

LEGISLATIVE COUNCIL

Tuesday 21 November 2000

The President (The Hon. Dr Meredith Burgmann) took the chair at 2.30 p.m.

The President offered the Prayers.

DISTINGUISHED VISITORS

The PRESIDENT: I welcome to the President's Gallery a delegation from the Shenzhen Chamber of Commerce, led by Mr Lui Tao, Secretary of the CPC Shenzhen Committee, and the President of the Shenzhen Chamber of Commerce.

PASSENGER TRANSPORT AMENDMENT BILL

Bill received and read a first time.

Motion by the Hon. E. M. Obeid agreed to:

That standing orders be suspended to allow the passing of the bill through all remaining stages during the present or any one sitting of the House.

TABLING OF PAPER

The Hon. E. M. Obeid tabled the Annual Report of New South Wales Treasury, Office of Financial Management, 1999-2000

Ordered to be printed.

PETITION

Windsor Women's Prison Select Committee Recommendations

Petition praying that the proposed women's prison at Windsor be abandoned and that the alternative punishments suggested in the interim report of the Select Committee on the Increase in Prisoner Population be acted upon immediately, received from the **Hon. R. S. L. Jones**.

HONOURABLE MEMBER FOR FAIRFIELD SEXUAL ASSAULT ALLEGATION ICAC INVESTIGATION

Personal Explanation

The Hon. PATRICIA FORSYTHE, by leave: I believe that I have been misrepresented in today's media. According to a report on page 9 of today's *Daily Telegraph* I have been interviewed by Mr Mulvey of Parliamentary Security Services about events on the roof of Parliament House on the evening of 14 September. The article suggests that I believed the occasion was completely innocent. I wish to indicate that the journalist who wrote the article did not interview me before writing the article. Whilst I acknowledge that I was telephoned by a person claiming to be calling on behalf of the Speaker it was not, as far as I was concerned, an interview. As I did not know the person I was circumspect in my comments and provided what I believed was relevant, that is, a confirmation that I was on the roof, who I was with, how long I was there and why I was there. On reflection about the telephone call, the following morning I wrote a file note on my recollection of the call. For the record my note states:

Telephone call from Parliament House security on behalf of John Murray— received AM 16 Nov 20000

During the morning of 16 November 2000 I received a telephone call from a man suggesting he was from Parliament House security calling on behalf of John Murray about my views about events on the roof on the evening of September 14. He asked did I have concerns about the behaviour of people there.

My response: I was on the roof, with my husband and daughter, as was John Ryan with his wife and family and friends and also John Hannaford with some of his children and friends. We went to the roof at about 10pm to see the lighting of the buildings and the laser show that was to commence at 10.

There were many people on the roof. Yes we were concerned about behaviour—especially when a cameraman with the NZ Olympic team climbed over a barrier and others followed.

I advised that in fact we were sufficiently concerned that John Hannaford called security and they responded.

We did not stay, as we were not comfortable with the behaviour there.

That is the end of the file note. I particularly drew attention to the New Zealand cameraman because he was clearly a visitor to the Parliament who was not apparently accompanied by any member, although I was aware on the night that there had been a reception for the New Zealand Olympic delegation in the Strangers Dining Room.

FISHERIES MANAGEMENT AND ENVIRONMENTAL ASSESSMENT LEGISLATION AMENDMENT BILL

In Committee

Consideration resumed from 16 November.

Clauses 1 and 2 agreed to.

Clause 3

The Hon. JENNIFER GARDINER [2.45 p.m.]: I will move Opposition amendment No. 1 with the following minor deletions from the circulated amendment: in object (b), by deleting "achieve" and inserting instead "promote"; and in object (d), after the word "statements" by deleting the words "where the Fisheries Minister is the proponent or is declared to be the proponent by the Minister for Urban Affairs and Planning". I move:

No. 1 Page 2. Insert after line 7:

3 Objects of Act: Schedules 1 and 2

The objects of Schedules 1 and 2 are as follows:

- (a) to provide interim protection for fishing licences and other authorities granted to the commercial fishing industry by suspending the application of Part 5 of the *Environmental Planning and Assessment Act 1979* to designated fishing activities pending the completion of fishery management strategies and environmental assessment for those fishing activities,
- (b) to achieve healthy fish habitats and sustainable fish stocks through environmental assessment of commercial and recreational fishing activities and the impacts of land-based activities, based on the principles of ecologically sustainable development,
- (c) to assist in the creation of a comprehensive and representative aquatic reserve and marine park system,
- (d) to provide that the Minister for Urban Affairs and Planning is to be the approving authority for designated fishing activities that are subject to environmental impact statements,
- (e) to ensure that any designated fishing activities are carried out in accordance with sustainable management strategies and other relevant regulatory controls.

This amendment proposes changes to schedules 1 and 2 to the bill. Schedule 1 provides for amendments to the Environmental Planning and Assessment Act 1979 relating to assessment of the impact of fishing activities. The Government's bill seeks to insert into that Act an entirely new division dealing with fisheries matters. This, of course, results from the defeat of the planning Minister and the fisheries Minister in the Land and Environment Court. In January this year that court found that the fisheries Minister should have been issuing or renewing commercial licences only after taking into account the environmental impact statements as required by the Environmental Protection and Assessment Act.

The Opposition believes that the Government's amendments to that Act proposed by the bill do not adequately describe the objectives of the principles for the new division. When government agencies come to implement this new division, and when stakeholders have to deal with the new legislation and the processes that

it sets up, they need a clear set of objectives and principles so that everyone interested will know where they stand and what is expected of them. The objectives and principles as set out in the Opposition amendment provide for interim protection for fishing licences and other authorities granted to the commercial fishing industry by suspending the application of part 5 of the Environmental Planning and Assessment Act, which deals with designated fishing activities, pending the completion of fisheries management strategies and environmental assessment of those fishing activities.

They specify that it is the object of these provisions to promote healthy fish habitats and sustainable fish stocks through assessment of environmental impacts on both commercial and recreational fishing activities—the linkage between commercial and recreational activities is very important to this bill—and the impact on land-based activities based on the principles of ecologically sustainable development. The objects include working towards the creation of a comprehensive and representative aquatic reserve and marine park system. I acknowledge that the Hon. A. G. Corbett has foreshadowed, informally to this point, that he will propose a minor amendment to the provisions relating to the aquatic reserve and marine park systems. I flag now that I am happy to accommodate that slight amendment.

The objects will provide "that the Minister for Urban Affairs and Planning is to be the approving authority for designated fishing activities that are subject to environmental impact statements where the fisheries Minister is the proponent or is declared to be the proponent by the Minister for Urban Affairs and Planning". The objects aim to ensure "that any designated fishing activities are carried out in accordance with sustainable management strategies and other relevant regulatory controls". The basic point about this important scene-setting amendment is that it will ensure that the objects relating to schedules 1 and 2 are clearly spelled out so that everybody knows right from the beginning where they are going when they are dealing with the new environmental impact regime for fisheries. I commend Opposition amendment No. 1.

The Hon. A. G. CORBETT [2.51 p.m.]: I move A Better Future for Our Children amendment No. 1:

No. 1 Opposition amendment No. 1, proposed section 3 (c). Omit "a comprehensive and representative aquatic reserve and marine park system". Insert instead "comprehensive and representative marine protected areas".

This amendment removes the words "a comprehensive and representative aquatic reserve and marine park system" and replaces the latter with "comprehensive and representative marine protected areas". This reflects the reality that the Marine Parks Act is the primary Act in establishing marine parks. To insert the words in the Opposition's amendment would put into this Act an object which is outside its influence. By using the words "marine protected areas", the Act will enable the department to consider the present and future requirements for ongoing protection of the resource and environment while drafting management plans for the allocation of resources for recreational and commercial fishing.

The Hon. JENNIFER GARDINER (2.52 p.m.): I indicated earlier that I was happy to absorb the amendment moved by the Hon. A. G. Corbett into the Opposition's amendment.

The Hon. I. COHEN [2.53 p.m.]: The Greens support the amendment moved by the Hon. Jennifer Gardiner. In general, the amendments to be moved by the Opposition are supported by the New South Wales Farmers Association, the Nature Conservation Council, indigenous groups and commercial and recreational fishers. Although those groups have different reasons for opposing aspects of the Government's bill, they are united in their support for the amendments. My office has not received letters which oppose these amendments; every letter that has been received by my office has been supportive of them.

The amendments are the result of co-operation and constructive dialogue between these groups. The Greens strongly support the inclusion of ecologically sustainable development, habitat protection and environmental assessment—issues that have been debated for quite some time both in relation to legislation in this House and in relation to the fishing inquiry. It will give more direction to the Minister and to the Fisheries Resource Council. The Greens commend the amendment moved by the Hon. Jennifer Gardiner—an amendment that, I understand, is supported by both the Government and the Opposition.

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [2.55 p.m.]: The Government does not support the Opposition's amendment. There are already specific objectives in the Environmental Planning and Assessment Act and the Fisheries Management Act. The overriding object of the Fisheries Management Act is to conserve our fisheries resources for the benefit of future generations, and that incorporates all the principles outlined in the Opposition's amendment. For that reason the Government will support the amendment moved by the Hon. A. G. Corbett. The Government opposes the inclusion of an objects section in the amendment bill, but the amendment of the Hon. A. G. Corbett corrects an error in the Opposition's amendment. The Government will support that amendment.

The Hon. Dr A. CHESTERFIELD-EVANS [2.55 p.m.]: The Australian Democrats are disappointed that the Government has not seen fit to support the amendment moved by the Hon. Jennifer Gardiner, which will broaden and clarify the objects of the Act. Nothing in the amendment could be regarded as objectionable; it seems to me to be a good and comprehensive statement of what is needed. I am disappointed that the Government regards that amendment not as a relatively minor but a significant modification of its legislation. I support the amendment and I hope that all other crossbench members support it.

The Hon. JENNIFER GARDINER (2.57 p.m.): Of course there are objects to the Act but, as I said earlier, my amendment will spell them out more clearly so that all stakeholders in this debate have a clearer and more specific set of dot points with which to work. The amendment, which is a commonsense amendment, will help in the administration of the legislation.

The Hon. I. COHEN [2.57 p.m.]: I reinforce the earlier arguments of the Hon. Jennifer Gardiner. I will quote briefly from a letter from Ann Harrison from the Environmental Liaison Office. She states:

The amendments promote ecologically sustainable fisheries management through the mechanism of independent and accountable environmental impact assessments [EIA]. We believe that all stakeholders in the management of fisheries must have an equal opportunity to participate in the decision-making process. This creates the possibility of ownership of management solutions that are implemented on the ground as well as at a departmental level. The amendments propose the following to achieve this goal: the establishment of a fisheries resource ...

I understand that the Government is opposed to the Opposition's amendment, yet it supports the amendment moved by the Hon. A. G. Corbett. Does that not negate the whole effort to this point? I believe that the amendment moved by the Hon. A. G. Corbett stands on its own.

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [2.58 p.m.]: The alterations in the amendment moved by the Hon. Jennifer Gardiner will also change the fundamental tenet of those parts of the bill which recognise that, in the normal course of events, the fisheries Minister is the determining authority. That is acknowledged in the amendment moved by the Hon. Jennifer Gardiner.

The Hon. R. S. L. JONES [2.59 p.m.]: I support the amendment moved by the Opposition.

The Hon. JENNIFER GARDINER [2.59 p.m.]: In the overall thrust of debate the model that the Opposition is putting up in conjunction with a range of stakeholders is that, in the end, the fisheries Minister is the determiner of the outcome of any proposed fishing activity. Various models are under discussion as to how we get to that point. But we retain the fisheries Minister in our model.

Amendment of amendment agreed to.

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

The Committee divided.

Ayes, 19

Mr Breen	Mr Gay	Mr Ryan
Dr Chesterfield-Evans	Mr Harwin	Mr Samios
Mr Cohen	Mr R. S. L. Jones	Dr Wong
Mr Colless	Mr Lynn	
Mr Corbett	Mr Pearce	<i>Tellers,</i>
Mr Gallacher	Dr Pezzutti	Mr Jobling
Miss Gardiner	Ms Rhiannon	Mr Moppett

Noes, 20

Dr Burgmann	Mr M. I. Jones	Mrs Sham-Ho
Mr Della Bosca	Mr Macdonald	Mr Tingle
Mr Dyer	Mrs Nile	Mr Tsang
Mr Egan	Revd Nile	Mr West
Ms Fazio	Mr Obeid	<i>Tellers,</i>
Mr Hatzistergos	Mr Oldfield	Ms Burnswoods
Mr Johnson	Ms Saffin	Mr Primrose

Pair

Mrs Forsythe

Ms Tebbutt

Question resolved in the negative.**Amendment as amended negatived.****Clause 3 agreed to.****Clauses 4 and 5 agreed to.****Schedule 1****The Hon. JENNIFER GARDINER** [3.05 p.m.]: I move Opposition amendment No. 2:

No. 2 Page 3, schedule 1. Insert after line 4:

[1] Part 2, Division 5A

Insert after Division 5 of Part 2:

Division 5A Fisheries Resource and Conservation Assessment Council**22A Establishment of Council**

- (1) There is established by this Act a Fisheries Resource and Conservation Assessment Council.
- (2) The Council is to consist of 11 members, being:
 - (a) the chairperson of the Council, being a person appointed by the Premier who has no pecuniary interest in the fishing industry and who is not a member or officer of a government agency, and
 - (b) the following government members:
 - (i) the Director-General of the Department of Land and Water Conservation, or his or her nominee,
 - (ii) the Director-General of the National Parks and Wildlife Service, or his or her nominee, and
 - (iii) the Director of NSW Fisheries, or his or her nominee, and
 - (c) the following non-government members appointed by the Premier, being persons who are not to be members or officers of government agencies:
 - (i) one person appointed to represent commercial fishers,
 - (ii) one person appointed to represent recreational fishers,
 - (iii) one person appointed to represent the Nature Conservation Council of New South Wales,
 - (iv) one person appointed to represent indigenous people and interests,
 - (v) one person appointed to represent farmers,
 - (vi) one person with experience or expertise in fishery science,
 - (vii) one person with experience or expertise in marine ecology.
- (3) A person appointed by the Premier as a member of the Council holds office for such term as is specified in the person's instrument of appointment and is, if otherwise qualified, eligible for re-appointment.
- (4) The procedure for the conduct of the business of the Council is, subject to the regulations, to be determined by the Council.

22B Functions of Assessment Council

- (1) The function of the Fisheries Resource and Conservation Assessment Council is to act as a whole of government and fisheries stakeholder council for the purpose of assessing the technical, ecological, social and economic data included in an environmental impact statement under Division 5 of Part 5.
- (2) The Council also has the function of advising on the preparation or revision of a fishery management strategy under Part 1A of the *Fisheries Management Act 1994*.

This is an important amendment, and I should like to outline a little of its background and why the Opposition and many stakeholders believe that a Fisheries Resource and Conservation Assessment Council should be established. Anyone who has been paying any attention to the debate about the management of this State's fisheries resources will know that for many months an unusual alliance of stakeholders has been formed to press for the environmental assessment of fisheries resources—assessments that are required by law but which have not yet been carried out—to be done independently of the Department of Fisheries. The same debate has taken place for many years about, for example, setting water charges.

In days gone by there was very great anxiety about the objectivity of that process but now the Independent Pricing and Regulatory Tribunal looks after that, and a process is in place whereby the Government can put its case, the water users can put their case, and other interested parties have somewhere to go to put their case. Then the independent body makes its own analysis. Although over the years that has been fairly controversial, it is certainly not as controversial as it used to be when, again for example, the setting of water charges would inflame various parts of the State as a matter of course. So, this is a proposal to import into fisheries management the sort of independent process that we are now used to in many other government operations in setting charges and doing environmental assessments.

In the second reading debate Reverend the Hon. F. J. Nile referred to amendments that would be moved in Committee. I am not exactly sure which amendment or amendments the honourable member was alluding to, but it could be this one. He said in supporting the Government's bill, "We do not need further confusion in fisheries." I agree with that comment, of course, but, unfortunately, this bill almost entrenches further confusion and, more significantly, conflict in the fisheries debate. He said also that if this bill is defeated we will have an extension of a policy vacuum in fisheries management. I am not sure who Reverend the Hon. F. J. Nile was suggesting was going to defeat the bill because, as everyone who is tuned into this debate knows, the Liberal and National parties have never opposed this bill. Indeed, we agreed to the second reading of the bill, because we support some parts of it. He further said:

When amendments are proposed they should be designed to improve legislation, but they can sometimes be designed maliciously to gut legislation, to make legislation ineffective. Sometimes members of oppositions are tempted to do that, because they know that if they can wreck the Government's plan the criticism will fall on the shoulders of the Government. The fishermen will say, "What is the Government doing?" and members of the Opposition will go away like Pontius Pilate.

I assure honourable members that that is not the intent of this amendment or any other Opposition amendment. The comments of Reverend the Hon. F. J. Nile reflect upon the many stakeholders who have been involved in assisting in formulating the Opposition's amendments. The stakeholders go right across the spectrum of people interested in natural resource management. Many stakeholders have come together since the January court case because they are interested in improving this fisheries management legislation and resource management generally. The honourable member's comments are not fair, for example, to the New South Wales Farmers Association, an organisation which has been involved in the vexed question of finding a pathway through the mire in terms of environmental assessment of natural resources on the land, and which supports the independent approach envisaged by a range of other groups, including the commercial fishing industry and environmental groups. These amendments are supported by a number of recreational fishing organisations as well.

I assure Reverend the Hon. F. J. Nile and other honourable members that this amendment and other amendments to be moved by the Opposition have no malicious intent at all. They are genuinely designed to assist the management of this precious resource. When we oppose parts of the bill, we will simply oppose them straight out later in Committee. Opposition amendment No. 2 proposes a statutory peak body which would undertake environmental assessments. It would allow a consolidated consultation process, if I can put it that way—something that is obviously needed in the fisheries area. At the moment the whole debate is fragmented. It is possible that the Carr Government likes it that way: if it divides the stakeholders it tends to get its way. As we have approached this whole debate, one tragedy has been the fact that there are so many fragmented groups following the break-up of various other consultative bodies that operated under the previous Government. Consultation is very important. In his reply to the second reading debate the Minister said:

There are already substantial statutory consultative processes under the Fisheries Management Act. These processes provide for advice by the stakeholders, and independent fisheries expertise.

The Minister then referred to the four advisory councils and the nine statutory advisory committees. He claimed:

These committees provide me with specific advice on the detailed issues of each fishery. It is a forum for grassroots commercial fishers to have input into the management of their fishery.

If that is true, why are we constantly being advised by members of these bodies that they were denied the opportunity to have input into the preparation of this bill? For example, I have received advice from one

management advisory committee [MAC] that it had no consultation on many of the amendments to the Fisheries Management Act proposed in this bill. Not only that, the MAC has been told by New South Wales Fisheries that it will not be able to hold another meeting until next year, notwithstanding that the laws under which it is meant to operate are being changed. One MAC asked New South Wales Fisheries to schedule a meeting before the end of October, that is, last month. However, the Director of Fisheries wrote back pointing out that New South Wales Fisheries is not required to schedule meetings at the request of the majority of a MAC; the regulation allows MACs to slip through the net, if you excuse the pun. When the Government is prepared to steamroller amendments to such an important bill past its own advisory committees, the regulation has some holes in it which need to be looked at. This makes a mockery of the Minister's claim that there has been grassroots input from the commercial sector.

