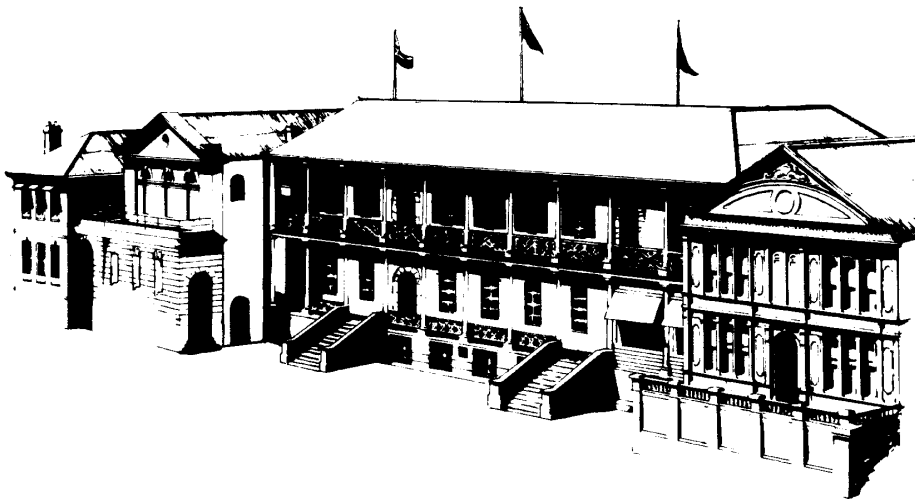
New South Wales



Legislative Council

PARLIAMENTARY DEBATES
(HANSARD)

FIFTY-SECOND PARLIAMENT
FIRST SESSION

OFFICIAL HANSARD

TUESDAY 24 NOVEMBER 1998

Authorised by the
Parliament of New South Wales

LEGISLATIVE COUNCIL

Tuesday, 24 November 1998

The President (The Hon. Virginia Chadwick) took the chair at 11.00 a.m.

The President offered the Prayers.

OFFICE OF THE OMBUDSMAN

Annual Report

The President tabled, pursuant to section 31AA(1) of the Ombudsman Act 1974, the annual report for the year ending 30 June 1998.

The President announced that pursuant to section 31AA(2) of the Act she had authorised that the report be made public.

PETITIONS

Trap and Line Fishery

Petition praying that there be immediate consultation by the Trap and Line Management Advisory Committee and NSW Fisheries with trap and line fishers endorsed and under appeal, and that all management advisory committee decisions should result from a majority decision of all trap and line fishery participants, received from the **Hon. D. F. Moppett**.

Family Impact Commission Bill

Petition praying that the integrity of the family unit be encouraged by support for the Family Impact Commission Bill, received from **Reverend the Hon. F. J. Nile**

TABLING OF DOCUMENTS BY THE HONOURABLE M. R. EGAN

Suspension of standing and sessional orders agreed to.

The Hon. J. P. HANNAFORD (Leader of the Opposition) [11.06 a.m.]: I move:

1. That this House:

(1) Notes the decision of the Court of Appeal delivered on Friday, 29 November 1996, in the case of *Egan v. Willis and Cahill*, in which it was held, inter alia:

(a) that the Legislative Council has such implied or inherent powers as are reasonably necessary for its existence and for the proper exercise of its functions;

(b) a power to order the production of State papers is reasonably necessary for the proper exercise by the Legislative Council of its functions;

(2) Notes the decision of the High Court of Australia in *Egan v Willis and Cahill* [1998] HCA 71, delivered on Thursday, 19 November 1998, in which the appeal from the Supreme Court of New South Wales was dismissed with costs;

(3) Notes the continued failure of the Government to table all papers relating to:

(a) the closure of veterinary laboratories, ordered by resolutions of the House dated 18 October 1995 and 26 October 1995;

(b) the Government's negotiations with Twentieth Century Fox for conversion of the Sydney Showground, ordered by resolutions of the House dated 25 October 1995 and 26 October 1995;

(c) the Government's decision to recentralise the Department of Education and the resultant closure of Regional Offices, including Wagga Wagga, Tamworth and Lismore, ordered by resolution of the House dated 26 October 1995;

(d) the Government's consideration of the Lake Cowal gold mine project, ordered by resolutions of the House dated 23 April 1996 and 1 May 1996;

(4) Notes with great concern the Government's apparent belief that it is not accountable to the Legislative Council under the concept of responsible government; and

(5) Affirms the power of the House to scrutinise the workings of the executive Government by demanding the production of documents as a necessary and essential safeguard against abuse of executive power.

2. That this House calls upon the Leader of the Government to immediately table in the House or deliver to the Clerk of the House, before 10.00 a.m. on Wednesday 25 November 1998, or before any prorogation of the House, whichever sooner occurs, the following documents:

(a) The documents referred to in the resolution of the House of 18 October 1995 relating to the closure of veterinary laboratories, that is:

(i) documents from all government departments and ministerial offices pertaining to the closure of the veterinary laboratory at Wagga Wagga;

(ii) documents from all government departments and ministerial offices pertaining to the closure of the veterinary laboratory at Armidale;

(iii) documents from all government departments and ministerial offices pertaining to the closure of the Biological and Chemical Research Institute at Rydalmere; and

(iv) documents relating to, and including, the Coopers and Lybrand report into the feasibility of the closure of the Biological and Chemical Research Institute at Rydalmere;

(b) the documents referred to in the resolution of the House of 25 October 1995 relating to the development of the Sydney Showground site, that is:

(i) all documents, correspondence, notes, advices and submissions including briefing papers in relation to the in-principle agreement with Twentieth Century Fox;

(ii) all documents relating to the Sydney Showground site at Moore Park and the transfer of planning powers from South Sydney council to the New South Wales State Government; and

(iii) all documents relating to the Twentieth Century Fox involvement on the Sydney Showground site beyond the use of the site for a film studio;

(c) the documents referred to in the resolution of the House of 26 October 1995 relating to the Department of Education, that is:

(i) any available discussion papers, research or reports which outlined inadequacies or flaws of the existing structure which were instrumental in reaching the decision that a restructuring of the Department of Education was necessary;

(ii) any option paper which details what other options were considered and why this restructuring became the preferred one;

(iii) any economic analysis of each option considered;

(iv) any analysis on the impact of the restructure on the administrative workload in schools;

(v) any analysis of the economic impact of this restructuring on the Department of Education;

(vi) any analysis of the economic impact of the restructuring on communities where regional offices were formerly located;

(vii) any analysis of the social impact of the restructuring of regional centres;

(viii) any records of consultation with the then regional offices and the relevant assistant directors-general about the restructuring;

(ix) minutes of all meetings and evidence from interviews with affected community and interest groups including but not exclusively, local government, the New South Wales Teachers Federation, the New South Wales Parents and Citizens Association and the Public Service Association; and

(x) a list of dates when these meetings or interviews occurred;

(d) the documents referred to in the resolution of the House of 23 April 1996, that is, all papers relating to the Government's consideration of the Report of the Commission of Inquiry into the Lake Cowal gold mine and associated facilities at Cowal West, West Wyalong, proposed by North Gold (WA) Limited, and the determination of the consent to the project.

3. That where it is considered that a document required to be tabled under this order is privileged and should not be made public or tabled:

(a) a return is to be prepared and tabled showing the date of creation of the document, a description of the document, the author of the document and reasons for the claim of privilege;

(b) the documents are to be delivered to the Clerk of the House by 10.00 a.m. Wednesday 25 November 1998 and:

(i) made available only to members of the Legislative Council; and

(ii) not published or copied without an order of the House.

4. That in the event of a dispute by any member of the House communicated in writing to the Clerk as to the validity of a claim of legal professional privilege or public interest immunity in relation to a particular document:

(a) the Clerk is authorised to release the disputed document to an independent legal arbiter who is either a Queen's Counsel, a Senior Counsel or a retired Supreme Court judge, appointed by the President, for evaluation and report within 5 days as to the validity of the claim; and

(b) any report from the independent arbiter is to be tabled with the Clerk of the House and:

(i) made available only to Members of the Legislative Council; and

(ii) not published or copied without an Order of the House.

5. That any document for which privilege is claimed and which is identified as a Cabinet document shall not be made available to a Member of the Legislative Council. The legal arbiter may be requested to evaluate any such claim.

6. That the President advise the House of any report from an independent arbiter, at which time a motion may be made forthwith that the disputed document be made (or not made) public without restricted access.

7. That this House calls upon the Leader of the Government to immediately table in the House or deliver to the Clerk of the House, before 10.00 a.m. on Wednesday 25 November 1998, the documents referred to in the Resolutions of the House of 24 September 1998 and 13 October 1998, that is, all papers relating to the ongoing contamination of Sydney's water supply system including all relevant letters, contracts, memoranda, and files whether recorded in written or electronic form, in accordance with paragraphs 3 to 6 above.

This motion arises as a result of the High Court having brought down a decision that makes it unequivocally clear that the Legislative Council, as a House of the Parliament, is entitled to require the Government to table documents and, in the event of documents not being tabled, to take action to seek to enforce that call. I acknowledge that the High Court's decision made it clear that it was not addressing documents that the Government claims are privileged, and that the Government ought to withhold such documents from the House.

However, the House has made it abundantly clear in relation to the debate on the water board that it requires documents to be produced by the Government, but it has not laid down an administrative procedure for the House to follow in dealing with such documents. This is not the first occasion on which the Parliament has had this debate. Since 1995 we have debated the authority of the Parliament to require the production of documents. On previous occasions, up until the debate several weeks ago on the water board, the Parliament never laid down a detailed procedure to handle documents that the Government claims are either Cabinet or privileged documents.

In none of the debates on Lake Cowal, the veterinary laboratories, the Department of Education restructure or the showground did the Parliament lay out a procedure to deal with such documents. Motions are already on notice about each of those issues, but again no procedure is laid out to deal with the documents. In debate on the production of water board documents, the House addressed directly how it should administer papers held by government, which government believes are privileged and ought not be in the public domain.

The House dealt with that issue in two ways. It was decided that members of Parliament ought to be able to read documents that are privileged but are not Cabinet documents but ought not be allowed to copy or publish those documents. If members of Parliament, having seen those documents, believed that the Government was improperly seeking to keep those documents secret then they could ask the President to refer such documents to an independent assessor such as a retired Supreme Court judge. The independent assessor would provide advice to the Parliament on whether or not the Government's claim for secrecy for those documents was justified. The assessor's report would be given to the Parliament and the Parliament would debate that issue, the Parliament taking the view that Parliament administers its own affairs and that these are matters that ought to be resolved following a debate in the House.

On a previous occasion the House took the view that Cabinet documents are in a special category, that confidentiality of Cabinet documents has been observed over the decades, if not over the centuries, and that Cabinet documents are not to be made available to members of Parliament or the public. However, if as a result of the experience of members of Parliament in examining other documents a member of Parliament believes that government could well have sought to include as a Cabinet document a document that may not properly fall within that category then the member could ask the President to refer the Cabinet documents to an independent legal assessor for advice. The Parliament would receive that advice and decide what it should do with the advice.

I have made clear the Opposition's approach to the issue of Cabinet confidentiality. Opposition members also take a strong view that claims of Cabinet confidentiality ought not be made improperly. In the past the courts have overridden claims of Cabinet confidentiality on the basis that it had been claimed inappropriately. Following debate on production of Sydney Water documents the Parliament set down a procedure, and Opposition members are of the view that that procedure ought to be in place for all calls for documents. The motion now before the House states that the new procedure should be set down for the Government to follow for all documents in respect of which a call has been made.

Paragraph 3(a) of the motion includes an additional procedure. The Government is asked to prepare for the House a return, which is to be prepared and tabled, showing the date of creation of documents in respect of which privilege is claimed,

a description of the document, the author of the document and reasons for the claim of privilege. Thus, the House will have an index of all of the documents that the Government states are to be privileged. When members of Parliament examine documents they will be able to compare those documents against the index. If a member asks the President to seek advice on a document, the document upon which advice is sought will be easily identifiable. That process is not burdensome.

Honourable members may recall the Government's production of a table of documents relating to the Sydney showground. There was debate about whether that table was adequate. The procedure followed was not unusual but certainly facilitated the examination of documents by members of Parliament and the administration of any claims of privilege and review of claims of privilege. This motion requires the Government to produce the documents requested by 10.00 a.m. tomorrow. The Government may well argue that an unreasonable call has been made. It is my contention that the request is not unreasonable. One would assume that the documents have been collated by the Government, given that the Government has been dealing with this issue for three years.

Similar calls have been made on previous occasions. The Opposition is not requesting the production of documents that have not been addressed by the Government. The Government has had the documents and, one would assume, has brought them together so that the House could have access to them. Honourable members would recall the approach taken in the Legislative Assembly by Labor when in opposition and demands made by Labor members that documents be produced before the end of a parliamentary session. I recall the House sitting until about midnight on one occasion in order that boxes and boxes of documents would be produced by the previous Government by midnight of a particular day. Those documents had not been collated—the previous Government had to search to find them.

As I have said, the Government may well argue that the request that the documents be produced by 10 a.m. tomorrow is unreasonable. I am happy to listen to what the Government may have to say on that score, but it is my view that the House should not be put in a position that it is not able to deal with this issue if the Government takes the intransigent approach it has exhibited throughout the past three years. To some extent, the Government's position has been completely debunked by the High Court. The High Court has made it clear that, in the view of at least two of the judges, the Parliament is a sovereign institution. At least two of the High Court judges have taken the view that this House has been less aggressive than it could have been in enforcing its rights as a Chamber.

Justices McHugh and Kirby have taken the view that constraints that we as members have imposed upon ourselves—that we pursue only documents necessary for the administration of government—perhaps do not prevail post the Australia Act and that the House has broader powers than it has insisted upon. That aspect does not arise in this issue. The Government should respect the authority of the House, produce all of the documents requested and respect the procedure laid down by the House to deal with claims of privilege. The Government may claim that yesterday the Treasurer issued a press release announcing a sensible solution to claims of privilege.

Yesterday the Government announced that it intends to appoint Sir Laurence Street or some other eminent person to review its claims of privilege. I have no difficulty with the Government doing that. If the Government wants to seek independent advice and to retain people other than the Crown Solicitor to provide that advice, so be it. However, this is an issue of the Government's accountability to the Parliament and of the Parliament being responsible for administering its own affairs, including the process for dealing with claims of privilege. If the Government desires to feel more secure in itself and have independent advice to assist it in claiming privilege, so be it—that is for the Government's administration.

The Government's decision to obtain advice from Sir Laurence Street should not be taken as the Government's excuse for not being accountable to the Parliament. If the Government wants to undertake that administrative process for itself, so be it. I should have thought that it would be sufficient for the Government to take legal advice and then table documents. If members of Parliament consider that the Government has gone too far then the Parliament should, as stated in the motion, obtain independent advice. The House should not decide that yesterday's Government media release is an answer to all the issues raised.

Why did the Government not make a statement to the House, why did it choose to merely issue a media release? Perhaps that is another example of the Minister's arrogance. By way of press release the Minister has said that the Government will obtain eminent advice and then tell the Parliament which documents it will make available. That is not the position that has been taken in this House. We

expect the Government to respond to the calls of the Parliament and to respect its authority and integrity. I commend this motion to the House.

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [11.20 a.m.]: I indicate at the outset that the Government will oppose the motion moved by the Leader of the Opposition. Every other Parliament in this country has legislation which confirms the powers and privileges of its Houses. This Parliament has chosen never to pass such legislation, despite a number of bills being introduced in the past. That has left the issue of the House's powers uncertain.

The powers of the Legislative Council have to be determined by way of implication based upon reasonable necessity. That is not a satisfactory basis upon which to ground such important and potentially far-reaching powers. It was that unsatisfactory state of affairs which led to the case of *Egan v Willis and Cahill*. There would have been no need to involve the courts if the Parliament had settled the powers of its Houses by way of legislation, or if the Legislative Council had shown the same restraint exercised traditionally by other upper Houses in this country.

I have written to members of this House suggesting that this matter be resolved by legislation. The Leader of the Opposition in this House, the Hon. J. P. Hannaford, wrote back, stating that the issue must be decided by the courts. However, the issue of the Legislative Council's powers have by no means been resolved. The High Court's judgment in *Egan v Willis* expressly leaves open issues such as whether the House can require the production of privileged documents and whether it can require the production of documents from persons who are not members of the Legislative Council. It does not resolve issues about the scope of State papers that can be required to be produced.

The Court of Appeal commenced hearing today the issue of whether the Legislative Council may require the production of privileged documents. Such issues will keep having to be heard by the courts until this House is willing to consider legislation to deal with them. Accordingly, the Government proposes to table the non-privileged documents within the scope of this order in accordance with the proposed orders of the House.

Until the litigation concerning privileged documents is resolved the Government does not propose to table any privileged documents. Members must appreciate that if the Government were to table such documents and the courts later held that there was no necessity to do so, the damage caused would not be able to be remedied. The appropriate course, therefore, is to wait until the matter is decided by the courts. This, of course, is what the Hon. J. P. Hannaford, the Leader of the Opposition, previously recommended to the House. The Government is aware of concern that privilege may be used as a cloak for hiding non-privileged documents. While being completely unjustified it is, nevertheless, still a concern that exists. Accordingly, the Government asked the Hon. Sir Laurence Street, former Chief Justice of New South Wales, to make an assessment as to whether these documents are truly privileged.

No member of the Opposition, or indeed of this House, could even suggest that such an assessment would not be made with all due probity and care by Sir Laurence. No person could doubt his independence and his qualifications to make such an assessment. The Government is prepared to show its bona fides in its assessment of privilege by having this further assessed by independent and eminent lawyers such as Sir Laurence and it intends to use this mechanism in the future. The Government is not prepared, however, to reveal privileged documents to honourable members as is proposed by the Leader of the Opposition. This would defeat the purpose of privilege and may even lead a court to conclude that all privilege has been waived.

The Government's proposal is a sensible and prudent response to this issue. It is workable and it must allay any doubts as to the legitimacy of claims. It is the type of mechanism that could be placed in legislation defining the powers of the House. This would resolve the need to keep on having to resort to the courts to rule upon these issues when they arise. The Government proposes to table non-privileged documents within the scope of the order. Those documents will be tabled as soon as the process of deciding what is privileged and what is not privileged is completed. Officers of the Government are attempting to complete that task as expeditiously as they can. I anticipate that that tabling will occur certainly on or before Friday of this week.

The Hon. J. S. TINGLE [11.25 a.m.]: I move:

> That the question be amended as follows:
>
> Omit "10.00 a.m. on Wednesday 25 November 1998" wherever occurring, insert instead "11.00 a.m. on Thursday 26 November 1998".

Some crossbench members—I am one of them—believe that more time should be given to honourable members to enable them to clear away some of the uncertainties that surround this issue.

One of those uncertainties is the matter currently before the Court of Appeal; the other is the claim by the Government that it will take a little more time for privileged documents to be sorted from unprivileged documents. In those circumstances we believe that it is not unreasonable to extend the time allowed for the delivery of these documents by 24 hours. That will give the Treasurer more time to move and it will enable us to determine whether what we see when those documents are produced is the maximum number of documents that the Government said it can produce.

Reverend the Hon. F. J. NILE [11.26 a.m.]: The Christian Democratic Party supports the motion moved by the Leader of the Opposition. It has been said before in this House that the Australian Labor Party, through its actions in government, believes it is legitimate for the Legislative Council and the Legislative Assembly to demand that certain papers be tabled. That has always been a major factor in our consideration of matters such as this.

The Australian Labor Party insisted on those powers being observed by the former coalition Government. It insisted on short timetables and did not take into account the trouble that that would cause the former Government. Documents which were in London had to be airfreighted to Sydney. No mercy and no compassion were shown and no concessions were given; a blunt order was issued to the former Government to produce documents. Underlying that demand was the threat that, if the former Government did not meet the deadline, there was a possibility of a no confidence motion being moved against it.

The new procedures announced in a press release by the Treasurer are another attempt by the Labor Government to prove that the power of the Executive is supreme to the power of Parliament. The Treasurer ignored the procedures laid down in a previous motion moved by the Leader of the Opposition in this House, which would have enabled us to assess what were privileged documents. That was a fair and just way for us to proceed. The Treasurer adopted that concept, but he does not want honourable members to determine what are privileged documents. He wants to make that determination.

That brings us back to the question of Executive power verses the power of the Parliament. The Treasurer is wrong in insisting that the power of the Executive is supreme to the power of the Parliament. That is really what this debate is about. We cannot convince the Treasurer that he is wrong. We should follow the procedures set out in the motion moved by the Leader of the Opposition.

I do not question the qualifications, the ability or the impartiality of Sir Laurence Street. I would be happy if the Parliament appointed him to undertake this task. However, he should have been appointed by this House rather than by the Labor Government. In some ways that has undermined his independence. Earlier the Treasurer said that we are forcing him to keep resorting to the courts. We are not forcing him to do that; he is taking fruitless cases to the courts which are costing the taxpayers of this State thousands of dollars.

The Labor Government and the Treasurer are challenging this House. If I had my way I would make the ALP pay for all the costs of those court cases. If not, the Treasurer should pay for the court cases personally so that in future he might think twice about going to court. At present he knows he can draw on funds from Treasury to pay all the legal expenses. It is a disgrace that that money is being siphoned off for court cases when the Government is crying that it has limited funds for necessary matters of government.

The Hon. J. S. Tingle has moved an amendment to defer the date for presentation of documents. Honourable members are well aware that the House is in the run-down to adjourning for the year, and until after the State election in March, and that there is a tension between how many sitting days are left and how much time will be required to deal with this matter. The Government may say it needs more time but the House does not have more time and it would be a fruitless exercise to allow motions to remain on the business paper for debate when the House has risen. Even though it might appear to be short notice, notice of this motion was given months ago. It is a not a new idea on the part of the Opposition to get the documents.

The Government has known for months and it cannot say it does not have time to collate the documents. If there was an intention to table the documents following the court decision they should already be collated in boxes. The decision of the court has supported the belief of the Christian Democratic Party, Opposition members and members of the crossbench as to the powers of this House. The Government is now testing those powers and this House has to be firm in dealing with this challenge to its own powers.

The Hon. Dr A. CHESTERFIELD-EVANS [11.31 a.m.]: We are drawing to the end of this parliamentary session so I will be brief. This is a critical motion in the nature of government in Australia. I will speak about three issues arising from the motion and the provision of information to the Legislature. In Australia there is a problem with

the notion of democracy. The will of the people is expressed through their representatives in Parliament. In the lower House there is a geographical bias because each member has a single electorate. The upper House has proportional representation so that the opinions of voters from all over New South Wales are represented in this House by the members for whom they vote.

The party with the majority in the lower House forms government, but because of the geographic distribution of the population, the Government may have a majority of members in the lower House without having a majority of votes. It is worth noting that John Howard polled less than 40 per cent of the primary vote, which translated into less than 50 per cent of the vote on a two-party preferred basis. John Howard has claimed a mandate for 100 per cent of the power for every decision he makes for all the time that he is in power.

The Carr Government received slightly more than 40 per cent of the primary vote, less than 50 per cent of the vote on a two-party preferred basis, and has a majority in the lower House. Thus it claims its so-called mandate for all power. That is against any reasonable notion of democracy. This House in a sense gives legitimacy to the idea that the modifying opinions do, at least, deliver the decision made by more than 50 per cent of the Australian people—or New South Wales people in this case. That simple concept seems extraordinarily difficult for the Executive to grasp. That is the principle of the Australian Democrats. That is what this House expects and the way that New South Wales should be governed.

The Australian Democrats are somewhat tired of the Government's patronising attitude and of being told, "You will get what you are given." In our view that has developed, unfortunately, from the great Australian tradition of a three-class society: the squatters, the convicts and the overseers. The squatters swanned in and, being from the right families, were given huge tracts of land for no apparent reason other than that they were gentlefolk. Unfortunately, their modern parallels are seen in some of the corporate behaviour. The convicts were sent here as punishment, and crawled out as emancipists to try to improve their situation. They took the view that they held up the rest of the country by their labours, and never quite accepted the legitimacy of those above them. Not much has changed and they could now be called our citizens.

Then there was the overseer class who perpetually pulled their forelocks to the squatters as they bullied the convicts. I am afraid that those who think they are running this Parliament seem to have inherited the overseer tradition. They have no concept of open government and it is time they developed it! The Australian Democrats support open government because we believe in openness, competition and the pursuit of facts. Without facts no decision is worth anything. If a decision is made based on questionable facts, by definition the decision arrived at will be questionable. It seems that that concept is foreign to the Government and, indeed, largely foreign to the Australian system of government. The High Court decision in *Egan v Willis and Cahill* stated:

> A system of responsible government traditionally has been considered to encompass "the means by which Parliament brings the Executive to account" so that "the Executive's primary responsibility in its prosecution of government is owed to Parliament". The point was made by Mill, writing in 1861, who spoke of the task of the legislature "to watch and control the government: to throw the light of publicity on its acts". It has been said of the contemporary position in Australia that, whilst "the primary role of Parliament is to pass laws, it also has important functions to question and criticise government on behalf of the people" and that "to secure accountability of government activity is the very essence of responsible government".

The judgment contains a quotation from the American case of *McGrain v Daugherty*, which stated in part:

> . . . it was said in the Supreme Court of the United States, in words which apply with no less force to the New South Wales Parliament:
>
> > "A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change; and where the legislative body does not itself possess the requisite information—which not infrequently is true—recourse must be had to others who do possess it.

That simply means that without information one cannot make a decision. I have commented on a number of occasions that rhetoric is often supplanted for facts in the way in which honourable members are expected to make decisions, and that is most unsatisfactory. It is even less satisfactory if honourable members are subjected to bullying tactics because of the need for some political imperative, which effectively means the demands or desires of some well-heeled lobby group. The concept that all information is provided to the people who make the decision is one that needs a lot of help in Australian society and Australian government.

Frankly, the Treasurer's media release, entitled "Sensible solution to claims of privilege", is an insult to our intelligence. Who is to be protected by all of these privacy considerations? As regards the quotes from some judges on the back of that

document, I say that the devil may quote scripture for his own purposes. Who is the Government trying to protect by claiming privilege? Is it trying to protect the people of New South Wales from the shock of actually receiving information about what is going on? The poor lambs had better be protected. Is the Government protecting the nation? I recall that some of those who supported our troops fighting in Vietnam, or supported other causes, said, "What would happen if the Russians woke up one morning and decided to invade Australia? What would we do?" It occurred to me that the average Russian general would not have known where Australia was!

Is national security at risk? Who are our enemies? I am not sure who they are. I previously cited the Russians, but they are not our enemies any more. Who would profit from withholding this information? Who are we defending ourselves against? Why the need for secrecy? Will our enemies find a chink in our armour and attack us? Who is the Government protecting in the national interest? If the Government does not have a clear objective, it is unlikely that it is trying to protect the nation.

Is the Government protecting the parties to the contracts? That idea sounds more fruitful. Perhaps the Government does not want the taxpayers to know how much they have been ripped off. That would not be in their best interests. Perhaps a party that has won a contract with a good bid does not want other contractors to see its recipe and use it in future tenders. According to the Hilmer report on competition policy, if a contractor has built a quality product or submitted a superior tender, then it is in the interests of the taxpayers of Australia, who are paying for the work to be done, that information about the state-of-the-art product or the best contract is made available.

Other contractors will then tender along the same lines, resulting in an improved standard of tenders and a better deal for the State. If a choice is to be made between the interests of the parties to government contracts and the people of this State, this House should fight on behalf of the people. The last group who might benefit from secrecy is the Government. If the Government has not entered into a good deal, if it has been lacking in probity or if the State's interests have not been well looked after, privacy would go a long way to protecting it. The practice of not handing over information seems to be on the increase.

Yesterday I asked the Minister about the nature of contracts for timbers on the north coast. He said that a model contract had been made available, I think in 1996, and that other contracts correspond to it—apart from the details of the actual contracts. When I asked why the contract had not been made available, the Minister said it was commercial in-confidence, like other contracts. He said with absolute confidence, "You do not get a look at any of our contracts. That is merely standard."

Now, a judge will decide which pieces of information members of this House will be allowed to see. Judges have a long tradition of making decisions about confidential documents. Dealing with such matters is their stock-in-trade. However, I am not sure that judges understand the concept: that it is all about people having access to the information. What happens with information is extremely important. The scientific community used to be proud of its discoveries and published information about them. Nowadays it is being influenced by the profit motive. New drugs, such as those used to deal with AIDS, are patented because a fortune can be made from them. The discoveries are not published because money gets in the way of information.

I suspect that that sort of thing is happening now. All documents should be made available to the Parliament at all times. The Government should be required to provide a list of those documents it does not wish to make available, together with reasons why they should not be made public. The onus of proof needs to be reversed. Honourable members should not have to ask a judge whether we are allowed to see the documents.

The Government should provide us with its reasons for not making information public. If the Government cannot give a reason, it can say that in the interests of the public a document should not be made available and ask that the House consider it to be privileged information, or seek a ruling from a judge. Alternatively, the members of the Government could look at such documents without the ability to photocopy or disseminate them.

The Hon. Franca Arena: Members of Parliament.

The Hon. Dr A. CHESTERFIELD-EVANS: As the Hon. Franca Arena said, members of Parliament should be able to view the documents. Judges should not make decisions for the House in these matters at all. I make a plea for far more open government in Australia, which this motion goes some way towards. Considerably more work needs to be done in this area. The Australian Democrats

will do everything we can to further those objectives.

The Hon. J. P. HANNAFORD (Leader of the Opposition) [11.46 a.m.], in reply: I want to clarify a couple of matters that were raised during the debate. The Government made reference to the fact that although a number of bills designed to establish a basis for parliamentary privilege have been introduced, none has ever been passed. In effect, the Government's argument is that until such a bill has been passed we should not do anything at all. The Leader of the House is right; there have been attempts to create a privileges bill for this Parliament. In a paper to an inquiry undertaken by Professor Enid Campbell in 1960, the Clerk of the Parliaments stated:

> The first bill (Privileges of Parliament Declaration Bill) was introduced and read a first time in the Assembly on 12th August, 1856.

Honourable members should also note the following comment:

> The measure met with considerable hostility, including a leading article in the "S.M.Herald" of 2nd September. After a change in the Ministry, in which the Attorney-General (Mr. Martin), who sponsored the Bill, was relieved of his portfolio, the measure, which was set down for the second reading, was dropped from the Business Paper on the 16th September, 1856.
>
> The next attempt was the passage of the Parliamentary Powers and Privileges Bill through the Assembly in October of 1878. The Legislative Council returned it on the 13th February, 1879, with a number of amendments. The Assembly agreed to some but disagreed to other of the amendments. The Assembly insisted on its disagreements and requested a free conference. The report of the managers on behalf of the Council was negatived on division in the Council on the 17th April 1879, and a further Message from the Assembly, "desiring to be informed of the steps taken by the Council," was referred to a select committee of the Council. The report was adopted and a Message was sent to the Assembly, where, on the motion of Sir Henry Parkes, the Message was removed from the Assembly records. Consequent upon this action the Bill was dropped.
>
> On the 31st October, 1901, Mr. R.D. Meagher introduced the Parliamentary Powers and Privileges Bill. This was read a first time and interrupted by Prorogation.
>
> The next attempt was made by Mr. Holman on the 20th March, 1912, when the Parliamentary Privileges Bill was introduced. This also was read a first time in the Assembly and interrupted by Prorogation.
>
> The following Session a further Bill affecting the privileges of Parliament was introduced, on the 15th November, 1912, by Mr. Holman. The title "Parliamentary Privileges Bill" was changed to the "Parliamentary Powers and Privileges Bill." Again the measure was interrupted by Prorogation.

Honourable members might recall that the only other step in this history is that I gave notice of motion of my intention to introduce a parliamentary privileges bill. That notice lapsed on prorogation. If honourable members go back through history they will find that this House has taken the view that we have an inherited common law power, and that we will insist on invoking it. The Government challenged that assertion, but the High Court has made it clear: we do have inherited power and we have the authority, and we should continue to exercise it.

The Government has taken the arrogant view that the courts will have to continue to deal with these matters until a bill is introduced, but honourable members have heard nothing from the Government about a such a bill. It is arrogant of the Government to continue to drag the Parliament through the courts. I wonder how long it will be before we hear of this arrogant Government seeking an injunction to stop the Parliament from dealing with this issue. I wonder whether the Government might try to do that during the current round of debates. The next issue relates to the Government's arrogance, if not absolute impertinence. The Leader of the Government spoke of referring this issue to Sir Laurence Street in a manner which suggested that the coalition is challenging the integrity and probity of Sir Laurence Street.

At issue is not the probity or integrity of Sir Laurence Street; the issue relates to the authority of Parliament and the Government's accountability to Parliament. The Government has taken the view that because it has the numbers in the Legislative Assembly to form government it is not answerable to this House; that because the Australian Labor Party is in government, the Labor Party can tell the Parliament what the Parliament will do; and that what is good enough for the Labor Party in government should be good enough for the Parliament. That is reminiscent of Richardson's book *Whatever it Takes*. That is exactly the approach taken by the Minister and the Government. The issue is not the integrity of individuals; the issue is the authority of Parliament over the Executive Government.

I have clearly stated the Opposition's position, which is the position taken by the crossbenchers; that is, that the Government and the Ministers are not above Parliament but are answerable to Parliament and, through Parliament, to the people. The Government has taken the view that it is not so answerable and it is prepared to fight tooth and nail to ensure that it is not made answerable. In a way that has never occurred before the Government is prepared to go to the High Court to make certain that its position, that government is not answerable to Parliament, is upheld. The High Court has

debunked that assertion, totally. The comments of Justice McHugh, at page 27 of his judgment, ring strongly in our ears. He said:

> . . . the privileges and powers of each of the Houses of the New South Wales legislature include the power to obtain information from a Minister who is a member of the House and to suspend that Minister when the House concludes that his or her refusal to produce information is obstructing the business of the House.

That statement encapsulates the issue and the Government ought to understand that it is answerable to Parliament and to each House of Parliament. The Government must understand the nature of the New South Wales electorate. It may have gained 48 per cent of the vote and formed government in the lower House, but never again will we see a situation in which a government has absolute power and absolute control, because it will never have absolute control of the upper House. Governments of the future will be answerable to Parliament and to the people and there will be scrutiny of governments, of all political persuasions.

On 27 March, there will be change to a coalition government and what I am saying now will still prevail. Previously I have moved motions to provide for the answerability and scrutiny of government. The House had laid down a framework that applied to the coalition in government and should apply to this Government.

I have sought to introduce a mechanism for accountability. I understand that the Federal Government is examining that process as it confronts the travails of not having the numbers in the Senate. In this House we have put down a procedure for a government to be accountable and we expect it to be accountable. The Minister has emphasised the Government's absolute arrogance and contemptuous attitude towards Parliament. I ask the crossbenchers as they deal with this issue, and the community as it approaches the election on 27 March, to consider what the Government's attitude will be if it is returned to office and the House has not expressed what it believes to be its authority in relation to the government of the day.

If the House is not prepared to say that its members are elected to keep a government accountable, and if it is not prepared to take a Minister and the Government to the barriers to ensure that it is accountable, what is our relevance? As elected representatives, we should say to the people in the lead-up to the next election, "We want you to support us and give us authority to keep governments answerable and honest in their dealings." If the House is not prepared to make this arrogant Minister accountable to the public and to Parliament on this occasion, why should the people ever vest any trust or authority in us on a future occasion? I commend the motion to the House.

Amendment agreed to.

Question—That the motion as amended be agreed to—put.

The House divided.

Ayes, 24

Mrs Arena	Mrs Nile
Mr Bull	Rev. Nile
Dr Chesterfield-Evans	Dr Pezzutti
Mr Cohen	Mr Ryan
Mr Corbett	Mr Samios
Mrs Forsythe	Mrs Sham-Ho
Mr Gallacher	Mr Rowland Smith
Miss Gardiner	Mr Tingle
Mr Gay	Mr Willis
Mr Hannaford	
Mr Jones	*Tellers,*
Mr Kersten	Mr Jobling
Mr Lynn	Mr Moppett

Noes, 15

Dr Burgmann	Mr Obeid
Ms Burnswoods	Mr Primrose
Mr Dyer	Ms Saffin
Mr Egan	Ms Tebbutt
Mr Johnson	Mr Vaughan
Mr Kaldis	*Tellers,*
Mr Kelly	Mrs Isaksen
Mr Macdonald	Mr Manson

Pair

Dr Goldsmith	Mr Shaw

Question so resolved in the affirmative.

Motion as amended agreed to.

FORESTRY AND NATIONAL PARK ESTATE BILL

Second Reading

Debate resumed from 23 November.

The Hon. D. F. MOPPETT: [12.03 p.m.]: Prior to the adjournment yesterday evening I had explained that this bill has been introduced by the Government in an attempt to bring to an end what I

described as a long-running war that has been waged between forest barricaders and timber loggers. I had developed the argument that over the years of that controversy the public has been largely marginalised and particular interest groups largely ignored. Over time the interests of stakeholders in the subject land have been transferred from forest reserves to national parks and, indeed, to wilderness areas. I said that the Opposition believes that the legislation has been prepared with the election rather than long-term solutions in mind. I point out again that over the past two decades or so huge sacrifices have been made by sawmillers and the communities in which they live because of the esoteric arguments advanced in relation to the utilisation of our forests for commercial purposes.

I mentioned last night that in one of the recent sweeping changes to forestry industry, moves were made by the State and the Commonwealth through the forest industry structural adjustment package to acknowledge those sacrifices. I said also that while that remained intact in terms of the impact of this bill on certain communities, the response of the Government was totally inadequate. I referred to Bombala and Dorrigo as notable examples of places which have been seriously hit by the contraction of available timber resources. There are many others: mills have closed at Mount George and Beechwood.

The list goes on, and even in the present circumstances frightening additions are being contemplated. It is a matter of great regret to me that in the course of this debate the conservation and recreational values of the State's forests, the actual forest reserves that are still part of the operations of the timber industry, have been ignored by extreme conservationists and their role diminished in the perception of the public.

I proclaim with absolute certainty that the most priceless examples of preserved ecosystems in New South Wales continue to exist today because they were part of flora reserves maintained by the Forestry Commission, which was later to become State Forests. Those ecosystems were respected by the sawmilling industry. I am referring not only to those reserves which were set aside by statute, but to the larger areas that were being actively harvested for timber reserves where strict conservation policies were pursued.

The foresters and sawmillers knew that ultimately it was in their interests to observe those policies because everyone can see what is happening to stands of trees. They are perhaps unlike other public assets such as fishing stock, which cannot readily be seen. The sawmillers understood that the harvesting cycle had to be in sympathy with the productivity of nature and had to be undertaken at a rate which preserved their livelihood as well as preserving the outstanding species of trees, the ecosystem and the environment in the forest reserves. Insufficient credit has been given to the foresters, the department, the communities, the sawmillers and the various contractors who worked with them.

