LEGISLATIVE ASSEMBLY

Wednesday 3 June 2009

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The Speaker (The Hon. George Richard Torbay) took the chair at 10.00 a.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.

NSW LOTTERIES (AUTHORISED TRANSACTION) BILL 2009

Bill introduced on motion by Mr Kevin Greene, on behalf of Mr Joseph Tripodi.

Agreement in Principle

Mr KEVIN GREENE (Oatley—Minister for Gaming and Racing, and Minister for Sport and Recreation) [10.05 a.m.]: I move:

That this bill be now agreed to in principle.

In summary, the NSW Lotteries (Authorised Transaction) Bill has two main functions. The first is to authorise the transfer of NSW Lotteries to a new private operator, while at the same time retaining Government ownership of intellectual property presently owned by the business, including games and brands. The second function of the bill is to enable amendments to the regulatory regime to ensure that public lotteries continue to be operated in a manner that protects community interests and provides harm minimisation measures. The bill will allow taxpayer resources currently locked up in NSW Lotteries to be redirected to community priorities such as health, education and roads. The bill will ensure that net proceeds from this transaction will be transferred directly to the Consolidated Fund, to support the Government's ongoing commitment to important social infrastructure.

It is important to note that the Government will continue to receive duties on the sale of lottery products. In the last financial year these levies were more than $300 million, which were allocated to core social infrastructure and front-line services. In relation to workplace issues, the bill authorises the transfer of employees to the new operator, and the continuation of their existing leave and superannuation entitlements, as well as a three-year employment guarantee. The bill empowers the Treasurer to provide transfer payments to those employees who choose to move across to the new private operator. The bill also includes a provision to allow NSW Lotteries award employees to remain with the public sector if that is their preference.

A key feature of the bill is the transfer structure, which will allow for the Government's retention of NSW Lotteries' intellectual property. This will ensure that the community will retain the value of these important assets at the expiration of the licence. To provide flexibility, the bill authorises the transfer of the NSW Lotteries business through various methods: firstly, through direct vesting of assets and liabilities; or secondly, through the conversion of NSW Lotteries to a Corporations Act 2001 company and the subsequent transfer of its shares; or thirdly, through the establishment and transfer of a new company. The bill provides the Treasurer with the necessary powers and functions to effect the transfer to a new private operator via one of these means.

The bill includes a provision allowing the new licence holder to be excluded from the payment of State taxes relating to the transaction, such as stamp duty. As I outlined earlier, the NSW Lotteries (Authorised Transaction) Bill 2009 also includes amendments to the Public Lotteries Act 1996 to ensure that public lotteries continue to be operated in a manner which protects community interests and provides harm minimisation

measures—that is, to ensure public lotteries are conducted in a responsible and orderly manner. Amendments to the legislation are needed to ensure that current probity and integrity protections that are inherent with government ownership will now apply to the new operator.

The proposed amendments are designed to: provide a fair, transparent, flexible and practical regulatory regime that promotes accountability; protect players and the community by ensuring the integrity of public lotteries and promoting the implementation of harm minimisation measures; require lottery operators to meet integrity and capability standards, and facilitate innovation and growth in public lotteries for the benefit of the entire community. The overriding objective is to ensure that, on balance, the State and the community as a whole benefit from public lotteries. The key features of this bill include provision for the issue of an exclusive operator licence to conduct public lotteries in New South Wales.

The Minister for Gaming and Racing would issue the licence, subject to the approval of the Treasurer. The proposed operator will be required to satisfy integrity and capability requirements to be eligible for an operator licence. The Minister, as regulator, will have the power to conduct integrity and capability reviews from time to time during the term of the operator licence. The licensed operator will be required to apply for product licences, which will be granted only if the game meets integrity, harm minimisation, consumer protection and other game-specific criteria. Regulatory requirements relating to harm minimisation will remain in place. It should be noted that the existing Keno licence is not impacted by the new licensing arrangements. The bill retains the current protections for consumers, and strengthens these with a disciplinary process that provides transparency and certainty for both the operator and the Government.

The bill sets out the grounds for disciplinary action against the licensee. These include the licensee failing to comply with provisions of the Act or the regulations under the Act; the licensee failing to comply with the licence conditions and the rules of the public lottery conducted by the licensee; the licensee or a close associate of the licensee being convicted of certain offences; and, importantly, the licensee or close associate of the licensee no longer being a suitable person to be concerned with the operation of public lotteries. Should grounds for disciplinary action exist, the bill specifies the actions that can be taken: immediate suspension of the licence, cancellation of the licence, amendment of the licence, and issue of a direction to rectify and censure the licensee.

Before taking disciplinary action, the Minister in most cases is required to first follow a show cause procedure. This process enables the licensee to make a submission to the Minister to show cause why a proposed action should not be taken. The Minister cannot cancel or suspend a licence except with the approval of the Treasurer. The bill also allows the Minister, with the approval of the Treasurer, to amend an operator licence, but only with the agreement of the operator. In addition, the Minister can also amend a product licence with the agreement of the operator. Nevertheless, the Minister has the power to unilaterally amend an operator or product licence under the bill's disciplinary process.

The transfer of NSW Lotteries to a new private operator does not impact on harm minimisation provisions. The bill maintains the prohibitions and obligations in the current legislation and regulation on marketing and harm minimisation of lottery games. These include information pamphlets, display of notices, access to rules, access to counselling services, prohibition of liquor as inducement, sale to minors and the use of minors for advertisement, and misleading and deceptive advertisements. The bill clarifies what constitutes the offer of credit. Prior to this bill a customer would be required to purchase a lottery entry using cash, electronic funds transfer or cheque. There has been some uncertainty about whether this permits purchasing a ticket using a credit card.

Due to the increasingly common use of credit cards for everyday purchases, this often meant separate transactions at the point of sale, inconveniencing both the agent and the customer. The bill will prohibit the licensee or agent from offering credit to a person to play the game; however, it will not prohibit a customer purchasing an entry via credit cards. The NSW Lotteries (Authorised Transaction) Bill follows the Government's endorsement of a detailed strategic review of the NSW Lotteries business, which included preliminary consultation with representatives of newsagents. The strategic review considered a number of important factors including current market conditions, the performance and readiness of the business, the current regulatory framework, licence terms, transaction structure, and overall process and timetable.

This was an exhaustive process undertaken by the Government's expert financial, legal, accounting and tax advisers. The bill I am introducing today is part of the Government's responsible program of transferring non-core assets to the private sector to strengthen the State's financial position. This, in turn, improves the

Government's ability to focus more resources to core social services such as health, education, roads and transport. Significantly, it removes the Government's conflict of interest as owner and regulator of the State's lottery products. While divesting ownership of the NSW Lotteries, the Government will continue through the licence regime to regulate the operation and sale of lottery products in New South Wales to ensure the continued protection of community interests. I commend this bill to the House.

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

LAND ACQUISITION (JUST TERMS COMPENSATION) AMENDMENT BILL 2009

Agreement in Principle

Debate resumed from 15 May 2009.

Mr CHRIS HARTCHER (Terrigal) [10.15 a.m.]: In leading for the New South Wales Coalition parties on the Land Acquisition (Just Terms Compensation) Amendment Bill 2009 I acknowledge the enormous contribution of the member for Barwon and the member for Wakehurst, and thank also the Hon. Greg Pearce in the Legislative Council for his contribution. The agreement in principle speech of the Parliamentary Secretary on behalf of the Minister addressed the issue of Parramatta City Council and the proposed civic square, which has been under construction for some time. I should like to read a letter I received on 22 May from the Lord Mayor of Parramatta City Council, Councillor Tony Issa, OAM. Councillor Issa is a fine man who is well respected in the community. He has given his life to community service in western Sydney. He is well respected also by me and other members of the New South Wales Coalition; his views carry a great deal of weight. Councillor Issa wrote:

> Dear Mr Hartcher,
>
> Thank you for your recent letter in regard to the Civic Place development and the New South Wales Government's proposed amendments to the Land Acquisition (Just Terms Compensation) Act 1991.
>
> Council's position in regard to the proposed amendments is that these are matters for the New South Wales Parliament to consider independent of Council's plans for the Civic Place development.
>
> In summary, Council understands the intentions of the amendments are to:
>
> 1. Clarify that any acquisitions of native title or property already vested in a public authority are always an acquisition under the legislation empowering the authority to acquire land, and
>
> 2. The amendments are not intended to extend the powers of councils to acquire land already vested in them.
>
> Council will proceed with the Civic Place development regardless of the legislative amendments proposed, via a public-private partnership, as this is the most effective and efficient method of delivering the project.
>
> The Civic Place development will transform a crumbling part of our urban landscape into a modern high-tech social and commercial hub with vibrant community focused facilities and public space.
>
> Council will continue to explore all options available to advance the Civic Place development, including re-opening negotiations with the owners of the two privately held properties included in the Civic Place master plan to reach an amicable and mutually beneficial outcome.
>
> As the regional capital of Western Sydney, Parramatta deserves the best facilities and infrastructure to support our rapidly growing region.

The legislation, introduced by the Parliamentary Secretary on behalf of the Minister, follows the decision of the High Court of Australia in *R & R Fazzolari Pty Ltd v Parramatta City Council*. This case resulted from an appeal of a decision of the Land and Environment Court, which had set aside notices of resumption issued by Parramatta City Council. It was then appealed to the Court of Appeal and finally to the High Court, which brought down its decision in April 2009. Traditionally the Crown has had the right of eminent domain at common law, which is the right to resume privately owned land for an explicit public purpose—usually for the defence of the realm. That common law power was given a statutory form in New South Wales in 1912 with the passing of the Public Works Act, which vested in the Minister for Public Works the right to resume privately owned land for a public purpose—then called public works.

There was also a further statutory modification for councils in the Local Government Act of 1919. The Public Works Act of 1912 was repealed in 1991, when the Greiner Government introduced the just terms

compensation legislation, and the powers set out in the Local Government Act of 1919 were subsumed into the Local Government Act of 1993. In 1993, when the bill for the Local Government Act was being read in Parliament, the then Minister said in that part of the second reading speech relating to the resumption powers to be vested in councils under the new legislation:

> The provisions are generally a re-enactment of the Local Government Act 1919 in that councils may acquire land by agreement or compulsory process in accordance with the Land Acquisition (Just Terms) Compensation Act 1991. However, a major variation occurs in the creation of the limitation on compulsory acquisition by council for the purpose of re-sale. A council may not acquire land by compulsory process without the approval of the owner if it is being acquired for the purpose of re-sale, as re-sale is not strictly a legitimate Local Government purpose.

Those words stand as a lighthouse as far as the New South Wales Coalition parties are concerned and, I would hope, as far as all parties in this Parliament are concerned. The Crown must have—exercised through the Government of the day—the necessary powers to acquire land for public purposes, but that power must always be exercised for the public good and must always be exercised in a way to ensure fair compensation to the owners of the private land. The problem arises where further developments or further purposes are sought in the exercise of that statutory power.

The debate in Australia is ongoing about whether a Bill of Rights should be in the Constitution, as Father Brennan conducts an inquiry commissioned by the Prime Minister. At present the Federal Constitution stipulates three rights: first, the right to trial by jury; second, the right of freedom of religion; and third, that the Commonwealth may acquire land only on just terms. The third principle comes to us from the common law and, as I have said, was re-enacted in New South Wales in the original Public Works Act and the original Local Government Act, and set out in the 1901 Commonwealth Constitution. It has the fundamental principle that the Coalition believes must guide all acquisitions of private land: it must be for a public purpose and must be on just terms. The meaning of "just terms" has been set out in a number of decisions of the High Court, and essentially means to have a fair market price given the prevailing considerations at the time.

The Parliamentary Secretary, on behalf of the Minister, stipulated that this legislation did not affect Parramatta City Council and the notices issued by it. There comes the divide between the Opposition and the Government, because the Opposition believes that it does. That is why, with all due respect to the Government, the Opposition has made the decision not to support the legislation. The Opposition will divide on the legislation in this Chamber and will seek to prevent its passage through the Legislative Council. It is incumbent upon the Opposition on such a significant matter to clearly set out to the House, and the community, the reasons for not supporting the legislation and the member for Barwon in this Chamber and the Hon. Greg Pearce in the Legislative Council will enlarge upon my argument. When the appeal lodged against the Parramatta City Council's resumption notices was heard in the Land and Environment Court, Justice Biscoe—who heard the case in the first instance—said in overturning the council's proposed acquisition:

> Suppose a city block of land contains five equal sized lots, each of 300 m² in private ownership. The council resumes them for $1 million each, a total of $5 million. It now owns a 1,500 m² block of land with greater potential than any of the individual lots. The purpose of the resumption is to resell the lots to a developer in order to make a profit to pay for a new council building. The value of the integrated society is $10 million which the developer pays, thus providing the council with a profit of $5 million to acquire the new council building. The immediate purpose is to resell the resumed land at a profit. In a consequential sense, the purpose of the resumption is the public function of acquiring a new council building. However, the latter (providing council with a profit) is really the reason or motive for the former, which is its purpose.

That goes to the kernel of what is now happening. The second reading speech of the Parliamentary Secretary, which was only short, stated that the legislation did not affect Parramatta City Council and only related to the unintended consequences that flowed from the ruling of the High Court—that was the rationale behind it. The purpose of the introduction of the bill was to overcome unintended consequences of the Land Acquisition (Just Terms) Compensation Act, as revealed by the decision of the High Court. The difficulty for the Opposition is that we believe the legislation goes further than that.

I want Minister Tebbutt to understand that I am not attributing any bad faith to her or her department. In fact, the Opposition welcomes the Minister's department obtaining legal advice, as the Opposition has done. I apologise to the House but, like all legal advice, the advice is fairly drawn out, but it has been received from the law firm Hunt and Hunt, a long-established law firm that has acted for many councils over a period of time and settled by senior counsel of great eminence. I quote from that advice:

> **Legal Issues**
>
> Powers of compulsory acquisitions are conferred upon Council pursuant to s186 of the LGA to "acquire land … for the purpose of exercising any of its functions". In the case of a compulsory acquisition, that power is constrained by s188 (1) which provides:
>
> > A council may not acquire land under this part by compulsory process without the approval of the owner of the land if it has been acquired for the purpose of re-sale.

The constraint is qualified:

> (2) However, the owner's approval is not required if:
>
> (a) the land forms part of, or adjoins or lies in the vicinity of, other land acquired at the same time under this Part for a purpose other than the purpose of re-sale.

The term "function" in section 186 includes a power, authority and duty.

Private property rights, although subject to compulsory acquisition by statute, have long been hedged about by the common law with protections. These protections are not absolute but take the form of interpretive approaches where statutes are said to affect such rights. Compulsory acquisition only arises under statute. The common law caution to the legislature in exercising its power over private property is reflected in what has been called a presumption in the interpretation of statutes against an intention to interfere with vested property rights. It was expressed by Griffith CJ in *Clissold v Perry* (1904) 1 CLR 363: [1904] HCA 12, a land resumption case thus:

In considering this matter it is necessary to bear in mind that it is a general rule to be followed in the construction of Statutes such as the one with which we are now dealing, that they are not to be construed as interfering with vested interests unless that intention is manifest.

The first question to be addressed in this case was whether the proposed transfer (Fazzolari and Mac's to Council and then, through a set of complex dealings, to Grocon), coupled with the proposed payments to Council, would constitute a 're-sale' of the land within the meaning of that term in s188 (1). Council argued that it did not.

The development agreement between Council and Grocon required the Council to transfer Fazzolari and Mac's land to Grocon. In consideration of Council performing its obligations it was to receive money and other benefits from Grocon. Council argued that no part of the consideration by Grocon to Council was allocated to receipt by Grocon of Fazzolari and Mac's property. The High Court held against Council and held that the land was to be transferred, along with other land, in exchange for money and other consideration ("money and monies worth"). The land was therefore to be subject of a 're-sale' by the Council within the meaning of s188. The High Court further held that it is inescapable that re-sale was one of the purposes of the proposed acquisitions, albeit it was said to have been in aid of the larger purpose of the redevelopment of the Civic Place in Parramatta.

Council had argued that the public purpose of the compulsory acquisition was for the urban renewal of part of Parramatta's CBD. The Court considered whether for the purpose of re-sale whether it was necessary to attract the constraint imposed by section 188(1) that the purpose be:

> (i) the sole purpose, or
>
> (ii) the dominant purpose, or
>
> (iii) a substantial purpose, or

whether it sufficed that the purpose of re-sale be one among a number of purposes of the acquisitions. The High Court opined that this question could distract from a more important aspect of the operation of the section which is a consideration of the purpose of the acquisition of the particular land to be acquired. The High Court held that given that the compulsory acquisition of land for re-sale will almost always be supported by reference to some larger public purpose, it cannot be a necessary condition of the application of s188(1) that the purpose of re-sale be the sole or even dominant purpose of the acquisition. It should suffice that it is a substantial, ie non trivial purpose.

I will not read council's second line of argument but I will deal now with the conclusion and then go on to the analysis of this bill. The conclusion states:

> The High Court has reinforced a private land holders right to retain ownership of his/her land if Council had compulsorily acquired the land and built a library or Council chambers on the land, (both facilities were being built elsewhere on the Civic Place site) then neither Fazzolari nor Mac's would have had a case to prevent the compulsory acquisition taking place. However, in this case, Council was compulsorily acquiring land from a private land holder (Fazzolari and Mac's) to transfer it for money or monies worth to another private land holder (Grocon) so that Grocon could develop it (44 storeys above ground level and 4 storeys below ground level) and sell the development for profit.

I will quote now from the analysis of the Land Acquisition (Just Terms Compensation) Amendment Bill 2009:

> The State Government has introduced amendments to the Land Acquisition (Just Terms Compensation) Act 1991, in an attempt, according to the Government's Explanatory Note to the legislative changes, to overcome the recent decision of the High Court of Australia in *R & R Fazzolari Pty Limited v Parramatta City Council*; and *Mac's Pty Limited v Parramatta City Council* where the High Court held that the Council could not rely upon its power under the *Local Government Act 1919* to compulsorily acquire its own land, ie Church Street and Darcy Street in Parramatta.

I think that might be a misprint and it should read 1993. The analysis continues:

> It could only rely upon the power under Section 7B of the *Land Acquisition Act*, which is the only power Council had to acquire its own roads.

Parramatta Council's press release dated 14 May 2009 states:

- "The recent High Court decision in R&R Fazzolari v Parramatta City Council has highlighted the need to clarify the powers under this Act" Ms Tebbutt said and "These are technical but important changes but will ensure the Act functions as originally intended" and "These changes are not designed to make it easier or harder for public authorities to acquire land."

Parramatta Council has put out a press release stating:

- we are able to acquire land adjacent to Council owned land for an overall public purpose ...".

- Council believes that the amendments to the *Land Acquisition Act* will allow it to compulsorily acquire Fazzolari's and Mac's land because Section 7B of the *Land Acquisition Act* has been linked back to the *Local Government Act*, and in particular Council will rely upon the argument of land which "adjoins or lies in the vicinity of" so that by compulsorily acquiring its own roads—ie Darcy and Church Streets—it can then compulsorily acquire Fazzolari's and Mac's land.

Consequences of the legislation

- These amendments will allow Councils to compulsorily buy up their own roads—

That is a significant point. As these amendments will now enable council to buy up its own roads, and as these roads will be adjacent to the land that council then wishes to acquire, council will be able to acquire the land because it can buy up the roads. Why would council wish to buy up the roads, as the roads are already vested in it? Council now has that power to buy up the roads and therefore it can circumvent the provisions—clever lawyers—in the Local Government Act and the Land Acquisition (Just Terms Compensation) Act. I emphasise that this is not the opinion of Chris Hartcher, former solicitor; this is the opinion of a leading firm of solicitors and an opinion that is endorsed by a senior counsel in New South Wales who specialises in High Court matters.

After all, when legal cases go to the High Court they do not always result in every judge on the High Court coming to the same opinion. Often there are three or four decisions, which makes it very hard. As a lawyer and as a person who has the greatest respect for the public sector, it is difficult to get these matters right so that they will withstand the tests of judicial scrutiny. That is one of the problems that we face. It is incumbent on us as members of this Parliament to highlight these matters in debate so that people in the community who are better qualified than us to pass judgement upon them can take into account the arguments that are put in parliamentary debate when assessing the legislation. This is the appropriate forum in which to do so. The analysis of the bill continues:

- These amendments will allow Councils to compulsorily buy up their own roads, and then compulsorily buy up the adjacent land, transfer adjacent land to a joint venture partner (ie a private developer) pursuant to a Public Private Partnership (PPP), and sell it at a profit.

- The High Court decision in Fazzolari and Mac's did not change the law. The decision did not raise an anomaly, and nor was it a technical win as suggested by the press releases.

- The High Court confirmed the law as it stands today in New South Wales and the limit of councils' power to compulsorily acquire private landholders' land.

- This amendment is an attempt to change the law in a fundamental way in that it would enable councils to assist big developers to develop land by council compulsorily acquiring small landholders' land once the council has compulsorily acquired its own road.

What impact will the Bill, if passed, have on Council's ability to compulsorily acquire your property?

In the High Court case, the Court considered effect of section 188(2)(a) as it stands as an exception to the requirement of section 188(1) that the approval of the owner of the land is required if the land is being acquired for the purpose of resale. The Court considered where, as in the case of both Darcy Street and Church Street, only part of land is to be resold (to Grocon) and part is to be retained by Parramatta Council, the better view may well be that the land comprising those streets is acquired for more than one purpose. The more natural meaning of section 188(2)(a) applied to such a case would appear to be that that those streets, if they were "other land" acquired at the same time as Mac's and Fazzolari's land, were each acquired for the purpose other than the purpose of resale.

That is the whole point of the proposed legislation—that Parramatta City Council can get around the prohibition of resale, as held by the High Court. It is a legal fiction drafted by lawyers—and as set out in section 7B of the Land Acquisition Act—that a council can only compulsorily acquire its own land pursuant to the power in section 7B. The proposed legislation intends to move the power of council to compulsorily acquire its own land from the Land Acquisition Act to the Local Government Act, in particular, section 188 (2) (a). By doing so in this way, council is operating on a legal fiction.

The bill relates to all councils. It is not just to enable Parramatta council to fulfil its legal obligations. Now all councils will be able to compulsorily acquire their own roads, which they already own, and then use the power in section 188 (2) (a) to compulsorily acquire any land that forms part of or adjoins or lies in the vicinity of councils' own roads. This legislation will enable councils throughout the State to enter into joint ventures with big developers and then compulsorily acquire their own lands which would give them the right to acquire privately held land that adjoins or lies in the vicinity of council's own roads.

An important matter that the Coalition does not dispute is the need to clarify the issue of native title. The Minister addressed that issue in her agreement in principle speech. The issue of native title is a complex one, with Federal and State legislation applying. Native title is an important principle that all sides of politics support and that all sides of politics believe is a fundamental part of the reconciliation and sorry process. I acknowledge my own sense of sorrow as to the tribulations suffered by the indigenous peoples of this land. The Coalition accepts the importance of native title and has no wish to stand in the way of any amendments that would clarify that issue. As to legal opinion on that aspect, the advice we received was that the issue of native title should be dealt with in separate legislation. Obviously, such legislation would be enthusiastically supported. In relation to this bill, further analysis shows that there are two issues. One relates to the existing compulsory acquisition notices. The High Court ruled that the existing notices were unlawful and confirmed the decision of the Land and Environment Court. In the agreement in principle speech on 15 May 2009 the Hon. John Aquilina said:

> The bill does not have any impact on the compulsory acquisition notices issued by Parramatta City Council that were the subject of the High Court litigation. The High Court found those particular notices to be unlawful and this bill will not change that. It is a matter for the council whether it takes any further acquisition action in relation to those particular properties.

However, the proposed acquisition notices had already expired before the High Court case was heard. They were already invalid. Therefore, no legislation would impact upon them, unless the legislation expressly sought to resurrect them. Nothing will prevent councils from issuing new notices. As indicated in a press release, Parramatta council intends to do so. The press release is not in the same terms as the letter of advice from the Lord Mayor, which I referred to earlier, where the council indicated that it was happy with the legislation, it was a matter for the Parliament, and it would continue to develop Civic Square—an important development for western Sydney—as a public-private partnership by normal negotiation. The second issue relates to councils buying up their own roads. It was said as a valid statement of law that councils can compulsorily buy up their own roads and then compulsorily buy up the adjacent land and sell it at a profit. The High Court specifically and explicitly ruled that was not the case. Justice Gummow, on behalf of the four judges in the majority, ruled:

> The council proposes to acquire the two streets in question—

that is, Darcy Street and Church Street—

> by compulsory process in accordance with the Land Acquisition Act. The power to do that derives only from section 7B of the Land Acquisition Act.
>
> … while section 186 describes the purposes for which a council may acquire land, section 187 (1) describes the methods by which it is to be acquired.

Justice Gummow continued:

> The sole method of acquiring by compulsory process is that given by section 7B.
>
> Section 186 (3) of the Local Government Act thus has no application to either Darcy Street or Church Street.
>
> It is sufficient to decide in these cases that neither Darcy Street nor Church Street is land that would be acquired at the same time as appellants' land under part 1 of chapter 8 of the Local Government Act.

The consequence of the proposed amendments is that section 7B of the Land Acquisition Act links back to section 188 (2) (a) of the Local Government Act. Pursuant to the legislation, councils will be empowered to buy up their own roads and then land adjoining or in the vicinity of those roads. Councils can then enter into a contract with a private developer, compulsorily acquire the adjoining land or land lying in the vicinity of the road from another private landholder and use the land as its contribution or part of its contribution to the joint development. Put simply, a power the council does not have under the Local Government Act nor under the Land Acquisition Act can be achieved by a combination of the two Acts if the council carries out the legal fiction of buying up its own road and using the land that is adjacent to that road to trigger the mechanisms that are granted by the statute.

For those reasons, the Coalition does not support the bill. We would be pleased to have further talks with the Government. We want a just result. I acknowledge that the view of everyone is for fair property rights to be respected. Everyone wants Parramatta to get its Civic Square. Parts of Parramatta are fairly run down and Parramatta needs Civic Square. Parramatta council believes that it can proceed without the legislation. As the Minister said, that was never the intent. The aspect of native title is an important issue that the Coalition believes should be enhanced and respected.

Mr FRANK TERENZINI (Maitland) [10.47 a.m.]: I speak in support of the Land Acquisition (Just Terms Compensation) Amendment Bill 2009. There has been much speculation about the effect this bill may have on a particular development in Parramatta. While the need for these amendments became clear following litigation in relation to the development, the project itself is not the object of this bill. I raise that important issue at the beginning of my contribution. The amendments in the bill carefully preserve the High Court's decision in relation to the development. It is equally clear that the bill is a responsible attempt to restore the law to its position prior to that decision. Should Parramatta City Council still wish to acquire the properties that were the subject of the High Court litigation it can choose to do so—and, I understand, will—by commencing a new process of acquisition. The outcome of any new acquisition process is a matter for the council, the landowners and, if necessary, the courts.

This bill does nothing to change the well-established law of the landowners' right to be fairly and justly compensated. In fact, the High Court did not address the issue of the amount of just compensation that would be payable to landowners. However, I want to make some observations about why it is important to amend the Land Acquisition Act so that it reflects the original intent. The most significant reason is the need to avoid uncertainty arising from the potential unexpected impact of the High Court's decision on native title in New South Wales. While it is very unlikely that a public authority would have done so, the High Court's decision opens up the possibility that native title interests may be acquired without reference to any limitations imposed on land acquisition by the authority's own legislation. It would be contrary to the constitutional requirement that any acquisition of native title by compulsory process must be done in a non-discriminatory way.

It is untenable to leave the situation in constitutional limbo. Certainty is needed for all parties with an interest in land, particularly land in New South Wales in relation to which native title may exist. To understand more clearly the need for these amendments, a quick scan over the history of councils' power to acquire land for resale is useful. A council's power to acquire land by compulsory process is now found in sections 186 to 190 of the Local Government Act. Like the powers of most other public authorities, a council's power to acquire land by compulsory process is conferred by the council's establishing legislation. That power is limited in a number of important ways: the acquisition must be in connection with the exercise of a council's functions; the Minister for Local Government must approve the issue of proposed acquisition notices; and private land cannot be acquired for resale without the owner's consent, subject to some important exceptions.

However, in 1950 the High Court held that the old Local Government Act 1919 did not allow the acquisition of certain land for resale against an owner's wishes. That case, which is *Thompson v Randwick Municipal Council*, involved the acquisition of more private land for road improvements than was strictly required. The council had the intention that land not ultimately required would be resold to offset the costs of providing the improvements. Following that decision, a range of express powers for land acquisition was inserted into the 1919 Local Government Act. The powers included a provision that allowed councils to acquire private land for resale if it was acquired at the same time as nearby land being acquired for a non-resale purpose. Therefore it is clear that the power of councils to acquire private land for resale when adjoining land is being acquired for another purpose has a very long history. This bill is not expanding that power. It is simply reinstating what was understood to have been the position for decades.

The provisions were updated with the commencement of the Land Acquisition (Just Terms Compensation) Act in 1991, which consolidated compulsory acquisition processes into one piece of legislation applicable across land acquiring authorities, including councils. The main aim of the 1991 Act was to ensure that compulsory acquisitions were carried out in a timely fashion—by setting out a time frame for all acquiring authorities to follow—and that landowners were paid compensation on just terms. The new Local Government Act 1993 was then passed, which made further modernisations to the way in which compulsory acquisition powers were expressed. But that did not remove this longstanding power of acquisition for resale when adjoining land was being acquired for another purpose at the same time.

However, in 1994 both Acts needed updating again as a result of Commonwealth native title legislation. The Land Acquisition Act was updated by sections 7A and 7B to make three things clear: first, that

the power to acquire land in other legislation included the power to acquire native title interests; second, that any compulsory acquisition of native title interests had to be affected in the same way as other interests, such as freehold and leasehold interests; and third, that the power to acquire land in other legislation extended to land already vested in an authority—including therefore, the acquisition of any native title interests in that land.

An acquiring authority might need to compulsorily acquire its own land because, after compulsory acquisition, the land is generally freed of any restrictions that existed on it before the acquisition. However, section 186 of the Local Government Act was also updated in 1994 so that councils were not able to use their power to self-acquire as a simpler way to change the use of community land than reclassification. The Local Government Act lays down a specific process that must be followed if community land is to be reclassified, including requirements for community consultation.

It is the 1994 provisions that are the origin of the problem identified by the High Court in its recent decision. The court found that a self-acquisition by a council of a public road, which was to be used at surface level as a pedestrian plaza, was not done under the same part of the Local Government Act as had been the acquisition, without the owner's consent, of adjoining private properties that were to be resold. The High Court found that had acquisition of the roads proceeded, it would have occurred under section 7B of the Land Acquisition Act, and that it not being an acquisition under the Local Government Act meant that the longstanding adjoining land exemption could not apply in this case.

However, the Land Acquisition Act should not be a source of an acquiring authority's power to acquire land and native title interests independently of its own legislation. Authorities should be obliged to comply with any limits and protections for landowners that are imposed by their own legislation. In fixing that problem, this bill is necessary legislation. It ensures that the law reflects a longstanding policy relating to adjoining land acquisitions. It does not extend the powers of councils or other authorities beyond what has been in place since the 1950s and, in their present form in relation to self-acquisitions, since important native title amendments were made in 1994.

At this stage I note that the amendment to section 7A is not insignificant. The bill proposes to delete the words "by compulsory process under this Act" and insert "by compulsory process in accordance with this Act", and that is very significant. Members will gather from what I have said that the Land Acquisition (Just Terms Compensation) Act is a vehicle by which land is acquired under the parent Act. The parent Act in the case of Parramatta City Council is the Local Government Act. This bill simply sets out not to overturn the High Court's decision but simply to address one particular part—that acquisition may be effected under the Land Acquisition Act—to obviate that possibility. It was never the intention that a public authority would acquire land under that Act. A public authority acquires land under its own parent Act with all the restrictions, limitations, processes and procedures inherent in that Act. That was the case previously, and it is the case now.

This bill simply seeks to make it abundantly clear that the power to acquire land does not derive from the Land Acquisition Act, but from the parent Act. The proposed amendment to section 7B will be made in accordance with that Act, not under that Act. The bill simply deals with that particular issue. If Parramatta City Council wishes to do so, it could restart the process from the beginning. In that event, it would be clear that the processes applicable to land acquisition would be under the Local Government Act and would entail all the inherent procedures and processes of that Act.

As I stated when I recited the history of the legislation, it is already understood that councils are able to acquire land for roads. Nothing in relation to that really has changed. The debate that is centred round the extension of a council's powers will not stand because the legislation before the House is very specific in its intent and wording. It simply addresses a particular point. It does not give any extra powers to Parramatta City Council or to any other council. That has been made very clear in the legislation. Given the history of land acquisition, it is abundantly clear that the bill will not change any previous understanding. The retrospectivity of the bill will merely ensure that no-one is discriminated against or unfairly treated, and that no interests will be extinguished during the land acquisition process.

The purpose of the bill is to redress a particular issue. The bill is not in any way worded or intended to expand any powers of a public authority. I emphasise very strongly for the information of members opposite that it is abundantly clear to me that the provisions of the bill have been drafted to reflect that, and that is the way the bill should be interpreted. For those reasons, I commend the bill to the House.

Mr KEVIN HUMPHRIES (Barwon) [10.59 a.m.]: I am motivated in joining in debate on the Land Acquisition (Just Terms Compensation) Bill 2009 because it relates to the whole issue of property rights.

I declare openly that one of the parties to the High Court case, Mac's Pty Limited, is a company owned by a constituent of the Barwon electorate. The Winston-Smith family are long-term property holders in western Sydney and in north-western New South Wales. This debate is about the whole issue of property rights that were upheld by the High Court's judgement as it relates to the Parramatta Civic Place project. The full bench of the High Court heard a number of matters simultaneously in Sydney last Friday. An application for just terms compensation was made by a farmer in the southern districts of Monaro, Peter Spencer, and that action also related to property rights.

The issues of native vegetation in western New South Wales, the lock-up of country and no compensation all relate to property rights. One of the things that drove me into politics was government theft of water in my area following the dismantling of the Water Management Act 1912. It was not until the then Deputy Prime Minister John Anderson intervened in discussions with the New South Wales Labor Government through Craig Knowles that water became a property right. But here we go again!

I commend the Mayor of Parramatta, Tony Issa. This issue has gone around and around. It is incorrect to claim that this legislative amendment does not link with the Parramatta case—but I will come to that shortly. Parramatta council, and particularly the new general manager—there has been a change of personnel—have alluded to the fact that this legislation and the amendment have been considered for quite some time and that they are a way of trying to get around the High Court's determination. Tony Issa has indicated that the council will continue to explore all options available to it to advance the Civic Place development, and that includes reopening negotiations with the owners of the two privately held properties, which we certainly encourage. That is a way of seeking a resolution to this matter.

I will outline the history of the matter. In June 2007 Parramatta council sent proposed acquisition notices to the owners of land in a block in the Parramatta city centre bounded by Smith, Darcy, Church and Macquarie streets. The acquisitions related to the development of the block, which is to be called Civic Place. The development was to be carried out under a public-private partnership made pursuant to the Local Government Act 1993 between the council and two companies owned by Danny Grollo—Grocon (Civic Place) Pty Ltd and Grocon Constructions. The civic development is worth $1.6 billion. The public-private partnership was to be effected by a development agreement between the council and Grocon. Under the agreement the council would transfer certain of the acquired lands to Grocon and receive substantial financial payments and other consideration from Grocon.

Two owners, R and R Fazzolari Pty Ltd and Mac's Pty Ltd, challenged the proposed acquisitions in the Land and Environment Court because it was widely believed that the acquisitions were for the purpose of resale and thereby would fall outside the constraints on acquisition imposed by section 188 (1) of the Local Government Act. As discussed earlier, Judge Biscoe in the Land and Environment Court held the proposed acquisitions to be unlawful. The council appealed to the Court of Appeal of New South Wales in June 2008 and the Court of Appeal unanimously allowed the appeal and set aside the declarations and orders in the Land and Environment Court.

On 28 August 2008 Fazzolari and Mac's were granted special leave to appeal to the High Court of Australia against the decision of the Court of Appeal. On 2 April this year the High Court of Australia upheld the appeal, setting aside the orders of the Court of Appeal and making costs orders in each jurisdiction in favour of Fazzolari and Mac's. As discussed, the legal issues concerned the power of compulsory acquisitions conferred upon council pursuant to section 186 of the Local Government Act to acquire land for the purpose of exercising any of its functions. In the case of a compulsory acquisition, that power is constrained by section 188 (1), which provides:

> A Council may not acquire land under this part by compulsory process without the approval of the owner of the land if it is being acquired for the purpose of re-sale.

The acquisition was in lieu of a development agreement regarding some 100,000 square metres of commercial and retail space, 800 apartments, a library, an art gallery and significant open space. As the member for Terrigal mentioned, whilst the Coalition has no problems with the development, it is concerned about the process and how it has been undertaken. Councils have the option to acquire private land for their core business purposes, and if Parramatta council were building art galleries or public amenities on the space it would be a different matter. The library and the art gallery are indeed part of the development, but they will not be on land owned by Fazzolari or Mac's Pty Ltd.

As the member for Terrigal outlined, the High Court decision basically stated that the acquisition constituted a resale of land within the meaning of the term in section 188 (1) of the Local Government Act. The

council argued that it did not. The council lost in the High Court 5-0. The development agreement between the council and Grocon required the council to transfer the land belonging to Fazzolari and Mac's to Grocon. The High Court held that this was in exchange for money and other consideration and that the land was therefore to be subject to a resale by the council within the meaning of section 188 of the Act. To emphasise the significance of this project, I will quote from the High Court's decision. Paragraph 13 states:

> Various payments were to be made by both Grocon and the Council under the terms of the Development Agreement—

that is public knowledge—

> These were summarised in the outline document. The key payments were:
>
> 1. An initial cash payment of $51 million (plus GST) by GCP to the Council ten business days after the date on which the last of the conditions precedent was satisfied or waived, subject to a proportionate reduction if the grant of development consent did not achieve the minimum acceptable floor space area.

