Amy and Hamish Plaister of Baulkham Hills and their children Amelia and Sebastian. They need two cars because of the lack of public transport and their MCIS levy, as part of the green slip scheme, has increased from \$20 to \$146.70. That is a good example of the Government's pushing costs on to families because it is not managing its finances properly. It should examine the scheme and be truthful about its costs.

Can the Government guarantee that this legislation will not lead to an increase in the cost of green slips? I ask for an assurance that the cost will not increase and that the scheme will be cost neutral. The Opposition supports giving people a choice, but we are concerned about this Government's inability to manage the State's finances. We also want an assurance that the money being raised will go directly to covering the cost of medical care and that this is not yet another opportunity to raise revenue or to build a surplus. The latest information I have is that the surplus in the fund is \$250 million. Some of the early assumptions were incorrect, which led to the scheme collecting far more than it required. I understand that assumptions can change, but the authority should be doing all it can under the Government's guidance to ensure that if there is a surplus it is used to mitigate the cost of the scheme. In other words, reduce the cost of green slips.

While the Opposition supports the bill and the financial certainty that it should provide to people who have been severely injured and who want to enter the Lifetime Care and Support Scheme, we must also watch that this does not turn into a revenue-raising exercise or, worse still, that the authority does not lose the money contributed by those who opt in. The people of New South Wales have already been hit with increases in the cost of green slips. Families across this State are struggling and every increase is hurting them more. We look forward to hearing a promise from the Minister or the Parliamentary Secretary in reply that the cost of green slips will not continue to rise and that the money raised through this scheme will be allocated to the care of the people who need this medical support. We again argue that in the short term any surpluses in the fund should be used to reduce the cost burden of green slips on families.

Debate adjourned on motion by Mr Graham West and set down as an order of the day for a future day.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! It being after 7.00 p.m., the House will now proceed to the matter of public importance.

RAILWAY STATION STAFFING

Matter of Public Importance

Mrs SHELLEY HANCOCK (South Coast) [7.08 p.m.]: I am pleased to have the opportunity to raise the issue of cuts to front-line station staff throughout New South Wales, and in particular on the Illawarra-South Coast rail line. I will convey the very serious concerns of rail station staff who only recently have been informed

of staffing and roster changes, including the removal of staff from five stations and reductions in staff at at least 19 other stations on the Illawarra-South Coast line without any prior consultation. I first raised this issue some two months ago when an inkling of the RailCorp staff review was first raised in the local media. The Minister for Transport then, as now, defended the changes, and therefore these staff cuts and the further downgrading of the Illawarra-South Coast rail line. His usual propensity for bullying and intimidation has become even more obvious recently as he has tried in vain to defend the indefensible.

The Minister has failed to stand up for working families in his own electorate and has treated with contempt those front-line staff whose lives will be detrimentally affected by the proposed changes. In addition, station staff have been unable to approach their local Labor members in the Illawarra, who have dismissed their concerns and treated them with the utmost contempt. Some of the station staff who have approached me over the past two months are loyal, committed, long-term employees who have been intimidated, bullied and threatened over the past few weeks and told that they should accept unacceptable, impossible, new working conditions or face redundancy.

New South Wales Labor members continue to fail to stand up for working families everywhere; the only jobs they wish to protect are their own. In the Illawarra, their arrogance in presuming their safe Labor seats will never be under threat is breathtaking and typical of a tired, lazy Government that is out of touch and running out of time. The Minister for Transport has also failed to stand up for disabled and elderly rail patrons who require the assistance of station staff to place ramps that enable them to enter a train. With several stations unmanned and others downgraded the Minister, in his typically brutal and uncaring manner, indicated that the guard would assist a passenger with a disability.

According to station staff, the Minister's policy on the run with respect to the guard's additional responsibilities will lead to a train remaining at a station for an additional eight minutes if just one commuter needs assistance at an unmanned station. This could logically lead to a 40-minute delay on the Illawarra-South Coast rail line. Clearly, the Minister has not thought through this new policy and has not consulted on this matter either. In relation to the stations that will be unmanned, the Government states—and I am referring to its press release—that those stations will remain open and it says that the stations will be managed from another station. The Government claims also that customers at unmanned stations will continue to receive customer services such as a public address system, help points and closed-circuit television [CCTV] cameras.