A moment ago I said that people who used forest reserves for recreational purposes have been totally ignored in this equation. I do not propose to dwell on that because the Opposition cannot do much about it. However, I am sure that those who ride horses or use four-wheel drive vehicles in these areas will be dismayed that substantial areas of the national estate are to be locked up for national park purposes without any consideration given to what they regard as legitimate land usage. The bill is about conserving dry and wet sclerophyll stands and eucalypt stands in the eastern division of New South Wales. It is not about rainforest formations, which are often invoked in these emotive debates. Rainforests are totally preserved. The remaining examples—and I concede that large areas—

The Hon. I. Cohen: There are roads through rainforests to logging sites.

The Hon. D. F. MOPPETT: The Hon. I. Cohen says that there are roads through the rainforests.

The PRESIDENT: Order! The honourable member need not respond to the interjection.

The Hon. D. F. MOPPETT: I do not have to respond to the injection, but it is important to do so on this occasion because there has been a watershed in our approach. Most people can enjoy the esoteric benefits of looking at and contemplating rainforests by approaching them via a track or a road. One problem with this debate is that some people are locked into absolutism and want to have more of these precious areas locked away so that there is no access to humans, except those who approach on foot. I was about to say "barefooted", but it might be exaggerating a little to say that only barefooted people should approach rainforests.

Those who are contemplating this bill should realise that the declaration of 420,000 hectares—that is no mean area—of forest reserves as national parks is not a one-off declaration. That declaration is on top of other recent declarations of national parks which have gradually eroded the area of available forest resources. Previously I have said that the

botanical formations in New South Wales totalled about 17 million acres; 10 years ago only five million acres were available under the Forestry Commission, and only a small proportion of those five million acres was accessible and being actively considered for harvesting operations.

Over the years forest reserves have continually contracted as a consequence of a campaign on a tree-by-tree and compartment-by-compartment basis to the point at which people in the community thought that they were fighting for the last blackbutt or the last brush box tree in New South Wales. Nothing could have been further from the truth. On behalf of the Opposition I do not intend to oppose the schedule of forest reserves that will be transferred to the national park system, with one notable exception. The Hon. I. Cohen, who is listening intently to what I have to say, may be under the impression that the Opposition intends to allow part 2 of schedule 1 to pass without amendment. However, I intend to move for the exclusion of a small area in Stewarts Brook State Forest amounting to 900 hectares which is vital to a mill in Muswellbrook but which the Government proposes to add to the almost 80,000 hectares in Barrington Tops National Park.

Honourable members should acknowledge that in the scheme of things, which I described earlier, before forest reserves are revoked and transferred to national parks consideration should be given to the socioeconomic impact of the transfer on small communities. The Opposition made its views known at the time resources vital to the mill at Coolah were transferred to Coolah Tops National Park. Regrettably, the mill at Coolah has closed. In Committee the Opposition will move for the excision of seven small compartments. Those who know the forestry industry would know that compartments are not large areas. We are not talking about whole reserves or vast areas but an area which was logged in the past and offered to a Crown quota mill as the basic sustenance of its operation. I have been led to believe that the mill faces closure and the disengagement of its staff, which will have an enormous impact on that rural community.

There is no evidence to suggest that these compartments are vital to the preservation of a unique ecosystem or an ecology that is not represented in other areas, especially Barrington Tops National Park. Most people in New South Wales and, indeed, in the Commonwealth of Australia want a reasonable compromise on this issue. They reject the all-or-nothing concept. The Opposition has come a long way in accepting the earlier adjustments to the forest reserves and the extensive adjustments proposed in this bill, to which it will raise no objection. However, the Opposition rejects the ever-moving threshold proposed by certain advocates of extreme conservation whom I believe have no less a goal than the complete closure of the native hardwood industry.

The Opposition will support the measures in this bill that stabilise and consolidate the position of existing mills. The unequivocal message we have received from industry operators is that the thrust of parts 3 and 4 of schedule 1 should be passed. If I adopted the technique occasionally used by honourable members of reading onto the record all the messages of support I would be here most of the afternoon. I will not do that; I simply ask honourable members to take it as read that the sawmilling industry is united in wanting the broad thrust of parts 3 and 4 passed during this parliamentary session. We have heard the industry's message and intend to respond to it. The Opposition will move amendments in Committee—and I hope they are successful—because it believes that parts 3 and 4 are inadequate to achieve the objectives of the sawmilling industry.

Part 3 introduces the concept of forest agreements. The sawmilling industry universally supports the agreements lifting the horizon from annual allocations of timber to 20-year agreements. In the early stages of the war for years the industry lived with yearly allocations, which placed an intolerable strain on it. Then there was a move to five-yearly agreements. As I said earlier, in many aspects the agreements are inadequate because they are established by the concurrence of the three Ministers responsible for forests, environment and planning—perhaps with the intervention of the Minister for Fisheries. It is unsatisfactory that such agreements can be revoked over a cup of coffee by those three Ministers.

A major concern is that there are not sufficient timber resources to sustain five-year contracts, let alone 20-year contracts. In some areas of New South Wales—I do not know whether it applies across the State—I have seen with my own eyes how the resource is diminishing. Madam President, near to your home you would see timber jinkers going to the mills. Once the jinkers would have gone by with a full load of three, four, five or six logs—first-rate logs for sawmilling purposes. Now the diameter of the logs has diminished to such an extent that up to 35 sticks are required to make up a jinker load. The number of faults in the logs is obvious. They are being harvested because the compartments with more mature trees cannot be harvested to make the operation more efficient.

The Hon. D. J. Gay: The yield is not sustainable.

The Hon. D. F. MOPPETT: Yes. It is like a grazier being a bit short of money and bringing forward his shearing. Instead of shearing his sheep once a year he may start off shearing them after 10 months and then end up shearing them every six months. Sooner or later he will go broke. That is what will happen with these resources.

The Hon. D. J. Gay: It is like running 5,000 sheep when you should run only 2,000.

The Hon. D. F. MOPPETT: That is a better illustration. It is overstocking. It is overexploitation of the resource. If the 20-year agreements are to be sustainable the Government will have to address this point. With this adjustment and the previous one, when the industry was asked to accept radical rationalisation and restructuring, the Government tried to mesmerise the public by talking about the virtues of value adding. The Government will have to be satisfied in relation to forest agreements that the mills are investing money in value-adding processes. Such requirements are not necessary in the agreements or in the legislation. No-one is more interested in value adding to the product than the sawmillers. They do not want to harvest the resource to sell it for nothing. The fact that some of the timber is used for woodchips in some areas reflects the resourceful utilisation of what otherwise would have been by-products of the forest.

What some people regard as being value added, highly developed flooring boards could be the subject of oversupply in the market. Only the sawmillers can adjust their production to meet the situation. It may come as a surprise to some people that the most highly valued product from a sawmill today may be a plank of timber of unusual length with high load-bearing capacity dressed out of the log without any complicated process. Indeed, it will probably be government that will put the value on it by requiring such timber as a feature bearer in a certain position.

The sawmiller then has to identify the resource that is able to provide such a unique piece of building material. When people criticise the production of humble pallets they should remember that pallets are built from lengths of timber which could not be utilised efficiently for other products. Again, this shows the resourcefulness of the timber industry in recovering the maximum from the resource out of the forest.

Part 4 contains a proposal which the Opposition supports: the introduction of integrated forestry operations. One of the worst features of the long period of confrontation has been that whatever agreements have been reached are then subverted by people who do not accept the decision. They go out into the forest to mount blockades, get in the way and sabotage forest operations. By a whole series of other manoeuvres outside the forests and in the courts they have been able to hold up legitimate forestry operations which have the approval of the authorities at the time. It is our intention to tighten up the agreements. I greatly respect the Hon. I. Cohen for his integrity in dealing with these matters and in negotiating with the Opposition on his strategy. I regret to say that the Opposition will not support the Greens amendments to reintroduce third party rights. That would not be a surprise to him.

The Opposition congratulates the Government on the provisions in relation to environmental impact statement requirements under integrated forestry operations. There are few other matters the Government can be congratulated on. Schedule 9 extends the Timber Industry (Interim Protection) Act. That is a vital and unexceptionable provision. I hope that it will be supported by everyone and not debated at great length. In spending a considerable time on dwelling on the core elements of the bill, the balance between forestry operations and the need to ensure a viable and, if anything, expanding and confident timber industry, I do not want people to think that the Opposition has ignored other important measures in the bill.

I refer particularly to the significance of measures to transfer some forest reserves to Aboriginal ownership and to preserve what native title may subsequently be proved to exist in these areas so that they are not extinguished by the operation of the bill. The Opposition supports the aspirations of Aboriginal people in relation to ownership and management of public lands. Whilst members of the Opposition have strong views about the resolution of native title claims, we do not believe that they should be extinguished at this time by legislation designed to have significant other purposes not relative to native title.

With those remarks I indicate again that the Opposition will co-operate with the Government in trying to ensure that this bill passes through the Parliament and becomes law. The Opposition hopes that the Government will accept the majority of its significant amendments and vote for their adoption. I warn the Government that some of the amendments are of such an essential nature that the Opposition will call divisions on them, and that if as a result the bill is not passed, the odium will be on the Government.

Our attempts to rescue this package are genuine. We are more than happy to enter into discussions with the Government, but we believe that significant sections of the bill must be strengthened. My colleague the Hon. D. J. Gay will speak at great length about the serious omission of any worthwhile and realistic package to address the economic depression that has been wrought on certain areas with which he is familiar. I thank honourable members for their patient audience. I look forward to their help and co-operation in passing our amendments.

The Hon. J. S. TINGLE [12.30 p.m.]: I listened with great interest to the words of the Hon. D. F. Moppett. Few people in this House are as eloquent or, should I say, loud as he. His detailed analysis of the Forestry and National Park Estate Bill shed a great deal of light on its background.

The Hon. D. F. Moppett: Stentorian, not loud.

The Hon. J. S. TINGLE: Stentorian if you like; perhaps we shall say audible. I totally endorse the Hon. D. F. Moppett's sentiments about the need to protect the sawmilling industry. However, he described this bill as being before its time. I must disagree. This bill is well after its time. For many years this bill or something very much like it has been needed to try to deal with the stand-offs created by competing forests interests. I support the Forestry and National Park Estate Bill. Despite all the sound and fury that the bill has stirred up in the last few weeks, the Government should be complimented on one of the best balancing acts that I have seen since entering this Parliament.

This bill has been devilishly difficult to arrive at, particularly given the need to deal with the huge pressure from the green movement and the competing needs of the timber industry. This bill achieves the balance and equity we had all hoped for. Indeed, I must admit that I am not a little surprised to find myself saying that because until I saw this legislation I believed there was no possible solution to the competing claims. The timber industry says that it is satisfied; that the legislation will give it some certainty for the future and will reverse the steady erosion over the past decade or two of its lawful right to trade.

Over recent years the growing tendency has been to depict the timber industry and its peak representative body, the Forest Products Association [FPA], as some kind of insatiable and rapacious monster. All manner of dubious motives have been attributed to it, and its executive director, Mr Dorber, has been personally vilified as the enemy of all conservation and even of some sort of basic environmental decency. The FPA represents 450 companies and more than 20,000 workers in a long-established industry that has been a major player in the development of this country. Many jobs were lost because restrictive policies forced mills to close, and this ended family work associations with the timber industry going back two or three generations in many cases.

The impact of mill closures on places like Coolah, as referred to by the Hon. D. F. Moppett, has been enormous. I was one of four crossbenchers who flew to Coolah to examine the impact of the closure of the mill. In the mill, with rain coming through the holes in the roof, the wives and children of the timber workers begged us not to close down the industry that supported their town, gave them an income and kept them in food, clothing and housing. However, the mill was closed down. Although the Government has undertaken relocation programs for most displaced workers, many were too old, too unskilled or simply felt too defeated to pick up the pieces of their working life and start all over again.

Surely those people, the little people, also have a right to be heard and considered in this proposal. Trees and forests are immensely important, but dare I suggest that people are important too. At least as important. Surely the timber industry, which is a large and essential industry, has the right to some security for its future existence. The FPA claims that the provisions of the new legislation will allow at least 550 direct jobs to be created in New South Wales over the next two years. It says that the north-east forestry package will underpin the future of 25 major family companies and more than 3,000 employees along the north coast. Surely all of this deserves consideration and assistance.

The Greens are not happy. How could anyone not know that they are unhappy? I have unbounded respect for the commitment and determination of my friend and colleague the Hon. I. Cohen, which is in sharp contrast to certain noisome extreme Greens whose rude and aggressive tactics have so damaged their own case in the eyes of reasonable people who have tried to maintain open minds about this issue. The Greens must look at their objections to this legislation in a wider light and understand that sometimes compromise is the only reasonable solution to impossible situations.

If the Greens took more notice of the positive aspects of this bill and concentrated less on the negative aspects, they might see the reasonableness of the proposals. After all, 358,000 hectares of State

forests have been committed to national parks. A further 700,000 hectares have had restrictive management practices imposed on them. About 30,000 hectares of Crown reserve land have been transferred to the national estate. This should be considered a pretty big win for the conservationists of this State. However, I believe also that those conservationists should be capable of living and letting live. In other words, they should understand that the Greens do not have exclusive mortgage on concerns for the future of native forests, old-growth forests and other sensitive areas.

The Greens should acknowledge that others have an equal right to be heard and that not all virtue reposes in total conservation and exclusion. They should understand also that in the long term all realisable conservation involves a sensible compromise between essential preservation and controlled exploitation. If all of the objectives sought by the Greens were put in place, what would be left for the forestry industry? Where would we get the essential materials that the forests produce for our houses, our furniture, our paper and all other things for which timber can be used? Already we import more than $2 billion of paper-making forest products each year. Do we want this figure to increase?

Do we want to impose on our forest industries the sorts of extreme restrictions that will result in increased imports, which will rape and plunder the forests of vulnerable countries like the Philippines, Singapore, Thailand and Chile? Do we want to be involved in creating another disaster like the plunder of the forests of the mighty Amazon? Of course not! Certainly we do not want that to happen in our country either, and this proposed legislation avoids that result. However, we do not have the right to impose these sorts of standards on our forests at the cost of the destruction of forest in less fortunate lands.

We must take a global view and understand that our needs of balance, conservation and exploitation cannot be viewed in isolation. We must understand the counter effects on other parts of the world that could flow from too much restriction on industry here. Of course, we must husband and preserve our natural resources, but can it be done regardless of the cost to others and to ourselves? The bill could be improved in some areas and I shall consider some of the foreshadowed amendments. I would be happy to see a softening of the sole right of legal action given to the Minister, but I am not prepared to support an amendment that would allow open slather to everyone to clog the courts and use them to deliberately obstruct this legislation.

I would like to be absolutely sure that there are safeguards against secret deals. I would support any necessary amendments in that direction. But any suggestion that we do not have the right to exploit our natural resources in a managed, careful and efficient manner must be rejected at the outset. Sustainable utilisation is possible and while this bill may not achieve every last vestige of that, it goes a long way further than any previous legislation. This bill creates new untouchable areas of national estate.

It gives the timber industry some security of tenure to allow it to plan for the future and, most importantly, it secures jobs. Australia is recognised amongst western-developed nations for the high standards of its forestry management programs. Therefore, let us view this bill as another step in strengthening that position, which it is, and stop viewing it as an environmental and ecological disaster, which it is not.

The Hon. J. F. RYAN [12.39 p.m.]: This bill is a shameless political exercise drafted for the hopeless mission of saving the bacon of the member for Clarence in another place. Although the Opposition will support the bill, it will do so only if it is improved. The Opposition acknowledges that the bill completely repudiates the logical scientific process that was put in place by agreement between State and Commonwealth governments in 1992 in order to solve the seemingly intractable question of how to balance the needs of the forestry industry with the imperative to conserve an adequate, representative sample of our forest environment for future generations.

The bill breaks an unbelievable number of promises that the Premier made before the last election with regard to the forestry industry and the conservation of our natural environment. For the purposes of political gain it reserves areas of State forests which could be sustainably logged and it sacrifices other areas of our environment which should remain wilderness for all time. The bill abandons entirely the logical and scientific study that was part of this process and had the opportunity to bring the peace which Bob Carr promised to this debate.

As the Hon. J. S. Tingle said, it is obvious that a compromise is necessary between the need to conserve the natural environment and the demands of the forestry industry. However, this bill seeks to create a compromise long before the study has been completed, before the scientific data is available, and before decisions can be made on an objective scientific base. Rather, it substitutes in its place a

political compromise that is likely to be attacked at some future date by a future government or coalition of different interests.

This bill also adds unfunded financial liabilities to the State Government which are difficult to calculate and puts at risk a promise of $60 million from the Commonwealth Government towards forestry industry restructuring. For years many debates about the environment have taken place in this Parliament, not because honourable members differ in their commitments to protecting the environment but because there is a dearth of scientific information on the appropriate way to protect the environment and preserve areas for sustainable logging.

We all toil in ignorance because we know so little about the extent of endangered or threatened species, how they are represented across the State and the elements of flora and fauna that make up our forest environments. Until that information is available we cannot confidently work out which areas of our natural environment need to be protected in order to ensure that we have an adequate and representative reserve system, as originally promised by the Carr Government and agreed to by the coalition.

The process which this bill casts aside was designed to provide a basis on which these decisions could be scientifically based and to allow the decisions to be soundly based on objective information, resulting in decisions that would be respected and, more important, would stand for all time. In 1992 the Commonwealth and State governments representing all political parties signed the National Forest Policy Statement. They undertook to create a comprehensive, adequate, representative reserve system and a system of regional forest agreements across all States in Australia. The coalition has consistently supported this process.

The Carr Government has scrapped the process, at least for north-east forests. Where is Bob Carr's promise to bring peace to the forests? Over the past few weeks it has become perfectly clear that the promise is in tatters. The Government's commitment to reserve 380,000 hectares excludes wilderness areas that Bob Carr promised specifically to protect. I understand that approximately 56,000 hectares of identified wilderness within State forests will remain available for logging. It will leave more than 200,000 hectares of old-growth forest in State forests outside the dedicated reserve system. Scientific information is not available to ascertain whether the right decisions have been made. Before the last election Bob Carr promised:

> We will end export woodchipping by the year 2000 or earlier, if regional circumstances permit.

Instead, this bill effectively ensures that New South Wales will have more, not less, woodchipping. Like other members of the coalition I am not opposed to the logging industry. When properly managed it is a soundly based environmental industry that uses natural and endlessly renewable resources and reduces greenhouse gases as old trees are harvested and then regrow. Unfortunately, this bill abandons the need to preserve the sustainable future of this important industry. A key ingredient to the sustenance of this industry and to minimising its impact on the environment is to ensure that the wood harvest cycle is not too short. This arrangement, for largely political purposes rather than for scientifically determined purposes, condemns our forestry industry to an ever-shortening harvest cycle.

Bob Carr is effectively locking up three-quarters of the paddock in order to thrash the tripe out of the remaining one-quarter. Trees will be felled earlier in their life cycle, risking not only the sustainable future of wood resources for future generations but also the value of the 20-year forest agreements referred to in the bill. The Government has yet to answer what will happen if its sums are inadequate—as is likely with this political solution—and if the guarantees given to the forestry industry cannot be delivered because the ever-shortening forest cycle delivers an ever-diminishing supply of wood.

After the forestry industry has been restructured what will happen if the so-called resources guaranteed to the industry cannot be delivered? Some future government will have to battle with claims for compensation from the forestry industry because it has been sold out. The Opposition does not demur from these significant concerns, although it will not oppose the bill. Other people use national parks and forest areas for recreational activities, such as horse riding and four-wheel driving. As an environmentalist I am happy for people to participate in recreational activities outside environmentally sensitive areas. However, the Government has not consulted them about whether these pursuits are in areas that are not environmentally sensitive or whether the areas are being ruined.

Another area of concern relates to the outrageous television commercials—no doubt produced at considerable expense—which mean absolutely nothing. Not a single forest agreement has been signed, yet we are told that the forest

agreements have been delivered for the people of New South Wales and that they will somehow achieve a balance between the forestry industry and conservation groups. No-one believes that. The advertising is an attempt to bolster the Carr Government's electoral prospects, which are not particularly good.

The coalition intends to move amendments to make this bill workable. The Opposition will seek to have included in the bill—it is hoped, with the support of the Committee—a greater level of reporting in regard to forest agreements. That would allow the scientific process to continue even though the decisions were made in the absence of scientific information. This is not a happy day for the Carr Government. I doubt very much whether the bill will save the bacon of the member for Clarence.

The haste to pass the bill before the next election will plunge this State's forestry industries into more debate and controversy about the need to conserve the environment. It will not solve the problems. The bill will not do what the Hon. J. S. Tingle says it will do. It is not really a compromise; it is a political truce until after the election. It remains to be seen whether any of the promises will be delivered, because not many have been delivered to date. With those comments I look forward to the Hon. D. F. Moppett moving amendments in Committee.

The Hon. Dr A. CHESTERFIELD-EVANS [12.49 p.m.]: This bill represents a triumph of politics over science. It represents the theft of people's right to hold government departments accountable for their own codes of practice. This is a very disturbing development in modern Australia. The bill shows that the Government is unable to quantify, or is prepared to lie about, available timber resources. It is possible that the taxpayers of this State will be liable for hundreds of millions of dollars to compensate large companies which, after investing millions of dollars, discovered that the resource they were promised simply does not exist. Smoke and mirrors, pea-and-thimble tricks—call it what you like—this Government is about to hand over for up to 20 years the forests that belong to the people of this State.

Estimates of the availability of timber vary from about seven years supply to nine years supply. The Government is offering the timber industry levels of supply from the north-east that cannot be met from forests that have already been overcut. If businesses in the private sector did that, fair trading and consumer protection legislation would come down on them. It would be similar to a company signing a contract to build a 200-room hotel but instead building a 75-room hotel and saying, "Here is your hotel. Sorry it is smaller than the contract stated." What does the Government think large timber companies will do on behalf of their shareholders when they are told, after investing their millions, that timber is running out well short of the halfway mark of 20 years?

The honourable member for Coffs Harbour in the other place highlighted this problem when he revealed an internal memorandum from Ross Sigley, sales manager for the northern rivers region, that there is "simply no quota size wood" in hundreds of compartments of the Casino, Urbenville, Murwillumbah and Tenterfield areas. The memorandum stated:

> It must dawn on our top resources people eventually that stands carrying a level of volume which is only a fraction of their capacity are already in serious trouble.

He continued:

> Incidentally, we are not the only region who is looking at being in trouble.

The alarm bells have sounded. The frames process is flawed, and environmental groups have told me that they believe the assessment of volumes process was flawed. The Government and the public sector tell me that a lot of money—$35 million—was spent gathering this information. What this forester has said in his memorandum is based on his apparent knowledge of this and a number of other areas. This man is not sympathetic to the Greens. His idea of a win-win situation is that the locked-up areas and the areas with little timber should be switched. The Minister's minders told me yesterday that the memorandum may be a fabrication. If that is so, no attempt has been made to prove it to me, even though the recipient of the memorandum is known.

The Australian Democrats support whistleblowers. People who tell the truth against the Government should be protected. We will watch Mr Sigley's future career development with interest. He should be congratulated on attempting to address the liabilities that could potentially face State Forests when it signs off on a contract for timber that does not seem to exist. There is in Australia an historical movement towards greater knowledge of the environment. The little native forest that remains will become all the more precious. Its value as timber will increase, and its value as forest will increase even more. The timber industry may not be a sunset industry, but if it is logged at an unsustainable rate—as is the case now—jobs will go.

Technology allows greater productivity. Fewer people can cut down and chip trees, just as fewer workers can mine coal or iron ore. Thousands of jobs are lost in the public service and public utilities, yet we are expected to cheer the wonderful efficiency gains. Thousands of jobs have been lost in the banking industry, and people are concerned about rural towns, but it seems that they are not so concerned about the bank workers. But, if jobs are lost in the timber industry and the Government spends $100 million to maintain 3,900 jobs—if the most optimistic figures are to be believed—that is regarded as a good thing.

This is reminiscent of the tobacco industry. Demand was falling at a modest rate but it never exceeded 4 per cent a year. However, many jobs were lost. About two-thirds of those job losses were due to factory closures and increased efficiencies in processing plants—in other words technology—but the health fanatics were blamed for the job losses. Even when more people were killed by the tobacco industry than were employed in the industry the Government was asked to delay implementing health measures for the sake of the jobs. Huge subsidies were paid for various tobacco industry stabilisation plans. They were launched with great fanfare but lasted only about five years. At the end of each scheme the mendicants were still there, so the system was propped up again. The tobacco farmers did not leave the industry, so more money was spent over another five years.

One study carried out by the Australian Bureau of Agricultural and Resource Economics stated that it was hard to work out what the subsidies were but they were about three times the value of the total sales of tobacco produced by the farmers. Eventually, after receiving huge dollops of taxpayers money, tobacco farmers made a living growing berries or grapes, crops that supposedly could never become economic. A document from the Tobacco Research and Development Corporation, which is available on the Internet, revealed:

> . . . in early 1994 the Victorian Government provided $3 million to allow the retirement of 1.5 million kilograms of quota [which] . . . allowed the retirement of 68 growers.

The subsidies that were provided for restructuring were always more than health groups could ever dream of. But about 60 Australians died each day as the delay continued year after year. The native forest woodchipping industry will run out of grist as we run out of forest. As in the tobacco industry, the money spent reflects the political power of the industry rather than the worthiness of the cause. We should not be callous about loggers, but technology will take most of their jobs. We should get them into other jobs before, not after, our forests have disappeared. If as much money were spent on those workers as is squandered on subsidies—which will continue as taxpayers pay for roads wrecked by logging trucks driving our precious forest timber to the foreign woodchippers—the workers would have a very safe future.

Another important aspect of the bill is the removal of third party rights. The Australian Democrats cannot possibly support that provision. We cannot support the removal of a citizen's right to take action to ensure that a government agency complies with its own policies and with the laws passed by Parliament. It is a principle of law that the poacher and the gamekeeper should not be the same person. Sydney Water does not want to both set and meet its own standards. In the boilermakers decision, an old precedent, the judge and the advocate could not be the same person. The removal of third party rights would go against that principle.

Although I have not been in this place as long as some honourable members, I do not recall any action being taken against an agency unless there had been a genuine breach of the rules. The idea of a frivolous complaint seems to relate more to the rhetoric than to the reality. Yesterday's briefing with the Minister and his adviser gave no shining examples as to why these basic third party rights should be legislated away. People do not take legal action lightly: it is expensive, lengthy and difficult. Legal aid is not usually available for cases that do not involve a precedent, and recent cutbacks make it unlikely that applications for funding of such cases would be successful.

The Government says that this bill solves the problem of subsidies and compensation. But in law, when a dispute exists, that problem needs to be solved. The loggers want the forests now; most of New South Wales wants them forever. That is a political problem. The real problem is that the forests are finite and cannot be harvested like other crops. If they are considered merely as wood rather than as an entire ecosystem that is what they are: slow-growing crops. Harvesting of our forests will have to stop, and it is better that it stop while some forest remains.

Historically, appreciation of forests is growing. As forests decline, ecotourism by foreign tourists and Australians will increase. Tourism is a growing employment area, while mining and harvesting are shrinking. Like the tobacco industry, the best the logging industry can do is to work long-term contracts as fast as possible, make problems into political crises that have to be solved, and attribute

the outcome to the political strength of the industry rather than to its real long-term job generating capacity.

Rather than take a broad view of historical trends, the Government has capitulated to the logging lobby. Sadly, the Government's line is that the Opposition stance is worse. That frequently heard refrain is a poor substitute for good policy. I once thought that leaders were elected to lead, to find out facts and implement solutions. I thought leaders were elected not to follow current polls but to make decisions that will be commended 30 years hence.

Unfortunately, politics spring from short-term polls about what people are thinking now. Most current polls show that the majority of people would rather conserve forests than save the few jobs they generate by postponing the day of reckoning. In September 1997 a study by the Department of Geography at the University of Sydney asked:

> Timber harvesting in native forests may have an adverse impact on the abundance of native plants and animals. If this is the case do you think:
>
> (a) The environmental costs are too high, it might be better to compromise on forestry activities; or
>
> (b) This is unfortunate, but we need forestry products and employment.

The result of the study was that 71.4 per cent of people valued conservation, 14.7 per cent were for logging and 13.9 per cent did not know. In the same study, the following scenario was put to the people being surveyed:

> I would like to see more forested land conserved, even if it means a loss of income to the State from timber harvesting.

Of those surveyed, 46 per cent agreed and 16 per cent strongly agreed, 17 per cent disagreed and 2 per cent strongly disagreed, and 19.5 per cent were not sure. The majority of Australians clearly want better conservation outcomes. However, the Government will not lead them, or even follow them. I am reminded of the political reality that the efforts of even a strong and well entrenched lobby are irrelevant if it has the support of only about 50 per cent of the population and that it needs at least 85 per cent support to deal with the lack of leadership displayed by successive governments. Here, again, that political reality is writ large.

Timber is not harmful in itself; it is an excellent product. We all like wood, but increasingly, of necessity, replacements are being used because there is not enough timber. The growth time lag is too long, and historic practices and demand increases are out of kilter. The answer cannot be that our forests must be destroyed to bridge the gap. It would be nice to simply vote this bill down, and try to produce a better solution. Unfortunately, I have little faith that the Opposition could fix the problem better than the Government is attempting to do. Arguably, the Opposition would fix it worse. In his contribution to the second reading debate in the other House, the honourable member for Ballina said:

> A future coalition government will provide the policy framework and resource security for a sustainable and economically viable timber industry. The coalition will do this by completing the regional forest agreement process in consultation with, and with the support of, the Commonwealth Government. This process will provide the basis of 20-year iron-clad timber supply agreements, which will be contractually enforceable, as well as a scientifically robust reserve system. Unlike a Carr Government's wood supply agreement, which by the Minister's own admission will be delivered only after future resource inventories have been undertaken, the coalition is prepared tonight to guarantee such wood supply agreements without the preconditions imposed by the Labor Government.

It is terribly simple: the timber cannot be promised if it is not there. One cannot get blood out of a stone.

The Hon. Dr B. P. V. Pezzutti: Finish the quote.

The Hon. Dr A. CHESTERFIELD-EVANS: I am challenged to finish the quote. It further states:

> From an industry perspective, the Forestry and National Park Estate Bill adds to the national parks reserve system without providing the resource security and certainty that the forest industry must have for investment, timber processing expansion and employment maintenance. The bill will transfer 420,000 hectares of land to the reserve system before regional forest agreements have been completed.

That is all very well, but there will not be enough forest without logging the parks that are currently in the reserves. The problem has not been solved. The coalition has merely said that it is happy to have forest reserves in the short term where there is not old-growth forest. This is not the answer to the problem. I am concerned that the bill makes headway in providing forests but puts the timber industry in the difficult position of not having access to such forests. On the other hand, we should face the reality that there is not enough timber. That is what we should be discussing. Unfortunately, the bill does not provide as many reserves as it should, nor does it move in the right direction historically.

Debate adjourned on motion by the Hon. Dorothy Isaksen.

[*The Deputy-President (The Hon. Jennifer Gardiner) left the chair at 1.06 p.m. The House resumed at 2.30 p.m.*]

INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

The President tabled, pursuant to section 78(1) of the Independent Commission Against Corruption Act, the report entitled "Investigation into The Department of Corrective Services—Second Report: Inappropriate relationships with inmates in the delivery of health services", dated November 1998.

The President announced that pursuant to section 78(3) of the Act she had authorised that the report be made public.

VICTIMS COMPENSATION AMENDMENT BILL

Second Reading

Debate resumed from 23 November.

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [2.34 p.m.], in reply: I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

The Hon. I. COHEN [2.37 p.m.], by leave: I move Greens amendments Nos 1 and 2 in globo:

No. 1 Page 3, schedule 1[2], lines 11-13. Omit all words on those lines. Insert instead:

> $25,000 (or such other amount as may be prescribed by the regulations) an amount determined in accordance with the following table:
>
> **Table**
>
Amount of award	**Amount to be deducted**
$2,400-$8,000	Nil
$8,001-$15,000	$250
$15,001-$20,000	$500
$20,001-$25,001	$750

No. 2 Page 3, schedule 1[2], line 18. Omit "$20,001". Insert instead "$25,001".

Currently the bill proposes a $750 deduction for all compensation awards of $20,001 or less, other than those to family victims. In the Greens opinion, this is discriminatory. Flat deductions such as that proposed have a disproportionate impact on small awards. It is significant that the amount proposed is $750, the current maximum amount allowable in a prescribed scale for professional legal costs. Why should victims receiving smaller awards bear a higher percentage of the legal costs of the victims compensation scheme than victims receiving higher awards? The Greens propose a stepped scale for deductions when the compensation payable is less than $25,001. I commend these amendments to the Committee.

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [2.38 p.m.]: If these amendments were accepted they would replace the Government's proposed deductible of $750 which is to apply to awards under $20,001, with a sliding scale of amounts to be deducted from awards under $25,001. The Government's proposal is being introduced as a further measure to ensure the long-term financial viability of the scheme. The Joint Select Committee on Victims Compensation proposed that the minimum award threshold be increased to $5,000. The minimum award threshold was increased from $200 to $2,400 only 18 months ago, when the new legislation came into operation. The Government considers that it would be more appropriate to review the minimum threshold following a longer period of operation of the scheme.

The deductible of $750 applying to awards of less than $20,001 will enable additional savings to be achieved in the total amount paid out in awards, and will accordingly contribute to improving the long-term financial viability of the scheme. The Victims Compensation Tribunal has advised that the savings expected to be generated by a sliding scale deductible as proposed by these amendments would be minimal. There would also be substantial administrative implications associated with implementing the sliding scale.

Given these financial and administrative implications, the proposed sliding scale is not considered financially viable. The proposed amendments would also extend application of the deductible to awards between $20,001 and $25,001. That is contrary to the Government's view that the more seriously injured victims of crime should be excluded from the application of the deductible. Accordingly, the Government does not support these amendments.

The Hon. J. P. HANNAFORD (Leader of the Opposition) [2.41 p.m.]: Last night I indicated in

debate on the second reading of the Victims Compensation Amendment Bill that the Opposition would not support these amendments. The proper approach would have been to accept the recommendations of the Joint Select Committee on Victims Compensation that there should be an increase in the compensation threshold. The Government chose to deduct an amount of $750 from all awards where the total amount of compensation was less than $20,000. It is obviously the intention of the Government to minimise the amounts paid out in compensation. That is the area that places most pressure on the scheme. At present the Government is paying about $90 million a year in compensation. We must ensure that that scheme remains financially viable. For that reason the Opposition does not support these amendments.

Amendments negatived.

The Hon. J. P. HANNAFORD (Leader of the Opposition) [2.42 p.m.], by leave: I move Opposition amendments Nos 1, 2 and 4 in globo:

No. 1 Page 4, schedule 1[4], lines 1-10. Omit all words on those lines.

No. 2 Page 4, schedule 1[6], lines 13-18. Omit all words on those lines.

No. 4 Page 20, schedule 1[28], lines 20-30. Omit all words on those lines.

I said in debate on the second reading of the bill that we must secure counselling services for victims of crime. People who have experienced trauma require immediate assistance rather than financial assistance some time down the track. The Government is proposing to reduce the maximum number of hours of counselling from 20 to 6, while retaining its ability to make a discretionary increase. A better approach would be to retain the present level of counselling and to make financial adjustments to the scheme—which is what the Government is doing.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [2.43 p.m.]: I understand the value of counselling in these situations. One is reluctant to inhibit the amount of counselling that is allowed, but the second interim report of the Joint Select Committee on Victims Compensation concerning the long-term viability of the Victims Compensation Fund explicitly recommended that the provision of counselling to victims of crime, which does not involve homicide or sexual assault, be capped at four to six sessions, except in exceptional circumstances. My information is that that committee operated on a bipartisan and consensual basis. So I suppose one felt obliged to take up the committee's recommendation, which one assumes is as a result of proper and detailed consideration of the evidence in the matter.

The bill proposes to cap approved counselling at six hours in addition to the initial two-hour entitlement, but the six-hour cap would not apply to family victims of homicide or sexual assault victims who will continue to be able to access all necessary counselling. In addition, and most importantly, the bill recognises, in accordance with the select committee's recommendation, that additional counselling should be available to other victims of violent crime in exceptional circumstances. Those changes proposed to the approved counselling scheme would not reduce the hours of counselling that are available for genuine cases demonstrating a special need.

When an assessment report satisfactorily demonstrates a need for further counselling beyond the initial two plus six further hours, that counselling will be provided. So that proposal is circumscribed by various safeguards and ameliorations. In response to the joint committee's recommendations we felt obliged to present those recommendations to this Committee. If this Committee does not find favour with that proposal, so be it.

The Hon. Dr A. CHESTERFIELD-EVANS [2.46 p.m.]: I support the amendments moved by the Opposition. All honourable members should recognise the effect that stress and traumatic shock have on victims of crime. A number of people who have been mugged in the street are too frightened to leave their homes. Those who dare to venture out end up paying a lot of money in taxi fares. One timid and rather frightened woman who worked for the post office decided to go home for lunch. She had inherited some jewellery from her mother but, as it was valued at $30,000, she was too frightened to leave it at home and always carried it with her in her handbag. As she was approaching the entrance to her flat a chap jumped out from behind the rose bushes and attempted to grab her handbag. She hung onto the handbag for dear life, was dragged through the rose bushes, the strap of the handbag broke, and the man escaped with the jewellery.

The woman's burly son, who was at home at the time, was not even aware of his mother's travails. The woman, who was subsequently too scared to go out, suffered a bad psychological reaction when another woman's handbag was snatched at the counter of the post office where she was working. She was not able to obtain

compensation because she had already reached her front gate when this incident occurred. She had hoped to get some money from the Victims Compensation Fund.

Reference has been made in debate to the cost of stress or shock and to the rising costs of compensation. I do not dispute either of those statements. One of the recommendations of the Joint Select Committee on Victims Compensation was that more money be given to self-help and counselling groups, which are extremely useful and cost effective. When people experience problems, governments establish committees to address them, and often cut funds without addressing those problems.

A motorist driving on the roads in a perfectly civilised fashion can be hit by a drunk driver, and can subsequently be too frightened to drive. Such an experience can have a dreadful effect on that person's quality of life and result in him or her never driving again. Problems like these require a great deal of attention. It is possible that the victims compensation system is being rorted. When I was performing a lot of surgery I firmly believed that psychological trauma was minimal compared to losing a leg, but it can be just as disabling. People's brains control their lives. If people who lose a leg have a positive attitude to life they will succeed. However, people who are timid or frightened will not succeed.

Unfortunately, this bill addresses just the financial problems; it does not deal with them holistically. The Opposition's amendments address these problems to a degree, but they also put pressure on the Government to find better solutions. For those reasons I believe they should be supported by all honourable members.

Amendments agreed to.