How can it be claimed that there has been input if a meeting of a MAC is blocked by the bureaucracy, especially when this bill, or even the putative bill, is supposed to be considered by people supposedly representing the industry? A survey of the Minister's advisory councils and their meeting dates would be most revealing. How often do they meet, and are the meetings timely? There seems to be a great deal of discontent among some of these bodies about the difficulty of holding timely meetings.

In this amendment the Opposition proposes the establishment of a fisheries resource and conservation assessment council. I reiterate that there was a great deal of consideration by a large number of stakeholders in the lead-up to the formulation of this model. This proposal was also flagged in a private member's bill by the Hon. Dr A. Chesterfield-Evans, which went to a second reading. That bill was also the subject of much consultation, so this is not a one-off piece of drafting by me. Many stakeholders have been involved in the formulation of this model. Later the Committee will debate an amendment of the Hon. A. G. Corbett which proposes a similarly named but differently constructed council. He did that fairly much as a one-off thing, whereas the model proposed in the Opposition's amendment received much input from a great range of people.

This amendment will establish the Fisheries Resource and Conservation Assessment Council. The council will consist of 11 members. The chairperson will be appointed by the Premier; that person must have no pecuniary interest in the fishing industry and cannot be a member or officer of a government agency. The idea of the Premier appointing a natural resource body has been adopted in other natural resource management legislation. For example, the Threatened Species Conservation Act was controversial legislation. Members of this House thought it was best to have an agency slightly removed from the core debate, and the Parliament agreed to that.

The Government members represented on the council will be the Director-General of the Department of Land and Water Conservation or his or her nominee, the Director-General of the National Parks and Wildlife Service or his or her nominee and, of course, the Director of New South Wales Fisheries or his or her nominee. The non-government members to be appointed by the Premier, who cannot be members or officers of government agencies, will be a person representing commercial fisheries, a person representing the interests of recreational fishers, a person representing environmental groups, represented through the Nature Conservation Council of New South Wales, a person representing indigenous people and their interests, a person representing farmers, a person with experience or expertise in fisheries science and a person with experience or expertise in marine ecology.

It is important that primary producers be represented on any such peak body because a lot of land-based activities will be relevant to the assessment of fisheries along the coast of New South Wales. That point was taken on board by many stakeholders. The amendment specifies that a person appointed by the Premier to this council will hold office for such term as is specified in the person's instrument of appointment, and regulations will set out the way the business of the council will be determined. This assessment council will act as a whole-of-government and fisheries stakeholder council for the purpose of assessing the technological, ecological, social and economic data which will be included in an environmental impact statement under division 5 of part 5 of the Environmental Planning and Assessment Act.

It is important that we adopt a whole-of-government approach to the fisheries debate. It is something that people along the coast are crying out for in terms of devising coastal strategies, whether it be for fisheries or other aspects of government operations. The establishment of an assessment council is a move in that direction. The council would also have the function of advising on the preparation or revision of a fisheries management strategy under the Fisheries Management Act. They are the provisions of the amendment. During their contributions to the second reading debate a number of members pointed out the need for independent assessment. This was reinforced by the Minister's comments in August this year, which were reported in the Grafton *Daily Examiner* as follows:

Clarence Valley commercial fishermen would not be affected by a State Government plan to reserve New South Wales Fisheries for recreational anglers, according to the Minister for Fisheries, Eddie Obeid.

As far as I am concerned, it is not intended that anything arising from this bill, however it ends up, should undermine the Clarence's very important commercial fishing industry. However, the Minister's blanket comment, as reported in Grafton's local newspaper leading up to the debate, raised questions right along the coast about the objectivity of any reallocation process envisaged by this bill. Many stakeholders have asked these perfectly natural questions: Is the reallocation of this resource to be done on an electorate-by-electorate basis? And, will the outcome of so-called consultation be determined by the marginality of an electorate, or will it be determined on a whiteboard in the Premier's office or down in Sussex Street? Suspicion is widespread; perhaps we could call it the slimy mackerel syndrome. That is why there needs to be the sense of having an independent body that makes assessments and ultimately reports back to the Minister for Fisheries. I was always adamant that that should be the case, and all the stakeholders have agreed that that should be the case.

I should like to briefly compare the model I have proposed with the model proposed by the Hon. A. G. Corbett. There are some similarities between the two, but the advantages of the Opposition's model are that, first, it has been developed with many of the stakeholders and, second, it respects the call by a cross-section of interest groups for an assessment body for fisheries that is independent of the fisheries department. The body proposed by the Hon. A. G. Corbett is not independent, and therefore it misses the point of the whole debate over the last 11 months. Right from the beginning of this debate all the interest groups agreed with me that the land-based implications of environmental impact statements had to be considered.

The Hon. Dr A. Chesterfield-Evans' model—and I acknowledge the assistance of the Democrats—includes the very important provision that landowners will be referred by the Fisheries Resource and Conservation Assessment Council to existing consultative bodies, namely the catchment management committees that are already established and are accustomed to assessing community environmental matters, particularly those relating to water. Therefore it is a very sensible and very, very crucial part of this amendment. A framework has already been established that land-holders already work with and are familiar with. The Farmers Association and other land-holder groups who have been approached on this aspect hope it will not be ignored by the House.

The Hon. A. G. Corbett model proposes that the appointees from government agencies will be determined by unspecified regulations. Much scepticism has been expressed in the fisheries debate about any fisheries regulation, because there has been so much difficulty in dealing with the fisheries department with regard to regulatory matters. It is unclear how many government agencies would be represented on the Hon. A. G. Corbett's version of the council. In fact, it is possible that there could be very many of them, because the model refers to "two or more" from here, "two or more" from there, and "two or more" from yet somewhere else; it is rather vague in that regard. The dividing line between a government representative and a representative of interest groups is also unclear. For those reasons the alternative model does not sufficiently clarify the composition of the council, whereas the Opposition's model has been developed in genuine consultation with a range of stakeholders.

The Hon. A. G. Corbett's model does not include representation by primary producers. As I have said, representation by primary producers is absolutely crucial as far as the Opposition is concerned. I acknowledge, however, that in his model the Hon. A. G. Corbett makes specific reference to aquaculture representation, which is a good addition. However, I urge all honourable members to support the model that has been developed in consultation with the stakeholders, that is, the model referred to in Opposition amendment No. 2.

The Hon. Dr B. P. V. PEZZUTTI [3.25 p.m.]: I should like to provide the House with a little further background to the legislation. During the first term of the Greiner Government the Standing Committee on State Development, on reference from this House, commenced an inquiry into coastal planning. The Hon. J. P. Hannaford was the first chairman of the committee and the second chairman was the Hon. J. H. Jobling, who issued a draft report on the inquiry. I recall that Premier Greiner described that report as the worst report he had ever seen. Premier Greiner also said that the committee did not know its backside from its front side. The committee, whose members included the Hon. R. T. M. Bull, the Hon. R. S. L. Jones and the Hon. I. M. Macdonald, travelled up and down the countryside and took a large amount of evidence. I joined the committee late in its deliberations but took part in a number of its deliberations up and down the countryside. The report of the committee eventually came down under my hand, although much of the work on it had been done before I joined the committee. The report recommended that we take a helicopter view of the coast to see what we wanted the coast to look like in 50 years time. In other words, the committee wanted the Government, through consultation, to do an audit of what we had and then, through a series of Cabinet-led consultations, work out, river by river—

The Hon. R. S. L. Jones: Catchment by catchment.

The Hon. Dr B. P. V. PEZZUTTI: Yes, catchment by catchment, from the mountains to the sea. The committee wanted the Government to do an audit of what we could do with what we had, what should be conserved, how we could improve the conservation, and how we could use the land in an ecologically sustainable way. That was the vision that the committee had, and its report was meant to be a vision for the coast. Unfortunately, during the 1991 election campaign the Hon. I. M. Macdonald adopted that report as the Labor Party's policy. Before the report was released, it was rebadged as Labor Party policy under the badging of "A vision for the coast", which was intended to be the title of the report.

When the Greiner Government won the election in 1991, a report entitled "A Framework for the Future" was handed down. The committee sent the report, together with this overarching view, to the then Premier. The report was then disseminated up and down the coast to the stakeholders to see whether we had got it right. The committee held 12 meetings along the coast. After taking the report back to the stakeholders and the people who had given large amounts of evidence, the report was validated as being a true and accurate report of the information given to the committee. Premier Greiner was still adamant. We sent him a report, and his response—there was a requirement for the Government to respond to standing committees reports, unlike the general purpose standing committees—comprised almost four lines. I was directed by the committee—following a unanimous decision by the committee, including its Government members—to advise Premier Greiner that this was absolutely inappropriate.

Premier Greiner was not very impressed. However, he referred me to Robert Webster, who was the lands Minister at the time. Minister Webster called in Robyn Kruk, who I think has at various stages been head of the National Parks and Wildlife Service and is now a member of the Cabinet Office. Between the two of them, and with the assistance of Gary Sturgess, that ubiquitous adviser to Premier Greiner, a great policy person, suddenly the vision statement of Premier Greiner appeared. That vision statement included just about every recommendation in the report. It also included one very important item: the setting up of the resource audit council. The audit council was the first step.

Coastal policy started from there and an audit council was set up by Premier Greiner. There was a change of government in 1995 and the new Premier of New South Wales, Bob Carr, revisited the issue. He called for a resource audit and for the establishment of a Resource and Conservation Assessment Council [RACAC]. In other words, he added a separate step; it was not just an audit but an assessment as well. I thought it was wrong for the council to have two functions, but the Premier of New South Wales and the Government of New South Wales set up RACAC.

The RACAC has been very slow to get going, but Premier Greiner increased the action of the coastal policy for New South Wales to include the seabed. There was an extension of the impact of coastal planning to include the seabed out at sea, the interest being in the catching of fish. RACAC, as one of its key planning policies of this Government, is in keeping with the current Government's coastal policy which is just a continuation of the process that was put in place by the bipartisan committee. It should be remembered that all the committee members agreed, but for a three-line disagreement on the whole report from the Hon. I. M. Macdonald and a slight disagreement from the Hon. R. S. L. Jones on a matter of tiny significance which did not impact on the rest of the report. It was a unanimous report that was signed off eventually by Premier Greiner and his Government, and supported by Premier Carr at every single stage. It was a policy in the 1999 election and Premier Carr turned it into his crowning glory. But not much has happened since then.

The Hon. R. S. L. Jones: The Hon. R. T. M. Bull was a member of the committee then.

The Hon. Dr B. P. V. PEZZUTTI: The Hon. R. T. M. Bull was the deputy chairman of the committee and he was a very good one. He signed off on the report. He was another member who told Premier Greiner that his response to the report was no good. The RACAC process that is in place has the support of all parties. RACAC has made an assessment of the presently existing fisheries resource, an assessment of conservation value and an assessment of what can be done while maintaining a resource. The fisheries committee to which I referred during the second reading stage also took the view that an assessment and an audit should be undertaken—in other words, that there should be a proper investigation of fisheries along the same lines as the action undertaken in relation to the only share managed fishery. That is, there should be a proper assessment of the abalone fishery and then appropriate use of the fishery while maintaining the environment around it.

I cannot tell honourable members how pleased I am that the Hon. Jennifer Gardiner and every other honourable member with whom she has had to work still have the same views they had in 1989, 1990, 1991, 1992 up to the present, and that people are constantly being attracted to the whole idea of having a proper audit

to find out the resource that we have, assessing the value of it and then making an assessment of how to conserve the resource while still moving on. I think that is terribly important, and that is the information that the Hon. I. Cohen and I received from the Hon. Jennifer Gardiner during the compilation of the fisheries management report.

This issue is not new. The whole idea is something that the community has been screaming out for over the past seven years and it is supported by the Carr Government. It was supported by the Greiner Government and it has received continuing support from the users of the resources, in particular the farmers and the environmentalists. We have had a big sign-off on the fisheries report by the Nature Conservation Council, and all the reports presented to this Parliament support the recommendations of the committee. Every report on this subject has been written after major consultation with the users, ordinary people, conservationists and government bodies, and they have all supported this approach. It is an honest approach.

I cannot understand why the Minister has a problem with setting up an operation to deal with these matters—an approach that has been supported by so many people for so long. All the Minister has to do is go out and ask people what they think. The committee tested the reports. We have not yet tested the fishery report by travelling up and down the coast making inquiries but, in the face of opposition from my own Premier, I took the committee up and down the coast to check whether we had got it right, and we had. Eventually we convinced Premier Greiner and his policy makers. Robin Parker and Robert Webster were strong proponents of this proposal and were strongly of the view that this is the way to go. That is how we eventually got the Fisheries Management Act and we have now reached the final stage.

I speak strongly in support of this amendment. I really cannot believe that the Minister has not understood the honesty and the integrity of the arrangement. I am not surprised at all that the Hon. Jennifer Gardiner, who was not a member of that earlier committee, has found the same sentiment wherever she goes on this resource management issue..

The Hon. R. S. L. JONES [3.35 p.m.]: What the Hon. Jennifer Gardiner has attempted to do is implement Carr Government policy—it is as simple as that—and Coalition policy. It is not very complicated to set up an assessment process. What surprised me was that the Outdoor Recreation Party and the One Nation party voted against their own people. That was really quite extraordinary because we know that recreational fishers, professional fishers, the Nature Conservation Council and anybody who is concerned with fish support the process—apart, apparently, from the Minister. I was very surprised that One Nation and the Outdoor Recreation Party voted against the previous amendment, but I expect they will do the same thing again in relation to this amendment. I wonder what promises have been made to them to persuade them to vote against their own supporters.

The Hon. I. COHEN [3.36 p.m.]: On behalf of the Greens I strongly support the second amendment moved by the Hon. Jennifer Gardiner. It is quite clear to the Greens that this is an opportunity to really institute public participation on an issue that has been much studied—a fact made clear by honourable members whose comments on this amendment preceded mine and by the investigation that has been undertaken over several sessions of this Parliament. That is testament to the fact that there is a desire both within the committee system and in the community to get this legislation right, to have public participation, and to have an independent body that has a clear role in the process. I am somewhat surprised that Reverend the Hon. F. J. Nile voted with the Government on the previous amendment, given that there is strong support from other honourable members and interest groups. I wonder whether they have really thought this matter through.

I am not saying that I understand all the intricacies of fisheries management extremely well—it has a very complex agenda—but I do know that the stakeholders, that is, the professionals, the industry and the conservation movement, have all been very strongly in favour of what has now been put forward by the Hon. Jennifer Gardiner. The amendment is clear and honest and creates a situation whereby a council of 11 members and the chairperson will be appointed by the Premier. The council chair will be a person who has no pecuniary interests in the fishing industry. There have been many arguments over time about various interests and who is representing whom on the fishery organisations throughout the State. One really needs to have a forensic knowledge of the industry to know who are the relevant people.

The members of the committee include the government members—the Director-General of the Department of Land and Water Conservation or a nominee, the National Parks and Wildlife Service representative, the New South Wales Fisheries director or his nominee—a person representing commercial interests, a person representing recreational interests, a person representing the fishers, a person representing the

Nature Conservation Council of New South Wales, a person representing indigenous fishers, a person representing farmers, a person with expertise in fisheries science and a person with expertise in marine ecology. That really makes it clear to me that the Hon. Jennifer Gardiner, on behalf of the Opposition, has put forward a strategy and a structure that will really advance debate on fisheries in this State. The establishment of the Fishery Resource and Conservation Assessment Council would result in a whole-of-government approach and would truly mean the establishment of a stakeholders council.

The Hon. R. S. L. Jones: At arm's-length.

The Hon. I. COHEN: As the Hon. R. S. L. Jones said, it would be at arm's-length. Anne Harrison from the Environmental Liaison Office said in her report:

... assess the technical, ecological, social and economic data which must be included in a fishery environmental impact statement. The FRCAC members are proposed to be commissioned representing commercial fishing, recreational fishing, environmental farming, fishery science, ecology and indigenous, DWLC and Department of Fisheries and PWS DUAC.

Clearly this is an opportunity for all stakeholders to get together and work through a series of issues that have been plagued by considerable angst due in great part to the rule, if you like, of the advisers to the former Minister for Fisheries, the Hon. Bob Martin, and people in charge at that time.

The Hon. Dr B. P. V. Pezzutti: He is not actually the honourable now.

The Hon. I. COHEN: Yes, I take your point. It is questionable whether he was then. There is so much conflict in this industry. As a Green I have a very interested and specialist perspective. I commend the committee system of the Parliament, which has allowed conservationists to listen to people from the industry who would be, on paper and in the general run-off things, the opposition as far as I, as a conservationist representative, am concerned. Nevertheless, we discussed these matters and it is clear that all stakeholders can work together. This amendment and the fishery resource assessment model that would evolve from it are clearly in accord with the desire of all members of the community, who have worked together to achieve something constructive. The amendment—and, indeed, the position of the Opposition—could be quite inspiring. I ask other members of the crossbench, regardless of whether they want to oppose the Greens and take an industrial position, to give some thought to all the stakeholders—indigenous fishers and people in the recreational industry—who just want a fair go. This amendment gives those people a fair go and I ask all members to support it.

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [3.42 p.m.]: This is not an amendment about the Resource and Conservation Assessment Council [RACAC]. People who have read my second reading speech will acknowledge that I have agreed to establish a peak body that comprises representatives from the Department of Urban Affairs and Planning, the National Parks and Wildlife Service, the Environment Protection Authority, the Department of Land and Water Conservation, New South Wales Fisheries, commercial fishers, recreational fishers, the New South Wales Land Council, and aquaculture. But this amendment is not about that peak body. It is about handing the Fisheries portfolio over to the Premier. She wants the Premier to appoint this peak body.

The Hon. Dr B. P. V. Pezzutti: Well, the Premier appoints RACAC.

The Hon. E. M. OBEID: You have had your say. You have not even bothered to read my second reading speech. The only difference is that I have nominated a roundtable forum. I will defer to the Hon. A. G. Corbett and accept his recommendation to call it a RACAC committee. The Hon. Jennifer Gardiner and the bleeding heart from the Greens want the Premier to be the Minister for Fisheries. I would have no objection to that course, but I am sure that the Premier will not want to create another bureaucracy of fisheries within his department. This is the role of the Department of Fisheries and the Minister for Fisheries, and that is where I differ with the Opposition. The amendment does not seek to advance environmental assessments one iota. It does not say how environmental assessments should be done. It does not refer to the outcome of environmental assessments. I make it clear that this proposal has been on the agenda of the few bodies that are not representative of commercial and recreational fishers. That is the heart of the whole issue.

The Hon. Dr B. P. V. Pezzutti: Who are they?