So the council has been put in the position—it is a speculative position because the council has been speculating on property for many years and buying up property in and around Parramatta; the situation is not dissimilar to the sub-prime crisis currently facing many councils—of accumulating the land under this agreement. Does the council have significant debt? You bet it does. Does it need that $51 million payment? Yes, it does. The High Court decision continues:

> 2. 3.8 per cent of project revenues to be paid by GCP to the Council.
>
> 3. An additional payment by GCP to the Council in relation to the residential component of the project.
>
> 4. An additional payment to the Council by GCP in the event that total revenue from the project exceeded the total cost of the project by an agreed percentage ("Super Profit Share").

The council claimed that it was not in lieu of a resale for profit. The decision went on:

> 5. A payment by the Council to GCP of $29.7 million (plus GST) is a contribution to defined "Council Related Works" on the date of expiry of a fit-out period after notice of practical completion and upon written notice by GCP indicating that the project revenue exceeded $400 million.
>
> 6. A payment by the Council not exceeding $8.87 million by way of rental covering a three-year period during which it is entitled to remain in its existing facilities or to new premises being constructed as part of the Council Related Works.

This is not a small project. It is a significant project, and the council got itself into trouble in its dealings with the developer to the point where it had to engage a third party—I think it was Incoll—whose job it was to buy up and consolidate the land on behalf of the council. It was not just the two property owners who questioned this approach; other small operators did so too, but financially they did not have the wherewithal to challenge the decision. It was evident from the High Court's ruling that Parramatta council intended to make a compulsory acquisition of the land in order to resell a significant proportion of it.

It is not quite correct to say that the amendment proposed by the Government is not intended to get around that situation. The council has been running down the area for some time, which, in turn, has been devaluing the land of Fazzolari and Mac's. We believe that is unacceptable. Parramatta Council is seeking to get around the prohibition on resale as held by the High Court, and that is the point of this legislation. As has been alluded to, it is a legal fiction, drafted by lawyers and set out in section 7B of the Land Acquisition Act, that a council can compulsorily acquire its own land pursuant only to the powers in section 7B.

The legislation intends to move from the Land Acquisition Act to the Local Government Act—particularly section 188 (2) (a)—the power that permits councils to compulsorily acquire their own land. By doing it this way the Government is drafting a fiction on a fiction. That is not just our belief; it is the belief of the constitutional lawyer whose advice we have sought and who is one of the most pre-eminent experts in the country. As the member for Terrigal said, this bill relates to all councils. Here is the rub: The chief executive of the urban taskforce, Aaron Gadiel, said that the changes would unfairly deny landholders a share in profits to which they were entitled. He said:

> I think it may well fix the problem for [Parramatta's] Civic Place—

and this is where it is a bit disingenuous to say that this amendment does not relate to Parramatta because it relates specifically to Parramatta and to the Civic Place project—

> …but what's critical if you are going to give government that kind of power is that governments give people fair compensation and that any subsequent uplift that occurs from rezoning should flow back to the land owner.
>
> This allows councils to compulsorily acquire land, more than they need, and sell it on willy nilly. If that becomes widespread that could be a major disincentive to invest in land.

The council's new chief executive officer, Robert Lang, said he believes it is simply good governance and that it is designed to correct something that was intended in legislation as a means to deliver much-needed infrastructure. We do not have a problem supporting civic infrastructure; in fact, it would be great to see the Parramatta precinct redeveloped, but not at the expense of property rights or just and fair compensation. That is why it is refreshing to see Mayor Tony Issa trying to reopen negotiations. However, as Aaron Gadiel has said, if we undermine the basic pillar of property rights through this amendment and end up with a major disincentive to invest in land, we will be eroding every basic platform that underpins our community. We have already witnessed disputes about developments and councils, and inappropriate access. That has been well described and discussed in this House. We do not need any more erosion of property rights in New South Wales.

As the eminent counsel has described, and as has been quoted publicly in a number of articles recently, this will give Parramatta City Council a backdoor or some other way to consolidate this project. It has a significant financial involvement in this project from a negative perspective and it has an income-earning component. That cannot be at the expense of existing landholders. It is our job, and this Parliament's role, to underpin and provide investment security in our community. That is why, as the member for Terrigal said, the Coalition will do anything to work with the Government to get this right. We believe that native title can be dealt with separately, and it should not be confused with this amendment. There is no need to combine native title with this issue; it is another issue. We urge the Government to reconsider this amendment.

Mr ROB STOKES (Pittwater) [11.14 a.m.]: I will make a brief contribution to the debate on the Land Acquisition (Just Terms Compensation) Amendment Bill 2009. I have listened intently to the debate, and much of it has centred on the technical legal issues involved. It seems to me that there is an understanding across the Chamber about certain inalienable rights that are unwritten assumptions in our society. Of course, one of them is the right to possess private property, to alienate others from that property and to have quiet enjoyment of that property. I think it was God who said, "Thou shalt not covet thy neighbour's house." We have established the notion—and it permeates liberal democratic thought—that private property is essential to provide security for families or investors. They need to know that when they purchase a piece of land or some other chattel they have the exclusive right to it. That is the nub of this legislation.

The member for Maitland talked about the Randwick and Thompson case, which established the principle that councils cannot acquire land for an improper purpose. In that case it was imputed that the council was buying land ostensibly for a road development. However, the council bought more land than it needed and then sought to on sell that land for profit. It was established by the High Court in that case in 1950 that the power given to council to engage in land acquisition was ultra vires. There have been similar cases in the Federal sphere, including the Clunies-Ross case involving the family that owned the Cocos Islands. It was determined that land could not be acquired for anything other than a public purpose. That has been the general understanding of our legal system ever since those cases, and well before.

As we have heard, this bill, even though it is very small, fundamentally affects the balance between what is a public purpose and what is an improper purpose with regard to the acquisition of land. While the bill is small, it is significant. Having listened to the debate, it appears that the most significant part of the bill is the amendment that relates to section 7B of the Land Acquisition (Just Terms Compensation) Act, which deals with a council's powers to acquire land. That may include roads and it may affect land adjacent to those roads. As the member for Barwon said, that may provide a backdoor for councils to acquire land for resale for profit. That is a tortuous process.

The Coalition does not believe it is appropriate for councils to have that power, not necessarily because councils will use the power to engage in nefarious activities but because it may open the door for unscrupulous developers to put pressure on councils to use it to engage in some sort of joint venture to acquire land for an urban redevelopment project. It is important to note that in making these comments I am not referring to any specific urban renewal project. Such projects can be good or bad. However, there are many examples where public authorities have got them very wrong. The Rocks redevelopment is a classic example. Many town centres in the United Kingdom were destroyed during the 1960s. Birmingham and Swindon town centres are good examples of the technocratic thinking of the time. Everyone thought it would be wonderful to have concrete redevelopment projects through the centre of those towns in what is known in architectural circles as the "British brutalism" style. We look back at that period and see the enormous destruction wrought in the name of progress.

We must be careful when legislating not to allow urban renewal projects to be forced on unwilling owners. If a council or anyone else wants to acquire land from a private property owner for other than a clear

public purpose, they should pay whatever the private property owner wants for that land. If the land cannot be bought for any price, that is the nub of private property rights. People have the right to exclude and to sell at whatever price they want, and if they do not want to sell, they do not have to. Of course, if there is some crucial overriding public interest there are clearly prescribed laws to deal with that. The member for Terrigal talked specifically about the basic principle of contra proferentem—that is, where laws seek to impinge on private property rights there is a presumption against the power and to read down the power.

The Coalition believes that this legislation opens the door for pressure to be put on councils not to engage in their traditional role of regulating and facilitating private development but to move further into participating in private development for profit. We have seen many examples where councils have invested in collateralised debt obligations, for example, which have been risky and which have involved loss to ratepayers. So we do not necessarily want our councils to be involved in speculative development. We do not want them drawn into speculative development. That is not their role; it is not what they are there for. We oppose this section of the bill simply because it exposes councils to risks. It exposes ratepayers to risks and it subtly undermines the sanctity of private property rights upon which our prosperity and economic development—and certainty for our families—depend.

Mr JONATHAN O'DEA (Davidson) [11.20 a.m.]: I will make a brief contribution to debate on the Land Acquisition (Just Terms Compensation) Amendment Bill 2009. My comments will relate particularly to my electorate of Davidson and the Ku-ring-gai council area that has recently been the subject of a series of rezoning considerations by a planning panel appointed by the State Labor Government. I am conscious that I could speak off topic, but I will endeavour to keep my comments very much relevant to the bill.

In the context of Ku-ring-gai council and current planning rezonings—or proposed planning rezonings—of private land for public purposes, I note that in the draft Ku-ring-gai town centre local environmental plan, which was adopted by the planning panel last week, 24 residential properties are proposed for rezoning for future open space. The proposed rezoning of these properties was not initiated by the council but by the Ku-ring-gai council planning panel as part of the Ku-ring-gai town centre local environmental plan process. Hand in hand with that identification of certain property for supposed public use was an exhibition to the public of the proposed rezoning. In that exhibition and in the material circulated there was a reference to what people could do to obtain independent help and advice if they wanted it. Indeed, the advice indicated that they should approach their local member of Parliament. So in that context I have some relevant comments to make about Ku-ring-gai.

Certainly the power to acquire land compulsorily should be exercised only in the public good and with just compensation. Hand in hand with that, the rezoning of private land for potential public use and potential compulsory acquisition should only ever be undertaken in exceptional circumstances for the public good and when there is a compelling rationale to do so in the public interest. Certainly the in-principle position should be against rezoning private land for public use without owners' consent. As other members have highlighted, it would be better to allow a market transaction to occur through negotiation. In Ku-ring-gai we are seeing essentially rezonings with the potential for compulsory acquisition for the benefit of the surrounding area and its owners so that they can develop their properties.

Arguably, this rezoning and potential compulsory acquisition will benefit adjoining private landowners because it will enable them to increase the value of their properties and increase residential densities on those properties. Thus it is directly for the benefit of private landowners rather than the public. The question of whether increasing the density of residential development in an area is for the broader public interest or of sufficient public interest to justify a rezoning or a compulsory acquisition is a moot point. There is also under the local environmental plan the adoption of a proposal by the planning panel to rezone land for the purpose of creating new roadways. Likewise in that case, residents have objected strongly to such a rezoning or acquisition—I think on good grounds—because it will benefit those in adjoining areas who want to develop their lands and there is no strong or compelling rationale to do so in the public interest. I have put those objections on record to the planning panel—which was appointed, as I said, by the Government.

We need to be careful even about rezoning land with a view to creating future public space, whether it be open space or roads. As we have heard today, this is an area of considerable legal uncertainty and potential unfairness. I will not quote the authorities that the member for Terrigal eruditely outlined, and I will not repeat the divine authority to which the member for Pittwater referred. But I will paraphrase another authority from the movie *The Castle*: We should not erode property rights when it goes against "the vibe". This bill goes against

the vibe. There are real concerns among the people of Ku-ring-gai, who have made representations, and, although I agree with the comments of the member for Terrigal regarding native title, those concerns warrant the Opposition not supporting the bill.

Debate adjourned on motion by Dr Andrew McDonald and set down as an order of the day for a future day.

MOTOR ACCIDENTS (LIFETIME CARE AND SUPPORT) AMENDMENT BILL 2009

Agreement in Principle

Debate resumed from 2 June 2009.

Ms NOREEN HAY (Wollongong) [11.27 a.m.]: I am pleased to support the Motor Accidents (Lifetime Care and Support) Amendment Bill 2009. The bill introduces further enhancements to the Lifetime Care and Support Scheme to assist people who have been severely injured in motor vehicle accidents in New South Wales. The first enables a person who sustained severe injuries in a motor vehicle accident prior to the commencement of the Lifetime Care and Support Scheme to participate in the scheme by using part of their lump sum award to buy in to the scheme. Secondly, the bill extends the interim participation period for children who are less than three years old at the time of the motor vehicle accident. Under the proposed reform, these children will not be assessed for lifetime participation in the Lifetime Care and Support Scheme until they have reached five years of age.

The Government has made significant reforms to the compulsory third-party green slip scheme over the years to deliver as a priority a scheme that is focused on supporting the recovery of people injured in road accidents. Those changes have significantly improved benefits and assistance for injured children, in particular, and for everyone with severe, life-changing road accident injuries. We have already introduced a special benefit for children to guarantee the payment of treatment, rehabilitation and care costs for all children injured in motor vehicle accidents.

Children up to the age of 16 who are injured in motor vehicle accidents in New South Wales now receive their treatment, rehabilitation and care costs as currently prescribed by the Motor Accidents Compensation Act 1999 regardless of who may have caused the accident. This Government took action to ensure that green slip scheme compensation entitlements are available for people who are injured in blameless or inevitable motor accidents. A blameless or inevitable motor vehicle accident is one where no-one is considered to have been at fault in causing the accident. An example of this is where a person is injured because a driver experiences a sudden unforeseen illness or medical condition, which causes loss of control over the vehicle resulting in a crash.

Prior to the Government's reforms, if a court found that no-one was to blame for an accident the green slip entitlements were not available to anyone injured in the accident. The financial consequences of such findings for people injured in these types of accidents and their families were significant. We acted to overcome the harshness of the common law in this regard. The Government has also set up the new Lifetime Care and Support Scheme to look after everyone who is severely injured in motor vehicle accidents in New South Wales. Before the introduction of the Lifetime Care and Support Scheme, a large proportion of people who had suffered severe injuries in motor vehicle accidents in New South Wales were not eligible for compensation. This is because historically the green slip scheme has only covered people injured in motor vehicle accidents caused by a negligent or at fault driver. Severely injured people who were considered to be at fault in the accident were not entitled to compensation and had to rely on family and community services for support. This is no longer the case.

Participants in the Lifetime Care and Support Scheme receive the medical, care and support services they need throughout their life, regardless of who may have been responsible for causing the road accident in which they were injured. Currently about 230 severely injured people are benefiting from this initiative. Eligibility for the Lifetime Care and Support Scheme is determined on the basis of medical assessment and depends on the severity of a person's injuries. Most people who are eligible to enter the scheme will have a spinal cord injury or a severe brain injury. In some cases people who have suffered burns or amputations will also be eligible to join the scheme. People who have suffered these sorts of profound injuries require lifetime support. This can be devastating for both the injured persons and their families.

Panels of specialist medical and health professionals have been selected as assessors for the Lifetime Care and Support Scheme. These independent assessors determine any disputes about an injured person's eligibility to participate in the scheme or the treatment and care needs of individual participants. The scheme has also established a panel of attendant care providers with expertise in the provision of care to people with brain and spinal cord injuries. The Lifetime Care and Support Scheme supports severely injured people and their changing needs throughout their lifetime. Scheme participants have access to a broad range of high-quality care and support services, including personal care services, domestic services, home nursing care, home maintenance, equipment, respite care, accommodation, recreation, transport, educational and employment services, and community access.

All scheme participants are appointed a lifetime care and support coordinator, who works with the injured person and their family. The role of the lifetime care and support coordinator is fundamental to the operation of the Lifetime Care and Support Scheme. Lifetime care and support coordinators provide potential participants with information about the scheme and the application process. They also facilitate the development, implementation and review of lifetime care and support plans, community discharge plans and community living plans, and coordinate delivery of services, including liaison with government and non-government organisations. The early involvement of lifetime care and support coordinators is necessary to facilitate access to the Lifetime Care and Support Scheme, provide information and gather initial information about the participant.

The lifetime care and support coordinator's role is new for healthcare providers and others who provide services for participants. Coordinators provide a single point of contact for participants and their service providers on any matter relating to the injured person. Lifetime care and support coordinators attend hospital case conferences, school meetings and home visits to meet participants and plan or review services. They provide an important and necessary oversight of the services being provided to participants. The Government recognises that an individual's injury should not limit what he or she wishes to achieve within his or her level of capacity. For this reason a key responsibility of lifetime care and support coordinators is to develop community living plans for scheme participants.

A community living plan outlines the necessary services for the ongoing support of the injured person. They are developed by the lifetime care and support coordinator in consultation with the injured person, their family and healthcare professionals. A community living plan is a whole-of-life plan, which identifies the way in which the injured person can achieve independence and self-sufficiency through measures such as vocational education and training. The plans include the specific goals of the injured person, services and support required to achieve these goals, and the roles and responsibilities of those involved in providing support. Community living plans are reviewed regularly. The Lifetime Care and Support Scheme provides an integrated lifelong package of care and support for all people who suffer severe injuries as a result of a motor vehicle accident in New South Wales.

The reforms proposed by the bill will further enhance the operation of the Lifetime Care and Support Scheme and provide improved options for people severely injured in motor vehicle accidents who, as a consequence of the accident, have significant future medical and care needs. The bill proposes to provide an option to people injured before the scheme commenced to buy into the scheme. The decision is completely a voluntary one. There is no compulsion. However, this change will give severely injured people another alternative for planning for their long-term care needs. People suffering severe life-changing injuries in motor vehicle accidents could face significant risks and uncertainty in investing large lump sum settlement moneys to secure their long-term ongoing care and treatment expenses.

The opportunity to buy in to the Lifetime Care and Support Scheme will provide another option for injured people and their families to consider. It is an option, however, that will certainly alleviate any concern for severely injured people and their families that investment of a compensation award may not necessarily guarantee the ongoing provision of required care and support for their whole lifetime. The two initiatives proposed by the bill are cost neutral and will not impact on the green slip levy paid by motorists that funds the operating costs of the Lifetime Care and Support Scheme. The bill further demonstrates this Government's commitment to improving the quality of life of people severely injured in motor vehicle accidents in New South Wales. The reforms will allow more severely injured people to benefit from the Lifetime Care and Support Scheme and guarantee that very young children receive the treatment, rehabilitation and care they need for the rest of their lives. I commend the bill to the House.

Mr GEOFF PROVEST (Tweed) [11.38 a.m.]: The Motor Accidents (Lifetime Care and Support) Amendment Bill 2009 will enable people who sustained injuries from a motor vehicle accident prior to the

commencement of the Lifetime Care and Support Scheme to use part of their lump sum payment to buy in to the scheme to provide for their future care and rehabilitation. I do not oppose the bill, but I shall highlight some concerns. Presently all people severely injured in a motor vehicle accident who participate in the Lifetime Care and Support Scheme receive medical treatment, care and support services throughout their life. However, I am concerned about the choice of carers and about the care that they receive. The bill seems to be silent on the ability to give those individuals a choice of carer and also a choice as to the quality of care they receive. We see large variations in that, and these people need our support for the rest of their lives. Many of them go through tremendous ordeals in that regard.

The Lifetime Care and Support Scheme commenced for children in October 2006 and for adults in October 2007. When the scheme was introduced concerns were expressed about the $20 additional cost the Government claimed would be added to green slips. At that time I expressed concern about the Government's mismanagement of disability services. As members know, I am 100 per cent for the Tweed. Last year in this place I raised the issue of disability services in the Tweed obtaining a property for around $700,000, and needing to spend another $400,000 to make the property accessible for people with disabilities, which was a great idea. However, as I proved in this House last year, the property sat vacant for just over 12 months, even though there are significant waiting lists for disability housing in the Tweed. Once again, that related to the Labor Party's inability to manage services for people with disabilities in New South Wales, who deserve and should be provided a lot more.

In its submissions to the Legislative Council's Standing Committee on Law and Justice inquiry, the Law Society maintained the argument that there should be a right to opt out of the Lifetime Care and Support Scheme. However, no other stakeholders put that view or supported it. I believe it is a relevant point. People with disabilities need all the support the Government can give them, including legislation to support and protect them for the rest of their lives. To that end, certain provisions of the bill need to be tinkered with further. Although the bill does not address the right to opt out of the scheme, the "buy in" amendment could assist seriously injured people who have to manage large compensation payments for an indefinite future by allowing them to "buy in" to the scheme and thereby guarantee their lifetime costs of treatment, care and rehabilitation services. However, we raise concerns about what advice these people are provided and about the lack of information provided as to the cost involved.

If the bill is successful in passing through this place, I would like to see the Government do more in terms of providing such information, in a plain English format, to people with disabilities, and particularly to their current carers. Many people with disabilities are being cared for at the moment by their parents, family or friends. As I have seen with many other issues that have been dealt with in this place, the relevant information is not conveyed to the people involved. The people need that information so they can make appropriate decisions. Quite often with these large lump sum payments, as with any large sum of money in a family, it raises the expectations of friends and relatives as to the way they spend that money, and obviously it is a very emotional time for the person with the disability. Clear guidelines, and rules and regulations, should therefore be included in the legislation and provided to those people.

The bill does not provide details as to how many people might seek entry to the scheme. According to the information available to me, currently 199 adults and 28 children are covered by the scheme. Eligible participants are usually suffering spinal cord injury, severe brain injury or, in a small number of cases, burns or amputations. I have not seen figures as to how many people will be invited to buy in to the scheme. The option of using the lump sum payment to participate in the scheme needs to be cost neutral to the scheme. As many famous people have said before me, the devil is in the detail. While I do not oppose the bill, I believe there should be greater emphasis on more information coming from the Government in terms of the issues I have raised, particularly regarding the cost-neutral aspect and the rising cost of green slips.

The cost of green slips is dear to my heart, because currently there is a significant disparity between the cost of green slips in Queensland and New South Wales. Once again, it is cheaper in Queensland than it is in New South Wales. As members know, in my electorate of the Tweed just on 27 per cent of the population are over the age of 65. I have in my electorate more people over the age of 65 than any of the other 93 electorates across the State. We do not have a train; the Government took it away. Currently we have an ineffectual bus service in the Tweed. The only way a lot of people—those on fixed incomes, pensioners, and even young mums and young families—can get around is by vehicle. Any extra cost would be a significant impost on their way of life.

As the bill indicates, there will probably be a $20 increase in green slips. As late as yesterday we see that the Queensland Government is about to remove its fuel levy. I assume that in the budget shortly to be

brought down in this place New South Wales will also remove its fuel levy. However, once again that will put extra costs on people who can ill afford it. I hope the Government takes on board the issues I have raised and provides the information that is required. I am aware that members on this side of the House have on many occasions requested that that information be provided. However, the advice I have received at the moment is that the information is very fuzzy on detail. Once again, I am 100 per cent for the Tweed.

Mr MATT BROWN (Kiama) [11.46 a.m.]: I am pleased to support the Motor Accidents (Lifetime Care and Support) Amendment Bill 2009. The bill seeks to provide further support and assistance to people who have sustained a severe injury, such as spinal damage or brain trauma, as a result of a motor vehicle accident in New South Wales. Under the proposed reforms, people who suffered severe injuries in a motor vehicle accident prior to the commencement of the Lifetime Care and Support Scheme will have the option of "buying in" to the scheme. The bill also extends the interim participation period for very young children who are less than three years old at the time of the motor vehicle accident.

The Government recognises the important needs of people who sustain a severe injury, such as spinal damage or brain trauma, as a result of a motor vehicle accident in New South Wales. That is why we introduced the new Lifetime Care and Support Scheme. The scheme provides lifelong treatment, rehabilitation and attendant care services to people severely injured in motor vehicle accidents in New South Wales, regardless of who was at fault in the accident. The Lifetime Care and Support scheme covers catastrophic injuries, including spinal cord injury, serious traumatic brain injury, severe burns, and bilateral amputations.

The Lifetime Care and Support Scheme commenced on 1 October 2006 for children and on 1 October 2007 for adults. The scheme aims to provide a practical and compassionate safety net for the victims of motor vehicle accidents. It ensures that people who are severely injured in motor vehicle accidents in New South Wales are treated with respect and dignity, and have the maximum possible choices, opportunities and quality of life. The scheme also provides security to the injured person and their family that the necessary treatment, rehabilitation and care will be provided.

In its first review of the exercise of the functions of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council, the Standing Committee on Law and Justice recognised that the Lifetime Care and Support Scheme has the potential to have a profoundly positive impact on participants and their families. As the standing committee noted, this is because the Lifetime Care and Support Scheme facilitates the highest standards of medical care and rehabilitation in the short term—thereby potentially improving participants' injury outcomes—as well as delivering a coordinated and flexible system of long-term care and support for the rest of their lives.

The reforms proposed by the bill will further enhance the operation of the Lifetime Care and Support Scheme, and provide improved options for people injured in motor vehicle accidents in New South Wales who have significant future medical and care needs. The option of using a lump sum payment to participate in the Lifetime Care and Support Scheme will directly benefit seriously injured people who were injured before the scheme commenced and are faced with the difficult task of managing a large compensation payment many years into the future. Severely injured people who have received a lump sum settlement following a motor vehicle accident face significant risks relating to the investment of the settlement moneys and in meeting the long-term costs of ongoing care and treatment.

The opportunity to "buy in" to the Lifetime Care and Support Scheme will alleviate the risk for severely injured people that investment of a compensation award may not be able to guarantee the ongoing provision of required care and support for their whole lifetime. Severely injured people have significant daily needs for care services, personal assistance, domestic support, and ongoing equipment and medical needs. Those with the most profound injuries require 24-hour nursing care. The proposed reform will provide the opportunity for more people to benefit from the scheme and provide injured people and their families with the peace of mind that the future costs of their treatment, care and rehabilitation services will be met for their lifetime.

The bill will also ensure that a child who is less than three years old at the time they were severely injured will not have a final assessment for lifetime participation in the scheme until they have reached five years of age. This proposed change arose from a recommendation made by the Standing Committee on Law and Justice in its first review of the Lifetime Care and Support Scheme. As noted by the committee, it is not always possible to make a full and final assessment of the long-term care needs of very young children at the end of the current two-year interim participation period, especially in cases involving brain injuries. The long-term effects of such an injury can sometimes be difficult to predict before a child reaches the age of five. This proposed

reform will address the committee's recommendation and will alleviate any concern about very young children who are severely injured in motor vehicle accidents receiving the necessary treatment, rehabilitation and care they will need throughout lives.

An important feature of the scheme is its flexibility. The scheme promotes independence and choice by allowing severely injured people to receive the care and support services they need according to their own particular set of circumstances. The scheme also recognises that an individual's care needs may change over time and that levels of care will increase as individuals grow older. As well as providing essential services, the scheme offers high-quality support for severely injured people through the appointment of a lifetime care coordinator. All participants in the scheme will be assigned a lifetime care and support coordinator to act as a primary point of contact between the participant, service providers and the Lifetime Care and Support Authority.

The coordinator's role will be to provide potential participants with information about the scheme and the application process. It will also facilitate the development, implementation and review of Lifetime Care and Support Plans for participants and coordinate the delivery of services. Those services may include identifying options for accommodation, transport, education, employment and social and recreational activity to assist the injured person to regain as much of their daily functioning and independence as possible. The new Lifetime Care and Support Scheme guarantees that severely injured people will receive the care and support they will need throughout their life.

The scheme also eases the pressure and worry experienced by the families of severely injured people by ensuring that their long-term care needs are well looked after. The scheme is fully funded from a levy collected with green slip premiums. The changes proposed by the bill are cost neutral and will not require any additional levy collection. The bill continues this Government's commitment to providing high-quality, coordinated and flexible care and support services to people who have sustained a severe injury, such as spinal damage or brain trauma, as a result of a motor vehicle accident in this State. The reforms will enable more people who have suffered a severe injury as a result of a motor vehicle accident to rebuild their lives with the proper resources and support, as well as plan for their future. I commend the bill to the House.

Mrs JUDY HOPWOOD (Hornsby) [11.53 a.m.]: The Motor Accidents (Lifetime Care and Support) Amendment Bill 2009 is a bill for an Act to amend the Motor Accidents (Lifetime Care and Support) Act 2006 to enable certain people who were injured before the commencement of the Lifetime Care and Support Scheme to buy in to the scheme and to extend the period of interim participation in the scheme in the case of young children. More specifically, it enables people who sustained injuries in a motor vehicle accident prior to the commencement of the Lifetime Care and Support Scheme to use part of their lump sum award to buy in to the scheme, provided their injuries would have made them eligible had the accident occurred after the scheme commenced. It also extends the interim participation period for children less than three years old at the time of the relevant motor accident to ensure their injuries are fully stabilised before significant decisions are taken about their projected lifetime care needs.

In the course of my 34-year nursing career I looked after many people who had sustained severe injuries as a result of motor vehicle accidents. I cared for these people in a hospital setting and also in their homes. I was well aware of the anguish of the injured persons and their families and friends prior to the Lifetime Care and Support Scheme coming into being. It is almost beyond imagination that a child less than three years old could sustain such injuries from motor vehicle accidents, but unfortunately some children do. Therefore, I welcome the extension of the participation period for children under this scheme. They will have their needs reassessed at five years of age, which is sensible.

However, I have a number of concerns about the legislation. It is unclear as to how many people might seek entry into the scheme under the proposed extension arrangements to people injured prior to the commencement of the scheme. Currently 199 adults and 28 children are covered by the scheme. There is the risk that the cost of green slips will increase for motorists in New South Wales. There is also a potential risk to the Government should the Lifetime Care and Support Authority mismanage the buy-in process. A large number of older people live in my electorate and they are finding it hard to make ends meet, particularly with the current economic downturn. They will be concerned if their green slips, which give them the independence to go about their daily lives, cost them more.

There is no assurance that any persons who buy in will have guaranteed standards of care in the future. There may be a coordinator overseeing the care of these people, but there are no guaranteed standards of care for these people. That is very important because many of these people have been catastrophically injured and

require a standard of care to enable them to live to the optimum and for as long as possible. Finally, the recommendation of the Legislative Council committee as to dispute mechanisms and the provision of independent advice has not been addressed. The Opposition does not oppose the bill, but it calls on the Government to look at the concerns that have been raised in the debate by other members and by me. We seek answers to those concerns. Whilst the issue of people who could not access lifetime care and support has been tidied up, if you like, some unknown entities still need to be clarified.

Mr MALCOLM KERR (Cronulla) [11.57 a.m.]: The Opposition has a number of concerns with the Motor Accidents (Lifetime Care and Support) Amendment Bill 2009. Only recently the House debated the Motor Accidents Compensation Amendment Bill 2009. If the Parliament were properly managed, both bills would have been introduced in the House at the same time, and the debate would have been holistic. As a result of this mismanagement, the people's House has not had the opportunity to address either of the bills in their full context. Nevertheless, I ask the Parliamentary Secretary, the member for Shellharbour, to address these significant concerns in her reply. The member for Hornsby raised serious concerns about which the House is entitled to an answer. Working families in the Sutherland shire would be concerned if their green slips rose considerably. In his contribution the member for Manly said:

> Unfortunately, I have significant reservations about the Government's ability to manage its finances.

His reservations would be shared by every person in New South Wales.

Ms Lylea McMahon: Certainly not.

Mr MALCOLM KERR: The Parliamentary Secretary says certainly not. She is not concerned when BlueScope Steel gets rid of a few workers. Fortunately, members of this House are genuinely concerned about the finances of this State because they represent the material wellbeing of the people of New South Wales. I advise the Parliamentary Secretary to look at the previous budgets and to be present in this House when the budget is delivered on 16 June 2009. She will have more than a few reservations about the direction that the Government is taking.

Ms Lylea McMahon: I look forward to it.

Mr MALCOLM KERR: The Parliamentary Secretary says that she will look forward to it. No-one in the State would be looking forward to the budget on 16 June 2009. The reservations raised by the member for Manly are well and truly shared by every financial commentator and citizen in this State. The member went on to say:

> 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.

Members would remember those advertisements.

Mr Geoff Provest: Costly.

Mr MALCOLM KERR: They were costly advertisements. I believe it was the television and stage actor John Wood who said in the advertisements that it would cost only $20. As the member for Manly said:

> The Insurance Council of Australia confirmed today that the average cost of that levy across the State is $85.

That is an incredible increase for the hardworking motorists of this State. For the benefit of the Parliamentary Secretary, I point out that it is more than four times the amount that was promised with great fanfare by her Government. I seek an assurance from the Government that the cost of green slips will not be increased. I want that assurance not only on behalf of the people of the Sutherland shire, but also on behalf of all the people of New South Wales. It is a heavy responsibility that rests on the Parliamentary Secretary when she makes her speech in reply because history is against her. She should speak about the future, despite lacking one.

Mr WAYNE MERTON (Baulkham Hills) [12.03 p.m.]: The Motor Accidents (Lifetime Care and Support) Amendment Bill 2009 makes provision for people who sustain injuries from a motor vehicle accident prior to the commencement of the Lifetime Care and Support Scheme to use part of their lump sum award to buy in to the scheme provided their injuries would have made them eligible had the accident occurred after the scheme commenced. It also extends the interim participation period for children who are less than three years

old at the time of the relevant motor accident to ensure that their injuries are fully stable before significant decisions are taken about their projected lifetime care needs. At present all people severely injured in motor vehicle accidents in New South Wales participate in the Lifetime Care and Support Scheme, receiving medical treatment, care and support services throughout their lives, regardless of who may have been responsible for the accident in which they were injured. The scheme commenced for children in October 2006 and for adults in 2007.

The Opposition did not oppose the legislation when it was introduced. At the time we expressed concerns about a cost of $20, which the Government claimed would be added to green slips to pay for the scheme. We also expressed concern about the Government's mismanagement of disability services and we sought to amend the legislation. Currently 199 adults and 28 children are covered by the scheme. Eligible participants usually suffer spinal cord injuries, severe brain injury or, in a small number of cases, burns or amputations. The amendments will enable people who are seriously injured in accidents prior to the commencement of the scheme to use some or all of the lump sum payment to gain entry to the Lifetime Care and Support Scheme. The Opposition does not oppose this bill, which has commonsense provisions and is a worthwhile proposition. Although we agree with the bill in principle, we have a number of concerns. Often when the House is asked to vote on important issues—and this is an important issue, as are most issues dealt with by the Parliament—the Government legislation is short on detail. The Government really is asking us to trust it.

Mrs Judy Hopwood: That is difficult.

Mr WAYNE MERTON: As the member for Hornsby correctly says, it is very difficult to trust the Government. The Government asks us to take a leap of faith. The results are similar to the movie of the same name because the Government is short on detail when introducing legislation and implementing it. Often the legislation does not achieve what the Government purported it would. The Opposition supports this bill, but we seek further information. For example, how many people might seek entry to the scheme under the proposed extension of arrangements? I want to raise another issue that concerns many motorists. I have had a number of complaints from people in my electorate about the current cost of green slips. I do not know why—and I do not relate it to the lifetime care and support legislation—but in some cases green slips have increased by $80. That is a long way from $20. By raising his hands I suppose that even the member for Blacktown agrees with me.

Mr Paul Gibson: I was offering a blessing.

Mr WAYNE MERTON: The member for Blacktown is beyond a blessing. There is hope for the vile sinner yet.

ACTING-SPEAKER (Mr Thomas George): All blessings will be made through the Chair!

Mr WAYNE MERTON: Is the Acting-Speaker suggesting that he would like a blessing? He may do so, but I am not the person to administer it. The Government put up some good legislation, in principle, on the last occasion, but it was going to cost us $20 to implement the scheme and now—as the Demtel man would say, "But wait, there's more"—the reality is that it is going to cost us $80. I do not think it is unreasonable for the motorists of New South Wales to be told if there are any additional costs to implement this scheme.

The Coalition should be told also because we are asked to vote on this legislation, and we certainly support it in principle, but we want to know the cost. It is like going into a shop and saying you will buy something before you know the cost. You say you will take it, but when you are told the cost you suddenly realise that you cannot afford it. I do not suggest for one moment that we should in any way deny people the benefits that this legislation will provide. But I ask the Parliamentary Secretary: How much will it cost? Is there an estimate? Surely, in implementing the scheme the Government must have some idea as to cost. I know its track record is not so good, with the cost estimate of $20 on the last occasion the Government put forward this legislation, but let us just find out what the cost will be.

Mr Paul Gibson: It's a little bit like the GST.

Mr WAYNE MERTON: The difference with the GST is that John Howard went to the people of Australia with a specific mandate for a GST.

Mr Paul Gibson: No, he didn't.

Mr WAYNE MERTON: He did.

Mr Paul Gibson: He didn't.

Mr WAYNE MERTON: He did. I am not going to argue with you.

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

Mr WAYNE MERTON: John Howard went to the people of Australia with a specific mandate, a specific claim that he was going to introduce a GST. At the time I think it was a very courageous decision to make: to go to the people and say he was going to introduce a new tax. The amount of the tax was defined at 10 per cent and the State Government's Federal masters have not attempted to interfere with it—so far. But in relation to this scheme let us have some idea as to the cost. The other issues I would raise is that there is no guarantee that persons who buy in to the scheme would have guaranteed standards of care in the future, and I also understand the recommendations of the Legislative Council committee concerning dispute mechanisms have not been addressed. Speaking about GST—I mean green slips; the member for Blacktown has been very successful and sown the seed—

ACTING-SPEAKER (Mr Thomas George): Order! I remind the member for Baulkham Hills that the debate concerns GS—green slips—not the GST.

Mr WAYNE MERTON: GS for green slips, not GS for goods and services tax, as the member for Blacktown purports it might be. The Government should look at the cost of green slips. Recently people have come into my electoral office and told me that the cost of their green slips has gone from $380 to more than $600.

[*Interruption*]

The Parliamentary Secretary should listen to this because it concerns her and her constituents. If one looks at the cost of green slips, as published in a newspaper recently, one will see that some insurance companies have made monumental increases to the cost of their green slips. Whilst it is fair to say that people can shop around, in many cases people simply do not do that, either because they are not aware that the company down the road might be cheaper or because they get the renewal notice and just send off the money. Green slips are a big issue. The cost of green slips has increased quite dramatically in some cases and this scheme could well mean that motorists have to make an additional payment. If that is the case, we should be told the amount, and we will remind the Government in 12 months time whether it has gone anywhere near complying with that stated cost. There is certainly a need for this type of support for people and we do not oppose the legislation.

Mr ANDREW CONSTANCE (Bega) [12.14 p.m.]: I make my contribution to the debate on the Motor Accidents (Lifetime Care and Support) Amendment Bill 2009. Paragraph (b) of the objects of the bill states that the bill provides that a child under three years of age who is accepted as an interim participant in the scheme remains a participant until the child is five years of age rather than for two years, as is currently the case. I would be interested to hear from the Government as to how many children remain in the scheme, how many are assessed and how many are assessed as no longer able to participate in the scheme.