The Hon. I. COHEN [2.50 p.m.]: I move Greens amendment No. 3:

No. 3 Page 8, schedule 1[16]. Insert after line 20:

(5) The charge created by force of this section is subject to every charge or encumbrance to which the property was subject immediately before the charge was created and, in the case of land under the provisions of the Real Property Act 1900, is subject to every mortgage, lease or other interest recorded in the Register kept under that Act.

The proposed provisions for the registration of restitution orders and the amendments to set aside transactions entered into to avoid restitution responsibilities and to impose restraining orders to prevent disposal of property are supported by the Greens. However, there could be some negative impacts when the legislation is enforced. Some of the safeguards provided by the Confiscation of Proceeds of Crime Act 1989, upon which the bill is based, have been omitted from the bill. New section 58A does not specifically state that the new charge is subject to pre-existing charges, encumbrances, mortgages, leases or other recorded interests, as does section 48 of the Confiscation of Proceeds of Crime Act. This amendment seeks to ensure that it does. I commend Greens amendment No. 3 to the Committee.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [2.51 p.m.]: Having considered the amendment and the reasons advanced for it, the Government supports the amendment.

The Hon. J. P. HANNAFORD (Leader of the Opposition) [2.52 p.m.]: The Opposition also accepts the Greens amendment.

Amendment agreed to.

The Hon. J. P. HANNAFORD (Leader of the Opposition) [2.52 p.m.]: During the second reading debate last night I canvassed the provisions of new section 58H, which relates to the removal of legal professional privilege as a right to, in effect, silence. At that time I expressed the view that I was not aware of that privilege ever having been undermined by the Parliament.

My attention has now been drawn to the fact that that precedent was set in the Drug Trafficking (Civil Proceedings) Amendment Bill last year, although, perhaps unwittingly, during debate on the bill on 27 June 1997 no-one adverted to the fact that legal professional privilege could not be enforced in relation to proceedings for the confiscation of assets under that legislation. Effectively on that occasion the House said that if the Crown wanted to enforce a right to information or the production of documents, no claim for legal professional privilege could be raised.

The CHAIRMAN: Order! I apologise to the Committee. I should have first called on the Hon. I. Cohen to move his amendment No. 4.

The Hon. J. P. HANNAFORD: Mr Chairman, if it suits the Committee, I do not intend to move my amendment, so perhaps I could conclude my remarks on it. Last night I expressed strong views about undermining the concept of legal

professional privilege. I said that this was the first occasion that I was aware of Parliament being asked to undermine that privilege. I am reminded that last year the House undermined it and got it wrong, but two wrongs do not make a right.

Honourable members are familiar with the way in which the Premier deals with some of these issues, and how he does not let truth get in the way of his observations. Sometimes Premier Carr would find it confusing to deal with the truth. If I were to put to the House that legal professional privilege should not be protected, the Premier would attack me and say that this House is undermining a fundamental reform of the Government and trying to protect the legal profession and criminals, even though that is not true.

Honourable members should not give the Premier that opportunity at this stage. In 1997 the Government did the same as it is proposing now, and if it continues that precedent today, that will be on the Government's head. The next government should look at these issues. I do not believe that this principle is necessarily held by the current Attorney General, but honourable members understand that on many issues the Cabinet Office drives the agenda. At a future time Parliament will have to address the fundamental principle of the basis upon which anyone in the community can go—

The Hon. E. M. Obeid: It is amazing how you see things in Opposition.

The Hon. J. P. HANNAFORD: The Hon. E. M. Obeid interjects. If anybody is cognisant of legal professional privilege he ought to be. People in glass houses should not throw stones. Down the track the Parliament needs to address that fundamental issue and perhaps at the appropriate time it will also address the fundamental undermining of the protections that the law has afforded the community. I say that without moving the amendment which I foreshadowed last night.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [2.57 p.m.]: I agree with the proposition that legal professional privilege is important in our society. The Leader of the Opposition is perfectly correct in saying that that privilege, in effect, was waived by amendments to the Drug Trafficking (Civil Proceedings) Amendment Act 1997.

Reference was specifically made in the second reading speech to that bill to the fact that legal professional privilege would not be a bar to a production order made by the Supreme Court under the Act, or a requirement to answer a question or produce a document in an examination conducted pursuant to an order of the court under the Act. One can legitimately argue about the appropriateness of that but the fact is that the present amendment is intended to have a symmetry with the Criminal Assets Recovery Act. In the circumstances, it seems appropriate that the earlier precedent be followed at this stage.

The Hon. I. COHEN [2.58 p.m.]: I will not move Greens amendments Nos 4 and 8. By leave, I move Greens amendments Nos 5 and 9 in globo:

No. 5 Page 17, schedule 1[21]. Insert after line 33:

(3) The Tribunal must issue guidelines under section 65 with respect to the circumstances in which there is a compensable injury of psychological or psychiatric disorder that has a significant detrimental effect or impact on daily functioning.

No. 9 Page 22, schedule 1[29], line 6. Insert "(being a recognised mental illness or mental disorder)" after "disorder".

The bill seeks to remove the current category of shock from the table of injuries and replace it with a new category of psychological or psychiatric disorder, defined as chronic psychological or psychiatric disorder that is severely disabling. During the second reading debate I pointed out that the Joint Select Committee on Victims Compensation is currently considering this issue and will report on it in March 1999. However, the Government is proceeding with changes to the category of shock without the benefit of that report.

The Law Society and the Combined Community Legal Centres Group have expressed concern about the new category. One of the major criticisms is that the new category is too strict and will probably only cover a handful of victims each year. Many deserving victims will be unable to claim compensation under the new clause. Many individuals who have been victims of racial or homophobic violence, serious assault, armed robberies or hold-ups suffer stab wounds, needle stick injuries, soft tissue injuries or lacerations which are often serious but are not compensable under the table. These people, who may suffer psychological injuries which can persist for long periods of time, will not fit into the new definition.

Some of the psychological problems are an inability to go into public places, sleeping difficulties, social anxieties and anxiety attacks, periods of depression and an inability to cope with

work. The Greens believe that these types of psychological injuries should be compensable under the Act. The Greens concede that there are problems with the current category of shock and that it has been rorted by some unscrupulous practitioners. We propose an alternative definition which will cover victims suffering from these types of injuries. The amendments propose a new category defined as psychological or psychiatric disorder that has a significant detrimental effect or impact on daily functioning. The compensable range proposed is $5,000 to $30,000.

Additionally, to give compensation assessors guidance as to how to interpret the new category, the tribunal must issue guidelines. Amendment No. 8, which I withdrew, covered psychological or psychiatric disorder that has a significant detrimental effect or impact on daily functioning in the category of $5,000 to $30,000. I withdrew that amendment because the Government will move an amendment that will satisfy certain needs in that area. I commend my amendments to the Committee.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [3.02 p.m.]: The Government cannot support these amendments. The Joint Select Committee on Victims Compensation recommended that consideration be given to deleting the category of shock, other than for permanent psychological injuries, homicide, sexual assault and domestic violence. The changes proposed by the bill reflect the committee's approach to restricting awards for shock, whilst ensuring that the specific circumstances of family victims of homicide and victims of sexual assault and domestic violence continue to be recognised by the victims compensation scheme.

The proposed amendments are contrary to the recommendations of the select committee and would reinstate claims for short-term psychological trauma, which the committee proposed should more appropriately be addressed through the provision of counselling. More significantly, under the award range proposed by the amendment, claims which currently may receive a fixed award amount of $2,400 or $9,600, for example, would become eligible for a minimum award of $5,000 and a maximum award of $30,000.

This proposal has the potential to be significantly more costly than the existing shock provisions in the Act. Accordingly, the Government cannot support the amendments. However, as the Hon. I. Cohen has said, a proposed Government amendment will ameliorate the proposals and meet some of the criticisms that have been made.

The Hon. Dr A. CHESTERFIELD-EVANS [3.03 p.m.]: These amendments are similar to the previous amendment I spoke to. I am always suspicious when people talk about rorting. It is only fair and reasonable that doctors and psychologists tend to be advocates for their patients or clients. When the degree of stress caused to claimants is assessed by insurance clerks, who are far removed from the claimants and their practitioners, and a trend in claims is observed by them, an assertion is often made that people are rorting the system.

I have seen so-called rorters with crook backs. Many of them do have crook backs, yet insurance clerks, who have no idea about the pain those people are experiencing, are absolutely convinced that they are rorting the system. Because they see people, who have been filmed by secret cameras, functioning more or less normally, they adopt this mentality.

As I said previously, the matter of compensation needs considerably more attention and thought. What has not been said is that the Government is accepting some of the committee's recommendations but not others. It would be preferable for these matters to be assessed by a panel—such as occurs with the Dust Diseases Board, which is accustomed to assessing dust diseases. If a panel assessed these types of claims, it would at least know the relativity of cases and would apportion the available funds in a sensible fashion. Such an assessment cannot be made using an arms-length method.

Rather than simply voting against the amendments, the Parliament or its agencies should look at the original problem and come up with a solution. I ask honourable members to start a trend in that direction by supporting these amendments. The provisions of the bill could be taken to mean that a diagnosis according to the fourth edition of the *Diagnostic and Statistical Manual*, published by the American Psychiatric Association, at least provides preciseness for those who manage psychological medicine and some rigour in the process of diagnosis. However, in the end there is a subjective component involved, and it is a matter of deciding whether a genuine disability is related to the traumatic event.

Amendments negatived.

The Hon. I. COHEN [3.06 p.m.], by leave: I move Greens amendments Nos 6 and 10 in globo:

No. 6 Page 18, schedule 1[22], lines 7-10. Omit "an offence arising, in the opinion of a compensation assessor or other person determining whether statutory compensation is available, in a domestic

violence context". Insert instead "a domestic violence offence (within the meaning of the Crimes Act 1900)".

No. 10 Page 22, schedule 1[31], lines 14-18. Omit "an offence arising, in the opinion of a compensation assessor or other person determining whether statutory compensation is available, in a domestic violence context". Insert instead "a domestic violence offence (within the meaning of the Crimes Act 1900)".

These amendments relate to the new domestic violence category in the bill. The bill's definition of "domestic violence" is not the same as that in the Crimes Act. The Greens consider that it should be the same, as the Crimes Act definition has been in force for many years. It is ridiculous to have a new definition in this bill when there is a perfectly workable one in the Crimes Act. I commend the amendments to the Committee.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [3.07 p.m.]: The Government accepts these amendments, which provide that for the purpose of determining claims for a domestic violence injury award the Act recognises the domestic violence offences as defined in the Crimes Act.

Amendments agreed to.

The Hon. I. COHEN [3.07 p.m.]: I move Greens amendment No. 7:

No. 7 Page 18, schedule 1[23], line 22. Omit "10,000". Insert instead "20,000".

This amendment would increase the compensable amount for the new domestic violence category from $10,000 to $20,000. This amendment is important because $10,000 will not sufficiently compensate the most badly affected victims who have suffered unrelenting domestic violence lasting many years. A more reasonable amount is $20,000. I commend the amendment to the Committee.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [3.08 p.m.]: The Government cannot support this amendment. A new global injury category has been created for domestic violence victims to address the concern of the Joint Select Committee on Victims Compensation that changes to the requirements for claiming for psychological injury would preclude some domestic violence victims from the victims compensation scheme.

It is important to remember that under the changes proposed by the bill a victim of domestic violence may elect to claim either under the new global injury category or for specific injuries. Accordingly, victims are not precluded from claiming in the alternative for a more serious physical injury or for a chronic psychological or psychiatric disorder, or for a combination of such injuries. The award range proposed for this new global injury category should be considered in relation to other injury awards in the table of injuries. In particular, I note that the award range for category 1 sexual assault global award is $2,400 to $10,000.

Amendment negatived.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [3.10 p.m.]: I move:

Page 18, schedule 1[24], lines 26 and 27. Omit all words on those lines. Insert instead:

Category 1, chronic psychological or psychiatric disorder that is moderately disabling 5,000-15,000

Category 2, chronic psychological or psychiatric disorder that is severely disabling 30,000-50,000

Arising from concerns expressed about the impact on crime victims of the restriction of awards for psychological injury proposed by the bill, the Government has reconsidered its approach. The Government now proposes to recognise two categories: psychological injuries consisting of a chronic psychiatric or psychological disorder that are either moderately or severely disabling, with an award range of $5,000 to $15,000 and $30,000 to $50,000 respectively. The Government intends that victims of violent crime remain eligible to claim compensation for any ongoing psychological injury that has a continuing detrimental impact on the victims' ability to undertake their usual day-to-day activities.

The diagnosis of a chronic psychiatric or psychological disorder does not require that a permanent injury be established. The Government considers that this approach is consistent with the view of the Joint Select Committee on Victims Compensation. The Government considers also that its revised approach to psychological injury awards will assist emerging problems with the cost of awards for shock, whilst ensuring that claims for serious psychological injury that could be expected to result from a vicious street assault, armed hold-up or home invasion may still be considered.

Amendment agreed to.

Schedule as amended agreed to.

Bill reported from Committee with amendments and passed through remaining stages.

HERITAGE AMENDMENT BILL

In Committee

Schedules 1 and 2

The Hon. M. F. WILLIS [3.16 p.m.]: As I adverted to in my second reading speech, the Opposition has three amendments to this schedule. The Committee will deal first with the amendments of the Hon. R. S. L. Jones, but I should like to indicate first that the Opposition intends to oppose all the amendments proposed by the Hon. R. S. L. Jones. Although three of the Opposition amendments are substantially similar to his, we prefer them in our form. If the Committee agrees to the Opposition's three amendments, those proposed by the Hon. R. S. L. Jones will be inadmissible.

The Hon. R. S. L. JONES [3.18 p.m.]: I was amused to hear the Hon. M. F. Willis say he would oppose all my amendments. I presume he means with the exception of the three that are similar to his. I understand that he was inspired by my amendments, and I congratulate him on that inspiration. I move my amendment No. 1:

No. 1 Page 6, schedule 1[4], proposed section 4A. Insert after line 7:

(4) The Heritage Council is not to make or change the criteria referred to in subsection (3) without first undertaking a process of public consultation as prescribed by the regulations.

This amendment requires the Heritage Council to undertake a process of public consultation when amending the criteria for determining whether an item is of State heritage significance. The process is to be prescribed by regulation. It is important that the public have an opportunity to have input into a proposed alteration of the criteria used to evaluate whether an item warrants protection by being placed on the State Heritage Register.

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [3.19 p.m.]: The proposed criteria for listing on the State Heritage Register reflects extensive public consultation and current best practice in heritage management. It is anticipated that there could be changes as a result of further public consultation, but I see no need to place such a procedure in the legislation. The Government therefore opposes the amendment.

Amendment negatived.

The Hon. I. COHEN [3.23 p.m.], by leave: I move my amendments Nos 1, 2 and 3 in globo:

No.1 Page 6, schedule 1. Insert after line 9:

[6] Section 8 Members of the Heritage Council

Omit "15" from section 8(1). Insert instead "17".

[7] Section 8(1)

Omit "12". Insert instead "14".

[8] Section 8(2)(a)

Omit "six". Insert instead "eight".

[9] Section 8(2)(a)(vii) and (viii)

Insert after section 8(2)(a)(vi):

(vii) a person appointed from a panel of 3 persons nominated by the Nature Conservation Council of New South Wales, and

(viii) a person appointed from a panel of 3 persons nominated by the New South Wales Aboriginal Land Council, and

No. 2 Page 6, schedule 1. Insert after line 15:

[8] Section 17 Quorum

Omit "Eight" from section 17(1). Insert instead "Nine".

No. 3 Page 9, schedule 1[13], proposed section 25(1). Insert at the end of line 11:

, provided the Minister has first received advice from the Heritage Council that, in the opinion of the Heritage Council, that council to be so authorised has shown responsibility and expertise in heritage management.

Greens amendment No. 1 widens the representation on the Heritage Council to include Aboriginal and conservation interests. Heritage covers many different areas of natural and cultural significance and to exclude the relative expertise of the Nature Conservation Council and the New South Wales Aboriginal Land Council borders on disrespect. These two bodies participate meaningfully in a number of key areas and it is time the Heritage Council incorporated their expertise. I moved similar amendments in 1996. I would like to think the Parliament would recognise the worthwhile contribution these organisations could make to the Heritage Council.

Amendment No. 2 is consequential and increases the number required to make a quorum. The Greens New South Wales would like to ensure by amendment No. 3 that only those councils with a proven track record in administering heritage within their local government areas are able to make interim conservation orders. The Heritage Council will be able to give the Minister advice on whether

in its opinion a council has demonstrated the capacity and expertise to administer this additional power. An initiative taken by this bill is that the Minister will be able to authorise councils to make interim heritage orders [IHOs] over items of local heritage. While this is a worthwhile initiative, it is important that the power be exercised by councils properly and responsibly. Some councils do not have the necessary experience or desire to take on the responsibility for heritage items.

The Minister has recognised as much in his public statements about the bill. In his briefing note he stated that the Minister on the advice of the Heritage Council would be able to delegate to local councils the power to place one year interim orders where they have shown responsibility and expertise in heritage management. A similar statement was made in his press release of 21 October 1998. However, the bill at present does not reflect the Minister's apparent desire. This amendment inserts in the bill the two key requirements suggested by the Minister for ensuring that councils are authorised to make IHOs only if they have the necessary ability to perform this task. The amendment requires the Minister to receive advice from the Heritage Council that a local council has shown responsibility and expertise in heritage management before it is authorised to make IHOs. I commend these amendments to the committee.

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [3.26 p.m.]: I have only just seen the honourable member's amendments. Therefore, I have not received advice on them and the Government will oppose them.

Amendments negatived.

The Hon. R. S. L. JONES [3.27 p.m.], by leave: I move amendments Nos 2, 3 and 4 in globo:

No. 2 Page 11, schedule 1[13], proposed section 29. Insert after line 26:

(4A) Before an interim heritage order is revoked, the Minister (in the case of an order to be revoked by the Minister) or the council (in the case of an order to be revoked by the council) must:

(a) publish a notice in:

(i) a newspaper circulating in the area in which the item the subject of the order is situated, and

(ii) a newspaper circulating generally in the metropolitan area or district,

which must contain at least the following information:

(iii) notification of the intention to revoke the order, and

(iv) a request for public submissions on whether the order should be revoked, which will be received for a period of 28 days from first publication of the notice, and

(b) consider any submissions received during the period of 28 days from the first publication of the notice when determining whether to revoke the interim heritage order.

No. 3 Page 11, schedule 1[13], proposed section 29(5). Insert at the end of line 33:

a newspaper circulating in the area in which the item the subject of the order is situated, and a newspaper circulating generally in the metropolitan area or district,

No. 4 Page 12, schedule 1[13], proposed section 29(5), lines 6-10. Omit all words on those lines. Insert instead:

(c) if any person so requests within 3 months after the notice of revocation of the order is published in the Gazette-provide reasons in writing for revoking the order.

It is important when an item is afforded heritage protection that that protection be removed only after proper consultation. Normally if an interim heritage order is placed on an item that interim heritage order remains in force for 12 months. This gives ample time for the public to make submissions. However, an IHO can be revoked before this time. Under the bill the first the public will hear about this is when notice of revocation is published after the revocation has taken place, by which time it will be too late to argue that protection should be continued.

These amendments provide for proper notice to be given of any intention to revoke an IHO before it automatically lapses. I note that they would only apply when IHOs are to be revoked prematurely and would not apply if an IHO were left to run its ordinary course. They also provide that any person may ask the Minister or local council which revoked the order to provide reasons within three months of revocation. I think these are very reasonable amendments and I hope the Minister will support them. If he does not, I would like to know why.

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [3.29 p.m.]: I oppose the amendments.

Amendments negatived.

The Hon. R. S. L. JONES [3.30 p.m.]: I move my amendment No. 5:

No. 5 Page 14, schedule 1[13], proposed section 33(2)(a) and (b), lines 31-38. Omit all words on those lines. Insert instead:

(a) a submission that the item the subject of the proposed recommendation is or is not of State heritage significance, and accordingly should or should not be subject to listing on the State Heritage Register,

(b) a submission regarding the need for long-term conservation of the item the subject of the proposed recommendation, and whether that need warrants the item being listed on the State Heritage Register,

Under the bill, when considering whether to recommend the listing of an item on the State Heritage Register the Heritage Council must consider any submissions from the owners of the land and the general public. New section 33(2) in schedule 1 sets out the types of submissions that might be made. However, new subsection (2) is written in extremely negative language, and only mentions submissions arguing against the listing of items on the register. This amendment would mitigate the negative terms of the new section by rewriting paragraphs (a) and (b) in more neutral language to make it clear that submissions arguing in favour of including an item on the register would also be favoured. This would provide more encouragement to the public to support heritage conservation and to take a more active role in the legislative process. I cannot for the life of me understand why this amendment would not be supported by the Government and the Opposition.

Amendment negatived.

The Hon. I. COHEN [3.31 p.m.], by leave: I move Greens amendments Nos 4 to 8 in globo:

No. 4 Page 15, schedule 1[13], proposed section 34(1)(b), lines 16 and 17. Omit all words on those lines.

No. 5 Page 15, schedule 1[13], proposed section 34(2), lines 20 and 31. Omit "refers the matter to a Ministerial Review Panel or".

No. 6 Page 15, schedule 1[13], proposed section 34(2), lines 22 and 23. Omit "the Ministerial Review Panel provides its advice or".

No. 7 Page 15, schedule 1[13], proposed section 34(2)(a), line 25. Omit "advice or".

No. 8 Page 15, schedule 1[13], proposed section 35, line 28 on page 15 to line 10 on page 16. Omit all words on those lines.

In this bill the Minister proposes an additional method of considering objections to heritage orders apart from the current method, that is, to hold a compulsory commission of inquiry. At present a commission of inquiry into an application for listing must be held if an owner objects to the listing. Under this bill the Minister will not be required to hold a commission of inquiry; he may decide to accept or reject the Heritage Council's recommendation without further inquiry, appoint a commission of inquiry to review the matter or appoint a ministerial review panel. The Greens New South Wales are concerned that this will reduce the transparency and accountability of the process for listing items of heritage.

The ministerial review panel process outlined in the bill will not be an open process with clear consultative mechanisms, as is the case with the commission of inquiry process. The mechanism for appointing people to a ministerial review panel, the required expertise, terms and conditions of members appointed to the panel and the procedures are not outlined in the bill, giving the Minister extremely wide discretionary powers and no clear public accountability mechanisms.

The procedures to be followed by a commission of inquiry are clearly set out in the Act with certain people having the right to be heard by the commissioner. At present any person may apply for leave to be heard. Such commissions are conducted in the open according to a well-established practice. On the other hand, a ministerial review panel is a strange creation. All we know about it is that it will consist of three people—everything else will be decided at the Minister's whim. The Minister will decide what expertise the members should have, the terms of a person's appointment, the procedure to be followed by the panel and the time frame for conducting a review.

The process will be open to abuse by a Minister who wishes to ensure that a supposedly independent review provides a finding to support an otherwise unpopular decision. The proposal in the bill is very different from the provisions for an open commission of inquiry. I note that although there is some concern that a commissioner does not always have the necessary expertise to determine questions of heritage significance, that concern would be dealt with by amendment No. 15 of the Hon. R. S. L. Jones, which would permit the commissioner to appoint a suitably qualified person to assist in the conduct of an inquiry.

These amendments would remove the provisions relating to ministerial review panels. The

Minister's suggestion that a commission of inquiry process is too cumbersome would still be taken into account by permitting the Minister to accept or reject the recommendation without holding an inquiry, and the Minister would be fully accountable for his decision. If an inquiry is held it should be open and accountable, not conducted in a secret process which could easily be engineered to give the appearance of independent support for a politically unpopular decision. I commend the amendments to the Committee.

Amendments negatived.

The Hon. R. S. L. JONES [3.35 p.m.]: I move my amendment No. 6:

No. 6 Page 16, schedule 1[13], proposed section 36(1), lines 28 and 29. Omit all words on those lines. Insert instead:

(f) the National Trust of Australia (New South Wales),

(g) the Nature Conservation Council of New South Wales,

(h) any other person with the leave of the Commissioner of Inquiry.

This amendment is reasonable and would give the National Trust of Australia and the Nature Conservation Council the right to appear before a commission of inquiry investigating a proposed heritage listing without the need to seek leave. The amendment recognises the inherent interests of those bodies in heritage conservation. I am sure members of the National Trust and thousands of supporters of the Nature Conservation Council would be interested to know why the Government and the Opposition will not support this reasonable amendment. In fact, most of the amendments I have moved have been reasonable. Is the Minister averse to accepting amendments on any proposed legislation even when others tried to persuade him to do so, or is he simply being obdurate? Is it simply through obduracy? What is the explanation? Also, why does the shadow minister not support my amendments? The National Trust and Nature Conservation Council would love to know why the Government and the Opposition do not accept the amendment.

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [3.36 p.m.]: It is difficult to see why the amendment moved by the Hon. R. S. L. Jones is necessary at all. The bill already provides for the commissioner to grant leave to "any other person to attend a commission".

The Hon. R. S. L. Jones: Shouldn't the National Trust be able to appear without leave?

The Hon. M. R. EGAN: That will be for the commissioner to decide.

The Hon. R. S. L. Jones: But others can appear without leave.

The Hon. M. R. EGAN: Frankly, the National Trust might come or go.

The Hon. R. S. L. JONES [3.36 p.m.]: I would love to hear the Opposition's reason for not supporting this amendment.

The Hon. M. F. WILLIS [3.37 p.m.]: It is not the right of the Hon. R. S. L. Jones or of any other member to interrogate the Opposition. The Opposition simply opposes the amendment.

The Hon. R. S. L. JONES [3.37 p.m.]: I am not asking on my own behalf; I am asking on behalf of the National Trust and the Nature Conservation Council. The Hon. M. F. Willis is simply objecting to a perfectly reasonable amendment without giving any explanation. I understand that the Minister for Urban Affairs and Planning, and Minister for Housing does not want to accept amendments; frankly, he never likes to accept amendments. For the Opposition to oppose my amendments without giving a reason is quite extraordinary.

The Hon. M. F. WILLIS [3.38 p.m.]: The fact that the Hon. R. S. L. Jones has moved an amendment does not give the amendment some holy writ status. The Opposition is not supporting this amendment full stop.

The Hon. R. S. L. JONES [3.38 p.m.]: I am aware of that—the honourable member has said that many times. As I said, I am not asking on my behalf; I am asking on behalf of the community. Do Opposition members represent the community or just themselves?

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [3.39 p.m.]: In any event the Hon. R. S. L. Jones has failed to point out that the National Trust supports this bill unamended, without the honourable member's meddlesome amendments. In a letter dated 6 November the Executive Director of the National Trust, Elsa Atkin, stated:

For your information the National Trust supports the Heritage Amendment Bill unamended . . .

The Hon. R. S. L. JONES [3.39 p.m.]: I am sure the National Trust does not know that it will have to seek leave to appear before the commissioner.

Amendment negatived.

The Hon. R. S. L. JONES [3.40 p.m.]: I move my amendment No. 7:

No. 7 Page 16, schedule 1[13], proposed section 36. Insert after line 29:

(2) The Commissioner may appoint a person considered by the Commissioner to have appropriate qualifications, expertise and experience to assist the Commissioner in holding the inquiry and preparing the report required by this section.

This is another highly commendable amendment which I would have thought would be supported by both sides of the Chamber. Although the process of inquiries conducted by commissions of inquiry is generally acceptable, it may be that the commission conducting a particular inquiry does not have the appropriate expertise to deal with matters arising in a particular case. This amendment would give the commissions the power to appoint a person with appropriate qualifications, expertise and experience to assist the commissioner with the inquiry. I note that, unlike the case with a ministerial review panel, this person would merely assist the commissioner and would not actually deliver the final report. I cannot comprehend why neither the Government nor the Opposition will support the amendment.

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [3.41 p.m.]: Not only does the National Trust believe that this bill should be passed unamended but so does the Government. Therefore the Government will oppose all the amendments moved by the Hon. R. S. L. Jones, the Hon. I. Cohen, and anybody else in Committee.

The Hon. M. F. Willis: What about supporting the Opposition's amendments?

The Hon. M. R. EGAN: The Government will oppose the Opposition's amendments too. At least the Hon. R. S. L. Jones and the Hon. I. Cohen are well motivated. I cannot say the same for the Opposition amendments. They are appalling amendments. The Committee will deal with 40 or 50 amendments to the bill. Some years ago every member of the Legislative Council was allocated a full-time dedicated staffer. The immediate effect was that members, instead of making short speeches off the cuff, engaging in debate, read speeches which their staff member wrote. Then certain members got a second staffer. As the first staffer's job was to write speeches, the second staffer's job was to draft amendments. So we now have at least a dozen people whose full-time job seems to be drafting amendments. It makes the processes of the Parliament very unwieldy.

The Hon. I. Cohen: Point of order: This is a denigration of the wonderful job that my staff do in supporting me in the face of the array of work that I have to undertake to keep the Government honest.

The CHAIRMAN: Order! There is no point of order.

The Hon. R. S. L. JONES [3.42 p.m.]: I would like to explain to this irascible Treasurer that I actually went through this bill one weekend and formulated most of the amendments myself. It was not done by paid staff. I was up on the north coast going through bills one after the other and formulating extremely good amendments which have received the support of the community, the Nature Conservation Council and others but for some reason not the Government or the Opposition.

Amendment negatived.

The Hon. R. S. L. JONES [3.44 p.m.], by leave: I move my amendments Nos 8 and 10 in globo:

No. 8 Page 21, schedule 1[13], proposed section 45(2), line 16 and 17. Omit "land tax, duty or council rates". Insert instead "duty or council rates, or for the maintenance and repair of an item or land that is the subject of a heritage agreement".

No. 10 Page 27, schedule 1[30], proposed section 105A(2). Insert at the end of line 8:

, and it is the wish of Parliament that that amount be not less than $500,000 in any financial year

The bill proposes to establish a new fund known as the Heritage Incentive Fund. The establishment of new sources of funding for heritage purposes is always desirable, however, there are two concerns about the proposed fund. First, there is no requirement for any money to be paid into it. The amount of money to be paid is stated in new section 105A to be any money appropriated by Parliament for the purposes of that fund. However, if Parliament does not appropriate the money—this Treasurer no doubt would be reluctant—the fund remains empty.

It is the Parliament's wish that a minimum of $500,000 per annum be paid into the fund. Once there is money in the fund the uses to which it can be put are quite restricted. New section 45 provides that the only financial assistance that the Minister can provide to owners of heritage items is the payment of land tax, duty or council rates. There is no mention of maintenance or repair of buildings. It would be appropriate to give the Minister power to use the Heritage Incentive Fund for maintenance and repair if money from other sources proved inadequate. Amendment No. 16 broadens the Minister's power to make grants from the Heritage Incentive Fund in this way.

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [3.45 p.m.]: There was a charade a week or two ago about the need for every cent to be appropriated. I would have thought that all those who were ready to crucify me a fortnight ago would be most supportive of the requirement that money be appropriated for funds.

Amendments negatived.

The Hon. R. S. L. JONES [3.46 p.m.]: I move my amendment No. 9:

No. 9 Page 22, schedule 1[15], lines 7 and 8. Omit all words on those lines. Insert instead:

(b) in respect of an interim heritage order made by a council:

(i) if the council's authorisation under section 25(1) to make interim heritage orders has been withdrawn by the Minister under section 25(5)-the Heritage Council, or

(ii) in any other case—the council that made the order

I have already mentioned the power that the Minister may give to councils to make interim heritage orders [IHOs]. Once the Minister gives the council this power the council is the body responsible for approving any applications to alter or demolish a heritage item over which it has placed an IHO. However, as the Minister has recognised in his news release of 21 October, councils may not use their powers appropriately and the Minister has rightly reserved the ability to withdraw a council's power to make IHOs if the council is acting inappropriately.

There is a flaw in the bill since a council whose power to act as the heritage protector of its area has been revoked by the Minister on the grounds that it is not acting responsibly remains the approval authority for applications made over items that have council IHOs on them. The amendment specifies that where the Minister withdraws a council's power to make IHOs its approval role reverts to the Heritage Council. This is the appropriate safeguard against councils being elected which are unsympathetic in approving inappropriate developments on the heritage properties after the Minister's authorisation has been withdrawn.

Amendment negatived.

The Hon. I. COHEN [3.47 p.m.], by leave: I move Greens amendments Nos 9 to 13 in globo:

No. 9 Page 23, schedule 1[16], lines 4-14. Omit all words on those lines.

No. 10 Page 23, schedule 1[16], lines 18-20. Omit all words on those lines.

No. 11 Page 26, schedule 1[28], proposed section 84(2), lines 13-20. Omit all words on those lines. Insert instead:

(2) The regulations may prescribe requirements with which councils must comply in exercising their functions in connection with the preparation of local environmental plans for the purpose of facilitating the identification of items of the environmental heritage of local heritage significance and their conservation and management by means of the inclusion of appropriate provisions in those instruments.

No. 12 Page 26, schedule 1[28], proposed section 84(3), line 21. Omit "guidelines". Insert instead "regulations".

No. 13 Page 26, schedule 1[28], proposed section 84(4), lines 25 and 26. Omit all words on those lines.

New section 57(1A) provides that where a council has made an IHO over an item that IHO provides no protection against Crown development or development deemed to be significant by the Minister as the requirement to obtain separate heritage approval for such developments is waived. This is not appropriate. All developments involving items of heritage significance should be subject to the same process of heritage assessment. It is not good enough to rely upon assessments under parts 4 or 5 of the Environmental Planning and Assessment Act in this case. I note that where the Minister has made an interim heritage order the Act provides that a heritage assessment still has to be carried out in addition to part 4 and part 5 assessment.

When dealing with items under heritage protection whether a heritage assessment is required should not depend on who made the order. Amendment No. 9 would remove new section 57(1A). New section 57(1C) provides that approval

is not required for excavation for the purposes of exposing or removing a relic protected by a council IHO. Again, it is inappropriate that the level of protection of an item should vary according to who made the conservation order.

Amendment 10 would remove new section 57(1C). Another commendable initiative of the bill is the encouragement of councils to protect heritage items through local environmental plans. New section 84 currently provides that the Heritage Council may issue guidelines as to how councils are to exercise their functions preparing local environmental plans. These amendments would alter new section 84 to ensure the enforceability of such provisions by having them prescribed in regulations rather than guidelines. Such regulations will also have the added benefit of being subject to parliamentary scrutiny. I commend the amendments to the Committee.

Amendments negatived.

The Hon. R. S. L. JONES [3.49 p.m.], by leave: I move my amendments Nos 11, 12, 13, 14, 16 and 17 in globo:

No. 11 Page 27, schedule 1. Insert after line 17:

[33] Section 117A

Insert before section 118:

117A Definition

In this Division, ***State heritage item*** means:

(a) an item listed on the State Heritage Register, or

(b) a building, work, or relic located in a place or within a precinct listed on the State Heritage Register.

No. 12 Page 27, schedule 1[33], proposed section 118, line 22-24. Omit "building, work or relic that is listed or within a precinct that is listed on the State Heritage Register". Insert instead "State heritage item".

No. 13 Pages 27-29, schedule 1[33], proposed sections 118-120, line 26 on page 27 to line 2 on page 29. Omit "the building, work or relic" wherever occurring. Insert instead "the State heritage item".

No. 14 Page 28, schedule 1[33], proposed section 119, lines 11-12. Omit "building, work or relic listed or within a precinct listed on the State Heritage Register". Insert instead "State heritage item".

No. 16 Page 28, schedule 1[33], proposed section 120, lines 20-22. Omit "building, work or relic listed or within a precinct listed on the State Heritage Register". Insert instead "State heritage item".

No. 17 Pages 30-34, schedule 1[33], proposed sections 120F-120N, line 23 on page 30 to line 34 on page 34. Omit "building, work or relic" wherever occurring. Insert instead "State heritage item".

A benefit of this bill is the provision enabling the Heritage Council to prescribe minimum standards of maintenance and repair for certain heritage items. An owner of a heritage item must maintain and repair it in accordance with those minimum standards or face prosecution and fines of up to $1 million. However, the bill contains a flaw in regard to the maintenance and repair of heritage items. Certainly without the assistance of the Opposition other flaws remain in the bill. While minimum standards of repair will apply to buildings, works or relics, those standards will not apply to places, areas or precincts that are not buildings, works or relics, or to moveable items such as railway carriages and locomotives. The result will be a decrease in the level of protection for those items. The amendments will remedy that defect in the bill by permitting minimum standards of maintenance and repair to be prescribed for all heritage items.

Amendments negatived.

The Hon. R. S. L. JONES [3.51 p.m.]: I move my amendment No. 15:

No. 15 Page 28, schedule 1[33], proposed section 119(2), lines 16-18. Omit all words on those lines.

The Heritage Act contains a so-called open provision in section 153, to the effect that any person may bring proceedings to remedy or restrain a breach of the Act. New section 119 provides that it is an offence not to maintain and repair certain heritage items in accordance with minimum standards. However, new subsection (2) provides that the consent of the Minister is required to bring proceedings for an offence under that section. In recognition of the importance of protecting heritage items, this amendment will remove that subsection so that any person may bring proceedings for an offence under new section 119.

Question—That the amendment be agreed to—put.

The Committee divided.

Ayes, 5

Dr Chesterfield-Evans
Mr Corbett
Mrs Sham-Ho
Tellers,
Mr Cohen
Mr Jones

Noes, 32

Mrs Arena	Mrs Nile
Mr Bull	Rev. Nile
Dr Burgmann	Mr Obeid
Ms Burnswoods	Dr Pezzutti
Mr Dyer	Mr Primrose
Mrs Forsythe	Mr Ryan
Mr Gallacher	Ms Saffin
Miss Gardiner	Mr Samios
Mr Hannaford	Mr Shaw
Mr Johnson	Ms Tebbutt
Mr Kaldis	Mr Tingle
Mr Kelly	Mr Vaughan
Mr Kersten	Mr Willis
Mr Lynn	
Mr Macdonald	*Tellers,*
Mr Manson	Mrs Isaksen
Mr Moppett	Mr Jobling

Question so resolved in the negative.

Amendment negatived.

The Hon. R. S. L. JONES [3.58 p.m.]: I will not move my amendments Nos 18, 19 and 20.

The Hon. M. F. WILLIS [3.59 p.m.], by leave: I move Opposition amendments Nos 1, 2 and 3 in globo:

No. 1 Page 36, schedule 1[40], proposed section 128(2), lines 1-8. Omit all words on those lines.

No. 2 Page 51, schedule 2.5[1], lines 5 and 6. Omit all words on those lines. Insert instead:

[1] Section 59 Valuing land subject to Minister's interim heritage order

Omit "interim conservation order". Insert instead "interim heritage order made by the Minister".

[2] Section 59

Omit "the order were a permanent conservation order". Insert instead "the land were the subject of a listing on the State Heritage Register".

No. 3 Page 51, schedule 2.5[2], line 10. Insert "an interim heritage order made by the Minister or" before "a listing".

