



# **Review of Implementation of the Nation Building and Jobs Plan in NSW and Potential Applications for Other Projects**

**Terms of Reference**

**March 2010**

# **Review of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009**

## **Purpose**

Section 30 of the Nation Building and Jobs Plan Act 2009 (the Act) provides for a review of the exercise of the NSW Coordinator General's functions. The Minister (the Premier) is required to ensure that the exercise of the functions of the Coordinator General under the Act are, as soon as practicable after the period of 12 months after the commencement of the Act (i.e. after 13 March 2010), reviewed by:

- (a) a joint committee of both Houses of Parliament, or
- (b) if there is no joint committee that can undertake the review - such other appropriately qualified person as the Minister appoints for that purpose.

As there is currently no appropriate joint committee that can undertake the review, the Premier has decided that the review is to be undertaken by a panel chaired by an appropriately qualified person.

The Premier wishes to also more broadly assess the effectiveness of the Act and to evaluate the benefits of applying the principles of this legislation to other significant infrastructure projects in NSW.

## **Background**

On 3 February 2009, the Prime Minister announced the Nation Building – Economic Stimulus Plan to reduce the impact on Australia of the global economic recession. The Plan includes funding for four broad infrastructure programs across education, social/defence housing, transport infrastructure and energy efficient homes.

On 5 February 2009, COAG members signed a National Partnership Agreement covering the infrastructure elements of the Plan.

## **Legislative Provisions**

The NSW *Nation Building and Jobs Plan (State Infrastructure Delivery) Act* was enacted on 13 March 2009. The object of the Act is to ensure the timely delivery in NSW of the infrastructure projects funded by the Commonwealth under the Nation Building and Jobs Plan to implement the COAG partnership agreement of 5 February 2009

The Act seeks to ensure the fast tracking of projects and the subsequent expenditure of the Commonwealth funds so that a steady flow of jobs is secured – without liability to the State down the track. Developments falling under the Act are:

- a) multi-purpose halls and libraries, science and language centres and maintenance and minor building works for government and non-government schools,
- (b) social housing,
- (c) community infrastructure provided by local councils (such as halls, community centres and sport and recreation facilities), and
- (d) land transport infrastructure (such as the repair of roads, the installation of railway boom gates and road safety “black spots” projects).

### **Infrastructure Coordinator General**

Section 6 of the Act requires the appointment of a NSW Infrastructure Coordinator General. The functions of the Coordinator General are to:

- (a) plan and oversee a program for the delivery of infrastructure projects within the timeframes required for Commonwealth funding;
- (b) advise on appropriate tendering and procurement procedures for the delivery of infrastructure projects within those timeframes;
- (c) coordinate the delivery by government agencies of infrastructure projects;
- (d) subject to Ministerial authorisation, carry out infrastructure projects; and
- (e) exempting infrastructure projects from development control legislation (e.g. the Environmental Planning and Assessment Act 1979) and authorising infrastructure projects under Part 5 of the Act.

Section 23 of the Act provides that the Co-ordinator General may, by order in writing, declare that a specified infrastructure project (or an infrastructure project of a specified class):

- (a) is exempt from all or any specified development control legislation, or
- (b) is exempt from all or any specified development control legislation if the carrying out of the project is the subject of an authorisation of the Co-ordinator General under section 24.

## **Terms of Reference**

The review is to examine and report by the end of July 2010 on:

- (a) the effectiveness of NSW Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 in facilitating the implementation of the Nation Building Economic Stimulus Plan in NSW
- (b) the exercise by the Coordinator General of the functions conferred by the Act in accordance with section 30 of the Act;
- (c) the legal and economic benefits and consequences of applying the principles of this legislation, and the manner in which it has been implemented, to other significant projects or classes of projects in NSW;
- (d) options and mechanisms for applying the principles should they be applied to such projects or classes of projects in NSW.