The Hon. E. M. OBEID: The few bodies that are consistently advised by the Hon. Jennifer Gardiner and that want to take the authority of the Minister for Fisheries and hand it over to the Department of Urban

Affairs and Planning. They have failed in that mission so now they want to hand the authority to the Premier. I can assure honourable members that the Premier has much more important things to do; besides, he has already appointed a Minister to handle the Fisheries portfolio. The Hon. Dr B. P. V. Pezzutti must be blind and deaf not to have seen and heard my second reading speech. This amendment is about having the Premier nominate the peak body and creating a bureaucracy in the Premier's Department to manage it. The Government and I certainly do not accept that proposition. The Hon. Jennifer Gardiner gabbled on about management advisory committees. Of course there are management advisory committees for each fishery and each has a budget. It costs up to \$10,000 every time those committees meet because the members get paid and receive travel allowances to attend the meetings.

The Hon. Jennifer Gardiner failed to tell the Committee that each management advisory committee is represented on the peak body for commercial fishers—the Advisory Council on Commercial Fishing—and that representatives of all commercial management advisory committees have consistently met and have examined and approved of the bill. The Hon. Jennifer Gardiner should be honest. I will accept the very sensible and workable amendment of the Hon. A. G. Corbett which calls for a RACAC-style committee rather than a roundtable forum, as proposed by me. In any event, it will be a statutory body. The Forestry RACAC Committee in the Department of Urban Affairs and Planning is not a statutory body. I accept and defer to the reasoning of the Hon. A. G. Corbett in that regard.

I say to all the bleeding hearts who are concerned that the body may not be representative of the community: it will oversee the process of environmental assessments and all other issues relating to fisheries. As the Minister responsible, I appointed independent chairs to each advisory committee. It was a very poor attempt to mislead the Committee to suggest that the Government was not sufficiently concerned to have the peak body oversee the environmental assessment process and all fisheries issues. It is an attempt to have the Minister of the day hand over his authority to the Premier.

The Hon. Dr B. P. V. Pezzutti: The Premier is responsible.

The Hon. E. M. OBEID: Of course he is responsible, but each Minister is responsible for his or her own portfolio. If the Premier is forced to create another bureaucracy every time a difficult decision has to be made, taxpayers' money will not be used effectively. The Opposition and a few groups in the community—

The Hon. Dr B. P. V. Pezzutti: Name them.

The Hon. E. M. OBEID: I am not here to slag people. As I have told them, my concern is the bill. I am surprised that the Hon. I. Cohen does not recognise this as good policy. The one issue at stake is that the Nature Conservation Council will feel very comfortable if DUAP or someone within the Premier's Department is managing the whole process. That will not be the case. I am the Minister for Fisheries, and I will appoint the peak body, which will consist of all stakeholders and all relevant agencies. I said that in my second reading speech, but the Hon. I. Cohen has ignored that because he wants the Premier to have within his own department a bureaucracy on fisheries and he wants the Premier to be able to appoint the committee. That is what the amendment is about. The Government will not accept this amendment, but will accept the amendment that will be proposed by the Hon. A. G. Corbett because it is reasonable, and proposes a commonsense, workable approach. By the way, I am required by the Land and Environment Court decision and by the Environmental Planning and Assessment Act to have an environmental impact assessment related to commercial fisheries only. I have included such impact statements regarding recreational fishing. But the Greens do not acknowledge that.

The Hon. I. Cohen: We do.

The Hon. E. M. OBEID: You do not. You have not conceded that. It was I who said we will have environmental impact assessment in respect of recreational fishing. Let us not be distracted from the real object of the bill. It is about resource management and more equity for all stakeholders. It is about reviewing what has been going on in those fisheries and making sure that we make the tough and right decisions.

The Hon. M. I. JONES [2.55 p.m.]: On behalf of the Outdoor Recreation Party I would like to set the record straight. The Hon. R. S. L. Jones implied, firstly, that I am not doing an adequate job for people who support the Outdoor Recreation Party and, secondly, that promises have been made. The fishing community has more associations than one can poke a stick at. Trying to organise fishermen to do anything is like trying to herd cats: there are so many associations and so many groups. The groups representatives who have hung around on the eleventh floor in this place and badgered people and made a damned nuisance of themselves are not

representative of recreational fishermen. The Hon. R. S. L. Jones said, when speaking to the second reading of the bill—and I do not have *Hansard* in front of me, so please allow me some latitude—that if he had his way he would ban recreational fishing. That is the position that the Hon. R. S. L. Jones is coming from. That is what he said. That introduces a bias into this debate.

There is a further bias. It relates to the call for an independent assessment. It is suggested that that assessment be by the Nature Conservation Council. A less impartial and less independent body does not exist. It is absolutely against recreational fishing. There has been mention of small interest groups. There are many small groups that have an interest, not just those whose representatives plant themselves on the eleventh floor. I often travel up and down the coast. I was up the coast two weeks ago talking to fishing groups. They know that if the Nature Conservation Council is involved that will be the kiss of death for recreational fishing. The recreational fishermen do not want the council to be involved. Therefore, I put to the Hon. Jennifer Gardiner: Will you consider the deletion of subparagraph (iii) from your proposed section, 22A (2) (c) to keep the Nature Conservation Council out of it? If you do, then you may get—just may get—a modicum more of support from the people who know about fishing.

Furthermore, whatever happens in this debate, when the dust settles I am accountable to the people who support the Outdoor Recreation Party. The Hon. J. S. Tingle is accountable to those who support the Shooters Party. There are far more recreation fishers supporting those two groups than there are supporters of any of the political parties, with the possible exception of the Australian Labor Party, and I am not even sure about that party. Having said that, I think I have made my position adequately clear.

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [3.54 p.m.]: I am advised that while stating why the Government does not accept the amendment I inadvertently said that the Advisory Council on Commercial Fishing had approved the bill. It is not up to the council to approve the bill. What I meant to say was that the council had considerable time to consider the bill and address the issues.

The Hon. Dr P. WONG [3.55 p.m.]: I too have reservations about the amendment, simply because I believe it has a dual purpose. Obviously, the Hon. Jennifer Gardiner intends by the amendment to improve the bill. However, it is also true that she sought to politicise the issues. Inserting a provision that the Premier should appoint such a council would virtually take away the responsibility, authority and indeed the power of the Minister to make decisions. I have a number of other concerns. I have no problem with upholding the conservation issues. However, I do not believe it is appropriate that DUAP must approve everything and that the Premier has to appoint persons to the committee. That is an issue of concern. The Minister is appointed with authority to administer his portfolio. I do not support the amendment.

Reverend the Hon. F. J. NILE [3.56 p.m.]: Some honourable members who have already spoken in the debate have indicated their surprise that the Christian Democratic Party did not support Opposition amendment No. 1 and will not support the amendment before the Chair. I agree with the remarks just made by the Hon. Dr P. Wong. It seems that the Opposition amendments are designed to dismantle the fisheries department and remove the authority of the Minister. If we want to resolve some of the problems let the bill proceed so that we can judge the success of its operation. It seems that these amendments are a backdoor attempt to insert into the bill under consideration the provisions of the bill proposed by the Hon. Dr A. Chesterfield-Evans. That would cause absolute confusion.

The Hon. Dr B. P. V. Pezzutti: Is it a bad idea to have those provisions?

Reverend the Hon. F. J. NILE: It is a bad idea.

The Hon. Dr B. P. V. Pezzutti: Tell us why it is a bad idea.

Reverend the Hon. F. J. NILE: Because the amendment would take away the authority of the department and of the Minister. That is clear from all of the Opposition amendments. Each of the amendments has that one clear objective.

The Hon. A. G. CORBETT [3.58 p.m.]: I intended to make a number of comments, but we are running out of time before question time. There are probably three or four disadvantages with the Opposition amendment. The first has been alluded to. Under our system the Minister is accountable to Parliament for the decisions of his ministry. That, I think, is right and proper. The second point is that the council proposed by the Opposition has a much narrower range of stakeholder representation, with no representation of associated

industries such as fish marketing, boat and tackle, charter boat and diving. My amendment provides for representation of those industries. It has broader representation and no upper limit in statute, thus allowing for some flexibility in the composition of the council.

The third point is that the Opposition amendments include the names of relevant government agencies. Subsequent departmental name changes would require consequential amendments to the Act whenever relevant name changes occur. My amendment provides for the insertion of the names of those agencies in the regulations. The Minister has already referred to the ministries involved. The next point is that the use of the word "assessing" in the functions proposed by new section 22B (1), in relation to the environmental impact statement, might imply that the EIS function is performed by that group, rather than allowing it to be undertaken in accordance with other parts of the Act. This could lead to conflict in purpose between the council and DUAP if DUAP overviews or approves the EIS.

Under my amendment the council may review the EIS and then can advise the Minister on whether the EIS has sufficient content for their purpose prior to public exhibition. My office drafted this amendment in good faith. We were very conscious that if the Minister does not accept the Opposition's amendment, and if I did not propose something, we may not have a council, that the council could be kaput. If the amendment is agreed to in this Chamber and the Government rejects it in the lower House, it will be no more. At least if my amendment is accepted by the Government in this Chamber it will become law.

The Hon. D. F. MOPPETT [4.00 p.m.]: During debate on the second reading of the bill when I mentioned that some honourable members appeared intransigent in their position on the amendments and were determined to support the Government Reverend the Hon. F. J. Nile identified himself as possibly the type of person to whom I referred. I am not accusing him of being intransigent; he suggested that he was one of those to whom I referred. I have not ascertained whether his determination to stick to this plan is a form of velleity—wishful thinking that everything will become good under a benevolent Minister—or he is absolutely determined to ignore the lessons of the past.

We went through this when dealing with the forest industry and that incredible landmark case, the Chaelundi case. The Land and Environment Court threw out the present system of assessing which logs are suitable to be processed and demanded an environmental impact study. State Forests tried to conduct the assessment process and found itself in strife and liable to court action. We want to set up an independent and credible assessment process on which fishermen and other people can rely.

Progress reported.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

WORKERS COMPENSATION DEFICIT REDUCTION STRATEGY

The Hon. M. J. GALLACHER: My question without notice is directed to the Minister for Industrial Relations. Following the passage of the Minister's recent legislation, will he give an undertaking to the House that he will not impose a compulsory workers compensation debt reduction levy on the businesses of this State? In view of the advertisements in last Saturday's *Sydney Morning Herald* seeking private sector expressions of interest on proposals to reduce the deficit in the New South Wales WorkCover scheme, will he agree to table a copy of all those submissions when they are received?

The Hon. J. J. DELLA BOSCA: I congratulate the Leader of the Opposition on asking two very good questions. I will answer his second question first. The call for expressions of interest for proposals to reduce the deficit was advertised in national metropolitan newspapers over the period 17 to 20 November 2000. Obviously, the Leader of the Opposition saw those advertisements and raised their existence with me on a number of occasions. In fact, they were the subject of a previous question asked in this House.

Expressions of interest documents, which can be obtained from WorkCover, are the first part of a two-part process. Once the assessment panel identifies successful proposals, the second part of the process is to proceed to restricted tender or direct negotiations with selected respondents. Responses will be assessed by an expert panel with the assistance of a probity adviser who will advise on probity issues in the expressions of

interest process. Expressions of interest will close on 21 December 2000. It is intended to undertake assessments through January and February 2001, but the exact timetable for completion of assessments will depend on the number and complexity of responses. Interested parties should contact WorkCover directly to obtain the expressions of interest document. The honourable member asked a further implied question: whether I would make available in public format a summary of the reports. I undertake to provide advice on that part of his question as promptly as I can. I will attempt to respond either before the end of question time or some time very soon.

It is important for the honourable member to understand that that part of his question relates to the deficit or the tail problem in the workers compensation system. That deficit reduction strategy is about possible new financing initiatives that are fairly accepted practices in similar risk transfer systems throughout the world. The separate implied question in the first part of the question of the Leader of the Opposition was about the one-off surcharge to deal with the WorkCover deficit—something that has caused him a great deal of anxiety. The honourable member has issued press statements and has raised this matter all over the State. On occasions, I have responded to his claims.

WorkCover has not proposed that a 100 per cent levy be imposed on premiums. Clearly, a 100 per cent levy would be a substantial impost on businesses and would not be in the interest of businesses or employers in this State. Workers compensation costs are a real concern for this Government. For a number of years the Government has recognised the impact of premiums on employers. For this reason it has held premiums at 3.5 per cent of wages, including GST. One of the key issues that this review will address is the current understanding of the scheme and the need to retire the deficit. The Government is open to innovative solutions to these issues. As I said earlier, I assure the employers of New South Wales that the 100 per cent levy is not one of the solutions that the Government endorses or proposes to endorse.

REGIONAL FLOODING

The Hon. A. B. KELLY: My question without notice is directed to the Treasurer, and Minister for State Development. Will the Treasurer advise the House of any State Government support being given to the many people across New South Wales currently being affected by floods?

The Hon. M. R. EGAN: The honourable member asked an important question. I am advised that some 215,000 square kilometres, in other words, some 27 per cent of the State, is now affected by flood. All areas of the State adversely affected by these devastating floods will now be eligible for natural disaster relief. It will take some time to assess the extent of flood damage. However, early estimates from New South Wales Treasury based on floods in the north-west in 1998 suggest that the cost of various State Government assistance measures is likely to be in the vicinity of about \$60 million. Towns and districts affected by floods are widespread. The Country Labor convener—the honourable member who asked this question—can of course vouch for that. I understand that yesterday he spent the day moving his cattle to higher ground. He has described the situation near Wellington as terrible.

Under the natural disaster declarations announced earlier today by the Premier, the following local government areas are covered: Albury, Bland, Cowra, Forbes, Lachlan, Parkes, Weddin, Coonamble, Dubbo city, Walgett, Gunnedah, Narrabri, Nundle, Parry, Quirindi, Tamworth city, Maitland, Murrumbidgee, Muswellbrook, Singleton and Inverell. The situation is constantly changing but the House should rest assured that we will do whatever we can to look after the interests of every town and district affected by these floods. In addition, the State Government has been building a case for Federal Government assistance under Canberra's exceptional circumstances provisions.

Early indications from media reports are that the Federal Government will be giving some assistance through these provisions. More than 750 State Emergency Service [SES] volunteers in 51 units are currently working across the State. They are sandbagging vulnerable homes, maintaining vital services and providing for resupply of critical items, including medicines. The tireless efforts of SES volunteers are to be commended. Along with the SES and local communities, New South Wales government agencies are united in both providing on-the-ground assistance and bringing in extra resources from around the State.

Assistance to areas declared a natural disaster include personal hardship and distress assistance—provided through the Department of Community Services—to help people in distressed financial circumstances due to damage to houses and property; low-interest loans to primary producers and small businesses; subsidies to primary producers of up to 50 per cent of the cost of road transport of livestock and emergency fodder; grants

to local councils to meet the additional costs of emergency work to restore essential services; assistance to sporting clubs to help restore facilities damaged or destroyed; loans to churches and other voluntary non-profit organisations to help them restore facilities damaged or destroyed; and financial assistance to local councils to repair roads and council property damaged by the floods. As the Premier has remarked, while these arrangements provide some support and comfort, they will do little to help those families facing their third year of major crop losses. It is pleasing to hear that our major banks are indicating they will work to help their rural customers through this difficult time. I am sure the House is united in sending a message of support to those affected by these terrible floods.

ELECTRICITY TARIFF EQUALISATION FUND

The Hon. D. J. GAY: My question is to the Treasurer. Is the Treasurer aware of the Minister for Energy's planned electricity tariff equalisation fund that will manage the financial risk of electricity retailers? Is it a fact that the fund is almost identical to the policy of economic trading groups, which were implemented in Queensland on the recommendation of the same people who are now working for his Government? Is the Treasurer aware that economic purchasing has now been abandoned in Queensland because it has caused losses of up to \$500 million? Will the Treasurer seek an urgent guarantee from the marketing implementation group that the fund is simply not a rebadged version of economic purchasing?

The Hon. M. R. EGAN: I assure the Deputy Leader of the Opposition that the equalisation fund proposed for New South Wales is not similar to the Queensland arrangements for purchasing supply for regulated customers. The Queensland Government has made significant compensation payments from the Consolidated Fund to Queensland retailers to cover the losses they made because they had not been able to buy electricity—

The Hon. D. J. Gay: It is the same people who are responsible for advising you.

The Hon. M. R. EGAN: No, that is not actually true.

The Hon. J. H. Jobling: Not actually true?

The Hon. M. R. EGAN: If the Hon. J. H. Jobling wants to quibble, the word "actually" was redundant. The assertion that the Deputy Leader of the Opposition makes is not correct. The Queensland scheme was not instituted on the advice of the people who are now advising the New South Wales Government.

The Hon. D. J. Gay: Did they advise against it? They were there at the time.

The Hon. M. R. EGAN: No, they were not. As I understand it, they were advising the previous Queensland Government. The scheme that came into operation was not the scheme that they proposed. There was a significant difference. The Queensland Government has made significant compensation payments from the Consolidated Fund to Queensland retailers to cover the losses they have made from not being able to buy electricity from the wholesale market as cheaply as they are forced by regulation to sell to franchise customers. The proposed electricity tariff equalisation fund [ETEF] will not expose the New South Wales Government to similar risk. Indeed, the ETEF scheme is specifically designed to eliminate the need for direct budget support.

The scheme will ensure that retailers earn the margin regulated by the Independent Pricing and Regulatory Tribunal. At no time will the Government need to compensate retailers from the Consolidated Fund. If pool prices exceed the price at which retailers are allowed to sell to regulated customers, the New South Wales generators, who have benefited from these higher prices, will compensate retailers. In this way the system is closed and does not require support from the Consolidated Fund in the way the Queensland scheme operated.

ACID SULFATE SOILS REMEDIATION FUNDING

The Hon. J. S. TINGLE: My question without notice is addressed to the Minister for Fisheries. Can the Minister reveal some details about the funding announced by the Premier in Port Macquarie yesterday to deal with acid sulphate soil contamination in the Hastings River and the Maria River? Can the Minister say how much of the \$3.5 million mentioned by the Premier is to be spent on the two hot spots in the Hastings and Maria rivers and whether any of that money will be shared with other river systems? Given that the Premier announced a flat sum and also details of the technology to be used but gave no details of costings or spending on the Hastings hot spots, can the Minister reassure the Hastings community that there will be sufficient funding for a

realistic program of remediation, rather than a band-aid program? Since the original funding for acid sulphate remediation announced in the budget was something like \$3 million overall, can the Minister indicate whether the figure mentioned by the Premier yesterday referred to the budget figure or has additional funding been made available? How much of the \$3 million-plus mentioned by the Premier yesterday will be allocated to the Hastings?

The Hon. E. M. OBEID: I commend the Hon. J. S. Tingle for his interest in this very important environmental issue. The battle to fight acid sulphate soils is one of our greatest environmental challenges. Many of our coastal soils are naturally waterlogged. When land management practices like drainage and floodgates are used, these soils are exposed to air and oxidise, producing sulphuric acid. This acid has had devastating effect on fish habitats, North Coast oyster production, coastal land and communities. Acid sulphate problems have the potential to affect more than 265,000 hectares of coastal New South Wales land. It is estimated that every year 50,000 tonnes of acid is released from affected soils, causing nearly \$23 million in losses to our fishing industry, the environment, tourism and agriculture. There are no easy answers to this problem, which is caused by our past practices. Any solutions to this serious problem require a whole-of-government approach. Support from local communities, local government and all stakeholders will be vital.