I am overwhelmed with the generosity of the Hon. R. S. L. Jones and the Opposition is grateful to him for allowing it to move these amendments. I am sure that the Opposition can count on his support when it comes to a vote. These amendments are moved in globo because they are interrelated. They have the effect of reinstating the land tax concession which hitherto has been available to owners of heritage properties. Section 128 of the Heritage Act 1977 provided a concession on land tax for property owners affected by heritage orders. It allowed property owners of two or more parcels of land, where one or more was subject to a heritage order, to obtain a concession on land tax.

Tax was calculated separately in respect of each parcel of land, thereby providing a discount on the tax bill. The concession is not a huge saving for property owners but it is of some assistance and, more important, it sends a message to property owners that the community and the Government wants to share the burden of the heritage order. This bill removes the tax concession and phases out current concessions over five years. This is effectively a tax increase and somewhat of a slap in the face for owners of heritage properties. In this case the Government is seeking to remove assistance for property owners affected by heritage orders and the effect of these amendments is to reinstate the land tax concession which has hitherto existed.

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [4.01 p.m.]: The Government opposes the amendments. It should be remembered that this bill establishes a Heritage Incentives Fund, which will in effect fund certain tax concessions for a limited period for owners in return for carrying out specific conservation works. The retention of the land tax concession that would be retained if these amendments were carried will simply mean that landowners who already receive concessional land tax valuations on their heritage property would remain entitled to a further land tax concession at public expense but with no concomitant responsibility to carry out conservation work on the property. If these amendments are carried, the revenue that will be lost as a result will simply be replaced by revenue from the Heritage Incentives Fund. The Government will reduce the amount of money available to that fund by the same amount.

The Hon. Dr B. P. V. Pezzutti: You would top it up, wouldn't you?

The Hon. M. R. EGAN: No, I would not. I would take it straight out of the fund. Full stop.

The Hon. Dr A. CHESTERFIELD-EVANS [4.03 p.m.]: I support the amendments. Basically, too much property is lost for economic reasons. We almost lost the Queen Victoria Building. We lost the Regent Theatre because it was supposedly uneconomical—although a hole in the ground does not represent a great economic triumph; we lost the Wintergarden and many other buildings. Clearly, this

is a way to reduce the cost of maintaining heritage properties that are an asset not only to their owners but to the whole country. In fact, the owners in a sense pay for the loss of opportunity cost of having that property, and it is blackmail to suggest that the subsidy will be taken out of the Heritage Incentives Fund as stated by the Treasurer. I urge the Committee to support the amendments in order to help save our heritage buildings.

Reverend the Hon. F. J. NILE [4.04 p.m.]: The Christian Democratic Party supports the amendments. As the Leader of the Government said, there is no guarantee that the savings gained by the tax concessions would be spent on the heritage property. Obviously, the Heritage Council can take into account those types of concessions and order appropriate improvements to take place to heritage buildings so that they do not fall into disrepair or are demolished. For that reason we support the amendments.

The Hon. R. S. L. JONES [4.05 p.m.]: These amendments clashed with my foreshadowed amendments. However, the advice I have received from the environmental liaison officer, who represents the Nature Conservation Council of New South Wales, the Australian Conservation Foundation, Friends of the Earth, the National Parks Association of New South Wales, the Total Environment Centre and Greenpeace, is that these amendments in isolation are not worth supporting because they are unbalanced. They would have been supported had other amendments been supported by the Opposition to balance the whole package, but on their own they are unbalanced. Therefore, I cannot support what would have been my amendments because I did not receive support for the other amendments.

Question—That the amendments be agreed to—put.

The Committee divided.

Ayes, 19

Mr Bull	Mrs Nile
Mrs Chadwick	Rev. Nile
Dr Chesterfield-Evans	Dr Pezzutti
Mr Corbett	Mr Ryan
Mrs Forsythe	Mr Samios
Mr Gallacher	Mr Rowland Smith
Miss Gardiner	Mr Willis
Mr Hannaford	*Tellers,*
Mr Kersten	Mr Jobling
Mr Lynn	Mr Moppett

Noes, 20

Mrs Arena	Mr Obeid
Dr Burgmann	Mr Primrose
Ms Burnswoods	Mrs Sham-Ho
Mr Cohen	Mr Shaw
Mr Dyer	Ms Tebbutt
Mr Egan	Mr Tingle
Mr Johnson	Mr Vaughan
Mr Jones	
Mr Kaldis	*Tellers,*
Mr Kelly	Mrs Isaksen
Mr Macdonald	Mr Manson

Pair

Dr Goldsmith	Ms Saffin

Question so resolved in the negative.

Amendments negatived.

Schedules agreed to.

Bill reported from Committee without amendment and report adopted.

Third Reading

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [4.13 p.m.]: I move:

That this bill be now read a third time.

The Hon. M. F. WILLIS [4.13 p.m.]: Of course, the Opposition supports the third reading of this bill. However, I would like to place on record that Opposition members are disappointed that the bill is going to the third reading in the form it is. Unfortunately, because of the vote of the Hon. R. S. L. Jones in Committee, owners of heritage buildings have been deprived of tax concessions that the Opposition sought to give them. We support the third reading.

The Hon. R. S. L. JONES [4.14 p.m.]: If the Hon. M. F. Willis and the shadow minister had seen fit to support the reasonable amendments I proposed, I would have moved my amendments on land tax, and it would have been a balanced package. The honourable member has only himself to blame for having failed.

Motion agreed to.

Bill read a third time.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

SYDNEY ORGANISING COMMITTEE FOR THE OLYMPIC GAMES

The Hon. J. P. HANNAFORD: My question is to the Treasurer, representing the Minister for the Olympics. Will the Minister please outline the reasons why Rod McGeogh has resigned from the board of the Sydney Organising Committee for the Olympic Games [SOCOG]? Will the Government provide a guarantee that Mr McGeogh will not be replaced with yet another Labor mate on the board of SOCOG?

The Hon. M. R. EGAN: I was not aware that Mr McGeogh had resigned from SOCOG, but I certainly recall the atrocious treatment the previous government meted out to Mr McGeogh when he returned from Monaco after Sydney won the bid to host the Olympic Games.

OCCUPATIONAL HEALTH AND SAFETY LEGISLATION BREACHES

The Hon. B. H. VAUGHAN: I direct my question without notice to the Attorney General, and Minister for Industrial Relations. I understand that a construction company has been fined $30,000 in the Industrial Court for a breach of the Occupational Health and Safety Act after a dangerous occurrence in which there was no injury. Will the Minister please inform the House of the details of that case?

The Hon. J. W. SHAW: The case to which the honourable member refers concerns Fletcher Construction Australia Ltd, following a workplace accident at its Wollongong building site on 9 June 1994. Fletcher Construction Australia Ltd was the head building contractor at the hydrographic office building construction site at Station Street, Lowden Square, in Wollongong. The conviction and fine under section 16(1) of the Occupational Health and Safety Act highlights the safety responsibilities of head contractors in the high-risk construction industry. Section 16(1) provides that employers must not expose non-employees visiting their workplaces—in this case subcontractors—to health and safety risks.

WorkCover New South Wales brought the prosecution action after an incident at the site on 9 June 1994 when a metal bin loaded with sand fell as it was being lifted from the second floor to the roof by a mobile crane. As the bin fell from the roof level, it struck and damaged scaffolding and the loading platform at the second level before coming to rest at the car park above ground level. The court heard that normally approximately 25 builders and labourers are on Fletcher Construction building sites. Remarkably, no-one was injured in the incident.

WorkCover investigations revealed that Fletcher Construction had allowed a subcontracted bricklayer who did not hold a certificate of competency to act as a dogman to attach the load to the lifting gear. The court heard that, acting against safety procedures in place at the site, a Fletcher Construction employee had directed the bricklayer to carry out a task that required a qualified dogman. The court was also told that it was common practice to rely on only two chains to raise the bins. This was not a correct lifting procedure. The correct procedure would also involve the use of a chain lock in the lifting lugs that were on top of the bins, but these were not used in the lifting procedure prior to the accident. In deciding the penalty, Justice Kavanagh stated:

> Although no injury was suffered when this bin tipped and fell the two errors made by the company in not providing the proper lifting equipment and not using the appropriate qualified person to perform the loading duty takes this matter into the medium range.

The judge convicted and fined the company $30,000 plus costs. The maximum penalty under the Occupational Health and Safety Act at the time of the accident was $250,000. It was noted that Fletcher Construction Australia Ltd had no prior convictions or fines recorded against it under the Occupational Health and Safety Act. The court heard that Fletcher Constructions had since enhanced training for its workers and had ensured that the activities of subcontractors on site were double-checked.

GOVERNMENT COMMERCIAL-IN-CONFIDENCE ACCOUNTABILITY

The Hon. J. P. HANNAFORD: My question without notice is directed to the Attorney General. Is it a fact that the Ombudsman in her annual report, which was released today, highlighted a serious concern with a number of trends in public authorities in which legal advice and legal devices are not necessarily used in the wider public interest? The Ombudsman stated:

> An increasingly common problem that we are coming across is the unhealthy addiction some clients and their lawyers have to secrecy, often for its own sake. Commercial-in-confidence clauses are being inserted into contracts as standard clauses, sometimes without a great deal of thought.

What action will the Attorney take to ensure that the public interest is protected by ensuring the accountability of government through less secrecy?

The Hon. J. W. SHAW: I take the remarks of Ms Irene Moss seriously. I have not yet had the opportunity to read what she said in that regard in her latest report, although I assume that the Leader of the Opposition has accurately crystallised her comments. I will read them carefully and take them on board, although I am sure that all of us would acknowledge that government enters into commercially sensitive matters that require confidentiality. Occasionally there might be difficulty in drawing a precise line about some of those matters.

The Hon. J. P. HANNAFORD: I ask a supplementary question. Is the Attorney aware that the Ombudsman has stated in her report that there has been a poor level of compliance by public sector agencies with the annual reporting requirements of the Freedom of Information Act, and that one of the agencies that failed to report is the Director of Public Prosecutions? What action will he take to rectify this situation?

The Hon. J. W. SHAW: I would be very surprised if the Director of Public Prosecutions infringed proper procedures in any way, but I will look into the matter.

ST MARY'S CATHEDRAL SANDSTONE CLEANING

The Hon. JAN BURNSWOODS: My question without notice is directed to the Minister for Public Works and Services. Will he update the House on innovative sandstone cleaning methods being trialled by his department at St Mary's Cathedral? How will these cleaning methods better preserve the condition of this important, ancient stonework?

The Hon. R. D. DYER: I commend the Hon. Jan Burnswoods for her deep and abiding interest in matters relating to sandstone work. Some time ago my department was engaged by the Catholic Church to recommend a suitable cleaning method for St Mary's Cathedral. In the past extensive damage was caused to the cathedral by mechanical and chemical cleaning methods. The church was understandably concerned that a more suitable method be devised. Cleaning works were needed that would not only remove the various algae, bird droppings, pollutants and dirt from the sandstone, but would reveal any underlying defects in the sandstone that may require its replacement, improve the overall cathedral appearance and utilise a simple scaffolding system that did not require any permanent attachment to the building.

It will come as no surprise to honourable members who have been following my previous answer on sandstone matters—and I am sure that would include virtually every member of the House—that cleaning Sydney sandstone is no easy process. The successful cleaning method must not lead to the formation of salts, which would degrade the sandstone surface. It must cause minimal disruption to the soft texture of the stone and special care must be taken not to damage glass leadlights or mortar joints inlaid in the building.

Given the central location of St Mary's Cathedral, special care was also required to reduce noise and visual pollution arising from the cleaning process. At the request of the church works committee, my department investigated traditional hand-washing, water-blasting and micro-abrasive techniques—and I would say that the Hon. Dr B. P. V. Pezzutti resorts to macro-abrasive techniques.

The Hon. Dr B. P. V. Pezzutti: Did you use ultrasound?

The Hon. R. D. DYER: Ultrasound is what the Hon. Dr B. P. V. Pezzutti emits constantly. My department determined that none of the methods I have mentioned met the requirements for the preservation of such a historic building. Instead a recommendation was made to trial a new cleaning process known as facade gommage, which was first tested in France in 1996. The process is based on the projection of very fine mineral powder onto the sandstone using low-pressure compressed air, rather than high-pressure compressed air, which is what the Hon. Dr B. P. V. Pezzutti emits. No water, chemicals or detergents are used in the process. The powder is non-toxic and presents no danger to the public. The facade gommage method has been widely used in Europe and North America, including on stoneworks at the Louvre in Paris and the Chateau de Versailles.

I understand, however, that this is the first time the technique has been employed in Australia. The recommendation has been accepted by St Mary's, and tests of the facade gommage method have taken place already on the cathedral. Trial areas have been inspected by representatives of my department, the cathedral works committee and the contractor, Gosford Quarries. More trials will be conducted to ensure 100 per cent satisfaction before works on the entire structure commence. Honourable

members will welcome this important step toward preserving one of Sydney's old sandstone buildings and the possible extension of this cleaning process to other significant sites in the central Sydney region.

CORRECTIONS HEALTH SERVICE PSYCHIATRIC REPORTS

The Hon. Dr B. P. V. PEZZUTTI: My question without notice is to the Attorney General, Minister for Industrial Relations, and Minister for Fair Trading. On 17 September I brought to the attention of the Attorney the concerns of a Lismore magistrate who had to release a person after two months in custody because the magistrate was unable to obtain a psychiatric report from the Corrections Health Service. On that occasion the Attorney undertook to investigate the matter. Is the Attorney aware that the same magistrate is currently holding another apparently mentally ill person in custody because he is unable to get a psychiatric report from a gaol, and has released a third person after three months in custody because the Corrections Health Service could not provide a report, even though the person was charged with threatening Centrelink staff?

Is the Attorney further aware of the correspondence sent to the magistrate from the Corrections Health Service outlining, "the logistic problems required to provide this service and the difficulties under which we operate"? What will he do to address this problem that leaves courts to deal with a person held in custody who may or may not have a mental illness, who is charged with a serious offence, but who, because the Corrections Health Service is unable to provide a report, will remain in custody until no longer reasonable, and eventually be released before any report is produced?

The Hon. J. W. SHAW: I have had reports of comments made by the magistrate at the Lismore Local Court in relation to difficulties apparently faced by that court, solicitors and the prosecution because of problems in getting psychiatric reports from the prison system. It would be inappropriate for me to comment on the provision of psychiatric reports by the Corrections Health Service, which falls within the jurisdiction of my colleague the Minister for Health. Not having heard the evidence in the two cases mentioned in the report in the Lismore *Northern Star* it would be impossible and inappropriate also for me to discuss the magistrate's particular comments. I am advised that ongoing discussions have been held between officers of my department and the Corrections Health Service.

It has been agreed that the two agencies will enter into a memorandum of understanding that will set out guidelines to assist the judiciary and Corrections Health Service when a request is made for medical and psychiatric reports. The memorandum of understanding will outline the processes for ordering and providing psychiatric reports, detail the types of reports that a court may order from Corrections Health Service, ensure that the court indicates the reasons for requesting a psychiatric report and specify a standard request form. I am informed that the Corrections Health Service has already agreed to work with the Judicial Commission to develop a judicial education program aimed at providing judicial officers with information on the role of the Corrections Health Service and the use of psychiatric reports for court purposes.

TEENAGE DRUG USE

Reverend the Hon. F. J. NILE: I ask a question of the Attorney General in his own capacity and representing the Minister for Police. Has there been a dramatic increase in the rate of use of illegal drugs by New South Wales teenagers from 25 per cent to 33 per cent, as compared with Sweden's 3 per cent? Is the current so-called war against drugs failing and is urgent action required to protect our youth? Will the Government introduce for a trial two-year period a realistic preventive anti-drug campaign based on the successful Singapore model to dramatically reduce the demand for illegal drugs by giving police the power to random drug test all suspected drug addicts and require all hard drug addicts to undergo and complete a compulsory 12-month residential drug rehabilitation course?

The Hon. J. W. SHAW: This is a peculiarly difficult area of social and legal policy. I am not able to confirm the precise statistics given by the honourable member, but I believe that generally statistics show an increase in illegal drug use over the past decade or so. Whether the particular anti-drug campaign contemplated by Reverend the Hon. F. J. Nile would be effective I do not know, but I am happy to take the matter up with my advisers, the Health Department and other relevant government agencies to determine whether there would be value in the kind of campaign contemplated by the honourable member. In the near future the House will have the opportunity to debate a bill to constitute a trial Drug Court in New South Wales. I believe that to be a positive proposal. It emphasises rehabilitation rather than punishment. I predict that the debate in this House will be interesting.

GOVERNMENT CONSTRUCTION WASTE MANAGEMENT

The Hon. A. B. MANSON: Further to the answer given last week by the Minister for Public Works and Services concerning environmental practices in the building industry, will the Minister outline his department's progress in meeting building waste reduction standards at the recent Taronga park construction?

The Hon. R. D. DYER: Again I acknowledge the longstanding and consistent interest of the Hon. A. B. Manson in the building industry. Honourable members would be aware that the Carr Government has instituted a policy of reducing by 60 per cent the volume of waste transferred to landfill by the year 2000. To help achieve that target the Department of Public Works and Services has adopted a comprehensive policy on waste management in design and construction activities, some details of which I outlined to the House last week.

Today I am pleased to advise honourable members of a success story in waste minimisation on a government site. Earlier this year my department was contracted to construct a new primate exhibition at Taronga Zoo, replacing the antiquated facility existing on site. As part of the construction a detailed waste minimisation plan was drawn up and monitored throughout the various stages of works. The Department of Public Works and Services, in conjunction with Taronga park managers, the Environment Protection Authority and head contractor, Stephen Edwards Construction Pty Ltd, developed detailed solutions to building waste problems in the design, construction and operational phases.

Special care was given to reducing noise and dust that may have distressed animals nearby and caused difficulties with the public operation of the zoo. A work program was developed so that most of the spoil from excavation was used as backfill in retaining walls, and the excess was stockpiled on site for other exhibits. Construction hoarding lifespan was increased through regular maintenance so that after the project the hoardings were able to be stored for reuse on future projects. Masonry wastes and broken blocks removed from the existing exhibit were crushed and used as road base and as part of neighbouring retaining walls, obviating any need to remove broken stone from the site.

In addition, excess concrete was either incorporated as a binding layer into water features in the new primate enclosure or forwarded to a recycling centre for reuse on other sites. Various items of waste timber and steel, as well as packaging for new materials, were collected, sorted and sold to recyclers for reuse elsewhere. I am advised that the overall waste management plan for the Taronga park site was an outstanding success, with an imaginative reuse found for every type of waste material generated from what was a fairly large construction job. Whilst the operation of the waste management program may have marginally increased construction costs, the benefits in terms of reduced landfill were highly significant, and future projects at the zoo will be all the cheaper given the amount of materials that were salvaged and are available for future projects.

In that regard I speak of the hoardings, the backfill for roads and retaining walls, and savings on water features occasioned by reuse of concrete wastes. The primate exhibit waste management plan serves as a model for application of new waste procedures and performance standards that the Government expects to see on other sites. I commend the success of this project to the House and I look forward to similar efforts by project teams on other government sites around New South Wales.

LOCAL GOVERNMENT ACCOUNTABILITY

The Hon. D. J. GAY: My question is addressed to the Attorney General, representing the Minister for Local Government. Is the Minister for Local Government aware that the New South Wales Ombudsman in her annual report, which was released today, highlighted the fact that this year there was a 21 per cent increase in complaints about councils? What will the Minister do to address this hike and to act on the excellent recommendations by the Ombudsman that aim to promote community harmony, make councils more accountable and reduce legal costs in local government?

The Hon. J. W. SHAW: Whether the Minister for Local Government is aware of the Ombudsman's observations contained in her report released today is something beyond my ken, but I am sure that he will be aware of them in due course and I am sure that he will act appropriately and expeditiously in relation to those observations.

FOREST AGREEMENTS GOVERNMENT ADVERTISING

The Hon. I. COHEN: Will the Treasurer inform the House of the cost of the recent and ongoing advertising campaign to sell the Government's forest package, including full-page newspaper advertisements and advertisements on

television and radio and on the sides of buses? Is the Government's advertising campaign funded by Treasury, State Forests, the environmental trust funds or some other marketing fund? Is the campaign part of the Carr Government's 1999 election campaign hollow log, which would surely be part of the old-growth campaign?

The Hon. M. R. EGAN: I am not aware of the details of the campaign referred to. As honourable members would know, I am not in charge of government advertising. However, I am sure that I will be able to obtain the information from the appropriate Minister and convey it to the House.

KIT HOME INDUSTRY

The Hon. CARMEL TEBBUTT: My question is addressed to the Minister for Fair Trading. Will the Minister inform the House about action his department is taking to monitor the growing kit home industry in New South Wales?

The Hon. J. W. SHAW: This is a matter in which all honourable members are interested. Enhancing consumer protection and fair trading in the residential property and building markets are key objectives of the State Government. For most of us, our home is the most significant investment we will make in our lives, and we are concerned to protect it. New and growing market sectors such as the kit home industry demand responsive monitoring and appropriate action from regulators to ensure that consumers are protected.

As part of a concerted effort to upgrade regulation of the home-building industry by the Department of Fair Trading, the department has recently recruited additional building investigation staff. Their role includes the detection of uninsured and unlicensed contractors. One feature of this increased emphasis on home building compliance is the targeting of specific industry groups for review.

A review of the kit home industry that was undertaken by the Department of Fair Trading earlier this year resulted in increased awareness within the industry of the requirements under the Home Building Act to be appropriately licensed and to take out private insurance covering consumers who purchase kit homes. Of the approximately 200 licensed kit home suppliers in New South Wales, 5 per cent were contacted in the review. A number of complaints about unlicensed suppliers were also reviewed in the process.

The majority of kit home suppliers who were not insured have since advised the department that they have taken out the requisite insurance. This included retrospective insurance cover for consumers who had contracted with suppliers after the commencement of the privately provided home building insurance scheme in May 1997. When contacted by the Department of Fair Trading the majority of kit home suppliers who were not appropriately licensed subsequently obtained a contractor's licence to supply kit homes.

Follow-up inquiries are being conducted with those who have not yet applied for a licence. Letters advising all licensed suppliers of their obligations under the Act have been sent as part of an education program. Any contractor found operating contrary to the advice given by Fair Trading will be considered for further enforcement action. The department has also targeted the suppliers of kit garages, carports and sheds in the same way.

Fair Trading has identified a number of kit home suppliers whose conduct warrants investigation with a view to prosecution. One supplier provided an undertaking to the Supreme Court of New South Wales that it will not contravene the Home Building Act in relation either to licensing or to insurance requirements. The Department of Fair Trading is helping to ensure that consumers are protected and that standards are maintained in the kit home industry. A further review of the industry will be conducted in early 1999 to monitor the industry's compliance with the Home Building Act.

ELECTRICITY INDUSTRY CROSS-BORDER ASSET LEASING

The Hon. J. M. SAMIOS: I ask the Treasurer, and Vice-President of the Executive Council whether in question time last week the Premier stated, with respect to the leasing of electricity assets, "The Government has no interest in any special leasing arrangements, let me make that clear." Will the Treasurer guarantee that he will not enter into any cross-border leasing arrangements of generation assets prior to March next year?

The Hon. M. R. EGAN: I indicated to the House on a previous occasion that the Government is examining the prospect of a cross-border leasing arrangement which—I believe the Hon. J. M. Samios knows this but perhaps whoever drafted his question does not—is a financing transaction which stands to benefit the taxpayers of New South Wales.

The Hon. J. P. Hannaford: It is privatisation, and you know it.

The Hon. M. R. EGAN: No, it is not, and the Leader of the Opposition knows that that is a dishonest statement.

The Hon. J. P. Hannaford: It is backdoor privatisation.

The Hon. M. R. EGAN: The Leader of the Opposition is actually telling lies now. I have answered this question before. The Government is examining the prospect of cross-border leasing, which means that the State budget will be bolstered by a considerable amount. But in no way would that amount to backdoor privatisation, in the same way as the cross-border leasing of Mount Piper power station did not amount to backdoor privatisation.

The Hon. J. M. SAMIOS: I ask a supplementary question. Has the Treasurer recently had discussions with the unions in relation to the leasing of generation assets?

The Hon. M. R. EGAN: No, I have not.

POLICE SERVICE GLOCK PISTOLS

The Hon. FRANCA ARENA: Is the Attorney General, Minister for Industrial Relations, and Minister for Fair Trading, representing the Minister for Police, concerned about the shock findings regarding the new Glock semi-automatic pistols, which seem to have a high level of lead? Were these pistols not checked before being issued to our police force? What initiative will this Government take to ensure the good health of our police force?

The Hon. J. W. SHAW: I am sure that the Minister for Police is concerned about any piece of equipment used by police officers which is thought to have adverse implications for their health and safety. I am sure that he is assiduously taking up those matters. But I will inquire from him precisely what is happening in relation to the Glock pistols and their occupational health and safety implications and report back to the honourable member.

DEPARTMENT OF FAIR TRADING ACCESS CENTRES

The Hon. Dr MEREDITH BURGMANN: My question without notice is directed to the Minister for Fair Trading. What steps has his department taken to increase services to rural consumers and traders who do not have access to a fair trading centre?

The Hon. J. W. SHAW: Obviously the State Government is determined to deliver and improve government services where they are most needed. The Department of Fair Trading does this through an impressive network of 23 fair trading centres, 19 of which are located in rural areas, and a number of which I have visited and been associated with. Fair Trading also conducts extensive outreach programs in isolated communities. I have previously referred to those services in this House. I am pleased to announce that Fair Trading has recently begun a new type of service. To support its important work in country New South Wales, my department has joined the network of government access centres. Fair trading services are now available at five government access centres: in Oberon, Gilgandra, Grenfell, Dorrigo and Maclean.

Government access centres, which are being established throughout rural New South Wales by the Premier's Department, provide convenient face-to-face one-stop information shops, ensuring that communities in rural New South Wales have access to the same range of government activities and services that city residents have. The centre is usually an existing New South Wales government office, and that includes courthouses.

Staff from Fair Trading centres in those regions will maintain regular contact with the government access centres so that the centres are kept informed of significant fair trading developments and to maintain supplies of the department's large range of information brochures. To save small traders valuable time business customers will also be able to visit the government access centres and apply for or renew their business name registration. Home builders and contractors are also covered, with facilities being available for them to apply for a licence or pay their licence renewal fees.

Handling customer and trader complaints is at the heart of Fair Trading operations. If consumers have a problem with a trader and wish to make a formal complaint to Fair Trading, the government access centre can provide a complaint form which will be forwarded on their behalf to the local fair trading centre for investigation.

Other services provided by the Government at access centres include assisting customers to make a Register of Encumbered Vehicles [REVS] check. By making one simple telephone call to REVS a customer can check whether a second-hand vehicle or boat that he or she is considering buying privately has a debt owing to a financial institution. If it does and it remains unpaid after the sale, the vehicle can,

of course, be repossessed. REVS can be contacted on a toll-free number from anywhere in New South Wales. However, car buyers can also visit the government access centre and make the call from that office if they wish.

REVS can also provide a certificate for $10 which shows the results of the check. If a car buyer wishes to utilise this service the government access centre can provide an application form and will fax it to the REVS office in Sydney. New South Wales rural consumers and traders in Oberon, Gilgandra, Grenfell, Dorrigo and Maclean will receive an excellent new service as a result of Fair Trading joining the government access centres program. I hope that Fair Trading will play an even larger role in this worthy government program in the near future.

LICENSED PREMISES LIQUOR-WITHOUT-MEALS REGULATION

The Hon. R. T. M. BULL: Is the Minister for Public Works and Services, representing the Minister for Gaming and Racing, and Minister assisting the Premier on Hunter Development, aware of the extraordinary conditions being placed on liquor-without-meal licensees, including the requirement that up to 11 new notices have to be displayed in restaurants? Does the Minister admit that this is an unnecessary overreaction to an industry sector which has always prided itself on good management and well-behaved patrons? Will the Government undertake to review these overly bureaucratic and unnecessary impediments?

The Hon. R. D. DYER: I will obtain a response to that question from my colleague the Minister for Gaming and Racing and convey it to the Deputy Leader of the Opposition.

AREA HEALTH SERVICE PERFORMANCE

The Hon. Dr A. CHESTERFIELD-EVANS: My question is directed to the Minister for Public Works and Services, representing the Minister for Health. Is the Minister aware that the Ombudsman in her report has made adverse findings against the Central Sydney Area Health Service regarding its reluctance to release documents under the Freedom of Information Act as to why, eight years after Macquarie Health Corporation had contracted to build a private hospital contiguous with the Royal Prince Alfred Hospital, it has not done so? Is the Minister also aware that the Ombudsman has stated that the South Eastern Sydney Area Health Service has provided inaccurate information to her regarding adverse findings against it relating to three employees? What remedial action will the Minister take?

The Hon. R. D. DYER: I will obtain a comprehensive response to the questions of the Hon. Dr A. Chesterfield-Evans from my colleague the Minister for Health as soon as possible.

SYDNEY PUBLIC TRANSPORT SYSTEM

The Hon. J. KALDIS: My question is directed to the Treasurer, Minister for State Development, and Vice-President of the Executive Council. Will the Minister give details of the latest plans for Sydney's public transport system?

The Hon. M. R. EGAN: As honourable members would be aware, yesterday the Premier and the Minister for Transport unveiled a fully funded 10-year construction plan to transform Sydney's public transport network for the next century. The plan will create 28,000 jobs for New South Wales families and ensure Sydney's construction boom continues well after the Olympics. The transport plan delivers solutions for western Sydney and the central coast, which have been ignored by previous coalition governments despite a huge population growth. The plan commits the Government to a statewide transport package which includes the expansion of the State's rail network at a responsible, affordable cost of $300 million a year on average.

The Hon. J. F. Ryan: You will have a Seniors Card by then.

The Hon. M. R. EGAN: I will still be in the House, if there is a House. I very much doubt that the Hon. J. F. Ryan will be. The plan also features a unique 90-kilometre rapid bus-only transit way system in Sydney totalling $70 million over 10 years. Major road projects in metropolitan and regional New South Wales will be funded from the annual roads program. This is the biggest transport construction program since the building of the Sydney underground rail line in the 1920s.

The plan features: eight new rail lines including Epping to Castle Hill, Hurstville to Strathfield and high-speed rail links to the central coast, Newcastle and the Illawarra; 90 kilometres of rapid bus-only transit ways across western Sydney linking Parramatta, Strathfield, St Marys, Blacktown, Castle Hill, Wetherill Park and Mungerie Park; more than 100 kilometres of new cross-regional bus routes to link major suburban centres; major road projects worth $950 million, including the cross-city tunnel and the Federally funded western Sydney orbital;

expansion of the light rail network through the inner west; and a $100 million package to replace and upgrade the Sydney Ferries fleet with 12 new state-of-the-art SuperCats.

As Sydney's population grows we need a fully funded transport plan to win the battle to improve our air quality. Commuters must be encouraged to leave their cars at home and use public transport to travel to work, school, child-care centres, hospitals, universities and major retail and business centres. Our efficient, safe, affordable and accessible transport network needs to be expanded to meet growing demands, and to make public transport go where people want to go. We need faster freight routes to make it easier to do business in New South Wales. Action for Transport 2010 builds on our current transport system in areas of greatest need now and in the future, delivering an integrated network for the next century.

The Government is already getting on with the job of transforming Sydney's transport system. Work has commenced on the $700 million Eastern Distributor and the $750 million M5 East, and work will start next month on the $198 million Liverpool to Parramatta rapid bus transit way. A $20 million light rail extension through the inner west to Lilyfield will commence early next year. Last week the Government issued the overview report for the $1.4 billion, 28-kilometre Parramatta rail link to Chatswood via Epping. This is a solid record of achievement.

The Hon. M. R. Kersten: What about a sealed road to Tibooburra?

The Hon. M. R. EGAN: Your mob closed down the rail services to Broken Hill, and you support closing them down again. Why do you want to close down train services to Broken Hill? Why don't you explain why you are planning to close down the train services to Broken Hill? I will let the people of Broken Hill know that you are planning to close down their train service and, given the opportunity, you won't even deny it.

The PRESIDENT: Order! I ask the Treasurer to moderate his voice and address the Chair.

The Hon. M. R. EGAN: The Government is delivering the projects which will make a difference to the quality of life in Sydney. The Sydney construction program is part of a statewide plan for New South Wales transport. I am pleased to inform the House that the Government will soon release a transport plan for country and regional New South Wales.

DISABILITY DEATH REVIEW TEAM

The Hon. PATRICIA FORSYTHE: My question without notice is to the Attorney General, representing the Minister for Community Services, and Minister for Disability Services. When will the disability death review team announced by the Minister for Community Services, and Minister for Disability Services last week be established? Will the Government give a guarantee that funding for the team will not involve funding being withdrawn from other existing services, especially the Community Services Commission? Will the Government refer the death two weeks ago of a young woman with a disability who was living at a Department of Community Services group home at Wheeler Heights, and the deaths at the Grosvenor Centre, to the disability death review team?

The Hon. J. W. SHAW: I shall refer those questions to the Minister for Community Services and obtain a response.

DIESEL BUS EXHAUST EMISSIONS

The Hon. R. S. L. JONES: I ask the Treasurer, representing the Minister for Transport, whether the new transport program will mean the phasing out of dirty diesel buses from the city of Sydney? By which year will Sydney be free of those polluting monsters?

The Hon. M. R. EGAN: I am not aware of that program. I know that all over this great city of Sydney I see brand spanking new buses. Whenever I see them I remember the belching buses that used to be driven around the streets of Sydney when the previous Government was in office.

SMALL BUSINESS EIGHTY20 RESEARCH SOFTWARE

The Hon. E. M. OBEID: My question without notice is directed to the Treasurer, and Minister for State Development. Will the Minister please inform the House what the Government is doing to assist small to medium enterprises with business research?

The Hon. M. R. EGAN: That is a very important question. Only yesterday my Parliamentary Secretary for Small Business, Sandra Nori, launched a new Sydney-made computer program called Eighty20, which will be made available to small businesses through the New South Wales business enterprise centres. Eighty20 is a software package that enables small businesses to easily research statistics for business planning and

marketing. It takes the guesswork out of small business decision making. Using Australian Bureau of Statistics census data and business registration information, Eighty20 enables a company to accurately search for information on potential markets in any demography in Australia. With the Eighty20 software one can simply use a postcode to search for information such as age groups, incomes and gender, as well as competitors, in that location.

Business owners can test their marketing and business plans against that information. The old days of opening a store and hoping customers would just walk in has been replaced by affordable, scientific marketing based on the latest available data. A North Sydney based company, Invisible Hand Corporation, developed the Eighty20 software, and it is distributed by Sydney-based Computer Products of Australia. The Eighty20 software will soon be available for most of the 48 government-supported business enterprise centres in New South Wales.

The Hon. Dr B. P. V. Pezzutti: Why is it called Eighty20?

The Hon. M. R. EGAN: I do not know why it is called Eighty20, and I certainly do not know why the Liberal Party is called the Liberal Party, because it is the most illiberal party in Australia.

[*Interruption*]

The Hon. M. R. EGAN: Listen to the Opposition members. It is so easy to set them off.

The Hon. Dr B. P. V. Pezzutti: You are a silly man.

The Hon. M. R. EGAN: When the Hon. Dr B. P. V. Pezzutti accuses people of being silly, it is a case of the pot calling the kettle black. The Eighty20 project is only one of nine special projects that the New South Wales Government has funded through the business enterprise centres. Support for better, smarter and innovative management in small businesses is important to the Government. Successful new businesses are essential for investment and jobs. The Government needs to make sure that as many as possible of these new starters see their dreams come true. Supporting smart business planning is essential to achieving this and an essential part of the Government's jobs plan. The Eighty20 project is a business tool that will help to achieve our aims.

QUEEN VICTORIA NURSING HOME CLOSURE

The Hon. J. F. RYAN: My question is to the Minister for Public Works and Services, representing the Deputy Premier, and Minister for Health. Does the Minister recall telling the House in response to my question about the closure of Queen Victoria Nursing Home in the Blue Mountains that there was a surplus of nursing home beds in the Blue Mountains? Is the Minister aware that inquiries to all nine nursing homes in the Blue Mountains indicate that there are only three nursing home bed vacancies in the Blue Mountains today? How does the Government propose to move 61 patients, who wish to remain located in the Blue Mountains, from the Queen Victoria Nursing Home? In light of this information, is the Minister prepared to review his assessment that there is a surplus of nursing home beds in the Blue Mountains?

The Hon. R. D. DYER: I recall conveying some information on behalf of my colleague the Minister for Health to the Hon. J. F. Ryan. If the honourable member is aggrieved by that response, I shall approach the Minister for Health again and convey his response to the honourable member.

POLICE BODY ARMOUR VESTS

The Hon. ELAINE NILE: I direct my question to the Attorney General, Minister for Industrial Relations, and Minister for Fair Trading, representing the Minister for Police. Is it a fact that the police commissioner has decided to provide soft body armour vests to officers who demonstrate an immediate need? Is it a fact that an officer must apply for the armour and demonstrate a need for it? If an officer fails to apply for a soft body armour vest and is killed or injured while on duty, is the Police Service exonerated from liability because of the officer's failure to apply? Will an officer who has been issued with a soft body armour vest and who fails to wear it while performing non-threatening duties, such as computer work in a police station, be unable to claim compensation should injury occur as a result of an attack similar to that which took place at Lakemba police station a couple of weeks ago?

The Hon. J. W. SHAW: The Hon. Elaine Nile has raised a serious question which might involve some detailed legal issues in regard to compensation for injuries in tragic circumstances. I am reluctant to give an off-the-cuff reply. I will take the question on board, discuss the matter with the Minister for Police, and endeavour to obtain a detailed response for the honourable member.

GREEN POWER SCHEME

The Hon. A. B. KELLY: My question without notice is to the Treasurer, and Minister for State Development. Will the Minister inform the House how the Government's efforts to reduce greenhouse gas emissions rate on the world stage?

The Hon. M. R. EGAN: Some excellent questions have come from the Opposition benches today.

[*Interruption*]

I am extending question time to allow Opposition members to ask some more questions. There have been some excellent questions from the Opposition benches, and there have been better answers, and even better questions from the Government benches. The Hon. Dr B. P. V. Pezzutti has not asked a question today, or, if he did, it did not make any impact on me.

The Hon. R. D. Dyer: The standard will slip when he does.

The Hon. M. R. EGAN: The standard will slip when he does. The Carr Government has always been ahead of the rest of Australia and, for that matter, the rest of the world in promoting green power. At the end of October the United States of America Environmental Protection Agency awarded the New South Wales green power scheme its 1998 international climate protection award. That was a great honour.

The Hon. J. F. Ryan: It was a toss-up between us and Chile.