My questions in relation to the supposed customer services are: How can a rail station be managed by another station that is at some distance from it? How will a public address system assist the elderly, the disabled or those requiring assistance at a station? How will CCTV cameras provide an immediate response to incidents of violence at an unmanned station? What are the help points cited by the Government and how will they help commuters? My response to this nonsense is that there will be no customer service at unmanned stations and the level of customer service at other stations will be reduced in line with staff reductions. The Minister for Transport is misleading the public and the station staff, and he is trying to spin his way out of a situation of his own making. Apparently station staff have been sold out as part of the RailCorp Union Collective Agreement, which includes wage increases in return for efficiency gains. The efficiency gains are, in fact, loss of jobs.

The Government claims that there was extensive consultation with union representatives, RailCorp management and staff, and that there was mutual agreement about the changes. It is disturbing that the union supposedly agreed to the changes when it had organised a protest rally in Wollongong last week. The union also has some questions to answer in respect of the impending changes. In relation to station staff consultation, I refer to correspondence I have received from a number of station staff. It reveals that there has been no consultation with station staff and that they are being treated with absolute contempt. One station staffer wrote:

As an affected employee under the current reform I am advising you of my current situation. Being displaced from Bombo I have not received written notification of RailCorp's intention to displace me?? Also on Tuesday 26th of May 2009 H. R. person ... attended Bombo to inform myself and other staff of our "translation" verbally. We did not receive rosters or duty statements for the new positions and were told if we did not accept the position that they would then be offered out on merit. I am wondering if any of this reform and the process and actions of this regime are industrially legal.

Another staff member wrote:

On Tuesday 26/5, Customer Service ... attended Dunmore station where I was told that I had been displaced, and, that my transition was to Port Kembla in the reducing time CSA 2Q position. I was informed that there were no other positions on closer stations. I had only one objection, that being the reducing time roster, as I was concerned about where the shifts would be and I asked if I could be put on the fixed roster for personal reasons, this was declined by ... who stated it was the "like for like" position.

In conclusion, he wrote:

Many staff are being forced into positions that they do not want for various personal reasons, ie night work, family, etc., but if other staff are prepared to work in these unwanted positions why is it so hard to accommodate the staff who are prepared to go there, thus filling a position with someone who is prepared to do the duties of the new position.

Another station staffer wrote:

I am an employee with RailCorp who has been displaced due to the NSW Govt and RailCorp station reforms. After speaking with a colleague who has also been displaced he advised me to send an email to you. I have tried on numerous occasions to talk to Matt Brown, but he seems to have no interest in what is happening in his electorate. This seems to be the attitude of all the Local Labor MPs who presume to have safe seats.

Another staffer wrote:

Shelley, my worst fears are becoming reality, the new rosters have been faxed to locations and still no official notification of my displacement. On the rosters I am to work permanent afternoon and nightshift with 3 weekends off in 12 weeks, there goes any form of family life I had as I will no longer see my family. Thanks a lot RailCorp and the other nodding dogs in David Campbell, Noreen Hay, Lylea McMahon and pants down Brown. Please throw as much as you can at them ...

That is not my language, it is the staffer's language, but that is the situation, and that is how Labor members of Parliament are regarded in their electorates. I have more correspondence, but time does not permit me to refer to it.

Mr ROBERT FUROLO (Lakemba) [7.15 p.m.]: RailCorp is reviewing CityRail station staffing to improve customer service and operating efficiency, to staff stations in line with customer and operational needs. RailCorp's aim is to provide the right number of staff at stations with the right mix of skills, based on the travel patterns and needs of customers. Currently, 88 per cent of rail customers travel during weekdays, and the majority of those are in the morning and afternoon peaks. Over the course of a day, the needs of CityRail's customers and operations can change on an hourly basis. That is why RailCorp needs to implement a more flexible station staffing model that is better equipped to deal with and respond to customer and operational needs.