There is currently a debate on the national disability insurance scheme in which the sector is arguing and lobbying the Federal Government to implement a scheme that operates on the same principles as the motor accidents scheme in New South Wales. There is no doubt that the community does not appreciate or fully understand that if you acquire a disability or are born with a disability you are not automatically entitled to support and services. This scheme seeks to provide support for motor accident victims. Recently the retiring director general of the department commented publicly that if he were to have a fall in his home and acquire a brain injury he wanted his wife to put him into the family car and run the car into the garage so that he could be eligible for this scheme.

The principles behind the scheme are very sound and are being debated nationally as part of an overall insurance scheme for disabilities. This debate needs to be undertaken, and I welcome it. It is a worthy cause that needs to be scrutinised extensively by Bill Shorten and the Commonwealth Government because too many people are not getting the support services they need should they acquire a disability or be born with a disability. As part of this challenge New South Wales has a disability system that is struggling to cope with unmet need in

the community. I urge the Government to look very closely, particularly in the upcoming State budget, at how it will fund the next five-year funding program for Stronger Together. One needs only to look at the 8,000 people in New South Wales who are seeking full-time supported accommodation—

Ms Lylea McMahon: Point of order: Could you bring the member for Bega back to the leave of the bill? This is not a budget in reply speech; this is debate on a bill.

Mr ANDREW CONSTANCE: To the point of order: I was speaking in reference to the disability support system, which is directly relevant to this debate. This debate is about the motor accidents scheme. How does the member for Shellharbour think people with disabilities are supported in this State? Has she got any idea? She is on her L-plates.

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

Mr ANDREW CONSTANCE: I make the point that the disability support system in this State is currently struggling to cope. Obviously it will benefit from this type of scheme. Whilst we will not oppose the amendments this bill seeks to make, I specifically asked a question in relation to children, which I hope the Parliamentary Secretary will at least have the decency to answer. I also point out that the disability support system in this State currently is unsustainable. It is going to reach a tipping point where it can no longer continue to meet the needs of people with disabilities, their carers and their families. I believe it is paramount that we have a full appreciation of the number of people who are going to participate in the scheme. I understand that currently 199 adults and 28 children are covered by the scheme.

We are entitled to know with the introduction of these amendments how many more people will be able to receive lifetime care and support. That is not unreasonable against the backdrop of a support system in New South Wales that is in crisis. If the Parliamentary Secretary does not believe the system is in crisis, I am happy to take her to see the crises that families and people with disabilities and their carers are struggling with day in and day out because they are not getting resources from the State Labor Government for support services. That underinvestment has gone on for decades and the system is now at tipping point.

I hope we get answers from the Government about this. We would have fair, open and transparent government if the Minister were to respond to the concerns that the Opposition has raised. We will not oppose the amendments, but we are entitled to answers from the Government about the number of people who will benefit as a result of these amendments. I reiterate for the benefit of the Parliamentary Secretary that the level of unmet need in the community is extraordinary. She should know that from her dealings with people in her own her electorate. I hope that the State budget, which will be handed down in two weeks, will contain funding for the many support services that are in crisis because of this Government's underinvestment.

Ms LYLEA McMAHON (Shellharbour—Parliamentary Secretary) [12.23 p.m.], in reply: I thank the member for Wollongong and the member for Kiama for their well informed and articulate contributions to this debate on the Motor Accidents (Lifetime Care and Support) Amendment Bill. I also acknowledge the contributions of the members for Tweed, Hornsby, Cronulla, Baulkham Hills and Bega. The member for Tweed asked about how many people may benefit from an option to buy into the Lifetime Care and Support Scheme. About 370 compulsory third party insurance motor accident injury claims that were lodged before the Lifetime Care and Support Scheme started have not yet been finalised. They involve people who have suffered severe injuries such spinal cord damage or a traumatic brain damage. That comprises 267 adult claims and 102 children's claims.

The change proposed by the bill will provide these injured people with the option of buying into the Lifetime Care and Support Scheme to secure their lifelong treatment, rehabilitation and care needs. However, this decision is voluntary. Severely injured people who have received a lump sum settlement following a motor vehicle accident can face significant risks in investing settlement money to meet the long-term costs of ongoing care and treatment. The opportunity to buy into the Lifetime Care and Support Scheme provides another option for injured people and their families to consider. It is an option that will alleviate the concern for severely injured people that investment of a compensation award, however wisely made, may not necessarily be able to guarantee the ongoing provision of required support for their lifetime.

The member for Hornsby raised the quality of care. The Lifetime Care and Support Scheme is funded to meet the reasonable and necessary lifetime needs of participants. The level of care is set by the Motor

Accidents (Lifetime Care and Support Act) 2006 and the statutory guidelines. The governing legislation provides that any dispute about the treatment and care needs of a participant in the Lifetime Care and Support Scheme may be referred to an independent medical or health professional for determination. The existing safeguards built into the legislation will also be available to protect anyone who elects to buy into the scheme. The member for Bega asked about the number of children in the scheme. There are 29 children in the scheme under 16 years of age and seven under five years of age.

The new Lifetime Care and Support Scheme is working to significantly improve the lives of people who have suffered severe injuries such as spinal damage or brain trauma as a result of a motor vehicle accident in New South Wales. The scheme is having a profoundly positive impact on severely injured people and their families by guaranteeing that the injured person receives the care and support they will need throughout their life. The reforms proposed by the bill will further enhance the assistance and support provided by the scheme to people severely injured in road crashes in this State. The option of using a lump sum payment to participate in the scheme will directly benefit those who were severely injured in motor vehicle accidents before the scheme commenced.

As has been noted in this debate, many people who were severely injured as a result of motor vehicle accidents prior to the commencement of the Lifetime Care and Support Scheme are faced with the difficult and often daunting task of managing a large compensation payment many years into the future. There is always the risk that in managing a lump sum settlement not enough is set aside to meet the costs of significantly increased care needs as a person ages. I remind members that we are talking about people who have suffered the most profound and devastating of injuries—spinal damage such as tetraplegia and paraplegia, serious traumatic brain injury, severe burns and bilateral amputations. These people have significant daily needs for care services, personal assistance, domestic support and ongoing equipment and medical needs. Those with the most profound injuries require 24-hour nursing care.

The opportunity to buy into the Lifetime Care and Support Scheme will allow more severely injured people to benefit from the scheme and provide injured people and their families with the peace of mind that the future costs of their treatment, care and rehabilitation services will be provided for the rest of their lives. The initiative will be cost neutral for the scheme and will not compromise the scheme or the provision of services to existing and future participants. The Lifetime Care and Support Authority will determine the buy-in amount to be paid by an injured person electing to participate in the scheme. The bill clearly stipulates that this buy-in payment is to be the amount required to fund the person's treatment and care needs resulting from the motor accident injury for their lifetime participation in the scheme.

I reiterate, this initiative will be cost neutral for the scheme and will not compromise it or the provision of services to existing and future participants. Nor as the Opposition has asserted is it a money-making exercise. The Lifetime Care and Support Authority has developed a life cost calculator that uses individual factors of the participant, including age, injury type, injury severity, functional independence measures and life expectancy to determine a life cost in accordance with the provisions of the statutory guidelines. Flexibility is built into the model to allow for variations to be made to account for individual circumstances, including any other injuries, family support and living arrangements that will impact on the level of care required over the person's life. The life cost calculator provides a realistic and consistent assessment of life care needs to estimate a fair and an accurate projection of an injured person's anticipated lifetime care and support costs. It is also important to note that the rates at which the authority is able to purchase care is well below that which would be available to an individual.

The Opposition has a lot to say about the green slip levy. The Motor Accidents (Lifetime Care and Support) Act 2006 provides that the Lifetime Care and Support Scheme is to be funded by a levy on green slips that fully funds the present and likely future liabilities of the scheme as determined by independent actuarial advice. The latest annual report of the Lifetime Care and Support Authority notes that while the numbers of adults entering the scheme to date are in line with predictions, child numbers are below the predicted number. This is a positive result that allowed the authority to introduce a small reduction in the levy on 1 February 2009. I reiterate, the only change to the lifetime care funding levy since April 2007 has been to reduce the levy rates, effective from February this year. That reflects the very good outcome that fewer children have been seriously injured in road crashes than had been projected on historical data.

The bill also extends the interim participation period for children who are less than three years old at the time of the motor vehicle accident. The practical effect of this reform is that a child who is less than three years old at the time they were severely injured will not have a final assessment for lifetime participation in the

scheme until they have reached five years of age. This reform addresses a recommendation made by the Standing Committee on Law and Justice in its first review of the new Lifetime Care and Support Scheme. The change recognises that it is not always possible to make a full and final assessment of the long-term care needs of very young children at the end of the current two year interim participation period—especially in cases involving brain injuries. By extending the period of interim participation for children who are less than three years old at the time of the motor vehicle accident, the Government is making absolutely sure that very young children are assessed for lifetime treatment, rehabilitation and care at the most appropriate time for making such decisions. Parents and families can also be assured that a child's future long-term treatment and care needs will be taken care of.

I reiterate that the initiatives proposed by the bill will not impact on the green slip levy paid by motorists that funds the operating costs of the Lifetime Care and Support Scheme. Recent green slip price rises have been caused not by any change to the green slip levy but by the significant drop in interest rates that has occurred since October 2008. As I have stated already, the only change to the lifetime care funding levy since April 2007 involved reducing the levy rates. The impacts of the global financial crisis are far reaching. The worst economic downturn since World War II has also taken its toll on green slip costs. The green slip insurers invest the premiums they collect in accordance with the Australian Prudential Regulation Authority framework to ensure that they have sufficient funds to meet future claim payments.

The global financial crisis has seen a significant drop in investment returns—in fact, the drop in investment returns is almost unprecedented in the history of the privatised green slip scheme. I am advised that we need to go back to 1951 to find cash rates that impact on compulsory third party insurers as low as they are today. This has impacted significantly on the premiums that insurers must collect to ensure that they have the funds to pay claims and that the green slip scheme remains viable. The reforms proposed by the bill further enhance the operation of the Lifetime Care and Support Scheme and continue this Government's commitment to providing improved options and assistance to vulnerable members of our community who have significant future medical and care needs. I commend the bill.

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.

HERITAGE AMENDMENT BILL 2009

Agreement in Principle

Debate resumed from 2 June 2009.

Mrs JUDY HOPWOOD (Hornsby) [12.32 p.m.]: The Heritage Amendment Bill 2009 is a bill for an Act to amend the Heritage Act 1977 and the Environmental Planning and Assessment Act 1979 with respect to the Heritage Council of New South Wales, State heritage items and other items of heritage significance, and for other purposes. The objects of the bill are to insert objects into the Heritage Act; to require criteria used by the Heritage Council to determine whether a place, building, work, relic, moveable object or precinct—that is an item—is of State heritage significance to be approved by the Minister for Planning; to reduce the membership of the Heritage Council from a maximum of 15 members to a maximum of 11; and to remove the appointment of members nominated by particular organisations other than the National Trust of Australia, New South Wales.

Further objects are to require the Minister, when considering the inclusion on or removal of an item from the State Heritage Register, to consider whether the item should be conserved and other specified effects of the listing; to provide for the endorsement by the Heritage Council of conservation management plans for items listed on the State Heritage Register and other matters related to those plans; to enable the Minister or chairperson of the Heritage Council to make stop-work orders to prevent an item that is subject to an interim heritage order or is listed on the State Heritage Register from being harmed; to provide for the referral by

councils of disputed proposals to list items as heritage items in local environmental plans to independent hearing and assessment panels; to prevent a consent authority from refusing a development application for integrated development on heritage grounds if the development is the subject of a relevant approval under the Heritage Act; and to make other minor amendments and amendments of a consequential, savings or transitional nature.

I also represent an area that has significant heritage within it. Each and every member of this House would have similar views. I have spoken before about some local areas of great importance. I remind the House that the Mount Errington area is one particularly significant precinct. There are a number of others and also a number of individual heritage items. I pay tribute to the historical societies and individuals who take a great interest in the area's heritage and history. I mention particularly the members of the Hornsby Historical Society, the Dural and District Historical Society, and the Dangar Island Historical Society. I am a member of all those societies. I attend their meetings as often as possible and take a great interest in their work.

As I said, the Hornsby area has many wonderful heritage sites. I have spoken to a number of people in my electorate—most recently to Elizabeth Roberts, who consulted with Mari Metzke—and I have some feedback for the Minister about the concerns of the Royal Australian Historical Society regarding the bill. The Royal Australian Historical Society met recently to discuss the amendments. It stated that there are significant amendments in the Heritage Amendment Bill 2009 that is currently before State Parliament—and obviously we do not disagree—and that the changes proposed threaten the role of history and archaeology in heritage, and dilute statutory protection of heritage in a variety of ways. Matters of special concern to the historical community are set out as:

1. **For the first time there will be no requirement that a historian is a member of the Heritage Council**. For the past 32 years the RAHS has nominated, on behalf of the profession, a panel of three historians from whom the Minister has appointed one to the Heritage Council. The Expert Panel which 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 fifteen members or, as is now proposed, be reduced to eleven. The current amendment instead provides for six members, with "qualifications, knowledge and skills" in any of fifteen stipulated areas, to be appointed by the Minister. Although one of these fifteen areas is "New South Wales or Australian history", there is no provision for the RAHS or any other body to nominate a panel of suitable historians and, even more troubling, there is no guarantee that a historian will be appointed at all. The case for a historian is extremely strong. State listings are currently being considered under selected historical themes and present criteria for assessment are headed by historical and associational significance: there must be a historian on the Heritage Council.

2. **There will be a shift of balance from the Heritage Council to the Minister**. The criteria used for the assessment of 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 listing and in enhancing the role of property owners.

3. **A change in the definition of archaeological "relics" is likely to mean that they will have less protection under the Act.** This means that the definition of archaeological "relics" and pursuing protection under the Act would now be linked to the relic/s having heritage significance (either local or state). At this point in time the State Government and the Department of Planning does not have sufficient measures in place to identify where in NSW relics of local or state significance are likely to be found and hence provide adequate protection for those relics.

4. **Heritage items listed on Local Environmental Plans will be subject to review, with powers over-riding those of the local government areas.**

As members can see from the points raised, the historical and heritage communities—people who have a great interest in assisting this Government, or indeed any government and anyone else, in relation to our proud history—have huge concerns about the bill. We certainly do not want to see our heritage items—our rare and precious items, in many instances—disappear. Much has been lost. We do not want to see those items that should remain brushed aside by virtue of this legislation. Heritage is most important and needs its own Minister. The Government has not taken up the Opposition's proposition to appoint a separate Minister for Heritage, and it does little to address heritage listing through local government. I have outlined the concerns of many of my constituents and other Opposition members have raised similar concerns on behalf of their constituents. The Opposition opposes the bill. Heritage has a value that cannot be compromised.

Mr JONATHAN O'DEA (Davidson) [12.40 p.m.]: In my inaugural speech in this House I recognised the importance of protecting the best of the past in building for the future, and the Heritage Amendment Bill 2009 is very relevant to this aim. I will speak mainly in terms of the proposed amendments to the Environmental Planning and Assessment Act, but will first make some brief comments in relation to the heritage amendments. I note in particular the concerns as communicated to me a number of times by the History Council of New South Wales. Those concerns have been touched on, and they are twofold. First, it is imperative that an historian recognised by the sector is guaranteed a position on the Heritage Council; and, secondly, there is concern about

the emphasis in the bill on considering during the heritage assessment process economic use and undue financial hardship to owners. I am sure that the Minister will address those concerns when she replies to the debate. There is also concern about a potential conflict of interest between planning and heritage matters. The shadow Minister and the Leader of the Opposition have outlined some real differences in terms of policy on this and other heritage matters.

I turn now to the planning reforms. Obviously the Coalition opposed the planning reforms of late 2008, which included the reforms in section 118AG of the Environmental Planning and Assessment Act. I highlight particularly the appeal by Ku-ring-gai Council against the previous Minister's decision to appoint a planning panel to the Ku-ring-gai area. That appeal, although not entirely successful, was available under a democratic system. Now there is protection of the appointment of planning assessment panels and the conferral of functions on regional panels under the Act that did not exist previously under section 118AG. I will be happy to hear the Minister's comments on that issue in her reply. There is concern that that protection would extend to the Minister in conferring functions or appointing panels with authority for development control plans and contribution plans. As a result that protection, which has been extended, would be extended even further. That is of concern to Ku-ring-gai Council and to me. At this point I acknowledge the presence of Councillor Tony Hall from Ku-ring-gai Council in the public gallery.

I have written to the Minister requesting that she meet with the Leader of the Opposition and me to discuss broader issues involving Ku-ring-gai Council and the planning panel. I will not stray into matters that are outside the leave of the bill; but will make a private member's statement about related issues on Friday. I note that the Minister has shown good faith in the past in visiting the area and attending meetings, so I ask that she extend that good faith and meet us prior to finalisation of the planning panel matters that are before her for consideration. Ku-ring-gai is topical at the moment. I note the real concerns in Ku-ring-gai about the planning panel and the meeting that was held last week—not just the outcomes but also the process engaged in at the meeting, when the planning panel considered the final local environmental plan. Rather than use my own words, I will quote the Mayor of Ku-ring-gai, Councillor Malicki—who is far from being a Coalition supporter. She labelled last week's Ku-ring-gai planning panel meeting that approved the town centre's plan a "farce", and said that up to 1,000 concerned residents were provoked into anger by the panel members' "total and utter lack of respect". She stated:

> In almost 20 years as a councillor, I have never seen such a chaotic and out-of-control meeting as this one—and the blame lies squarely with the panel.
>
> Regrettably the way the panel conducted the meeting sparked a tidal wave of anger, with residents resorting to yelling and verbal abuse out of sheer frustration.
>
> This sort of behaviour has never been witnessed at our council meetings, so this gives an indication at the depth of anger at this panel and its decisions.

My concern is that we are now handing additional powers to this panel and other like panels in terms of development control plans and contribution plans when the processes followed are less than democratic. I will not go into great detail on the content of the meeting; I am happy to do so with the Minister in private. Suffice to say there are serious concerns that democracy is being further eroded in Ku-ring-gai and in other councils across this State and that the proposals before us in this bill will only add to that situation.

I extend my comments about the flawed process overseen by the planning panel to highlight certain heritage and conservation matters that are especially evident in east Roseville. The Leader of the Opposition referred to east Roseville and some particular cases. I note that at the meeting last week the National Trust spokesperson made it clear that of the 20 areas identified by the National Trust, east Roseville is considered the second most important. Yet vast areas are not protected in the plan while some anomaly houses with questionable heritage value seem to have been singled out. I have highlighted some of the concerns of my local community and I look forward to discussing them further with the Minister for Planning and the Leader of the Opposition.

Mr GEOFF PROVEST (Tweed) [12.47 p.m.]: The purpose of the Heritage Amendment Bill 2009 is to amend the Heritage Act 1977 following the review and recommendations of an expert panel chaired by Gabrielle Kibble, with unrelated amendments to the Environmental Planning and Assessment Act; and to broaden the powers of the appointed planning panel to determine development control plans in addition to local environmental plans. I raise a number of concerns in my area of Tweed. I am led to believe that one or two submissions came from the Tweed but they were not made public. I am a great believer in transparency and openness within all three tiers of government, and I wonder why all submissions were not made public.

I have been in Parliament for only a short time, but it seems pretty dumb to me that a committee would not release all the submissions it received. The bill specifies the criteria according to which the Minister can list items on and remove items from the State Heritage Register. That has the potential for conflict of interest, as articulated by the member for Davidson. Development is always a difficult issue, particularly in my electorate of Tweed, where we are obviously trying to balance the massively growing population with the expectations of local residents.

The amendments fail to address many of the concerns expressed in the submissions to the heritage review, and they also fail to establish a framework for local government heritage listings. I am deeply concerned about the fact that the amendments ramp up the powers of the joint regional planning panels that were recently put in place. I believe the Minister addressed the Shires Association meeting held this morning. It was intended to pass a motion that the local shires associations would not nominate anyone for membership of the joint regional planning panels. I am not sure whether the motion has been moved yet, but I was informed yesterday that that was the intention. That is probably not what one would deem as a great show of support for their involvement.

Ms Kristina Keneally: They were very happy with my speech.

Mr GEOFF PROVEST: The Minister informs me that they were very happy with her speech. Undoubtedly they were. The Minister is extremely articulate on many occasions.

Ms Kristina Keneally: And I gave them very good news.

Mr GEOFF PROVEST: The Minister says she gave the shires very good news. They were seeking a lot of good news. The local shires associations, particularly in the north of the State, continue to have issues with planning and so on. I am also concerned about the fact that there is no historian on the joint regional planning panels, particularly in the Tweed area. The Tweed has many historical sites, both indigenous and European, particularly from the early logging days, and those sites deserve to be protected. We can learn so much from history. I support the Opposition's view that we should have a separate heritage Minister—a person who has a good knowledge and understanding of heritage issues. We can learn a lot from our historical background, and that is why it needs to be preserved and valued. Our historical background is very valuable indeed.

However, the downside of the bill is that it significantly increases the powers of joint regional planning panels. As I have said, joint regional planning panels are fairly contentious. I am aware that a number of councils and shires associations believe that this latest move effectively removes them from the planning process. Just today I attended a meeting with Minister Ian Macdonald to discuss how the World Rally Championship is to be conducted in the Tweed. The Minister indicated that new legislation would soon be introduced in this place to effectively remove the power of local government. Local government is an important institution, and it should be supported. Local government plays an important role in establishing public opinion on issues, both for and against. It also plays an important role in protecting a number of our historical buildings and sites.

I believe I have articulated some of the Opposition's concerns about the legislation. We are particularly concerned about the ramping up of the powers of joint regional planning panels. It seems that the Government wants continually to ramp up the panels' powers whilst at the same time diminishing the powers of local government that determine people's way of life, as well as diminishing the transparency of local government. I hope the Minister will address those concerns when she replies to the debate. I am sure that she will do so—and I am sure she will do it in an articulate fashion, as she always does. Once again, I am 100 per cent for the Tweed.

Mr MICHAEL RICHARDSON (Castle Hill) [12.53 p.m.]: The Heritage Amendment Bill 2009 is, as the Leader of the Opposition remarked yesterday, a Trojan horse. It purports to deal with heritage matters—imperfectly, I might add—when its primary purpose is to further wrest control of planning issues away from councils. It does this by reducing the threshold at which the joint regional planning panels were to have authority, from developments worth $50 million to developments worth just $10 million. Serious concern has been expressed across New South Wales, and certainly in my local community, about the way in which the Government has sought, over a long period, to override the wishes of the local community with respect to planning matters.

I think back to State Environmental Planning Policy 53, which was introduced when Craig Knowles was planning Minister in the early years of this Government. Under that planning policy councils were forced to come up with an acceptable housing strategy—which is code for increased densities—or be stripped of their planning powers. Of course, the latter has come by stealth anyway. No consideration was given to neighbourhood character. My electorate of Castle Hill predominantly comprised freestanding houses—that was not just the predominant housing style; it was what people in the area wanted—but no consideration was given to the way the area looked. All councils had to meet the same targets. That included Baulkham Hills Shire Council—despite the fact that we had no railway line; we had no dedicated public transport.

In December 1998 the then Minister for Transport, Carl Scully, published the iniquitous document Action for Transport 2010, which promised a railway line to Castle Hill. This led to further blocks of flats, comprising hundreds of flats, being built around the Castle Hill central business district. At the time I said that I doubted whether the Government would ever build the railway line, and that my greatest fear was that the densities and all the traffic problems they would engender would be created without us ever getting the railway line we were promised. And so it has turned out to be.

But State Environmental Planning Policy 53 was flawed in other ways. Under the planning policy, Hornsby, which has eight railway stations, was allowed to reduce the densities it was already planning for in its housing strategy. It simply shows that the Government got State Environmental Planning Policy 53 seriously wrong. But the policy was very clever from a political standpoint. Councils copped the flak for rezoning blocks of flats and townhouses when it was the Government that was forcing them to do so. The Government stood remote from what was happening, and simply pointed the finger of blame at councils.

Now we have a similar situation. Not only will these joint regional planning panels be able to consider much smaller developments than before, but they will also be able to deal with not just local environmental plans but also development control plans and contribution plans. Effectively, councils will be emasculated. With many more developments becoming complying developments, and with private certification taking over much of the approval process, elected councillors will be reduced to considering what floats to put in the local festival and the establishment of off-leash dog areas. The Coalition believes these important changes to the Environmental Planning and Assessment Act should have been considered in a separate bill—not disguised as part of a heritage bill, which they palpably have no connection with.

The Heritage Amendment Bill 2009 is probably more notable for what it does not contain than for what it does. The Productivity Commission noted in its 2006 report that some historic heritage places have significance only locally, while for other places the scope is more general and extends to a State or Territory. For a few, the significance may extend nationally. That is certainly the case with Castle Hill Heritage Park, in my electorate. As members may be aware, the park is the site of the 4 March 1804 Castle Hill uprising—the only organised uprising by convicts in Australian history.

I am currently presenting to Parliament a petition that has been collected by Mr David Sommerlad and Mr Warren Bowden of the Heritage Park Management Committee to preserve the important vista from Old Northern Road to the Blue Mountains. It was always envisaged that Heritage Park would not be built on. That was certainly the case when the land, which had been owned by the Commonwealth Government, was handed over to the council more than 10 years ago. Heritage Park, which has arisen from that handover, is a great asset to my local area, and indeed to the State of New South Wales and the nation. As I have said before, the park is of national historical significance. It is from that vantage point at Rogans Hill that Governor Arthur Phillip first viewed the Blue Mountains, and therefore unquestionably it is something that needs to be preserved. The petition seeks a heritage order on the vista, and I understand an application has been made to the Minister in that regard. I ask the Minister to support the heritage order because it is enormously important not just for my community but also for the whole of the State.

The bill does not move forward the conservation of this vista at all, nor does it deal in any substantive way with the vexed issue of local government heritage listings. The Productivity Commission pointed to the cost borne by owners of heritage properties for the benefit of the rest of the community. It said:

> Statutory listing involves applying added regulatory controls over private owners' use and enjoyment of their property. While there is scope in the legislation for governments to consider the cost consequences of this at the time of listing (and a few do), owners have no right to insist that this is done. Appeals are limited to issues of heritage significance and due process—namely, that specified procedures for notification and gazettal have been followed. As a result, many of the appeals on these grounds are a proxy for owner concerns with the cost consequences of statutory listing. Any cost consequences of listing are typically seen as part of the subsequent heritage management issue and primarily the responsibility of owners.

Of course, that leads to adverse consequences. The Productivity Commission continued:

> … for other private owners, the regulatory controls of statutory listing impose significant costs that would not otherwise be incurred. It is in these cases that problems arise, including hostility and resistance to listing, some reluctance to undertake the necessary conservation, sometimes leading to demolition by neglect—

I am sure the Minister is well aware of that issue—

> and the generation of a high level of enforcement cost. As a result, heritage listing in this segment is often ineffective and inefficient as the vast majority of government and private conservation effort is expended to enforce a relatively small number of involuntary listings—not always the most important or significant, and often those for which the net community benefit is uncertain. In addition, this is inequitable as a way of funding the extra heritage benefits as the added costs are borne by the owner for wider community benefit.

An example of this is Mr Barry and Mrs Brenda Blackmore, who live in an 1860s heritage-listed property in Pennant Hills Road, Carlingford. They want to put two ensuite bathrooms in the upper storey, but they believe to do so would require the construction of two dormer windows at the rear of the property in the same style as the original dormer window at the front of the property. The development application of Mr and Mrs Blackmore was rejected last year by council's forward planning committee on the grounds that:

> … the proposed 3 metre wide eyelid dormer windows will have an adverse impact on the significance of the heritage item since it will irreversibly alter the largely intact, original line and detailing of the rear part of the roof.

I made representations to council on behalf of Mr and Mrs Blackmore and the council's general manager upheld the ruling. Yet the original slate roof on this property has long since gone, and has been replaced with concrete tiles that have lost their glaze. The rear part of the roof, where the dormer windows are proposed to be located, cannot be seen from the road. While the house is heritage listed, the historical society had no previous knowledge of it until I brought it to their attention.

The New South Wales Government allowed dozens of ensuite bathrooms to be built in the Manly Quarantine Station—which is of significantly more historical importance than this particular house in Pennant Hills Road—so that it could be used as a hotel and a resort. I do not think there are too many examples anywhere in the world of ensuite bathrooms in private hospital rooms in the mid nineteenth century. I would be among the first to put my hand up to preserve the heritage of our area—too much of it has been destroyed in the past, particularly during the 1960s and 1970s. However, this is an example of the system failing. The Blackmores are elderly. I understand they want to sell their house, which is too big for them, but their inability to install ensuites because of heritage considerations is costing them dearly. It may well be that their house will ultimately fall into disrepair through neglect because of the refusal of council to allow these additions.

I wonder why the Government has introduced a bill that on the one hand strips councils of more of their planning powers, yet on the other hand squibs the difficult issue of ensuring that the owners of heritage-listed properties are not financially disadvantaged. Part of the problem is that heritage items now seem to be a minor function of the Department of Planning. The previous Minister removed the stand-alone status of the Heritage Office. Contrast that with the policy of the Coalition to have a stand-alone Minister for Heritage—which is sorely needed!

One only has to compare the way in which Parks Victoria manages European heritage items with the New South Wales National Parks and Wildlife Service to see just how little this Government values the 221 years of European settlement in New South Wales. For instance, Parks Victoria looks after the historic 1895 Coolart Homestead and bird sanctuary on the Mornington Peninsula, which I have visited, as well as the massive gold dredge at Eldorado near Beechworth. That dredge, built in the 1950s, is absolutely enormous; hundreds of thousands of dollars have been invested to refloat it. The dredge is rare—there are only about three of them in the world—and is so big that when the electricity was turned on to power it, the lights went dim in the nearby town. Compare that to Boyd's Tower near Eden, a five-storey whale-spotting tower built by Ben Boyd in 1846. But it might just as well be an industrial chimney for the impact it has these days.

Boyd's Tower could, and in my view should, be restored so that visitors could, perhaps for a small fee, climb it to look out across Twofold Bay to spot whales as the old whalers did. It would be a significant tourist attraction for the area but because of the neglect of the National Parks and Wildlife Service the purpose of the tower is entirely missed. I understand that the Department of Planning in Victoria administers many of the heritage functions of that State. However, last year the Victorian Government strengthened its heritage protection through legislation and Parks Victoria, which understands the importance of conserving our past,

protects many of the State's buildings. Mr Ian Nowland of the Hills District Historical Society, of which I am proud to be a patron, put in a submission to the Government about the review of the Heritage Act—the Hills District Historical Society is one of the few historical societies to do so. Mr Nowland said:

> … there are a number of items in this proposed legislation which ring a familiar bell, especially regarding the concerns of owners of heritage properties and those where a listing is likely or under consideration. I have much sympathy for these people as they see their properties as being under stress with likely loss of value. I do however have a cutting from the *Hills Shire Times* dated 23 March 2004 which reported the Council deleted four new proposed local listings because the owners objected. They did so without any regard to the facts: It was purely a face-saving device, as they did not want to get the owners offside. So there must be a fairer and more balanced way of doing so—

that is listing properties—

> and while I sympathise with such owners they can't always have it their own way.

He continued:

> I also believe Councils are rather inflexible in their dealings with heritage homes/properties in that they object strongly to any external alterations even when they seem to be minor and unnecessary for the comfort of the owner. The difficulty is how you legislate, because some councils might just as easily open the floodgates if given an inch in this regard. Flexibility is the key word and they should accept the word of experts in this field before reaching decisions.

It is the suggestion of Mr Nowland that there should be some sort of an expert panel to review all cases in which councils consider a listed property may be demolished. He said this would introduce expert opinion into what usually would be a highly charged situation for both the owner and council. He noted that appeals to the likes of the Land and Environment Court are too costly and time consuming. He added:

> As the Heritage Council is referred to in the legislation, why not put the weights on the Heritage Council to determine all cases of proposed demolition, as is the case with State-listed properties.

This latter suggestion is eminently sensible and would provide an avenue of appeal for affected property owners such as Mr and Mrs Blackmore, as well as ensuring that properties that should be heritage listed are noted on local government heritage lists. The bill contains errors both of omission and commission but it is the second that is the more objectionable: the amendments to the Environmental Planning and Assessment Act. That is why the Opposition will vote against the bill.

Mr THOMAS GEORGE (Lismore) [1.09 p.m.]: The object of the Heritage Amendment Bill 2009 is to amend the Heritage Act 1977 following a review and recommendations of a so-called expert panel, which was chaired by Gabrielle Kibble and with unrelated amendments to the Environmental Planning and Assessment Act that broaden the powers of appointed planning panels to determine development control plans in addition to local environmental plans. I place on record a problem that has arisen in my electorate.

The bill reduces the number of members of the Heritage Council from 15 to 11—I do not understand why the numbers were not decreased further. It enables the Minister or Chair of the Heritage Council to issue stop work orders on heritage items, it allows the Minister to remove items from the State Heritage Register, and it specifies the criteria the Minister has to consider when listing and delisting an item on the State Heritage Register. Whilst it is appropriate for the Heritage Council chair to have the power to stop-work orders on heritage items, I believe the chair also should have the power to speed up urgent repairs. I will put on record a letter I have received, which states:

> The reason I have contacted your program is that my problem is the hypocrisy of State Government requirements and heritage legislation that has caused significant delay, inconvenience and is impinging not only on the fabric of my heritage listed home, but also the health of my family.
>
> Upstairs walls and ceilings have become endowed with ever increasing amounts of mould … all because of the lack of approval for my roof to be replaced in colourbond.
>
> As the property is listed on the State heritage register (No 51), they are stipulating the roof needs to be replaced with galvanised iron. This is not seriously an option for the number of reasons provided in my draft Heritage Impact Statement.

This repair work is required as a result of major hailstorms in 2007. These people are still trying to get their house rectified. The letter continued:

> The irony is that while my insurer is required to provide a heritage impact statement for replacement of the roof in colourbond:-
>
> * State Government owned buildings in this region (both of local and State heritage significance) have not lodged DA's for replacement of their roofs from galvanised iron to colourbond. They have just gone ahead and replaced their rooves in painted colourbond.
>
> * They have verbally told my husband over the phone that there is no way they will support an entire roof being replaced.

> The house was hit by 2 Hail Storms in two consecutive days in November 007. Roof damage was not detected until several months after the storm period. Upon discovery of water leakage to the upstairs level of the home, I contacted the nominated assessor for their assistance. They were not able to get anyone to come out and provide a quote for repair as the roof is a 60% pitch and requires experts in the field and requires a major scaffolding operation. As months dragged on, I sought out a suitably qualified roofing company who came and performed an assessment. I was informed the entire roof required replacement as damage was extensive. As the quote was over a certain amount the NRMA said they required a second quote and sent down 'The Roofing Company' to also perform an assessment and provide a quote. Again, the recommendation was for the whole roof to be replaced. Recommendations were made that the roof should ideally be replaced in Colourbond as it was already painted and would reduce the need for additional scaffolding and interference with the overall integrity of the property.
>
> NRMA have experienced apparent difficulty at engaging a heritage consultant to perform the report. I have provided my findings to both the Insurance assessor and to whom I believed to be the person engaged to complete the Heritage Impact Statement.
>
> I have been patient and understand bureaucracy, but the straw that broke the camel's back was a complete rejection of funding assistance from heritage NSW in the newly announced 2009-2011 Grants Program.

I will not talk about the grant, which is a separate issue. The letter continued:

> The moral of the story is this:- NSW Government has an Act of Parliament they do not follow and expect everyone else to do so. If I wish to attend to any alteration of the property (including getting my roof fixed) I am required to lodge a Development application. That costs money and time. The only assessment is from the regional heritage consultant whose opinion is subjective and not objective nor practical. This property was purchased in a state of significant state of disrepair as noted by the heritage advisor engaged by me to complete the Conservation plan of management.
>
> Significant personal funds have been expended to restore the property, including roof maintenance, significant overgrowth clearing, replacement of subfloor joists and interior walls due to termite damage and water rot.

The list of works goes on. The letter continued:

> Our Insurer NRMA claims they are doing their best, but if I didn't find a contractor to quote on the job and if I didn't do the research on the current state of play, I would be no closer to having my roof fixed. In the early stages I requested the NRMA to just do the roof in colourbond. They said they couldn't as they had experienced some problems with NSW heritage before and were forced to remove roofing they had done in this way ...
>
> This property has been sold on the last two occasions in a severe state of disrepair. It is heading down this same path and there is nothing I can do about it. Please help! This problem is not just peculiar to me and Tulloona House, but is experienced by many that own heritage properties … and we wonder why people refuse to list their properties on the heritage register.
>
> I am over contacting heritage. Their website is inaccurate ... Not only as to date of construction, but as to condition. This is despite my having contacted them on a number of occasions. I can't talk to them any more as they don't listen. They just say what they want to say without any objective consideration ... The last time I spoke with them I was told they were doing their best; they only had some 40 people over the entire State with which to support heritage and abide with legislation … You would think it was my problem ... Well it is … And the saddest thing is I have no hope of ever being allowed to be removed from the heritage listing ... Bureaucracy gone mad and taking me with it.

Since 2007 these people have been dealing with the replacement of a roof on a house that was built in, I think, the 1890s. They want to replace the red roof, which was damaged in a storm, with a colorbond roof. The house is leaking and mouldy. On a couple of occasions the occupants have had to leave the house because of the environment. They are extremely frustrated. Although I have not made representations to the Minister for Planning, I will speak to her further about this matter. Mark Dunn, President of the History Council of New South Wales, has made representations to me. In an email to me Mr Dunn said:

> We question how the Heritage Council will possibly assess heritage significance against the new thematic listings criteria without the input of an historian. We are calling for an amendment to the bill to include a guarantee of an historian on the Heritage Council.

I am sure other members will have received similar representations. Aaron Gadiel, Chief Executive Officer of the Urban Taskforce, said that the bill does not introduce compensation rights for people whose property value is diminished by heritage listing. They are concerned that amendments to section 32 (2) (d) remove the express right for people living near a property proposed for heritage listing to object to the listing on the grounds of undue financial hardship. Angus Nardi, New South Wales Deputy Executive Director of the Property Council of Australia, believes there is a fundamental weakness in our current heritage conservation system that involves situations where the public good of heritage listing results in a net cost to the private owner. He said there should be a right of appeal to a property being placed on the heritage list. Many people in a similar position would agree with him.