The Hon. M. R. EGAN: If I were able to vote at the Liberal Party preselection next Saturday I would vote for the Hon. J. F. Ryan, because the Government does not want to improve the standard of Opposition members. We are happy with what we have got, especially the ferret over there. The award was judged by a panel of industry, government and international organisations from Brazil, France, India, Japan, Mauritius, Mexico, the Netherlands and the United States of America. The New South Wales green power scheme is a program developed by the Sustainable Energy Development Authority [SEDA]. It is designed to promote the use of renewable non-polluting energy generated from the sun, wind and water.

As I recall, SEDA was established in 1995 with a charter to reduce greenhouse gas emissions in New South Wales. The New South Wales green power scheme started in April last year. Since then 22,000 homes have joined the scheme and $68 million has been invested in new renewable sources of energy. These include a 200 kilowatt solar farm at Singleton, a 600 kilowatt wind turbine at Kooragang Island, a five megawatt wind farm at Crookwell, a solar power station at Dubbo zoo and a solar power station at Queanbeyan.

Green power is available to all New South Wales households and businesses. Power retailers guarantee to sell electricity to green power customers from renewable sources, replacing electricity generated in a coal burning power station. The United States of America award is a significant win for New South Wales and confirms our position as a world leader in reducing greenhouse gases. I congratulate all involved in leading, promoting and administering the New South Wales green power scheme.

COXS RIVER WATER

The Hon. J. H. JOBLING: My question without notice is to the Attorney General, Minister for Industrial Relations, and Minister for Fair Trading, representing the Minister for Energy. Has a $3 billion State-owned power company blocked scientific trials aimed at restoring the health of the environmentally savaged Coxs River in the Blue Mountains? Was a five-year program of experiments on the river's flow regime, expected to commence early in November, shelved after Delta Electricity threatened Supreme Court action?

The Hon. J. W. SHAW: I will refer that question to the Minister for Energy.

CENTRAL SYDNEY AREA HEALTH SERVICE

The Hon. Dr B. P. V. PEZZUTTI: I ask the Minister for Public Works and Services, representing the Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs, a question without notice. Is it a fact that the Ombudsman, in her annual report released today, has singled out the Central Sydney Area Health Service's contract with a private company as an example of unnecessary secrecy and an undermining of the provisions of the Freedom of Information Act? The Ombudsman stated:

> The confidentiality clause in this case was an all embracing secrecy clause. It did not appear that any thought went into deciding why secrecy was required and what needed to be protected. Such blanket exclusions are unacceptable. They are the product of lazy minds and demonstrate a desire to avoid public scrutiny and a complete disregard for the public interest.

What steps will the Minister take to ensure that this type of contract by the Central Sydney Area Health Service and other health services does not continue?

The Hon. R. D. DYER: I will obtain a response to that question from my colleague the Minister for Health.

The Hon. Dr B. P. V. PEZZUTTI: I ask a supplementary question. Since the Minister has taken my question on board, I ask whether it is also a fact that 12 area health services have failed to publish a summary of affairs in the June 1998 reporting period as required by section 14 of the Freedom of Information Act. What steps will the Minister take to fix this omission?

The Hon. R. D. Dyer: Point of order: That is clearly not a supplementary question; it raises completely new material from that contained in the original question.

The PRESIDENT: Order! I uphold the point of order. The question is out of order.

INTERNET HOMOSEXUAL BEAT WEB SITE

The Hon. ELAINE NILE: I direct my question to the Attorney General, representing the Minister for Police. Does the Internet site www.cruisingforsex.com list dozens of Sydney public toilets where men can expect to find plenty of casual or anonymous homosexual activity? Do those listings make careful note of the lack of police presence at those public toilet facilities? Will the Minister direct the Commissioner of Police to send directives to area police commanders to investigate this web site and to properly patrol the listed hot spots for the safety and decency of members of the public who may wish to use the facilities in the manner for which they were originally designed?

The Hon. J. W. SHAW: I have had some basic Internet training, but I must say I have not visited that particular site. I will refer the honourable member's question to the Minister for Police to ascertain whether any light can be shed on the problem she raised.

The Hon. M. R. EGAN: If honourable members have further questions, I suggest that they put them on notice.

CENTRAL COAST AREA HEALTH SERVICE

The Hon. R. D. DYER: On 20 October the Hon. M. J. Gallacher asked me a question concerning the Central Coast Area Health Service. My colleague the Minister for Health, the Hon. Andrew Refshauge, has provided the following answer:

> The needs of the Central Coast Area Health Service have been identified in the project feasibility study and the area clinical services plan. These broad community requirements will be translated into the service specifications and building design requirements. Once the building requirements are completed, the project will be subject to the normal tendering requirements.
>
> The Government has made a commitment to commence planning for the redevelopment of the Gosford and Wyong hospitals sites. Once the planning process is complete, the Government will be in a position to consider the allocation of the required funds to commence the construction.
>
> The Government's initiative in advancing the redevelopment of Gosford Hospital and the expansion of Wyong Hospital is indicative of its concern that the residents of the central coast have hospital facilities equivalent to elsewhere in the State.

SPIT BRIDGE AND GLADESVILLE BRIDGE TRAFFIC FLOW

The Hon. M. R. EGAN: On 20 October the Hon. Elaine Nile asked me a question without notice about traffic flow on the Spit and Gladesville bridges. The Minister for Transport, and Minister for Roads has provided the following response:

> Traffic was delayed from 2.00 p.m. until 3.05 p.m. on 19 October 1998 at the Spit Bridge when faults occurred in the primary drive system and the back-up system for operating the bridge lift span. Simultaneous faults in both systems are rare; the last occurred well over ten years ago.
>
> The RTA will continue to carry out regular maintenance checks on the lift span operating systems. In addition, the RTA is arranging for improvements to the back-up system to further reduce any potential for problems with the opening and closing of the lift span.
>
> Concerning Gladesville Bridge, an accident involving five vehicles occurred on 19 October 1998 at 3.40 p.m. The accident did not stop traffic from using the bridge but initially resulted in the closure of two eastbound lanes and one westbound lane. By 4.55 p.m. only one lane, eastbound, remained closed and the road was completely cleared by 5.25 p.m.
>
> The accident left some people trapped in vehicle wreckage. When such incidents occur, predetermined emergency procedures are necessarily followed. While some delay to traffic in such instances is inevitable, it is essential that priority be given to accident victims to ensure that they are appropriately treated and that safe conditions are maintained for other road users.
>
> The potential for Olympic-related traffic pressures on such major corridors as Parramatta Road and Victoria Road will be managed through initiatives to optimise public transport usage for all Olympic-related activities. The strategy is to provide public transport for spectators to the Olympic venues. A traffic planning task force has been established to examine treatments on preferred routes between all Olympic venues in order to ensure satisfactory performance levels along the routes.
>
> Also, construction is under way on a new transport management centre, together with planning of advanced transport management systems to manage vehicle flow and incidents. The centre will be staffed 24 hours per day and will use improved communications systems with direct links to radio stations. Variable message signs will be displayed along major arterial roads providing advice to road users of incidents as they occur. This will provide opportunities to road users to make appropriate changes to travel arrangements.

GAS-POWERED BUSES

The Hon. M. R. EGAN: On 20 October the Hon. I. Cohen asked me a question without notice concerning gas-powered buses. The Minister for Transport, and Minister for Roads has provided the following response:

> The Government is currently considering a preliminary feasibility study on the eastern suburbs light rail proposal as well as other public transport options for this area of Sydney.

TOBACCO ADVERTISING

The Hon. M. R. EGAN: On 21 October the Hon. Dr A. Chesterfield-Evans asked me a question without notice concerning tobacco advertising. The Minister for the Olympics has provided the following response:

> Rule 61 of The Olympic Charter relating to Propaganda and Advertising states that "commercial installations and advertising signs shall not be allowed in the stadia, nor in the other sports grounds" of the Olympic Games. This exclusion includes tobacco sponsorship and advertising.
>
> SOCOG's brand protection program will operate during the Games to ensure that any unauthorised advertising that seeks to gain an association with the Olympic movement through the use of Olympic intellectual property is either covered or removed from Games venues and other sites and will operate to ensure that all Games venues are clean of all advertising, whether expressed in words, colours, imagery or slogans.

SYDNEY WATER INSURANCE POLICY

The Hon. M. R. EGAN: On 21 October the Hon. J. P. Hannaford asked me a question without notice relating to the Sydney Water insurance policy. The Minister for Urban Affairs and Planning has provided the following response:

> Sydney Water's legal advice is that the provision of any confidential or privileged material to third parties might impact upon the defence or settlement of the class action or any claims that have been brought against Sydney Water and, to that extent, Sydney Water's insurer would be prejudiced.
>
> Sydney Water is also advised that an insured is required to act in good faith with the insurer and this would not be the case if it prejudiced the insurer's defence or strategy for dealing cost effectively with a claim by releasing confidential or privileged documents.
>
> It is wrong to suggest that Sydney Water has no statement from its insurer concerning the release of information about the water quality incident. Sydney Water has a statement from its insurance company supporting the stance not to release privileged documents that could have the potential to prejudice the indemnity being afforded to Sydney Water.

M2 TRAFFIC FLOW PROJECTIONS

The Hon. M. R. EGAN: On 22 October the Hon. I. Cohen asked me a question without notice concerning M2 traffic flow projections. The Minister for Transport, and Minister for Roads has provided the following response:

> The traffic projections for the M2 motorway were prepared for Hills Motorway by specialist consultants. The Roads and Traffic Authority was not involved.

REGIONAL FLOOD-DAMAGED ROAD REPAIR

The Hon. M. R. EGAN: On 22 October the Hon. D. F. Moppett asked me a question without notice concerning regional flood-damaged roads repair. The Minister for Transport, and Minister for Roads has provided the following response:

> Heavy rainfalls and flooding across large parts of the State from late July to early September 1998 have been declared natural disasters. The most severe flooding has been experienced in the north west and central west of the State, the Upper Hunter and the Illawarra.
>
> The New South Wales Government, through the Roads and Traffic Authority [RTA], is co-operating with all affected local councils to assess the extent of the damage caused by the flooding to the State's roads. The full extent and cost of the floods will not be known until floodwaters have receded.
>
> The RTA provides funding for public roads damaged by natural disasters. Emergency works to facilitate safety and access are fully funded by the RTA. Restoration works, to bring roads and bridges to their pre-damaged standard, receive different levels of financial assistance from the RTA depending on road classification.
>
> Restoration works on classified roads receive 100 per cent of the assessment of the value of work. Local roads receive 75 per cent of the assessed cost for the first $100,000 and 100 per cent of the balance of the assessed cost in excess of $100,000.
>
> The New South Wales Government is actively working with the flood-affected communities to ensure that the recent flood damage is rectified as soon as possible.

Questions without notice concluded.

PARLIAMENTARY REMUNERATION FURTHER AMENDMENT BILL

Second Reading

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [5.13 p.m.]: I move:

> That this bill be now read a second time.

I seek leave to incorporate the second reading speech in *Hansard*.

Leave granted.

The Parliamentary Remuneration Tribunal is currently required to make its initial determination under the amended Parliamentary Remuneration Act by 1 December 1998. The tribunal is presently undertaking a complete review of all parliamentary entitlements. During the course of this review, members from both sides of the House have raised the concerns that this date does not give the tribunal sufficient time to complete a thorough review, and any determination made on 1 December 1998 will become redundant at the next election in March 1999, leading to a waste of time and resources in both making the determination and educating members as to how it applies to them.

The reduction of the number of members of this House and the redistribution of boundaries which will apply from the next election will require a new determination to be made. This is because electoral and travel entitlements are currently calculated according to the size and location of electorates. It is therefore not possible for current entitlements to be carried over to the next election. It should also be noted that the annual determination of the tribunal must be made in June 1999, for the next financial year. If the tribunal were also required to report in December 1998, this would lead to the absurd position of there being three different determinations made within seven months.

In these circumstances, members have raised both with the tribunal and with the Government the prospect of removing the requirement for the tribunal to make its initial determination by 1 December 1998, so that it will now occur in March 1999, based upon the new electoral boundaries. Justice Sully of the Parliamentary Remuneration Tribunal has been consulted on this proposal and supports it. This proposal has the advantage of preventing the tribunal from having to make three different determinations within eight months; avoiding the prospect of a determination being made on 1 December 1998, which will only have effect for three months and then become redundant; and ensuring that the tribunal has sufficient time to complete a thorough review of parliamentary entitlements.

Accordingly, this bill provides that the tribunal is to make its initial determination on, or as soon as practicable after, 27 March 1999. This will ensure that it is made on the basis of the new electoral boundaries. Provisions have been inserted to allow the tribunal flexibility in terms of the date from which entitlements will apply. This will allow the tribunal to provide for the phasing in of entitlements, if it so wishes. I commend the bill to the House.

The Hon. J. P. HANNAFORD (Leader of the Opposition) [5.14 p.m.]: The Opposition does not oppose the Parliamentary Remuneration Further Amendment Bill. The Parliamentary Remuneration Act 1989 was recently amended to provide for the Parliamentary Remuneration Tribunal to make determinations of additional entitlements for members of Parliament and recognised office holders. That Act provided for an initial determination of these additional entitlements to be made on or before 1 December 1998 so that they would have effect on and from 1 January 1999. The purpose of the bill is to postpone the making and taking effect of the initial determination so that it is to be made on or as soon as practicable after 27 March 1999, when the redistribution of electoral boundaries becomes fully operative.

Without this amendment the determination of the tribunal would be made on 1 December, to take effect from 1 January. A tribunal package would be introduced and further assessment undertaken for 27 March 1999, which would have applied to members operating under the new boundaries. As I understand it that would have meant possibly three determinations in three months, resulting in significant confusion as to the entitlements that were to apply. It would also have generated a significant and unnecessary burden on the tribunal.

The bill proposes that an interim determination will not be made between now and 27 March, but that after 27 March the tribunal will issue a determination which will apply to members of the Legislative Assembly in the 93 seats that will then prevail and, in conjunction, a determination will be made as to the entitlements of Legislative Council members. Those entitlements are related to the entitlements of members of the Legislative Assembly. This would avoid the confusion that would otherwise prevail and is a necessary change that clarifies the role of the tribunal. For that reason the Opposition does not oppose the bill.

The Hon. Dr A. CHESTERFIELD-EVANS [5.17 p.m.]: The Australian Democrats regard this bill as a sensible way of correcting a foolish situation. We thoroughly support the bill.

Reverend the Hon. F. J. NILE [5.18 p.m.]: The Christian Democratic Party supports the Parliamentary Remuneration Further Amendment Bill, which is required to allow the Parliamentary Remuneration Tribunal to make an initial determination of parliamentary entitlements after the election on 27 March 1999. At that time the other House will have 93 seats instead of the current 99 seats. The new electoral boundaries will affect the determination by the tribunal. We support this practical bill.

Motion agreed to.

Bill read a second time and passed through remaining stages.

FORESTRY AND NATIONAL PARK ESTATE BILL

Second Reading

Debate resumed from an earlier hour.

The Hon. D. J. GAY [5.20 p.m.]: I indicate at the outset that any support I may give to this bill—and I emphasise "may"—is contingent upon a very important point: small timber towns must not be

allowed to die. It is interesting that as I am about to speak about country towns and this important bill not one member of the Government, with the exception of the Hon. I. M. Macdonald, is listening to me—but they will all be listening before I finish my speech.

The Hon. Elaine Nile: We are listening.

The Hon. D. J. GAY: I thank the Hon. Elaine Nile and Reverend the Hon. F. J. Nile. My support, and I would hope the Opposition's support for this bill is contingent upon the Carr Labor Government throwing a lifebuoy to the small towns which would otherwise miss out under this bill. These towns must not be allowed to die. Honourable members should make no mistake: these towns and their inhabitants are the endangered species. I seek today from the Government an indication to me, to the Opposition, to certain members of the crossbenches and not least to the small country towns concerned that the Government will throw them that lifeline.

It will comprise $10 million for the south-east timber towns and $10 million for the north-east timber towns which will ultimately be savaged by this bill. Everyone seems to be gaining by this bill except these towns. They are going to miss out. We have seen this happen time and time again. I know that under the bluff exterior he pretends to have the Hon. Michael Egan is a caring man and I hope he takes notice of what I am saying today because the one omission from this bill, the one thing we need to make the bill work, is the rescue package for these towns that do not have jobs.

I am disappointed that in its rush to put glossy advertisements to air the Government has forgotten about these small country towns. I have heard the Hon. J. S. Tingle talk about a visit and I know the Hon. Elaine Nile and Reverend the Hon. F. J. Nile have visited these small towns. However, despite Government promises, nothing has eventuated in these towns. I have listened to the debate and community discussion about this bill and the State Government's euphemistically titled forests agreements—it appears there has been no agreement with anyone except the Government agreeing with itself to put some shiny advertisements on television—and I am concerned that these timber towns are constantly left out. Too much of this debate has been concerned with keeping up appearances.

The Carr Labor Government desperately wants to appear to be something it is not. It wants to appear to be in control of this matter so it has wheeled out glossy television advertisements showing timber workers, nature lovers and cute furry animals all living very happily together thanks to the Carr Labor Government. These advertisements are going to air as we are debating the bill, and they were going to air for a month before debate on the bill commenced.

The Government—using the money of the taxpayers of New South Wales—is the biggest sponsor of television advertising, beyond even what the television stations could expect from the tobacco industry if it was allowed to advertise. Disturbingly for the Government, one of the advertisements I have seen on Prime and WIN television features a tawny frogmouth which bears an uncanny resemblance to the Premier. I suspect if people look carefully beyond that fur they will see the cold, evil and conniving eyes of the Premier.

The Hon. B. H. Vaughan: You are not suggesting the tawny frogmouth has fur, are you? Owls do not have fur; they have feathers.

The Hon. D. J. GAY: The tawny frogmouth appears to be furry, but, as the honourable member said quite correctly, it is not fur. It has feathers, but they are down-like feathers.

The Hon. B. H. Vaughan: What did you think a tawny frogmouth was—a potoroo?

The Hon. D. J. GAY: No. It is an owl.

The Hon. B. H. Vaughan: They don't have fur.

The Hon. D. J. GAY: But they appear to have fur and they certainly look a lot like the Premier. The honourable member did not disagree with that, did he? The Carr Government has absolutely no regard for the communities which will be affected by this bill and by the regional forest agreements. The Premier just wants to be seen as greener than Kermit the frog and even that facade has backfired on him. The group he was trying to win over has seen through him. I wonder whether the Labor Party has any concern whatsoever for those families who rely on a sustainable timber industry for their very existence. It is obvious to me that the Carr Government simply does not understand and does not care about the future of towns like Nimmitabel, Cooma, Glen Innes, Coolah, Gloucester, Dorrigo and Bombala, just to name a few. As a result of this bill those towns are destined to be ghost towns.

I was in Bombala last Friday week. I am sure honourable members would be horrified to know

that of the 29 students who will complete year 12 in Bombala this year not one will remain in Bombala because there are no jobs for them. Twenty-nine young people will be leaving Bombala! Two years ago 68 kids completed their higher school certificate in Bombala and only five of those 68 kids remain in the town. Of those five, only two have employment. That is terrible and I know honourable members from both sides of this Chamber will not find that acceptable. Surely they cannot pass this legislation without a package to help these kids and these towns. I certainly will not be supporting this legislation unless that package, included in the amendments the Opposition will be moving to improve this legislation, is agreed to.

It is untenable that the Government should force towns to close, families to split and kids to move to the city—to heaven knows what end. Young people do move on, but surely it is not acceptable that only two years after 68 students left school in Bombala with the higher school certificate only five of them are still in the community. If honourable members asked people in towns such as Bombala what was important to them I bet that at the top of the list would be jobs and the future of their communities. They would not say, "Mate, we don't care about jobs—just give us 150 new national parks, thank you very much." People in rural towns are worried about their jobs, their future and their families. That is why this bill is not balanced enough. I shall give more examples about Bombala to demonstrate what I mean. Last week I received a fax which stated:

> As one of the four logging contractors from Eden and Bombala whose names will go into a draw to close down our business on 30 November 1998, because of the Eden Forest Agreement which Bob Carr has proposed, we urge you not to support the Forestry and National Estate Bill.

Honourable members should think about this. People who have been working in the area, have their families in the area and have invested a large amount of money in the area are about to go into a lottery. That lottery is similar to the national service lottery that was held in my era to pick those unlucky enough to be sent to Vietnam and have their lives ruined. As a consequence of this bill, logging contractors are about to go into a lottery to see who will stay in the industry and who will go. Bombala is facing great uncertainty. I have done some arithmetic to show how frightening the situation in Bombala has become.

If this bill is passed, 41 jobs or 10 per cent of the work force in Bombala will be lost. I supported the rescue package put forward by the Government when BHP announced the closure of its steelworks in Newcastle. That closure resulted in the loss of 1 per cent of the work force in Newcastle. However, this bill will result in the loss of more than 10 per cent of the work force in towns such as Bombala. The impact of this bill on Bombala will be 10 times greater than the impact of the BHP steelworks closure on the Hunter.

The situation in these communities is compounded—and I do not intend to be sexist—because most of the positions that will be lost are filled by men. In most instances the workers are the primary family breadwinners. Unfortunately, there are not many jobs for women in Bombala. Most of the jobs that will be lost are blue collar, forestry jobs. So the impact of this bill on towns such as Bombala will be much greater than the impact of the steelworks closure on Newcastle, yet the Government provided a rescue package—the Hunter Advantage Fund—for the Hunter. That is why my support for this bill is dependent on the Opposition's amendments being accepted by the Committee of the Whole and on a rescue package being provided for towns in regional New South Wales.

Nothing would give me greater joy than to support a rescue package put forward by the Government of $10 million for northern New South Wales and $10 million for southern New South Wales and to support this bill. Provision of a rescue package would make the bill more balanced. But unless that happens I cannot support the bill, and I am sure honourable members would not expect me to support it. Last week I circulated to honourable members an article from the *Canberra Times* of 14 November 1998 entitled "A town in trouble". In the article a Bombala teacher is quoted as saying:

> This is the first year for many years that I've known that we're looking at a situation where every child in the class will have to leave town to get any sort of employment.

As I said earlier, all of the 29 year 12 students at Bombala this year have said that they will have to leave the town and their families. Closure of the only hardwood mill in Bombala is imminent, and hardwood logging areas are shrinking. I have already spoken about the incredible lottery that will determine which logging contractors stay and which go. Those people can thank the Carr Labor Government for funding the shifting of the Bombala Tablelands Sawmill to Eden, largely with compensation or, as many have suggested, guilt money, because the Government has failed more than twice to fulfil the company's logging licence quota. The blame for failing to fill the quota does not lie with the mill; it lies fairly and squarely with the Carr Government.

This comes on top of the rural decline in the Bombala region. According to the *Canberra Times* article, tranquilliser and antidepressant sales have skyrocketed, marriages have broken up and there have been suicides in the area. Sadly, that situation is not confined to Bombala, given the demise of most of rural New South Wales. I am sure members opposite, including the Hon. A. B. Kelly, are aware of similar situations. Even the people who want to leave or are forced to leave Bombala cannot do so because the real estate market is virtually non-existent—and it will be even worse once this bill is passed. The article further stated:

> Four years ago the New South Wales Government spoke of 400 new jobs—

the Government excites the people in rural towns with wicked words and then brings them down—

> for the town in the softwood industry by 1998 . . . many in the town are bitter at what they see as a broken promise.

It is no comfort to the people of Bombala that the Carr Government is talking about creating 30 jobs by exporting pine logs from Bombala, because previously the Government promised 400 jobs and not one of them exists today. It is easy for the Government to make promises but it never delivers, and these towns are losing out. The Government promised to abolish tolls on roads and to lower hospital waiting lists. Those promises are small; promises of jobs in towns are big. And when the Government fails to deliver on promises of jobs in towns that are suffering it destroys the fabric of the community and the soul of the people. People want to trust someone for a change but they find they are dealing with the devil incarnate. They know that they cannot trust Bob Carr. As for broken promises, I refer to a media release from Boral Ltd dated 12 November 1998, which stated:

> We are still waiting for the Government to fully deliver on the promises it made when we reduced our supply by 40% in 1995 and subsequently closed eight mills, displacing approximately 200 workers.

Once again the Government made a promise but did not deliver. The *Canberra Times* article tells the story of one family, the Rodwells, who have logged in the hardwood forests around Bombala for three generations. Four years ago they were encouraged by the Government's job claims—I suspect that it was the 400 new jobs to which I referred; people should be able to trust the Government—and continued to invest in Bombala. In a very short time the Rodwells' name will go into a ballot to determine whether they will be one of the families that will lose their livelihood.

Some Labor members are aware of the amount of money personally invested by logging contractors in their equipment and facilities—more than a million dollars. The Government encouraged them and now they are in the ballot. The Rodwells were sceptical about the Carr Government's claims that a new softwood pulp log business would create 30 new jobs for Bombala. Who would blame them? The Carr Government has already let Bombala down and the softwood market is questionable. Why would anyone in Bombala trust the Carr Government again? Why would any timber town in New South Wales trust the Carr Government again? Yet the Government is asking us to trust it again and to believe that it is going to do it right in this bill. The track record is there. The Government has not done it right in the past. I hope it does do it right this time.

Today we might be talking about national parks and the like but we are also talking about the lives of people in small towns such as Bombala and determining whether those communities will be able to continue. As I said earlier, my support is dependent on whether there is a package for people in the towns that have missed out and whether the Opposition amendments to improve the bill are accepted.

I have already heard the arguments against what I have proposed. One argument is that Bombala is dying already. Does that mean that it is okay for us to turn our backs on the community because it is already starting to decay? I do not believe that it is. From now on, each time a community suffers in a down period will we say that it was expected as the place was dying anyway and that we will only support prosperous communities? We should not do that. Along with the carriage of this bill, a rescue package is essential. I envisage a package overseen by the Department of Regional Development that is run with an eye to the future of towns such as Bombala. These towns will be gutted, despite the propaganda put out by the Carr Government.

The Government speaks of sustainability in its proposed 20-year contracts. Evidence I have received demonstrates that the closure of large numbers of State forests will mean that existing five-year wood supply contracts that the Government has with the industry will not be satisfied, let alone the proposed 20-year contracts. This is of concern because, given the unsustainability of the particular areas, the result will be more pressure. A lingering concern that I have about the bill is that there will be a reinvigorated campaign from the green movement which will destabilise the jobs that are left.

I will be able to support the bill only if we can provide a degree of certainty with the Opposition's rescue package for the small towns that have been missed. I suspect that even the greatest proponents of the bill have concerns about sustainability of the resource. It is obvious that job insecurity is not the only problem. I cannot believe that the Government is trying to con New South Wales in such a blatant manner. It talks about providing two 20-year wood supply agreements based on demonstration of value adding and subject to future resource inventory. Note the escape clause the Government has given itself. It comes from the Minister's second reading speech.

The Government referred to 20 years of sustainability. That is a laugh. But even if it were true, are we looking at 20 years of resource for the industry and then a crash for the next 80 years? The coalition supports a vibrant and sustainable timber industry for long beyond that period. All the bill is offering is short-term resource availability. There is no certainty for the future of the forest industry. The Opposition amendments would work towards providing certainty for the industry.

In another place my colleague the shadow minister, Don Page, spoke of sustainability difficulties and I would like to revisit some of the points he made. The bill does not give resource security and forest industry certainty, which are essential for the expansion of timber processing, investment and job growth. Scant attention has been paid to the impact on the wood supply in New South Wales. It is of serious concern that future governments in this State will be unable to meet their commitments to supply logs, which will result in massive compensation payouts from taxpayers' money. Mr Page in another place quoted from a letter from the chief executive of State Forests to the Minister, which stated:

> In meeting the timber supply commitments within the opportunities provided by the modified State position State Forests will make every practical effort to supply traditional species mix to sawmills and minimise the length of haulage of timber to supply specific mills in the upper north-east and lower north-east areas.

Making "every practical effort" is not a firm commitment by State Forests to deliver. That is certainly a concern. The coalition has already referred to the impact on harvesting cycles that converting State forests into national parks will have. Conversion leads to harvesting of smaller logs, a sharp reduction in the quality and quantity of logs, and less sustainable forests. It leads everyone to question how on earth the Government can promise 20-year sustainability when it is obvious that there is only a finite amount of wood to play with, and certainly not enough to play the Government's game. Once the wood is gone there will be no forest industry.

Perhaps this goes some way towards explaining why the Government is already sending people onto private properties to access forested lands as part of a regional forest mapping project. The Government is aware that it will be caught short and it is frantically scanning around to make up the shortfall. The Government's position means that trees will have to be cut at an increasingly younger age and areas will become overcut, threatening the very viability of the forests and threatening to expose the sham the Government is trying to perpetrate on New South Wales. There will be no alternative but to overcut at more than the long-term sustainable level. The Greens will really love that. People in the forest industry "ain't seen nothin' yet": if they think they have trouble from the Greens now, wait till the industry is forced to overcut because of the strictures forced on it by the Carr Government agreement. I hope that is not the case but, sadly, I believe it will be the case.

As the coalition stated, a growing number of markets require proof that timber comes from a sustainably managed resource. Sadly, New South Wales may not be able to demonstrate that if the Government has its way. One can imagine the resulting economic impact on the State, not to mention that the Government will only be able to offer short-term jobs in plantations, not long-term, secure jobs in the timber industry. Without the coalition's rescue package of amendments to be moved in Committee the bill would be dead in the water.

The bill provides for forest agreements to be revoked by Ministers without public consultation, but it does not provide a time frame within which to put forest agreements in place. The coalition alone will address these serious flaws in the bill. Our amendments, which are basically our rescue package for the bill, will help make the proposed legislation workable because it is not workable in its current form. Even Government members agree that the bill is not workable.

During the second reading debate on the bill in another place the honourable member for Cessnock—he is retiring, so he is probably the most honest Labor member in the lower House—said that he was concerned about this proposed legislation. He was told that he would be briefed on Thursday, but that briefing did not eventuate. What a shock! He could not be briefed on the Friday because he had

electorate commitments. Therefore he spoke in the debate on his Government's bill without being briefed on it. He said:

> Determinations have been made in which I was not fully involved. However, I shall accept that the Government's position has been well thought through.

How sad for that honourable member to blindly accept that the provisions were well thought through. They were not. However, in the end he told his constituents that he was willing to toe the Government line. The coalition was not prepared to accept that. It opposed the bill as it stood, but it will now support it if the Government accepts our rescue package that will make the legislation workable and address the serious flaws, such as ministerial revocation of forest agreements without public consultation.

Our rescue package will require the finalisation of forest agreements within 90 days. It is certainly in the Government's interests and in those of the people it claims to represent that we have workable legislation. When the coalition is in government next March it will negotiate immediately with the Commonwealth Government to produce a proper regional forest agreement [RFA]. It is appalling that the Carr Government has proceeded with this bill without the Federal Government. Often I am amused that the State Government claims to have an agreement when clearly it does not have an agreement with anyone; and clearly two levels of government are required for an agreement.

The Carr Government has gone outside the RFA process. It would have everyone believe that simply because it announces new national parks everything in the forestry industry is magically fixed. In the dying days of this Government I ask everyone to note just how far down the list of priorities the Carr Government has placed this matter. Bob Carr is making a desperate grab for some green credibility in the dying days of his Government. Perhaps it just occurred to him that he had better do something for the green environment because he is running out of time. Announcing 151 national parks will not give jobs back to the small timber towns; nothing less than a financial rescue package will do that.

I do not have a problem with allowing this bill to proceed through the second reading stage, because that will enable the coalition to move its amendments, which are essential to improve the bill. Beyond that I make no promises. I hope the Government and the coalition understand the importance of a financial package to improve the future of people in the small timber towns. We are not just providing glossy television advertisements. We are asking for $10 million for north-east towns and $10 million for south-east towns.

Certainly my support for the bill is dependent upon a rescue package for those who will lose their jobs and their livelihoods, and for the towns that will become ghost towns. It is not a big ask. The Government should be able to fulfil our request. My support for this bill, and I would hope the coalition's support for the bill, is dependent on whether the amendments are passed to provide the rescue package for those who have been missed out.

Reverend the Hon. F. J. NILE [5.55 p.m.]: The Christian Democratic Party supports the Forestry and National Park Estate Bill. It is an important bill that both sides of the House should support. Its general aim is to make provision with respect to forestry operations and additions to the national park estate following regional resource and conservation assessments. The objects of the bill are, first, to transfer certain State forest and other Crown lands in the Eden, lower north-east and upper north-east regions to the national park estate and to Aboriginal ownership. Second, the bill will provide for ministerial forest agreements and for community consultation and reporting on forests on a regional basis, including a system of integrated approvals for future forestry operations in relation to the regulatory regimes for environmental planning and assessment, and for the protection of the environment and for threatened species conservation.

Third, the bill will amend the Forestry Act 1916 to provide for a new category of informal reserves. Fourth, it will amend the Timber Industry (Interim Protection) Act 1992 to extend its operation for a further year and extend to additional land pending ministerial forest agreements and integrated approvals. Fifth, it will amend the Native Title (New South Wales) Act 1994 to preserve native title rights and interests in relation to additions to the national park estate and declarations of wilderness. Sixth, the bill will amend certain other Acts. The Christian Democratic Party believes it is important to agree to the passing of this bill. Dealing with the timber industry always involves much controversy, tension and pressure. Intense discussions, consultations and negotiations that have taken place over a long period have at last borne fruit with this bill.

The bill is delicate, like an egg that can be easily broken if not handled with care. The Christian Democratic Party urges the Government, the Opposition and other crossbench members to give much thought to the bill and to enable it to be passed by this House in the form in which it was

introduced. This legislation must not fail. If it does, it would cause the destruction of the timber harvesting industry and affect processing within the native forest industry. If this bill is not supported the rights of ordinary Australians in rural New South Wales to the dignity of secure employment, especially over the Christmas season, will be jeopardised.

Many families will be wondering now what the future holds for them. Now could not be a worse time to have uncertainty about the future; to have the axe hanging over their head. It is extremely important that this bill be passed. It will help give some degree of certainty to family businesses in affected areas, some of which are on the brink of insolvency and bankruptcy. Our party has always given strong support to the family. For many years we have worked to support the family unit. The Hon. Elaine Nile and I have had discussions with the men who work in the timber industry and their wives.

Those workers have been in tears as they have faced the possibility of being jobless, bankrupt, unable to pay their mortgages and loans on equipment they have purchased, unable to sell their homes and having nowhere to go. That is the human tragedy in this matter. We have tried to give these people some hope for the future and as far as is humanly possible we believe this bill will do that. We acknowledge that no bill is perfect but if this bill is blocked in this House it will be a deathblow to the timber industry and the towns involved.

The bill is the result of many negotiations and it is the best that can be achieved. I have had discussions with representatives of crossbench members, in particular the Hon. I. Cohen, who is very unhappy with the bill. He even said to me that he would rather the bill be defeated, and that he would do all he could to achieve that. He may vote that way on the bill, because the green movement has considerable resentment and anger about this bill. The Hon. D. J. Gay is also angry about some aspects of the bill. However, we are trying to reach an agreement for the future of this State and for the benefit of the majority of people. The bill may not satisfy every individual but it is the best that can be achieved.

The Hon. D. J. Gay: It will not help the small towns. They will be worse off. Don't you support the small towns?

Reverend the Hon. F. J. NILE: If the bill is not passed, the towns will not just suffer, they will close down totally! The Christian Democratic Party is satisfied that, however imperfect, this bill meets the agreed objectives of the National Forest Policy Statement [NFPS]—which has been endorsed by both the Federal and the New South Wales State governments—and the New South Wales Government's forest policy. The Christian Democratic Party acknowledges that this Government came to office with a mandate to restructure the New South Wales native forest industry.

The Government has spent considerable time in discussions with representatives of the forest industry and appears to have rejected some of the more extreme demands of the green movement. We know that is so because the Greens are now threatening to withhold their preferences. However, I cannot see them giving preferences to the coalition, which from the Greens perspective would have a more radical policy—in other words an anti-green policy. The Greens have nowhere to go but, nevertheless, they are threatening the New South Wales Government.

Both the Government and the Opposition may move amendments in Committee which will improve the bill and we will carefully consider them. It has been rumoured that the Opposition will torpedo the bill, but hopefully that is only a rumour. Politically it may be to the Opposition's advantage to destroy the bill and for the Government to have egg on its face so that it loses votes in the upcoming election. However, in the end the people of New South Wales will be the losers.

It is a major achievement that the Government has been able to deliver a bill that satisfies many requirements and conservation goals whilst delivering certainty to the industry and rural communities, which, for decades have been racked by conflicts and confrontation. Physical conflict has taken place in the forests with the sabotaging of equipment, and at times the lives of timber workers have been at risk. In some cases a timber yard has been destroyed by a serious fire, the cause of which has been unknown. No-one would deny that this matter has involved an extreme form of conflict.

For the good of this State that conflict must end. There have been threats that the green movement will mobilise protests and blockades. I hope it will reconsider its opposition to the bill and help it to work by making a positive contribution to its success, though I acknowledge that some tensions will continue. The National Forest Policy Statement seeks to establish within Australia—and for our purposes within New South Wales—a comprehensive and adequate reserve system,

together with an internationally competitive and viable native forest industry. I note that that is the objective of both the coalition and the Australian Labor Party.

The National Forest Policy Statement stems from the national Resource Assessment Commission inquiry, which concluded in March 1992 and cost many millions of dollars. That inquiry was chaired by Justice Donald Stewart and it laid the framework for this historic bill. The report of the national Resource Assessment Commission, known as the forest and timber inquiry, comprises two volumes. It was the culmination of a number of years of research and was produced after a massive community consultation program. The Resource Assessment Commission [RAC] inquiry found that production of timber from native forest was a legitimate use of natural resources and could be conducted in a sustainable manner. It found also that the timber industry was of fundamental importance to many regional and rural economies.

I have visited many timber towns and met with timber workers and representatives of the unions. On separate occasions I have visited with representatives of the conservation and green movements. I still remember a visit to what was referred to as an old-growth forest in the south-east of the State. At a certain point we stopped to discuss various aspects of the forest and we sat down on a large log about three feet in diameter. As we did I asked the question: "If the forest has not been logged, how is it that we are sitting on a log?"

It was disclosed that the area had been logged and was a regrowth forest, yet even the green representatives thought it was old-growth forest that had not been logged. The point I make is that forests can recover through regrowth. One can hardly tell the difference between a 50-year-old regrowth forest and one that has not been logged. Outside Parliament House there is a log about three feet in diameter, part of a trunk, on a trailer with a sign saying that the result of the bill will be more logs like it. I have had discussions with forest industry workers, unionists and district officers who work within the forest industry. The logging rules and regulations of this State prohibit the cutting down of such a log.

Clear-felling may be allowed in other States but not in New South Wales, in which logging is carried out in a most careful way. I recall watching a logging operation. Some areas could not be logged, but those that could be logged were thinned out. District officers put a ribbon around any valuable or ancient trees, or trees used by fauna and birds, as an indication that they were not to be cut down by timber workers but were to be preserved. District officers are experienced enough to make that assessment and the trees are saved. It is unfortunate that television stations, particularly the ABC, still show clear-felling when these issues are being discussed in this State. From information that I have received, which I believe to be true, clear-felling is not carried out in this State.

