



## PEOPLES WESTCONNEX INQUIRY

NSW PARLIAMENT, JUBILEE ROOM - Friday 6 May, 10am – 2pm

### Session 4: Governance - WestConnex planning, contracts and business case

**Jamie Parker MP, Member for Balmain**

Well, good afternoon, ladies and gentlemen. I, too, would like to acknowledge the land that we're meeting on today, and the land that I represent, the land of the Gadigal and Wangal people of the Eora nation, and pay my respects to their Elders, both past and present.

Well, we've heard from Wendy, we've heard from Jo, we've heard today about these outrageous decisions and steps that have been taken, and I want to talk a little bit about the context—the governance context—and why we're here. Bill took us forward 37 years to the end of the capital return for WestConnex and I want to take us back 37 years to 1979 with the introduction of the Environmental Planning and Assessment Act by the former Labor Government—one of the most impressive decisions made by a Government to put ecologically sustainable development at the heart of planning, to introduce checks and balances—yet ever since, that Act has been stripped, picked, burnt, destroyed and cut. And taking us forward about 20 years, the former Labor Government really put a knife through the heart of that Act when they introduced Part IIIA. Part IIIA of the Environmental and Planning Assessment Act stripped control from local communities and basically gave the Minister the power to make decisions. While Part IIIA overrode 12 other Acts of Parliament, it set the scene for what we're seeing here now with the conservatives, because while they withdrew Part IIIA, and they rescinded that just by Barry O'Farrell voting for it in 2005, they've introduced even poorer decision-making processes, and I want to spend a few minutes to talk a little bit about that.

But there have been some victories. In 2013 you remember the former Planning Minister tried to introduce the new Planning Act which basically introduced code assessments, stripped ecologically sustainable development from the Act and it was defeated. The Liberals could not get it through the Upper House of the State Parliament, so we have had wins, but at the same time, just recently, both Labor and Liberal united to support the Greater Sydney Commission, chaired by Lucy Turnbull, and their powers will strip Councils of whatever power they do have. They can re-write planning legislation for local and regional areas and it sets a very worrying precedent which allows the State Government to feel like they can get away with this process. Interestingly, talking about Part IIIA, which was introduced under Premier Iemma by Frank Sartor, he has now been appointed to join Lucy Turnbull as a Commissioner for the Greater Western Sydney Commission; to join in the bipartisan approach which the Government is hoping to build around planning and development, and I think we all know what that means.



The Government has replaced Part IIIA with an even worse measure, State Significant Development and State Significant Infrastructure, which are just Part IIIA on steroids. The ability to hold governments to account of course is important, and ICAC, an organisation which I've spent many years fighting for, said in a 2012 submission, in reference to planning decisions, and I quote: "Limited availability of third party appeal rights," and that means citizens being able to go to court to challenge these, "under the EP&A Act means that important check on executive government is absent." Not only absent, but a gaping chasm, which the Government and their developer and finance and infrastructure mates are driving a truck through and, in fact, building toll roads to take those trucks through them.

If you look at WestConnex, typically State Significant Infrastructure projects over \$100 million are subject to multiple Gateway Reviews in which independent authorities scrutinise decisions, yet as we've heard today, the New South Wales Auditor-General's Report in December 2014—and I encourage you to look at that—exposed the lack of an independent monitoring of the concept, the Business Case and tendering. And what did the Report conclude? It said, quote: "It was not able to form a view on whether the project was a worthwhile and prudent investment." What a sad indictment on the billions and billions of dollars of taxpayer money going into this project. Despite that Report, the WestConnex Delivery Authority had already signed a contract for the First Stage of the motorway, a widened M4 between Parramatta and Concord, which will attract a toll of at least \$6 each way.

We know that this was developed, this project, by the friend of the infrastructure industry, Nick Greiner, who was appointed as Chairman of Infrastructure New South Wales, competing against Transport for New South Wales. He was the former Chairman of the company which is now part of Lendlease Infrastructure, Australia's second biggest infrastructure company, and he resigned just months before he was appointed the Head of Infrastructure New South Wales, which introduced the case for WestConnex and pushed and pushed and pushed. That was also the body that suggested we build a tunnel under George Street, and don't build light rail in order to get buses under George Street. It's a policy not supported by the Liberals, thank goodness, but it's a policy which Labor seems to continue to support because they oppose the light rail along the city route that's being built at the moment.

But this is not the issue—the politics is not the issue—the issue really is the fact that thousands and thousands of people have opposed this project; the Government has made commitments to contracts before even the consultation process is finished. And it is clear that there is a history in this State of the power of infrastructure and development companies, and that needs to stop. We know that this Government is taking the legacy that we've seen of the destruction of the Environmental Planning and Assessment Act—a wonderful Act of that former State Labor Government—and not only taking away a right from the citizens, but pouring billions of dollars with very little oversight, with very poor governance, into the private sector without the kind of accountability that a multi-billion dollar project like this deserves. Thank you.