In country and regional areas the Local Government and Shires Associations councillors have expressed grave concerns to me about changes to the Environmental Planning and Assessment Act. The

association recommends that the proposed amendments to the Environmental Planning and Assessment Act in relation to extending the powers of planning panels be opposed. It says that the Heritage Council should include members with expertise in local government who can provide the necessary knowledge and experience from a local perspective. It says that the issues that arise in the local government sector in relation to heritage are mostly procedural and often reflect lack of capacity and funding. The list goes on. I am sure Minister Keneally is getting the message. I know that she works with the community and members on this side of the House. The shadow Minister, who is present in the Chamber, together with our leader has proposed a policy of a separate heritage Minister. I believe that is the only way to go. I encourage the Government to adopt our policy.

Ms CLOVER MOORE (Sydney) [1.20 p.m.]: I have very serious concerns about the Heritage Amendment Bill 2009, which makes changes to the Heritage Act 1977, including increasing ministerial powers and making economic consideration part of the heritage assessment process. The bill changes the structure of the Heritage Council and introduces additional requirements before items can be listed. Many changes come from recommendations of the 2007 so-called independent expert panel review as part of the far-reaching and destructive changes carried out by the former Minister for Planning to deliver planning and heritage to developers and exclude people and democratic decision making from the heritage and planning process. With new developments frequently changing the urban landscape, inner-city residents care a great deal about protecting significant links to their built, natural and social history.

A 2006 City of Sydney electorate-wide survey found that protecting and enhancing neighbourhood heritage is a top priority for residents. These links with our past do much more than just provide examples of what used to be: they also contribute to the character of an area, particularly in inner-city areas like Paddington, Glebe, Surry Hills and Redfern, where heritage buildings interact with modern living, adding to village character. Heritage helps us understand our place in history, our attitudes and our priorities. Heritage items show us how our appreciation for aesthetics and our connection with the natural environment have changed over time. Communities feel a serious sense of loss when important heritage is destroyed. We have had a shameful record of protecting our heritage. Sydney was once one of the finest examples in the world of a Victorian city, but much of it has been bulldozed without any value assessment.

The Wran Government introduced the Heritage Act 1977 in response to widespread community concern over the extensive loss of heritage during the destructive Askin era, which led to greater public awareness and the green ban movement. Legislative changes of this Government should ensure that existing heritage protections are maintained or enhanced, and that there is appropriate preservation and restoration of our built and natural heritage. But this Heritage Amendment Bill is more about diminishing heritage protection to fast-track development to the detriment of our city and State. While reasonable economic use and potential financial hardship are not new to the heritage process, these criteria should not be part of initial assessments about significance.

Currently, the first stage of assessment provides a scientific approach to listings based solely on heritage value. This is consistent with the Australian Committee of the International Council on Monuments and Sites [Australia ICOMOS] Burra Charter, adopted by Commonwealth and State Governments, which stresses the need to keep decisions about heritage significance separate from decisions about management. I agree with Australia ICOMOS and the Local Government and Shires Associations that it is inappropriate to include economic and financial matters in decisions about heritage significance. Australia ICOMOS points out that reasonable economic use changes over time, citing that the Queen Victoria Building, which a former Labor Lord Mayor wanted to demolish for a car park, and the Woolloomooloo Finger Wharf, which the former Greiner Government wanted to demolish but I was able to persuade it not to when I held the balance of power in the early nineties, were once considered not to have an economic value and were almost demolished. These buildings now have been successfully adapted and conserved, and are very much an important part of Sydney.

I stress that it is wrong to presume that heritage listing reduces the economic value of buildings. The Chairs of the State and Territory Heritage Councils of Australia have stated that Australian and international studies show that heritage listings do not reduce property values. But loss of connection to the past through loss of heritage has a significant community impact. Proactive programs that assist property owners to meet maintenance, repair and restoration costs are a more appropriate way to address genuine financial hardship. I acknowledge the recently announced $97,250 in New South Wales heritage grants for local heritage projects in the Sydney electorate.

While economic criteria will play a major role in heritage listing under this bill, these are not adequately defined and I am very concerned that they will be used as a loophole by developers and owners to

maximise profits. The Heritage Amendment Bill 2009 enables the Minister to approve the criteria used to establish whether an item is of State heritage significance, where previously the Heritage Council notified the Minister of these criteria. The bill also allows the Minister to refer or request that an item be delisted in response to a request from an owner. I share strong community concern about increased ministerial power over the heritage process, which the community believes is about appeasing developers and removing their say on planning and heritage matters. The Minister for Planning should not have the final say about what should be independent and objective heritage criteria. I ask that the approval of criteria for State heritage significance be open and transparent, and involve the community, because it is the community who have fought to save our buildings, such as the Queen Victoria Building and the Woolloomooloo Finger Wharf.

The bill reduces community-based representation on the Heritage Council, representing a further shift away from an independent heritage body, which began with the incorporation of the Heritage Office into the Department of Planning last year under the former Minister. There is strong community concern that the new body will lack the experience and knowledge to ensure adequate heritage protection. The loss of a Royal Australian Historical Society representative will reduce the role of history and archaeology in State heritage and is opposed by the History Council of New South Wales, the Royal Australian Historical Society and many residents who have contacted me. Surely an historian is vital to appropriately assess heritage, particularly with the new thematic approach to State heritage recently introduced.

Australia ICOMOS points out that under the bill the new Heritage Council can be made up of members without any having heritage expertise. Australia ICOMOS has called for at least four of the six heritage members to have heritage expertise. The Local Government and Shires Associations are calling for a member on the council to have expertise in local government. The provision to allow regulations that exclude representation, including legal representation, from Planning Assessment Commission hearings on heritage matters is consistent with provisions to exclude representation at such hearings that were introduced with last year's changes to the planning system. I note the Legislation Review Committee has raised this as an issue that Parliament should consider. I oppose this part of the bill, as lawyers can help people understand their rights and they can assist people who lack the skills to present their case at a hearing.

While developers complain that the current definition of a relic for items of 50 years or more is too broad and therefore delays development consents, causing building sites to grind to a halt, the proposed definition of State or local heritage significance will be vastly more difficult to ascertain and result in the loss of a huge number of archaeological deposits. I welcome provisions in the bill for interim stop-work orders to immediately prevent harmful works to items on the State Heritage Register and items with interim heritage orders, which has previously been difficult to do. Governments' preoccupation with development can lead to heritage being treated as an annoying impediment rather than an exciting opportunity.

The City of Sydney is completing extensive work to put in place effective mechanisms to protect, enhance and interpret our heritage. Our work includes listing specific heritage items, streetscapes and conservation areas in the new City Plan Local Environmental Plan; general heritage provisions to protect heritage characteristics so that historic terrace houses that are not individually listed will have their distinctive characteristics protected—these city-wide controls will be in a section of the City Plan Development Control Plan; local area controls to be included in the development control plan, but focussing on the distinctive heritage of particular geographic areas rather than applying to the entire Local Government area; comprehensive inventory sheets and heritage information that will assist in assessing items of heritage importance; and a Heritage Grants Program providing funds up to $10,000 for projects that improve our heritage, with grants offered on a dollar-for-dollar basis and successful applicants required to meet half the cost of the project from other sources.

My greatest concern is that the Heritage Amendment Bill makes changes to the planning process by giving joint regional planning panels plan-making powers. Last year I strongly opposed the undemocratic legislation that introduced joint regional planning panels and gave them planning consent powers. Joint regional planning panels take decisions away from elected bodies and elected representatives; they diminish the involvement of people and their right to have a say in where they live; and they add another bureaucratic tax-payer funded layer to our already grossly over-governed State—three tiers of government for 20 million people. To give these unelected bodies plan-making powers is a devastating further assault on our democratic processes in New South Wales. This bill represents the increasing obsession of the Government to see community involvement and heritage protection as impediments to development that need to be removed. I oppose the bill.

Debate adjourned on motion by Mr Peter Besseling and set down as an order of the day for a later hour.

[*The Assistant-Speaker (Mr Grant McBride) left the chair at 1.29 p.m. The House resumed at 2.15 p.m.*]

DISTINGUISHED VISITORS

The SPEAKER: I acknowledge in the Chamber today Mr Shane Rattenby, Speaker of the Legislative Assembly of the Australian Capital Territory, and Mr Tom Duncan, the Clerk of the Legislative Assembly of the Australian Capital Territory. I welcome them to the New South Wales Parliament.

WINDOWS ON PAIN DAY

The SPEAKER: Today is Windows on Pain Day, which is being held across Sydney to raise money for the Pain Management Research Institute. I am wearing one of its badges today courtesy of the Minister for Housing. I encourage members to support this worthy cause.

OVERSEAS STUDENTS

Ministerial Statement

Mr NATHAN REES (Toongabbie—Premier, and Minister for the Arts) [2.16 p.m.]: Australia is one of the most multicultural nations in the world. We are generally best known and regarded worldwide as a tolerant and generous people. New South Wales has led the nation welcoming immigrants and visitors to our shores. Sadly, from time to time our nation's community harmony is threatened by acts of violence and racism. Education is Australia's third largest export industry. The New South Wales international education sector is worth some $5.3 billion to our economy each year and it sustains about 47,000 jobs statewide. One of the most important student groups is from South Asia, and in particular India. There are about 20,000 Indian students in New South Wales. Those students help to build bridges of friendship and cooperation with the world's second most populated country.

Each international student who comes to New South Wales is not simply a revenue statistic. They are guests who live among us and they become our friends, work in our businesses and live in our neighbourhoods. They go home as lifelong ambassadors for Australia, its people and its education system. No-one who calls New South Wales home should walk the streets in fear, especially those who are our guests. The New South Wales government shares the concern expressed by the Commonwealth Government. Today I will convene a meeting with representatives from the Indian community and my colleagues the Minister for Police and the Minister for Citizenship. The meeting will include the Chair of the Community Relations Commission, Mr Stepan Kerkyasharian; the Commissioner for Police, Mr Andrew Scipione; representatives of the Indian student community; and representatives of the education sector. In addition, I will be inviting the Consul General of India and a representative from the Department of Foreign Affairs and Trade.

The Government recently established the New South Wales Ministerial Taskforce on International Education. The taskforce is examining the New South Wales international education industry, including the issue of student safety. The taskforce will make recommendations later this year, which I can assure the House will be taken very seriously. We have also convened forums for the Indian community on this issue. The most recent was held at the end of April this year. Attacks on international students are deplorable in every way, as we have seen in Victoria recently. They are cowardly, they hurt individuals and they damage our entire nation, our reputation, our international partnerships and, worst of all, our sense of decency and a fair go. The victims in this story are decent and hardworking students who deserve better. Indian students are welcome in New South Wales. We are on their side, we have heard their voice and we will act firmly and decisively to show our guests the true face of Australia—a nation that is safe, welcoming and friendly.

Mr ANTHONY ROBERTS (Lane Cove) [2.21 p.m.]: New South Wales has a long history not only of supporting multicultural values in society but also of embracing the hundreds of thousands of overseas students who grace our shores to be educated in our fine tertiary institutions. Education services rank as Australia's third largest export category behind coal and iron ore, contributing more than $14 billion to the national economy. Of that amount, New South Wales accrues the largest share, $4.8 billion. These overseas students come from myriad cultures and from every nation on earth. They come to our State and our country to receive an education that is often not available in their own. They come to New South Wales and Australia because of the

multicultural values we embrace and because it is a safe environment to live in and learn while they acquire many skills to contribute to their places of origin upon return. Many return as doctors, teachers and engineers to poor villages in undeveloped countries to fight disease, to teach children how to read and to build safe water supplies.

All in this House would have met some of the 20,000 Indian overseas students studying here. All would agree they put intensity and hard work into their education. All in this House would have met with the same level of surprise, shock and anger at the attacks perpetrated against these overseas students. Well before this attack took place, the Coalition was in the process of commencing roundtable discussions to engage overseas students and the challenges they face studying and living here. The New South Wales Liberal-Nationals Coalition condemns these attacks. It extends its sympathy to the victims and once again places on record its acknowledgement of and its tribute to the Indian community in New South Wales and Australia. I reaffirm today on behalf of the Liberal-Nationals Coalition that we are resolved to promote multiculturalism and diversity in the New South Wales community.

QUESTION TIME

STATE ECONOMY

Mr BARRY O'FARRELL: My question is directed to the Premier. In light of official Australian Bureau of Statistics figures confirming New South Wales is in recession, will he now admit what families and businesses know and what Access Economics reported last week: that his mini-budget hurt, not helped, the State's economy? When will he sack Roozendaal and Tripodi?

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

Mr NATHAN REES: I am tempted to answer this question by simply saying, "You are wrong again," but let me explain why. We will go through it as slowly as you like. Today the Australian Bureau of Statistics released data on national output showing an increase in gross domestic product for Australia of 0.4 per cent in the March quarter. This means that so far Australia has avoided going into recession. While there are still some challenging times, today's figures are good news for families, workers and the business sector. I am pleased that New South Wales has performed favourably when compared with other States.

The SPEAKER: Order! Opposition members will cease interjecting.

Mr NATHAN REES: It is an important question and it is important that you hear the answer. On the State final demand figures available, the only State comparison figures available on a quarterly basis, New South Wales has a performance better than every other State in the country except South Australia.

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

Mr NATHAN REES: In terms of demand for goods and services, in New South Wales State final demand decreased by only 0.2 per cent. In comparison, Victoria's demand fell by 2.1 per cent and Queensland's demand fell by 3.1 per cent. When one looks at the year to the March quarter one sees that New South Wales State final demand grew 0.5 per cent.

Mr Barry O'Farrell: Are we in recession or not? Is it a recession or a Reesession?

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

Mr NATHAN REES: You have been up all night thinking of that, haven't you?

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

Mr NATHAN REES: The member for negativity, the only man in New South Wales who wants Australia in a recession.

The SPEAKER: Order! The Leader of the Opposition will come to order. Government members will come to order.

Mr NATHAN REES: State final demand grew 0.5 per cent in line with growth in Australian domestic final demand. New South Wales' largest business group, the New South Wales Business Chamber, had this to say as it welcomed data showing the Australian economy has resisted the trend of other national economies and avoided a technical recession. Kevin MacDonald, the chief executive officer of the New South Wales Business Chamber, said:

> Today's national accounts figures have proved that in the face of a global recession the Australian economy is resilient.

He went on:

> The challenge now is for the Federal and State governments to continue to work together to maintain the momentum that has helped to deliver this impressive result.

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

Mr NATHAN REES: He went on:

> The business community supports the continued rollout of infrastructure projects across the country to provide stimulus for business and job security for Australians.

That would be the stimulus that the Leader of the Opposition, the member for negativity, opposed.

Mr Barry O'Farrell: Where is your stimulus package?

Mr NATHAN REES: I will come to that. The $42 billion Federal stimulus package was opposed by the member for negativity, the only man in Australia who wants New South Wales to go backwards.

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

Mr NATHAN REES: In the face of the global financial crisis, in the face of a global crisis of confidence, the member for negativity thinks it is a good idea to talk his State down; that is his response to a global crisis of confidence. The member for negativity continues to talk New South Wales down. The member is now carping on but he opposed the $42 billion stimulus package. That is the fact of the matter; it is there for all to see.

Mr Barry O'Farrell: You don't have one. New South Wales is the only State in the nation without a stimulus package.

The SPEAKER: Order! I remind the Leader of the Opposition that this is question time, not a debate.

Mr NATHAN REES: I must have been standing within a hologram a few weeks ago when I was at Randwick Public School with the Minister for Education and Training—

Mr Andrew Stoner: You are a hollow man.

Mr NATHAN REES: A hologram, Andrew.

The SPEAKER: Order! If members continue to interject I will not hesitate to place them on three calls to order. The Premier has the call.

Mr NATHAN REES: A couple of weeks ago at Randwick Public School the Federal Minister for Education, the State Minister for Education and Training and I rolled out projects underpinning some 9,000 jobs and more than 800 apprenticeships—from memory, $640 million worth of education projects as part of a stimulus package in 410 schools in the first tranche of activity. Members opposite pretend it is not happening, and it would not happen if they were ever near the Treasury benches because they opposed it. We are rolling out the nation's biggest four-year infrastructure plan. We have no higher priority than supporting jobs.

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

Ms Gladys Berejiklian: Why are you slashing station staff?

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

Mr NATHAN REES: The member for Willoughby is wrong. Our $56 billion infrastructure program will support 150,000 jobs across New South Wales each year. Since September the Government has approved projects that will deliver some 20,588 construction jobs, 35,106 operational jobs and around $13.9 billion worth of investment in New South Wales.

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

Mr NATHAN REES: In total, this is more than 55,000 jobs and a $13.9 billion injection of funds into the economy, as a direct result of planning decisions taken by the Government—planning decisions that would have hit the sand if members opposite were ever near the Treasury benches. In May alone planning decisions taken by the Government delivered more than 2,000 construction jobs, 1,100 operational jobs and around $700 million in capital investment. That is all underway, directly arising from decisions made by the Minister for Planning.

On the housing front, recent Australian Bureau of Statistics data show approvals for first home buyers were up 31.8 per cent in New South Wales in the year to January 2009. That compares to a 3.2 per cent rise in Victoria, a 15 per cent increase in Queensland, a 13 per cent increase in Western Australia and a 19 per cent increase for the rest of Australia—31.8 per cent in New South Wales compared to the national average of 19.7 per cent, and 3 per cent in Victoria. In April first home buyers in New South Wales set a purchasing record, with more grants paid out in that month than ever before. Our contribution was more than $166 million in grants and stamp duty subsidies, benefiting around 7,000 first home buyers across New South Wales.

I stood with Ashley and Duncan at the weekend at Blacktown—they were the proud owners of their first new home. They received some $25,000 in assistance from government—that is good news—which enabled them to get into their first home. These proud young first home buyers in western Sydney, there with their mum and sister-in-law, on that terrific day, were helped out by $25,000 worth of government assistance. That April record builds on the previous record, which was March, the month prior, when $159 million in assistance was given to some 6,500 first home buyers in New South Wales. Over those two months alone some 13,500 first homebuyers were able to realise their dream, with the help of $325 million in grants and subsidies from government. That is good news. Recently—and we accept that there is volatility in these figures—New South Wales saw the biggest drop in unemployment of any State in Australia, a 0.8 per cent drop. Unlike the member for negativity, we recognise that there are positive indicators, notwithstanding the global recession. It is fair to say that the current economic circumstances are still very serious.

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

Mr NATHAN REES: However, the fact remains that New South Wales will be hit by the global recession, as will Australia. We have said that for some time. We are responding to the global recession by funding infrastructure, supporting jobs and investing in a better future. Today's figures show that in the last quarter economic demand in New South Wales has outperformed Victoria and Queensland. It is time for the Opposition to stop talking New South Wales down.

JOBS CREATION

Mr FRANK TERENZINI: My question is addressed to the Premier. What action is the Government taking to support jobs in New South Wales?

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

Mr NATHAN REES: I thank the member for Maitland for his longstanding interest in this matter, which is well documented. We are on a relentless quest for jobs in New South Wales. We are interested in jobs.

Mr Barry O'Farrell: Frank is interested in your job, too.

Mr NATHAN REES: Do you really want to go down that path? The member for Manly—

[*Interruption*]

Everywhere I go, Barry, I am hearing it.

The SPEAKER: Order! The House will come to order. I am sure the Premier is about to commence his answer.

Mr NATHAN REES: Keep your friends close, Barry, and your enemies closer. That's the trick for you. He is on the rampage and he's coming close.

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

Mr NATHAN REES: We will come to the bold and dastardly plan by the Leader of The Nationals to take your job later on. I have just done you a favour, given that the element of surprise is always helpful.

The SPEAKER: Order! Members will cease interjecting.

Mr NATHAN REES: Our employment future lies in green technologies such as wind power, because carbon reduction equals job production.

The SPEAKER: Order! Members will cease interjecting.

Mr NATHAN REES: We have done it at Crookwell and Blayney and we are about to do it again, with Australia's biggest ever wind farm, to be built in the Barrier Ranges at Silverton near Broken Hill.

The SPEAKER: Order! I call the member for Burrinjuck to order. I call the member for Epping to order. I call the member Lane Cove to order.

Mr NATHAN REES: I am delighted to advise that the New South Wales Government has approved the first stage of a $2.2 billion wind farm project, which will generate hundreds of jobs and clean, bountiful, green energy. This project by Silverton Wind Farm Developments will deliver 700 jobs during the five-year construction period.

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

Ms Kristina Keneally: She does not support green energy.

Mr NATHAN REES: No, she is more worried about Alby appearing on her doorstep. Which one of you claims Alby—publicly you don't. As I was saying, this project by Silverton Wind Farm Developments will deliver 700 jobs during the five-year construction period and 120 ongoing operational jobs. It is a huge employment windfall for any country community. Stage one will generate up to—

The SPEAKER: Order! I call the member for Clarence to order for the third time. He is on his final warning. I call the member for Blacktown to order.

Mr NATHAN REES: Stage one will generate up to 846 megawatts of power, the equivalent of a mid-sized coal-fired power station or enough to power the entire Lower Hunter region. This decision confirms New South Wales as Australia's green energy capital, creating jobs at a time when they are needed most. Our approval is evidence that New South Wales now has the most efficient and seamless planning system at work. The Government announced last month that we would be issuing monthly planning updates. Today I am delighted to release the figures for May, plus an update on the total figures since September last year.

Since September last year, the New South Wales Government has approved projects that will deliver 20,500 construction jobs, 35,100 operational jobs, and $13.9 billion worth of capital investment in New South Wales—a direct result of the planning decisions taken by this Government. In May alone, planning decisions made by the Government are delivering 2,019 construction jobs, 1,194 operational jobs, and $709 million in capital investment. Among the major projects approved by the Government in the last month is the new Tempe IKEA store, the largest IKEA store in the Southern Hemisphere, delivering 1,150 jobs and $120 million of capital investment.

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

Mr NATHAN REES: Some others include the Hunter Economic Zone, delivering 85 new operational jobs and 152 construction jobs; the soybean processing and biodiesel facility in Port Kembla, delivering

735 jobs; the Pots Hill Reservoir site, delivering 1,000 jobs; the Wellington gas-fired power station, delivering 310 jobs; and the Illawarra Regional Business Park, delivering 1,650 jobs. All those jobs depend on planning approvals—rapid planning approvals—delivered by this Government. The prelude to jobs is training. New figures released today by the National Centre for Vocational Education Research confirmed that New South Wales is Australia's training hot spot, with 70 per cent of all growth in apprenticeship and traineeship completions in the year to December 2008 located in New South Wales.

Today's data revealed that 57 per cent of the total growth in apprenticeship commencements across Australia was in New South Wales, with 89,300 people commencing an apprenticeship or traineeship in New South Wales, compared with 82,000 the previous year. That is great news for all those youngsters who are starting an apprenticeship. The data also revealed that the number of apprentices and trainees in New South Wales aged 45 or more grew at a rate of 18.2 per cent—vastly higher than the national average of 12.4 per cent. That is great news. New South Wales is now training central.

[*Interruption*]

This is independent data. I am happy to provide the Opposition with a briefing on it. On the subject of training, I take this opportunity to update the House on the 6,000 training places I announced back in February. Like our $56 billion infrastructure plan, these positions have two purposes: to create opportunities now and to leave a legacy for the recovery—such as the 213 apprentices who have graduated this year from EnergyAustralia, Country Energy and Integral Energy. Our plan involved a commitment to 1,000 apprenticeships and 500 cadetships every year for the next four years. I am delighted to advise the House that 560 apprentices have been employed by the New South Wales public sector this year, with around 1,500 apprentices scheduled for recruitment in 2009-10, more than exceeding the target we set four months ago.

We are also giving young people the chance to get a head start, with 100 free places available through a special pre-apprenticeship program developed by the Premier's Department in partnership with the Department of Education and Training. There are also the Chifley scholarships—$5,000 scholarships for apprentices who are doing it a bit tough and need some financial assistance. The six-week pre-apprenticeship program prepares participants—

Mr Brad Hazzard: How many of those are in Broken Hill?

The SPEAKER: Order! I remind the member for Wakehurst that he is already on two calls to order.

[*Interruption*]

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

Mr NATHAN REES: The Opposition opposed this. The six-week pre-apprenticeship program prepares participants for an apprenticeship in the automotive, construction, engineering and electrical trades. This is good news. Applications close this Friday, and I am sure those courses will be fully subscribed when they start on 15 June. The other part of our training plan was the JumpSTART Cadetship Program. I am pleased to advise that this scheme is powering ahead, with 74 cadetships being offered in the first round in customer service, information technology, and nursing assistant and farm hand work, and with places available across Sydney and regional New South Wales, including at Parramatta, Liverpool, Newcastle and Gosford. Over 800 applications have been received, and even more are expected before this Friday's closing date. The first cadets will be on the job in early August. This is a brand new employment and training scheme—from announcement to reality in just six months. I am very proud of both these programs, because each of these positions is a safe haven from the recession and a job ticket when the good times return.

While on the subject of jobs, I spoke recently in the House about New South Wales' campaign to snatch back the movie-making crown. Our wins over recent months include two big-budget Hollywood animated films, *Guardians of Ga'Hoole* and *Happy Feet 2;* the new TV series *Rescue*, bringing an estimated $10.8 million into the economy and 329 jobs; the big-budget Hollywood feature *Green Lantern*, creating some 500 jobs and providing massive confirmation of Sydney's film industry leadership; and post-production work on Peter Weir's latest film, *The Way Back*, creating 100 jobs. How did we get these projects? Not by carping and by talking New South Wales down—we are out there energetically pursuing these opportunities in New South Wales.

Mr Barry O'Farrell: Why didn't you mention *Underbelly*?

Mr NATHAN REES: I am coming to that. Today I am proud to share the latest outcome of those efforts. I can advise the House that New South Wales secured the rights to make *Underbelly 3* right here in Sydney, generating over $12 million in investment—

The SPEAKER: Order! Members will cease interjecting.

Mr NATHAN REES: If members opposite want to suggest Alby Schultz to the writers, I am sure they would be amenable to it.

The SPEAKER: Order! The Minister for Roads and the member for Hawkesbury will come to order.

Mr NATHAN REES: Or perhaps suggest the member for Oxley's threats of violence against Alby Schultz. That was a golden moment in leadership, wasn't it? *Underbelly 3* will not only be filmed in Sydney but it is set in Sydney, focusing on the circumstances surrounding the Wood royal commission. Incidentally, the member for Goulburn might be aware that the Leader of the Opposition, the member for negativity, in the most recent edition of the *Goulburn Post* talked about her responsibility for implementing the Wood royal commission. I think he meant the Wood special commission of inquiry.

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

Mr NATHAN REES: The *Goulburn Post* also gave the member for Goulburn a big wrap, which is terrific. It is just a pity that he keeps her sitting 20 metres away—all the talent is up there.

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

Mr NATHAN REES: *Underbelly 3* focuses on the circumstances surrounding the Wood royal commission—an interesting theme, one might say. Let me remind the House of the plot. A couple of members opposite get a mention. This is the plot: Crooked cops debase the nation's largest police force.

The SPEAKER: Order! I call the Leader of the Opposition to order. I call the member for Blacktown to order for the second time. I have extended a degree of latitude to the Leader of the Opposition today. He will come to order. The Premier has the call.

Mr NATHAN REES: Here is the plot: Crooked cops debase the nation's largest police force. The good guys, led by Bob Carr and John Hatton, ride to the rescue. John Fahey and his mediocre sidekicks stand in the way. But the good guys have the numbers and the bad guys are swept aside. That is the story of the Wood royal commission. The Coalition voted against the Wood royal commission. They denied that there was police corruption—

The SPEAKER: Order! I call the Minister for Transport to order. The member for Mount Druitt will come to order.

Mr NATHAN REES: The Coalition denied that there was police corruption, making themselves little better than the Chook Fowlers and Trevor Hakens who were actually committing the misdeeds. It was an historic day—

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

Mr NATHAN REES: The Wood royal commission did not examine inadvertent bushfires, so the member for Coffs Harbour is alright. It was an historic day on 11 May 1994, when the New South Wales Parliament was called upon to support the royal commission. *Hansard* records in shameful detail those who opposed it.

Mr Adrian Piccoli: Point of order: My point of order relates to Standing Order 129. The question was about jobs, not about *Underbelly*, or whatever the Premier is currently ranting on about. We would be happy to debate corruption in politics any time of the week, if the Premier wants to move a motion to that effect. He has now been going on with complete garbage for 15 minutes.

The SPEAKER: Order! I draw the Premier's attention to the length of his answer.

Mr NATHAN REES: As I said, the members opposite opposed the royal commission. The member for Terrigal opposed it, and the member for Upper Hunter opposed it. Incidentally, I was driving along Wollombi Road the other day. Members would be interested to hear that there are still signs up—

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

[*Interruption*]

Mr NATHAN REES: I am trying to help you here, George.

The SPEAKER: Order! The member for Upper Hunter is on his final warning.

Mr NATHAN REES: There are still signs up backing-in the Hunter Liberals. The member for Terrigal, the member for Upper Hunter, the member for North Shore, the member for Vaucluse, the member for Coffs Harbour opposed the royal commission—

Mr Andrew Stoner: Point of order: My point of order is under Standing Order 129. The Premier is canvassing your ruling, Mr Speaker. The Premier might think he is being entertaining but his reply has absolutely nothing to do with the question.

The SPEAKER: Order! I have made a ruling in relation to the length of the Premier's answer.

Mr NATHAN REES: I am just winding it up now. The member for Coffs Harbour, the member for Wakehurst, the member for Baulkham Hills, the member for Castle Hill, the member for Myall Lakes, and the member for Ballina are all on the record as opposing the Wood royal commission.

The SPEAKER: Order! I call the member for Coffs Harbour to order for the third time. He is on his final warning.

Mr NATHAN REES: They had their chance to stand up to police corruption and they blew it, writing an infamous chapter in the history of this State. I welcome the production of *Underbelly 3* in Sydney, and this massive new wind farm—

Mr Adrian Piccoli: Point of order: My point of order relates to Standing Order 129, relevance. Al Grassby is the most corrupt person—

The SPEAKER: Order! The member for Murrumbidgee will resume his seat. I call the member for Murrumbidgee to order.

Mr NATHAN REES: It is an investment worth $12 million and 170 jobs, right here in Sydney. The events of *Underbelly 3* may be 15 years old but those 11 Coalition members of Parliament are still here.

MAIN ROAD 92 UPGRADE

Mr ANDREW STONER: I direct my question to the Minister for Roads.

The SPEAKER: Order! The House will come to order. The Leader of The Nationals has the call.

Mr ANDREW STONER: With Roads and Traffic Authority documents showing the Minister's office has cut out $59 million worth of key projects in Coalition electorates from their recommended list of budget announcements, how can anyone believe the Minister's lame excuse that the document was doctored for space reasons when the final list was longer than the original and the Minister could not even tell the House yesterday whether one of those projects, Main Road 92, was in or out of the budget?

Mr MICHAEL DALEY: Someone needs to tell the Leader of the National that there is no need for him to come into this place and make an idiot of himself. It is a free service and the Government will do it for him.

The SPEAKER: Order! Question time has been robust today. I remind members that a number of them are on three calls to order. If they continue to interject I will not hesitate to remove them from the Chamber. The Minister has the call.

Mr MICHAEL DALEY: As I said to The Leader of the Nationals and the House yesterday, simply because you repeat a lie over and over again does not mean it is true.

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

Mr MICHAEL DALEY: If the Leader of The Nationals wants to rely on old documents then he will do so at his own peril, but I am happy, once again, to have another opportunity to talk about the record $4.4 billion Roads budget.

Mr Andrew Stoner: Keep going.

Mr MICHAEL DALEY: I will keep going. It is a full 10 per cent higher than last year.

Mr Andrew Stoner: Why don't you answer the allegations?

Mr MICHAEL DALEY: I will get to them—don't worry.

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

Mr MICHAEL DALEY: It is the largest Roads budget in the State's history and, as I said yesterday, it will support 5,000 jobs just in the $1.8 billion infrastructure section alone. This morning the Leader of The Nationals has been once again trying to talk down this historical achievement and once again he has mentioned the two projects that underpin his question. The first is the completion of Main Road 92, between Nowra and Nerriga. As I informed the House yesterday, tenders have been awarded and you do not award tenders if you are not going to do the work. The second is the Alstonville bypass on the North Coast, which is part of his alleged $59 million, which does not exist.

Mr Andrew Stoner: Why did you delete them?

Mr MICHAEL DALEY: If you want to rely on a draft document then do so at your own peril but the proof of the pudding will be in the eating and the magical $59 million that you say will disappear will put egg on your face on 16 June when it appears in the budget.

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

Mr MICHAEL DALEY: When you spend $4.4 billion on a record Roads budget it is pretty hard to put every single one of the roads that are to be funded into draft press releases, even roads as important to the local communities as these two. As I have said, Main Road 92 is currently being built and tenders for stage three have been awarded. The Government has said before that the $24 million needed to finish the work will be awarded. Just because the Leader of the Nationals says it is not there does not mean it is true. On 5 March the Federal member for Gilmore said—

Ms Kristina Keneally: A well-known Liberal.

Mr MICHAEL DALEY: That is right, as the Minister for Planning interjects, the Federal member is not generally a supporter of this Government, but she issued a press release thanking the Government for the money. The member for the South Coast interjected at that time that she was having a bad hair day—that is her explanation. Thank you, Nathan Rees, for $24 million to fund an important road in the South Coast electorate and all the member for the South Coast can say is that she was having a bad hair day. That is the level of understanding on that side of the House in respect of the Roads budget. We welcome her support.

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

Mr MICHAEL DALEY: The Alstonville bypass is an absolute cracker. The member for Ballina is the shadow spokesperson for the North Coast electorate, which is my favourite. Members know that the member for the North Shore Liberals does not get around much but you would think the member for Ballina might be able to travel around his own electorate from time to time, in the wake of public comments this morning that the Alstonville bypass is not proceeding. I understand that the hard-working staff of the Alstonville bypass were out only yesterday clearing trees, putting up fences and continuing their work—not going ahead, indeed!

I am told that at the Alstonville bypass, which is going ahead despite the fact that the Leader of The Nationals says it is not, there is a site office at Kays Lane with a centre for locals to call in and view displays of the project and the first community information session was held last week about the start of works—apparently there were no members of The Nationals present, not even the member for Ballina. Or was the member for Ballina there and did not tell his leader? That is the level of cohesion on the other side of the House.

The Government is getting on with the job of delivering projects but I would like to congratulate the Leader of The Nationals for once talking about two roads in regional electorates. That is why he is so revered by the people in his own electorate and so held up as a wonderful local member by his local press. Indeed, only last week in the *Wauchope Gazette* of Thursday 28 May—one of the papers in the member for Oxley's seat—in the column aptly entitled "the Boofhead" it said:

> As much as boofhead of the week loves to try and stay away from politics, sometimes the bleeding obvious is just too hard to handle. Are we wrong in our thinking, or are we the only people who think it funny that on Monday night—

when his electorate was being deluged by floods—

> the New South Wales National Party leader and member for Oxley (that's the seat that we are in folks) Andrew Stoner, celebrated his 10th anniversary in state parliament with a dinner—

another dinner—

> at a venue in his neighbouring State seat of Port Macquarie. Um, call us anything you like, but is this a slap in the face for all venues in the Oxley Electorate? Or does the more urbane surrounds of the Port Macquarie racecourse have more to offer?

The article concludes in this way:

> We will leave the matter in your capable hands to decide.

When the Leader of The Nationals gets up to ask me a question like this, the Government will leave it to the people of the State of New South Wales to decide who is better qualified to fund and run the Roads portfolio of this State.

SCHOOL LAPTOPS PROGRAM AND JOBS

Mr MATTHEW MORRIS: My question is addressed to the Minister for Education and Training. What is the latest information on jobs created by the rollout of free laptops in schools?

Ms VERITY FIRTH: I thank the member for Charlestown for his question and his interest in this matter. The Rees Government is working with the Commonwealth to provide laptops to every senior secondary student and teacher in New South Wales public schools. We are on track to deliver the $386 million commitment, as promised. I am pleased to advise the House that another important step in the rollout has taken place today, with advertisements going live online and in regional papers to recruit 423 new information technology [IT] support staff for schools across the State. That is more than 400 new full-time, quality jobs for New South Wales created by this program alone. These information technology support officers will be on hand in every State high school, firstly to help teachers and students get used to their new laptops and secondly to help them with technical problems as they arise.

As the laptops will be in every government high school, the employment created will be spread across almost every community in New South Wales. Of the 423 positions being created, 50 will be provided as cadetships. These cadetships will include training and lead to permanent employment. This is an exciting career opportunity for entry-level IT staff not only to join the largest education system in the Southern Hemisphere, but to join while we are delivering the largest educational computer rollout anywhere in the world. These new jobs are in addition to the 100 new positions already created to install wireless broadband connectivity in all our schools to power network access on the laptops. A number of other steps in the laptop rollout have occurred since the House last sat.

Mr Adrian Piccoli: Who got the deal—an Australian company, a Sydney company?

Ms VERITY FIRTH: It is another 423 new jobs, but the Opposition does not seem to want to know about job creation in the regions.

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

Ms VERITY FIRTH: A small number of teachers have been working for months to develop new curriculum materials for use on the laptops, as well as a program for teacher training.

The SPEAKER: Order! There is too much audible conversation in the Chamber. Members who wish to conduct private conversations will do so outside the Chamber.

Ms VERITY FIRTH: The Premier and I visited Arthur Phillip High School where the first laptops were handed out. The test drive generated enormous excitement amongst both students and teachers as they received their laptops. It is clear that this program will revolutionise the way that education is delivered in this State. The wireless broadband is being installed as we speak and the laptops are being built. New curriculum materials are being developed and tested by students and teachers, and a program of teacher training is set to get underway. The new laptops are being put through their paces in a live trial. Today we have started the process of recruiting the technical personnel who will be placed in schools to help with the rollout.