The National Forest Policy Statement was the result of the Resource Assessment Commission report. The policy statement resulted in an agreement being reached between the former New South Wales coalition Government and the former Labor Party Federal Government to carry out regional forest assessments throughout New South Wales.

Although this bill arises from the unilateral decision of the New South Wales Government following withdrawal by the Commonwealth due to the recent Federal election, the Christian Democratic Party is satisfied that the objectives of the bill and the related announcements by the New South Wales Government in respect of Eden and the areas known as the upper and lower north-east regional forest agreement regions are consistent with both the National Forest Policy Statement and the scoping agreement between the two governments underpinning the current regional forest agreement process.

The Christian Democratic Party supports the wise conservation of our national estate. We recognise the desire of many in our urban communities to protect forests. We note that that protection can be achieved without job losses or the destruction of family businesses. We are satisfied this legislation achieves those goals. The community wishes to see significant forests preserved in national parks, free from exploitation—legitimate or otherwise. I have made many visits to country New South Wales. This year I visited every major town and some small ones as well. I have been through many of the centres in the south-east area, such as Bega and Eden. I had previously visited Bombala and I recently visited Lismore, Casino, Ballina, Woodenbong, Murwillumbah and other towns in the north. I met with many people who are concerned to protect the forests, as well as those working in the forests. I have had many discussions with timber workers, and that has made a big impact on the Christian Democratic Party.

We thought there was an imbalance. The green groups—and all credit to them—are very successful at lobbying and mobilising public opinion. I suppose

that is quite easy to do in an emotional way, as they have done outside Parliament with tables set up with petitions and banners, and people dressed in koala bear outfits. It is easy for city people to say that we should stop all trees being cut down, but we have to have a balance. That is one of the problems. The majority of voters live in the Sydney metropolitan area, where people probably do not understand fully the pressures on timber workers, their families and jobs in the rural areas. That is why Parliament has to establish a balance and not be overly swayed by the well-organised campaign of the green movement. Of course, it is their right in a democracy to campaign for their particular agenda.

This legislation delivers an integrated national parks system for New South Wales that is unparalleled in modern times. While delivering a statewide framework for the future management of forests and for the creation of a reserve system, the bill will also introduce forest agreements and integrated forest management approvals for the three geographic areas for which the scientific, economic and social research, followed by the public and stakeholder consultation, has been completed.

The successful passage of the bill will create a climate in New South Wales that will achieve a number of very important objectives. Over time—up to 100 years—it will increase the State forest resource space. It will increase the estimated total value of the industry in the upper north-east from its current $174 million per annum to $200 million—at 1998 values—by 2020. It will increase the estimated total value of the industry in the lower north-east from its current $318 million per annum to $354 million—again at 1998 values—by 2020. It will increase employment levels in the native forest sector—an estimated 550 direct jobs. It will also deliver an internationally competitive and economically viable native forest industry, operating in regrowth eucalyptus forest.

That will be supplemented by plantations and additional land acquired through a forested land acquisition scheme over 20 years. It will also permit the New South Wales Government to declare an additional 420,000 hectares of formal reserves across New South Wales, and to establish significant areas under informal reservation and prescription management in accordance with the requirements of the National Forest Policy Statement. Finally, it will lay the groundwork for the signing of regional forest agreements. That is a very important part of the legislation. So, the bill delivers on biodiversity; flora and fauna targets; reserve design; and ecologically sustainable forest management.

Real economic development in country regions will always be based on the economic resources available—both human and natural—together with established infrastructure such as towns, transport networks, water and power supplies and social services such as health and education. It is only through effective use of available resources that sustainable economic development can occur, with the resultant benefits to the regional community of jobs, incomes and economic welfare. Forested lands—native, softwood, managed and plantation—deliver those resources. The timber industry of New South Wales is based on a major natural and renewable resource available to several regional economies—the native forests of the State. These forests are increasingly being supplemented with plantations of native hardwoods and exotic softwood plantations.

For the benefit of honourable members I would like to describe how the native forest industry will be affected by this important legislation. It will have a positive impact on the industry. In New South Wales the forest products industry has been assessed as providing a major contribution to the economies of country regions. Overall, the industry supports the employment of nearly 43,000 persons, and the generation of more than $2.1 billion in value-added production. This represents 1.8 per cent of all employment statewide and 2 per cent of gross State product—and a very much higher proportion of employment and value-added production in the non-metropolitan regions in the State. The hardwood industries make a vital contribution to the coastal regions of the State. In these regions, each dollar of initial log value results in total output of $12.50 to the regional economy.

Australia's role as a supplier of sustainable wood fibre to the Pacific rim countries looks promising, despite current economic downturns in several Asian countries. The unique character of Australian hardwoods allows access to markets in which other products cannot compete—certainly not at equivalent price levels or with the assurance of production from sustainably managed forests.

Importantly, the Christian Democratic Party believes that all these activities can exist together. Jobs in forests and jobs in tourism are not mutually exclusive. The existence of demonstration operations, showcasing Australia's sustainable forest management to the world, offers an additional range of forest-based experiences for the visitor, in addition to the experiences offered by forests in conservation reserves. Land use allocations for forests should be balanced. Regional communities will only lose if such allocations place undue emphasis on only one possible use.

Some months ago we visited Cairns and were very impressed with the way in which tourism and the forests had been brought together. With the sky train, tourists had the opportunity to actually ride over the forest and see its beauty. Of course, this provided many jobs for local residents in the Cairns area. An analysis completed for the RFA process by the New South Wales Forest Products Association has indicated that in 1997-98 the total of all activities based on native forests within the upper and lower north-east RFA areas contributed gross output of nearly $500 million; over $325 million in value-added net regional product; over $156 million in additions to household income levels, and over 6,600 jobs.

There are 141 sawmills drawing resource from public forests in the upper and lower north-east regions in which they are located. Therefore, activities based on the native forests of the region provide a very significant component of the regional economy. I take the point made by the Hon. D. J. Gay: no-one wants to see these timber towns suffer. Positive help must be given to them. The bill provides for financial aid to the industry. I am not sure how that is to be allocated or broken down into smaller amounts, but that is part of the agreement.

In the north, more than $126 million is contributed to household incomes from the hardwood sector, and employment is provided for nearly 6,600 individuals. The hardwood industry is an important part of the economy in a region which has been identified as suffering some degree of socioeconomic disadvantage compared with other regions within the State. Without the current activities of the industry around 9,750 persons—directly and indirectly—would not have jobs, and real economic wealth would be nearly $500 million lower, a great loss to our State and nation.

I would like to talk about Eden, which I visited only recently. The industry's preferred option, endorsed by the Forest Products Association, the Construction, Forestry, Mining and Energy Union and the companies involved, sought the delivery of a minimum quota of 26,000 cubic metres of saw logs under secure contract. Critical to the mix suitable for value-adding was the inclusion of 29 per cent of yellow stringybark quota quality logs. The bill delivers the framework for the construction of a world-class sawmilling and manufacturing facility for the region. The industry has agreed to accept the modified resource level of 25,000 cubic metres.

The industry preferred option also sought the delivery of a minimum volume of 388,000 tonnes of pulpwood under secure contract to Harris Daishowa (Australia) Pty Ltd, allowing for both viable export operations and the development of new methods of recovering marginal timber from at least 15,000 cubic metres of pulplogs; the establishment of hardwood plantations; a 20-year life for the forestry agreement, with a 20-year wood supply contract supported by parallel State and Commonwealth legislation; and application of forest management principles in all State forest areas based on ecologically sustainable practices, economic and practical harvesting prescriptions and a single line of management control and authority.

The bill delivers the State's commitment: planning for the future and certainty to the forest industry, which is vital. Without them investors will walk away and companies will move out of the industry because too much risk will be involved. The industry will die. The bill ensures certainty. In addition, the Forest Products Association has accepted that new reserved forested lands will bring the total reserved lands to more than 250,000 hectares in the Eden region. This option also recognised the need to provide safe havens for potoroos, koalas and the many other species of wildlife that have flourished in the State forests over the past 30 years, as well as the protection of forest types identified by scientific research in excess of the requirements specified in almost every instance.

The bill achieves individual conservation targets, regional distributions and reserve designs. The Eden forest industry sector is seeking establishment of a viable regional industry with security for the future following resource reductions over the past four years of 57 per cent. The regional industry will also provide new capital investment of around $30 million, including construction of a new state-of-the-art sawmill and recovery plant with associated value-adding operations. Current employment levels will be maintained and at least 10 new traineeships and 25 long-term new jobs will be created. A sustainable, responsible and profitable rural-based industry sector will provide more highly skilled jobs and increased contribution to both the regional economy and public sector revenues.

The regional industry will achieve extensive conservation values for flora and fauna. The Christian Democratic Party agrees with the Forest Products Association and other groups involved in the legislation that the bill delivers the dual aims of the assessment process, which leads to the delivery of regional forest agreements, creating a national and comprehensive reserve system of forests while building up strong, internationally competitive and economically sustainable industries. I shall now turn to the economic impact on Eden. The detailed

CARE economic impact assessment study conducted for the Eden RFA in 1998 has identified that the direct impact of the level of industry activity could provide a gross output from the industry valued at $62.1 million per annum.

The full FPA option, had it been adopted, would have provided a gross output of $76.2 million per annum, a difference of $14 million per annum. It is important that this be considered in the context of the needs of the Eden community. Economic and social considerations are among the key goals of the National Forest Policy Statement 1992. The nationally agreed criteria for a reserve system, JANIS, includes the need for flexibility in the application of reserve criteria in consideration of differing regional circumstances. The JANIS criteria state that in assessing reserve options the principle of least cost to the community should be used.

Given that the industry outcome in the bill is recognised as meeting the JANIS criteria, it must be implemented as it certainly imposes least costs on the regional community. The Eden community has been assessed as vulnerable to further uncertainty in resource access from the point of view of both economic and regional development, and social characteristics. We must stop the rot. Uncertainty will have a serious economic and harmful impact on that community. A report on current structural adjustment and mitigative processes conducted as part of the RFA process in the Eden region focused on the experiences of 32 former timber industry workers and contractors who lost their jobs between December 1995 and June 1997.

The study found that of this sample only six were now in full-time employment with another nine in part-time employment. People in the timber industry are often told that via some re-organisation they will be provided with jobs, but the reality is that they have no jobs. It becomes a tragedy. The study also identified 80 former timber industry workers who received assistance totalling $1.8 million under the Commonwealth New South Wales Forestry Industry Structural Adjustment Package [FISAP]. Business exit assistance of $5 million was also approved for 22 harvesting and haulage contractors. Some of those contractors are the ones we met. They had invested a lot of money in buying a large jinker. But what does one do with a jinker if it is no longer needed? It cannot be used to carry cement, milk or some other product: it is specifically designed for timber.

These are working people, not rich people. They are ordinary workers. In many cases they are young men with families trying to make a success of their lives for themselves, their families and our nation. Although these payments were used to reduce debt and ease the immediate financial burden of redundancy, the report stated that these payments "did not significantly alter negative experiences relating to the economic, personal and social aspects of the lives of those retrenched from the industry". They are the ones we do not see on television. They are the ones, sadly, we do not hear about. They are the silent sufferers. The provision of further payments should not be considered an acceptable alternative to the provision of ongoing, sustainable jobs and incomes generated by a world-competitive regional timber industry.

The bill, in conjunction with the programs proposed by the Government, should ensure minimal further economic pain is visited upon the people of the Eden-Bombala forest community, who have already suffered enough, especially the youth who see no hope unless this legislation is successful in achieving its objectives. The export woodchip sector obviously plays a major part in the regional timber industry. The 1995 Margules analysis confirms that the industry of the Eden region provides greater stimulus to the other sectors of the economy than was indicated in the results for the wider south-east region presented in the New South Wales economic impact report. The multipliers suggest that for every $1 output from the industry more than 36¢ is generated in output from other sectors.

More importantly, for every $1 of value added created by the total sector, another 48¢ of value added was produced elsewhere in a regional economy. For every person employed by the industry, another 1.026 persons are employed elsewhere. It is time the people of Eden and Bombala had security. Every fair-minded citizen should support the security proposed in the bill, underpinned by the creation of one of the largest reserve systems in New South Wales. There have been many inquiries into the Eden forest industry. The long series of agreements under which logging in the Eden forests has been regulated has involved the preparation of various studies to assess conservation needs and development options. These range from environmental impact statements prepared by Harris Daishowa (Australia) Pty Ltd to other inquiries such as that of the Industry Commission in 1993 and the Resources Assessment Commission in 1992.

As a result of these exhaustive inquiries major changes have occurred in the intervening period in the way in which the native forest resource of the region has been managed. I am sure that members of the House would be interested to see how we

have reached the point we are at today with this bill. It is not something that has been produced suddenly in a rush. It is the result of a series of events and decisions that have imposed changes on the Eden-based industry. These changes must be understood if a realistic interpretation is to be made of apparent trends in the activity levels of the industry. They demonstrate clearly why the time has come for this Parliament to put in place long-term and workable legislative decisions.

We can no longer make short-term decisions that only promote greater uncertainty. In July 1989 agreement was reached between the Commonwealth and the New South Wales governments under which harvesting operations in the south-east forests could proceed over the period to December 1989—again, a short-term agreement. The agreement also established the Joint Scientific Committee [JSC] to examine the adequacy of conservation of biological diversity in the region. Other studies were also commissioned to examine development options for the regional timber industry. In September 1989 the New South Wales pulp and paper industry task force report was released.

It assessed that sufficient resources were available in the south-east region to support the establishment of a world scale bleached hardwood Kraft pulp and paper mill in this area. In February 1990 the Commonwealth and State governments negotiated a new agreement under which harvesting operations could continue pending the completion of the JSC report. This agreement also established the South-East Forests Regional Consultative Committee [RCC] which will examine redevelopment and restructuring options for the industry in south-east New South Wales, which was later extended to include East Gippsland.

Representatives of all interested groups were invited to join the RCC. At the same time the then Forestry Commission of New South Wales [FCNSW] released a supplementary environmental impact statement [EIS] to the 1988 document, which reviewed new information and provided for additional operating areas. In July 1990 the JSC report was released. That report recommended an expanded conservation reserve system to provide adequate representation of all existing environments and their associated plant and animal species. The JSC report also recommended the continuation of wood production outside ecological reserves under certain conditions. Those findings were accepted by industry and the establishment of further reserves in the area was foreshadowed.

On 8 October 1990 the Hawke-Greiner agreement between the Commonwealth and State governments was announced. Six new national parks were to be created together with two nature reserves, transferring about 51,000 hectares from State forests to existing conservation existing in the region. The quota reductions necessary to continue operations on a sustainable yield basis, after the withdrawal of the timber resource contained in the nominated areas, were announced to apply from January 1992. In the same month four working groups were formed to consider options in relation to the reduction in resources available for harvesting due to the creation of new reserves. These groups started to develop industry development and restructuring strategies for the future operation of forest-based industries in the region.

[*The President left the chair at 6.32 p.m. The House resumed at 8.00 p.m.*]

Reverend the Hon. F. J. NILE: Before the dinner adjournment I was saying that this bill was introduced after much negotiation and discussion and the production of a number of reports. I hope that those in the timber industry who are concerned about the environment and jobs will now have some peace and prosperity. In February 1991 the FCNSW published a further supplementary EIS incorporating the JSC findings and other new information. Special conditions were to be applied to forest operations in order to protect specific environmental values identified by the JSC. In August 1991 a restructuring report was released describing both the short-term and long-term options for a redevelopment and restructuring strategy for the regional timber industry. In the longer term this strategy involved further value-adding processing in regional sawmills; expansion of softwood processing capacity; expansion of existing pulping operations; and the establishment of a new regional pulp and paper mill.

In December 1991 resource and conservation [RAC] research paper No. 5—the Streeting and Hamilton report—was released. That report found that the cessation of logging in the nominated national estate areas in the Eden region would reduce old-growth sawlog stocks by 30 per cent. The net cost to the Australian community of this cessation could be $43 million. The report also found that intensive silvicultural management of these forests would be socially beneficial, with potentially high economic returns available. There was some doubt as to the availability of sufficient pulp resource to justify a pulp mill in the region.

Important data on industry activity levels and employment under proposed restructuring options, known as the RCC report, was not accessed for this analysis. In the same month the South East Forest Alliance [SEFA] proposals for the withdrawal of large areas of forest from access by the industry were released. That paper was called the Formby paper. The analysis of the economic impacts of the south-east forest protection bill [SEFPB] proposals was heavily based on the Streeting and Hamilton conclusions and ignored the RCC findings and data.

An estimate was made in the Formby paper that 130 jobs could be lost as a result of the SEFPB proposals. An employment package, costed at $28.86 million, was requested from the Government to provide short-term employment for around 120 persons at a cost of $24,500 per job. The Endangered Fauna (Interim Protection) Act was passed in the New South Wales Parliament in December 1991, imposing a new licensing requirement on logging in State forests. The National Parks and Wildlife Service thus effectively transferred control of logging in State forests from the Forestry Commission to itself. Under this Act areas available for logging in the Eden native forest management area were progressively restricted through non-issuing of licences, the delayed issuing of section 120 licences, and the issuing of licences with restrictive conditions.

In February 1992 the south-east forest industries group prepared an assessment of the potential regional economic impacts of the total SEFA-SEFPB proposals, which would result in the loss of 138,000 hectares of production forest. That report concluded that direct job losses could total 332, total regional employment could decline by over 700 jobs, and economic activity levels in the region could drop by $30 million per annum, and by up to $48 million per annum in total. In March 1992 the final RAC forest and timber inquiry report which was released contained a conclusion that current yields determined for the Eden area were likely to be sustainable. This re-examination of data from the developed resource model cast doubts on earlier conclusions.

In August 1992 the FCNSW published a further supplementary EIS to provide replacement harvesting areas to those scheduled for potoroo investigations. In November 1992 an independent report was requested by the New South Wales legislative committee examining the SEFPB to consider the differing estimates of job losses likely to be associated with the SEFPB proposals. This report concluded that up to 230 jobs could be lost directly and up to 485 jobs in total for the region as a result of the loss of around 110,000 hectares of production forest. That highlights my concern about the potential for the loss of many jobs in this State if this bill is not passed.

In December 1992 the Commonwealth, State and Territory governments, with the exception of Tasmania, released the National Forest Policy Statement. That statement recognised the ongoing role of forest-based industries in employment generation and the creation of national economic benefits. It also led to the development of the RFA process through forest regions of Australia. In May 1993 the Industry Commission draft report on adding further value to Australia's forest products was released.

The commission was unable to identify any benefits associated with export controls on woodchips and recommended the immediate abolition of such controls. The report also identified that the extent of value-adding in the sawmill industry had increased significantly. The dollar value of sawn timber increased by 20 per cent between 1981-82 and 1989-90. In the same month the New South Wales Legislative Assembly imposed a moratorium on logging access and passed a revised SEFPB on around 90,000 hectares of State forest as compared to a total of 138,000 hectares in the first SEFPB proposal.

During the moratorium period an assessment is to be made on the need to dedicate all or part of that restricted area as national park. Despite the imposition of extensive restrictions, the dedication of national parks is not subject to the review process under the New South Wales Environmental Planning and Assessment Act, which is usually applied to changes in land use. Fortunately the bill was defeated in this House. The Christian Democratic Party played a major role in its defeat.

Long-term wood supply from the Eden native forest management area was contracted to tableland sawmills at 33,505 cubic metres of quota quality logs and to Harris Daishowa (Australia) Pty Ltd [HDA] at 508,000 tonnes of pulpwood. Subsequent reductions imposed on the Eden timber industry have included these reductions. In 1995 the Keating Government announced arbitrary cuts to woodchip export licence volumes, reducing HDA volume from 930,000 to 795,000 tonnes annually. Tasmanian exporters were to pick up the shortfalls.

In 1996 the Carr Government announced an interim forest assessment process, and the Eden region sawlog quota was reduced to 26,000 m^3 per annum. That compares to sawlog quota levels of

59,000 m^3 available before the May 1993 SEFPB legislation was passed, and a level of 33,505 m^3 subsequent to the SEFPB changes. A further 40,000 hectares of national park was identified for the Eden region, with an additional 36,000 hectares set aside in moratorium for likely additions to the parks system under a regional forest assessment [RFA]. However, the Labor Government committed to a minimum industry supply of 26,000 m^3 of sawlog. In 1997 the HDA export licence returned to pre-1995 approved levels, at 950,000 tonnes. However, the actual volume of pulpwood to be supplied from the Eden native forests will be determined by the RFA outcomes. The RFA process commenced for the Eden region.

In 1998 the RFA was expected to be concluded for the Eden region. The industry proposed outcome, which involved the supply of 26,000 m^3 of quota quality sawlog per annum, 14,000 m^3 of non-quota sawlog and 15,000 m^3 of recovery logs, was the preferred option. The Christian Democratic Party hopes that with this bill, 1999 will be a year of solutions. There have been enough investigations, inquiries and reports. It is time to give some certainty to the industry as well as to the conservation movement. This bill attempts to do that by bringing the best of both views together. As I said earlier, not everyone is happy, but this bill is a compromise. The evidence is that the industry has been adjusting to reduced supplies of resource from public forests by increased supplies from opportunistic harvesting of private forest, and by restructuring to changed products and markets that yield higher returns.

Significantly, there is clear evidence that the contractual and government-policy driven requirement for value adding has been met, and exceeded, by the industry. In order to maintain that growth, and the level of contribution that it can make to the regional economies, the industry is proposing that an increased volume of resource should be made available from public forests—native, newly acquired and plantation. That is the only source that can be managed on a sustainable basis, and it is relied upon to deliver the requisite volumes of appropriate quality timber. Whilst achieving these goals, I am satisfied that this bill also delivers major environmental improvements in the management and care of our native forests. The time has come to apply some balance to the debate. Recognition of the ability of timber producers to coexist alongside conservation objectives and practices is now emerging. This bill is the result of the genuine attempt by stakeholders to achieve that objective.

Importantly, renewable resource-based industries are being assessed for their real contribution to the community. Economic, social and moral questions are being examined simultaneously with matters of conservation. The forest industry rates very highly in this process. The timber industry is moving from a base requiring the logging of old-growth forests to one of using an ecologically sustainable managed resource consisting of regrowth forest and native plantations. Whilst most of the managed regrowth forest is currently on public lands, a rapid expansion is taking place in the development of hardwood plantations. We would all like to be able to wave a magic wand and make those plantations grow more rapidly, but nature controls them. Many private property owners are now looking at active management of future regrowth forest, complemented by the rapid expansion that is taking place.

The Christian Democratic Party believes that the native forest industry is a beneficial industry. Global warming, habitat destruction and air pollution are perceived as worldwide problems. The important role of vigorously growing and regenerating timber—for example, in newly established plantations and carefully managed native forests—in mitigating against many of these environmental problems is now recognised. Increasing the numbers of growing trees will assist the changes that will reduce greenhouse gases and control pollution. During the previous parliamentary recess I visited Canberra and I was impressed by the trees planted in their thousands along the roads between Sydney and Canberra. At the time the trees were about one foot high but in due course forests in those areas will be recreated where in the past highways have been put through.

In making a contribution to sustainable development and environmental improvement, an investment in timber must be considered totally beneficial. This bill lays the groundwork to meet those needs. There are a number of ways that providing a legislative framework to encourage the growing of trees will assist in sustainable development and environmental management. For example, defining the areas of public forest available for timber production, with varying levels of sustainable and appropriate silvicultural management, will address the demands on regrowth native forests whilst ensuring that areas of high conservation values are adequately reserved or otherwise managed. There is also a need to look at greenhouse gas reduction.

Young growing trees absorb carbon dioxide consumed during photosynthesis. A growing forest, as in a plantation or regrowth native, thus takes up

carbon from the atmosphere. Reduced levels of carbon dioxide will therefore reduce the total levels of greenhouse gases being added to the world's atmosphere. The bill also examines and meets the needs of resource conservation. Fossil fuels such as coal are finite. If alternative sources of energy can be made available at an economic price, the demands placed on those finite resources will be reduced, thus extending the anticipated life of the resource. The existence of a market for bioenergy will provide an important outlet for the non-sawlog resource provided by plantation thinning and other native forest resource, produced as a result of careful management of the resource, and from logging and sawmill residues.

The Forest Products Association Ltd, the Boral Timber Company, the Construction, Forestry, Mining and Energy Union [CFMEU] and many mainstream commentators have endorsed the objectives of this bill. Today, in an article in the *Sydney Morning Herald* the Forest Products Association Ltd has been criticised by representatives of the Boral Timber Company, but I do not know whether the statements are accurate. Nevertheless, the Forest Products Association Ltd has existed for 92 years. During that time it has represented the native forest industry in this State. On many occasions the Christian Democratic Party has sought briefings from the association to understand the industry and how to protect jobs whilst trying to protect forests to the best of its ability.

There is no other forest industry-specific representative body operating in New South Wales. The association has given its support of the bill. The association was established in 1906 as the representative organisation of the forest industry in New South Wales. It represents the New South Wales industry to government and has members across the State. A well-developed structure exists with branches in all major timber-producing areas of New South Wales. The role of the association is one of industry representation at a political and senior government level, dealing with government departments on industry issues, providing technical advice to members on all facets of the industry, market development, supplying factual forest management information to the general public and catering for a wide range of general member services.

The association maintains seven full-time staff at its head office in Sydney. Those staff members have specific expertise in ecology, forestry and forest management, harvesting, environmental impact of logging operations, timber processing, quality control, marketing, industrial relations, occupational health and safety, workers compensation and business management. The association supports the bill which has been produced by a Labor government. In the past this issue has generated a great deal of controversy but this support indicates a new level of co-operation for the benefit of the people of this State. Currently, the association retains the services of consultants to give it further expertise in politics, resource land use and economics.

The Christian Democratic Party has been happy to receive information from the Forest Products Association Ltd. Recently, the Christian Democratic Party met with the association in this place to discuss the forestry debate and the outcomes sought by the industry. In recent years the association has exercised a balanced approach. I commend the association and the Government for working together in an attempt to reach a mutually agreeable outcome acceptable to the whole community. I hope that honourable members of all political persuasions will agree to the passage of the bill in its present form. It is time that the industry had security.

Every fair-minded citizen should support the security proposed in the bill, in addition to the creation of one of the largest reserve systems in New South Wales. Green groups are still threatening boycotts. I hope that they will reconsider their situation in the same way that the timber industry has modified its position, moving from an attitude of confrontation to one of consultation and negotiation. This bill is as a result of such negotiation.

The bill, which includes more than 400,000 hectares of new and additional national parks, is a reflection of the willingness of Forest Products Association [FPA] members to comply with the National Forest Policy Statement and to meet community demands for conservation. At the same time the industry has worked with the New South Wales Government to capitalise upon the security introduced in 1996 and now to be increased under this bill. I understand that FPA companies alone have invested $25 million over the past four years. In northern New South Wales the introduction of value adding, a requirement of the government forestry policy, has resulted in a native forest industry employment increase of almost 26 per cent.

What does the industry and its work force, and the almost 55 country towns dependent upon it, want from this Parliament? The Christian Democratic Party has discovered that the industry—represented by the FPA, whose membership contains 91 per cent

of all relevant companies covering 63 per cent of the resource—wants the bill to: maintain, as a minimum, industry supply levels at current State Government commitments provided for within the 1996 forestry policy; provide long-term contractual access to timber resources for a minimum of 20 years, giving flexibility to meet market variations in accordance with ecologically sustainable forest management principles and market demand; maintain log quality and species mix consistent with industry, community and market demand and to maintain an efficient, viable and internationally competitive native forest timber industry; and manage native timber production forests under ecologically sustainable forest management principles with the support and endorsement of the community.

In addition to existing conservation reserves, the bill proposes areas of State forest that will extend existing reserves, areas of State forest for new dedicated reserves and special management protection and areas of Crown land. As a result of the bill, the increase in the size of the formal reserve system of 400,000 hectares is estimated as equivalent to one million football fields or 980,000 acres. Conservation areas under this bill provide a primary focus on resource and reserve design, with complementary protection in smaller reserves and protection areas. Significant areas of rainforest, high conservation value old-growth forest and high quality habitat old-growth forest have been proposed for formal reservation. The Christian Democratic Party supports this proposal, as does the forest industry, as set out in the schedules to the bill.

The bill achieves consolidation and enlargement of existing parks, forested linkages between large parks, and a mosaic of small reserves and protected areas throughout the hinterland and coastal areas. Under the classifications and targets that are being used as a basis for reservation, target achievement of 100 per cent will be virtually impossible. Even the maximum JANIS information point only achieves 72 per cent of targets.

The targets proposed by the Greens seek a reservation status grossly exceeding the current extent of many species. Such targets belie the current extent of species, let alone their conservation need and the credibility of targets within this process. An objective to seek conservation of values greatly exceeding the current total extent of those values is not realistic and cannot be recognised as a legitimate direction for target achievement.

Other honourable members have already commented in this House about so-called targets. In the recent negotiations forest ecosystems were sought for conservation as a surrogate for biodiversity. The development of a dendogram by an expert working group established a classification system based on dissimilarity rating between forest ecosystems. The classification is not consistent with the accepted system of State Forests. The forest ecosystem classification used for ecosystem mapping of the forests of the upper north-east region departed significantly from research note 17, which is the accepted method for classification of forest types in New South Wales. The ecosystem classification generally splits identifiable forest types beyond the point of recognition. The National Forest Policy Statement declares:

> Australia will continue to use old-growth timber for many years. It will come from disturbed forests containing some old-growth trees that are not required for the nature conservation reserve system.

Therefore, it is not the intent of the National Forest Policy Statement that all old trees be required for inclusion in the reserve system. That is forgotten by some members of the conservation movement and by the Greens in this place. The FPA has consistently contested the classifications used for old-growth forests and, as a matter of record, has debated the issue of definition. The need for balance in this bill is essential. The Hon. J. F. Ryan in his contribution referred to science. The debate uses different bits of science to suit different interest groups. The corruption of science is well-established in this area and in many other processes. For example, the mapping of old growth for this assessment carried the same problems as the ecosystem classification, as I outlined earlier. It too has mapped areas well below the size limits of the project, thereby inflating targets by an overall 5 per cent and for some species by more than 10 per cent, with a consequent inflation of irreplaceability values for individual land units.

The fauna data relied upon in this process represents a heavy bias in surveys on State forests. The explanation is more readily found in the fact that generally fauna and flora surveys have been more intensive on Crown land under State Forests tenure. That is due to several factors, the main ones being, first, that State forests are more accessible for survey purposes. Roads and fire trails are generally trafficable and lend themselves to easy access for conducting surveys. Second, there is a requirement that full preharvesting surveys be carried out prior to the commencement of harvesting planning. Such surveys are conducted on a compartment-by-compartment basis.

Third, the preparation of environmental impact statements over the past eight years has ensured that

full flora and fauna surveys are conducted. Fourth, for the past five years State Forests has deliberately sought to identify fauna and flora values on land under its control. Clearly, the same cannot be said about the National Parks and Wildlife Service. Those forests that have been most intensively surveyed have produced, and always will produce, the highest conservation values, such as Whian Whian, Pine Creek and Myall River.

The result is that any view of irreplaceability only serves to highlight the areas of intense survey. Despite the surveys being funded for this process, they have maintained a bias towards State forests. There has been a sustained attack on the resources in this process. The Greens say that wood supplies will run out. The FPA, aware of these assertions, has spent $25 million on investment and in the past few days has announced that it will invest another $14 million.

The New South Wales Government offers up to 20-year supply contracts—hardly something a sovereign government would do without regard to the risk for taxpayers. Who should we believe? The resource assessments were completed under a project called Frames, managed by the Resource and Conservation Assessment Council. The Frames project, to determine long-term sustainable timber yield from the whole of the north coast forests, was run through the proper processes of the comprehensive regional assessment, overseen by the resource and conservation division, and underpinned by the most rigorous scientific sampling procedure ever seen in New South Wales.

Frames involved more than $5 million and over 100 State Forests staff specialising in resource assessment. It determined the available yield as a function of forest growth, which provides sustainability in the long term for the forests and the timber industry. The reliability of the Frames data far exceeds that used to establish the so-called conservation values. Frames may not be impugned by the isolated opinion of a single sales forester from Casino, whose personal reliability and volume assessments have been found wanting on previous occasions. Contrary to the assertions of the Hon. J. F. Ryan, the scientific assessment of conservation values has served this process well. It has been the tool that has enabled the selection of the most important values, in balance with timber resource needs.

It should not be a surprise to anyone that the two million hectares sought for the reservation of dingoes has not been satisfied. The conservation reserve sought targets for frogs at five times the current area, which is an impossible target. These are just two examples of the way the science has been misrepresented in the assessment process. There are many more examples. The so-called science of conservation must be balanced with reality and community needs. I am informed that in the recent negotiations the North East Forest Alliance [NEFA] effectively acknowledged the good management of State forests by its glowing written and tabled description of the biodiversity of those forests. Particular reference was made to the rarity and value of New South Wales north coast forests, with claims by the NEFA tending to detract from their public assertions.

Country New South Wales still produces over half the State's export income and therefore continues to make a real contribution to the welfare of the State. Despite that, regional centres are generally facing a loss of jobs and services and, indeed, a loss of population. In the face of increasing urban centralisation, country regions must consider their own economic future. There is a pressing need to derive sustainable—that is, permanent and self-supporting—employment and to generate real economic wealth for those communities. It is only by developing their own economies that country regions can reverse the problems of relative economic decline, increasing unemployment, and the resultant loss of population to coastal and metropolitan areas. I have received a letter from the New South Wales Aboriginal Land Council, which strongly supports the bill in its present form. The letter stated:

> The NSWALC is satisfied that the Bill and its operation under the framework agreement on native title to be made between NSWALC and the Government does respect Aboriginal rights. On this basis NSWALC gives its support for the Bill and requests that you consider its position when you are asked to vote on it.

I have taken into account the concerns of both the conservation movement and the timber industry, and for the reasons I have given the Christian Democratic Party supports the bill.

The Hon. R. S. L. JONES [8.31 p.m.]: Some Ministers and Government members were slightly bemused and surprised at the somewhat less than enthusiastic response to the bill by those in the conservation movement. They could not work it out, especially as a reasonably significant area of the south-east forests has been saved from destruction—mainly by Daishowa—and 380,000 hectares of the north-east forests have also been saved. The reason for the less than enthusiastic response was that the conservation movement thought that the process it had gone through over the

past 3½ years with the logging industry, the Government and scientists would bring about the end of the war in the forests. Everyone hoped that the bill would be the final solution to the problems we have all faced for many years.

I have previously told the House that it was the forests that drew me to politics. In 1971 I gave up a lucrative career to enter politics to try to save the Myall Lakes area from being mined by National Lead Inc. through its subsidiary, Mineral Deposits. That cost me a great deal of money. Ironically, the bill provides for the addition of approximately 12,500 hectares to Myall Lakes National Park. The battle for the forests has continued for a long time. Some precious areas of Myall Lakes were saved and some are recovering since having been almost destroyed.

I have been arrested twice for participating in that battle, as have the Hon. I. Cohen and many others. I was arrested with Jenny Kee in the south-east forests. We did not take part in the protest lightly. We did not do it because we wanted to be put in the paddy wagon or be thrown in a disgusting gaol to await trial. We took part in the protest because we believed in what we were doing.

I have not walked through every one of these forests, but I have walked through many of them with the people who have been involved in the process. Anyone who has done that will understand the passion that they feel about the forests. I also truly understand the passion that loggers feel about their jobs and their families. Every decent person would understand that, and no-one would want to deliberately put people out of work. That is why the crossbenchers, the Opposition and the Government have bent over backwards over the past three or four years to make sure that where there was an imperative to conserve forests on behalf of the people of New South Wales and future generations—not to mention the biodiversity within the forests—compensation was maximised so that people could be retrained and move on to the softwood plantations that are now becoming available.

I have a number of close friends in the timber industry, and two of them have bought their own forests. Some members of the logging industry who were in the gallery recently actually take logs out of a rainforest, but they do it in such a careful way that they do not disturb the canopy. Obviously there is some disturbance but the rainforest is still intact. The people who know about individual compartments have found that those compartments are not part of this decision. I have visited the south-east and north-east forests on several occasions. I would like to spend more time there, but I am stuck in Sydney most of the time. For example, compartments 1401, 1402 and 1307 in the upper Wog Wog River catchment have been left out. These are magnificent compartments. Some of the trees are so large that it takes half a dozen people to link their arms around them to encompass their girth. Some of those trees were logged.

Reverend the Hon. F. J. Nile: They won't be cut down, they can't be cut down.

The Hon. R. S. L. JONES: I wish that were so.

Reverend the Hon. F. J. Nile: It is so. I have been down there.

The Hon. R. S. L. JONES: We were sitting on the stumps. I have a photograph from the front page of *Canopy* magazine showing a photograph of me sitting on the gigantic stump of a felled brown barrel. They are being felled—not for timber for houses or furniture, but for Daishowa. Those trees are a resource for Daishowa, not for the families who live off the timber. Daishowa offers very few jobs and has actually deprived Australian families of jobs by taking 90 per cent of that resource. That comes from the Minister himself: 90 per cent of the resource in the south-east forest goes for woodchipping. Those magnificent brown barrels, which are prime habitat trees, are being felled and the whole ecosystem is being destroyed merely for woodchipping.

The timber goes to Japan. It is made into Japanese comics which are read on the underground and thrown away at the end of the journey. A 300-year or 400-year-old brown barrel, a magnificent habitat in itself with species living inside its hollows, is being felled for almost no profit to Australia. For many years Daishowa would transfer pricing and Australia was making no money from those forests apart from a small handful of jobs. More jobs could have been created if woodchipping had not been allowed in the south-east forests and ordinary Australian families had been permitted to live off those forests. The forests would not then have been fire bombed, as they essentially have been since Daishowa started working its way through the forests since 1969 as a result of a shady deal done by a former Liberal Minister. That deal has continued ever since then.

Daishowa is doing the same in Canada. I have correspondence from Canadian Indian bands who have tried to claim land that has never been touched

by any human except for Indians walking through it and doing their traditional hunting. Daishowa is working its way through the old-growth forests of Canada. It is doing the same thing all around the world. That is not the kind of company we should encourage to take part in our forest industries. We should encourage the creation of high-value jobs in logging operations that will not take the brown barrels. If the brown barrels were in the north of the State, they would not be logged. They would not be chopped down, because they would not go to the woodchip industry. They would be left as habitat trees. Noel Plumb, Dailan Pugh, Susie Russell, myself and all the others are seeking to retain the diversity, the habitat, the life in our forests.

Some years ago I walked through the south-east forests with Michael Photios. He was awe-inspired by the magnificence of the forests; they are like cathedrals. To chop down brown barrels to make Japanese comics is equivalent to knocking down the Opera House for roadbase. There is no value in it. I can understand an industry that uses timber for building Australian houses or making high-quality furniture. There is some reason for that.