Yesterday I was delighted to have the opportunity to join the Premier and my ministerial colleague the Minister for Agriculture, and Minister for Land and Water Conservation in Port Macquarie for a major new announcement in the campaign to find effective solutions to this serious problem. I want to put on record the tremendous effort and representations that the Hon. J. S. Tingle has made for the Hastings River shire and, in particular, the community of the Hastings River and oyster growers in the Hastings River who supply some 35 per cent of the spat we require to grow oysters in this State. Yesterday the Premier announced that \$3.4 million has been allocated for the first stage of a comprehensive plan to combat acid sulphate soils in New South Wales. This is terrific news for commercial and recreational fishers, the oyster industry and, indeed, the whole community.

Yesterday's announcement will result in seven important new trials. Negotiations are currently being undertaken with landowners, and I look forward to updating the House on the progress of these trials. Unfortunately, as these negotiations are still under way, I am unable to advise exactly how much of this multimillion dollar funding will be directly allocated to the Hastings area. I will undertake to ask my ministerial colleague in the other place to provide me with the details when they come to hand. Over the next two years six acid sulphate hot spots will be targeted on the North Coast. One trial will be carried out on the South Coast in the Shoalhaven catchment area. These projects include the upper Maria River in the Hastings catchment; the Partridge Creek area in the Hastings catchment; Cudgen Lake in the Tweed catchment; Everlasting Swamp in the Clarence catchment; the lower Lansdowne River in the Manning catchment; and the Colombatti and Clybucca in the Macleay catchment. A trial will also take place on the South Coast at Broughton Creek in the Shoalhaven catchment.

These important trials will provide invaluable information which may lead to expanding this program to other hot spots. My ministerial colleague in the other place also announced the appointment of another acid sulphate soils project officer for the far North Coast. This officer will work with landholders in the Tweed, Brunswick, Richmond and Clarence catchments to rehabilitate acid sulphate soils and improve water quality. This work will include workshops, field days and rehabilitation projects. In addition, he also announced a handy new booklet and field test kit that will help landholders identify problem areas on their farms.

New South Wales Fisheries is participating in these trials and is already working on a number of other acid sulphate projects that affect aquatic environments. These include the Clarence River flood plain project, the coastal flood plain management in Eastern Australia project, the sustainable land management on coastal flood plains in northern New South Wales project, the Macleay River flood plain project and the Yarrahapinni wetlands rehabilitation project near Kempsey. I look forward to updating the House about further developments in combating this environmental issue. Most importantly, for the benefit of the Hon. J. S. Tingle, the Government considers that the acid sulphate soil is a whole-of-government issue.

The Hon. Dr B. P. V. Pezzutti: It comes under the Premier's Department and the Office of Natural Resources.

The Hon. E. M. OBEID: The Carr Government recognises that acid sulphate soil is an issue of State significance. Some 26 hot spots have been identified. This \$3.4 million project will cover the seven hot spots I have named; the 19 other hot spots will be looked at after we find a proper solution. The Hon. Dr B. P. V. Pezzutti is keenly interested in this issue. I have accepted representations when he has been able to locate expertise—

The Hon. Dr B. P. V. Pezzutti: But you didn't talk to the guy.

The Hon. E. M. OBEID: But Fisheries will. The Government recognises acid sulphate as a significant issue for the State, affecting much agricultural land, waterways, and fisheries resources in those waterways and even tourism—the bridges we build out of concrete. We must address this issue. I thank the Hon. J. S. Tingle for his important role in bringing delegations from the Hastings to look at this issue and to make it one of such State significance. As we develop solutions for overcoming the acid sulphate problem throughout the State, I will be happy to inform the House about them.

MINERALS AND PETROLEUM EXPLORATION

The Hon. J. R. JOHNSON: My question without notice is directed to the Minister for Mineral Resources. What recent success has the Government had in attracting international companies to explore mineral deposits in New South Wales?

The Hon. E. M. OBEID: The New South Wales Government is confident that the \$30 million Exploration New South Wales initiative will continue to build on the success of the Discovery 2000 program. While over the past three years in Australia exploration for minerals and petroleum has declined, our proportion of world mineral exploration expenditure has remained stable. Last September the Australian Bureau of Statistics [ABS] released details about mineral exploration expenditure in Australia for the June 2000 quarter. It shows that mineral exploration expenditure across Australia had increased to more than \$182 million for that quarter and was the first recorded growth in expenditure, in seasonally adjusted terms, for three years.

According to the ABS, New South Wales maintained its share of Australian mineral exploration expenditure at about 8 per cent for the quarter. Some \$14.6 million was spent on mineral exploration in New South Wales. These figures reflect the Government's continued commitment to supporting exploration in this State. In 1999-2000, the Government spent \$5.1 million to encourage mineral and petroleum exploration in New South Wales. In particular, Canadian mining and petroleum companies are continuing to show interest in exploration and investment in New South Wales.

During the past 12 months the Department of Mineral Resources has met with senior executives from companies such as Inco Ltd, Inmet Mining Corporation and Noranda. Each of these companies is in the top 10 of Canadian mining companies. Other companies new to New South Wales include Billiton and Phelps Dodge. Inmet, Inco, Phelps Dodge and Billiton have entered into joint ventures to fund exploration by Australian companies in New South Wales. They are exploring areas around Broken Hill, in the Central West, the New England region and the Goulburn area.

Petroleum exploration has also grown as a result of Government support, with unprecedented levels of activity in New South Wales. The number of petroleum exploration titles has risen from just 11 in 1993 to 30 this year. North American companies, which have been attracted to New South Wales to search for petroleum, include Forcenergy, Suncor, Firstsource Energy and Go Resources. New South Wales has benefited from actively promoting the State's minerals and petroleum resources to overseas and local companies. The Carr Government is committed to supporting exploration for minerals and petroleum, and encouraging the development of these resources for the benefit of our community and regional New South Wales in particular.

MULTICULTURAL MARKETING AWARDS

The Hon. Dr P. WONG: My question without notice is directed to the Treasurer, representing the Premier, and Minister for Citizenship. My question relates to the multicultural marketing awards, a public competition funded by the Ethnic Affairs Commission of New South Wales, at which the Premier officiates every year. In 1999 did an Ethnic Affairs Commissioner take an overseas trip as a prize in the multicultural marketing awards? In 1997 did another Ethnic Affairs Commissioner accept a multicultural marketing award on behalf of an advertising company for whom that commissioner worked? Is it true that both of these matters are now being investigated by the Independent Commission Against Corruption? What steps does the Government intend to take to restore public confidence in the multicultural marketing awards and to ensure that the deliberations of the Ethnic Affairs Commission, now known as the Community Relations Commission, are free from conflicts of interest?

The Hon. M. R. EGAN: Madam President—

The Hon. Dr B. P. V. Pezzutti: You don't know.

The Hon. M. R. EGAN: I probably know more than you think I know.

The Hon. Dr B. P. V. Pezzutti: About the multicultural awards?

The Hon. M. R. EGAN: Yes.

The Hon. Dr B. P. V. Pezzutti: Who won last year?

The Hon. M. R. EGAN: I have no idea.

The Hon. Dr B. P. V. Pezzutti: It was a drug company. Which drug company?

The Hon. M. R. EGAN: I have no idea.

The Hon. Dr B. P. V. Pezzutti: The one that makes a product to make your hair grow.

The Hon. M. R. EGAN: Would you like to answer the question?

The Hon. Dr B. P. V. Pezzutti: I don't have an answer to that question. It's a very difficult question.

The Hon. P. T. Primrose: He can run 5,000 metres.

The Hon. M. R. EGAN: I think that is probably why his brain sometimes gets jumbled.

The Hon. Dr B. P. V. Pezzutti: That is a very serious allegation.

The Hon. M. R. EGAN: What is—that your brain gets jumbled?

The Hon. Dr B. P. V. Pezzutti: No, the Hon. Dr P. Wong's question.

The Hon. M. R. EGAN: I will refer the question to the Premier. I do know that the Premier is attending the multicultural marketing awards this year because, only a moment ago, I had to decline an invitation to attend. I saw on the invitation that the Premier was attending. Other than that, I do not know anything about the multicultural marketing awards. I do not know who sponsors them. However, I will certainly refer the question to the Premier and obtain a response.

CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION INDUSTRIAL CAMPAIGN

The Hon. D. F. MOPPETT: My question is addressed to the Special Minister for State, and Minister for Industrial Relations. Is the Minister aware of plans by the Construction, Forestry, Mining and Energy Union [CFMEU] to launch a campaign over the coming summer months targeting in particular Government construction projects, in support of a training levy, higher site allowances and an induction training course run by the Construction Industry Training Advisory Board? Does the Minister support this campaign? If he does not endorse the campaign, what action will he and his Government take to ensure that there is industrial harmony over the coming summer?

The Hon. J. J. DELLA BOSCA: Industrial organisations in the New South Wales construction industry have raised concerns about skills shortages, the rate of apprenticeship commencements and completions, front-line management skills and other training deficits which affect the quality, efficiency and costs associated with construction in New South Wales. Industry parties have suggested the establishment of a levy-funded construction industry training scheme in New South Wales. The New South Wales Government has implemented initiatives such as the payroll tax and workers compensation concessions for apprentices and has facilitated the growth of group training companies, which are providing a practical approach to industry concerns.

The Government is considering proposals for a feasibility study of a levy-funded training scheme. If such a study is to be undertaken, it must evaluate the progress of the five existing State-Territory levy-funded construction industry training schemes, and assess the economic impact and cost benefit of such funding of the construction industry to the New South Wales economy.

The Hon. D. J. Gay: This is not the question we've got; this is the one you wanted.

The Hon. J. J. DELLA BOSCA: It is exactly the question I was asked. I am not aware of the detail of the proposed campaign—

The Hon. M. J. Gallacher: You could have said that without the diatribe.

The Hon. J. J. DELLA BOSCA: This is very important, because the question the Hon. D. F. Moppett asked relates to these issues. The honourable member asked me about the response of the CFMEU to various concerns and proposed industrial action. The brief answer to his question is that I was aware, in very general terms, that the union had been contemplating such a campaign, and obviously I will make myself available for discussions with the CFMEU and any other unions that wish to discuss this matter. I would hope and expect that this matter could be dealt with without industrial disputation.

INFORMATION AND COMMUNICATIONS TECHNOLOGY INDUSTRY

The Hon. AMANDA FAZIO: My question without notice is to the Treasurer, and Minister for State Development. Will the Minister update the House on initiatives designed to address the growing shortage of trained information and communications technology [ICT] staff?

The Hon. M. R. EGAN: Earlier this month the Government outlined plans to address one of the most significant problems in the information and communications industries: a growing shortage of skilled staff. The industry has estimated that by 2004 there will be around—

The Hon. M. J. Gallacher: The cigarettes are really knocking you around.

The Hon. Dr B. P. V. Pezzutti: It sounds like TB to me.

The Hon. M. R. EGAN: No wonder you are not still working in medicine—

The Hon. Janelle Saffin: He is still in medicine.

The Hon. M. R. EGAN: You mean the Hon. Dr B. P. V. Pezzutti is moonlighting, too? I know that the Hon. Dr A. Chesterfield-Evans is moonlighting, because he told the House he was. I hope the Hon. Dr P. Wong is not another moonlighter.

The Hon. Dr B. P. V. Pezzutti: In the interests of the community, you should have a chest X-ray. It could be cancer, TB, or anything.

The Hon. M. R. EGAN: That is just wishful thinking on your part. I can assure the House that I will be here, fit and healthy, until 2016, or perhaps 2020 if we win the bid for the 2020 Games. What is more, I will have a long and healthy retirement after that.

The Hon. Patricia Forsythe: Retirement seems to be on your mind a lot.

The Hon. M. R. EGAN: It is. I am a long-term planner. And I can tell you the countries and the places around the world that I intend to visit between 2016 and 2046.

The Hon. Dr B. P. V. Pezzutti: You'll be too old to enjoy it.

The Hon. M. R. EGAN: Too old? I am but a young pup. In days gone by, people did not even contemplate coming into Parliament until they were a good five or six years older than I am now. Next February, that is in three months time, it will be 30 years since I first ran for a seat in this Parliament. The election in February 1971 was my debut as the Australian Labor Party candidate for Cronulla. In fact, I remember sitting in front of the television as the results were coming in that night, and Malcolm Mackerras declared that Labor had won only two seats in the election, that is, Wollongong and Cronulla.

Whilst by that stage of the evening I was aware that I had scored a 13.5 per cent swing, I also knew that I would just miss out on winning the seat of Cronulla. From that point on I always took Malcolm Mackerras' predictions with a grain of salt. I must admit that when I was watching the returns from the United States of America presidential elections I thought a number of them were doing a Malcolm Mackerras by declaring a result either before the final results were in or before reliable information had been received from the people who usually know—that is, Labor Party scrutineers.

The Hon. D. F. Moppett: Harry Truman was the classic.

The Hon. M. R. EGAN: Harry Truman was the classic. As I have said, next February it will be 30 years since I first ran for Parliament. What is more, there is not a member of either House of this Parliament who ran for Parliament before I did.

The Hon. J. H. Jobling: No; you are wrong. When did you run?

The Hon. M. R. EGAN: I ran first in 1971.

The Hon. D. F. Moppett: I ran for the seat of Castlereagh in 1965.

The Hon. M. R. EGAN: I apologise. The Hon. D. F. Moppett has mucked up my day, because I thought I had that distinction. If anyone is to take it from me, I am glad it is the Hon. D. F. Moppett. Nevertheless, I am devastated.

Let me get back to the very important question asked by the Hon. Amanda Fazio. As I said, earlier this month the Government outlined plans to address one of the most significant problems in the information and communications industries: a growing shortage of skilled staff. The industry has estimated that by 2004 there will be about 180,000 vacant ICT jobs across Australia. For members who have not caught up with the new acronyms, essentially ICT means the same as IT and T used to mean. I do not know why we are now calling it ICT.

With almost half of Australia's information technology industries based in Sydney, this is a particularly important issue for New South Wales. To address this growing problem a new peak industry consultative group will work with the Government to design an ICT skills action plan for New South Wales. The group includes industry leaders such as IBM, Cisco and Compaq, as well as educators from universities, the Department of Education and Training and TAFE. The group will develop plans to address the recommendations arising from the Premier's Information and Communication Technologies Skills Forum held in Wollongong last August. The group will meet over the coming weeks to identify new initiatives and suggestions so that New South Wales can continue to take advantage of booming new ICT industries. The New South Wales Government is already doing a lot to improve ICT skills in New South Wales.

Some examples of this Government's commitment to developing a thriving ICT industry include investing some \$260 million on new computers in schools; \$25 million to train 25,000 teachers to use technology in the classroom; \$9 million to connect rural, regional and metropolitan libraries to the Internet; and \$15 million on community technology centres across regional New South Wales. The information and communications industry is, as I think all honourable members are aware, one of the most dynamic industries in New South Wales and Australia. Its growth and strength is a clear demonstration of Australia's position at the forefront of the world's new economies.

LEGAL AID FUNDING

The Hon. P. J. BREEN: My question without notice is addressed to the Treasurer, representing the Attorney General. Is the Attorney aware of a report in today's *Sydney Morning Herald* to the effect that the Council of Social Service has found that two-thirds of community workers do not bother to refer clients for legal aid because no funds are available? Is it a fact that these same community workers believe that the associated costs of litigation are too much for many people who would otherwise be entitled to prosecute legal claims? What plans does the Attorney General have to allow people of limited means access to the justice system in New South Wales in order to pursue their legal rights?

The Hon. M. R. EGAN: I will refer the question to my colleague the Attorney General and obtain a response as soon as I can.

CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION CORRUPTION ALLEGATIONS

The Hon. C. J. S. LYNN: In directing a question without notice to the Minister for Industrial Relations, I refer to the public allegations that major corruption has been uncovered in the New South Wales branch of the Construction, Forestry, Mining and Energy Union [CFMEU]. I ask: Is he aware of a statement

from the State secretary of the CFMEU that "a number of matters have been referred to police", including a payment of \$25,000 alleged to have been made to the CFMEU's picnic fund to avert a mass stop-work meeting? Is he also aware that although hundreds of thousands of dollars are alleged to have been paid to a senior union official, the company that made the payment regarded such a payment as small compared with what it would have lost if it were to experience continuing trivial industrial disputes that stopped work for days on end while they were negotiating an enterprise bargaining agreement? In view of these serious allegations, will he support the re-establishment of the building industry task force which his Government shut down after coming to power in 1995?

The Hon. M. R. EGAN: I will answer this question on behalf of the Government. I am staggered that the Hon. C. J. S. Lynn would ask any question today because I thought his behaviour last week was absolutely despicable. Last week the Hon. C. J. S. Lynn apparently emailed all his colleagues advising them—

The Hon. D. J. Gay: Point of order: The Minister has taken over the answering of the question, and it now appears that that was a prepared ploy to launch an attack on the Hon. C. J. S. Lynn. My point of order is—

The Hon. P. T. Primrose: It is your question.

The Hon. D. J. Gay: The honourable member can have a chance if he wants one. He should just wait.

The Hon. P. T. Primrose: He did not email us; he emailed you. What are you carrying on about?

The Hon. D. J. Gay: The honourable member should wait a moment.

The Hon. Jan Burnswoods: You must be really worried about this.

The Hon. D. J. Gay: Go and find a house to haunt! Madam President, it is quite obvious from your former rulings that if the Treasurer wishes to launch an attack on the Hon. C. J. S. Lynn he has to do that by way of a substantive motion. Madam President, you have ruled on this issue on numerous occasions.

The PRESIDENT: Order! I would certainly rule that any member wishing to make imputations against or reflections on another member should do so by way of substantive motion. I ask the Leader of the House to be more precise in his language.

The Hon. M. R. EGAN: Last week the Hon. C. J. S. Lynn emailed his colleagues—apparently all his Liberal colleagues but certainly the honourable member for Davidson, Andrew Humpherson; the honourable member for Epping, Andrew Tink; and the Deputy Leader of the Opposition, Barry O'Farrell—advising them that their mobile phone has a free radar detector. The email stated:

Your Nokia mobile phone can be programmed to pick up radar speed traps.

When programmed your mobile phone picks up the radar and alerts you on the "Message Alert" tone.

The message then sets out eight steps that people should follow and informs them that within a few seconds their phone will display a radar sign with five zeros next to it, which means that it is now activated. Madam President, I find that incredible. For the life of me, I cannot understand why anyone would want to install a speed radar detector unless that person wanted to speed without detection. That is simply putting people's lives at risk. It is contemptible cheating, and it is cheating that puts lives at risk.

The Hon. J. F. Ryan: Point of order: Madam President, in your recent ruling on a point of order, you asked the Minister to be precise in what he said.

The Hon. M. R. EGAN: I was being very precise.

The Hon. J. F. Ryan: He is now making imputations.

The Hon. D. J. Gay: He is certainly not answering the question that was asked of someone else.

The Hon. J. F. Ryan: He is not answering the question. Initially he was quoting a piece of correspondence and we may have been able to accept that, but he is basically giving an opinion and that is clearly an imputation. If he wants to take this further, according to your ruling, he is obliged to move a substantive motion.

The PRESIDENT: Order! I ruled previously specifically in relation to the objection taken to the use of the word "despicable". I do not find that discussion on the rule of law is in any way out of order. The Leader of the House may proceed.