The reform to station operations, along with other reforms, is part of the 2008 RailCorp Union Collective Agreement, which included wage increases. The agreement also sets out the process under which the station staff review is being conducted. Although some positions will change, there will be no loss of employment as a result of the station staff reviews. Any staff member whose role is affected by the outcome of the review will be able to retrain and/or transition to other roles as part of the station staff review translation process and existing RailCorp redeployment policy. There will be no forced conversion of staff from full-time to part-time employment as a result of the station staff reviews. And any claim that people will lose their jobs is simply false. In fact, the completion of sector one will see the recruitment of 49 additional staff.

There has been extensive consultation with the unions about these proposals. The unions also have representatives on the Station Staff Review Teams. Proposed changes have been sent to station managers to review with their staff and to provide feedback prior to a series of on-site meetings between staff and staff review committees. RailCorp will continue to provide a range of safety and security measures for our customers at CityRail stations including transit officers, joint transit officer and New South Wales police operations, CCTV coverage, and help points that are linked to the CCTV system and the rail management centre.

Another thing the Government's station reforms have done is to show the true colours of the Leader of the Opposition. He has demonstrated that he is nothing but a say-and-do-anything populist, but the trouble with being a populist is that he is exposed as having no depth and no policy understanding. Last week in an interview the Leader of the Opposition agreed that staff should be moved from busy stations such as Town Hall to small stations where there are fewer passengers. But the whole point of these reforms is to put the staff where the passengers are—not the other way round. It is clear that the Opposition's commitment to populist ideas is stronger than its commitment to constructive and sensible reform.

At stations with low patronage—fewer than 85 people over the whole day—it is not viable to have staff in attendance. And despite the fact that no jobs will be lost as part of the station staff review the Opposition continues to scaremonger. The Rees Government is about reforming and improving services for the people in the State. The Leader of the Opposition is about scaremongering and failing to come up with any viable policy alternatives. I will clear up a few things. First, no staff member at Central Station will lose his or her

employment as a result of the staff review at Central Station or at any other station. The staffing numbers at Central Station are yet to be decided and will be arrived at in consultation with staff using the agreed station staff review process.

The station staff review seeks to make changes in staffing levels to address duplication in administration, platform supervision and weekend ticket sales shifts. None of the efficiencies have come from safety critical areas and the proposal will ensure that Central Station is efficiently run and will safely provide the required customer service. Part of the union's claim is that cleaning staff who are transferred into a new group under the presentation services division will be lost. This is not true; it is simply a change in management structure.

We also need to clear up the issue of station managers on the Illawarra line. The aim of RailCorp's station staff review, agreed to by the union as part of the union collective agreement, is to align staffing levels with commuter requirements at CityRail stations. RailCorp has completed its review of sector 1. No station on the Illawarra line will be left without a manager. Those stations without an on-site station manager will be managed from a neighbouring station. This is the existing industry and CityRail practice. One station manager may be responsible for managing more than one station. Each station under the responsibility of a station manager will be visited regularly and the staff at the location contacted daily to provide support. The on-site staff reviews in the St George and Sutherland region have been completed and the allocation of staff to these stations is continuing.

There is clear scaremongering from the Opposition but the reality is that the Government is getting on with essential reforms to ensure our existing staff are put on the busiest stations to ensure a greater level of customer service. I have visited staff at stations in my electorate. Notwithstanding that it is a safe Labor seat, I still took the time to go out and talk with them. Staff are concerned to make sure efficiencies are made, and they want to work constructively and collaboratively to preserve their positions and their services to our community.

Ms PRU GOWARD (Goulburn) [7.21 p.m.]: For people who do not travel by rail, particularly from regional and country areas, there is a lot they could learn about the lumpiness of rail travel. Whether there are 50 people or 5,000 people, a minimum level of service needs to be provided to guarantee the safety of passengers boarding and alighting at railway stations. Just four months after the Minister for Transport announced CityRail's customer charter to improve customer services he has performed a dazzling turnaround that will result in a reduced number of rail staff in the Goulburn electorate, like so many regional electorates. So much for a commitment to getting the basics right and providing a reliable service for rail users. The transport Minister's commitment is right up there with the one made by Premier Rees in which he claimed that "Front-line staff can stay right where they are". Neither commitment can now be believed.