In the past century we knocked down our magnificent cedar forests. There were huge trees growing all the way up the coast. Honourable members would have seen photographs of one or two of those huge trees being drawn behind ox-driven wagons. Those trees have now virtually gone. I have planted a few cedars in my area and there are a few remnant cedars here and there. Most of them have been used for fence posts or for trivial purposes. Luckily some of them were used for furniture and one can now buy Australian cedar furniture made from the forests that have now gone.

Over the past few hundred years we have destroyed our forests. We have not maintained them in a sustainable way. If we had done so, we would not be fighting over the last few hundred thousand hectares of forest. The Government has attempted to achieve the impossible. It has attempted to meet the targets to conserve 15 per cent of 1750 forests. It has tried to overlay the scientific research that has been worked through, which is undoubtedly the best of any State. It has tried to ensure that sufficient forests are left to maintain the long-term diversity of species which unfortunately will not survive in the long term. There simply is not enough forest left, especially in the north-east of the State, to maintain the present number of jobs and to maintain the biodiversity. That is the key problem the Government faces. By this decision the Government has knowingly sacrificed species. The scientific research shows that. I wish it was not so.

I wish the bill meant the end of the battle for the forests, as Reverend the Hon. F. J. Nile has claimed. However, it is not the end; it is merely another step in an attempt to save the old-growth forests. Opinion polls taken over the years show that even in places such as Dorrigo and Bellingen the majority of people want to remove logging from genuine old-growth forests. Those who have been members of this House long enough would be aware that for years I have been pushing for decent funding from State Forests for hardwood plantations.

We have finally managed to get George Souris to act and we finally got State Forests started with 1,000 hectares, 2,000 hectares, and 10,000 hectares. I understand there will be 10,000 hectares of plantations this year. That is subsidised by taxpayers, but who resents that? I certainly do not. I am happy to have my taxes and the money paid by other taxpayers spent on creating plantations as a resource for the future on land that has already been cleared.

If the resource created by timber plantations is properly managed it can create genuine long-term sustainable jobs. That is what we all want: we all want long-term sustainable jobs in the timber industry. Can anyone deny that? We all use timber. We have timber homes and timber furniture. Everyone in this House uses timber in one form or another. I am not trying to close down the timber industry. That would be absurd. It would be similar to closing down the food industry.

On behalf of the industry and all the people of New South Wales I am trying to switch the timber industry to a genuine long-term sustainable future. Old-growth forests are not a never-ending resource. They are literally that: old-growth forests that were here before white people came to this country. They regrow, but they are untouched habitat. They are a limited resource that is disappearing. We have an obligation to future generations to reach a much better deal than the one that has been reached, particularly for the people in the north of the State. If necessary, I would vote for $1 million compensation for each family. I would do whatever was necessary to look after those people in the long term.

The Hon. D. F. Moppett: Rubbish!

The Hon. R. S. L. JONES: Yes. I would.

The Hon. D. F. Moppett: You're a hypocrite!

The Hon. R. S. L. JONES: I am not a hypocrite at all. I am on the record in this Chamber

and behind the scenes as having fought for maximum compensation for those who were being forced out. What has the Hon. D. F. Moppett done? Nothing!

The PRESIDENT: Order! I urge the Hon. D. F. Moppett not to encourage the Hon. R. S. L. Jones by interjecting.

The Hon. R. S. L. JONES: As is said earlier, the people who have been fighting these battles know these individual compartments, as the people from State Forests do. Honourable members would be surprised how many of them have walked through the areas. They know compartments 1307 and 1942. However, the people from State Forests have a very different view of a forest. They see cubic metres; they do not see habitat, wildlife or wilderness. They do not see beauty. They see cubic metres and dollars and cents. That has been the key problem all these years. But these are not merely cubic metres. The forests and the species that live within them belong to the people of New South Wales, not only to one industry. New South Wales is fortunate that it is not as dependent on old-growth forests as Western Australia, for example. It has half the dependency of Western Australia, mainly because State Forests has been cultivating a considerable softwood resource over the years which is now available. However, some softwood plantations have not been adequately managed

I have asked State Forests how much those softwood plantations are worth. I have asked why those softwood plantations are not sold and money the sales would yield, more than $700 million, ploughed back into other plantations. That is unpopular, of course, with the Australian Labor Party. Perhaps $500 million could be put into new plantations and $200 million into restructuring forest industries, assisting with the purchase of new machines and so on, and the creation of jobs. That would help to tide people over until they are able to start new plantations and create new jobs for genuine long-term sustainability, because, as sure as night follows day, old-growth forest logging in this State will end. Whether it is in two, five, 10 or 20 years, the resource will simply run out. There will be hardwood and softwood plantation regrowth. That is all that will be available. That is the harsh reality of life.

Many of us feel passionately that the forests and the wildlife in them should be conserved whatever the cost. I believe the people of New South Wales would pay a substantial sum to compensate those families who have to move out and reconstruct their lives and to save these forests—and I am not talking about regrowth forests; I am talking solely about old-growth forests—for the people of New South Wales for the next century and, indeed, for the next millennium. In the past century we have done a great deal of damage to this country. Forests are being cleared all around the world. Honourable members will no doubt have seen the clearing of the Amazon. I have seen it.

Others will have been to the Amazon, Indonesia, Thailand and Burma and seen the forests being cleared. They are being cleared rapidly for little net return and little benefit to the people. The forests of New Guinea have been destroyed by Malaysian logging companies with little return to the people of New Guinea. So if the Government does not understand why people like Noel Plumb are so angry, the Government does not understand that Noel and others have actually walked through the south-east forests. They know the forests intimately and they love them. They have photographed them before and after logging and what has happened is heartbreaking. Those forests can never be reconstructed.; it would take 200, 300 or 400 years to re-establish an ecosystem in those old forests.

The headline in the *Daily Telegraph* on 17 November read, "Greens draw war lines" and the Government has complained about that. The article under the headline "Gamble backfires" in the *Sydney Morning Herald* on 13 November commenced, "The Premier's gamble in announcing plans to protect 380,000 hectares of forest appears to have backfired".

Huge stories in both the *Sydney Morning Herald* and the *Daily Telegraph* were 100 per cent accurate. Those who wrote the articles saw through the attempted spin. They know that we are about to lose a large area of precious wilderness and old-growth forest—I will come to the figures in a moment—which would have been conserved but for a last-minute deal about two weeks ago. The headline in the *Daily Telegraph* on 14 November read, "Labor split over Allan's Forest Snub". The Minister for the Environment has put on a brave face indeed about what she claims is a very good decision. However, those close to her know that she is saddened that a large area of precious forest has been lost.

An interesting article appeared on the same day in the *Sydney Morning Herald*. It was headed "Seeing Woods through the trees" and was written by Murray Hogarth. Again, the article was 100 per cent accurate. We had heard from separate highly placed sources that Boral had told the Carr Government that if it went ahead with the decision,

which had been locked up the previous day, Boral would close three mills in Harry Woods' electorate. We saw the maps, and the State position had already been given as something like 540,000 hectares. If honourable members read the article "Seeing Woods through the trees" they will get an idea why such a huge area of forest was lost, at least in the short term.

Another headline states, "50 new national parks". Only 27 or 23 national parks would have been created if many of the parks had been combined. Many of them should have been combined to make one park, not scattered remnants. It sounds good to say, "50 new national parks". The Government could cut the Royal National Park into 100 pieces and say that 99 national parks have been created. An article in the *Daily Telegraph* of 13 November is headed "Carr splits logs". Articles in the media cover the matter fairly well, because the media understand the issue. That is why the Government is so upset that it received such a bad reaction to something out of which it thought it would get a good spin. If the Government had stuck with its agreed position—I understand it had printed 554,000 hectares on one map—the reaction would not have been so fierce.

There may have been a little moaning and groaning but the reaction would not have been so fierce. Chaelundi State Forest will be logged. I was arrested in Chaelundi State Forest when I was trying to save the gigantic trees. I suspect that some of those forests have been left out deliberately. The Hon. I. Cohen and I have walked through some of the magnificent forests in our backyard which will now get the chop. That is heartbreaking for those of us who care about the creatures that live in the forests, the trees and the ecosystem. We will grieve for every glider that gets killed. We feel strongly about every possum that gets crushed and every koala that is killed. I have seen dead koalas at the base of logged trees; I have found the remains of their bodies. It is a heartbreak—a heartbreak like no-one would believe.

How did Boral manage to get so much of the resource in north-east New South Wales? How was Boral able to call the tune? How did it manage to sign the contracts? If Boral had not grabbed such a huge proportion of the resource there would be more resource left for the smaller Australian-owned family mills, the mills we should be protecting, which will suffer. Boral is unlikely to suffer; it will not allow itself to suffer because it has the muscle. When it takes over smaller mills they will not then sell, as the Boral mill did, to local people at wholesale price; it will sell if the price goes up. Suddenly people will have to pay more for Boral timber, because the bottom line means more to Boral than anything else.

How did Harris Daishowa manage to grab 90 per cent of the south-east forests and Boral some 60 per cent, 70 per cent or 80 per cent of the north-east forests? If small family companies in the south and the north were getting the resource I do not think we would have the current problems and there would be a lot more jobs, especially in the south-east. We would be looking after ordinary Australian families which, essentially, have been put out of business by Boral and Harris Daishowa. It is grossly immoral. Those companies have the power. Goodness knows what kind of power they have had behind the scenes in past years.

As I said, the Government was trying to pull together a deal, but in the end it collapsed basically under pressure from the industry, the union and Boral in the north-east. The forest resource shrank overnight. The forests being saved are valuable; no-one doubts that they are high-conservation forests. Science was used to choose excellent forests. Some of the best forests have been saved. We can thank God that the scientists knew which forests were most important. The tragedy is that the Government has left out some large areas which are important for the long-term survival of many species. The conservation movement in New South Wales is furious with the Carr Government because it chose to go with the logging industry, Boral and the union.

Essentially, the conservation movement has been done over. The Government decided to isolate the green vote and not worry about it at the next election. That is what happened in 1988 when Paul Keating said that Labor would put the Greens back in the box where they belonged. The Carr Government was elected on the green vote. There is no way it would be in office if it had not received preferences from the Greens and the Australian Democrats. Honourable members would be aware that recently the honourable member for Ermington, Michael Photios, made some good noises. They would be aware also of the press releases issued by members of the conservation movement.

In 1988 Michael Photios received Australian Democrat preferences in his seat of Ermington because he showed himself to be a good green member of the Liberal Party. Many members of the Liberal Party are good green members who care passionately about ecosystems, forests and their denizens. I know a few of those members, including Michael Photios, who do a lot of work behind the scenes. Michael Photios is engaged in a battle royal

with John Watkins for the seat of Ermington. John Watkins has also been working hard today and yesterday to try to improve this package. So there will be an interesting battle between Michael Photios and John Watkins as to who will get the preferences. I cannot say who will get the preferences, because I have no inner knowledge of what is happening.

Others, such as Bob Debus, have been working hard because they are concerned about the forests. They are genuinely concerned about the forests, and about being re-elected. A number of Labor Party people are genuinely concerned about the forests and conservation, but they are concerned that the green vote has been alienated four months from the election. But the Government chose to do that; it decided to go with the brown vote. The Government wants to keep Harry Woods by getting the logging vote. It may keep Harry but, beyond its control, it may lose one or two other members. That could mean that a Liberal-National government will be elected.

The Hon. D. J. Gay: Labor will lose Harry as well; he is unable to be saved.

The Hon. R. S. L. JONES: The Hon. D. J. Gay says that Harry is unable to be saved. Does the honourable member think that Harry will get the brown vote if all these jobs are saved?

The Hon. D. J. Gay: Harry is part of a Cabinet that has systematically destroyed New South Wales.

The PRESIDENT: Order! I ask the Hon. D. J. Gay to cease interjecting.

The Hon. R. S. L. JONES: Such hyperbole. I wish the Hon. D. J. Gay would make sensible comments. The question is whether Harry can be saved. The Government was straddling the barbed wire and got caught rather badly. It will have to perform a delicate operation to recover from that. It is bleeding badly as a result of that barbed-wire exercise. The Liberal Party has seen that and, like hounds to an injured deer, it has decided to go for the throat. And it may well get it. Who knows what will happen? We do not know whether the bill will be passed; we do not know whether it will be defeated at the third reading stage; we do not know whether any amendments proposed by the National Party will be agreed to in Committee.

However, if the bill is not passed in this House we know that we will be ringed by logging trucks. We know that the logging industry will be badly affected by the proposed legislation. Who would benefit from that? The incumbent government is unlikely to benefit. Mr Deputy-President, returning to the north-east—

The DEPUTY-PRESIDENT (The Hon. D. J. Gay): Order! I hope the Hon. R. S. L. Jones is not trying to intimidate the Chair.

The Hon. R. S. L. JONES: I would not dream of doing such a thing. I was simply pointing out a few facts of political life. The north-east forests are precious to the people of New South Wales, because they are one of the most valuable biologically diverse areas in the whole of Australia. I shall explain to members of the community why the conservationists in northern New South Wales and the local people, apart from those involved in the logging industry, were so upset by the decision to conserve only 380,000 hectares of high-conservation forests. In a background report at a Teachers Federation meeting on 21 November 1998 it was stated:

> Carr's north-east forests reserve system:
>
> - achieves only 30% of the nationally agreed reserve targets, the worst outcome for any CRA outcome in Australia;
> - only 39% of the national targets for forest ecosystems, thereby ignoring the requirements for representativeness & comprehensiveness;
> - achieves targets most dismally for those entities most vulnerable to logging and most in need of reservation;
> - excludes 238,000 hectares of old growth on public lands and only meets 28% of the national old growth targets, delivering the worst outcome for old growth in Australia despite an election mandate to protect old growth forests;

The Hon. D. F. Moppett is raising his eyebrows. Jeff Kennett did better in Victoria, Richard Court in Western Australia had a better result, and even the Tasmanian Government did better. The report goes on to state that the agreement:

> - excludes 56,600 hectares of wilderness and protects only 74% of high quality wilderness; and,
> - condemns numerous species and populations to extinction [in the long term] by excluding known core populations and protecting only a small fraction of the habitat identified as needed for their survival.

We begin to see the picture. The problem is that the Government is trying to do the impossible: it is trying to maintain the same number of jobs for 20 years and there is just not the old growth there to do it unless areas are taken out that should go into the parks. The north-east forests data was collected on distribution of 240 forest ecosystems, 140 of the rarest and most threatened animal species, 610 rare

and threatened plant species, old-growth forest, rainforest, wilderness and other conservation values. A lot of hard work was done over 3½ years by some of the top people in the country to establish the value of these areas and what was necessary to meet the targets and to preserve these species in the long term.

The science showed that one would need to conserve 1.2 million hectares to achieve the national reserve criteria. That is not possible. The stakeholders, major conservation groups, identified 870,000 hectares of priority areas for reservation, proposing that the remaining areas be phased into reservation over the next 10 years. The timber industry groups ignored the science in order to preserve their businesses and put forward 330,000 hectares of predominantly unloggable and low productivity areas for reservation. The timber industry wants the absolute minimum. That is understandable. It wants everything that it can get hold of, as one would if one were in the business. The final State position about two weeks ago was 554,000 hectares of public forest being protected from logging in reserves, informal reserves or continuing moratoria.

According to the State Forests resource data, this would have left enough sawlog resource available to fulfil current wood supply agreements for the next 20 years. The figure of 554,000 hectares was a very heavy compromise on the original 1.2 million hectares, which was obviously unachievable, and the 870,000, which was the minimum real position without too many species becoming extinct. Yet some members expressed surprise that the conservation groups reacted when the figure shrank in 24 hours to 380,000 hectares. I will not disclose confidential conversations I have had with Ministers, but I heard how the process worked and how it happened. It happened very rapidly and for no reason other than undue pressure.

There was some question about the diameter of logs in the wood supply agreement. Current wood supply agreements are mostly for logs with a 30-centimetre small end diameter and a 40-centimetre centre diameter. Dropping the centre diameter and reducing the small end diameter to 25 centimetres would bring New South Wales into line with current specifications in Victoria and Western Australia. Such a step is a necessary phase in the change from old growth to regrowth and plantation logging. It will have to be done at some point. State Forests acknowledged that. Minister Yeadon abolished that practice two years ago. We do not know why that happened.

Under the upper north-east [UNE] reserve plan accepted by the Premier, on average 76 per cent of environmental targets remain unmet, with 55 per cent of entities achieving less than 50 per cent of target and 23 per cent less than 10 per cent of their target; 64 per cent of forest ecosystem targets remain unmet, with 43 per cent of forest ecosystems achieving less than 50 per cent of their target, and 15 per cent less than 10 per cent of their target; 82 per cent of targets for old-growth samples of forest ecosystems remain unmet, with 39 per cent of old-growth types achieving less than 50 per cent of their target, and 10 per cent less than 10 per cent of their target.

Seventy-three per cent of targets for rare and threatened animal species remain unmet, with 56 per cent of priority animals achieving less than 50 per cent of their target and 22 per cent less than 10 per cent of their target—which means they will become extinct in the long term, which is very regrettable; 82 per cent of targets for rare and threatened plant species remain unmet, with 66 per cent of plants achieving less than 50 per cent of their target and 35 per cent less than 10 per cent of their target. The plants will suffer even more. Eighty-five per cent of the entities identified as most vulnerable to logging and thus in greatest need of reservation failed to achieve targets, with 64 per cent of these most vulnerable entities achieving less than 50 per cent of their target and an appalling 28 per cent less than 28 per cent of their target. So 28 per cent of these species have very little chance of long-term survival.

Under the UNE reserve system the areas encompassed should be at least enough for 670 breeding pairs of barking owls, yet only sufficient habitat for one-tenth of these is to be included in Premier Carr's reserves; 380 breeding pairs of powerful owls, yet only enough habitat for less than half this number is to be included in the reserves; 610 breeding pairs of masked owls, yet only enough habitat for less than a quarter of these is to be included in the reserves; 280 breeding pairs of sooty owls, yet only enough habitat for less than two-thirds of these is to be included in Premier Carr's reserves; 1,700 breeding tiger quolls in two populations, yet there will be sufficient reserves for habitat for less than one-fifth of these; and 3,460 breeding pairs of yellow-bellied gliders in three discrete populations, yet there is only sufficient habitat reserved for about a fifth of these.

Members will begin to understand what I am talking about in relation to long-term survival when 80 per cent of these species have no chance. Sometimes the figure is 90 per cent, sometimes

50 per cent. Essentially it means that in the long term we will lose them. That is an indictment of this century, this Government and this generation. We will take the blame in the next century, which is only just over a year away. It may be that there will be a more enlightened government in the new millennium which will say, "Oh my God! We have done the wrong thing. We will have to do something about it." It is quite likely. Twenty years ago when the rainforest decision was made the first reservation was quite small. It took three or four years before it was realised that rainforest is the richest of the habitats and should be preserved.

If there is a more enlightened government—I hope and believe there will be—more committed to long-term survival of species and biodiversity, this decision will be revisited. I hope that by then the people now logging the old-growth forest will have moved into regrowth and plantations. That is what they will have to do. I strongly urge them to move as quickly as possible into other sources of timber. They should not rely even on the old growth that remains available for logging now. I would say to them that it is not a wise thing to do. One really has to think about the future.

I asked the Parliamentary Library to conduct research on those species at risk in the upper north-east and lower north-east of this State. The list for poorly met targets in the upper north-east includes the pale-headed snake, Stephens banded snake, New England tree frog, stuttering frog, sphagnum frog, great barred frog, Hastings River mouse, New Holland mouse, greater glider, yellow-bellied glider, squirrel glider, barking owl, rufous scrub bird, bush stone curlew, phascogale, long-nosed potoroo, tiger quoll, rufous bettong, red-legged pademelon and false pipistrelle.

Those in the lower north-east include the green-thighed frog; parma wallaby, which was thought to be extinct at one time until some were discovered in New Zealand and then in Australia; sooty owl; golden-tipped bat; green and golden bell frog, which is now faring better in Sydney; eastern chestnut mouse; and beach skink. I am not familiar with some of these species. I have no idea what a false pipistrelle is. I am sure not one honourable member in this place would know. Perhaps someone in the gallery knows what a false pipistrelle is. The pale-headed snake species ranges from rare to sparse in number. It is an arboreal snake that lives in the trees that will be felled.

The Stephens banded snake lives and shelters mostly in trees and exfoliated rocks. It is dependent on tree scar crevices and rarely descends to the ground. These are arboreal creatures that depend on the trees that will be logged. They do not live in undergrowth. The New England tree frog is also dependent on the trees. This frog lives in Wild Cattle Creek State Forest. With a touch of luck it will survive the felling of old-growth trees. The stuttering frog is quite common at the moment. On the other hand, sphagnum frogs are not common and are restricted in distribution. This frog lives in the high wet forests of the Great Dividing Range. It too is a species at risk. The great barred frog lives in moist forests.

The squirrel glider is related to the sugar glider, but is larger and prefers a dry habitat, and I am sure honourable members would be aware that it is a tree animal. Honourable members who have undertaken some spotlighting would be familiar with those gliders. The magnificent yellow-bellied glider lives in wet and dry sclerophyll forest. It sleeps by day, often with other members of a social group, in a leaf-lined tree hole. It eats pollen, nectar and insects. Unfortunately, its northern race is becoming rare. The yellow-bellied glider and the squirrel glider are dependent upon old trees for nesting, which, of course, are the trees that will be felled.

The sugar glider depends on wet and dry sclerophyll forest, woodland and open forest with abundant acacia. The long-nosed potoroo depends on wet forest and cool rainforest. Its numbers have declined since settlement of this country. The rufous bettong has suffered a disastrous reduction in numbers since settlement and will decrease further. The red-legged pademelon depends on rainforest and wet forest. The New Holland mouse was thought to be extinct but is doing quite well since it was rediscovered. The Hastings River mouse has suffered the loss of 70 per cent to 80 per cent of its habitat being opened up to logging. We have no idea what will happen to this creature.

According to *What Mammal is That?* Hastings River mouse numbers are sparse to rare. It lives in dry forest, often with bracken understorey. Only two specimens of uncertain provenance were known until 1969. We do not know whether this mouse will survive. We suspect that from the Government's decision the Hastings River mouse faces a poor prognosis. The barking owl nests on decayed debris in tree hollows and depends on old-growth forests. The rufous scrub bird lives in isolated pockets of dense moist tangles of ferns and other undergrowth. This species has been found in the area near where I live in the north. The bush stone curlew is now rare and will be placed further at risk.

The phascogale prefers to forage in large trees, especially on dead branches. It is an agile hunter that spirals up tree trunks. Tree nectar forms part of its diet. This creature may spend much of the night foraging in a single heavily flowering eucalypt dashing from cluster to cluster. It is active only between dusk and dawn, but on long winter nights individuals often do not emerge from nests until after midnight. Unfortunately, many of these will be killed when the old trees go down. The false pipistrelle is an interesting little creature. I would ask honourable members to research it themselves rather than describe it to them. It is a fast-flying predator of insects. It is a bat.

The spotted tail quoll is in a bit of bother and other quolls will not have a good future, especially in northern New South Wales. I have provided a summary of some species that will be at risk after this forest decision. Honourable members may understand now why the conservation movement is concerned with this decision, even though some 380,000 hectares of a total of more than 400,000 hectares have been conserved. This decision has disappointed the movement because it believed enough forest would be saved to conserve the creatures in the long term. Unfortunately, that will not happen. In the past 24 hours the result was wound back in the north-east from the conservative 545,000 hectares to 380,000 hectares. There was a huge backlash and wave of anger.

The Hon. D. F. Moppett: We want to hear more about that backroom deal.

The Hon. R. S. L. JONES: It was a backroom deal, primarily to save the seat of Harry Woods.

The Hon. D. J. Gay: What did they offer you?

The Hon. R. S. L. JONES: Offer me? What is the Hon. D. J. Gay talking about? If the Government made me an offer it would be saving 860,000 hectares! Will the Government's decision save the electoral seat of Harry Woods? Roughly 165,000 hectares of forests have been sacrificed to save his seat. Does the National Party want more? The Hon. D. J. Gay nods his head. Does the honourable member want 200,000 hectares?

The Hon. D. J. Gay: It is not all old growth.

The Hon. R. S. L. JONES: The National Party is not satisfied even with this appalling decision of the Government. It wants to remove more than 165,000 hectares as the minimum amount. I do not believe every National Party member feels that way. I know some of them are keen on biodiversity and old-growth forests.

The Hon. M. R. Egan: Which ones? Name them!

The Hon. R. S. L. JONES: The Deputy Leader of the Opposition is one of them, but he is too embarrassed to say so in this Chamber. Some good National Party members are quite conservation minded, unlike the Hon. D. J. Gay, who would like to log every old tree in the north. Perhaps he will offer the National Party candidate for that seat 300,000 hectares of old-growth forest to try to outdo—or to outbrown—the Carr Government in northern New South Wales. The Forestry and National Park Estate Bill is totally flawed. The Government has bent over backwards to save jobs, particularly Harry Woods' job but, unfortunately, it bent so far backwards that it fell over! We had hoped for a much better result from this Government. If the Government had saved the 545,000 hectares, that would have given it a much better vote in the city and would have made a difference in Harry Woods' electoral seat.

The Hon. HELEN SHAM-HO [9.19 p.m.]: I should like to speak to the Forestry and National Park Estate Bill. The object of the bill is to make provision with respect to forestry operations in and additions to the national park estate after resource and conservation assessments have been carried out. The bill covers highly emotive and sensitive subject matter over which there are many competing and opposing views. The bill attempts to set out the process of forest management for the next 20 years in an effort to provide security for industry and the environment. This is an ambitious undertaking. However, I am afraid it fails as it removes key tools with which to resolve future conflicts and ensure environmental protection.

It is impossible to find a middle ground that will satisfy all. The Government's commitment to reserve 380,000 hectares excludes some wilderness that the Premier promised to protect. It falls short of nationally agreed conservation benchmarks. On the other hand, if implemented, initial green demands for 870,000 hectares to one million hectares under reserve would immediately end two-thirds of north coast logging, taking with it 5,000 jobs. I can understand it is difficult to satisfy the interests of all parties.

I understand that a number of specific concerns have been expressed about the bill, particularly about the lack of provision for further

environmental impact assessments if the intensity of operations under an agreement changes. In addition, there are problems about the process of review of the Act and agreements reached under the Act, as well as about third party appeal rights. I mention these matters to register my deep concern about them. They have been raised thoroughly and at length by the crossbenchers and other honourable members so I shall not speak at length. However, I should like to briefly mention two aspects that concern me.

The first relates to the provision in clause 18 and clause 30 that allows a forest agreement and approval to be amended or terminated at any time and in secret. After all the consultation about the forests, to then change the agreement unilaterally without first consulting stakeholders and the community is unacceptable. The resulting decision will lack legitimacy in that basic accountability measures will be absent. One should imagine the demonstrations that will be triggered if stakeholders feel they have been hard done by. The provision is an invitation to conflict.

The agreements and approvals are the basic documents that will govern logging in the future. Any change to them should be subject to formal public consultation. It should be remembered that an approval contains pollution and threatened species licences. Also, if the change to the agreement or approval could lead to a significant environmental impact, then a formal environmental impact statement should be prepared and exhibited. Such changes could include more intensive logging or reduction of stream-side filter strips to protect water quality, or removal of protected endangered species protocols to increase timber resources.

Part 5 of the Environmental Planning and Assessment Act provides an accepted process for environmental impact statements and species impact statements. That process should be reactivated if a change in the agreement or approval meets the significant effect test. The second area of concern is the removal of established third party rights under which any member of the community may take a breach of an environment protection law to the Land and Environment Court. I was advised that this provision has been used rarely—and I believe almost everything I am told. The flood of court actions feared by some has never eventuated, even though such rights are contained in a number of Acts in New South Wales.

The court can award damages or restoration of the environment. In past years the existence of third party rights has led to an improvement in the environmental management systems of government agencies. In the absence of these rights such systems will fall into disuse. The cases taken to the court have involved blatant breaches of the law by State Forests over the years. I was told that government agencies failed to take action and it was up to local people to obtain the funds, undertake the research and spend time in the court to get justice. Actions in the court have encompassed water pollution from logging operations harming local water supplies and the natural environment.

However, this bill removes these rights. I believe that this removal of third party rights was never discussed during the forest negotiations. Again, if people do not have access to the courts, they will resort to conflict such as blockades and demonstrations. The provisions in the bill are a recipe for conflict. Third party rights should be reinstated in full and should include the ability to enforce the proposed legislation if it becomes law. However, I wish to focus on the interests of indigenous communities in the subject areas over which the bill is to be implemented. Provisions relating to their interests and the maintenance of native title Aboriginal ownership over land transferred to the national park estate are to be found in part 2 of the bill.

Honourable members will be aware that the plight of indigenous Australians and the reconciliation process are issues of great importance to me. For that reason I sought consultation on this bill with the New South Wales Aboriginal Land Council. The council informed me that to the extent that the bill deals with the interests of indigenous people, the council is supportive of it. Aboriginal people have broad-ranging interests in forests and national parklands, including spiritual, cultural, social and economic interests. Some of these interests are supported by legal rights but some are not. This bill allows these other interests to be cemented in law.

The bill deals with their interests in a positive way; it preserves Aboriginal native title rights in the subject areas. It maximises the opportunities for Aboriginal people to have input into land use and management decisions that affect their communities and traditional lands. In relation to Aboriginal people having a say in their own destiny, New South Wales Aboriginal Land Council Chairperson, Councillor Ossie Cruse, said:

> Value judgments by Aboriginal people about use and management of particular areas of land should be made by those Aboriginal people whose lives and rights are affected by that use and management. These are the kinds of opportunities Aboriginal people want. They involve recognition of the

> special place of Aboriginal people in this country and will allow the talking and healing process with non-Aboriginal Australian to progress.

I could not agree more with Councillor Cruse. The land council was happy with the Government's decision to transfer some former State Forests land near Eden in the south-east of the State to State land councils for social and economic purposes. I commend the Government's decision but I also applaud the Government for adding Biamanga National Park, which is between Narooma and Bega, to the schedule of national parks to be transferred to Aboriginal people. This park is the sixth such park to be put on the list and is a very significant place for the local Aboriginal people. The park is to be transferred to the Aboriginal people and leased back to the National Parks and Wildlife Service and placed under joint management.

I believe in, and encourage, this process of joint management. It allows the concerns of all to be raised and considered, and for common goals to be identified. This allows a co-operative spirit to be fostered, which, in turn, facilitates the agreement processes at a local level with New South Wales State Forests over Aboriginal use and protection of State forests. As I understand it, the main concern raised by the land council involved native title rights. The land council was concerned that any changes in land tenure towards a more restrictive regime could have a detrimental effect on native title rights. A simple dedication that national parks remain subject to native title, as originally provided for in part 2 of the Act, was not considered sufficient by the land council.

The land council was concerned that the change in tenure might result in native title rights becoming subjugated or at least relegated in importance. The problem has been resolved by steps the Government has taken and for which it should be commended. The Government has given a blanket commitment that it will recognise and continue to recognise native title wherever it exists, and whatever changes to land tenure may occur. In negotiating regional forest agreements, the Government's approach is to start from a recognition that native title rights in many areas are potentially still held by Aboriginal people. Where these rights have not been extinguished the Government has agreed to negotiate. This common understanding ensures that the dedication of any national parks created under the bill, and their management, will comply with the Commonwealth's Racial Discrimination Act and Native Title Act.

The New South Wales Government's agreement to follow the procedures allowed for in the Federal Native Title Act means the Government will now come to separate agreements with each native title holder. I believe that at the end of the day this process will allow for better understanding between the parties and a better response to problems that may be unique to each park. These agreements will take place at a local level. They will involve the National Parks and Wildlife Service and native title holders, and scope exists for relevant third parties to be involved. This will have beneficial effects in promoting the conservation of our forests. The fact that these agreements with individual land-holders are binding also allows for greater certainty, which is also positive, as the parties know that the agreements they make will regulate the conduct of their activities.

I firmly support negotiation and agreement rather than the taking of unilateral measures. The Government's negotiations with the Aboriginal people have been vigorous but have been carried out in good faith, and again the Government should be commended. The fact that negotiations have taken place demonstrates that the Government has had to recognise and deal with Aboriginal people as owners of their traditional lands. This mutual understanding and respect can only herald a new era for reconciliation with indigenous Australians.

As I have consistently said in this House, national reconciliation is one of the most crucial challenges facing this country as it approaches the new millennium. The passage of the bill will reflect Parliament's commitment to the process of reconciliation. The provisions in the bill will instil a sense of equality in Aboriginal people in the negotiating process. The provisions relating to the Aboriginal community will also ensure that their sense of security over their traditional lands remains intact, providing them with greater control over their own destinies. In conclusion, I echo the sentiments of Councillor Cruse, who said:

> I strongly urge the Parliament to give its full bipartisan support to allow for the passage of this bill into law, consistent with Parliament's prior unanimous commitment to Aboriginal reconciliation.

The Hon. Dr B. P. V. PEZZUTTI [9.32 p.m.]: As many honourable members know, I come from the Lismore area. My family has lived in that area since 1880. This bill is of some concern to me because it goes to a number of issues that touch people on the north coast. The north coast probably has the greenest of greens and the most keen of forestry harvesters. My brother-in-law works for Ford Timbers. He is engaged in forestry work and in snicking trees in the bush.

From talking to my brother-in-law over time I have become aware that Ford Timbers is now getting its timber from all over the place. The Boral mill at Mallanganee, which is near the turnoff to Tabulam, has closed, as has the timber mill that used to be at Bonalbo, but there remains a big timber mill at Woodenbong. Ford Timbers is now getting its timber from further and further afield—from Tenterfield and so on—and it has to buy quotas from other companies, so when the Boral mill closed it purchased those quotas and will live another day. I go back politically in this issue to about 1983 when Neville Wran first confiscated major resources from people on the north coast.

The Hon. R. S. L. Jones: He gave it to the people.

The Hon. Dr B. P. V. PEZZUTTI: Apart from confiscating the coalmines in the Hunter, he confiscated the timber resources from the people of the north coast and put them into the hands of the National Parks and Wildlife Service. I refer of course to Border Ranges and Washpool, the first two of the big parks.

The Hon. R. S. L. Jones: Do you want to log them now?

The Hon. Dr B. P. V. PEZZUTTI: I am not saying I want to log them. But Neville Wran confiscated them without paying a penny in compensation. The people in Sydney wanted to hug a tree, everybody wanted to save a forest, but not one of them was prepared to spend a dollar on the people who lost jobs and on the towns that lost all of their employment.

The Hon. R. S. L. Jones: Greiner put 30,000 public servants out of work. Did they get compensation? No.

The Hon. Dr B. P. V. PEZZUTTI: It would have helped. In 1984 I was competing for a position in Federal Parliament with a member of the National Party and a member of the Labor Party. At that time I thought I was in a fairly good position. Most people thought those areas should be retained for posterity. But we also thought there needed to be recognition by the people of New South Wales that that was a resource used by locals, and on which local industry was based and if that resource was taken up for another purpose, there should have been reasonable compensation. We got nothing at all. We lost people. Jobs were lost in Kyogle and in all of the towns up to Mount Lindsay. All those towns lost jobs and opportunities and the communities became poorer and poorer.

It would have been easy for Neville Wran to have paid a resource rental tax. That would not have been unacceptable and it would have ensured that those forests could have become another resource—ecotourism or a scientific resource—yet no money was put into infrastructure to take best advantage of the Border Ranges and the Washpool and the other forests and no infrastructure was put in place. There is an enormous future for ecotourism and there is an enormous future for a real use of those national parks.

Currently there is no infrastructure. When people walk into the bush they leave their stuff behind and they defecate in the creeks. It would have been so easy to have better tracks and do what is done in other countries that have facilities where tourists can stay in comfort. That attracts the higher dollar customer, who then takes walks into the forest. But Neville Wran gave us nothing. Exactly the same thing occurred when he stopped sand mining on the coast. I agree that sandmining had to stop but he promised that the 50 people who were put out of work would be given other jobs. A year later not one of them had a job. I had an uncle and a cousin working in that industry so I know what happened.

The Hon. R. S. L. Jones: What happened when the whaling stopped?

The Hon. Dr B. P. V. PEZZUTTI: That stopped when I was 12. I am not sure of the politics of that issue. I remember going to Byron Bay to see the whaling. I think it stopped because the jetty washed away. Since that time we have seen more and more reservations.

The Hon. I. Cohen: Do you disagree with that?

The Hon. Dr B. P. V. PEZZUTTI: I am not saying I disagree with it. I am saying we have seen more and more reservations, and more and more of the resources on which townships have been based have been taken away. The Hon. R. S. L. Jones and I served together on the Standing Committee on State Development when the committee undertook the coastal inquiry. That was a very good inquiry. One of the recommendations of the committee was that a resource assessment council be established, and Nick Greiner did that. That was to do one thing only: to go around the State and scientifically identify our natural resources. Then it would be a matter of community consultation and judgment about what the resources were used for. When the Government came to power it set up the Resource and Conservation Assessment Council [RACAC],

which assesses resources and their use. A whole lot of gurus sit around—

The Hon. R. S. L. Jones: You're talking about respected scientists.

The Hon. Dr B. P. V. PEZZUTTI: I am saying they are gurus; they are clever people. They work out what resources are available, but they make judgments about what they can be used for. The only purpose to which RACAC has been put so far is forestry. When it examines forestry it does not examine its water resources or the animals, only the timber. RACAC does not consider the minerals, access or the social issues involved. It looks at the timber resources entirely in an isolated way. That is highly inappropriate. It is not what the Standing Committee on State Development recommended. The process has been perverted until it is now a closed shop. It is almost impossible to get information out, or to have independent people make judgments that may be different from the judgments made by the gurus in RACAC.

There is no wide-ranging consultation on the resource or the purpose for which the resource may be used. The result is an internal debate in which only a couple of players make any impact on government decision making: the conservation movement in its various guises and the timber industry. The rest of the community has been successfully excluded from the debate.

The Hon. R. S. L. Jones: Including the water users and the tourists.

The Hon. Dr B. P. V. PEZZUTTI: Exactly. Everybody else who may have a use for the resource has been excluded from the debate. It is appalling. Perhaps I am being a bit historical, and even hysterical, but now the Commonwealth has been excluded from the debate.

The Hon. R. S. L. Jones: It self-excluded. It was making ridiculously impossible demands.