The Hon. M. R. EGAN: I do not want to make imputations against any member. I am quite happy for the House and for members of the public to draw their own inferences and their own conclusions. But, to me, it is contemptible cheating. It is cheating that risks lives. To me, installing speed radar detection devices is no different from buying stolen goods and it is appalling that any member of Parliament would ever contemplate that.

[Interruption]

The PRESIDENT: Order! The Leader of the Opposition will come to order.

The Hon. Dr B. P. V. Pezzutti: Point of order: If the last two sentences were not imputations against the Hon. C. J. S. Lynn, I will eat my hat.

The Hon. M. R. EGAN: Madam President, to solve a lot of problems, I am quite happy to withdraw any imputation that may have been contained in the last few sentences. I am quite happy for honourable members to draw their own conclusions.

The Hon. D. J. Gay: Can we have the question answered by the Minister for Industrial Relations?

The PRESIDENT: Order! I remind honourable members that the Leader of the Government may answer questions asked of other Ministers, and he has done just that.

The Hon. M. J. Gallacher: You answer the question about the CFMEU.

The Hon. M. R. EGAN: Last week after a question had been asked of me, I read an article on the front page of the *Sydney Morning Herald* which reported that officials of the CFMEU had made allegations of criminal activity against members of the building industry and that those matters, at least from my reading of the newspaper article, had been referred to the appropriate authorities. Whenever allegations of criminal activity are made, whether in the building industry or elsewhere, they should be referred to the Commissioner of Police. If behaviour of that type is occurring, it is a matter of concern for all of us.

The Hon. M. J. Gallacher: What have you done?

The Hon. M. R. EGAN: As I understand it from reading the newspaper, the matters have been referred to the police.

STEEL TANK AND PIPE MANUFACTURING COMPANY WORKERS ENTITLEMENTS

The Hon. P. T. PRIMROSE: My question without notice is directed to the Special Minister of State, and Minister for Industrial Relations. Will the Minister inform the House of the developments regarding the Steel Tank and Pipe manufacturing group?

The Hon. J. J. DELLA BOSCA: I thank the honourable member for his question. The company was placed in receivership on 3 November 2000. Approximately 60 workers at the Carrington factory at Newcastle are currently undertaking industrial action over concerns that their entitlements, which are estimated at \$3.6 million nationally, will be lost as a result of the company's failure. An offer that was put by the receivers to workers at Steel Tank and Pipe [STP] on Monday 20 November was rejected for the primary reason that it sought only to address the situation at Newcastle. The offer did not seek to include the protection of 90 employees whose entitlements are at risk in Sydney, Melbourne and Perth.

This failure by the receivers of Steel Tank and Pipe to offer a financial package that addresses the need for all employees, irrespective of the State in which they are located, provides further illustration of the need for a comprehensive national scheme to protect employees' entitlements. As I have indicated previously, the New South Wales Government has embarked on a five-point plan to ensure that a proper entitlement scheme is in place in 2001. Meanwhile, the New South Wales Government has taken the following steps to address the specific needs of employees at Steel Tank and Pipe.

The Hon. M. J. Gallacher: Did you get up there?

The Hon. J. J. DELLA BOSCA: No, I am meeting with them on Friday. The State Government task force, under the chairmanship of the Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development, Richard Face, will investigate the possibility of saving the business to provide ongoing employment for workers; make contact with the National Australia Bank and the receiver to discuss options to secure workers entitlements; and register concern and seek advice from the Australian Securities and Investments Commission regarding the Weeks family corporate arrangements. The task force includes representatives from the Premier's Department, the Department of Industrial Relations and the Australian Manufacturing Workers Union.

GRAINCO AUSTRALIA OPERATIONS

The Hon. Dr A. CHESTERFIELD-EVANS: My question is to the Special Minister of State, representing the Minister for Agriculture. Is the Minister aware that Grainco Australia, which has invested with the New South Wales Grains Board export monopoly rights for barley, canola and sorghum, announced on 8 November that of the 128 storage sites previously operated by the Grains Board only six will be retained by Grainco? Can the Minister ensure that Grainco will stand by the contracts that growers have signed with the Grains Board?

The Hon. J. J. DELLA BOSCA: I am not the portfolio Minister so I will not give the honourable member direct assurances. The Government is concerned about the general issue to which he has referred. The outline and handling of the various Grainco issues have preoccupied the Minister for Agriculture and a number of other Ministers for some time. The honourable member's question is sufficiently serious that it demands a fully considered answer by the Minister for Agriculture. I will undertake to get an answer for him as soon as possible.

NEW SOUTH WALES GRAINS BOARD LEVY

The Hon. R. H. COLLESS: My question is to the Treasurer. Will the Treasurer guarantee that the \$1.50 per tonne levy on buyers of grain from the New South Wales Grains Board will not be increased at all before the expiry of that levy in September 2005? Will the Treasurer also explain where the remainder of the money will come from to cover the burgeoning debt of the Grains Board? Will the Treasurer now rule out, once and for all, any liability to the farmers of this State for the debt of the Grains Board? If not, why not?

The Hon. M. R. EGAN: I will refer the question of the honourable member to my colleague the Minister for Agriculture, for a response as soon as possible.

AUSTRALIAN WORKPLACE AGREEMENTS

The Hon. I. W. WEST: My question without notice is directed to the Special Minister of State, and Minister for Industrial Relations. Can the Minister inform the House about a recent survey conducted on behalf of the Federal Government's Office of the Employment Advocate about Australian workplace agreements?

The Hon. D. J. Gay: You'd better let Egan do it!

The Hon. J. J. DELLA BOSCA: Why is that?

The Hon. M. J. Gallacher: You know what happens when you start talking about Federal issues.

The Hon. J. J. DELLA BOSCA: No I don't.

The Hon. M. J. Gallacher: Have you got a glass of red in your hand while you are doing this?

The Hon. J. J. DELLA BOSCA: No, I am almost a total abstainer, as the honourable member opposite knows.

The Hon. M. J. Gallacher: A recent convert.

The Hon. J. J. DELLA BOSCA: No, I am very cautious in these matters. The Leader of the Opposition can make stray allegations, but the honourable member should be careful about Federal issues,

because they are not something that he should deviate into. It is always of great interest to the industrial relations community when the Employment Advocate releases anything, given that Australian workplace agreements [AWAs] are made and approved in secret. Despite a claim that it is a survey about the outcomes of agreement making, this is a survey of the effectiveness of AWAs based solely on the response of employers. There was no accompanying survey of the view of employees covered by Australian workplace agreements.

Surely any genuine analysis of outcomes of Australian workplace agreements, or indeed any form of agreement, has to be on both sides of the agreement. Therefore, it would have to examine the outcomes on the people whose wages and conditions of employment are covered by such an agreement. A study released by the Federal Department of Employment, Workplace Relations and Small Business reported that of the Australian workplace agreements that were refused approval, 31 per cent were refused on the basis that there was no genuine consent by an employee to the Australian workplace agreements. That is a staggering result.

I note that the report recommends future research into employee experience of Australian workplace agreements. I hope that the Office of the Employment Advocate takes that recommendation seriously. I am pleased with some of the results of the survey because they are a rousing endorsement of the collective approach to industrial relations which is at the heart of the New South Wales Government's industrial relations policy. The report makes some crucial points about consultation. The report concludes, "Initial results would suggest that more collective participation mechanisms may yield greatly improved organisational outcomes". The survey found the highest productivity where representative structures were used for employee consultation. That is, unions, joint consultative committees, and elected non-union representatives resulted in the best outcomes for employees.

This is really a simple logic to those who operate in the New South Wales system, whether by way of a common rule award, an enterprise award or an enterprise agreement. The New South Wales system relies on genuine bargaining at industry and enterprise level, backed up by access to an independent umpire in the form of the New South Wales Industrial Relations Commission. By developing an effective consultative mechanism at the workplace, employers and employees can benefit from improved morale, achieve a more open and trusting environment, and deliver a better understanding of the needs of each other in the running of their businesses. As this report from the Office of the Employment Advocate demonstrates, it leads to better business productivity.

NORTHERN RIVERS AREA HEALTH SERVICE BUDGET

The Hon. I. COHEN: My question is to the Treasurer, representing the Minister for Health. Will the Minister inform the House of the figures associated with the allocation of the health services budget which detailed calculations of the impact of tourism on the Northern Rivers Area Health Service? Will the Minister table documents that identify the particular impact on funding allocation for Byron Bay, the calculations for future growth and impacts, and the tourist component of service requirements—given the Byron shire is considering a new hospital? Will the Minister release this information to ensure that a fully informed decision is made for this important tourist area?

The Hon. M. R. EGAN: I will refer the honourable member's question to my colleague the Minister for Health and obtain a detailed response as soon as I am able to do so.

HITECH GROUP AUSTRALIA LTD PREFERRED SUPPLIER STATUS

The Hon. Dr B. P. V. PEZZUTTI: My question is to the Special Minister of State. On what date did the Minister inform the Director-General of the Cabinet Office of his family company's involvement with Hitech Group Australia Ltd? Was that before or after the publication of the original *Sydney Morning Herald* article on 18 October on this subject?

The Hon. J. J. DELLA BOSCA: I have answered that question, and the general line of questioning pursued by the Hon. Dr B. P. V. Pezzutti, on a number of occasions. To the best of my recollection I have completely answered this question on previous occasions.

The Hon. D. J. Gay: Refresh our minds.

The Hon. J. J. DELLA BOSCA: I do not intend to refresh your minds. Check *Hansard*.

The Hon. Dr B. P. V. PEZZUTTI: I ask a supplementary question. I have read *Hansard* carefully and the Minister has not given the date he informed the director-general. Will the Minister supply the date?

The Hon. J. J. DELLA BOSCA: I refer the honourable member to my previous answer in *Hansard*. I am quite happy to confirm any of the dates about which he is unclear.

The Hon. M. J. Gallacher: No. Your answer was, "I can't recall."

The Hon. J. J. DELLA BOSCA: I still cannot recall. If the thrust of the honourable member's question is whether it was prior to any public reports about this matter, the answer is yes.

INDIGENOUS EXPORT FACILITATION PROJECT

The Hon. H. S. TSANG: My question is to the Treasurer, and Minister for State Development. What is the Government doing to assist Aboriginal businesses in New South Wales to compete on the European market?

The Hon. M. R. EGAN: I am pleased to advise the House that approximately a fortnight ago the Minister for Small Business, the Hon. Sandra Nori, launched the Government's indigenous export facilitation project. The project will help Aboriginal businesses in New South Wales to develop the skills they need to become export capable, ready and active. As part of the project more than 50 Aboriginal enterprises are expected to take part in export advisory workshops and export activities.

They will be run by the Department of State and Regional Development in partnership with Australian Business Ltd. The strategy will also involve promoting Aboriginal businesses at the Fifth International Exhibition of Handicrafts in Milan next month, where more than 25 Aboriginal businesses will display a wide range of indigenous arts and crafts. This exhibition comes at an ideal time, with Olympic-generated interest in all things Australian. With more than 1.5 million visitors expected through the Milan exhibition, it provides the ideal platform to launch Aboriginal enterprises on the European market.

Australian Business Ltd project manager Graham Ferguson said building exports through the indigenous exports project was the most effective way of creating long-term sustainable jobs. He said many of the jobs created through the project will flow back to indigenous communities in regional areas where they are most needed. This project is the natural flow-on from the Government's Aboriginal Business Link program. The Aboriginal Business Link program provides hands-on practical business training for indigenous businesses. It has had, I am pleased to say, huge success. There is now a network of around 300 Aboriginal businesses throughout New South Wales that have been involved with that program. The next step is for those businesses to become exporters. With the help of this new program, that will now be a little easier.

CORPORAL DISCIPLINE IN SCHOOLS

The Hon. A. G. CORBETT: I ask a question of the Special Minister of State, representing the Minister for Education and Training. Is it a fact, as reported in today's *Sydney Morning Herald* letters page, that the Sutherland Shire Christian School at Barden Ridge is still using pieces of wood—such as the cane and paddle—and the hand to punish children? Does the Minister accept that the selective interpretation of some Old Testament biblical references is sufficient justification to disobey the law? What will the Minister do to ensure that the law with regard to school discipline policies not permitting corporal punishment in any non-government school is upheld and enforced?

The Hon. J. J. DELLA BOSCA: I think that question calls for an extensive knowledge of theology.

The Hon. M. R. Egan: You're not as qualified as I am in that regard.

The Hon. J. J. DELLA BOSCA: I think I am better qualified than you are.

The Hon. M. R. Egan: I do not think you are. You were educated by the de la Salle Brothers, and, if you want proper theological training, if you don't get it from the Christian Brothers in this country, I am not sure whom you would get it from.

The Hon. J. J. DELLA BOSCA: I acknowledge that as an interjection, but—

The Hon. M. R. Egan: With apologies to Reverend the Hon. F. J. Nile, who I do not think is theologically sound anyway!

The Hon. J. J. DELLA BOSCA: Oh dear! I think I will leave the theological argument aside and say that—

The Hon. M. R. Egan: Just refer that to me.

The Hon. J. J. DELLA BOSCA: No, I don't think I will do that. The honourable member's question dealt with corporal punishment at a Christian school at Barden Ridge. It is quite a specific question that is obviously important to the honourable member, and I will get an answer from the Minister for Education and Training as soon as possible and provide it to the honourable member.

The Hon. M. R. EGAN: As the time for questions has now well and truly expired, if anyone else has any questions—and I cannot imagine they would—they might like to place them on notice.

Questions without notice concluded.

FISHERIES MANAGEMENT AND ENVIRONMENTAL ASSESSMENT LEGISLATION AMENDMENT BILL

In Committee

Consideration resumed from an earlier hour.

Schedule 1

The Hon. Dr B. P. V. PEZZUTTI [5.04 p.m.]: I now have a copy of the report to which I referred earlier. Recommendation 18 states:

The Office of Natural Resources and Policy review, as a priority, all natural resource legislation relating to integrated land and water management and development in the coastal zone.

The recommendation then lists a whole host of performance measures that should be reviewed. That review obviously would be by the Premier's Department. The recommendations were signed off by the Minister for Fisheries and by the Chairman of Committees when he was Chair of the Standing Committee on State Development. Recommendation 31 states:

NSW aquatic resources, including fish and fish habitat, be assessed as part of the continuing work of RACAC so as to provide an accurate, current and ongoing assessment statement of the state of NSW fisheries.

The Minister is saying that the Premier has no part in this. This is entirely within the operation of the Premier's Department; the Office of Natural Resources and Policy falls entirely within the Premier's Department. Recommendation 32 is:

That the Fisheries Management Act 1994 be amended to provide for the provision of adjustment assistance and/or the payment of compensation to commercial fishers who either are excluded from their fishery as a result of a resource allocation decision (eg marine park) or wish to surrender their endorsement. Specific compensation and structural adjustment packages should be determined by RACAC.

Those recommendations are signed off by the Minister and the Chair of Country Labor. Yet those persons now turned their backs on a determination by RACAC. Further, recommendation 33 is:

That a Fishing Industry Structural Adjustment Unit of NSW Fisheries be established to determine, in consultation with RACAC and affected stakeholders, individual structural adjustment packages. The Government must ensure that this Unit is adequately funded.

The amendment moved by the Hon. Jennifer Gardiner is in accordance with the wishes of a large number of people in New South Wales. Some members on the Government side of this Chamber, including the Hon. I. M. Macdonald, the Hon. A. B. Kelly, and the Minister himself, signed off on that recommendation, which was made by a committee of this Parliament. As far as I am aware, a response to this report has not yet been made. I certainly am not aware of any response by the Government to the effect that the Government will not act upon it. If there has been a response, perhaps the Chairman might follow up that matter with a view to announcing the response. All I can say is that the amendment of the Hon. Jennifer Gardiner is totally consistent with that recommendation.

The Hon. JENNIFER GARDINER [5.08 p.m.]: I want to note that during the debate the Minister had to correct himself on the advisory council's support for the bill. The Minister had to admit that in fact the

advisory council did not sign off on the bill. Indeed, it was one of those classic events that seem to keep happening in the fisheries debate, in that at the very time the advisory council was having a meeting to discuss the content of the bill—which was in the afterglow of the closing ceremony of the Olympic Games—someone interrupted the discussion to say, "By the way, the Minister has just announced that he is going ahead with this bill." So that discussion was completely sidelined by the Government's timetable. It is good that the Minister returned to the Chamber to make that clear.

Reverend the Hon. F. J. Nile spoke on the suggestion that the idea of the amendment was to take decisions on the fisheries department away from the fisheries Minister. I have already explained that that is not what the amendment is about. The environmental assessment process occurs to one side, and then the whole determination of matters that flow from it come back to the fisheries Minister for determination. So, once again, I commend the amendment to the Committee.

Question—That the amendment be agreed to—put.

The Committee divided.

Ayes, 17

Mr Breen	Mr Harwin	Mr Samios
Dr Chesterfield-Evans	Mr R. S. L. Jones	
Mr Cohen	Mr Lynn	
Mr Colless	Mr Pearce	
Mrs Forsythe	Dr Pezzutti	<i>Tellers,</i>
Miss Gardiner	Ms Rhiannon	Mr Jobling
Mr Gay	Mr Ryan	Mr Moppett

Noes, 22

Dr Burgmann	Mr M. I. Jones	Mr Tingle
Ms Burnswoods	Mr Macdonald	Mr Tsang
Mr Corbett	Mrs Nile	Mr West
Mr Della Bosca	Revd Nile	Dr Wong
Mr Egan	Mr Obeid	
Ms Fazio	Mr Oldfield	<i>Tellers,</i>
Mr Hatzistergos	Ms Saffin	Mr Dyer
Mr Johnson	Mrs Sham-Ho	Mr Primrose

Pair

Mr Gallacher	Ms Tebbutt
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Question resolved in the negative.

Amendment negated.

The Hon. JENNIFER GARDINER [5.17 p.m.]: I move Opposition amendment No. 3:

No. 3 Page 4, schedule 1 [1] (proposed clause 115G), lines 11-18. Omit all words on those lines.

The Minister's bill inserts on page 4 the definition of "a proponent of a fishing activity" in the following terms:

proponent of a fishing activity means:

- (a) in the case of a share management fishery—the holders of shares in the fishery or, if shares have not yet been issued on a provisional or permanent basis, the persons who are entitled to be allocated shares in the fishery or,
- (b) in the case of any other fishery—the fishers or other persons who carry out, or propose to carry out, the fishing activity.

By inserting this definition the Government will be creating the fiction that fishers themselves are the proponents of such an activity. But fishers do not produce the strategy that governs where, how and what

quantity of fish are taken. As I said earlier, that is done ultimately by the Minister for Fisheries. As well, the fisheries department gathers revenue from the fishing activity and so it has a vested interest in the outcome. The Opposition believes that these words are best left out of the bill. The Minister is, in fact, the proponent. The effect of leaving out the words are important to the fishing industry because if there are any legal challenges the Minister will be the one who is challenged. Individual fishers will not have to bear the burden of such action. I commend the amendment to the Committee.

The Hon. I. COHEN [5.18 p.m.]: The Greens strongly support this amendment, which will overcome the problems referred to earlier by the Hon. Jennifer Gardiner relating to the environmental impact statement [EIS]. At present that process is not independent. The agency responsible for assessing the quantity of fish taken is responsible also for the EIS. That degree of independence is important. Having regard to the history of this industry, the Greens support Opposition amendment No. 3.