The Government is delivering this unprecedented IT infrastructure across our public schools. What does the Opposition have to say about education? What is the Opposition doing? Previously in the House I mentioned the new website that the Liberals had set up. The House might like an update on the website. The site still does not have education listed as a policy area, but one comment has been added. Before there were two fleeting mentions, now there is a third fleeting mention. The third reference is a single sentence in a statement by the Leader of the Opposition. Apparently the Leader of the Opposition would like the good burghers of New South Wales to know that education is important. That is good to know. He does not give a lot of detail or elaboration, but he says it is important.

The SPEAKER: Order! Government members will come to order, including the Minister for Planning.

Ms VERITY FIRTH: I congratulate the Opposition on embracing the twenty-first century by starting up a blog. It is not a particularly popular blog. When we checked just before question time it had a total of five responses. The responses are not exactly pouring in. Of the five, Paula and Margaret wrote two particularly instructive responses. Margaret is less than effusive. She begins with "Sounds okay, but more detail needed. It's got to be spelled out clearly and not vaguely." That is probably true, when we see that the original blog was just one sentence. Paula tells the Opposition that she "stumbled across the site by accident". Then she says, "more details needed". She also said, "How are you going to achieve this?" That is an interesting question, given that there is nothing there on the site to achieve. The New South Wales public are rightly cautious about the Opposition's capacity to do the few things they have promised to do.

It is unbelievable that an Opposition that seeks to be the alternative Government of this State cannot manage more than a single paragraph on one of the most important functions of government: the education of our children. It is unbelievable that they would seek to govern on such a flimsy policy platform. The blog responses show that the people of New South Wales see through them. They ask for detail and more information about what the Opposition stands for. The Leader of the Opposition and the member for Murrumbidgee are hoping to slide into office without any ideas or policy development work. It will not wash. The people of New South Wales will see through that.

ROADS AND TRAFFIC AUTHORITY: FREEDOM OF INFORMATION

Mr BARRY O'FARRELL: My question is directed to the Minister for Roads. Given the Minister's April pledge to clean up the Roads and Traffic Authority's freedom of information [FOI] rorts and despite the agency's acting chief executive directly telling him in a memorandum that inaccurate figures on heavy truck inspections had been publicly released in response to an FOI, why did he fail to set the record straight? Why should the public ever believe him?

Mr MICHAEL DALEY: I do not know what document the Leader of the Opposition refers to. If he furnishes me with a copy, I can comment on it. Again, I will not answer a question based on the track record of the Opposition where the premise of the question is a lie. I will not answer a question without the Leader of the Opposition furnishing a document that I can refer to.

Mr John Aquilina: Point of order: Although the Minister for Roads has given his answer, I take a point of order. The Leader of the Opposition asked two questions, not one. I ask, Mr Speaker, that you rule which question is in order.

The SPEAKER: Order! The Minister for Roads has responded to the question. However, the Leader of the Opposition asked two questions.

TRANSPORT INFRASTRUCTURE AND JOBS

Mrs KARYN PALUZZANO: My question is addressed to the Minister for Transport. What is the latest information on jobs supported by improvements to transport infrastructure?

Mr DAVID CAMPBELL: I thank the member for Penrith for her question and her ongoing interest in transport issues and infrastructure not only in her electorate but also across the CityRail network and New South Wales. The New South Wales Government is investing in new train carriages, new buses, significant upgrades to the CityRail network and a new Sydney Metro system, which is the future of transport in this global city. This massive investment in transport infrastructure and rolling stock is generating jobs and stimulating the economy, especially in the Hunter, which has become a hub for our bus and train building. I have indicated previously in the House that Sydney Metro will generate 2,000 jobs per annum during its construction years.

Mrs Shelley Hancock: What about the north-west and south-west?

The SPEAKER: Order! I remind the member for South Coast that she is on two calls to order.

Mr DAVID CAMPBELL: The New South Wales Opposition would abandon those jobs, as they would abandon the concept of a step change in public transport in Sydney. As we know, this side of the House are the builders, that side of the House are the wreckers. The Government is getting on with the job of building the Sydney Metro. A few weeks ago I was at the Downer EDI plant in the Hunter to attend the opening of an upgraded rail maintenance facility to support the delivery of 626 new carriages on the CityRail network. This $3.6 billion investment is the largest order of rail carriages in Australia's history—an order placed by this Government.

It is likely to inject $200 million into the Hunter economy and create around 300 jobs. Also, 122 OSCar carriages have been delivered and another 72 are on order, again being delivered by a Hunter business and generating about 800 jobs in the Hunter, which is, of course, part of the New South Wales economy. We also have had delivered the first of the Government's 300 new buses and the expedited delivery of 150 State Transit bendy-buses, providing new positions. As a result of the Government's decision to expedite the delivery of its bendy-buses a new factory is being built in the Hunter, which will create 250 jobs. The Premier spoke earlier about a benchmark in apprenticeships and training positions.

The SPEAKER: Order! There is too much audible conversation in the Chamber. Members on both sides of the House will come to order.

Mr DAVID CAMPBELL: That benchmark requires one apprentice to be employed for every four skilled trade staff for all contracts where apprentice programs are established. RailCorp is pushing well above this benchmark and its most recent intake now has one apprentice for every three skilled trade staff following the recent graduation of 33 apprentices. RailCorp is also in the process of recruiting even more trainees and apprentices. State Transit is boosting its numbers also and meeting the benchmark set by the Premier. It currently has 56 apprentices, with 12 others just completing their apprenticeship programs, and recruitment is underway for a further 13.

Of course there will be more infrastructure investment as part of the upcoming budget. Someone needs to remind the member for Burrinjuck just when the budget is being handed down. On Monday the *Goulburn Post* quoted Katrina Hodgkinson as expectantly waiting for the June 2 budget to come down. We have news for Katrina: The budget was not handed down yesterday; it will be on 16 June.

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

Mr DAVID CAMPBELL: That misunderstanding of the budgetary process continues a theme. The Leader of the Opposition had a broken photocopier when he was trying to make some comment on the budget. A broken photocopier, a fortnight early—there is a theme on that side of the House. As the Premier, the Minister for Education and the Minister for Roads have pointed out, the Opposition does not understand budgeting—they just do not get it.

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

Mr DAVID CAMPBELL: That is just another example of how their infighting means that they cannot focus on the job at hand. In the meantime we will continue to invest in infrastructure. In the meantime we will continue to invest in training apprentices—

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

Mr DAVID CAMPBELL: In the meantime we will continue to invest in new rolling stock, and in the meantime we will simply get on with the job of being builders while members on the opposite side are the wreckers.

ROADS FUNDING

Mr ANDREW STONER: My question is directed to the Premier. Is the Premier surprised Kevin Rudd is refusing to provide essential infrastructure funding for the M4, the M5 and the F3 to M2 link, leaving Sydneysiders to face a future of traffic gridlock like we witnessed today, given the Minister for Roads is more preoccupied with doctoring budget announcements to remove Coalition projects and providing incorrect freedom of information data to the Opposition?

Mr John Aquilina: Point of order: The question is clearly out of order. The question does not purport to seek any factual information from the Premier, it is just making slurs and innuendo and I ask you to rule it out of order.

The SPEAKER: Order! I invite the Leader of The Nationals to restate his question in order.

Mr ANDREW STONER: Is the Premier surprised Kevin Rudd has refused to provide essential infrastructure funding for Sydney roads—

Mr John Aquilina: Point of order: Asking the Premier whether or not he is surprised by anything is not seeking factual information for the House. The Leader of The Nationals should phrase his question in a way that enables the Premier to provide him with details of factual information or he should sit down.

The SPEAKER: Order! I ask the Leader of The Nationals to frame his question so that it seeks information.

Mr ANDREW STONER: Can the Premier explain why Kevin Rudd has refused to provide essential infrastructure funding for the M4, the M5 and the F3 to M2 link, leaving Sydneysiders to face a future of traffic gridlock like we witnessed this morning? Is it because the Minister for Roads is more preoccupied with doctoring budget announcements to remove Coalition projects and providing incorrect freedom of information data to the Opposition?

Mr John Aquilina: Point of order: The standing orders stipulate that in question time the Opposition may ask five questions. This is another instance of the Leader of The Nationals asking two questions in one. I ask you to rule the first question out of order and ask him not to keep asking multiple questions.

The SPEAKER: Order! The question is out of order. I have given the Leader of The Nationals several opportunities to ask his question in order. I ask him to restate his question in order. If he does not do so I will sit him down.

Mr ANDREW STONER: Is the Minister for Roads' preoccupation with doctoring budget announcements to remove Coalition projects and providing incorrect freedom of information data to the Opposition the reason why Kevin Rudd will not fund New South Wales' infrastructure projects?

The SPEAKER: Order! The question is out of order. The Leader of The Nationals will resume his seat.

Mr Adrian Piccoli: Point of order: It is absurd if we cannot even ask a question. We are not going to ask the lame questions that Government members ask. If we cannot even ask a question why are we here?

The SPEAKER: Order! The member for Murrumbidgee will resume his seat. Government members will cease interjecting. Members should seek the advice of the Clerks to ensure their questions are within the standing orders. The question of the Leader of The Nationals was nothing more than a stunt. Such exchanges do not reflect well on the House. The question of the Leader of The Nationals is clearly out of order. I gave him three opportunities to get it right, and he almost did. I will give him the opportunity to ask his question in order later in question time.

DISABILITY SERVICES AND JOBS

Ms MARIE ANDREWS: My question is directed to the Minister for Disability Services. What action is the Government taking to help provide jobs for people with a disability?

Mr PAUL LYNCH: A key element in a person's identity is often their job, their profession, the work they do. Employment is a central element in a person's inclusion in our society. It has a positive effect on a person's health, their wellbeing and their sense of belonging. To assist the social inclusion of young people with a disability the State Government funds non-government organisations to provide post-school programs. In particular, the Department of Disability, Ageing and Home Care funds the Community Participation Program and the Transition to Work program. The Transition to Work program aims particularly to improve employment results for school leavers. It assists young people with a disability to develop skills to increase their independence and to participate more fully in our community. The program has been highly successful. The outcomes for young people who left school in 2005 and completed their two-year Transition to Work program in 2007 showed that of the 462 young people who participated in the program, 252 gained a job or undertook further education to enhance their skills.

The SPEAKER: Order! There is too much audible conversation from both sides of the House.

Mr PAUL LYNCH: A further 115 young people transferred from the Transition to Work program to a Community Participation Program, and 95 young people exited the program to other outcomes or deferred the commencement of their program for personal reasons. Non-government organisations are central to these programs. For example, Jobsupport in Sydney had 36 school leavers from 2005 attending their Transition to Work service and it helped 34 gain employment or access further education. The Greenacres service had 16 school leavers from 2005 in its program in the Illawarra and 12 have gained employment or further education. I spent time with Neil Prestons and the staff and clients at Greenacres in Wollongong in February. I was impressed with its operation, its staff and its 70 per cent success rate.

[*Interruption*]

I note the contempt with which the member for Terrigal is treating this issue. Perhaps his patronising comments should be made a little more clearly so that people with a disability in this State can hear what he is saying.

Mr Greg Smith: Point of order: I refer to Standing Order 129. The Minister was asked about what jobs and services are being delivered by his department. He has now turned on the Opposition and is indulging in rhetoric—

The SPEAKER: Order! That is not a point of order. If members refrained from interjecting Ministers would not respond to them.

Mr PAUL LYNCH: Among Greenacres' success stories is that of a young woman whose physical disability means she uses a wheelchair. That former client now runs her own web design business. Another Greenacres client with a mild intellectual disability was so shy at the start of her Transition to Work program that she did not speak. She now works at the front counter of a local pharmacy. The State Plan target is to close the gap in the unemployment rate between people with a disability and the overall community by 50 per cent by 2016. That is equivalent to around 6,000 jobs. Half that target will be met through the Transition to Work program. NOVA Employment in Penrith is another transition to work provider that has impressed me with its success. Trellina Kay shines as an example of how the Transition to Work program succeeds for people with disabilities and their families. With NOVA's help, Trellina now works with Quick Grow Hydroponics in Richmond growing lettuces. During a transition to work program she identified her desire to work outdoors. Her support worker Selina began—

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

Mr PAUL LYNCH: Selina worked with Trellina every day at Quick Grow. As Trellina's knowledge and confidence grew, Salina dropped back until Trellina was able to work independently. Trellina said, "My mum thinks my having a job gives me something to do and makes me happier. It means I am able to afford what I like to buy. It is better to work and have money than be poor." A series of other government initiatives have been implemented, including a 2008 forum of public service employees with a disability to develop strategies and to identify opportunities. In April this year a forum was held with the Department of Education and Training to develop strategies to improve work prospects of people with a disability and a training program is being developed with the Australian Employers Network on Disability to help transition to work providers to improve their already good results. Of course, the Department of Ageing, Disability and Home Care also pursues its own initiatives through procurement.

The final word should go to an impressive young man I met earlier this year on International Women's Day when the Premier and the Minister for Women presented his mother, Cheryl Koenig, with the Woman of the Year Award. Their story can be read in Cheryl's book *Paper Cranes*. Cheryl is a remarkable woman and her son, Johnno Koenig, is a remarkable young man. Johnno was left with a severe brain injury 11years ago and his family nursed him back to health and set him a course of actively engaging with life and the community. Johnno now works in a series of part-time jobs covering the working week. He is particularly fond of the time he spends in employment at his local council. When asked about the job, Johnno said, "I love that job. I just love that they accept me." That is as eloquent a definition of social inclusion as one could wish.

ROADS FUNDING

Mr ANDREW STONER: My question is directed to the Premier.

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

Mr ANDREW STONER: What action has the Premier taken to direct his Roads Minister to focus on solutions to Sydney's traffic gridlock rather than on political games like providing incorrect freedom of information data to the Opposition and doctoring budget announcements to remove Coalition electorates?

Mr NATHAN REES: I am interested in a couple of areas of gridlock. They are in Wollondilly and Monaro. We saw at the weekend—

[*Interruption*]

The member knows what I am talking about.

The SPEAKER: Order! The House will come to order. All members who have been called to order are now deemed to be on three calls to order.

Mr NATHAN REES: A proposal by the Liberals on the weekend caused gridlock in the State seat of Monaro. The Nationals are livid—

Mr Adrian Piccoli: Point of order: I refer to Standing Order 129. Mr Speaker, you have today interpreted some standing orders very strictly, and perhaps rightly so. I ask you to interpret the relevant standing order just as strictly. This bloke is about to embark on more buffoonery.

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

Mr Adrian Piccoli: As if those people don't have enough contempt for Parliament!

The SPEAKER: Order! The member for Murrumbidgee is on his final warning. He will take a point of order, not debate it, and he will not perform for the television cameras.

Mr Paul Gibson: He is not very pretty.

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

Mr NATHAN REES: The political gridlock introduced at the weekend by the Liberal Party in Monaro—

Mr Andrew Fraser: Point of order: Standing order 129—

The SPEAKER: Order! I have ruled on Standing Order 129.

Mr Andrew Fraser: But you have not addressed the question—

The SPEAKER: Order! The member for Coffs Harbour will resume his seat. I will not hear points of order that canvass my ruling.

Mr NATHAN REES: I know who is doing to the canvassing. Melinda Pavey is canvassing for the member's seat. The Nationals are absolutely livid that the Liberals might seek to make an incursion into Monaro. Why? Because the Liberals do not trust—

Mr Andrew Constance: Point of order: My point of order relates to Standing Order 129. The question before the House was about Sydney traffic, not the member for Monaro's electorate.

The SPEAKER: Order! I did not hear what the Premier said. I will listen further to the Premier. Members will cease taking points of order so they can hear what the Premier has to say.

Mr NATHAN REES: The Liberal Party does not trust The Nationals to run a campaign in a seat like Monaro, where the local member does such an outstanding job. He has achieved the return of Rusden House and upgrades to a couple of key roads. He is a very successful and popular local member. Last time The Nationals ran a campaign like this it was in the seat of Port Macquarie, and look what happened then.

Mr Adrian Piccoli: Point of order: Mr Speaker, I assume you have now had an opportunity to listen to the Premier's response. He has not made even a pathetic attempt to answer the question. Unless you bring him back—

The SPEAKER: Order! The member will state his point of order.

Mr Adrian Piccoli: The Premier has not even made a paltry attempt to answer the question.

The SPEAKER: Order! I remind the Premier of the question before the House.

Mr NATHAN REES: I am always delighted to return to the issue of the relevance of The Nationals. In Port Macquarie it is absolutely zero—unless they are having coffee there. The wet weather in Sydney did lead to a number of incidents on our roads. There were traffic delays, as there always will be when accidents or breakdowns occur on the roads. The delays were not related to infrastructure; they were caused by car accidents. I am advised that there were accidents at Parramatta Road at Burwood, the M4 at Prospect and Parramatta Road at Granville, all at about 5.30 a.m. Within an hour, several other crashes had been reported, including incidents on Pennant Hills Road at Carlingford, Lane Cove Road at Ryde, the M5 at Narwee, the M4 at Silverwater, Botany Road at Mascot, Gardeners Road at Mascot, and the Bradfield Highway exit. Oil spills were also reported at Penrith and on the Great Western Highway. The explanation for delays this morning is an inordinate number of traffic accidents and not, as the Leader of The Nationals asserted, anything to do with infrastructure.

The Leader of The Nationals opposed the M4 extension. On Tuesday 31 March the ABC *News* reported that the New South Wales Opposition said that the Government had secret plans. It stated that the Opposition roads spokesman, Andrew Stoner, said that residents had been opposed to the extension since it was flagged in 2002. The Leader of the Nationals opposed expanded road expenditure. This Government has a record roads budget as outlined by the roads Minister; an on-time train service rate of 95.6 per cent, which is a decade high; an increase in train patronage of about 5 per cent; an increase in bus patronage in excess of 3 per cent and 385 new bus services introduced over the past two years. That is this Government's record. We plan to provide hundreds of new train carriages and buses and record road funding over the next four years. That is this Government's plan for New South Wales. From that side there is absolutely nothing. This side of the House has the builders; that side has the wreckers!

OLSTAN MINE PROPOSAL

Mr GREG PIPER: My question is to the Minister for Planning. As the proposed Olstan auger mine in Lake Macquarie is unusual in that it will create its own trench for auger equipment, will the Minister consider defining auger mining in relevant instruments to recognise that auger mining not ancillary to underground mining, as in this instance, incorporates a component of open-cut mining?

Ms KRISTINA KENEALLY: This is an important issue to the people in the Lake Macquarie electorate. The State environmental planning policy for mining, petroleum production and extractive industries was made on 16 February 2007. When that State environmental planning policy was made, open-cut mining was expressly prohibited in the Lake Macquarie local government area. This is because it was considered not in the public interest, following a review of the open-cut coal resources remaining in that local government area as well as a review of the strategic natural resource and land-use plans for that region.

Underground mining, which includes auger mining, remains permissible with consent in the local government area. However, as the member has pointed out, this is an unusual proposal and, as such, I have asked the Department of Planning to seek senior counsel advice in relation to the application of this State environmental planning policy in this circumstance. Under the Environmental Planning and Assessment Act, underground mining proposals are required to be assessed on their merits, as set out in part 3A of the Act. I can assure the member and his constituents that if the proposal looks like it will cause significant surface disturbance, this will be carefully considered during the comprehensive part 3A assessment of the proposal.

HOME-BASED BUSINESSES AND JOBS

Ms ANGELA D'AMORE: My question is to the Minister for Small Business. What action is the Government taking to support jobs through home-based businesses?

Mr STEVE WHAN: I thank the member for Drummoyne for her interest in this very important matter. About 64 per cent of our nearly 650,000 small businesses in New South Wales operate from home. Last week the Rees Government held Home-based Business Week 2009. This was the fourth New South Wales Home-based Business Week and the biggest so far. Home-based businesses are growing. With events like Home-based Business Week, this Government is helping people create jobs for themselves. I hear the Opposition now has a renewed interest in home-based businesses as well. I hear it is looking for a home-based business for a certain Alby Shultz. The Opposition would like to keep him out of the public eye a bit after the events in Canberra yesterday. A moment ago the Premier alluded to the fact that the Liberal punch-up, or almost punch-up, in Canberra yesterday was all about the Monaro electorate. It is flattering to think that the Coalition in Canberra as well as here is so focused on my seat and the representation I provide, and is attempting to knock me over.

[*Interruption*]

The SPEAKER: Order! The member for Goulburn will contain herself.

Mr STEVE WHAN: The member for Goulburn loves talking about Alby. We might come back to that in a moment. As the Premier mentioned earlier, it seems the fight was all over Melinda Pavey, the Opposition spokesperson, who is—

Mr Adrian Piccoli: Point of order: I refer to Standing Order 129. I do not know who wrote this for the Minister but it is completely irrelevant to the question. The Government has great interest in talking about Alby Shultz.

The SPEAKER: Order! I remind the Minister of the question before the House.

Mr STEVE WHAN: Home-based businesses are very important, but I recognise the Opposition's sensitivity in this area. Members opposite leap to their feet whenever a certain upper House member is mentioned. That member happened to be the campaign director in the last State election, and also the campaign director in the Port Macquarie by-election. No doubt the Liberals do not want her anywhere near them and they probably should not want her as an Opposition spokesman either. Some of the emergency services personnel were amazed to have her tell them that she was not interested in facts, just good headlines. We know The Nationals are very good at just good headlines.

Mr John Williams: Point of order: I refer to Standing Order 129. Can we get back to home-based businesses?

The SPEAKER: Order! I uphold the point of order. The Minister will direct his remarks to the leave of the question.

Mr STEVE WHAN: Of course, Alby's home-based business is of great interest to some people opposite, particularly the member for Burrinjuck—the one you want him to get. As we are saying, home-based businesses are very important for New South Wales. During Home-based Business Week over 1,200 participants attended events around New South Wales—that is, 1,200 people that the State Government is assisting to maintain their jobs. I am pleased to report that over 90 per cent of participants said the events were useful to their businesses and they would implement what they learnt. The Rees Labor Government provided free training and support for home-based businesses at more than 40 events across New South Wales. Topics ranged from marketing, customer retention, building a business brand, to operating online. I am pleased to say that many of the events were held in regional New South Wales.

For example, the member for Wyong opened the Home-based Business Mini Expo in Wyong. It was a fantastic opportunity for 30 Central Coast businesses to meet potential clients and suppliers and showcase their services to the public. Home-based business expert Robert Gerrish, who himself runs a home-based business, described the week as a terrific success. He presented workshops entitled Up and Away at six locations around New South Wales. There were workshops in places like Orange and Bathurst and various other regional centres. We cannot ignore the fact that the global recession is impacting on businesses in New South Wales. That is why we have been running things like Managing through Turbulent Times for businesses in New South Wales. As I mentioned earlier, some people are particularly interested in home-based businesses. When I started this answer there were interjections about the Monaro seat, where we are seeing a fight over who should run in various seats around New South Wales.

Mr Wayne Merton: Point of order: The Minister has done it again. He has left home. He has left his home-based businesses. I ask that you bring the Minister back to the question.

The SPEAKER: Order! I remind the Minister of my earlier ruling. I am sure the Minister is about to conclude his answer.

Mr STEVE WHAN: We could go back to the bus. That would be quite interesting as well, would it not?

Mr John Williams: Point of order—

The SPEAKER: Order! I can pre-empt the point of order. The Minister will conclude his answer.

Mr STEVE WHAN: Members opposite could at least think of original lines for their points of order. It is interesting to see whether the member for Port Stephens had anything to say about the Opposition spokesman for emergency services, since he had to go back and apologise for her after she visited one organisation in his electorate. As I was saying earlier, home-based businesses are absolutely vital to New South Wales. Last week's Home-based Business Week was extremely successful and I am pleased that the Government has been able to assist some home-based businesses around our State to thrive in the future.

STATE ECONOMY

Mr NATHAN REES: I remind the House again that it is not just this side of the House that is looking at the Opposition talking New South Wales down; it is also the business community. Earlier I was asked questions about the New South Wales economy.

Mr Andrew Stoner: And you answered them, so sit down.

Mr NATHAN REES: I am providing a more comprehensive response. A recession is generally considered as two or more consecutive quarters of negative growth in output. New South Wales and other State figures released today measure State final demand, the State's spending on goods and services, but do not include export and import figures. I said that earlier, and the shadow Treasurer ought to know better than to play loose with economic definitions, because that will define him. Earlier today on radio 2UE the shadow Treasurer said this:

> Find an economic commentator across the city that tells you that is not a recession you won't find it.

Guess what? 2UE did find it. An economist from CommSec, Savanth Sebastian, said:

> I think it's any economist's view that if you are looking at state by state analysis you need to look at the whole picture rather than part of the pie.

The journalist went on to say:

> He (Sebastian) says that if both trade and domestic consumption are considered in that pie, the NSW economy actually grew by 1.9% second only in growth to South Australia in the March quarter.

That is precisely our point. The experts from CommSec know more than the member for Manly about economic definitions. This looseness with economic definitions will hang around his neck.

Question time concluded.

DEPARTMENT OF PARLIAMENTARY SERVICES

Report

The Speaker tabled the annual report of the Department of Parliamentary Services for the year ended 30 June 2008.

Ordered to be printed.

MAIN ROAD 92 UPGRADE

Personal Explanation

Mr THOMAS GEORGE, by leave: Earlier today the Minister for Roads indicated that the member for Ballina, other members of The Nationals who represent the area and I did not attend a meeting at Alstonville. That the Minister should make this accusation—

The SPEAKER: Order! Government members will remain silent. The member for Lismore is entitled to correct the record. I ask him to continue with his personal explanation.

Mr THOMAS GEORGE: This accusation affected me personally. It came from a Minister who never informs anyone when he is coming to the area and never sends invitations to attend events. How are we to attend meetings when we are not even told that one is to be held?

The SPEAKER: Order! The member for Lismore has corrected the record.

PETITIONS

Drink Container Deposit Levy

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

National Parks Tourism Developments

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

Pambula Hospital

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

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**.

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**.

South Coast Rail Services

Petition opposing any reduction in rail services on the South Coast 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**.

Cranebrook High School Security Fence

Petition requesting a new security fence for Cranebrook High School, received from **Mrs Karyn Paluzzano**.

Berowra Housing Density

Petition requesting that Berowra and Berowra Heights remain low-density dwellings or that adequate infrastructure be provided for the proposed high-density dwellings, received from **Mrs Judy Hopwood**.

Garrawarra Land Sale

Petition opposing the sale of land at the Garrawarra Centre in Waterfall, received from **Mr Malcolm Kerr**.

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**.

Livestock Health and Pest Authority Rate Increases

Petition requesting an immediate moratorium on Livestock Health and Pest Authority rates and requesting that the locust loan become a grant, received from **Mr John Turner**.

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**.

Shoalhaven Local Area Command

Petition requesting additional resources for the Shoalhaven Local Area Command, received from **Mrs Shelley Hancock**.

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**.

Shoalhaven Mental Health Services

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

Princes Highway Rest Areas

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

Water Catchment Protection

Petition requesting that drinking water catchments be protected from mining, received from **Mr Barry Collier**.

BUSINESS OF THE HOUSE

Reordering of General Business

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [3.42 p.m.]: I move:

> That General Business Notice of Motion (General Notice) given by me this day [Front-line Rail Staff] have precedence on Thursday 4 June 2009.

This motion will allow Labor members to stand up for their station staff or to again be exposed as the hypocrites that Opposition members suspect they are. Some Labor members, like the member for Blacktown, have been good members and been prepared to stand up to current and former Premiers outside the Chamber. However, when given the opportunity to do so in the Chamber they melt away into the fabric, sitting behind those people whom they claim to despise. We will give every Labor member who pretends in this place to stand up for commuters and the hardworking station staff across the CityRail network the chance to do something useful and to say to the State Government, "You've got it wrong; don't slash 600 front-line jobs at this time on these stations."

I do not need to remind the House that six months ago the Premier came into the Chamber and in the mini-budget promised that no front-line jobs would go as a result of the savings measures. However, we know that on the North Coast, in the central west and in southern New South Wales health jobs have been slashed. And now 600 jobs will go from our stations. Of those, 250 employees will be redeployed to train presentation—that is cleaning staff. In one sense that is welcome because the cleaner our trains, the more attractive they will be to commuters. However, it should not come at the expense of front-line staff on our stations. This is a time of global financial crisis, when having a job will determine whether people suffer through the crisis in pain or survive. Members opposite pretend when it suits them—during election campaigns—to protect working families. Yet they are happy to ensure that 350 families will no longer be working families. I want to know what the member for Blacktown is going to do. He is a lion outside this place but a mouse inside it. He said that the proposals are ludicrous.

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

Mr BARRY O'FARRELL: The member for Miranda said that cutting the quality of customer service does not make sense.

Mr Paul Gibson: Point of order: My point of order relates to Standing Order 76, relevance. I remind the Leader of the Opposition that the Opposition closed more railway stations than any other government in the history of this State.

The SPEAKER: Order! The member for Blacktown will resume his seat. He is on his final warning. The Leader of the Opposition has the call.

Mr BARRY O'FARRELL: Members opposite promised it would not happen again, yet 600 jobs will go. The member for Blacktown did not even exchange 30 pieces of silver because he is not a Minister. I want to know what the member for Wallsend will do. She has been a mighty advocate for CityRail staff in the Newcastle *Herald*. How will she vote on this motion? How will other members who have raised this issue vote, including someone I regard as honourable and who has been sold out by his party time and time again—first on health and now on rail? I want to know how the member for Blue Mountains—who is a former Minister—will vote. Will he stand up for station staff in the Blue Mountains?

Like the people of the Central Coast, the Illawarra and Newcastle, people from his area travel long distances on our rail services. They leave home before dawn and get home after dark. They need station staff to assist them. How will the member for Blue Mountains, who is an honourable man, vote? We might expect the member for Blacktown again to be a mouse, the member for Wallsend to be confused or the member for Miranda to lurk in a corner, trying desperately to stay out of the vote. But they and every other member will have to go back to their electorates on Friday and explain their vote because they were elected on the basis of supporting our rail system.

Mr Paul Gibson: Point of order: My point of order is relevance under Standing Order 76. The Leader of the Opposition talks about being a hypocrite. He is the greatest hypocrite that has ever trod this Parliament, bar none.

The SPEAKER: Order! The member for Blacktown—

Mr BARRY O'FARRELL: Labor promised better and its members are going to vote out those jobs.

Mr Paul Gibson: You closed every railway station and you sacked nearly every teacher in the State.

The SPEAKER: Order! I ask the Serjeant-at-Arms to remove the member for Blacktown.

Mr BARRY O'FARRELL: Point of order: Is this a device to stop the member for Blacktown voting for the motion?

The SPEAKER: Order! No. I will not tolerate such behaviour. The member for Blacktown will leave the Chamber immediately.

[*The member for Blacktown left the Chamber, accompanied by the Serjeant-at-Arms.*]

The SPEAKER: Order! The conduct of members is outrageous. The Leader of the House has the call.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [3.47 p.m.]: We rarely see the Leader of the Opposition as upset as he has been this afternoon. He carries on in this bombastic way when he is trying to fool everyone, including himself, into believing something he does not believe. He cannot believe what he has just said to the Chamber.

The SPEAKER: Order! If the member for Hawkesbury does not cease interjecting I will have him removed from the Chamber.

Mr JOHN AQUILINA: The Leader of the Opposition cannot believe what he said to the Chamber today. It does not make sense; it does not add up. Contrary to the claims of the Leader of the Opposition, the New South Wales Government is committed to improving front-line customer services for CityRail passengers and ensuring that staff are placed on stations where they are needed most. We are not about to do what the

Leader of the Opposition suggested on radio last week. In a radio interview the Leader of the Opposition told the public that he would agree to remove staff from busy stations like Town Hall and Central and get them to sit around at small outpost stations where a few dozen people pass through every day. It is absolute nonsense from the Opposition. I have discussed the matter with the Minister for Transport and I wish to present these facts to the House. 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.

Ms Gladys Berejiklian: Point of order: I am heartened to see that the Leader of the House is engaging in debate. He should support this motion and allow the debate to take place tomorrow, instead of arguing today whether it should proceed.

The SPEAKER: Order! That is not a point of order. The Leader of the House has the call.

Mr JOHN AQUILINA: The Leader of the Opposition made several claims in support of his contention that the House should debate this matter, and I am allowed to refute some of the issues he raised. I repeat: Any claim that the Leader of the Opposition has made—and he has made it repeatedly this afternoon—that people will lose their jobs is simply false. It is scaremongering by an Opposition that is desperate to get support by misleading the public.

Mr John Williams: Point of order: The Leader of the House is using his position to debate the motion—

The SPEAKER: Order! The member for Murray-Darling will resume his seat. I extended a degree of latitude to the Leader of the Opposition and I will extend the same latitude to the Leader of the House.

Mr JOHN AQUILINA: The Leader of the Opposition stated repeatedly this afternoon that the station staff review is all about doing away with front-line jobs. That was the basis of his argument. As a matter of fact, I have been told that following the completion of sector one, the Illawarra and South Coast line—the member for the South Coast will be pleased to hear this—49 additional staff will be recruited. The member for South Coast should be voting with us on this one.

Mr Jonathan O'Dea: Point of order: The Leader of the House is misleading the House—

The SPEAKER: Order! That is not a point of order. The member for Davidson will resume his seat. The Leader of the House has the call.

Mr JOHN AQUILINA: I am quoting Government fact, as opposed to Opposition fiction. That is precisely the point: We on this side have the facts; members opposite make up stories, and they are wrong. They mislead the public, they mislead the House, and often they are so convinced about what they are doing that they mislead themselves as well. The reform of station operations, along with other reforms, is part of the 2008 RailCorp Union Collective Agreement. We are so intent on consultation in this process that the union has been consulted from the very beginning. In fact, the union also has representatives on the station staff review teams. So the union is working at the grassroots level; it is making the decisions alongside everybody else. That dispels the myth that the union was unaware of the review process. The union has been advised, and union representatives are on those station staff review teams. An extensive consultation process—sector by sector, station by station—is continuing.

Ms Gladys Berejiklian: Point of order: Given that the Leader of the House is misleading the House—

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

Ms Gladys Berejiklian: My point of order is that the figures and facts that the Leader of the House is presenting in relation to station cuts are simply not correct—

The SPEAKER: Order! That is not a point of order. The member for Willoughby will resume her seat. The Leader of the House has the call.

Mr JOHN AQUILINA: In conclusion, on behalf of the Minister I assure the staff that those 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 policy. [*Time expired.*]

Question—That the motion be agreed to—put.

The House divided.

Ayes, 40

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

Noes, 47

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

Pair

Mr Piccoli	Mr Tripodi

Question resolved in the negative.

Motion negatived.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Federal Stimulus Package and Education

Mr GEOFF CORRIGAN (Camden) [4.01 p.m.]: I do not think anything could be more important than implementing, in conjunction with the New South Wales Government, the Rudd Government's Building the Education Revolution as a key element of the $42 billion Nation Building and Jobs Plan, and introducing wireless laptops to public schools. That is the most important matter before us today.

State Economy

Mr MIKE BAIRD (Manly) [4.01 p.m.]: Nothing is more urgent in this State than the financial position in which we find ourselves. If an argument for priority is needed, one has only to look at public responses, because they are an absolute indictment on the Government and what it represents. The people of New South Wales are fed up with this Government. They are sick to death of the State being run into the ground and they want the Labor Government to take some responsibility for its actions. The question that everyone is asking is: How did we get here? How could this once proud State that was leading Australia on every single measure—according to whatever economic indicator we used—now be going backwards?

Today, both the Treasurer in the upper House and the Premier tried to pretend that the State is not going backwards. They both tried to pretend that the State is not in recession but the numbers are plain, and I refer them to the House. Those numbers tell the story very simply: When you have two quarters of negative growth you have a recession. That is a fact and that is what the numbers show. Premier Rees's comments at the end of question time contradict the public statement by former Premier Iemma that if we had two quarters of negative growth, such as we have seen in this State, we would be in recession. In the same way that Prime Minister Rudd cannot say "billions" of dollars, Treasurer Roozendaal and Nathan Rees cannot say the word "recession". So I will say it for them.

What does that mean? To families across the State words are just words, but these economic times are impacting upon them. We must understand that these are not just numbers: real lives are being impacted. In classic Labor style, today we got spin. It is absolutely pathetic. The Treasurer's performance in the Legislative Council was about technicalities—what about this; what about that? The Treasurer has overseen two quarters of negative growth. He and the Premier need to be honest with the community that the Government has failed the people of New South Wales, as the numbers clearly demonstrate. This is the Reesession we did not have to have. There are two clear indicators as to why we are in this position. The first indicator is the mini-budget. I am not sure who put the mini-budget together but I am sure that Joe Tripodi, Eric Roozendaal and Nathan Rees were involved. Graham Wedderburn said to forget about it, and I can tell members why the document has been forgotten. Access Economics said today that just when we needed demand to be increased, it was cut. What did the Government do? It cut infrastructure.

We have heard time and time again about infrastructure but the truth is in the mini-budget. The Government cut infrastructure in the mini-budget and raised taxes and charges at exactly the wrong time. The Government cut critical infrastructure such as the North West and South West metros. It spent $20 million on fees for the North West Metro project with nothing to show for it. That is why the State has gone backwards—it is being mismanaged. Yet Nathan Rees has had every opportunity. In the lead-up to the mini-budget we heard from Prime Minister Rudd—of all people—that we were headed for dire economic times. But he was ignored. The mini-budget was put together and its policies have come to fruition today. Every household in New South Wales is being impacted because of that document, and the picture looks bleak.

The second indicator is infrastructure funding. Prime Minister Rudd ignored New South Wales. We have no policy. The infrastructure allocation was a once-only opportunity to secure funds for the State, and the Government failed on every front. How could a Premier not take responsibility for making the best possible submissions? When the Government did not do that we ended up with nothing. In fact, we got money for a study so that the Government can go away and do it properly next time. I am fearful about what is to come in the State budget. The Minister for Finance is arguing with the Treasurer about who should be Treasurer. That debate is ongoing. Perhaps the Caucus can enlighten the House as to what is happening. Joe wants to be the Treasurer and Eric does not want him to—what a shambles! The last semblance of hope is our credit rating and that is hanging in the balance, with policies leading us backwards. The Opposition hopes that it can turn the State around, and that starts with accountability. There is no accountability by this Government and there is no hope. The State's finances are going backwards, and the Government is responsible.

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

The House divided.