The Hon. Dr B. P. V. PEZZUTTI: The Hon. R. S. L. Jones said the Commonwealth Government excluded itself. All we have now is this Labor Government that produces what it says is the best balance for the community. The Hon. I. Cohen will speak in this debate tomorrow. I want to remind him of what he said on 4 December 1995 when we were debating the Timber Industry (Interim Protection) Act, which this bill will extend for one more year. He spoke of some actions of the previous Government and the following exchange took place:

> **The Hon. I. COHEN:** . . .They [the environmental groups] were proved right by the courts regarding Chaelundi, but the current Labor Government is providing no further protection to those forests.
>
> **The Hon. Dr B. P. V. Pezzutti:** But they promised!
>
> **The Hon. I. COHEN:** Its promises are empty rhetoric.
>
> **The Hon. Dr B. P. V. Pezzutti:** They fooled the Green movement.
>
> **The Hon. I. COHEN:** I agree with the Hon. Dr B. P. V. Pezzutti.
>
> **The Hon. Dr B. P. V. Pezzutti:** Then why do you keep voting with them?
>
> **The Hon. I. COHEN:** We vote on issues, not necessarily with the Government. I can assure the Hon. Dr B. P. V. Pezzutti that I will not vote with the Government on this issue.
>
> **The Hon. Dr B. P. V. Pezzutti:** They lied not only on this issue.

That is a bit of an exaggeration. The Hon. I. Cohen said:

> On this issue, as with others, the Government is lying regarding conservation, the endangered species Act and the national parks boundaries, and it is not delivering what it promised to the people of New South Wales.

The Hon. R. S. L. Jones: Prophetic!

The Hon. Dr B. P. V. PEZZUTTI: It was prophetic. I am reading from *Hansard* of 4 December 1995, but this is relevant to the present debate. Later in the same speech the Hon. I. Cohen said:

> The Government was elected with the support of the Greens because of Labor's forestry policy before the elections. That policy contained no reference to extending the Timber Industry (Interim Protection) Act, until the vote was taken on the final section of the forest restructuring bill.

I said to him, "You are learning," and he said, "I am learning fast." The Hon. I. Cohen thought he was learning fast in 1995, but it has taken a long time for him to learn the difference between what this Government promises and what it delivers. This Government promised that no jobs in the timber industry would be lost, that compensation would be available and that jobs would increase if the forests were retained. Those jobs have not eventuated. The Construction, Forestry, Mining and Energy Union has pointed out that that clearly is not true. The Hon. I. Cohen has increased the length of his speeches. In 1995 he said:

> Many unemployed people of this State could be put to work to clear land for plantations. At least that work would be honest, in contrast to what State Forests is doing at present with its fiddles and fudges on this issue.

I can assure the Hon. I. Cohen that many people would like to clear land and plant forests, if only they could get approval and get rid of State environmental planning policy 46 and its brothers and sisters, and the Native Vegetation Conservation Act.

The Hon. A. B. Kelly: Which Peter Collins has vowed to do. He said he will tear it up.

The Hon. Dr B. P. V. PEZZUTTI: That is right. Then we will give people the right to plant forests. I am indebted to my colleague and good friend the honourable member for Ballina for my understanding of this issue. I will not repeat his contribution to the second reading debate, but it is a good examination of the issues. At the end of his contribution he thanked the Government's advisers for briefing him on the bill. That is yet another example of the Government excluding people to whom it does not want to talk.

The fact that Don Page, the honourable member for Ballina, had to wait until the bill was presented before he was briefed puts the lie to any call by the Government for bipartisan support. I go back to my friend the Hon. I. Cohen, who has been highly critical of the way in which the Government acts. It is called process, and the Hon. I. Cohen and I agree on this: if one wants to see an end point one brings all the parties together and says, "We want to get to that end point." Discussions and negotiations take place about how to get there, and then the best bet in the interests of the people of New South Wales is put on the table.

This Government has secret meetings and secret assessments. It calls in only those to whom it wants to talk, and excludes the very people who have a vested interest in getting it right for the people of New South Wales, namely Government members, crossbench members and Opposition members. Nobody on the crossbenches was consulted about the bill until the Government tabled it. The Government failed in its community consultation: it failed to talk to the people who represent the community in this Parliament, but it expects to have its bill passed with applause. The groups who have been part of this conspiracy, if I might use that word loosely—

The Hon. R. S. L. Jones: I think that's a bit harsh.

The Hon. Dr B. P. V. PEZZUTTI: Then let me say the groups who have been part of this internal machination to the exclusion of other users then come to talk to us about supporting the Government's position, but they fracture at the sides. I do not know whether these 20-year agreements will ever be fulfilled. After what I have heard in the other place and in this place, I am more concerned about the deliverability of the 20-year quotas promised by the Government.

This bill is a bit like the Fisheries Management Act. This Government is not keen to pay compensation if it is not able to deliver the goods at the end of the day. There is no provision for compensation in this bill if the Government runs out of trees. Every five years the Government can vary the logging quotas, but there is no compensation provision in the legislation for those who have invested in this industry, for those who have signed off on this contract between the timber industry and the greens. The Hon. I. Cohen said that he was not part of that agreement. Who was? Was Jeff Angel part of that agreement?

The Hon. R. S. L. Jones: No.

The Hon. Dr B. P. V. PEZZUTTI: With whom did the Government consult if it did not consult with the conservation movement? I can understand why the Hon. I. Cohen and the Hon. R. S. L. Jones do not entirely support this bill. I listened to their impassioned pleas about the various animals in the forest areas that would be disadvantaged. This debate is not about human habitation alone; it is also about animal habitation. I am concerned that the Government is picking winners. It is choosing to log to death some parts of the environment and it is trying to conserve other parts.

What environmental protections are in place for animals, people, water and all other resources in the areas that are to be logged? What money will be allocated for the proper conservation of those areas to ensure that they remain the jewels in the crown that we want them to be? There is no provision in this bill for the protection of those areas. They are to be locked up but there is no provision for conservation, feral animal control or weed control.

Those issues are not addressed by this bill. I am concerned because no money has been allocated for an area in this State which has the largest concentration of natural beauty and natural resources, for example, water and animals. No money has been allocated by the Government for the conservation and development of those areas for our enjoyment. A vast number of jobs will be lost. This is not the best legislation that could have come before the Parliament. We need an extension of the provisions in the Timber Industry (Interim

Protection) Act, otherwise logging will cease on 30 December. I will support any proposed amendments to that Act. Nothing in this bill will help us to conserve our forests. If we follow the exhaustive RACAC process we will not witness the same development that we witnessed under the Environmental Planning and Assessment Act.

The manager of the contract is the Department of Planning. The Minister for Planning is the controlling contractor. Three Ministers have an input into the contract; no other Minster can have an input. Any of those three Ministers has a veto. If this extraordinary legislation were introduced anywhere else it would be laughed at. People trust the Liberal and National parties to deliver what they say they will deliver. It is quite a different matter when we are dealing with the Labor Party.

I am sure that the Hon. I. Cohen would agree with that statement. He might not like what we say we are going to deliver, but we always keep our promises. The Labor Party has already broken 420 promises. The Hon. I. Cohen discovered eight months after becoming a member of Parliament that all members of the Labor Party do is tell lies. The Government cannot properly implement this legislation. It is flawed from beginning to end. Kerry Peacocke and Lexie Hurford, who live in my area, are concerned about their towns, their community and their industry. They have been in this industry for more than 100 years.

The Hon. A. B. Kelly: At least their families have been.

The Hon. Dr B. P. V. PEZZUTTI: Their families have been in this industry for more than 100 years. Kerry and Lexie are certainly not that old. Those people are quite open; they are not fly-by-nighters and they are not causing the environment any damage. They know that these resources are all that they have and they and their employees look after those resources. It concerns me that measures such as this have to be implemented to enable them to survive. There are a few ticks in this legislation, for example, the plantation encouragement and the Government's initiatives. Don Page forced the Government to take certain action in relation to resource security. This legislation will not provide the certainty that I want for my brother-in-law, for other members of my family who work in the industry, or for people who have invested in the industry.

The Hon. D. J. Gay said that, if the Government allocated $10 million a year for resource rental, it would provide equity and fairness and the people of New South Wales would benefit from these natural resources. Resource rentals would be paid to those who were deprived of the access to resources that they have had for 200 years. Torn as I am by the advice I have received from all honourable members, and after reading this legislation, I cannot say that this legislation is the answer.

As I said earlier, I will support any amendments to the Timber Industry (Interim Protection) Act. Don Page said the Government has done nothing other than say, "There is a definite maybe that resources will be available." Given the information read onto the record by Bruce Jeffery and the honourable member for Coffs Harbour in the other place, the scientists who run the forests on a daily basis have real concerns about how much information forestry gives out and how accurate it is. When people on the ground start saying that compartments are meant to have a certain amount of timber in them, and that timber is simply not there, we know that either the RACAC process has failed or the process is not believable. My colleague Don Page said in debate on this bill:

> The Opposition tried to be constructive about this proposed legislation by finding areas it could support, but it was largely a fruitless exercise.

That sums up my feelings about the bill. I was not astonished at the contribution of the Hon. R. S. L. Jones; I thought his contribution was a good presentation of his position. However, I am concerned about this statement of the Minister, Kim Yeadon, in the other place:

> No doubt the wording of the contracts is strong, and that is deliberate. The honourable member asked what compensation measures would be in place if contracts were not fulfilled. That will not be the case, but if a contract is not fulfilled compensation will be determined on the individual circumstances surrounding that contract, such as how long the contract had to run, the amount of timber involved and so on.

Those contracts are not provided for in the legislation.

The Hon. R. S. L. Jones: You cannot have the contracts in the legislation.

The Hon. Dr B. P. V. PEZZUTTI: Yes, we can. If I were supporting this legislation I would want those contracts specified in the bill.

The Hon. FRANCA ARENA [10.00 p.m.]: Honourable members will be pleased to know that I will be brief. I can never understand why honourable members, time and again, bore the daylights out of people in the Chamber and the gallery. Tomorrow

honourable members will examine the bill in more detail and will probably spend three or four hours debating the amendments. However, some honourable members think that their words are important and that everyone will read them in *Hansard*. If time were available all honourable members could talk at length on all the important bills, but the Government wants to finish its program in two weeks. This bill is not more important or less important than the other bills. However, many amendments will be moved during the Committee stage. I have received amendments from the Greens, the Government and the Opposition which honourable members will spend hours debating.

In both the Chamber and my office I have listened carefully to the speeches of my colleagues. I have met with environmental groups, received correspondence and telephone calls from the timber industry, and read carefully their correspondence to me. I am concerned about the environment but I am also concerned about the timber workers and their families—who are concerned about the welfare of their families and the future of their children. I am sure that some of those who were in the gallery tonight care about the trees, animals and all the things to which reference has been made, but they have to earn a living to support their families. Those important people who pay their taxes must not be forgotten.

This week crossbench members had a meeting with the Minister, Kim Yeadon, who told us that there had been more than 3½ years debate at all levels on this issue. The Government has spent large amounts of money consulting all and sundry. The Minister told me that the Government also provided financial assistance to all parties so that those involved could be well informed, which I have no reason to disbelieve. However, the agreed position at which they were all hoping to arrive failed. The compromise which was hoped for was never reached. Unfortunately, the Labor Government has raised too many expectations in the green and environmental groups and, as the Hon. I. Cohen said on radio and television, those groups feel betrayed. I acknowledge the sincerity and commitment of the Hon. I. Cohen and people such as he who know that the Labor Government has broken many election promises.

However, the Labor Government had the difficult task of presenting a package which would look after the environment and at the same time deliver a sustainable timber industry. Whilst I believe that logging in rainforests should not take place, the Government has assured me that it is government policy to minimise logging in rainforests. It must be acknowledged and remembered that with all its faults this Government has now created 151 new national parks and nature reserves. I have been told that a lot more logging will take place all over the State if this legislation is not passed. Having taken into consideration all the arguments, and having looked at the issue in-depth, I have decided to support the bill. I will look carefully at the amendments which will try to improve the bill.

The bill is a reasonable compromise and, unfortunately, like all compromises it fails to satisfy everybody. However, I am pleased to support the bill, which has reached an important balance between the interests of the timber industry and those of the environment. I was also pleased to receive a letter from the New South Wales Aboriginal Land Council, which is satisfied that the bill respects Aboriginal rights under the framework agreement on native title to be made between the Aboriginal Land Council and the Government. The letter states:

> On this basis NSWALC gives its support for the bill and requests that you consider its position when you are asked to vote on it.

I have certainly taken notice of that letter. As I said, this bill is a compromise and a balance between different interests. I am pleased to give it my support.

The Hon. A. G. CORBETT [10.04 p.m.]: Walking through an old-growth compartment which has been logged is like walking through a graveyard, but instead of crosses and tombstones there are just stumps. If a child is taken to this place of devastation, this moonscape, as I have done in the north-east, he will climb a number of stumps and jump from them, but he will soon tire and want to leave because his lethargy is a product of the sterility that surrounds him, indeed, suffocates him. For the beauty, vitality and complexity of nature no longer feeds and energises the child. What is the public perception of politics and the political decision process? It is, I submit, not a flattering one. People will refer to the self-interest, the greed, the expediency and the short-sighted nature of decision making which always creates problems in the long-term.

They will refer to governments' willingness to break promises, ignore scientific facts, manipulate and use the energy of those who willingly give their time, energy and expertise, and then discard them. Can honourable members argue against that perception? Of course—because sometimes it is wrong. Can honourable members do it convincingly,

knowing in their hearts that that perception is always wrong? Definitely not—for this bill, and especially the recent decisions relating to the final content of it, would suggest, on analysis, that the perceptions are close to reality. To grasp all the complexity of the issues involved, to understand all the intricacies of the decision making process, to balance all the competing demands that led to this legislation and to know the actual consequences of the legislation is beyond me, as I imagine it is for most honourable members of this House, but I will be required to vote on amendments and the third reading of this bill.

How I will vote is yet to be determined but in my mind I will have the definite knowledge as I vote that old-growth and wilderness that is to be destroyed is destroyed for good; that animal and plant species that are made extinct as a result of this bill will remain extinct; and that my child and all children now and in the future will never ever see or have the potential to see that old-growth forest or species ever again. Job security is no excuse for the non-sustainable plunder of a natural resource.

Re-election is no justification for environmental irresponsibility or the politically expedient rejection of well researched scientific fact. Yet, at the same time, I am sympathetic to the argument that no decision about the forests must callously ignore the lives of those who will be genuinely, unexpectedly and adversely affected by this bill. They, and the towns in which they live and the communities of which they are a part, must be treated with compassion and must be given the appropriate rural assistance package. If there is not a package available to them then it must be compiled.

How hard it is for adults to see the world and to experience it through the eyes of a child, to feel as a child feels, and to know what is ultimately of importance to the child. How easy it is to lose sight of the fact that the forests are not ours to plunder for the sake of the almighty dollar or to meet our insatiable desire for ever-increasing material comfort and prestige. The forests and all the living species within them are not our possessions. We are simply the custodians of them and we hand them on in trust to the next generation, and so on. Thank God the weather, unlike the forests, is not owned or controlled by mankind. One can imagine the situation at some time in the future should that eventuate when a child will look up to his or her parents and say, "How much does it cost to see a rainbow?"

The Hon. C. J. S. LYNN [10.08 p.m.]: I express serious reservations about the Forestry and National Park Estate Bill. I understand that a number of amendments will be moved in Committee. The bill is an obscene attempt to win the city Greens vote at the expense of rural timber communities. The bill is obscene because it will destroy rural communities, break up families, and lead to depression and despair. I say at the outset that the Opposition strongly supports the 1992 National Forests Policy Statement and the process of establishing on a scientific basis the necessary comprehensive and representative reserve systems. The Opposition believes that the policy should be upheld. After mapping out comprehensive and representative reserve systems, we could move on to national forest agreements upon which people could rely and secure investments could be made in the industry.

The Opposition strongly believes that compensation should be provided to those who have been deprived of what was a legitimate and livelihood of which they could be proud. Individuals and communities have been dispossessed of assets, which have been extraordinarily expropriated over the past 25 years. The Opposition also believes in the pursuit of a worthy goal to balance the need for a sustainable forest industry with sound conservation values. Unfortunately, the process has been deliberately corrupted by the Carr Labor Government in pursuit of electoral advantage. It is a blatant and crude attempt to satisfy the insatiable demands of the green movement. In an article in today's *Sydney Morning Herald* David Humphries said:

> If implemented, initial greens' demands for 870,000 to a million hectares under reserve would immediately end two-thirds of North Coast logging, taking with it about 5,000 direct and indirect jobs. It was one way for the greens to nearly meet their ultimate goal of total shutdown without having to explicitly state it.
>
> The greens' chief objection to the package is its removal of the rights of third parties (such as the greens) to block logging by legal challenge. That role will sit with the Environment Protection Authority.

The Hon. I. M. Macdonald: Who are you appealing to?

The Hon. C. J. S. LYNN: Not to Pitt Street farmers like you. Mr Humphries continued:

> The impossibility of striking a compromise with the greens was amplified a few weeks before the northern forests announcement. Having won Government agreement to immediately lock up about 400,000 hectares, conditional on an inquiry into whether the industry could be limited to smaller trees, the greens dashed all prospect by piling on new and unacceptable demands.

What a surprise!

The Hon. I. M. Macdonald: Are you supporting this bill or not?

The Hon. C. J. S. LYNN: I am supporting the process that was established in 1992—the National Forest Policy Statement and the regional forest agreements.

The Hon. I. M. Macdonald: So you are anti-Pezzutti?

The Hon. C. J. S. LYNN: I am not anti-Pezzutti at all.

The Hon. I. M. Macdonald: You attacked the process; you have spent an hour attacking it.

The Hon. C. J. S. LYNN: I am talking about the need for process, not attacking the process. A letter from the Forest Protection Society stated:

> There is no doubt that Bob Carr's forest plan and Bill will deliver short term resource availability, however, FPS also believes the plan will result in job insecurity, loss of investment, probable unsustainable forest harvesting and ongoing political interference in forestry.

The Hon. I. M. Macdonald: Do you support the bill?

The Hon. C. J. S. LYNN: I am speaking to the bill. The Hon. I. M. Macdonald has to realise that not everyone in the bush has a parliamentary pension to fall back on if their livelihood is taken away. There are real concerns. If the honourable member sits back and listens he will hear my position soon enough. The National Director of the Forest Protection Society issued a press release, which stated:

> The announcement of the new Forestry and National Parks Estate Bill 1998 is nothing more than a pre-election ploy by the State Government, aiming to secure the green vote.

That is a statement of the obvious. The press release continued:

> The Premier has been rightly condemned by the Federal Government for ignoring the Australia-wide process for the development of Regional Forest Agreements (RFA).
>
> Three years ago the Federal and State Governments accepted the concept of Regional Forest Agreements (RFAs) so that decisions could be made on the basis of scientific evidence and realistic assessments of their social impact on communities.
>
> Building upon a national parks system which ranks with the best in the world, the RFA process can deliver fair outcomes which would benefit the environment and deliver long term resource security for industry and communities.

The press release concluded:

> For more than 100 years the State Forests of NSW have contributed to our future. They must NOT be confined to our past.

Dr Robert Bain, Executive Director, National Association of Forest Industries, and one of the most credible members in the industry, said:

> With the increase in national parks under the Bill and the consequent reduction in production forests, wood supply to industry can only be maintained by overcutting the remaining state forests at more than their long-term sustainable level.

Anyone concerned about the environment should be concerned about that issue. Dr Bain continued:

> This approach has been described by the professional foresters association as the "trash and crash" option which "threatens the viability of the forests".

Today I received a fax from Peter McKenna, Chairman, Clarence Valley Forest Resources Action Group, in which the group expressed three concerns. The letter stated:

> Firstly, and of most concern is the question of sustainability and the long term resource availability for the industry in its regions. We cannot put our industry at risk of being branded as unsustainable at a time when the whole world is pushing for industries to ensure their long term future via sustainable practices.

The letter continued:

> In short it seems as though Carr is locking up forest to pander to the city "green" vote while at the same time promising industry current volumes of wood. This means the remaining production forest will be very heavily harvested in the short term after which the industry has nowhere to go—where is the environmental responsibility in this approach?
>
> Secondly, there is the question of the Regional Forest Agreement process. The NSW Government has abandoned this all "Australia" process which means other States, covered by RFAs have a marketing advantage over our local industry.
>
> Thirdly, is the issue of local jobs and development opportunities. Once again there are very serious implications for our region if mills are forced to close and investment is lost because resource supply is not maintained over the long term in a sustainable way.
>
> Certainly we are aware of attitudes in our local community and they are very strongly in favour of supporting our regional industries and the jobs they provide. There is not the same support for establishing national parks as a solution to the demands of the extreme green groups and perceptions of city voters.
>
> It does not make sense—we cannot just go on locking up our forests and not managing them for wood production as well as other values. Eventually we will have no forest for wood supply, no mills, no jobs and the Clarence Valley region will not contemplate this kind of future.

Honourable members should seriously consider the impact that the agreement will have on small timber town bush communities. I come from a timber town in East Gippsland, and I have seen over the years the impact that the locking up of forests has had on that community. It destroys the soul of a community. It is a disgrace that we are going to pander to the green vote and destroy a number of communities, without giving adequate thought to the matter or providing adequate compensation.

The small town of Bombala, which the Hon. D. J. Gay spoke of, is representative of the problems that exist. I know Bombala very well. It is linked by the Cann Valley and Bonang highways to my home town of Orbost. Every time I go to places such as Bombala and Orbost a shop has been closed. Certainly, for the past 30 years there have been no new shops in Orbost. The great fear that every family has, that we all have, is that there will be no work for the children when they grow up. The departure of one resident after another will mean fewer teachers or fewer police officers in the community. People feel that their roots are slowly being whittled away.

I am talking about fair dinkum, hardworking, honest people who have a genuine concern about the future. They do not understand why other people cannot appreciate their viewpoint and their fears. We cannot provide overnight solutions for the problems being experienced by small-town communities. These people have been in the timber business for generations. This is a generational change and they should be given adequate compensation. Some people say that ecotourism is the solution.

That is what was said about Orbost and East Gippsland, but ecotourism does not fix the problems. A few tourists come along to have a gander. It is a long, slow process. We have to think about a replacement industry and adequate training, and we have to make a commitment to allay the very real fears that people have. They have had to combat numerous problems over the years. They have had to deal with ecoterrorists as well as responsible conservationists genuinely trying to find a balance between a sustainable industry with high conservation values and an economic environment that they can live in.

The Hon. I. Cohen: Oh, come on.

The Hon. C. J. S. LYNN: They have. The Hon. I. Cohen cannot say that these blokes do not exist, because they do exist.

The Hon. I. M. Macdonald: Do you support the bill? Tell the gallery.

The Hon. C. J. S. LYNN: Come on! Does the Hon. I. M. Macdonald support ecoterrorism?

The Hon. I. M. Macdonald: Yes, I support ecotourism.

The Hon. C. J. S. LYNN: Terrorism! I am talking about terrorism. That comment has sparked a hot battle with the Hon. I. Cohen, because he knows that those blokes exist. The Hon. I. Cohen and the Hon. I. M. Macdonald support ecoterrorism.

The Hon. I. M. Macdonald: I support ecotourism. That is true.

The Hon. C. J. S. LYNN: I am talking about terrorism.

The Hon. I. M. Macdonald: Come on! You have been on the Kokoda Trail too much.

The Hon. C. J. S. LYNN: Track! The Hon. I. M. Macdonald cannot get the name right. I will take him up there one day and sort him out. It is interesting that the honourable member talked about the Kokoda Track. I understand that one of the slogans of the green movement is "Act locally and think globally"; and that is an important point. New South Wales' timber import bill is about $2.1 billion per year, or maybe it is $3 billion per year. We have to import timber because our forests are locked up. The Hon. I. M. Macdonald should look at the forestry practices in Papua New Guinea if he is concerned about the environment. He should look at the clear-felling, damage, rape, pillage and destruction of societies that has happened there because we are forced to import timber. Yet we have the world's best practices in our forestry policy.

The Hon. I. Cohen: What rubbish.

The Hon. C. J. S. LYNN: It is not rubbish, I have been there and seen it. The Hon. I. Cohen should go there and have a look, and lay under a Malaysian-Chinese bulldozer and see how they treat him? He would not even make good compost.

The Hon. I. Cohen: You are a puffed-out buffoon.

The Hon. C. J. S. LYNN: Sit down and shut up. You will have your go in a minute.

The Hon. I. Cohen: You are showing that you do not know anything about the issue; you don't even know what way you are going to vote.

The Hon. C. J. S. LYNN: I know what impact it has on rural communities.

The Hon. Franca Arena: Point of order: The debate is deteriorating badly. I ask you to please intervene.

The PRESIDENT: Order! I ask members to desist from interjecting. As I said earlier, interjections will only result in the Hon. C. J. S. Lynn taking longer to complete his speech.

The Hon. C. J. S. LYNN: I reiterate my point that if the green movement acted locally and thought globally and had a good look at the impact of the high import timber bill on the lifestyle in Papua New Guinea it may act more responsibly by encouraging world's best practices, which is what we have for forest management in Australia. We will be debating a number of amendments to this bill.

The Hon. I. M. Macdonald: Do you support it?

The Hon. C. J. S. LYNN: I did not say that I am supporting the bill. We will work through the amendments to try to improve the bill which, as it stands at the moment, will destroy a number of rural communities for the sake of political expediency. I think that that is an absolute disgrace.

Debate adjourned on motion by the Hon. I. Cohen.

ADJOURNMENT

The Hon. R. D. DYER (Minister for Public Works and Services) [10.24 p.m.]: I move:

That this House do now adjourn.

FISHING INDUSTRY

The Hon. D. F. MOPPETT [10.24 p.m.]: Today honourable members have agonised about the future of an industry which, over a number of years, has suffered a severe depletion of the resource that it once enjoyed. I refer now to an industry that I have, regrettably, mentioned on a number of occasions which has also suffered greatly from the administration of the Government and its policies towards the management of natural resources—the fishing industry. Today the House received a petition from the fishermen of Bermagui, the ocean-haul and trap-line fishermen who complained about the failure of the system of management advisory committees [MACs]. That system was supposed to be the save-all that the Minister offered as his alternative to share-managed fisheries.

Tonight I draw the attention of the House to an extraordinary situation. A notice in the *Government Gazette* referred to the closure of fisheries in a large section of Wallaga and Tuross lakes as of 1 January 1999. That small community is heavily dependent on the income derived from the fishing industry. Fishermen anticipate that this partial closure will cost them $100,000 a year and lead to a loss of income of $500,000 per year in the town. Worst of all, however, this decision ignored the consultative process with the MACs. The committees believed that they were in the process of further negotiation when the decision was precipitously taken by the Minister. I also draw attention to the lack of preservation of the species involved; that is an absolute farce!

The shifting of fishing activities from one part of the lake to another will do little, if anything, for stock preservation or conservation. This whole saga of fishing management has been a disgrace from go to whoa. Before the conclusion of this sitting of Parliament something has to be done about the maladministration of fisheries. This is but one example. I could detail many examples of maladministration right along the coast. I could raise this subject in every adjournment debate until the session concludes. I could talk about the way in which the Minister has manipulated the process through the MACs and put pressure on them to agree with his approach to restricting fisheries in New South Wales rather than through the approved and universally acclaimed process of share-managed fisheries.

Time will not allow for a full debate on this subject, but the House should not rise tonight until honourable members have been made aware of the great stress and discomfort that has been occasioned by this arbitrary and peremptory decision of the Minister which seriously affects the fishermen of Wallaga and Tuross lakes.

MULTICULTURAL GEOGRAPHICAL NAMES

The Hon. FRANCA ARENA [10.29 p.m.]: On 12 February 1996 I wrote a letter to the Hon. Kim Yeadon, who was then Minister for Land and Water Conservation, regarding the Geographical Names Board. My letter read as follows:

My dear Minister,

I have been concerned for a while reading the Government Gazette that the Geographical Names Board continuously assigns names of Anglo-Saxon-Celtic nature to every Park, Reserve, Beach, Garden which is being named. I rang the

> Board and spoke with the Secretary, who assured me that the Board was well aware of the injustice of the case and were thinking of doing something about it. As I rang the Board about 5 years previously and received the same reply, I am afraid I am losing my faith in the board changing anything at all. If we are a multicultural society the new names given to new Parks, Reserves, etc. should reflect the multicultural nature of our society. I hope that you will agree with me and act on this injustice which is perpetrated by the Geographical Names Board. I look forward to your early reply.

The Minister replied promptly, stating that he had arranged for the matters to be investigated. He subsequently decided to appoint a person of non-English speaking background to the board and asked the Ethnic Affairs Commission of New South Wales to nominate a suitable person. The board is now the responsibility of the Minister for Agriculture, and Minister for Land and Water Conservation. Ms Susan Bures of the Ethnic Affairs Commission was appointed to the board two years ago. Although I had hoped that the situation would improve, I am sorry to report to the House that absolutely nothing has changed. I do not know of a single initiative except the rectification of the spelling of Mount Kościuszko. Big deal indeed! I again wrote to the board on 13 October seeking further information. I received an unsatisfactory reply relating to the momentous decision to correct the spelling of Mount Kościuszko.

The board is of the view that councils or ethnic communities should take the initiative to change names, but I can assure the House that neither ethnic organisations nor individuals are aware of the existence of the Geographical Names Board or that they are entitled to make suggestions to the board.

The Geographical Names Board should take the initiative and ensure that ethnic communities are aware of the existence of the board and its operations. It is with regret that I make this speech. But in a country in which 25 per cent of the population is from a non-English speaking background it would not be too much to ask for an Italia Avenue somewhere in Australia to recognise the one million people of Italian background in this country, or, for that matter, an Athens Avenue, a Vietnam Plaza or a Peking Park. That would be appreciated also by visitors to our country who delight in our multicultural society. It would be a tangible proof that we not only talk about multiculturalism, we practise it. We celebrate the importance of the contribution of famous people like Macquarie, Phillip and La Perouse, but we would all appreciate the recognition of others who have made a contribution to this country.

Ms Bures told me that there were no names of Australians of non-English speaking background on any street, boulevard or avenue because the board generally names places after people who are dead. I was not seeking to have a place named after a particular person but after the countries from which our immigrants have come. That gesture would be appreciated. I will send a copy of this adjournment speech to both the Ethnic Affairs Commission and the Ethnic Communities Council in the hope that they can push this important issue.

Members of Parliament and the community often lobby strongly for the inclusion of people of non-English speaking background on various boards, councils and authorities to represent the interests of the 25 per cent of the population of non-English speaking background. Sadly, they are often disappointed. There will be an Olympic village and many new suburbs. It is not much to ask of the Geographical Names Board that it make a small gesture to acknowledge that indeed we live in a multicultural society.

CONSERVATORIUM OF MUSIC ARCHAEOLOGICAL SITE

The Hon. B. H. VAUGHAN [10.34 p.m.]: Once again in the adjournment debate I place on record my concern about the site of the Conservatorium of Music in Macquarie Street, in relation to which I have received a number of representations. I also speak as a member of the Friends of the Royal Botanic Gardens. I confess to having been resolutely in favour of the Conservatorium of Music being moved to part of the site of Rozelle mental hospital, the buildings of which have been stunningly restored. However, that is all water under the bridge. A committee of this honourable House chaired by my dear friend Reverend the Hon. F. J. Nile resolved that the conservatorium ought to be redeveloped and/or expanded on the Macquarie Street site.

Previously when I spoke on this subject on the adjournment my stance was supported by the Heritage Council, the National Trust and, indeed, the University of Sydney. At that time nobody or no organisation was aware of historical artefacts and the old convict road, the revelation of which has now become a matter of public knowledge. So the question which I suggest is now of the utmost importance is: How should a government deal with the very real necessity of the optimal preservation of items of cultural significance anywhere, not only in Macquarie Street?

To protect these artefact discoveries, the Government proposes to reduce the size of the conservatorium project by two rooms only and preserve the convict road under a glass covering. All of that is termed a compromise. That compromise was commented on by Mr Justin McCarthy, Managing Director of Austral Archaeology, who was commissioned by the National Trust to investigate the findings. In the *Sydney Morning Herald* of 2 November 1998 Mr McCarthy is reported as saying:

> To my way of thinking, they may as well reconstruct them anywhere . . . what is being proposed is reconstruction, not conservation.

In the *Sydney Morning Herald* of 24 August 1998 the National Trust's Head of Conservation, Mr Stephen Davies, pondered:

> How effective is it to encase the road remains in a building like this? How does that help us understand or interpret the past?

I acknowledge that previously I promoted the Rozelle site, itself a restoration site. On the other hand I now admonish the Macquarie Street restoration. The significant difference is that Macquarie Street is the most historical street in Australia today. Any attempt to modernise, expand or reconstruct it must not lose sight of that fact. Discovery of the convict road and other artefacts represents another contribution to the European history of Sydney.

Modernisation of the site must not take precedence over the historical merit of full conservation. To do so would be negligent on the part of any government. Even without considering the existence of the artefacts and the convict road, bodies such as the Committee of the Friends of the Royal Botanic Gardens regard the redevelopment as undesirable. Page 3 of the summer 1998-99 No. 39 edition of the newsletter of the Friends of the Royal Botanic Gardens Society stated:

> In the light of The Royal Botanic Gardens and Domain Trust Act, committee members see the Domain's function as being for the use and enjoyment of the public, and do not regard the Conservatorium, which forms part of the University of Sydney, and the Conservatorium High School, which comes under the Department of School Education, as forming part of their concept of "the public".

Even prior to awareness of the artefacts and the convict road, the conservatorium refurbishment was considered an intrusive extension on public space. The passing over by the Government of historically significant public land for institutional sole use defies not only the Royal Botanic Gardens and Domain Trust Act but also Governor Phillip's proclamation of 1792 when he decreed that the Domain and Botanic Gardens are for "public use". Currently, in an attempt to diminish the impact on public land, the conservatorium building is going underground into a hillside.

However, this has only created more problems because the excavation revealed the artefacts which should be maintained for public display—as much as the land itself should be for public use. I believe that the present compromise in relation to the discovery of artefacts on public land, with a public benefit, in a historical street is a breach of public interest. It is a shame that moving the Conservatorium of Music to a site where there would be little impact, namely, the Rozelle hospital site, was not found to be feasible. Collection and categorisation of the artefacts can be accomplished; somehow or other a sufficient relic of the convict road must be protected and exhibited.

CARDIOPULMONARY RESUSCITATION

The Hon. Dr B. P. V. PEZZUTTI [10.38 p.m.]: I draw to the attention of honourable members an innovation that was championed by the previous President of the Legislative Council, the Hon. M. F. Willis, and Speaker Murray. Honourable members would know that all attendants are now trained in life support and the use of a defibrillator. As recently as 30 years ago it was demonstrated that early defibrillation could prevent sudden cardiac death, but it required people to have easy access to advanced life support, a defibrillator and early cardiopulmonary resuscitation.

All those things are present in Sydney, with a good ambulance service and hospitals close to the city. Yet the number of cardiac deaths could not be reduced because it took time for people to recognise that someone was suffering from a cardiac condition and to call on someone with cardiopulmonary skills. It also took time to get to a place where defibrillation could be applied. Defibrillators were provided in all ambulances through a gift from Mr Kerry Packer, but it is still necessary to bring the defibrillation closer to where the action is. Qantas aeroplanes have defibrillators. When these facilities were introduced the only building that had them was Parliament House. A defibrillator was donated and over some months Professor Harrison from St Vincent's Hospital conducted a training program which gave new life to many people who are referred to here as attendants: it gave them a new skill.

I now rely upon them, should I suddenly have a heart attack, to get out the defibrillator and go for it. The Presiding Officers need a continuing commitment to ensure that training continues and

that all new members of staff who have not had the advantage of such training are given the training. It is terribly important that the facility be announced and widely publicised so that other buildings within the city will use their best resource—their employees and their staff—to advantage and make safer all the customers who come into the building. It would make the buildings a lot healthier in that regard.

I congratulate the Hon. M. F. Willis and Speaker Murray. I should have spoken on this matter some time ago. I am indebted to the College of Emergency Medicine for the editorial it produced earlier this year. It has a policy about early access to out-of-hospital defibrillation. I suppose we were a bit ahead of our time, but let us hope other corporate bodies take the time and trouble to train their staff. It would be of enormous advantage to a large number of people.

CANTERBURY PARK RACECOURSE NIGHT RACING

Reverend the Hon. F. J. NILE [10.42 p.m.]: I met today with representatives of the residents action group against night racing at Canterbury. I would like to put on the record its concern about Canterbury City Council's manner and method in processing the night racing development application at Canterbury for the applicant, the Sydney Turf Club. The group asks for an urgent judicial inquiry to ascertain the facts. The group alleges:

> Over the past 18 months council is guilty of breaking many procedural and environmental laws. These include not advertising the Canterbury track as being heritage listed schedule 1, LEP 138 (Canterbury precinct). Council's advertising policy is to place ads in the local newspapers describing the D.A. using numbers and dimensions, alerting residents to the impact the D.A. would have on the local environment. Council omitted to mention in their advertisement of the D.A. that there would be 40 light towers 17 to 25 metres high, with 6 light towers 8 metres above the grandstand, plus 8 to 18 bank lights. Why did council alter the manner in which they advertise?

It did not fully inform the Canterbury residents of the impact of night racing. The group further stated:

> June 12, 1997, council confirmed the S.T.C. lighting consultant would find it difficult not to exceed 10 lux, which is the maximum Australian standard in a residential area. On Dec 18, 1997, granted the S.T.C. preconditions. On May 14, 1998, council gave their consent for night racing to proceed. One of the preconditions read: "2-24 the maximum level of spillage light at property boundaries . . . to be 20 lux."
>
> This is twice the maximum lux specified in the Australian Standard. Council failed to advertise or letterbox residents of this amendment. On September 9, 1997 the S.T.C. Traffic Consultant added an amendment to their plans, an egress from the infield car park through to John and Broughton Sts. Again council did not advertise or letterbox affected residents of this amendment.
>
> On May 28, 1988 council placed a 104A in the public notices, this is not council's normal procedure as council is facilitated with their own column in local papers. The ad advised the public that night racing was to proceed and anyone who wants to inspect council files re the D.A. could do so during council working hours. Seven residents and one councillor accepted this invitation, only to be told that the files were with council's legal people.
>
> In fact the files were missing during the period May, 1998 up to and including July 2, 1998.
>
> August 24, 1997. The applicant's acoustic consultant used the incorrect measuring methods for night racing. The residents action group had an independent acoustic engineer peruse the applicant's submission. Every member of both houses had a copy of the above mentioned group's acoustic report, delivered personally to the reception desk. Once reading the independent acoustic report, one wonders how Canterbury council gave night racing the green light and the reasons why, because council based their decision on the S.T.C. consultant's report dated 9/9/97 and 10/9/97. Re consultancy report monitoring the race meeting held on Sunday August 24, 1997. Residents have pleaded with council for a period of more than 12 mths. to grant them an independent environment impact study. It's obvious to everyone why council continually rejected residents requests, considering this is, Canterbury councils largest and most controversial development application in its entire history.

I support the call for an independent judicial inquiry through the Minister for Local Government. The Minister has received submissions on the matter. I support also the call for his further consideration of the matter in view of the facts I have placed before the House.

Motion agreed to.

House adjourned at 10.46 p.m.