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [5.19 p.m.]: The Government does not support this amendment, which will remove the clear description in my bill of the proponents of fishing activities. I do not undertake the commercial harvesting of fish stock, nor does my department, New South Wales Fisheries. Therefore I am not the proponent of any fishing activities other than fish stocking carried out by my department and beach safety shark meshing. The bill also proposes a new section 115O, which will enable the Minister for Urban Affairs and Planning to declare me a proponent even when I do not carry out the activity concerned.

Where I am the proponent, the Minister for Urban Affairs and Planning is the final determining authority. In a Land and Environment Court decision, Justice Talbot made it clear that the Minister for Fisheries is the "determining authority" for fishing, and the bill reflects this. It is a continual argument by the same groups who want to take the authority off the Minister and the department, and get rid of the department and hand responsibility to the private sector. They want to implicate the department as being a proponent. We do not harvest the resource. We regulate and we enforce compliance. The main thrust of our presence is to make sure that the resource is sustainably harvested by the stakeholders. So, the Government does not support this amendment.

Amendment negatived.

The Hon. JENNIFER GARDINER [5.20 p.m.]: I move Opposition amendment No. 4:

No. 4 Page 4, schedule 1 [1]. Insert after line 18:

115H Principles guiding administration of Division

The administration of this Division is to be guided by the following principles:

- (a) the principles of ecologically sustainable development (as described in section 6 (2) of the *Protection of the Environment Administration Act 1991*),
- (b) public participation,
- (c) independent and thorough environmental impact assessment.

It is fairly straightforward that these principles should guide the operation of the administration of this division. I note that the Hon. A. G. Corbett has suggested that the words be tightened up in some minor ways, and I will be happy to accept the amendment he proposed to that effect. The principles of ecologically sustainable development, public participation and the concept that we have been talking about so much in this debate, independent and thorough environmental impact assessments, are vital. I commend the amendment.

The Hon. I. COHEN [5.21 p.m.]: This amendment is worthy of support. It concerns issues of importance to the Greens, and I commend the Opposition for making representations on issues like ecologically sustainable development, as described in section 6 (2) of the Protection of the Environment Administration Act, public participation and an independent and thorough environmental impact assessment. These are all issues the Greens believe to be appropriate as part of a transparent and ecologically sustainable process to deal with issues such as fisheries.

The Hon. Dr A. CHESTERFIELD-EVANS [5.22 p.m.]: The Australian Democrats support this amendment very strongly. It is almost a motherhood statement: about the principles of ecologically sustainable development, public participation and an independent and thorough environmental impact assessment. Jeff

Angel of the Total Environment Centre, Kathy Ridge of the Nature Conservation Council, Robert Smith of the New South Wales Fishing Clubs' Association, John Roach of the New South Wales Seafood Industry Council, Duncan Leadbitter of Oceanwatch, Graham Turk of the Sydney Fish Market, Graeme Byrnes and Graeme Hillyard of ProFish and Russell Kennedy of the New South Wales Charter Boat Operators Association issued a joint statement on 9 June saying:

There is broad agreement amongst the environmental, commercial and recreational fishing sectors that legislation should be enacted and policy decisions made in the current parliamentary session to set the basis for a whole of government approach to environmental assessment, sustainable management of NSW's fish resources, conservation of habitat and implementation of industry restructuring programs.

One of their objectives was an:

Independent and robust assessment of fisheries, via a RACAC model, with a key determining role for the Minister for Planning and estuarine/coasts (at a State-wide level over 12 months to mid 2001) assessed first.

They agreed that:

All stakeholders recognise the need to provide some funding from their sectors ... for environmental assessment and active commercial licence restructuring.

They finished:

A restructuring fund should be managed by statutory committee comprised of representatives of recreational and commercial fishing sectors, environmental groups with an independent chair. Further it is acknowledged that management planning will initiate internal commercial industry restructuring.

There is a philosophical framework based on the guiding principles of ecologically sustainable development, public participation and an independent and thorough environmental impact assessment. That is exactly what is in this amendment. I hope the Minister accepts this. I could not really understand it if he does not. I urge Parliament to support it.

The Hon. A. G. CORBETT [5.25 p.m.]: I move my amendment No. 2 which is an amendment to the Opposition amendment now before the Committee.

No. 2 Opposition amendment No. 4, proposed section 115H (b) and (c). Omit the paragraphs. Insert instead:

- (b) public participation in accordance with this Division,
- (c) environmental impact assessment in accordance with this Division.

My amendment simply tightens up the Opposition's amendment so there is no possibility of a legal challenge to the principles of the Act. I do this by including the words "in accordance with this Division". The aim of my amendment is just to prevent potential misinterpretation.

The Hon. JENNIFER GARDINER [5.25 p.m.]: The Opposition is happy to accept those words.

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [5.25 p.m.]: The Government opposes the Opposition's amendment but we accept the amendment of the Hon. A. G. Corbett to the Opposition's amendment, if that amendment is accepted by the Opposition.

The Hon. JENNIFER GARDINER [5.26 p.m.]: Yes, I have just said I am happy to accept those words into our amendment.

The CHAIRMAN: Order! Will the Minister repeat what he is proposing?

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [5.26 p.m.]: The Government does not support the Opposition amendment standing alone, but if the Opposition accepts the amendment of the Hon. A. G. Corbett we will accept it. So we accept the amendment by the Hon. A. G. Corbett to the Opposition's amendment.

Amendment of amendment agreed to.

Amendment as amended agreed to.

The Hon. JENNIFER GARDINER [5.27 p.m.]: I thank the Committee for supporting that very important amendment. I now move Opposition amendment No. 5:

No. 5 Page 5, schedule 1 [1] (proposed section 115J). Insert after line 26:

- (4) An environmental impact statement is to include an assessment of the following where relevant:
 - (a) recreational and commercial take in the fishery concerned (including species, age distribution, season and quantities),
 - (b) harvesting methods (including impacts on ecosystems and threatened species),
 - (c) significant impacts of land use and pollution on waterway quality and fishery habitats and stock,
 - (d) alternative management approaches to fishing and land-based activities, including best practice and assessment of social and economic costs and benefits of the alternatives, to minimise the impacts on fishery habitats and stock,
 - (e) conservation areas to safeguard ecosystems and fish stocks,
 - (f) indigenous fishing rights.
- (5) An environmental impact statement in respect of a designated fishing activity must deal with the activities of both commercial and recreational fishers if they both participate in that activity or they both carry out fishing activities in the same location.

This is also a critical amendment that sets out, for those charged with the responsibility of implementing the bill, the scope of environmental assessments. The amendment will improve the efficiency of the environmental impact statement process by ensuring that where commercial fishing and recreational fishing occurs in the same area it is covered by the one EIS. This avoids having to have two environmental impact statements, two exhibition periods, two sets of public submissions and two government processes. It also recognises the connection of commercial fishing and recreational fishing when they occur at the same location, and the need to consider their combined impacts.

This straightforward amendment speaks for itself. It will aid the implementers of the legislation and ensure that all stakeholders note in advance what is the relevant scope for a particular environmental impact statement [EIS]. Importantly, it will give EISs the force of law, which will be important to stakeholders in terms of the force of the EISs as distinct from guidelines that might be issued by a department and that from time to time may be altered at somebody's whim. That is why it is important to include the elements in the bill itself.

The Hon. I. COHEN [5.30 p.m.]: The Greens strongly support this amendment, which will avoid separate assessments of recreational fishing and commercial fishing. The committee's inquiry showed that commercial fishing has been regulated at all stages. However, the commercial fishing sector recognises that there are problems and that regulation is needed. Often commercial fishing has been replaced by recreational fishing, which is essentially unregulated. It has been clearly established that both commercial fishing and recreational fishing have had, and are having, significant impacts, and it is important that they be assessed. Often, both commercial fishing and recreational fishing are impacting in one area. We have had much debate—and I am sure we will debate further amendments on this matter—about restricting commercial fishers in an area and allowing amateur or recreational fishers to take over an area.

One example that comes to mind is that of kingfish. Kingfish were being caught in a less than satisfactory manner, and this was impacting on people in the community. The commercial fisheries were accused, inappropriately, of cruel tactics and of fishing out a particular area, although they were regulated. I had pictures of boats stopped in a specific area on the South Coast. Fishing competitions with charter boats were having a massive impact on an area being fished by amateur or recreational fishers. In many cases the charter boats were being supported by boats of a commercial nature. It is important that we take a holistic approach to the fishing resource, that we look at the total impact of fishing and that there is consistency, as the Hon. Jennifer Gardiner said. Commercial fishers and recreational fishers have a right to fish, but it is important that that is sustainable and that both groups know where they stand in terms of the rules and regulations. Clearly, this amendment will be a significant step in the right direction if we are to maintain viable fish stocks. The Greens are pleased to support the Opposition's amendment.

The Hon. Dr A. CHESTERFIELD-EVANS [5.33 p.m.]: The Australian Democrats support this amendment. If we are to have an environmental impact statement, we should define what that means in absolutely practical terms. This is a comprehensive list and as such will give guidance as to how the assessment

is to be done. It is a good idea; what is necessary for the assessment should be defined, not put in a schedule or left to the imagination of whoever is doing the assessment. If the Legislature knows what it wants—and I think it does—and there is consensus between the groups that I enumerated in my speech on the previous amendment, it should be in the legislation. This amendment is a good statement of the situation, and I believe it should be supported.

The Hon. JENNIFER GARDINER [5.34 p.m.]: I simply make the point that the first line of the amendment states:

An environmental impact statement is to include an assessment of the following where relevant ...

It does not mean that other items an agency might think are desirable to be included will not be included. It simply sets down the guts of the assessment factors, but other matters can be taken into account as well. Honourable members may be interested in that point.

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [5.34 p.m.]: The Government does not support this amendment, which duplicates the requirements in my bill for the creation of the director-general's guidelines for environmental assessment. The draft guidelines have been developed by the Department of Urban Affairs and Urban Planning [DUAP] in consultation with stakeholders, and are far more comprehensive. The proposed amendment duplicates the guidelines already prepared by DUAP but is not as detailed. The amendment also requires assessments of commercial fishing and recreational fishing to be carried out at the same time. I acknowledge that recreational fishing issues need to be part of any assessment, and that will happen under the guidelines being prepared by DUAP.

However, the Government's priority is to assess commercial fisheries to meet Commonwealth legislative requirements and because these assessments are long overdue as result of the ineptitude of the previous Coalition Government. I repeat that the Government's bill clearly requires a separate and comprehensive environmental assessment of recreational fishing. For the first time in this country the Commonwealth and all States are undertaking over 12 months a national survey of recreational fishing habits throughout Australia. The survey is being carried out from New South Wales, so within approximately six months or so we will have statistics and facts on fishing habits, not figures from here, there and everywhere. We will use that survey as the basis of our recreational fishing environmental assessments.

The Government is committed to carrying out assessments. It did not have to include recreational fishing in environmental assessments. That is not what the Land and Environment Court required us to do, and it is not what part 5 of the Environmental Planning and Assessment Act requires us to do. The Government has included recreational fishing because it is concerned about the resource and the sustainability of it. Only last week the Hon. Jennifer Gardiner criticised the Government for putting the charter boat industry under regulation. The Government did that not only to protect operators in our waters who want to carry on the business of taking people fishing. At the same time, one important aspect is that charter boat operators will be obligated to give us details of their fishing activities so that we can factor that into the management plans.

Nearly 300 charter boats operate in our waters, but we do not have a record of how many fish they catch. That is one reason, other than the safety factors—that is, charter boat operators should have survey boats before they take people on board—that they are managed and regulated. Also, it will ensure that people from interstate do not come into New South Wales in a good season and take the clientele of charter boat operators. Most importantly, they will provide the fisheries agency with facts and figures about their catch. It is necessary to know the history of the commercial fishing catch, the recreational fishing catch and the catch of charter boats so that we can manage and sustain the resource for all the community, for those who like recreational fishing and commercial fishing and those who only enjoy eating fish. The Government is well aware of its obligations to carry out these environmental assessments. It has undertaken that it will carry out commercial environmental assessments to comply with Commonwealth legislative requirements, which are far behind. We will environmentally assess all the users of the natural fisheries resource.

Question—That the amended be agreed to—put.

The Committee divided.

Ayes, 17

Mr Breen
Dr Chesterfield-Evans
Mr Cohen
Mr Colless
Mrs Forsythe
Mr Gallacher
Miss Gardiner

Mr Gay
Mr Harwin
Mr R. S. L. Jones
Mr Lynn
Mr Pearce
Dr Pezzutti
Ms Rhiannon

Mr Ryan

Tellers,
Mr Jobling
Mr Moppett

Noes, 22

Dr Burgmann	Mr M. I. Jones	Mr Tingle
Ms Burnswoods	Mr Macdonald	Mr Tsang
Mr Corbett	Mrs Nile	Mr West
Mr Della Bosca	Reverend Nile	Dr Wong
Mr Egan	Mr Obeid	
Ms Fazio	Mr Oldfield	<i>Tellers,</i>
Mr Hatzistergos	Ms Saffin	Mr Dyer
Mr Johnson	Ms Sham-Ho	Mr Primrose

Pair

Mr Samios

Ms Tebbutt

Question resolved in the negative.**Amendment negatived.**

The Hon. JENNIFER GARDINER [5.46 p.m.], by leave: I move Opposition amendments Nos 6, 8, 9 and 11 in globo:

No. 6 Page 5, schedule 1 [1] (proposed section 115J), lines 31-34. Omit all words on those lines.

No. 8 Page 9, schedule 1 [1] (proposed section 115N). Insert after line 7:

- (2) The Fisheries Minister is to make a preliminary determination under this section before seeking approval under section 115O for the determination.

Note. Section 115O provides the Fisheries Minister cannot make a final determination under this section without the approval of the Minister administering this Act and that the final determination must accord with any conditions imposed by the Minister administering this Act in giving that approval.

No. 9 Page 10, schedule 1 [1] (proposed section 115N), lines 16-21. Omit all words on those lines.

No. 11 Page 11, schedule 1 [1] (proposed section 115O), line 11. Omit "to which this section applies".

Opposition Amendment No. 6 relates to proposed section 115 J, subsection (5), which provides that in making arrangements for the preparation of an environmental impact statement the fisheries may, under those arrangements, require the proponents of the designated fishing activity to provide information or carry out investigations for the statement and to contribute to the cost of the preparation of the statement. The Opposition seeks to delete that provision, which appears at lines 31 to 34 on page 5 of the bill. Consistent with the earlier comments I made about the fiction that fishers are the proponents, the subsection passes the buck literally to the fishers instead of the proponent, who is the Minister. The Opposition believes, therefore, that those lines should be deleted.

Amendment No. 8 seeks to add a subsection (2) to proposed section 115N. The amendment to schedule 1 insists that the fisheries Minister make a preliminary determination on the fishery activity under consideration, as recommended by the Minister's fishery strategy, and assist in the environmental impact statement. The planning Minister then provides his or her view, and this can then be integrated into the final determination by the fisheries Minister. Opposition amendment No. 9 proposes the deletion of lines 16 to 21 on page 10 of the bill. Those lines are:

If the approval of the Minister administering this Act is required under section 115O for a determination under this section, the Fisheries Minister is to make a preliminary determination before seeking approval under that section. A determination is not made under this section until a final determination is made in accordance with section 115O.

I urge all members to support the amendments.

The Hon. I. COHEN [5.49 p.m.]: As I said earlier, the Greens support these amendments. Together with the earlier amendment moved by the Hon. Jennifer Gardiner, they will overcome the problem of the environmental impact study [EIS] processes not being independent. These amendments clearly cover ministerial responsibility, and the Greens support that.

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [5.50 p.m.]: The Government opposes amendments Nos 6 to 15 inclusive—and I will state the reasons for that—but the

Government will support amendment No. 16, which should be gratifying to the Hon. Jennifer Gardiner. Amendment No. 6 removes any requirement for the fishing industry to provide information for, to contribute to the cost of, or to assist in the preparation of, an environmental impact statement. Essentially, that removes any responsibility from those who conduct fishing activity to co-operate with an environmental assessment and would make the assessment process ineffective.

I cannot understand how the fisheries agency, in a model prepared by the Department of Urban Affairs and Planning, can carry out environmental assessments with the thoroughness that is required by some of the Greens and the crossbenchers without the involvement and co-operation of commercial fishers. For that reason, the Government does not support amendment No. 6. As I said, the amendment does not oblige the industry to contribute information, to make a contribution to meeting the costs or to assist in the preparation of an environmental impact statement. As I said in response to an earlier amendment proposal, in relation to Amendment No. 7 I am not opposed to a Resource and Conservation Assessment Council [RACAC] type of body and I have already agreed to create one.

It is the role of the Government to assess and regulate those in the community who benefit directly from harvesting a resource—that should be done in consultation with the relevant sectors—but it should not be the role of the stakeholders to make management decisions about a community-owned resource. Effectively, amendment No. 7 is asking the Government and the Minister to abrogate authority when they regulate on behalf of the whole community. The effect of the amendment is to hand over the resource to those who are harvesting it to let them regulate it. That is not the role of stakeholders.

The role of stakeholders is to work with the government of the day and the Minister to do what is in the best interests of the community-owned resource. I will deal with amendments Nos 8, 9, 10 and 11 in globo. They relate to the Hon. Jennifer Gardiner's previous amendments concerning who is the proponent of fishing activity. I have already outlined the reason for the Government's opposition to those amendments. However, I again point out that the bill applies the current part 5 of the Environmental Planning Assessment Act to fishers, with additional safeguards. The bill is consistent with a decision of the Land and Environment Court. I have already explained the position about whether or not New South Wales Fisheries is a proponent. New South Wales Fisheries is not a proponent. Therefore, I do not accept the amendments.

I foreshadow that the provision in amendment No. 12 requires me, as Minister for Fisheries, to determine whether or not a change in regulatory controls will have a significant environmental impact. This is consistent with section 11 of the Environmental Planning and Assessment Act. The whole point of the decision by the Land and Environment Court was that the issue of fishing licences needed to be assessed under the Environmental Planning and Assessment Act and that I am, as Minister for Fisheries, the relevant determining authority. The amendment is a return to the proposition that I should not be the determining authority. The Government's view is that I am the determining authority, as the Land and Environment Court has decided. I foreshadow that the Government will not support amendment No. 13 for the same reasons as were explained by me for not supporting the Hon. Jennifer Gardiner's previous amendments relating to this issue.

The Hon. I. COHEN [5.53 p.m.]: My comments are in response to what the Minister has said. In my view the amendments are key amendments that will create an independent environmental impact study [EIS] process. They allow the Minister for Fisheries to make a preliminary determination on the fishery activity as recommended by the fisheries strategy for assessing the EIS. The Minister for Urban Affairs and Planning provides his view, which is integrated into the final determination by the Minister for Fisheries. I do not think the role of the Minister for Urban Affairs and Planning detracts from the role of the Minister for Fisheries. The Government's bill creates the fiction that it is the actual fishers who are the proponents of the activity, yet does not produce a strategy that governs where fish are taken and in what quantity. That is done by the Minister for Fisheries. The Department of Fisheries also receives revenue from the fishing activity so it has a vested interest in the outcome and cannot, through the Minister, be the sole judge and jury of the fishing proposal.