In the Southern Highlands three full-time jobs will be lost from Mittagong, to be replaced by two part-time positions. The full-time employees in the station master and the customer services manager position will be expected to increase their responsibilities to cover additional stations, and neither Bowral station nor Mittagong will any longer have staff on duty on the weekends. This means Bowral staff, for example, having to attend incidents anywhere from Bundanoon to Mittagong. The other day I said to the bloke at the station, "What sort of distances are you talking about when you had to attend an incident?" He said it could be several kilometres. When I asked him whether he had a rail-provided car to get there he said no. I asked him how he was going to get there. He said, "Well, I could ride my bike." What a joke! Something could be falling across the train line, stopping the Melbourne service and all the local services and the bloke has to attend on his own bike because the Government does not even provide a car to compensate for the fact that it has taken staff out.

Moss Vale station will lose two of its 13 employees and the recently opened \$400,000 luggage room at the station will have to close as a result. So, good money is going after bad. These are front-line positions. These are the people we see when we are having trouble with the ticket machine, there is an emergency or an accident or we want details about a delay. Often people cannot get money out of the ticket machine. I see people doing battle with the ticket machines every day. They will not accept the money or will not dispense the ticket, and the frustrated rail attendant just says, "Get on. Go for free because we cannot help you." This is a warm-up act for this year's budget. Front-line rail services are a warm-up act, when obviously more front-line services are likely to go in a disgraceful indictment of a Government that has, after 14 years of profligacy, seen fit to take it out of the flesh of front-line service providers.

Mrs SHELLEY HANCOCK (South Coast) [7.24 p.m.], in reply: I thank the member for Lakemba and the member for Goulburn for their contributions. I am disappointed that the member for Lakemba simply

read the Government's spin on this issue. I am doubly disappointed that the member for Kiama, who is in the House at the moment, said nothing. He did not get up and defend the job cuts or talk about the constituents he has turned away from his office on several occasions.

Mr Matt Brown: There was provision for only one Government speaker.

Mrs SHELLEY HANCOCK: He chose not to be the Government speaker. He could have tried to defend the situation or involve himself in the debate. To refer to this as scaremongering is absolutely disappointing. It is not scaremongering. I have spoken to station staff. They are concerned about their futures and their jobs. Their rosters and shifts have been changed. Their hours have been changed and they are being moved to other stations. This is not scaremongering. This is a response from me to a genuine issue involving front-line station staff. I am disappointed that the member for Lakemba could say this is a populist issue. This is not populist; this is about station staff conveying their concerns to, especially, Illawarra Labor members of Parliament, including the member for Kiama, and being ignored—in fact, trundled out of his office.

Trying to say there will be increased customer service is just a joke. How can there be increased customer service at an unmanned station? How can a closed-circuit television camera assist people experiencing some sort of violent incident on a station? Who will help the disabled people at an unmanned station? Somebody has to put out the ramp for those people, and previously the station staff undertook that task. For the member for Lakemba to say that expressing the concerns of disabled people, and the pain support group from Shoalhaven who have come to me about this issue, is populist is so disappointing. The member said that no station will be left without a manager. In the next sentence he said that unmanned stations will be managed by somebody at another station. How can one rail station be managed by a person perhaps five stations away? That is just lacking logic.

To say there has been extensive consultation on this issue is a lie. I have talked to station staff up and down the Illawarra-South Coast rail line, and they have not been consulted. Perhaps there has been consultation with the union but there has been no consultation with front-line staff. That is the disappointing aspect of this whole debate, that these people are being ignored, and the Minister for Transport continues to spin his way out of a situation that he has created. I am also concerned about Bomaderry railway station. That station is not even listed on the stations that will have reductions. When I went there last week I found that out of three staff there will now be 1½—a downgrading of one position and a reduction of one. Where is the consultation? What is happening? Let us get serious about trying to help people who are losing their jobs and about the working families of New South Wales.

Discussion concluded.

**The House adjourned, pursuant to sessional orders, at 7.27 p.m. until
Wednesday 3 June 2009 at 10.00 a.m.**