Ayes, 47

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

Noes, 40

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

Pair

Mr Tripodi Mr O'Farrell

Question resolved in the affirmative.

ADMISSION OF THE TREASURER INTO THE LEGISLATIVE ASSEMBLY

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

Mr SPEAKER

The Legislative Council desires to inform the Legislative Assembly that it agrees to the request of the Legislative Assembly in its message dated 2 June 2009 for the Honourable Eric Michael Roozendaal, MLC, Treasurer, to attend the Legislative Assembly on Tuesday 16 June 2009 at 12 noon to give a speech of unlimited duration in relation to the New South Wales Budget 2009/2010.

Legislative Council PETER PRIMROSE
3 June 2009 President

CIVIL PROCEDURE AMENDMENT (TRANSFER OF PROCEEDINGS) BILL 2009

Message received from the Legislative Council returning the bill without amendment.

FEDERAL STIMULUS PACKAGE AND EDUCATION

Motion Accorded Priority

Mr GEOFF CORRIGAN (Camden) [4.14 p.m.]: I move:

That this House:

(1) congratulates the Government on its progress in delivering the Building the Education Revolution projects to schools across New South Wales as part of the Federal Government's $42 billion Nation Building and Jobs Plan;

(2) welcomes the news that more than 300 students and teachers at three New South Wales public schools have road-tested new wireless laptops in preparation for the statewide rollout to all year 9 students; and

(3) calls on the New South Wales Opposition to put politics aside and declare its support for the Federal education stimulus package to support schools, jobs and the economy.

I inform the House of the progress being made by the Rees Government in implementing the National School Pride component of the Building the Education Revolution and speak about the benefits already flowing from this historic investment in infrastructure. The Commonwealth Government recently announced the second round of funding under this program. This funding, which ensures that work will be carried out at every eligible school in New South Wales, amounts to over $108 million for projects in more than 850 schools. This is in addition to

the more than $178 million in funding for government schools that was announced in the first round of the program. Added together, this represents a commitment of over $285 million to the students, teachers and communities of this State, including Rockdale.

Many schools already have benefited from the National School Pride Program. For example, Valley View Primary School on the Central Coast, which is in the electorate of my colleague the member for Gosford, has had trip hazards rectified and painting completed, and the school oval is being returfed. It will mean a better school for the children of Valley View Primary School and job creation in Gosford. Students at Moree Public School, which is in the electorate of the member for Barwon, are enjoying new carpets, covered walkways and other refurbishments. But I bet anything that when the member for Barwon next visits Moree Public School he will not tell the parents, staff and students that today he refused to put politics to one side and support the Rudd education stimulus package to support schools, jobs and the economy.

These are just two examples of the literally thousands of projects occurring around New South Wales to improve our schools and support jobs. In my electorate of Camden 19 schools will receive $3.75 million for maintenance and minor works under the National School Pride Program. Worthy schools such as Eagle Vale High School, Mount Annan Public School and Elizabeth Macarthur High School have received $200,000 for this work. For the Primary Schools for the 21st Century element of the program, in my electorate of Camden $4 million worth of work has been approved. Narellan Public School and Kearns Public School will receive a new hall and covered outdoor learning areas, with $2 million to be spent at each school. Those school communities are delighted with the result.

The National School Pride projects are taking place in addition to the maintenance already occurring as part of the Government's historic program to repair, refurbish and upgrade schools around the State. During 2008-09 the Government will have spent more than $230 million on school maintenance. That amounts to more than $4.4 million a week or $630,000 per day. It includes $31.6 million as part of our $120 million four-year funding enhancement to accelerate our program of works. In 2008-09 the $31.6 million will allow us to undertake in the order of 1,300 extra maintenance projects in schools across the State. This maintenance will make a positive impact on the operation of our schools, as they will improve the conditions in which our students and teachers work, learn and play. The member for South Coast would be interested to know that some of the projects include painting, playground improvements, new floor coverings and roof repairs. We also are renovating toilets at 52 schools, installing 60 security fences and building 20 new school halls and gyms as part of the Building Better Schools initiative.

The Principals Priority Building Program, which was announced in the mini-budget, represents an extra $150 million on building and improvement projects that will be completed over the next two years in public schools. The new program will fund projects in primary and secondary schools across New South Wales that include fixing school toilets, roofs, sewers and stormwater systems, and installing new security fencing. In my electorate of Camden $1.075 million will be spent on toilet upgrades to Blairmount Public School, Camden Public School and Camden South Public School—all as a result of the strong representations of the local member. The program is progressing well, with all the security fences having been briefed and currently being priced. These projects will be completed by the end of June this year. Projects that are funded in round two will start very soon to meet the completion deadline of 1 February 2010.

During this term of government we will upgrade 800 science laboratories, enhance food technology facilities at 31 schools, construct 27 school halls and 17 multipurpose gymnasiums, and upgrade the toilets at 200 schools. These historic commitments on the part of the Government will be maintained. Works completed through the National School Pride program will be in addition to our own program of works. We all know where the Liberal and National parties stand on this record investment in New South Wales schools—they oppose it. In an interview on the ABC's *Insiders* program on Sunday Malcolm Turnbull suggested that he supported all of the Building the Education Revolution projects but he would spend almost $12 billion less on schools. This is what he said to Barry Cassidy:

> Well Barry, we haven't voted against any projects, what we voted against was the overall package. We put up an alternative which would have involved spending money on schools, but not so much, spending $3 billion instead of $14 billion.

That is very hard to follow. The Liberal and National parties' alternative simply does not add up. It means schools and communities around New South Wales would miss out on vital economic stimulus. Joe Hockey has described the $14.7 billion investment in school halls, libraries and classrooms as "bad spending" and "ridiculous". On the *Sunrise* program on 13 February he said:

> We think the package is way too big, it's wasting too much money on bad spending. Well let me tell you, we wouldn't be spending $14 billion on school halls. I mean that is a phenomenal amount of money. $14 billion. That is just ridiculous.

Thank you, Joe Hockey. It is about time members of the New South Wales Opposition let the people of New South Wales know where they stand. Does the Opposition support Malcolm Turnbull's view that just $3 billion would be better spent on every school in Australia? Does the Opposition agree with Joe Hockey's statement that the Building the Education Revolution is bad spending and ridiculous? If it does, it should let the parents and schoolchildren of New South Wales know which schools across the State would have missed out on funding.

Will the Leader of the Opposition tell West Pymble Public School that it should not receive a library upgrade at a cost of $455,000, or a new hall and a covered outdoor living area at a cost of $2.45 million? Will the Leader of The Nationals tell Crescent Head Public School that he opposes its new hall and canteen at a cost of $2 million? I do not think they will. They stood silently by whilst their mates in Canberra tried to put a wrecking ball through this spending. Now they have a chance to break their silence and make it clear to Malcolm Turnbull, Warren Truss and Joe Hockey that they are wrong. Today they should put politics aside and declare their support for the Rudd education stimulus package to support schools, jobs and the economy. As a former teacher I am sure the member for South Coast will support what I have said.

Mr ADRIAN PICCOLI (Murrumbidgee—Deputy Leader of The Nationals) [4.21 p.m.]: I move:

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

this House notes the poor efforts by the New South Wales Government in implementing the Building the Education Revolution.

My first question is: Where is the Minister for Education and Training? This is not the first time the Building the Education Revolution has been the subject of a motion accorded priority, but the Minister is never here. She is gutless. She stands up in question time because the Opposition does not have an opportunity to respond. But we will get to some of the comments she made in question time today. She appears big and brave, but when it comes to a debate she is not here. She rolls out the member for Camden and other patsies within the Labor Party to do all the dirty work on Building the Education Revolution debates.

We want to see the Minister of Education and Training in the Chamber entering into a debate where she has to speak off the cuff. She is an excellent public speaker with her cheat notes. We want to see her in the Chamber because there are some serious issues about the way the Government is implementing the Building the Education Revolution and the computer rollout that I think the people of New South Wales ought to know. First, I refer to paragraph (2) of the motion, which refers to computers for schools in New South Wales, which Kevin Rudd announced in November 2007. It is now June 2009 and the first public school students to get their computers got them only a week ago. Non-government schools have had their computers for probably a year. Why is it that non-government schools can supply computers a year before government schools? This is simply a failure by the New South Wales Government and the Minister—the member for Balmain—to implement a Federal program properly.

Why have the students waited for two years to get their computers? Only a few have got them and the rest will not receive them until the end of this year. Students in year 11 next year may be getting computers that they would have had in year 9 if the Government had done this properly. Today the Minister mentioned jobs being created by the computer rollout. That is no credit to the New South Wales Government; it is money that the Federal Government is spending—or borrowing, because we will all have to pay it back later. But that is a debate that our Federal colleagues are having. I do not know whether the Minister for Education and Training has informed her colleagues in the Labor Party that the company that was issued the contract to install the wireless system in all the schools was an American company. I am glad the member for Heffron is in the Chamber because a company from Botany was one of the tenderers for that contract.

Ms Kristina Keneally: That's not in my seat.

Mr ADRIAN PICCOLI: I apologise for my lack of knowledge of the geography of southern Sydney. I did not know that Botany is not in the seat of Heffron. The New South Wales Government gave a $90 million contract to an American company—higher than the tender offered by the Australian company. I understand the American company will be employing some people in Australia but, of course, profits and the like will go offshore, creating jobs in other countries—like Joe's trip around the world—and stimulating the economy of other countries when the contract could have been given to an Australian-based company.

Even the unions in Queensland are arguing that priority should be given to Australian companies when Federal Government contracts are issued. But the New South Wales Government does not share that view. It is happy for jobs to go offshore and happy for money to go offshore, when it could have given the contract to an

Australian company. Now we have seen the third stage of the Building the Education Revolution, we can see the details. We have seen how the maintenance side of things has been rolled out: Schools apply for various things, then they are told by the New South Wales Government that they are not going to get that, that they are going to get the backlog of maintenance for which they have been waiting for a decade. Federal money will be used for that—in contravention of what Kevin Rudd and Julia Gillard said about the Building the Education Revolution. The New South Wales Government has bungled it.

The Federal Government had a similar program of investing in our schools. It gave 150,000 to every school and said to the principals, "You go for it." Most schools got about $300,000 worth of value out of that by leveraging it with local businesses. But no, the New South Wales Government does not trust principals, it does not trust teachers, it does not trust schools; it wants to be in control of everything. We have seen plenty of examples of the second tranche, the capital works projects—C21. We have seen examples in the electorate of the member for South Coast where infrastructure that should cost $500,000 will cost more than $1 million. So they will get only half of what they would otherwise get with all this money.

As I said, it is all borrowed money: it is all money we will have to pay back later; it is all money from future cuts to education programs. What we are getting today we will have to pay for tomorrow, so at least let us get value for money. But we are not getting that under the New South Wales Government. Details have just been provided of the third program—the science laboratories. Contrary to recommendations from the New South Wales Federation of Parents and Citizens Associations, the Aboriginal Education Consultative Group, the Secondary Principals Council and the New South Wales Teachers Federation—who put in a plan that said every high school in New South Wales would get their science laboratories upgraded—the New South Wales Government has rolled over to the Commonwealth and said only 150 schools will benefit.

Government members are looking a little flummoxed by this. I will provide them with the documentation. Schools in their electorate are going to miss out. Only 150 schools in New South Wales will get this funding. The New South Wales Department of Education and Training was told of a way in which every high school's science laboratory could be renovated and upgraded, but the New South Wales Government and the Minister refused to act. Had the Howard Government done that, the State Government would have been up in arms. But the Minister for Education and Training simply rolls over to the Commonwealth every time at the expense of schools and students in New South Wales. This latest rollover on science laboratories in New South Wales is a disgrace. The Minister needs to stand up to the Commonwealth and make sure that New South Wales gets its fair share.

Ms TANYA GADIEL (Parramatta) [4.28 p.m.]: The member for Murrumbidgee should certainly not get an extension of time because his contribution was an outrageous attack on the State's public school system. Arthur Phillip High School in my electorate is participating in the two-week trial and the students are incredibly excited about it. This is the beginning of the Building the Education Revolution. Naturally, the amendment moved by the Opposition is not acceptable to the Government, but unfortunately we will not get a chance to divide on it. I point out to members opposite that advertisements for 423 full-time technology support officer jobs appeared online and in regional newspapers today. The information technology support staff will be based at 404 secondary and central schools across the State, and 68 of those positions will be in western Sydney. This laptop rollout represents a massive $386 million investment by the Commonwealth Government in education in this State and there will be a further pay-off in investment in jobs. Naturally, members opposite cannot bring themselves to support any of this and that is an absolute outrage.

Pursuant to sessional orders business interrupted and motion lapsed.

HERITAGE AMENDMENT BILL 2009

Agreement in Principle

Debate resumed from an earlier hour.

Mr GREG PIPER (Lake Macquarie) [4.30 p.m.]: It is worrying that the Heritage Amendment Bill 2009 incorporates matters relating to two significant areas that should by rights have been kept separate. The bill seeks to amend the Heritage Act 1977 and the Environmental Planning and Assessment Act 1979. The Heritage Amendment Bill amends section 23G, not section 118, of the Environmental Planning and Assessment Act, adding to the complexity that section 23G does not appear in the consolidated form of the Environmental Planning and Assessment Act. It is part of schedule 2 of the 2008 amendment Act. This bill allows a joint

regional planning panel to be the council as set out in paragraph 2 of schedule 2 to the Heritage Act. It further relies on the provisions of part 6 division 1AA, which includes section 118, to the same effect planning administrators have. This is really a roundabout way of saying that they can act as planning administrators. That is unquestionably an addition of potential powers for joint regional planning panels, putting them on an equal footing with planning administrators.

This interpretation is backed by the notes provided to the Legislation Review Committee on the purpose and description of changes. Section 118 of the Environmental Planning and Assessment Act provides that the Minister for Planning may appoint a planning administrator or a panel, or both, if a council has failed to comply with its obligations under the planning legislation, the performance of the council in dealing with planning and development matters is unsatisfactory, the council agrees to the appointment, or the Independent Commission Against Corruption recommends it because of serious corrupt conduct by any councillors. The amendment to the Environmental Planning and Assessment Act will allow those powers to be transferred without reference to such tests. The proposed changes to section 23 (2) of the Environmental Planning and Assessment Amendment Act 2008 are unsatisfactory as part of the Heritage Amendment Bill 2009 and should proceed as a separate process after consultation with councils and the community.

Planning in New South Wales was in need of reform prior to the 2008 amendments. However, the reform should have been in the form of a completely revised planning Act rather than the piecemeal amended legislation that was introduced. Contrary to the stated intentions of those who supported last year's planning reforms, the planning system has become more complex, less clear and more removed from the proper scrutiny of the local community. The ability of a joint regional planning panel to consent to development that will affect the fabric of development of local communities is at odds with the wishes of our community. Any additional change that strengthens, further transfers to or confers upon any unelected and accountable body to make strategic plans and supporting plans and policies, such as section 94 plans and development control plans, is pernicious and should be rejected. The appropriate protection of our heritage is extremely important and it is very frequently challenging to make those decisions that maintain our heritage items while at the same time recognising the impost that this will from time to time place on propriety owners.

A number of components of the bill would be supportable. However, I also note that certain parties are raising very real concerns, such as the History Council of New South Wales, which has an unquestionable specific knowledge of our heritage. The National Trust also has concerns, including about the ambiguity created by the introduction of concepts such as necessity, economic use and financial hardship as additional criteria for the listing of places on the State Heritage Register, lack of references to public involvement while consolidating the Minister's power to act unilaterally without reference to either the Heritage Council or the community, and the erosion of section 170 assets out of a perceived response to reduce the Government's liabilities rather than to protect New South Wales heritage. I suggest that the vast majority of residents of New South Wales have no understanding of what is happening with this legislation and that many groups that would have had a distinct interest and capacity to provide input have been denied that opportunity by the haste with which these amendments have been introduced and the associated confusion with the intent and function of the bill.

Mr CRAIG BAUMANN (Port Stephens) [4.35 p.m.]: I oppose the Heritage Amendment Bill 2009 because it does little to establish a framework for local government heritage listings and fails to address the Heritage Review submissions. It is vital to apply an adequate level of protection to sites, buildings, properties and objects of historical significance. Laws to protect such aspects of historical significance in New South Wales must be approached with respect and balance. Several representations have been made to me by various local historical societies all of which are fearful of the implications of the Government's proposed amendments. Many believe these amendments seek to reduce the significance of heritage buildings by decreasing protection of current and proposed heritage listings. I will raise some of these concerns in the House today.

One such amendment that has raised concern is the fact there is no impetus to appoint a qualified historian to the Heritage Council of New South Wales. I note that the Minister states the Heritage Council will be reduced from 15 to 11 members. Opposition members would reduce the membership to nine because we believe it allows for more efficient use of a skill-based membership. However, when introducing this bill to Parliament last month, the Minister for Planning also stated that the Heritage Council will consist of a chairperson, the director general of the Department of Planning, the director general of the Department of Environment and Climate Change, the New South Wales Government Architect, six members appointed by the Minister, as well as a representative of the National Trust of Australia, New South Wales. There appears to be many representatives from the Government, including six Minister-appointed members, but not many Independent members.

Local historical societies have raised the importance of having an historian guaranteed a position on the council. These societies have expressed to me the complexity of assessing potentially historic sites and relics, and the need for an independent and experienced historian to be a part of that process, which the Minister's comments do not indicate. Given the beauty and stunning appeal of the Port Stephens area, there is constant interest from developers for all kinds of development to attract visitors, house visitors, feed visitors and entertain visitors. It would therefore come as little surprise that local historical societies are always kept on their toes with regard to potential developments on potentially historic sites. Local historical societies have expressed to me their concern that the proposed regional assessment panels could override local governments in planning and development decisions.

For example, some members may know the villages of Hawks Nest and Tea Gardens in my electorate. The area was first settled in the early nineteenth century when white settlers began foresting in the area, particular for red cedar. The villages of Hawks Nest and Tea Gardens straddle the Myall River as it enters the northern shore of Port Stephens. This Government continues to ignore the environmental disaster that I continue to report to this House, so it is little wonder that the residents of Hawks Nest and Tea Gardens have little faith in any legislation produced by this inept Government that threatens their idyllic lifestyle. Aside from the current environmental degradation, Hawks Nest and Tea Gardens remain as quiet and sleepy villages, which attract many for holidays and many of those tourists retire there. That is why many in the community of Hawks Nest and Tea Gardens expended a lot of energy lobbying the Great Lakes Council to maintain the quiet fishing village ambience that makes the Hawks Nest and Tea Gardens villages so fabulous and unique, and that is what attracts many people to buy holiday houses or to retire in the area. Those in the community now believe they have won their campaign to maintain the Hawks Nest and Tea Gardens area as it is. However, this Heritage Amendment Bill has sparked fear that local governments will lose their power to protect historically significant sites and relics.

The Opposition also harbours concerns about a lack of framework for local government heritage listings. Many of the Environmental Planning and Assessment Act amendments merely add to the Environmental Planning and Assessment Act amendments that were put to this House last year. The Coalition opposed it at the time and it opposes it now. I am one member of this House who has experienced the ineptitude of this Government's approach to planning. In 2001 Minister Knowles introduced the coastal policy, in State environmental planning policy 71. This policy gave the Minister consent authority on all major developments within one kilometre of the high-water mark on a coastal strip from Port Stephens to Tweed Shire and it was an absolute disaster.

A development application for a 13-metre-high building in an eight-metre height zone in Shoal Bay, one of the most magnificent and unaffected bays on the New South Wales coast, was approved without any council or community consultation by same nameless Department of Infrastructure, Planning and Natural Resources bureaucrat hiding in an office in Sydney. A height zone that had been respected by councillors of all persuasions for decades was ignored by some planning functionary who could not care less. As is common with this Government, State environmental planning policy was shared statewide as part 3A, stripping communities of any involvement in determining their own future. The continuous changes to the Environmental Planning and Assessment Act and irrational Land and Environment Court rulings are making development and zoning approvals unnecessarily complicated and frustratingly time-consuming. Yet this Government blames councils for being inefficient. These planning panels are the latest impost on our communities.

The Environmental Planning and Assessment Act should not be further amended; it should be torn up and replaced with legislation that allows everyone, be they applicant, neighbour, councillor or council planner, to know what the rules are and allow them to work within those rules. The amendments in this bill also fail to address the Opposition's proposal for a separate Minister for Heritage, which I believe would greatly benefit all involved in historically sensitive developments. As I said earlier, the approach to protecting potentially historically and culturally significant sites, buildings and artefacts must be done with balance in respect to planning and heritage. The Heritage Amendment Bill 2009 falls a long way short of achieving that.

Mr PETER BESSELING (Port Macquarie) [4.41 p.m.]: I will provide some brief comments on the Heritage Amendment Bill 2009. I am sure I am not the only one who recognises the irony in the objects of this bill. The objects reflecting the roles and functions of the Act and the Heritage Council have been added to modernise the Act and clarify community perceptions. A number of members have spoken about a number of issues that they have with this bill. I do not wish to go over every one of them but I will raise a couple of points.

One of the major points of contention seems to surround schedule 1, proposed sections 8 and 9, regarding the reduction of membership of the Heritage Council from a maximum of 15 members to a maximum of 11 members and to remove the appointment of members nominated by particular organisations other than the National Trust of Australia, New South Wales.

Like many of my parliamentary colleagues, I have received correspondence regarding this. Mark Dunn, the president of the History Council of New South Wales, questions how the Heritage Council will possibly assess heritage significance against the new thematic listings criteria without the input of a historian. The council is calling for an amendment to the bill to include a guarantee of a historian on the Heritage Council. Mari Metzke, manager of the Royal Australian Historical Society, noted in an email to me:

> To date the presence of a historian has ensured that there had been the right kind of checks and balances in place so that appropriate heritage items can be included in not only the State Register but Local Environment Plans as well.

As my Independent colleagues have noted, the National Trust is concerned with three points, namely, ambiguity introduced by the introduction of concepts such as necessity, economic use and financial hardship as additional criteria for the listing of places on the State Heritage Register; the lack of references to public involvement while consolidating the Minister's power to act unilaterally without reference to either the Heritage Council or community; and the erosion of section 170 assets out of a perceived response to reduce the Government's liabilities rather than protect New South Wales heritage.

Closer to home for me, Leonie Laws of the Port Macquarie Historical Society and Museum, has read over the bill and offered the following comments. Item [14] of schedule 1 will amend section 33 of the Heritage Act to provide that before making a recommendation for the listing of a precinct, the council must publish a notice of intention to consider listing in at least one metropolitan newspaper and one local newspaper circulating in the precinct, rather than giving written notice to each owner occupier of the land in the precinct, as is currently the case. That will change the notification process so that the council has to put an advertisement only in the paper. Leonie Laws is concerned about the reduction in accountability of the process and does not believe it is good enough. She is concerned also that the number of people on the Heritage Council is a threat to its integrity, and she has a couple of other issues as well.

The Heritage of Port Macquarie has been devastated by a lack of prior planning and a lack of respect for our heritage. We still have a number of heritage-listed items in our area, including the courthouse and the Norfolk Island pines in Port Macquarie; the Kendall School of Arts in Kendall; the Lake Innes ruins and environs at Lake Innes; the Laurieton School of Arts in Laurieton; the pilot station at Camden Head; and the St Mary the Virgin Anglican Church at Herons Creek. A number of heritage buildings have been destroyed through the march to progress and the modernisation of our area. In light of that, I would certainly support the Opposition's move for a Minister for Heritage, someone who could take control of that. I would like someone to look after heritage that has not been taken seriously, particularly in our area, but I would take that one step further. In the Act "relic" means:

> Any deposit, object or material evidence that:
>
> (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
>
> (b) which is 50 or more years old.

I see no reason why we should still have that separation between Aboriginal settlement and European settlement. As we move forward in one Australia we should be considering all heritage with equal value and have it come under one umbrella. In 2008 the Prime Minister said:

> There comes a time in the history of nations when their peoples must become fully reconciled to their past if they are to go forward with confidence to embrace their future. Our nation, Australia, has reached such a time.

I have no bloodlines that tie me to our early or current indigenous population of Australia, nor do I have a family connection to the Birpai people of our local area. Neither do I have any bloodlines or relationship to the early European settlers of Australia. These facts do not stop me from feeling a strong connection between the activities of our area's cultural history—be that indigenous or otherwise—and a strong sense of belonging to a community that is not only focused on where it is heading but also mindful of where it has been. We have a great opportunity to move forward with the united society of one Australia, rather than a division based on culturally historic lines, but to do so we must start by breaking down the divisions of the past. That includes treating all heritage items under one banner. I believe a Minister for Heritage would achieve that.

In our area, the local Birpai history has been passed down from elder to elder and, sadly, we have lost most of that history. That is a great tragedy and travesty not only for the people of our area but also for the people of the State. Some of the indigenous history we have was captured on film by Thomas Dick, who left us the Thomas Dick collection. Thomas's grandfather settled in Port Macquarie on the North Coast in 1841 after migrating from England. Thomas's interest was in photography and certainly in photographing the local Birpai indigenous populations. In 1923 he said of his work:

> I set out years ago to collect and write the history of these Aborigines, and get together, not only a fine collection of photos, but also a fine collection of implements etc., and not the least was a remarkable amount of information.
>
> I went into the mountains with them, gained their confidence and their secrets connected with their laws, and in some instances the information was only given with the understanding that it would only [?not] be published until after death.

He ends up bemoaning the fact that we would be likely to lose that history. He states:

> In all their doings these primitive people followed nature, and when the whole is written a very interesting record will be made available to those interested. I do not know when I will bring out the work for I am now too much handicapped.

Sadly, a lot of that information was lost. It is not only the indigenous history; early Port Macquarie's European history is among the most significant in the State and the nation. The region not only grabbed Captain Cook's attention in 1770 as he sailed past and named the Three Brothers mountains—now known as North Brother, Middle Brother and South Brother—it also was charted by Matthew Flinders in 1802. It came to John Oxley's attention in 1818 as well. Since then the fortunes of the major town of Port Macquarie have ebbed with the tides, from the penal settlement of 1821 to the busy port of 1825, from a small fishing village in the early 1900s to the largest town now between Newcastle and the Tweed.

There remain graphic reminders of the town's colonial days, such as St Thomas' Church, the fifth oldest Anglican Church still in use in Australia built in 1824; the historic courthouse built in 1869; the Westpac Bank built in 1891; the Wesleyan Chapel built in 1845; the Royal Hotel built in 1887; surveyor John Flynn's home built in 1890; the pilot station and cottages, built between 1896 and 1937; one of the country's first vineyards, Douglas Vale, commenced in 1862; and the historic museum, once a residential-commercial building, built in 1835. Significant pieces of the town-built European history have vanished and, with them, opportunities lost in tourism, business and heritage preservation. Among the casualties were the female factory built in 1825 where women made nails and other items; Government House built in 1821; and Major Innes' mansion, reported to be one of the grandest homes in the colony, built between 1831 and 1843.

Over the years, vandals, souvenir hunters, thieves and natural decay have completely obliterated these once significant landmarks or reduced them to ruin classified by the National Trust of Australia. Not only do we have a poor history of recognising our early European past, we have a poor history of recognising our indigenous culture. I would like government at all levels to consider how we can move forward as a community and look after our heritage, not only our European heritage but also our indigenous heritage. I ask government to put the effort and considerable thought into how we can achieve that.

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [4.52 p.m.]: As a member of the Coalition I oppose the Heritage Amendment Bill 2009. In doing so, I represent the strongly held views of members of my electorate, who rate heritage and preservation of historic buildings in high regard whenever I carry out a survey. In fact, I live in a house that has a National Trust recording. It is part of early Federation architecture and part of the precinct recognised by the National Trust. Over the years my husband and I have fought off developers, who wanted to purchase the house, pull it down and build high-rise development. That would have been a crime, yet that is exactly the kind of thing that might well happen under this legislation. Three or four houses around our home preserve a particular precinct that is very important to the heritage of this area, which is part of Thrupp's Estate, a very early settlement of the North Shore. It provides a distinct character to that part of northern Sydney, with very fine old buildings—difficult as they are to maintain and keep in order, but future generations will not forgive us if we jeopardise their future.

As the Leader of the Opposition, the shadow Minister for Infrastructure, Opposition members and the member for Port Macquarie have said, it is of concern that this bill is not about heritage but is about giving the Minister greater power to override heritage considerations in planning. In particular, I take note of the views of some organisations, such as the National Trust, which recently hosted a breakfast debate and raised concerns about the appointment of an historian to the Heritage Council. I shall read onto the record an email I received yesterday from a constituent, Emeritus Professor David Carment, who states:

> I write to express my concerns about the proposed amendments to the New South Wales Heritage Act currently before parliament. I do so as one of your constituents and as a historian with particular interests and extensive experience in cultural heritage management and Australian regional history.

There are wonderful aspects to the heritage of Australian white settlement, Aboriginal heritage, early military heritage at Georges Heights, and at HMAS Platypus and Balls Head. Indeed, since its inception I have been a member of the Sydney Harbour Federation Trust Consultative Committee, which is worried about retention of the heritage nature of those sites so that future generations can understand and appreciate what went before. Professor Carment continues:

> While I acknowledge that some changes to the legislation are necessary—

the Coalition agrees with the need for amendment to planning legislation but this is not it—

> the following three aspects of the amendments worry me greatly.
>
> 1. There is no guarantee that the new Heritage Council will include a historian. Qualifications in history are absolutely vital in an understanding of heritage. While the thematic approach to listing outlined in the Bill is sensible, it is difficult to know how a Heritage Council that does not include qualified historians will assess the relevance of particular items to each theme.
>
> 2. State Heritage listing processes and practices are being altered to take greater account of 'economic and non-heritage issues'. There is a risk that these will override heritage values.
>
> 3. The Minister appears to have considerably increased powers. I am unable to see why these are necessary. They diminish the Heritage Council's status.
>
> I fear that the amendments could return the state to the pre-heritage legislation era when there was widespread conflict over heritage and many historically important places were lost. The amendments also fail to recognise that heritage listing and associated conservation measures frequently enhance the cultural and economic values of such places.

Such is the case in my electorate of North Shore. I conclude by saying that I wrote to the professor and pointed out the Coalition's proposal to appoint a separate heritage Minister, which I believe is the way to go. I am disappointed that the Government has not picked up that policy proposal. The Leader of the Opposition announced a proposal some weeks ago to overhaul the operations of the Heritage Council to provide greater certainty and transparency in decision-making, quite the opposite to what is now proposed. As the Leader of the Opposition said at the time, this direction is vital to our natural, cultural and indigenous heritage and to conserving it for future generations.

Heritage items are today and tomorrow's links to our community. If the Government does not understand that, it should wander through countries with a long and proud heritage, countries that retain their heritage sites, in Europe, Asia or the Pacific Islands. Their people know what has happened in the past; they understand and appreciate their culture. They value their buildings and cultural activities and want to look at their cultural and heritage items. It is a very important initiative of the Coalition to appoint a Minister for heritage, to relocate the Heritage Office from the Planning portfolio to the Environment portfolio, and to give heritage a voice in Cabinet. I commend the Coalition's policy to the Minister. I have no compunction about voting against this measure; it is ridiculous.

Mr PETER DEBNAM (Vaucluse) [5.00 p.m.]: As the Minister has sat in this Chamber she has heard speaker after speaker on this side of the House spelling out a catalogue of concerns—none more eloquently than the member for North Shore, whom I congratulate. As I indicated to the Minister earlier, I do not want to keep her from attending the meeting she is rushing to get to. Indeed, I want to talk about that in a moment. The theme throughout this debate—we have heard member after member talk about it—is whether the communities in New South Wales trust this Government with their planning decisions.

Mr Daryl Maguire: They've broken it down.

Mr PETER DEBNAM: As the member for Wagga Wagga says, the Government has slowly broken down that trust—I might add, systematically through a number of Ministers. Even this bill, which purports to be a heritage bill, includes at the back of it very significant, sensitive and critical changes. Speaker after speaker on this side of the House have made that point. However, I will focus on heritage for a moment. Heritage is critical to just about everyone in this State. Indeed, it is a raw nerve through the community. People wanted the legislation to be updated, but a number of concerns have been expressed about the bill. I mention one concern from the History Council of New South Wales, whose representatives sat through the debate yesterday to hear what was being said about the legislation in this Chamber. The concern expressed by the History Council, and by other interest groups, is that the Government has not picked up on the great list of concerns that have been put forward as part of the review. I think that is a terrible shame, because it was a real opportunity for the Government to do a major update of the legislation and get considerable agreement across the spectrum.

Behind the heritage clauses in the bill there are further changes to planning. I know the Government had the opportunity to remove those clauses from the bill; the shadow Minister suggested to the Government that it should first deal with heritage and then deal with planning. But the Government wanted to slide the planning clauses through. That comes back to the issue of trust, which is simply lacking in this State. Time and again we have seen it. The Minister had a 5 o'clock meeting—which hopefully will happen fairly soon—to deal with a project in my electorate. A few people are coming to see the Minister this afternoon about the Ashington Group's proposal in Double Bay. It is a high-rise proposal in an area where developers can only go to six storeys. Why can developers only go to six storeys? Because years and years ago the Government forced the local council to revise its local environmental plan and upgrade the density in that area.

So, after a very considerable debate in the community and within the council, the community embraced the new local environmental plan. What happened? Ashington, another greedy developer, thought, "We have an excellent chance of getting, through this State Labor Government, a rort of the planning system." That is exactly what it is going to be. The few people who are coming to see the Minister this afternoon represent thousands in the community who have mobilised themselves to object to this proposal. It is extraordinary that this greedy developer is so arrogant in its approach that it has put forward this proposal thinking that the Minister can sign it off.

The point I have made to everyone in the community is very simple: There is no reason to sign off this high-rise proposal in Double Bay, which will simply deliver multi-million dollar harbour views to a greedy developer. If the State Labor Government signs off on this proposal, it will sign off on high rise in any suburb. The Ashington proposal is in a suburb where public transport has been degraded over the years by this Government. It is not as though it is part of the Minister's proposals to put further density over railway stations, or anything of that nature. The proposal is in a suburb where the Government has run down public transport. Nothing supports the proposal, yet the Minister is going through this charade of seriously considering it. The proposal should have been rejected. The Government should have told the developer on day one, "Get back with the local council and work within the rules." But the Government will not do that. Why? Because it is a system that absolutely stinks, and it is not working in the interests of the community.

A number of members have spoken on this bill, and spoken very eloquently. One of them, the member for Pittwater, made an extremely valuable contribution yesterday, and I suggest people read it. Immediately after him, the member for Hawkesbury also spoke on the bill. Although it is not recorded in *Hansard*, it is on the sound recording. The Minister at the table interjected during the member for Hawkesbury's speech. The Minister said, "Say that outside the House." The member for Hawkesbury was talking about this morally bankrupt Government and a system that is conducive to corruption. The Minister, resorting to old Sussex Street tactics, simply used intimidation. We have seen that time and again from the New South Wales Right. One has to ask: Why is the Minister, the show pony of the New South Wales Right, doing it? The answer is: Because she is a creature of Sussex Street. How do people think she got in here? Before the 2003 election, a woman of principle was thrown out of this House and replaced by somebody straight from Sussex Street. Why did the Government do that? It did it because it wanted a yes woman.

Mr Daryl Maguire: A machine woman.

Mr PETER DEBNAM: As the member for Wagga Wagga said, the Government wanted a machine woman. In this Chamber the Minister is known as Noddy. Every time the Government puts forward an outrageous point of view, the Minister can be seen nodding behind whoever is speaking. I have only seen the Minister shake her head once in this Chamber, and that was today when the member for Murrumbidgee said Al Grassby was the most corrupt member of Parliament Australia has ever seen. The Minister was defending Al Grassby. That is hard to believe. Other than that, the Minister totally agrees with everything the Government has done, and that is because that was the deal. When she came into Parliament, she was to back the New South Wales Labor Right head office, Sussex Street. After a few years, who did the Government put in as planning Minister to make all the centralised decisions in New South Wales? It put in Noddy. Noddy has a few more chances—and one of them is Ashington's proposal in Double Bay—to work in the interests of the community. The Minister should reject the proposal out of hand.

Mr Ninos Khoshaba: Point of order: The member for Vaucluse has been attacking the Minister and not referring to her by her name or title. He has been calling her names such as "creature of Sussex Street". I ask you to direct him to withdraw those comments.

ACTING-SPEAKER (Mr Wayne Merton): Order! The Chamber is fairly robust—

Ms Kristina Keneally: He can still use the proper title, Mr Acting-Speaker.

ACTING-SPEAKER (Mr Wayne Merton): Order! Members accept that debate in this Chamber is robust. I am certain that the member for Vaucluse will abide by the standing orders and address the Minister by her correct title.

Mr PETER DEBNAM: Mr Acting-Speaker, you are right. We should refer to the Minister as Sussex Street's Minister for Planning. That is the title we should all use. That is the title she is known as across New South Wales. Frank has gone. But, as one of my colleagues said—

Mr Ninos Khoshaba: Point of order: I ask whether the member for Vaucluse would like to withdraw his comment and apologise to the Minister.

ACTING-SPEAKER (Mr Wayne Merton): Order! What does the member for Smithfield want the member for Vaucluse to withdraw?

Mr Ninos Khoshaba: The member for Vaucluse was referring to the Minister as a creature of Sussex Street, which is extremely unparliamentary of him. The member for Vaucluse has been a member of this place for a long time, and he should know better.

Mr PETER DEBNAM: If I said "creature of Sussex Street", I am happy to withdraw that. I thought I said the Minister was the appointee of Sussex Street. However, if I said "creature of Sussex Street", I withdraw that. The interesting point is that this Government over 14 years has simply centralised all the planning decisions. Earlier I spoke about trust. But we are also talking about the character of communities across New South Wales. People live in certain areas because that is the character of the community they want. They do not want Sussex Street trashing that character—and that is exactly what the Government has done over the last 14 years, especially over the last couple of sessions of Parliament, in fact since the Minister was appointed.

Members should take note of what happened in the 2003 election, when the Minister replaced a very principled woman. In an election when the Government got a swing towards it, the Minister got a swing against her. Then, in the last election, the Minister got another swing against her. The Minister needs to look to the future. If she is really positioning herself in this House, she needs to make sure that she is here after the next election. There will be a further swing against her, and she needs to make sure that she can progress up the bench.