The Minister also referred to the State Forests issue. As far as I am concerned, part of the problem that has existed for a long period is that often State Forests is not the best arbiter to make decisions on conservation values because historically it has been very closely associated with the forestry industry. Similarly, I think a separation of interests is required in relation to this bill.

Amendments negatived.

The Hon. JENNIFER GARDINER [5.55 p.m.]: I move Opposition amendment No. 12:

No. 12 Page 11, schedule 1 [1] (proposed section 115P), line 28. Omit “, in the opinion of the Fisheries Minister,”.

The Opposition believes that the words "in the opinion of the Fisheries Minister" should be deleted. The Government wants the subsection to read, under "Re-assessment of designated fishing activity":

- (1) A further environmental assessment of a designated fishing activity is to be undertaken under this Division if:
 - (a) ...
 - (b) ... and
 - (c) the proposed changes to fishing regulatory controls are likely, in the opinion of the Fisheries Minister, to significantly affect the environment (including threatened species, populations or ecological communities or their habitats).

We believe that the subjectiveness of the Minister for Fisheries detracts from an objective assessment of environmental impacts. The Opposition believes that those words should be deleted.

The Hon. I. COHEN [5.57 p.m.]: The Greens support amendment No. 12, which removes a part of a clause that is not consistent with the Environmental Planning and Assessment Act's preservation of an objective test when a decision is being made about the need for an environmental impact statement. There is no justification for the Minister for Fisheries to be treated differently from any other Minister or department.

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [5.57 p.m.]: As I previously indicated, the Government will not support the amendment moved by the Opposition. The proposed provision requires me, as Minister for Fisheries, to determine whether or not a change in regulatory control will have a significant environmental impact. This is consistent with section 111 of the Environmental Planning and Assessment Act. The whole point of the Land and Environment Court's decision was that the issue of fishing licences needed to be assessed under the Environmental Planning and Assessment Act and that I am, as fisheries Minister, the relevant determining authority.

I correct a statement made earlier by the Hon. I. Cohen in relation to a previous amendment. It is not quite correct that the Minister for Fisheries has control when he is the proponent. I have already said that in the instances of stocking and shark meshing, in which the Government accepts that the Minister and the department are the proponent, it is the Minister for Urban Affairs and Planning who has control and the final say when we are the proponents. In any other instance, the Minister for Fisheries is not the proponent.

Amendment negatived.

Schedule 1 as amended agreed to.

Schedule 2

The Hon. A. G. CORBETT [5.59 p.m.], by leave: I move my amendments Nos 1 to 4 in globo:

No. 1 Page 13, schedule 2 [2] (proposed section 7A). Insert after line 20:

Fisheries Resource Conservation and Assessment Council means the Fisheries Resource Conservation and Assessment Council established under Division 1A of Part 8.

No. 2 Page 14, schedule 2 [2] (proposed section 7C). Insert after line 17:

- (3) The Minister is to consult with the Fisheries Resource Conservation and Assessment Council on the preparation or revision of a fishery management strategy.

No.3 Page 15, schedule 2 [2] (proposed section 7F). Insert after line 35:

- (2) The Minister is to consult with the Fisheries Resource Conservation and Assessment Council on the revision of the draft strategy. In particular, the Minister is to give the Council the opportunity:
 - (a) to review the environmental impact statement prepared in connection with the draft strategy, and
 - (b) to provide advice to the Minister,
 prior to the public exhibition of the statement.

No. 4 Page 16, schedule 2. Insert after line 29:

[6] Part 8, Division 1A

Insert after Division 1 of Part 8:

Division 1A Fisheries Resource Conservation and Assessment Council

228A Establishment of Council

- (1) There is established by this Act a Fisheries Resource Conservation and Assessment Council.
- (2) The Council is to consist of the following members:
 - (a) the chairperson of the Council,
 - (b) recreational fishing representatives,
 - (c) commercial fishing representatives,
 - (d) aquaculture industry representatives,
 - (e) conservation and environmental representatives,
 - (f) indigenous representatives,
 - (g) government representatives.
- (3) The chairperson of the Council is to be a person appointed by the Minister who, in the opinion of the Minister:
 - (a) has qualifications in marine science, economics or law, and
 - (b) has no pecuniary interest in the fishing industry in New South Wales, and
 - (c) is not engaged in the administration of this Act.
- (4) The recreational fishing representatives are to be 2 or more persons appointed by the Minister to represent recreational fishers, the recreational fishing industry or related interests (such as the fishing tackle industry or charter fishing boat industry). At least one of them must be a recreational fisher.
- (5) The commercial fishing representatives are to be 2 or more persons appointed by the Minister to represent commercial fishers, the commercial fishing industry or related interests (such as fish receivers). At least one of them must be a commercial fisher.
- (6) The aquaculture industry representatives are to be one or more persons appointed by the Minister to represent the aquaculture industry.
- (7) The conservation and environmental representatives are to be 2 or more persons appointed by the Minister to represent conservation and environmental interests. Of those persons:
 - (a) at least one person must be appointed to represent conservation interests on the nomination of a group or body generally recognised for its interest in conservation, and
 - (b) at least one person must be appointed to represent environmental interests, being a person who has expertise in marine science or a related field and who is appointed on the nomination of a University, a scientific organisation or another body that has an interest or expertise in science, and
 - (c) at least one of any additional representatives may be a representative of the eco-tourism (or other related) industry or hobby that does not involve fishing activities.
- (8) The indigenous representatives are to be 2 or more persons appointed by the Minister to represent indigenous people and interests.
- (9) The government representatives are to be appointed in accordance with the regulations. Not more than one representative of any one government agency is to be so appointed.
- (10) The Minister is, in accordance with the regulations, to request nominations from relevant organisations and bodies for the appointment of members of the Council (other than the chairperson or government representatives).

- (11) The number of members appointed as recreational fishing representatives is to be equal to the number of members appointed as commercial fishing representatives.
- (12) The number of members appointed in any one of the following representative categories is not to exceed the number of members appointed as recreational fishing representatives or the number of members appointed as commercial fishing representatives:
 - (a) aquaculture industry representatives,
 - (b) conservation and environmental representatives,
 - (c) indigenous representatives.

228B Function of Council

The Fisheries Resource Conservation and Assessment Council has the function of advising on:

- (a) the preparation or revision of a fishery management strategy under Part 1A (and for that purpose to review the environmental impact statement prepared in connection with a draft strategy), and
- (b) such other matters as may be referred to it by the Minister.

228C Provisions relating to members and procedure of Council

- (1) A person appointed by the Minister as a member of the Fisheries Resource Conservation and Assessment Council holds office for such term as is specified in the person's instrument of appointment and is, if otherwise qualified, eligible for re-appointment.
- (2) The regulations may make other provision for or with respect to the members and procedure of the Council.
- (3) The procedure for the conduct of the business of the Council is, subject to the regulations, to be determined by the Council.

Amendment No. 1 places the definition of the proposed new Fisheries Resource and Conservation Assessment Council [RACAC] into the definitions of the Act. Amendment No. 2 ensures that the Minister must consult with the new Fisheries Resource and Conservation Assessment Council when fishery management plans are being prepared or revised. Amendment No. 3 ensures that the Minister must consult with the council when a draft strategy is revised after preparation of an environmental impact statement [EIS]. It also ensures that the council must be granted the opportunity to assess the EIS for public exhibition, allowing the council to advise the Minister on the completeness of the EIS strategy before its exhibition or advise that more information is required before exhibition.

Amendment No. 4 places the proposed council into the legislation and describes a body which incorporates all stakeholder groups and relevant government agencies with an independent share. This amendment specifies the required minimum membership of the council in representative categories, allowing all potential stakeholder groups a category but ensuring that some specific representation is required for the council to be legally constituted. It also ensures the balance of the council, preventing one group from dominating others. The Minister must call for nominations from relevant organisations and bodies. The amendment specifies the functions of the council.

The word "independent" has been deleted from these amendments because of possible legal problems that might arise as to the meaning of the word "independent". The chairman is a person appointed by the Minister. These amendments provide a peak body representing all stakeholders and relevant government groups which has the power to advise the Minister on both the initial preparation or revision of management plans and on the alternative revisions to such plans subsequent and in response to environmental impact statements produced in response to such plans. That will provide transparency and whole-of-industry consultation at the beginning and end of the strategic phases of the legislative process without causing unnecessary duplication of effort or staffing and without the potential for increased difficulties in managing the process, which would lead to unwanted delays and escalation in costs.

The Minister has agreed that the accompanying regulations will list the present government agencies which need representation on the council; that is, the National Parks and Wildlife Service, Environment Protection Authority, Department of Urban Affairs and Planning, Department of Land and Water Conservation and Department of Fisheries. However, it should be noted that they are not named in the Act to avoid competitive consequential bills when a department changes title. Finally, the regulations will also detail a list of

recognised organisations and bodies that the Minister must contact to request nominees for appointment on the council. In addition, the regulations will detail procedures for the conduct of the council. The Minister has advised that he will ensure that the council is adequately resourced.

The Hon. JENNIFER GARDINER [6.02 p.m.]: I have already spoken to the amendments of the Hon. A. G. Corbett, so I will not go over that ground except to say that the Opposition welcomes movements that have been made in having a peak statutory consultative body. It does not go as far as the Opposition believes it should. I am very concerned that even though it is a large and potentially unwieldy body, there is no place at the table for primary producers. When you are talking about the coastline you have the interaction between people living and working on the land and the marine environment, and that is a major shortcoming. However, the Opposition is prepared to support these amendments.

The Hon. A. G. CORBETT [6.03 p.m.]: It would be helpful if the Minister could explain why a farmers' representative may not be on this council.

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [6.04 p.m.]: The Government supports the Hon. A. G. Corbett's amendments Nos 1 to 4 for the following reasons. The honourable member's amendments enshrine my proposed roundtable forum in legislation. The model proposed by the amendments ensures stakeholder input at a peak level, without bureaucratic implications, in line with my roundtable forum. I can confirm that I will invite representatives from the National Parks and Wildlife Service, Environment Protection Authority, Department of Urban Affairs and Planning, Department of Land and Water Conservation and New South Wales Fisheries to participate in this council. I will also seek nominations from groups such as the Nature Conservation Council and the New South Wales Aboriginal Land Council, and this process will be reflected in the regulations.

I thank the Hon. A. G. Corbett for his constructive debate on the bill and acknowledge the work that he and his staff have contributed. Further to the comment made by the Hon. Jennifer Gardiner about a farmers' representative being included on the peak body, the amendments of the Hon. A. G. Corbett do not limit the numbers. Whilst I have been advised that there is no reason why those other than the peak bodies involved with Fisheries or land-use activities that would affect fishery cannot be involved, I do not accept that I should make that decision at this juncture. I am told that the council can seek advice from farmers' representatives, if required. However, the main purpose of the council relates to fisheries assessments, not agricultural assessments. The council has an unlimited number of members and this matter can be assessed further down the track.

The Hon. JENNIFER GARDINER [6.06 p.m.]: I accept that we are dealing with the marine environment but obviously cane growers, piggery owners and dairy farmers have some relevance to the environment of salt water. Hopefully the Minister will invite input from organisations such as the Farmers Association further down the track when this organisation is up and running.

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [6.07 p.m.]: It is worth noting that the Government will accept and invite input. The question whether land users will be represented on this peak body is not something that I am prepared to decide now. I can assure the honourable member we will certainly consult them and get their input.

Reverend the Hon. F. J. NILE [6.07 p.m.]: The Christian Democratic Party supports the amendments that deal with the Fisheries Resources and Conservation Assessment Council. We are pleased that the amendments will provide two recreational fishers representatives, two or more commercial fishers representatives appointed by the Minister, one or more aquaculture industry representatives, two or more conservation and environmental representatives, and two or more indigenous Aboriginal representatives appointed by the Minister to represent indigenous people and interests. I am sure that the body will also help in the production of the indigenous Aboriginal fishing strategy and the final regulations or legislation that will arise from that in the new year. The Christian Democratic Party supports these amendments.

The Hon. Dr A. CHESTERFIELD-EVANS [6.08 p.m.]: I support these amendments, which do not go as far as we would have liked, but given the intransigence of the Minister we have to put up with what we can get. The general principle is that there should be a credible, transparent process. The bill I introduced was almost thrust into my hands because the broad range of people involved—whom I enumerated when I spoke about an earlier amendment—had put together a bill because they wanted a process and were worried that the Minister would not give them one. Fortunately the Minister has agreed to this process and it is an improvement on what was in the bill, although I did speak in favour of the Opposition amendment.

It must be noted that in a letter to crossbenchers dated Tuesday 10 October the Minister claimed that the Government's approach to full environmental assessment was endorsed by the Advisory Council for Commercial Fishing [ACCF]. However, in July this year the ACCF gave qualified support for the Government's response to *Sustainable Fishing and Tourism v The Minister for Fisheries & Anor* on the explicit bases: that further consideration was to be given to the matter; the support was not to preclude a whole-of-government, RACAC-style assessment process; and industry involvement in developing DUAP guidelines.

As recently as October the ACCF considered the implementation of environmental assessment being funded by the proposed recreational licence fee. The ACCF rejected the connection between a recreational licence fee and commercial restructuring, and was concerned that the Minister failed to properly consider alternative proposals from stakeholders. That is the Minister's own advisory council! The Minister has managed to convince some of my fellow crossbench members that the Democrats are politicising this issue. However, the Government has chosen to ignore the intention of stakeholders. Unlike the Government, the Democrats listen to peak bodies such as the New South Wales Seafood Industry Council and the Nature Conservation Council, which we think know a lot about this issue.

Section 234 states that the Minister is to consult a relevant advisory committee on recreational fishing under section 229 of the Fisheries Management Act about the allocation of recreational fishing fees to the fund and on policies and priorities for expenditure. This is quite ambiguous. The Minister has placed advertisements in newspapers for membership applications to such advisory committees. However, the closing date for expressions of interest was before debate commenced on this bill. That is interesting because at that stage the committee had not been defined in legislation. That seems a most unusual way to go about matters.

That brings me to the need for an independent advisory council. The Democrats have received many submissions on the "Sustain Our Fisheries" discussion paper, and many of those submissions object to the compulsory buyout of commercial fishing licences. So, although the council agreed to by the Minister goes some way towards meeting the concerns of the Democrats, we are not entirely convinced that that council is sufficiently independent. However, as I have said, it is better than nothing. As such, we support it as progress in the right direction. Obviously, if it works, we are happy to be proved wrong. If it does not work, the Minister will have difficulties and, unlike the forest people before him, will have to opt for a more transparent process.

The Hon. I. COHEN [6.12 p.m.]: I support the amendments moved by the Hon. A. G. Corbett. In the opinion of the Greens, those amendments are not as effective as the amendments proposed by the Opposition. However, this is a small step in the right direction.

The CHAIRMAN: I raise a point of clarification with the honourable member. New section 228A, entitled "Establishment of the Council", states in subsection (3):

The chairperson of the Council is to be—

and the amendment as originally circulated contained the words "an independent". In the copy supplied to the Chair, "independent" has been deleted. I assume that the letter "n" is to be deleted from the word "an", so that it will mean read "a person". Will the honourable member confirm that that is correct?

The Hon. A. G. CORBETT: That is correct.

Amendments agreed to.

The Hon. JENNIFER GARDINER [6.13 p.m.]: I move Opposition amendment No. 14:

No. 14 Page 18, schedule 2 [8], lines 5-11. Omit all words on those lines.

The Government wants the words on those lines inserted into the Act. This relates to the public consultation procedure. A requirement under this Act to consult relevant commercial or recreational fishing industry bodies in connection with any such public account opportunity to make submissions on a matter is a requirement to consult such bodies as the Minister considers have a sufficient interest in the matter. Various stakeholders think that this is a rather patronising amendment of the Act. Therefore, the words on lines 5 to 11 should be deleted. What is "a sufficient interest"? Again, this makes the role of the Minister very subjective. The whole thrust of the Opposition amendments has been to have an objective, more independent approach. The proposal of the bill is another example of the Government lapsing into subjectivity. That is why I propose the Opposition's amendment.

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [6.15 p.m.]: The Government does not support the amendment. The amendment relates to the previous amendments moved by the honourable member concerning the objectives and principles of the Act. For reasons that I have already given, the Government does not support the amendment.

The Hon. Dr A. CHESTERFIELD-EVANS [6.16 p.m.]: I support the amendment. The Minister described the bodies that I enumerated as supporting the amendment of the Hon. Jennifer Gardiner as just a lot of small interest groups. In fact they are the peak bodies—the New South Wales Seafood Industry Council, ProFish, Nature Conservation Council, and the New South Wales Fishermen's Co-operatives Association. These are major groups. It worries me that the Minister would, in the course of this debate, dismiss major lobbies as just vested interests. What is a sufficient interest? I spent a day in court and \$16,000 trying to establish that a group that had fought for 12 years for non-smoking in Australia had standing to bring an action against tobacco advertising with regard to the Grand Prix. That group was considered not to have sufficient interest merely because it did not have a lot of money involved in the issue. The point is that the definition of "sufficient interest" is based on financial considerations only. In this case, I think it would be at the discretion of the Minister. If we are to have an open and transparent process in the interest of all in our community I do not think the Minister's consideration of what is a sufficient interest is adequate. Therefore I urge honourable members to support the amendment.

The Hon. I. COHEN [6.17 p.m.]: The Greens also believe that the amendment should be supported. The history is of various community groups being pitted against the Department of Fisheries and the Minister. The various fisheries management advisory committees were selected by the former Minister and all sorts of problems arose because legitimate fishing groups felt their views were not represented on those committees. So it is important that the Minister be at arm's length from considerations as to who would be appointed to such bodies. To have in the bill a provision that the Minister consult such bodies as the Minister considers to have sufficient interest is, I agree, a very subjective provision. It would be far more comforting to all involved in the industry if there were a more independent and objective process to determine who may participate in consideration of these matters.

Reverend the Hon. F. J. NILE [6.18 p.m.]: I would like to clarify what could happen if the amendment were successful. If the appointment process is left open-ended, at some point a group could argue that it was not consulted, that its views were ignored, and possibly bring the whole process to a standstill by challenging a decision made under that process, even though it may have been arrived at genuinely after consultation with all relevant groups.

The Hon. Dr A. Chesterfield-Evans: We should make the Minister a little more careful about whom he consults.

Reverend the Hon. F. J. NILE: We know that sometimes third party groups have the intention of wrecking whatever the plan may be.

The Hon. E. M. Obeid: Exactly!

Reverend the Hon. F. J. NILE: That is the danger. If this provision is abused by the Minister, this House can reconsider the provision at another time. But I would rather leave the provision as it appears in the bill.

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [6.20 p.m.]: As always, Reverend the Hon. F. J. Nile goes to the heart of the issue, and I have not even discussed this matter with him. There are reported to be over 2½ million recreational fishers in this State and angling clubs have a membership of only 5,000. Honourable members are misguided if they are suggesting to me that one of those clubs, or any combination of those clubs, speaks on behalf of all those recreational fishers. Honourable members are talking about 1,800 commercial fishers, small business people, who are represented by the group that they keep bandying around.