Mr Robert Furolo: Point of order: My point of order relates to Standing Order 73, reflection on members by substantive motion only. The member is attacking the Minister, making imputations and allegations about electoral matters—

ACTING-SPEAKER (Mr Wayne Merton): Order! I have heard enough on the point of order. While the member for Vaucluse has made a number of comments, they do not constitute a substantive attack on the Minister. The member for Vaucluse is entitled to make those observations. Members make similar observations about other members every day of the week.

Mr PETER DEBNAM: I may consider moving such a motion at a future date. I think it is very important for the Minister to focus on trust. Why does the Minister not take a real risk in the next couple of months, especially in relation to my electorate, and do something for the community? The Minister made one good decision, which surprised a lot of people—especially the people represented by the member for Pittwater. Why does the Minister not make a few more of those decisions and say she will overturn the system that has worked for Sussex Street, and start working for the community? There is nothing about the Ashington proposal that warrants approval.

It is outrageously arrogant and greedy and should have been ruled out on day one. But it was not. The Minister has an opportunity to rule it out now. She will have that opportunity this afternoon when she meets with some residents, who hopefully will present her with a petition with many thousands of names objecting to the proposal. It must be understood that every member who opposes the bill does so because we simply do not trust the Government. That feeling is embodied in what might appear to be a fairly innocuous bill. But when it has to do with planning and a Sussex Street appointed Minister making decisions about planning, nobody in New South Wales trusts the Government.

Mr DARYL MAGUIRE (Wagga Wagga) [5.11 p.m.]: Preserving our heritage is important because it tells the story of who we are, where we have come from, and of our community. Whether it is bricks and mortar, items in museums or books in libraries, our heritage paints the picture of our nation and the growth that has been experienced since settlement, and even before the settlers came to Australia. It is clear from the contributions to this debate that there is concern about the power being put in the Minister's hands and whether the Government can be trusted. The Government has demonstrated on many occasions in the past 14 years that "trust" is a word it truly does not understand. It has not exercised its functions in the best interests of the people of New South Wales.

I will highlight my concerns, and those of my community, as to the effect of schedule 2 on my electorate, and particularly the city of Wagga Wagga, which is currently midway through its local environmental plan [LEP]. For quite some time the city of Wagga Wagga has experienced population growth—it is growing at about 1.6 per cent—because of investment by private industry, assisted by council, local and Federal members of Parliament and others who work together to attract that industry. This has resulted in the requirement to release more housing. First home owner statistics reveal that Wagga Wagga has rated very highly, and has done so for a number of years.

Major investment is also occurring at the 1st Recruit Training Battalion of the Royal Australian Air Force at Kapooka. A $600 million gas peak-loading generator has just been completed to substitute the network in generating energy. In Tumut, there is the $600 million stage two Visy development. In the Beaumont agricultural area hundreds of millions of dollars are being invested in a sleeper-making factory to produce two million sleepers to upgrade the main rail line from Sydney to Melbourne and other rail lines across Australia. A lead smelter is being built, at a cost of approximately $17 million, and will create approximately 65 jobs. When the Aldi supermarket, currently under construction, is completed there will be tens of jobs available.

The problem Wagga Wagga faces is that a local planning panel has been appointed and is engaged in the local environmental plan process—it is halfway through. In fact, the time for comment closed on Friday 30 May. The concern is that this process will be interrupted by the powers of the regional planning committees that are included in the bill. I know that the Wagga Wagga City Council wants to finish the process, and I understand that 160 objections have been put in the draft local environmental plan. Those objections are important because the local environmental plan creates major problems for Wagga Wagga. If one were to adopt the plan as is it would mean the bulk retail areas could be located only in certain parts of the city.

The city of Wagga Wagga has a population of 60,000 people and on the main arterial roads there are industrial areas that can retail goods. That means that if I have a business on Dobney Avenue that sells automotive parts, for instance, and I sell that business, the owner of the new business can continue to sell automotive parts. But if I were to change the purpose or the nature of the business I would have to go through the development application process. Under the proposed new guidelines, selling automotive parts would be precluded in that area and my business would be directed to a defined bulky goods area elsewhere in the city. The change of use of property will affect a great many landholders. It will devalue some properties because as businesses change—whether they be core, ancillary, hardware or home renovation businesses—as the Leyshon Consulting Pty Ltd report says, they have limited opportunities to operate.

I raise this issue with the Minister now to seek an assurance that, whatever occurs, Wagga Wagga will be able to finish its plan. If that does not occur, it will hinder the rezoning of land that is needed desperately. Progress in Wagga Wagga has been hindered for a number of years. Builders are crying out for development properties and people are waiting to invest, and neither the council nor I want to see this process interrupted. That does not mean that we will agree with the overall plan; I suggest that a great deal of debate is yet to occur before the final plan is adopted. We have to work through 160 objections—which is a large number—and each must be dealt with on its merits. If the plan is adopted now it will have a catastrophic effect on businesses that are currently operating, and on people's freedom to locate businesses where they see fit.

In my opinion the plan removes the right of individuals to decide on the best place to locate a business to suit their particular needs. For example, if I were to sell hardware such as lawnmowers I would be directed to a bulky goods centre and not be able to choose the location I considered to be best suited to my business. I would appreciate a response from the Minister to my comments because there is concern—dare I say alarm—on the part of many landholders and business operators throughout the city about some aspects of the local environmental plan. The development control plan is also of concern. As to regional committees, I inform the Minister that when Bruce Miller made a planning suggestion at the local government conference yesterday, it received the loudest jeers. Members have indicated that the Minister has a lot of work to do in that regard, and I would appreciate a response on that issue. I inform the House that I will vote against the bill.

Mr MALCOLM KERR (Cronulla) [5.19 p.m.]: As previous speakers have said, the Opposition will oppose the Heritage Amendment Bill 2009, with very good reason. As the Leader of the Opposition said, this is a Trojan horse of a bill. It purports to be about heritage, but in reality it is about centralising more power in the hands of the State's Minister for Planning, despite the Independent Commission Against Corruption report about the corruption risks involved and a "donations for decisions" culture in this State that stinks from Macquarie Street down to Wollongong.

Ms Kristina Keneally: If you have an accusation, take it to ICAC.

ACTING-SPEAKER (Mr Wayne Merton): Order! The member for Cronulla does not need the encouragement of the Minister for Planning.

Mr MALCOLM KERR: It was a very ill-planned interjection. At no point did I make an allegation that could be referred to the Independent Commission Against Corruption. I referred to the Independent Commission Against Corruption report about the corruption risks involved. I suggest that the Minister listen carefully—and she should have listened carefully to the Leader of the Opposition's contribution to the bill yesterday. I will return to the leave of the bill because it is important for the future of the Sutherland shire. Currently Adam Spencer is doing a broadcast on the shires—Hornsby and others—and he will be at Cronulla Beach tomorrow.

Mr Thomas George: Is there any other shire?

Mr MALCOLM KERR: The member for Lismore is right when he asks whether there is any other shire. I would say no. The Sutherland shire is unique, but there is controversy at present. This bill relates to the future of the shire. The Government has released a draft subregional strategy, which is of great concern to the people of my electorate and the Sutherland shire because it provides a detailed framework to link local and State planning and to guide private sector and government investment. Unfortunately, it is a deeply flawed document. I will refer to it in relation to planning issues in the shire. I am pleased that the shadow Minister for Planning is present in the Chamber. Some time ago the shadow Minister and I went to Gunnamatta Bay in response to residents' concerns about a marina. We still are awaiting a response from the Minister as to whether the marina will be approved. In response to a question on notice, the Minister said that she had sought expert opinion and that it would be released when the decision is made. The people in my area, and I believe throughout the State, are concerned because Gunnamatta Bay is a State recreational facility that is important to the whole of the State.

Mr Brad Hazzard: When is the Minister going to release the report?

Mr MALCOLM KERR: When is the Minister going to make a decision?

ACTING-SPEAKER (Mr Wayne Merton): Order! The member for Cronulla has the call. He does not need the encouragement of Opposition members.

Mr Brad Hazzard: It is not encouragement. I was down there as well and I share the concerns.

ACTING-SPEAKER (Mr Wayne Merton): Order! The member for Cronulla has the call.

Mr MALCOLM KERR: The South Subregion Draft Subregional Strategy involves the St George area and Sutherland shire. The strategy identifies the F6 freeway corridor as having strategic importance, and the Government has decided that the corridor will be retained to provide capacity for future transport use. The Roads budget, which has been released by the Opposition, shows no provision for work to be carried out on the F6, despite its importance to my electorate and the Illawarra. The Government must address this issue. The draft subregional strategy is a lengthy document that does not provide a strong strategic direction for the Sutherland shire. A number of areas have been left unresolved and require further study. These include the status of the Sutherland, Miranda and Caringbah centres and the future of the F6 corridor, which is an integral component of the future status of Sutherland, Miranda and Caringbah. The expected growth in housing and jobs must take into account the declining population trends in the shire, particularly the working-age population, as revealed by the 2006 census data.

The success of these development targets in the shire is highly dependent on the economic trends in the region. We are well aware of the current economic trends. The document was completed before the global financial crisis, and the strategy does not provide any clear direction for those centres. There is a danger that

without State impetus it is unlikely these centres will attract significant economic activity. Further, the strategy fails to satisfy the general objectives of the Government's integrating land use and transport strategy. It addresses the various transport modes independently but fails to address properly their integration at local and regional levels and their links to key employment generators and land use generally. Coupled with the uncertainty of the hierarchy of the shire centres, the role and hierarchy of railway stations were not identified in the strategy to assist and guide strategic transport and planning decisions around those stations. That is a very important issue, as can be readily appreciated. The strategy identifies the Cronulla and Sutherland railway line as a transport corridor and the F6 as a future transport corridor. It identifies the need for sustainable transport modes, such as cycling and public transport, and proposed recreational trails. The Government has failed to implement a cycleway along the duplication of the Sutherland to Cronulla railway line.

Mr Thomas George: A cycleway?

Mr MALCOLM KERR: A cycleway, which is crucial to the quality of life in the shire and could be used by working families who are unable to afford, under the Rudd Government, the usual forms of entertainment and recreation because they have been priced out.

Mr Thomas George: More transport issues.

Mr MALCOLM KERR: More transport, as the member for Lismore says. We have only to look at the increase in public transport prices that has occurred while this Government has been in office. A local resident wrote to me saying:

> Locally, Mr Kerr, if the proposal of 10,100 extra dwellings—

I will repeat that for the benefit of the House: The Government has identified 10,100 extra dwellings—

> within the Shire is irreversible, what plans are in hand to ensure that adequate and reliable water, power and public transport and amenities will be available to service the increased population?

The Minister will refer to the desalination plant. Not one drop of water will go to residents in the Sutherland shire. Without the infrastructure to support those dwellings we will have gridlock and inadequate supplies of water and power. The Sutherland shire has already had blackouts as a result of the Government's mismanagement. The Opposition wants the people to have a say about their built environment. They are the ones at the coalface and their quality of life is affected.

Mr Robert Furolo: Point of order: Standing Order 76, Relevancy, states, "A member speaking shall be relevant to the subject matter of the debate." The member for Cronulla is talking about the desalination plant and infrastructure. He is not talking about the Heritage Amendment Bill 2009, which is before the House.

ACTING-SPEAKER (Mr Wayne Merton): Order! I do not understand how the desalination plant, as much of an icon as it might be in the member's electorate, can be regarded as a building of heritage significance. Perhaps the member for Cronulla can persuade me accordingly.

Mr MALCOLM KERR: It relates to planning. Proper planning is needed to provide facilities for the population. The bill relates to the planning process and the centralisation of planning.

ACTING-SPEAKER (Mr Wayne Merton): Order! I uphold the point of order. While the bill deals with heritage, it also touches on planning, but not to the extent referred to by the member for Cronulla. The member for Cronulla will return to the leave of the bill.

Mr MALCOLM KERR: Mr Acting-Speaker, I will certainly be guided by you and will not take your rulings in relation to the desalination plant with a grain of salt. The objects of the bill are very important in relation to heritage. As the shadow Minister said, the Coalition in government will appoint a Minister for heritage.

Mr Brad Hazzard: No more conflicts of interest.

Mr MALCOLM KERR: There will be no more conflicts of interest under the Coalition, and that is a relevant point in relation to this bill.

Mr Brad Hazzard: And part 3A will go—no more switching off heritage.

Mr MALCOLM KERR: Yes, thank you. Heritage will finally have a voice at the Cabinet table that is not in conflict with planning. The member for Port Macquarie endorsed that policy a short time ago. We will have independent adjudication. It is important that the public once again trust government to preserve heritage. Under part 3A there was no regard whatsoever for heritage. The Minister for Planning has twin responsibilities of planning and heritage, and she refuses to recognise that conflict of interest. The Minister for Planning will not receive the thanks of the public because it is the public's heritage. As the member for Wagga Wagga said, we want to know where we have been in order to know who we are. History will be very hard on the Minister, but that is only fair because in dealing with heritage the Minister has been very hard on history.

Ms KRISTINA KENEALLY (Heffron—Minister for Planning, and Minister for Redfern Waterloo) [5.32 p.m.], in reply: I acknowledge those members who have spoken on the Heritage Amendment Bill 2009 and thank them for participating in the debate. The member for Wollongong, the member for Smithfield, the member for Shellharbour and the member for Wyong spoke about the content of the bill, the listing and delisting processes, the use of independent hearing and assessment panels, local listing processes, the joint regional planning panels and the section 118 panels, the membership of the Heritage Council, and the use of stop-work orders. A number of members raised similar issues, and I will attempt to address each issue individually. I will also address the particular issues that members raised. The member for Tamworth dealt with the bill's provisions better than many speakers, and I thank him for highlighting issues in his electorate. Like other members, he raised issues concerning the appointment of an historian to the Heritage Council, relics, and the consideration of the economic use of heritage items.

I advise members that it is open to the Minister to appoint a member to the Heritage Council on the basis of skills or expertise in New South Wales or Australian history. Historians are more than welcome on the Heritage Council. In fact—it is in black and white in the bill—they are encouraged. In relation to relics, the Heritage Act requires Heritage Council approval for the disturbance of an archaeological relic. The current definition of a relic is arbitrary: any deposits, object or material evidence that is 50 or more years old. The bill proposes a change from the age-based rule to a relic being of local or State heritage significance. This brings archaeology into line with other types of heritage items, where management decisions are based on the significance of the item. The existing definition encompasses items that are of no heritage value, and that is why we propose to change it. The department will issue guidelines to assess archaeology of local and State significance and, as a result, we will have greater certainty in the approvals process.

In relation to economic use—which I note the member for Tamworth and other members raised—the bill requires the Minister to consider a range of matters before listing or delisting an item on the State Heritage Register. These matters include a recommendation from the Heritage Council, the State heritage significance of an item, whether the long-term conservation of the item is necessary, whether a listing renders the item incapable of reasonable or economic use, and whether a listing causes undue financial hardship to the owner, mortgagee or lessee of the item of the land on which the item is situated. These are all important matters that have a bearing on the conservation of an item. It is important that the Minister consider the individual circumstances of owners as well as the broader planning context of the site in deciding whether to direct the listing or delisting of an item. The National Trust understands the need for balance between heritage values and economic considerations. I quote from the trust's media statement of 15 May, which states:

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

Ms Sylvia Hale, MLC, also understands the balance that needs to be considered. In a 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 the bill seeks to address. I note that the member for Wollongong and the member for Lismore gave very clear examples of why economic considerations should be brought to bear when looking at whether to list or delist heritage items. Importantly, the Minister will still be required to receive and consider a recommendation from the Heritage Council about an item before the Minister can direct a listing or the removal of a listing. The member for Lake Macquarie raised a number of issues, and I commend him for having considered carefully the content of the bill. One particular issue he raised, which a few other members mentioned also, was why we do not allow more time for public comment on the bill. He considered that perhaps the bill had been introduced in some haste.

I remind the member for Lake Macquarie that the review of the Heritage Act has already been subject to significant public scrutiny and comment. The independent expert panel's review process included a comprehensive public participation process. This involved advertisements for public submissions in major metropolitan newspapers; meetings with key stakeholders, including representatives of heritage bodies, property owners, and State and local governments; and consideration by the panel of the subsequent 140 submissions from 126 departments, local councils, groups and individuals. A summary of the submissions was included in the review report, which is publicly available on the department's website. Any person or organisation that sought to comment on the Heritage Act has had ample opportunity to do so. I believe the community wants to see the recommendations of the panel implemented and does not want to see this process prolonged.

The member for Port Macquarie raised three issues in relation to the bill and also made a rather impassioned plea that we continue to break down divisions and apply to Aboriginal heritage the same processes we use when considering heritage items that result from European settlement. I note that the member clearly has passionate views about this issue, and I respect him for it. However, I observe that that was not a recommendation of the review and thus has not been included in the Act or in the changes brought about as a result of the review.

He raised the reduction in the size of the Heritage Council from 15 members to 11 members. The review recommends that reduction. The Australian Capital Territory Heritage Council has 11 members, the Queensland council has 12 members, the Victorian council has 10 members and the Western Australian council has nine members. The recommended skill set in the bill addresses the full range of heritage issues and notes that three ex officio members will continue as members of the council. The Government has also ensured that the National Trust is represented on the council to reflect community views on heritage. In addition, all existing members appointed on the basis of their skills and expertise in one of the areas currently nominated under the Act will continue as members, and members appointed as representatives of organisations will be able to reapply under the skills criteria.

The member also raised an issue that no-one else raised; that is, whether there would be adequate public notification of planned listing of precincts on the State Heritage Register. Consultation with owners of affected properties in the broader community is an essential part of the heritage listing process. Owners must understand the implications of the proposed listing and the broader community should also appreciate the reasons behind it. That is why the Government has made these amendments. Notifications in newspapers will occur on three occasions. If the Heritage Council recommends a listing of a precinct, the Minister will be able to refer the matter to a ministerial review panel for advice or request the Planning Assessment Commission to review the matter. Members also raised a number of other issues relating to their local communities, and I thank them for that.

The member for Pittwater—I call him the shadow, shadow Minister for Planning—gave a very erudite exposition. It was obvious that he had read the bill. Unlike his leader, he knew that the Act already contains timelines. The Leader of the Opposition should have checked with his shadow Minister's shadow. The member delivered an academic paper and I encourage him to publish it. He particularly focused on heritage and planning and he suggested the analogy of a marriage between the two.

The DEPUTY-SPEAKER: Order! The member for Wakehurst is out of order. He will not sing in the Chamber.

Ms KRISTINA KENEALLY: The marriage between heritage and planning produced an offspring and it is called Currawong. Currawong was given State heritage listing because of the way in which we deal with heritage and planning under part 3A. Using that process we were able to consider the heritage aspects in the context of a development application and then heritage list that important site. I do not understand why he is arguing against the process that produced a result that his local community wanted and has welcomed. The Government will continue to maintain heritage as an important part of planning.

The Opposition has alleged repeatedly that this is a sneaky bill. So sneaky were the amendments to the Environmental Planning and Assessment Act that we spoke about them in this House and briefed the Opposition about them. When we are trying to be sneaky we do it in such an upfront way! The Opposition has said that the Government is denying local communities a voice. Members opposite should listen to the voices of Burwood and Wagga Wagga. Burwood Council asked for these amendments so that the panel can do its development

control plan and its contributions plan. It is precisely to assist a local council and a local community that the Government has introduced these amendments. Members opposite should listen to the views of the Wagga Wagga City Council. Just yesterday the mayor and the general manager issued a press release stating:

> We highlighted the fact that Councillors and staff have developed a good working relationship with the Planning Panel.
>
> Staff have learned a great deal from the arrangement, and the Panel themselves have demonstrated a strong commitment to the community and the City and desire to see the process for the delivery of the Local Environment Plan through.
>
> Council supports the retention of the Planning Panel to ensure the continuity of good land use planning and development decisions, and we wanted the Minister to know we are committed to working with them …

The Opposition is listening only to the voices of Ku-ring-gai, which means that this has more to do with Coalition preselections than serving the community. Listen to Wagga Wagga and Burwood! I commend the bill to the House.

Question—That this bill be now agreed to in principle—put.

The House divided.

Ayes, 46

Mr Amery	Mr Furolo	Ms Megarrity
Ms Andrews	Ms Gadiel	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 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	
Mr Daley	Dr McDonald	*Tellers,*
Ms D'Amore	Ms McKay	Mr Ashton
Ms Firth	Ms McMahon	Mr Martin

Noes, 40

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

Pair

Mr Tripodi	Mr O'Farrell

Question 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.

ENERGY LEGISLATION AMENDMENT (INFRASTRUCTURE PROTECTION) BILL 2009

MOTOR ACCIDENTS (LIFETIME CARE AND SUPPORT) AMENDMENT BILL 2009

Messages received from the Legislative Council returning the bills without amendment.

The SPEAKER: Order! It being just after 5.45 p.m., the House will now proceed to private members' statements.

PRIVATE MEMBERS' STATEMENTS

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

RENNIE GROUNDWATER PROPOSAL

Mr GREG APLIN (Albury) [5.52 p.m.]: In April 2006 Corowa Shire Council and surrounding communities were advised of an urgent meeting to be held by the Murray Catchment Management Authority [CMA] to announce details of the Groundwater Adjustment Community Development Fund and to discuss possible projects. The New South Wales and Commonwealth governments had agreed that water-sharing plans would include a method to reduce groundwater entitlements over 10 years and they jointly contributed $100 million for financial assistance to entitlement holders affected by the reductions. The Achieving Sustainable Groundwater Entitlements Program contained $9 million in a community development fund across the State to assist communities impacted by groundwater entitlement reductions.

The Murray CMA was responsible for calling for applications in the Lower Murray area, particularly to assist communities affected by entitlement reductions in the Lower Murray groundwater source to adjust to structural change and to secure self-sustaining communities over the longer term. Funding of $580,000 had been allocated to the region. The closing date of the program was to be 31 May 2006 and all funds had to be spent before the close of the 2007 financial year. Corowa Shire Council officers worked as a matter of urgency with the community to complete and submit two grant submissions to the program, one entitled "Corowa Rural Community Service Centre" and the other entitled "For the Future—Rennie Recreation Reserves". The Rennie Recreation Reserve is the only community, social and sporting facility for the whole of the Rennie region, a small rural community to the north of Mulwala.

The years of drought have brought financial hardship and the impending reductions to groundwater access threatened the very livelihoods of the farming families in this area. Indeed, within a six-kilometre radius of the Rennie Recreation Reserve there are 180 parcels of farming land with 70 individual owners, indicating the number of farming enterprises impacted by the groundwater reduction. The centre is critical to the wellbeing of the region, as it is the only facility that provides a meeting and recreation place for the isolated rural community. The electricity infrastructure servicing the facility is insufficient for its full operation and the application for funding assistance proposed an upgrade of the power supply to ensure the future of the social and sporting centre. A sum of $25,000 was sought for the project to add to the funds already raised by the recreation reserve committee.

Two months after submitting the applications for community development fund support Corowa Shire Council was advised the board would meet on 4 August 2006 to determine funding outcomes. There was no communication so council officers made follow-up telephone calls between September 2006 and January 2007. During this time verbal advice was provided that the Rennie Recreation Reserve application had been successful and that official notification would soon be provided. A letter in December 2006 advised that the Groundwater Adjustment Advisory Committee Board meeting had been postponed and that council would be advised of progress and funding recommendations. The fact this did not occur is the reason I raise the matter in the House today.

Between February and December 2007 Corowa Shire Council officers continued to follow up with local CMA officers in an attempt to gain information on the outcomes of the program. Letters were written by Corowa Shire Council to the Murray Catchment Management Authority and to the team leader of groundwater planning at the Department of Water and Energy. The letters stressed the fact that the groundwater adjustment program in itself had been devastating for many rural landowners, particularly those based in the Rennie district. It was noted that the grant funding expected as a result of the recreation reserves application would have been only a marginal contribution in the context of the hardship endured by the community but the expectation of the grant had generated much excitement and relief within the community that the project would be completed. It was clear that the community development fund process had stalled and was adding insult to an already injured community. Urgent assistance was sought from State Government agencies with a request that official announcements be made to enable project implementation.

It must be noted that at the end of the 2007 financial year—the date by which funding was to have been fully expended in accordance with the program conditions—no successful projects had been announced. Corowa Shire Council received no response to its letters or follow-up email to the Department of Water and Energy. Finally, in late 2008 the department responded to telephone calls by advising that funding had been approved by the State Minister and was now with the Federal Minister for approval. Again, nothing was heard until Corowa Shire Council telephoned in early February 2009 to check the status of approval.

Now the story changed. It appeared that the Rennie Recreation Reserve project had not been recommended to the Federal Minister for funding. Only three projects were recommended by the groundwater advisory committee for the whole region, including a golf club effluent project at Tocumwal and a streetscape project at Jerilderie. The original selection criteria appeared to have been changed over the three-year period and $166,000—30 per cent of the budget—had not been allocated. Council requested the courtesy of some correspondence to pass on to the Rennie Recreation Reserve but this is yet to materialise. I ask the Minister to investigate this appalling process and give hope to the wonderful farming community of Rennie.

NEWCASTLE CITY DEVELOPMENT

Ms JODI McKAY (Newcastle—Minister for Tourism, Minister for the Hunter, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer)) [5.57 p.m.]: I bring to the attention of the House a bold vision for my electorate of Newcastle. Over the past 18 months I have been working with the community, government agencies, the local council and other key stakeholders in developing a long-term vision and plan for Newcastle. Last week the Hunter Development Corporation released its Newcastle city centre renewal report, which outlines the steps to reach this vision. Those in the House who are well-acquainted with Newcastle or who have been just an occasional visitor to the city know Newcastle has a beautiful working harbour separated from the city centre by a rail corridor that runs most of the length of the peninsula forming Newcastle city.

As they would also know, the city centre is currently characterised by vacant and neglected derelict buildings. In many ways, this has come to symbolise our city's inertia. We have a central business district still very much shaped by the decisions of the nineteenth century and a city that turns people away. The corporation's report sets out a visionary plan on how our city can realise its potential. It charts a course for how the central business district can best serve the people of Newcastle and the lower Hunter, a region with a population that is expected to grow by more than 160,000 people by 2031. The report highlights opportunities to improve connectivity and people movement from the city centre through to the harbour and its beaches, and to create a green urban central business district with plenty of open space for pedestrians and cyclists and a responsive integrated public transport network.

This report identifies a number of projects that could act as catalysts to transform the city into a highly liveable, attractive place, generating economic activity to support businesses and jobs over the next 15 to 20 years. These include the relocation and expansion of the University of Newcastle's campus in the city centre, the relocation of the State's justice facilities to the civic precinct, the removal of the heavy rail line from Newcastle station to Wickham, construction of a new transport interchange at Wickham and the creation of an integrated transport network. The rail corridor will be retained in public ownership and the space opened up for pedestrians and cyclists, and the Hunter Street mall and the inner-city retail precinct will be redeveloped.

The report presents many of the opportunities that came out of the Honeysuckle master plan in the 1990s. Under that master plan Newcastle secured $100 million in Building Better Cities funding from the Federal Government, becoming the only non-capital city in the country to do so. The funding was a catalyst for

a further $500 million in private sector investment. I am confident that similar benefits will flow from the blueprint for the central business district, and I will work tirelessly to help realise these ideas and present Newcastle as a forward looking city. The report will be available over the next seven weeks for public review and comment. I encourage all residents of the Hunter to visit the website of the Hunter Development Corporation to look at the report and its recommendations. It is truly a bold and visionary future for Newcastle that is proposed.

I also urge the community to take the time to read the report and its recommendations. It is important the community understands exactly what is being proposed. Already, just a week since the report was released, there has been a significant increase in traffic to corporation's website. On the day the report was made available, visitors to the website increased more than fivefold. This week I am sending a letter to all residents in my electorate urging them to get involved in the discussion about the future of our city. The views of the interest groups are well known on both sides of the debate. Now is the time for the public, the mums and dads, who may in normal circumstances not engage in public discussions, to have their say on the direction of Newcastle.

The Government will commission an independent survey to gauge broader community views before proceeding with any further detailed studies. The Labor Party in Newcastle was re-elected on a platform of change, of making the tough but necessary decisions that for decades have been placed in the too-hard basket. For too long we have chosen the easy option in Newcastle—the do nothing option—which has held our city back in truly reflecting its status as the State's second city. We are now at the crossroads. I truly believe this is a once-in-a-generation opportunity for the people of Newcastle to have their say and help shape the future of our city. I encourage all residents to visit the website of the Hunter Development Corporation at *www.hunterdevelopmentcorporation.com.au* or obtain a report by calling the corporation on 4904 2750.

LOCAL ENVIRONMENTAL PLANS

CONTAINER DEPOSIT LEGISLATION

Mr JOHN WILLIAMS (Murray-Darling) [6.02 p.m.]: Three times during the year I meet with mayors, general managers and councillors in the Murray-Darling electorate so that they can inform me of problems they have and give me directions on how they would like me to lobby government on their behalf. What was clear from a recent meeting was the utter frustration councils have with the local environmental plan process, which has gone on for four years now. To date only four local environmental plans have been approved in New South Wales. The frustration that shires face with this process is created primarily by the fact that planning officials keep changing positions and moving on. Originally people speak to an official, who looks at the plan and makes appropriate changes. The plan is sent to the Department of Planning, where an officer who has replaced the original person overrules the decision. As a consequence, councils are drowning in red tape.

The situation is unworkable for shires in the Murray-Darling, which face competition across the border in Victoria, where residential and industrial developers are given support and my local shires miss out on numerous opportunities. I was encouraged to hear the Leader of the Opposition say to shire members today that under a Coalition government planning matters would be returned to local government, which is better qualified to make those decisions. Councils employ experts, who have an understanding of their local areas and know what developments are appropriate for the area. I predict that there will be civil disobedience if the situation is not remedied. I call on the Government to look at the local environmental plan process and to lift the burden placed on shires, which are in a no-win situation at the moment.

Another frustration for local shires in my area is the container deposit legislation. Councils constantly ask me what I have done about container deposit legislation in this House. I have spoken on many occasions and at one stage the Premier made an announcement that the Government would support container deposit legislation. There is a Council of Australian Governments arrangement with appropriate Ministers for the Environment to agree to a Federal plan, but to date this has not eventuated. To all intents and purposes this is just delaying the inevitable because most States in Australia recognise the need for container deposit legislation. Councils are considering waste management but the situation could be significantly alleviated with the introduction of container deposit legislation.

The Government must have the courage to act on what I believe will be popular legislation to enable people to get on with business. Local government and the community will support the legislation because they will receive significant benefit. South Australia has the perfect example of an industry that has grown following

introduction of legislation to allow recycling of a huge range of goods that previously would have been disposed of in landfill or kerbside recycling, which, in many cases, fails because of lack of support. Only a minority support kerbside recycling. Therefore, we must act and introduce container deposit legislation immediately.

INVERELL COURTHOUSE CLOCK

Mr RICHARD TORBAY (Northern Tablelands—Speaker) [6.07 p.m.]: A can-do attitude is the essence of achievement: seeing a problem, finding a solution and achieving a successful outcome is really what it is all about. Today I want to acknowledge an inspiring project in Inverell, the man who took it on and the wonderful result he has achieved. As Councillor Larry Cameron tells it, about five years ago he was sitting at a polling booth handing out how-to-vote slips when he was approached by one of the voters. She asked him why he did not do something to fix the courthouse clock opposite where they were standing. The clock, made in England in 1879, had stopped two years before. Councillor Cameron took on the challenge. He told the woman, "I will do it," and he did.

His first step was to negotiate with the courthouse staff to allow retired jeweller and watchmaker Doug South to check the clock. Mr South had, in fact, wound the clock and looked after it for 20 years. Twice a week for all those years he climbed the 50 steep stairs and two ladders up to the tower to complete the 120 turns of the crank handle, which kept the clock ticking. When Mr South and Councillor Cameron checked the clock, they found that it needed new cogs and bearings. They contacted Gillett and Johnston in London, the firm that had built the original clock, for the parts. In an amazing example of record keeping, Gillett and Johnston held a copy of the original invoice and knew exactly what parts were needed. These were dispatched from London and the two community volunteers repaired the clock.

Because Mr South could no longer negotiate the stairs to the clock tower for the bi-weekly manual wind, 72-year-old Councillor Cameron took it on. Over the last two years he has been travelling the four kilometres from his home twice a week to keep the clock ticking and chiming. The response from the community has all been positive and he says it has kept him fit. However, he realised that the time would come when he, too, would find it daunting to climb the steps and ladders to the tower. He investigated automatic winding systems, which have been introduced in many similar towers over the years. Again the London firm was contacted and was able to supply an automatic system that matched the Inverell clock.

The councillor contacted the Attorney General's department and was told he would be reimbursed if he went ahead and paid for the order. The total cost is expected to be around $12,500 including the new mechanism, freight, GST, import duty, the cost of installing a power point in the tower and for other work. Mr South has offered his services free of charge to install the system, with Councillor Cameron as his offsider. Larry Cameron has personally paid the $10,000 necessary for the project to move ahead and for the new system to be airfreighted from London. Work is expected to be finished by the end of June. The councillor explains his commitment to the project as wanting to keep a promise to a ratepayer and his own wish to give something back to the community that has, in his own words, been so good to him.

Now retired, he spent his working life as a farmer and a commercial pilot in the Inverell district and has always participated strongly in community life. He has been a member of Inverell Rotary Club for 15 years, a trustee of Copeton State Park for 36 years, chairman of the North West Flying School for 20 years and an Inverell councillor for the last 10 years. I can safely say that this is a good news story, full of initiative and verve. All those involved deserve congratulations—Councillor Cameron, Doug South, the Inverell courthouse staff and the Attorney General and his staff, who have been supportive of the project from its inception. This is the sort of venture that makes our communities tick and deserves our acknowledgement and congratulations.

RADIOTHERAPY SERVICES

Mrs SHELLEY HANCOCK (South Coast) [6.11 p.m.]: As most of us know, either from firsthand experience or our knowledge of cancer treatment, radiotherapy is an important aspect of cancer treatment and, according to the New South Wales Cancer Council, at least 50 per cent of cancer patients will require radiotherapy at least once during the course of their illness. It is therefore most disturbing to learn that in New South Wales due to a lack of resources only 36 per cent of patients will receive the radiotherapy services they need. In addition, because of a lack of resources and facilities, between 1996 and 2006 almost 51,000 cancer patients who were eligible for radiotherapy did not receive treatment.

These statistics have been compiled by the New South Wales Cancer Council, which also estimates that nearly 40,000 years of additional life were lost in New South Wales during this period because patients did not

receive radiotherapy. The Cancer Council report entitled "Improving Radiotherapy—Where to from here?", which was released in May this year is a damning indictment and highlights the serious deficiencies in cancer treatment in New South Wales. Further to those statistics, the Cancer Council has cited figures from the New South Wales Chief Medical Officer indicating that the projected number of new notifiable cancers will be 43,450 in 2012, rising to 50,690 cases by 2017. The urgent need for new radiotherapy units in New South Wales is obvious indeed from those figures, which indicate clearly the past and current inaction and negligence of the New South Wales State Government in relation to radiotherapy services in this State.

According to the Cancer Council, at the end of 2008 there were 42 operational linear accelerators in New South Wales. By 2012, only three years away, New South Wales will require 69 such units, rising to 81 in 2017. Therefore in less than three years the Government needs to provide an additional 27 radiotherapy units in order that cancer patients receive the care they need. The record of this Government since its election in 1995 in relation to the quality of cancer care is deplorable and the Minister's uncaring response to the Cancer Council report last month was despicable to say the least. The Minister dismissed the report and the recommendations and talked about cancer recovery rates in this State, completely ignoring the serious shortage of linear accelerators in New South Wales and the statistics relating to patients who do not receive adequate care as a result.

In the Shoalhaven, the community has raised almost $800,000 towards the provision of a radiotherapy unit in the area. Patients in the Shoalhaven are forced to travel to Wollongong or Sydney. That could be a six- or seven-hour round trip or more for patients in the southern Shoalhaven. Not only is this unacceptable, but also it is the reason that 51,000 patients who were eligible for radiotherapy over a 10-year period did not receive it. The distance, the cost and the difficulties encountered by cancer patients mean that people simply opt out of their life-saving treatment. The onus now is on this Government to publicly release its planning documents and provide funding to increase the number of linear accelerators in the Shoalhaven.

The Cancer Council includes a number of recommendations in its report and I call on the Government to respond to this report and its recommendations urgently. Those recommendations include the need to increase the number of linear accelerators in accordance with cancer incidence projections; to specify, build and support through professional networks a proportion of linear accelerators in non-metropolitan areas to overcome travel and social challenges for patients and their families; to plan for, invest in and deliver a workforce responsive to current and predictable future demand; to establish one over-arching body to be responsible for long-term radiotherapy planning, procurement and quality in New South Wales; and to have radiotherapy responsibilities and contributions renegotiated between the Federal and New South Wales governments as part of the Australian Health Care Agreements.

Some other recommendations for short-term actions that could improve access to radiotherapy include: the completion and public release of NSW Health radiotherapy planning documents; the establishment of formal agreements with private radiotherapy centres to purchase radiotherapy treatment for patients who elect to be public outpatients; the provision of funding to obtain an immediate increase in capacity in radiotherapy services in specific areas; the establishment of an online, public waiting times database; and a reduction in the financial burden on country patients travelling to access radiotherapy.

It is a very serious matter when almost 51,000 cancer patients who were eligible for radiotherapy between 1996 and 2006 did not receive it due to a lack of facilities and resources. We need 27 additional radiotherapy units by 2012. It is imperative that the Government is serious in its response to the Cancer Council report that was released in May this year. To date the Government has not responded to that report. I am surprised the Government has not responded. All the Minister could do was talk about something other than the need for radiotherapy units.

SYLVANIA WATERS TRAFFIC REOPENING

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [6.16 p.m.]: Members will recall Sutherland council's shameful backflip on its unanimous support for a proposal to consider reopening Sylvania Waters to through traffic at the intersection of Box Road and Port Hacking Road. The proposal, initially put forward by me, was subject to community consultation and a traffic study. It had the strong support of Miranda police and the highway patrol, the unanimous support of the shire traffic committee, which includes the representative of the member for Cronulla, and the unanimous support of the previous council. Unlike Sutherland council, which is responsible for Box Road, I could not sit idly by doing nothing about an important road safety issue affecting my constituents.

To his credit, the Minister for Roads responded to my calls for the Roads and Traffic Authority to undertake a detailed traffic study and community consultation. The Roads and Traffic Authority letterboxed its proposal for the reopening of the intersection, and public submissions on the proposal closed on 15 May. I received 459 responses from residents and business owners and have passed these on to the Roads and Traffic Authority. Of these responses, 94 per cent favoured the reopening of Sylvania Waters to through traffic. If these results are any indication, public support for my initial proposal is simply overwhelming. Quotes from those supporting the proposal are instructive. They include:

> The current configuration is highly dangerous, and if nothing is done there is going to be a serious accident with prospective loss of life. (G.E.)
>
> The intersection as it stands now is extremely dangerous … We should stop playing around with people's lives and make the appropriate changes ASAP, because it is not a matter of 'if' a fatal accident will happen at that intersection, it is just a matter of 'when'. (N.H.)
>
> We have seen so many near accidents which could have been fatal. (I. & J.M.)
>
> Let's open up this intersection before someone gets killed. (K.G.)
>
> A fatality is inevitable under the current traffic conditions. (L.S.)
>
> I have had near collisions with drivers illegally coming straight across (heading west) when I am believing I have right of way. (L.A.)

The letters contain numerous accounts of near misses at the intersection as drivers continue to disobey the current signage even though the police highway patrol is continually targeting the intersection for non-compliance. Sutherland council is well aware of this. I refer to some more quotes from responses I have received:

> I have lived in the shire for 48 years … I have been ferried to many sporting events at the athletics field, then ferried my own children and now continue to travel to the tennis courts there … I can never understand the fairness of my having to use backstreets, being forced to travel past the entrance to a large retirement complex … then past a secondary school, simply to gain access to the tennis complex. It would add up to less fuel, wear and tear and dangerous zones to be allowed to go across into Sylvania Waters at Box Road. … Most of us using the sporting venues only venture a few hundred metres into Sylvania Waters, yet we are funnelled around the world and back again just to gain access. (S.D.)
>
> I use this intersection daily. Over one year I travel 552 km by driving through Sylvania Waters, whereas if I were able to drive straight across at Box Road lights I could be travelling 96 km. (M.R.)
>
> We have several close friends and associates who reside in Sylvania Waters … and we have been continually frustrated by the inability to cross from Box Road directly into the Waters. (A.& L.F.)

Several residents in Evelyn Street and Richmond Avenue favour the reopening, seeing themselves as unfairly bearing the burden of traffic entering and leaving the Waters. The 6 per cent who wrote to me opposing the reopening largely cited the old chestnut trotted out by Sutherland Shire Council, namely the return of rat-runs, which existed before the 12 speed humps and two roundabouts were installed in the suburb 35 years ago. Some letters in favour of the reopening dismissed the rat-runs concept out of hand. One of them reads:

> As a local driving instructor, I know all the little short cuts and "rat runs", and I can tell you that is not a short cut I would be taking. (A.C.)

Another letter reads:

> No one in their right mind would use that way as an ideal alternative to access Taren Point Road due to the multitude of speed humps and traffic calmers which will continue to deter through traffic. (A.D.)

A further letter reads:

> The Sylvania Waters residents complain about increased traffic but I, and all the other people who play sport at Sylvania Waters, will be there anyway. (I.W.)

A number of residents living in Box Road, to the west of the intersection, expressed concerns about increased traffic volumes in their street. That is one of the potential impacts of the proposal that is currently being assessed by the Roads and Traffic Authority. One councillor expressed concern that the Roads and Traffic Authority proposal will affect pedestrians in Sylvania Waters because of the lack of footpaths for much of Belgrave Esplanade. Well, hello! The question arises: Why has Sutherland council not installed footpaths in the suburb after collecting rates from the residents for more than 35 years?

At this stage the Roads and Traffic Authority is assessing all the public submissions, undertaking a detailed traffic study, and preparing a report for the Minister for Roads. Let us hope that our recalcitrant Sutherland shire councillors relax their current anti-State Government siege mentality and consider, in a rational and community-minded way, the recommendations of the Roads and Traffic Authority report after it is released by the Minister. Let us hope they show a little courage, independent thought and political will to change what needs to be changed, having the best interests of the shire's residents at heart. The following quote from a resident says it all:

> It is absolutely ridiculous that the council which is responsible for Box Road refuses to undertake a traffic study and see the rationale behind this proposal. This tells me that Sutherland council … is still in the Dark Ages. They need to move with the times rather than being ignorant and stubborn.
>
> … all other units such as the Miranda police, the highway patrol and unanimously the Sutherland traffic committee can't be wrong. (D.E.)

NORTH COAST FLOODS

Mr GEOFF PROVEST (Tweed) [6.21 p.m.]: Once again I am 100 per cent for the Tweed. I want to bring to the attention of the House various incidents that occurred from 18 May through to about 24 May. I refer in particular to the massive storms we experienced on the North Coast during that period. The North Coast was subjected to torrential rain, with many inches of rain falling over a very short period, and also severe wind gusts. I have lived on the North Coast for well over 20 years but I have never experienced wind gusts of up to around 140 kilometres an hour. The wind gusts caused significant damage across the shire.

Most importantly, I want to praise the men and women of the local State Emergency Service for their great work during the storms. They worked tirelessly, day in and day out. I pay special tribute to Scott Hankel, the Division Controller for the Richmond-Tweed State Emergency Service, Darren Winkler, the Deputy Division Controller for the Richmond-Tweed State Emergency Service, and Tweed shire local controller Brian Sheahan. Darren Winkler was the operation controller for Tweed during the flood operations. All up, 15 to 20 local State Emergency Service teams were involved in the operations during each 24 hours, and 40 to 50 teams of other emergency services throughout New South Wales were also involved. I pay special tribute to the Rural Fire Service, which attended many times. I also pay tribute to the local fire brigade and voluntary marine rescue services, which were also involved.

There were 250 jobs at Banora State Emergency Service and 110 jobs at Murwillumbah, which would have included all the Tweed coast jobs. Volunteers from all over the State assisted. I pay special tribute to the State Emergency Service volunteers who attended from Sydney, the Central Coast, western New South Wales, Wollongong, and Nowra. I had the privilege of meeting Marc Coulter, who came all the way from Broken Hill. Marc is a good friend of the member for Murray-Darling, John Williams. On many occasions I witnessed the interdepartmental briefings which involved the Department of Commerce, our local shire councils, and all the emergency services, including police, ambulance, and so on, as well as the Department of Community Services. I was amazed by the way the agencies were able to mesh together.

It is a fine tribute to the State Emergency Service that the North Coast suffered no loss of life during the storms. The area did suffer damage to property, but the damage was minor compared with that caused further down the coast. The State Emergency Service personnel deserve great credit for their actions. First they gave the local residents sufficient notice, and secondly they were very visible. There were many warnings on our local media, but the State Emergency Service personnel worked like a well-oiled machine. I stood there in awe at their ability. Indeed, one of the young girls told me that from the Tuesday through to the Sunday she spent only four hours in her own bed.

This came home to me personally, because on the Saturday night my young son Patrick was part of a boat crew that, together with three other flood boat crews, attended an alleged incident on the Tweed River. Unfortunately, at midnight one of the other boats broke down. My son's boat was tied to the boat that had broken down and it was pulled towards the bar. At that time the bar was running at around a 4.5 metre swell; it was like a washing machine. The third boat became involved. In the end, the boats suffered damage in the waves. They were only about 60 seconds from being swept out to sea. We could have had a major tragedy on our hands; all we could have done was look for them the next morning. If it were not for the efficient training of those in control of the boats, it would have been a disaster. I pay them great credit for that.

I also place on record my thanks to the Premier, Nathan Rees, who personally rang me on the Sunday morning when he found out about the incident, to offer his support. We in the Tweed owe our volunteers a great

deal. They are regularly available to provide assistance. I am sure all the residents of the Tweed would join me in being proud of not only our local volunteers but also the volunteers from across the great State of New South Wales who attended the North Coast to assist during the storms. On the Sunday most of the volunteers were packing up and moving further south to Taree.

On a personal note, I acknowledge my sister-in-law, the principal at Ulladulla High School, who caught a plane to the area during the storms and gave assistance as a radio controller in Ballina and later in Taree. I feel very proud to be part of that family. But I feel even more proud to be part of the great Tweed family because its members are all committed to the wellbeing of others and often put their lives at risk for the betterment of others. To be a volunteer is a very Australian thing to do. I am 100 per cent committed not only to the Tweed but also to the State Emergency Service.

FAIRFIELD CITY STATE EMERGENCY SERVICE UNIT

Mr NICK LALICH (Cabramatta) [6.26 p.m.]: I speak on a subject similar to that raised by the member for Tweed in his private member's statement: our volunteers. Last month I had the pleasure of representing the Minister for Emergency Services, the Hon. Steve Whan, when I presented two new type 2 rescue vehicles to the Fairfield City State Emergency Service Unit. These new vehicles will be of significant benefit to the Cabramatta community and the Fairfield region. New South Wales councils, in collaboration with the State Government, provide strong financial and hands-on support to their local State Emergency Service units. The State Government provides a range of assistance to State Emergency Service units, helping to ease the financial burden on local government.

The vehicles were made possible by joint funding of $240,000 from Fairfield City Council and $120,000 from the State Government. This intergovernmental funding is a real boost for the community. This is only a snippet of the funding that the State Labor Government has given to the State Emergency Service over more than a decade. This Government has spent well in excess of $250 million on the State Emergency Service, and will continue to fund an organisation that is over 50 years old. The Rees Labor Government is committed to this organisation. In the last budget we announced a restructuring of the State Emergency Service to bring it more in line with other emergency services. This will streamline efficiency, and is symbolic of the Government's acknowledgement of the important role the organisation plays in our community. The State Emergency Service has 226 units located throughout New South Wales. The units comprise approximately 10,000 volunteer members, who dedicate their energies to helping others who are in need.

The Ambulance Service of New South Wales has trained a number of the State Emergency Service volunteers who come from isolated communities and are the first line of response of their communities. The service's trained rescuers also support the full-time emergency services during major disasters. The Fairfield City State Emergency Service commenced operation in 1970, and it has a long and proud history of helping out in times of need, not just in Fairfield City but also across New South Wales. The unit undertakes intense training on Monday and Wednesday evenings to ensure its officers are well equipped to respond to any emergency they may be called to.

Les Milne, the local area controller, leads the Fairfield City State Emergency Service [SES] unit and he is doing a sterling job. Currently, he commands 80 volunteers who donate their time to providing assistance during emergency situations. The unit has provided much-needed assistance to people involved in many incidents over the years, including two major floods in Fairfield in 1986 and 1988, the 1989 Newcastle earthquake, the 1993 and 1994 bushfires, and the terrible 1997 Thredbo disaster. In 2001 the unit also responded to more than 1,000 calls during major storms in Fairfield.

The unit assists in air and land searches, and it assists police in searching for evidence at crime scenes by providing lighting. It also helps with crowd control at events such as Fairfield City Council's Cabramatta Moon Festival and other local cultural events. As a result of ongoing corroboration between council and the State Government, we are listening to the concerns of local community groups. By keeping the SES strong we are creating a safer community. Mr Milne and his team of volunteers are to be commended for their ongoing support and dedication to helping the communities of Fairfield and Cabramatta in their time of need.

Ms LYLEA McMAHON (Shellharbour—Parliamentary Secretary) [6.30 p.m.]: I thank the member for Cabramatta for bringing to the attention of the House the important work being done by the State Emergency Service in his electorate and, in particular, the Fairfield City SES. I am impressed with the support being given

to the Fairfield City SES by the New South Wales Government with the provision of two new vehicles. It is important for the SES to have these resources so that it can carry out its duties. I commend the member's commitment to the SES and all the volunteers involved with the SES.

TEA GARDENS PUBLIC SCHOOL TWENTIETH PARLIAMENT

Mr CRAIG BAUMANN (Port Stephens) [6.31 p.m.] Today I speak about a great achievement at a school in my electorate—that is, the opening of the Twentieth Parliament of the Tea Gardens Public School. On Friday 22 May I was honoured to be invited and to attend the opening of this fabulous initiative. The Tea Gardens Public School Twentieth Parliament was established following a visit to Federal Parliament 22 years ago when staff and students were inspired to introduce a similar system in their school to help formulate rules and, more importantly, to involve students in that process and to give them an opportunity to participate in the running of the school.

Based on the Westminster system, the Tea Gardens Public School Parliament comprises students from year 3 to year 6, who make up the lower House. Teachers make up the Senate and the principal of the Tea Gardens Public School assumes the role of Governor-General. Students elected to the House of Representatives are considered Ministers and are responsible for particular portfolios. The student Ministers even receive their badge of office from the current Tea Gardens-Hawks Nest Lioness Club Citizen of the Year at a special schoolteachers induction service. Equally important is the shadow ministry, allowing different points of view to be addressed.

Believe it or not, a Speaker, Deputy-Speaker, Hansard reporters, Sergeants-at-Arms, Usher of the Black Rod, and a parliamentary adviser are also appointed. I advise the House that the 2009 school Parliament is comprised as follows: Prime Minister, Sky Boonon; Deputy Prime Minister and Minister for Building and Health, Lachlan Hole; Minister for Special Events, Candice Cotterill; Minister for Transport, Ray Finch; Minister for the Environment, Jessica Treacy; Minister for Education, Thomas Ross; Minister for Pupil Welfare, Lindsay-Jean Banks; Minister for Sport, Jackson Page; Leader of the Opposition, Nash Johnson; Speaker of the House, Ryan Howarth; Deputy-Speaker, Lauren McCaul; Sergeants-at-Arms, Ethan Schloeffel and Alex Bartholomew; Usher of the Black Rod, Luke Fenner; Hansard reporters, Taylah Cooke, Kant Richardson and Kiarna Eddy; and parliamentary adviser, Ms Annette Benton, who has been in that position for the whole of the 20 years that the Parliament has been established. And, of course, the principal, Sue Estens, is the Governor-General.

It was really pleasing to see students of such a young age with a good grasp of the parliamentary system. The parliament sits each fortnight and ideas, motions and questions are put to the student members for discussion or vote. At Friday's official opening, several motions were put to the House. These included: that the school get games to use during wet weather lunches, such as Twister and other board games; that the school set up a bully bank where bullies are fined and the money given to charity; that the school gets a speaker in every classroom so that the principal can broadcast messages to classes and does not have to leave her office; and that the school get new play equipment for the younger kids.

After energetic debate, all but the last motion was carried. Following the Parliament, the Senate—that is, the teachers—met to discuss the motions that were carried by the students. Some colourful and controversial motions have been put in the House over the years—some popular and some not so popular. These include: that students do not have to tuck in their shirts; that teachers should not be able to keep children in at lunchtime; that the school raise money for a professional disk jockey for the year 6 farewell social; that students start soccer practice early so they have a chance to win; that students do 30 minutes of exercise each day at school; that the canteen sell stationery; that the arts area gets fixed; that the school gets some new sports equipment, including pogo sticks; that students are able to go down the back at afternoon recess, which led to the introduction of motions to install a toilet down the back and that the school get an alarm down the back; and that each classroom gets a telephone in case there is an emergency.

Obviously, not all those motions passed through the Senate, but to see children of this age fiercely debating these issues and passionately fighting for what they believe to be best for students is inspiring. The Tea Gardens Public School Parliament has been a model for many other schools that are setting up their own parliaments and it is an outstanding example of student leadership within a school. I congratulate the Tea Gardens Public School parliament on achieving its twentieth official opening and on its twenty-second year of operation.

CANCER COUNCIL BIGGEST MORNING TEA

Mr ROBERT COOMBS (Swansea) [6.35 p.m.] Australia's Biggest Morning Tea is one of the Cancer Council's leading fundraiser events and the largest and most successful event of its kind in Australia. Over $60 million has been raised since it first began in 1994. As members would be aware, many events across the nation took place last week to raise funds for this more than worthwhile cause. I would like to tell members about one event that took place at the Macquarie Shores Residential Park, which is situated along Tall Timbers Road at Doyalson North. Every year now for the past six years Macquarie Shores Residential Park residents have come together to auction off items that either have been donated by them or, in the main, have been made by them.

Items include hand-knitted rugs, paintings, clay and ceramic artefacts, pieces of jewellery, dolls, kids clothing, cakes and scones, et cetera. At the function held last Saturday 100 items must have been donated for sale, which raised in excess of $3,000—a magnificent effort, as I am sure all members would agree. Congratulations must go to the organisers of the function, Bob and Cynthia Brooks, Judy Day, Val Stolzenbach, Elaine Hogan, Sue Abrahams, and others involved in the Village Social Group Committee. They worked incredibly hard to bring together all the prizes, to ensure that they were properly presented, to collect the donations, to run a raffle during the event, and to ensure that everyone was adequately refreshed at the conclusion of the event.

Bob Brooks, the auctioneer, did a magnificent job in calling together all the tenders. The event again demonstrated the willing commitment by the Australian community to donate selflessly to those who are in times of misfortune or hardship. This year's total of $3,000-plus is a record for the event that, of course, comes at a time of economic hardship and uncertainty. It should also be recognised that a lot of people who were present were pensioners, so without doubt any donation by them would be more significant. Also pleasing was the attendance of some local businesspeople from the area—local proprietors of the Lake Munmorah newsagency and post office, Di and Graham Luther, and Lyn Axford from the Chain Valley Bay bottle shop. Well done!

Just as Australians from throughout the community were prepared to contribute their hard-earned finances to victims of the recent bushfire tragedy in Victoria, Australians also realise the personal pain and trauma of cancer victims, and are prepared to back that up through their hip pockets. I am sure that persons who have contracted cancer in various shapes and forms would have touched all members. Encouragingly, many of the cancers that only a short time ago would most certainly have taken our lives are now curable and victims can go on to lead healthy and normal lives. Unfortunately, there is still a long way to go.

The job of ensuring that we are all able to provide the best possible treatments and medicines, and that thorough research, planning and structures are put in place, will continue to be amongst our highest health priorities. Australia is recognised as being a leader in research and preventative development, and I am sure that that will continue. The Cancer Council will continue to give great assistance in this humanitarian fight so that the money it raises, for example, through the wonderful activities of the people at Macquarie Shores Residential Park, will help no end in this important crusade. Congratulations to Bob Brooks and his team on their wonderful efforts. I can think of no greater cause than the one they are involved in. I am sure a similar function will be held next year and another fundraising record will be set in demonstration of that commitment.

Ms LYLEA McMAHON (Shellharbour—Parliamentary Secretary) [6.40 p.m.]: I thank the member for Swansea for bringing to the attention of the House the important work of the Macquarie Shores Residential Park in raising funds as part of Australia's Biggest Morning Tea. All of us have people in our lives that have been affected by cancer and a fundraising effort such as this goes a long way towards helping find a cure.

ASSYRIAN UNIVERSAL ALLIANCE TWENTY-SIXTH WORLD CONGRESS

Mr NINOS KHOSHABA (Smithfield) [6.41 p.m.]: I was fortunate enough to be given the opportunity to host the Twenty-sixth World Congress of the Assyrian Universal Alliance held at the New South Wales Parliament on Wednesday 20 May 2009. The Assyrian Universal Alliance is an international alliance made up of different sectors of the Assyrian federations and organisations throughout the world. Many of the Assyrian delegates came from the Middle East, Europe and the United States. The congress is important because it gives a chance to Assyrians from all over the world to meet with each other and discuss issues relating to the Assyrian population.

Assyrians in Australia have a rich and proud history. Many Assyrians came to Australia from many different countries, including Iran, Iraq, Lebanon, Greece, Turkey and Syria. Since the first three Assyrian families arrived in Australia in 1963, the Assyrian community has become well established in this State and is very much a part of the fabric of our society. I know from personal experience of the great contribution the Assyrian community has made to New South Wales, especially to Smithfield, where a significant portion of the Assyrian population resides. As time has passed, the contribution of the Assyrian community has grown significantly in support of local charity events, festivals and sporting clubs. But what makes me proud is the Assyrian community sharing with Australians the same belief in helping their fellow neighbours when they are going through tough times.

Apart from the Assyrian delegation, representatives attended the congress from Federal, State and Local governments, including Premier Nathan Rees, the Hon. Chris Bowen, Federal Assistant Treasurer and Minister for Competition Policy and Consumer Affairs, and Mr Joseph Tripodi, Minister for Finance, to name but a few. The attendance from all levels of government reinforces the significance of the congress to the Assyrian community in Australia and abroad. In addition to Australian government representatives, the congress was fortunate enough to have in attendance His Excellency Ghanim Taha Alshibli, Ambassador to the Republic of Iraq, and His Excellency Mahmoud Movahhedi, Ambassador to the Islamic Republic of Iran, to listen to the concerns of delegates.

I must also acknowledge the following people for their efforts and support to the congress: His Beatitude Mar Meelis Zaya, Archbishop of the Assyrian Church of the East in Australia and New Zealand; the Hon. Yonathan Betkolia, Secretary General of the Assyrian Universal Alliance and Assyrian representative in the Iran Parliament; Carlo Ganjeh, Assyrian Universal Alliance Regional Secretary for America; Shlimon Haddad, Assyrian Universal Alliance Regional Secretary for Europe; Younatan Babeleh, Assyrian Universal Alliance Regional Secretary for Asia; Reverend Ken Joseph, Assyrian Universal Alliance Advisor in Iraq and Washington DC; and Dr Wilson Betmansour, Assyrian Universal Alliance advisor. Special mention must also go to Mr Hermiz Shahen, Mr David David, and Mr Paul Azzo for their efforts in organising and coordinating the Sydney congress. No doubt, the congress was a success and that success derives from the contributions of those three gentlemen.

I would like to bring to the House's attention some of the Assyrian Universal Alliance's resolutions with respect to the congress. In accordance with the Assyrian Universal Alliance declaration, the Assyrian Universal Alliance extends its deep appreciation and gratitude to the Australian Government for supporting and assisting the Australian Chapter of the Assyrian Universal Alliance to successfully host the Twenty-sixth World Congress of the Assyrian Universal Alliance. The Assyrian Universal Alliance calls upon Australia for its support for an autonomous region security zone for Assyrian people to be able to resettle and be protected. Finally, as an interim measure, the Assyrian Universal Alliance requests that the Government of Australia provide economic, educational and medical assistance to the Assyrian refugees of Iraq currently living in impoverished and disadvantaged circumstances in various countries outside Iraq.

I have been told of many stories of Assyrian people being persecuted in Iraq. I commend the Assyrian Universal Alliance for its active lobbying of the three levels of government for a better life for Assyrians in Australia and all over the world. The above resolutions reinforce their points and are something we should really consider as we all have an obligation to ensure that the human rights of everyone are protected. I would also like to acknowledge and thank the many other Assyrian groups and community leaders that have worked tirelessly to ensure the Assyrian community is well represented. Given the attendance at the recent congress, I am sure word will spread about the importance of this event and the contribution it makes to the Assyrian community not only in Australia but also throughout the world. I will continue to work closely with the Assyrian community in ensuring that the Assyrian culture and traditions are recognised and well respected in New South Wales. Finally, I would like to thank all my parliamentary colleagues who attended and support the congress.

Ms LYLEA McMAHON (Shellharbour—Parliamentary Secretary) [6.44 p.m.]: I thank the member for Smithfield for bringing this important issue to the attention of the House. I particularly note the contribution of the Assyrian community to the city of Fairfield. For over 40 years the Assyrian community has contributed to the health and diverse multicultural lifestyle of Fairfield. I appreciate that the member for Smithfield is committed to working with the community and played an important role in the success of the congress hosted at New South Wales Parliament on 20 May 2009. I congratulate him.

WELFARE SERVICES FOR TEENAGERS

Mrs DAWN FARDELL (Dubbo) [6.45 p.m.]: I speak today on the concerns of some parents and carers of youth aged between 12 to 16 years—an issue not only in my electorate but throughout New South

Wales. It is an age where the Department of Community Services are unable to treat them as a high priority, as they are over the age of 12 years, and it is an age where they certainly know their rights and the amount of Centrelink payment availability. When you have police admitting their hands are tied and suggesting that parents and carers should contact their local members, we all have a problem.

Recently I spoke to a mother who was concerned there was no help for teenage children from local organisations. Her 15-year-old son attended a local high school and was bullied. After a short while he was in trouble at that school for retaliating against the bullies. Subsequent issues evolved and his mother went to the Department of Community Services for help. She was told her son did not fit the criteria for assistance; however, if he committed a crime he would get help. Her son ran away from home. He has been staying with the Salvation Army in Sydney for six months and has just been relocated to another facility for a further six months. I am advised that half the children at the Sydney facility are from rural areas.

Another mother told me she was called to a high school regarding her daughter's two-day truancy, of which she was not aware, to attend a meeting in this regard. Her daughter had sworn at a teacher and ran away four times—her mother did not know of these incidents prior to the meeting. Her daughter changed out of her clothes and, with a friend, took off to an address that teenagers are aware of when in hiding—I have supplied that address to the police. Her daughter and her friend are now on the methadone program. The owner of the house where the girls were found denied they were there when the parents knocked on the door.

The daughter of another of my constituents has known her stepfather since she was four years old. He has helped raise the girl and acted as a father, driving all around trying to locate her whereabouts at the time of the last incident. When he found her, he took her arm and put her in the car. She has now lodged an apprehended violence order against her stepfather. The mother is most distressed at the system, which has allowed this situation to fester. That woman appeared to me to be a good parent who is rendered helpless.

In another case the daughter of a separated couple was living with her mother. At 11 years of age the mother allowed the daughter's 15-year-old boyfriend to live with her in the same house. The father contacted the Department of Community Services helpline about the situation. In March he received a call from his former mother-in-law informing him that his ex-wife was in a mental health unit and that he had to take the children. He then discovered his 12-year-old daughter was pregnant, police were called in and the girl ran away. His daughter has since returned and the Department of Community Services has been called in—too late! The father is beside himself. He claims to have rung the Department of Community Services on many occasions and now this 12-year-old is in this situation. He claimed the father of the child has a history and is known to all the services. The father is resigned to the fact he and his partner will be raising his daughter's child—far too young to be giving birth!

An ongoing situation for a foster carer with a boy she has raised since he was little is becoming more and more dangerous for his wellbeing. The lad is known to the police for continually running away and not attending school. He has special needs and his carer truly believes in him. She was most concerned about threats of her being charged when he does not attend schools. There have been many meetings at the school together with his father, after release from a correctional centre, but things have not been resolved. The young lad ran away from home and chose to live with his father and one of his father's ex-girlfriends. He has not been to school and has been in trouble with the law for arson and assault. All these problems eventuated after his father moved back in to town. Because my constituent is his legal guardian, she is responsible for his behaviour and has had many consultations with the Department of Education and Training and legal advisors over his actions My constituent is a very hardworking, caring person and is trying her best to do all she can for her foster son, whom I know she dearly loves.

Her concern is the anomaly in the Centrelink system whereby it pays whomever the child happens to be living with at the time. In this last case the boy's father's ex-girlfriend apparently received $2,400 in December 2008. My constituent advised me that Centrelink requires only three statutory declarations stating who the child is living with so that the person named receives the money, which is not based on the amount of time the child actually spends with that person. This young man was living with his father's ex-girlfriend for only two months before relocating to Sydney.

Natural and foster parents are not advised straight away of these situations or truancies; however, they remain responsible until the child is 23 years of age. My constituent has spent time and money meeting her legal responsibilities as sole custodian and has not received any compensation, but those who rort the system are benefiting from this contradictory situation. I received a response to my representation to the Hon. Jenny

Macklin concerning Centrelink. She responded to my constituent providing advice on the avenues to pursue if she believed people were rorting the system and on the legalities of who qualifies for compensation. As I said earlier, the young people in this particular age group have been informed of their rights and financial benefits. However, there are people who prey on these young people by offering them so-called shelter who merely take their money for financial gain, and deny parents and carers access to their children.

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

Private members' statements noted.

INDUSTRIAL RELATIONS AMENDMENT (JURISDICTION OF INDUSTRIAL RELATIONS COMMISSION) BILL 2009

Message received from the Legislative Council returning the bill without amendment.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! Private members' statements having concluded, the House will now proceed to the matter of public importance.

HUNTER REGION JOBS

Matter of Public Importance

Mr MATTHEW MORRIS (Charlestown) [6.51 p.m.]: It is with pleasure that I lead on this matter of public importance regarding jobs in the Hunter. New South Wales is fortunate to have a region as strong and as proud as the Hunter—a thriving community that plays a major role in the economic prosperity of our State. According to the Australian Bureau of Statistics Labour Force Survey data for April, more than 287,000 people were employed in the Hunter. We have grown on the back of the coal and manufacturing industries. In 2008 exports from the port of Newcastle, the world's largest export coal port, totalled $13.7 billion. This represents an increase of more than 100 per cent on 2007. But just like all Australian economies, the Hunter region faces unprecedented pressure resulting from the global downturn. I am pleased to say that the New South Wales Government is working with industry, business and community groups in the Hunter to make our region more resilient to the downturn and to maximise the potential for investment and job creation.

Last week the Premier led a regional jobs summit in the Hunter at Warners Bay. The summit provided an opportunity for the Government to listen to regional issues and ideas raised by local industry, business and community representatives. The summit was also a chance to work with the Hunter business community to develop smart and green industries and jobs. At last week's Hunter Jobs Summit the Premier unveiled a package of programs to support jobs and investment. This included an extra $3 million for the Hunter Advantage Fund to encourage new businesses and to create jobs. To date this fund has supported 91 projects in the Hunter, representing around $430 million in business investment, and the creation and retention of 2,900 jobs. Also announced at the Hunter Jobs Summit was the allocation of $250,000 towards identifying green job opportunities for the Hunter as part of the blueprint for a low-carbon future for the New South Wales Hunter Valley project.

The Government recognises the importance of the Hunter workforce. That is why it is committing additional government resources and expertise to work with local businesses and industry to create and sustain jobs for thousands of local families. The Government is working hard to position the Hunter so that we are well placed to attract new investment. In the Hunter we have identified a real opportunity to create jobs in the lucrative defence industry. New South Wales has appointed a dedicated defence industry advisor, John Blackburn, AO, to work closely with industry and the Commonwealth to attract defence contracts to New South Wales. Domestic spending on defence is expected to rise from $8 billion to $13 billion per annum over the next five years. Defence equipment acquisition is expected to total $100 billion over the next decade. This will provide a significant opportunity for New South Wales businesses and for established and potential businesses in the Hunter with an interest in defence. The Hunter has a competitive advantage in attracting defence contracts and jobs, particularly those in smart, high-tech, defence industry development. We want to make sure we do everything we can to tap into this lucrative market. We are working closely with industry, businesses and economic development organisations to ensure that contracts are won by businesses in the Hunter.

The New South Wales Government and regional partners have worked to facilitate the rezoning of 88 hectares of employment land adjacent to Newcastle Airport and Williamtown Royal Australian Air Force

base. This will provide opportunities for more than 5,600 new jobs, with potential income estimated to be around $250 million. The Department of State and Regional Development is now working with regional partners to jointly market this land together with the Newcastle Airport aerospace precinct as the Williamtown Aerospace Centre. To help attract increased defence business to the Hunter and to improve support to defence industries, we will look to develop a technology hub in Newcastle based around the new air combat capability in the Joint Strike Fighter. The $16 billion Joint Strike Fighter project presents opportunities to secure a significant proportion of the jobs to be created.

Work associated with the production and support of the Joint Strike Fighter is expected to create between 300 and 600 jobs in Australia, and we want as many as possible to be located at the Royal Australian Air Force Williamtown base. Of course, this project is not just about Joint Strike Fighter and the aircraft industry; it is also about attracting high technology industries and supporting manufacturers that build and sustain jobs in the Hunter. Examples include Jetstar's national heavy aircraft maintenance base at Newcastle Airport, the expansion of Forgacs' ship building operations at Tomago, and Ampcontrol's transformer manufacturing facility, also at Tomago. These companies and projects have received assistance from the New South Wales Government. Gains from defence contracts and research and development flow to business in other industries such as developments in related technologies.

Attracting major defence projects to the Hunter has the capacity to encourage other businesses to invest in the region. Attracting investment that grows green and smart jobs will drive our activities in the Hunter to respond to the global financial crisis and help tackle unemployment. This is about attracting high-tech jobs, developing high-tech skills and building a strong workforce in the Hunter for the future. I certainly could mention a number of other projects that are either underway or under consideration; importantly, the Government supports many of them. The examples I have mentioned clearly demonstrate the commitment of this Government in recognising the importance of the Hunter as a major regional part of our State and a major driver in the New South Wales economy. Hence, the Government has been proactive in supporting projects and opportunities to secure jobs and to create new jobs to see the Hunter region grow for many years and continue to play a significant role to the State.

Mr ROBERT COOMBS (Swansea) [6.58 p.m.]: Across the State the Government has rolled out 12 regional business growth plans. These are blueprints for working collaboratively to drive economic and job growth in regional New South Wales. I take this opportunity to acknowledge the Department of State and Regional Development's hard work in implementing these plans and to briefly outline just some of the projects and initiatives that will help attract sustainable investment and create jobs in regions such as my region—the Hunter. First, an assessment of the region's infrastructure needs has resulted in the completion of a Newcastle Airport Master Plan, a Freight Hub Employment Lands study and a submission to Infrastructure Australia for support for priority infrastructure needs for the lower Hunter.

To support business growth, a new 150-hectare Intertrade Industrial Park will be established at the port of Newcastle. It is expected to generate up to 7,000 new jobs. The Government also has announced a new 88-hectare defence- and airport-related employment zone to support activities of the Royal Australian Air Force base and the civil airport, with the potential to generate more than 5,600 jobs in the local area. Other initiatives to support jobs in the Hunter include a major project to examine the skills requirements for the metals engineering, manufacturing and electro-technology growth centres, a project supported by $2.9 million of Federal funding to develop a school curriculum for years 9 to 12 for careers in advanced manufacturing and defence, and an Aboriginal Employment Opportunities Program that has placed 100 Aboriginal people in jobs already.

The Hunter Business Growth Plan also focuses on energy development, with the department supporting the Hunter's winning bid for a new $20 million Clean Energy Innovation Centre to be hosted by Newcastle Innovation. Newcastle is also home to CSIRO's Energy Technology Centre, which is developing clean coal technologies, as well as the Australian Solar Institute, which was recently announced by the Federal Government. These are just some examples of how the New South Wales Government, through this plan, is working in partnership with business and industry in the Hunter to support and attract investment that not only generates economic activity but also boosts employment. I look forward to updating the House further on outcomes of the Regional Business Growth Plan for the Hunter.

As I have time to speak further—Opposition members did not come into the Chamber to speak on this matter of public importance—I will refer to an initiative in the electorate of Swansea that is sponsored jointly by the Department of State and Regional Development and others, such as Lake Macquarie City Council and the

local business community. The department has been a major driving force behind the plan to develop a new maritime precinct in Swansea. This initiative is an attempt to bring jobs back to the Swansea area. At present 80 per cent of Swansea constituents have to travel outside the electorate to gain employment. We want to bring jobs back. Lack of employment in the area was not always the case. I do not have to go too far back in history to remember the many coalmines in the area. The other major employer was the Electricity Commission. There are two coal-fired electricity generators in the area, one at Vales Point and another at Lake Munmorah, which were once prolific employers of the local workforce. They have gone through rationalisation exercises and do not employ anywhere near the number of employees they once did. Local community and political leaders have to look at innovative ways to ensure that we bring jobs back to the area.

It is hoped that a new maritime precinct will provide Swansea with the same benefits provided by maritime precincts at Port Stephens, Coffs Harbour and Port Macquarie and other towns up and down the New South Wales coast—benefits such as fish markets, tourist information centres, restaurants and ship chandlers. It is also hoped that a maritime precinct will provide for the reintroduction of a boat building and boat repair industry. Swansea was once recognised as having a magnificent boat building industry. All sorts of boats were built in the area, including surfboats. In recent decades that industry has been lost to the area. With the development of the maritime precinct, it is hoped that those jobs will return. It has been a great experience for me in my first two years as the State member for Swansea to work cooperatively and collaboratively with the Department of State and Regional Development. Through the work of the department, together with the local members in the Hunter region, we will support the initiatives described tonight and generate many jobs.

Mr MATTHEW MORRIS (Charlestown) [7.05 p.m.], in reply: I thank the member for Swansea for his contribution to this matter of public importance. The role of the Hunter in New South Wales is an important issue for the people of the Hunter region. A number of examples have been given of various projects and opportunities to secure long-term employment for Hunter communities and families. It is refreshing to know that many more projects are on the drawing board and under consideration by various parties. Ultimately when they are delivered, they will play an important role in the economy of the Hunter. The Hunter is a great part of the world. I am sure many of my parliamentary colleagues who have experienced the Hunter firsthand would agree with that sentiment. The Hunter community, like communities in other parts of New South Wales, recognise that we have challenges ahead of us. As a broader community, we have to work together and learn from and support each other. We have to build on our strengths, of which we have many, to move forward in an endeavour to reach a greater level of prosperity for all in the region. I put on the record that no Opposition member has been present in the Chamber to speak on this matter of public importance, let alone listen to other contributions.

Ms Lylea McMahon: Lazy, lazy, lazy.

Mr MATTHEW MORRIS: Absolutely. The words "lazy, lazy, lazy" come to mind. I will make every effort to ensure that the Hunter community clearly understands what has taken place during discussion on this matter of public importance in the Legislative Assembly of New South Wales—Opposition members did not have the decency to be present in the Chamber, to participate in the process or to make a contribution of any description. That is something for tomorrow. The fundamental point I make in the Chamber today is that whilst the Hunter faces many challenges, we have a multitude of strengths. With the support of the Government, the business community, community leaders and local members, we will see a stronger and greater future for the Hunter in its role of delivering economic benefits to the region and to the State. I wish the business sector the very best for the future.

Discussion concluded.

The House adjourned, pursuant to sessional orders, at 7.08 p.m. until Thursday 4 June 2009 at 10.00 a.m.