It is extremely difficult to determine whether one sector represents another. As has been suggested by Reverend the Hon. F. J. Nile, I could find myself in the terrible position of having to make decisions in relation to those groups. I am always prepared to consult with the community, but the fishing community is so large that I would not be able to define those sectors with whom I should consult and I would not be able to determine which of those bodies should be embodied in this legislation. It is impossible to make such a determination;

therefore, the amendment moved by the Opposition is unworkable. For the benefit of the Opposition and, in particular, the bleeding heart greenies and the Hon. Dr A. Chesterfield-Evans, who has suddenly found an issue in this Chamber—he does not know much about fishing and I doubt whether he has ever been fishing—

The Hon. I. Cohen: And you do?

The Hon. E. M. OBEID: I do go fishing. I will consider the representations made by the Seafood Industry Council and ProFish.

Amendment negatived.

Schedule 2 as amended agreed to.

Schedule 3

The Hon. JENNIFER GARDINER [6.23 p.m.]: I move Opposition amendment No. 15:

No. 15 Page 20, schedule 3. Insert after line 9:

[2] Section 27 Composition and procedure of TAC Committee

Insert after section 27 (2):

- (3) The Minister is to appoint 4 non-voting observers of the TAC Committee, of whom:
- (a) one is to represent the commercial sector, and
 - (b) one is to represent the recreational sector, and
 - (c) one is to represent environmental groups, and
 - (d) one is to represent indigenous interests.

The observers are entitled to attend meetings of the TAC Committee and receive all agenda papers, minutes and associated papers provided to members of the TAC Committee.

Schedule 3 deals with the amendment of the Fisheries Management Act relating to commercial fisheries. A number of commercial fishing people are concerned about this rather important feature. The bill adds to the job description, if I can put it that way, of the total allowable catch [TAC] committees, an additional feature of the functions of the TAC committee. The bill inserts these words:

The TAC Committee may also determine, in accordance with this Division, any other matter relating to fishing effort in a share management fishery if (and only if) required to do so by the Minister. This Division applies to the determination of any such matter in the same way as it applies to the determination of a total allowable catch.

That provision will be added to section 28 (3), which deals with the functions of the TAC committee. The words "any other matter relating to fishing effort in a share management fishery" are the words that cause great concern to commercial fishers. The industry believes that the fishing effort criteria should remain the domain of the management advisory committees and the advisory councils because, as the Minister said or claimed in his reply to the second reading speeches on this bill, those bodies are more representative than the TAC committee. The TAC committee, under section 27 of the Fisheries Management Act, comprises only members who are appointed by the Minister. The Act provides that there be at least four members: one to be the chair, one to be a natural resource economist, one to be a fisheries scientist and one to have appropriate fisheries management qualifications.

Under existing provisions the function of the TAC committee is to determine the total allowable catch in any commercial fishery. Whilst the TAC committee is not subject to the control or direction of the Minister as to any determination to be made by it, the Minister may direct the TAC on the procedure to be followed and the Minister may require the TAC committee to reconsider a determination. The matter of fishing effort criteria, however, is left to the more democratic bodies to consider. So this new function of the TAC committee, tacked on by this bill, causes alarm bells to be rung throughout the industry. It is for that reason that I have moved amendment No. 15.

Given the radical nature of the Government's amendment to the functions of the TAC committee, this is a reasonable attempt to give interested parties some comfort because of their fears that the wider powers of the

total allowable catch committee will be subject to scrutiny by non-voting observers. If the Government does not agree to this harmless and perfectly reasonable amendment, which relates to administration, we would have to ask: What does the Government have to hide?

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [6.26 p.m.]: The Government does not support this amendment. The amendment proposes that commercial, recreational, environmental and indigenous observers be allowed to attend meetings of the total allowable catch committee. It would make committee meetings unworkable if there were four members and four observers at a committee meeting, despite the fact that those observers would not have voting rights. Let us look at this matter in perspective. At present the total allowable catch committee decides on the allowable take in two managed fisheries—the abalone and rock lobster fisheries. If these provisions are to apply to category 2 share management fisheries it is possible that the total allowable catch committee will have a much larger role to play in relation to other fisheries.

One important issue to which the Opposition refers often in debate on this bill is independence. However, I believe that this is the one committee that should be totally independent, free of representations by the Government and by stakeholders. Basically, that committee determines what fishers take out and whether or not it is a sustainable resource. Members of this committee should not only be at arm's length from the Government—

The Hon. Jennifer Gardiner: They should be transparent.

The Hon. E. M. OBEID: Transparency is not an issue.

The Hon. Jennifer Gardiner: Yes, it is.

The Hon. E. M. OBEID: Opposition members want four members who are totally at arm's length from the Government to make decisions based on research and on data. The Opposition does not want the Government to have an input. It wants stakeholders who will have no vote to sit around the table, supervise, listen to and put pressure on other members of that committee.

Reverend the Hon. F. J. Nile: And to participate.

The Hon. E. M. OBEID: Of course they would participate. The worst scenario would be if those people interfered in the workings of an independent committee. This is one committee that should be free from the influence of stakeholders, environmentalists and others. The committee, which should comprise members of the scientific community, would make judgments and assessments about the sustainability of our resources. The amendment moved by the Hon. Jennifer Gardiner is not necessary. Under section 31 of the Fisheries Management Act the total allowable catch committee already has a statutory obligation to consult with the public and stakeholders, including commercial fishers.

This committee is obliged—it has a statutory obligation—to consult with the community before it determines the total allowable catch. The committee is required also to consult with stakeholders and commercial fishers. The total allowable catch committee is already open and transparent. I give an undertaking to this House that it will remain open and transparent. That committee is working effectively. The rock lobster and abalone industries, which already use the total allowable catch committee, are expanding and their catch is increasing. Those committees do a tremendous job.

If we go down the path of a category 2 share management fishery—I am certain we will as this bill will pass through this Chamber—fisheries will be able to transfer to category 1 share management fisheries in the future and the total allowable catch committee will play a much more important role in determining their allowable catch. The total allowable catch committee should, therefore, remain independent. The Government and stakeholders should not be leaning over their shoulders when they are making such determinations. However, I assure honourable members that the committee, which will be transparent and accountable, will consult with the industry.

The Hon. A. G. CORBETT [6.30 p.m.]: I have a question for the Minister. The Minister has said the committee will be both transparent and accountable. Will the public be able to see the agenda papers, minutes and associated papers available to members of the total allowable catch [TAC] committee? Exactly how will the TAC committee be open and transparent?

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [6.30 p.m.]: Yes. I can inform the Hon. A. G. Corbett that I see no reason why the total allowable catch committee will not be

transparent. Stakeholders are consulted. The committee is obliged to consult with them. I see no reason why things are not transparent. The committee puts out a detailed report each year. But, I can sympathise with anyone who is interested in how it makes its decisions. It should be transparent and accountable, and that is the undertaking I give.

The Hon. JENNIFER GARDINER [6.31 p.m.]: The Opposition rejects the notion that four extra people sitting in a room with a watching brief on behalf of various stakeholders makes the committee unworkable. That is exactly the same as saying that having a public gallery in the Legislative Council and in the Legislative Assembly makes Parliament unworkable. It is a ridiculous notion.

Reverend the Hon. F. J. Nile: Can those four people speak?

The Hon. JENNIFER GARDINER: They are there as a communicating body.

Reverend the Hon. F. J. Nile: They are non-voting, but they can speak?

The Hon. JENNIFER GARDINER: Of course, they do not walk in there with gags on their mouths.

Reverend the Hon. F. J. Nile: That is not the same as your example of Parliament.

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [6.32 p.m.]: This goes back to my original concern. These are scientific people who make judgments about the sustainability of the resources, and what that sector is allowed to take out or catch. They should not have interference from the Director of Fisheries or from the fisheries agency or any other Government agency or any stakeholders, but they are accountable. They must consult with the stakeholders and the community. Therefore I see no reason why should nominate four stakeholders or four interested parties to sit around at a meeting of four people.

Of course, this TAC committee was established by the Coalition Government in 1994, and it was meant to be independent. We are maintaining that independence. Obviously the Hon. Jennifer Gardiner does not agree that it should be independent. She believes that it should have four observers who can interfere and talk to members of the committee and ask questions while they are trying to make their judgment based on science rather than on community pressure. So, we do not support this amendment.

Amendment negatived.

[The Chairman left the chair at 6.33 p.m. The Committee resumed at 8.15 p.m.]

Reverend the Hon. F. J. NILE [8.17 p.m.]: I have circulated a number of amendments on the list and I wish to make some remarks and seek some comment from the Minister before proceeding to move them. The amendments deal with indigenous Aboriginal issues. I received a letter dated 21 November 2000 from the Chairman of the New South Wales Aboriginal Land Council, Rod Towney. The letter is addressed to the Minister, the Hon. E. M. Obeid, and a copy of the letter was sent to me. As I had received my copy, I provided the Minister with a copy because I was not sure whether he had seen it.

The letter outlines the concerns of the New South Wales Aboriginal Land Council about the future of indigenous fishers in the recreational and commercial fields. I will not read out the whole letter; however, I will quote one or two paragraphs and later seek the leave of the Committee to have the entire letter incorporated in *Hansard*. I select certain paragraphs because I think they are very important. The letter refers to the management of New South Wales Fisheries and states:

Unfortunately, we remain outsiders to the process. We are often treated with hostility by NSW Fisheries staff and have been all but eradicated from the commercial sector.

I think that is a very serious criticism. I hope it refers more to the past than to the present but, obviously, there needs to be an increase in consultation with and the involvement of the Aboriginal leadership at the State, local and community levels on all resource and environmental matters, including the water management legislation, which will be debated by honourable members at a later stage. On page 2 the letter states:

An alternative approach, which you are promoting, is participation in the development of the aquaculture market. I understand you are fully supportive of Aboriginal people's involvement in aquaculture. The NSWALC is interested in the commercial opportunities that exist for Aboriginal people in this field. Minister, I also know you are particularly supportive of abalone farming, an experimental fishery, that has not had any success in NSW to date. The NSWALC would like to see you and your

department support local Aboriginal communities in the development of successful commercial abalone farming operations and indeed note your undertaking to pursue that outcome. But this can only be in addition to participation in the wild catch commercial fisheries.

The other matter to which Mr Towney refers is the sale of shares. The letter goes on to state:

A further concern by the Government is the possibility of the sale of those shares allocated to Aboriginal people. I ask that you advise whether an amendment to your bill which provides for shares, in the shares management fisheries, allocated for Aboriginal participation to be held only in trust would remove those fears. Bodies incorporated for the purpose of managing Aboriginal peoples fishing interests on regional basis are now being formed and are perfectly suited to holding such commercial rights in trust.

Finally, in relation to the proposal for participation in the commercial sector, you have had requested that we not attempt to deal with complex issues of Aboriginal participation in the industry in a piece-meal fashion. I agree, in normal circumstances, the appropriate course is to develop a strategic plan that deals with the many issues.

Finally he said:

You have given an undertaking to the House to circulate a working paper in December 2000. This is a working paper to which the NSWALC has had no input. I have grave concerns that the only commercial elements of the strategy will involve aquaculture, and the proud history of Aboriginal people's ...

Regarding the proposal for exemption from the recreational fishing fee, the NSWALC's position is that Aboriginal people ought to be exempt. I understand that you have agreed to some concessions in the form of allowance for Local Aboriginal Land Council to be the delegated authorising body for exemptions for Aboriginal people. This is some improvement, but needs at least to be in the legislation.

I seek leave to have the entire letter incorporated in *Hansard*.

Leave granted.

21 November 2000

Hon Eddie Obeid OAM, MLC
Minister for Mineral Resources and
Minister for fisheries
Level 11
73 Miller Street
North Sydney NSW 2060

Fax Number 9955 0412

Dear Minister,

Re Fisheries Management Amendment Bill 2000

I am writing to express the NSW Land Council's gratitude for the assistance you and your staff have given us so far.

The management of our fisheries in a sustainable manner, that is inclusive of social and economic objectives, is one of the more difficult issues facing parliament and the community generally.

No one is more acutely aware of the effects of misguided and uninformed management of the resource than Aboriginal people. It causes us great pain to see fish kills, declining stocks and destruction of habitat. Unfortunately, we remain outsiders to the process. We are often treated with hostility by NSW Fisheries staff and have been all but eradicated from the commercial sector.

We have in the last week come to Parliament House seeking to be brought inside the process. We have asked, through amendments to be moved by the Hon Reverend Fred Nile, that we be able to participate in the commercial industry. What is the cost of such request? The cost is this. If the Minister formed the opinion, for example, that X number of shares in the ocean haul share management fishery were adequate for Aboriginal participation in that fishery, then the Minister would need to acquire rights from those commercial fishers who had entitlements in the restricted fishery and transfer those entitlements in the restricted fishery to Aboriginal ownership. That is, existing commercial fishers would be displaced with compensation.

The Hon Doug Moppett, MLC said in debate that he believed that this was an inappropriate means of achieving the ends. He is of the belief Aboriginal people would be better served by purchase of shares on the open market. This is a useful suggestion, however, as Mr Moppett recognised, funding to purchase those shares must come from somewhere. The NSWALC Investment fund was mentioned as one source of funds, and the Aboriginal and Torres Strait Islander Commission another. These are the obvious sources of funding because obtaining a loan from commercial lender is not feasible. The NSWALC investment fund however is not used for those purposes.

ATSIC has the power to make grants, but the grants are generally made to community organisation for community services. Commercial operations are generally funded by the Commercial Development Corporation (CDC), or under the Indigenous Business Program within ATSIC, at interest rates slightly lower than the current commercial rates.

Any option for allocation of shares that require a commercial loan is not feasible. Further, I am certain Mr Moppett is not suggesting that Aboriginal communities should not choose between spending grant monies on essential community services, such as housing, child care and legal services in favour of buying back into an industry from which they have been progressively excluded by successive NSW Government.

Yes, the NSWALC is asking commercial fishers to make room. Yes, The NSWALC is asking the NSW Government to spend extra money to allow that space to be created. Yes, the NSWALC is asking for "special treatment" for Aboriginal people. For failure to take this opportunity will only further entrench social disadvantage.

An alternative approach, which you are promoting, is participation in the development of the aquaculture market. I understand you are fully supportive of Aboriginal people's involvement in aquaculture. The NSWALC is interested in the commercial opportunities that exist for Aboriginal people in this field. Minister, I also know you are particularly supportive of abalone farming, an experimental fishery, that has not had any success in NSW to date. The NSWALC would like to see you and your department support local Aboriginal communities in the development of successful commercial abalone farming operations and indeed note your undertaking to pursue that outcome. But this can only be in addition to participation in the wild catch commercial fisheries.

A further concern by the Government is the possibility of sale of those shares allocated to Aboriginal people. I ask that you advise whether an amendment to your bill which provides for shares, in the shares management fisheries, allocated for Aboriginal participation to be held only in trust would remove those fears. Bodies incorporated for the purpose of managing Aboriginal peoples fishing interests on regional basis are now being formed and are perfectly suited to hold such commercial rights in trust.

Finally, in relation to the proposal for participation in the commercial sector, you have had requested that we not attempt to deal with complex issues of Aboriginal participation in the industry in a piece-meal fashion. I agree, in normal circumstances, the appropriate course is to develop a strategic plan that deals with the many issues. Unfortunately, these are not normal circumstances. Some hopes were pinned on the development of such strategy to relieve the impact of the Fisheries Management Act 1994. We have been waiting since 1996 for the production of an Indigenous Fisheries Strategy. Now further legislation is brought and our concerns have not been even analysed, yet addressed. You have given an undertaking to the House to circulate a working paper in December 2000. This is a working paper to which the NSWALC has had no input. I have grave concerns that the only commercial elements of the strategy will involve aquaculture, and the proud history of Aboriginal people's involvement in fishing for sale will have been effectively buried under another layer of legislative control. This outcome is not one the NSWALC or the Aboriginal people in NSW can accept.

Regarding the proposal for exemption from the recreational fishing fee, the NSWALC's position is that Aboriginal people ought to be exempt. I understand that you have agreed to some concessions in the form of allowance for Local Aboriginal Land Council to be the delegated authorising body for exemptions for Aboriginal people. This is some improvement, but needs at least to be in the legislation.

This is an opportunity for the NSW Government to put into the strategies to achieve reconciliation to which it has openly stated its commitment.

I await your early reply.

Yours sincerely,

ROD TOWNEY
Chairman
NSWALC

Cc: Mr Fred Nile, Member of Parliament

The CHAIRMAN: Order! Does the honourable member wish to move his first amendment?

Reverend the Hon. F. J. NILE: No, I am just making a comment covering the amendment at this stage. As I said earlier, we have had intensive discussions with the Minister, who is also consulting with Aboriginal representatives, particularly Pastor Ossie Cruse, from the Eden Aboriginal Land Council. My objective is to receive and get the best possible outcome for Aboriginal people in New South Wales with strategies to achieve that. I am not sure that the Minister will respond to the proposals in the amendments, but if we force these amendments at this stage, even if we successfully get the numbers to support them, the viability of the bill may be undermined. The Minister said there was not time to consult all stakeholders in relation to some of the matters in the proposed amendments. Matters relating to the allocation of commercial fishing licences and so on are not major but the matters must be discussed in a spirit of co-operation.

It is a question of trusting the Minister, his pledges and any pledge he makes in the future. The Aboriginal Land Council and others can have confidence in the indigenous Aboriginal fishing strategy, which will be released in December. I hope that the Aboriginal Land Council will express its concerns to the Minister and that they can be considered even with the draft fishing strategy. Obviously that will be discussed by all concerned people in the fishing industry, as will further changes that will be made to the draft to be released in

the new year. It is possible that an amendment passed in this Chamber could be rejected in the other place so that the bill will pass backwards and forwards between the Houses. I am also concerned that some honourable members—not all—would rather see the bill defeated. Even at this stage my amendments are not acceptable to the Government. I do not want that to happen. I do not want there to be no policy or no bill. That would cause continued confusion and frustration, and would in turn lead to anger among the various stakeholders.

Sometimes amendments do not change the intent of legislation or introduce new proposals. Some of my amendments are of that type. In other words they are new provisions that have not been approved or considered by Cabinet or the party room. If an attempt is made to get them in via the back door, a negative attitude will be adopted by some people in the Government at different levels, and that will make it more difficult to get an Aboriginal fishing policy through in the long run. We do not want to do anything that will create resistance. There is a lot of apathy but we certainly do not want resistance.

The Hon. I. Cohen: Can you imagine them pulling a bill over an indigenous issue?

Reverend the Hon. F. J. Nile: Who knows? Those are my concerns. Therefore, I would appreciate a response from the Minister to my concerns. For example, amendment No. 1 talks about the invitation for shares and publicising these matters. I raised this matter with the Minister and his advisers. They have given me an undertaking that they will make this policy and it will not require amendment to the bill. I ask the Minister to place on record the Government's response to amendment No. 1.

The Hon. I. COHEN [8.29 p.m.]: Is Reverend the Hon. F. J. Nile moving amendment No. 1?

Reverend the Hon. F. J. Nile: I wanted the Minister's response first.

The Hon. E. M. Obeid: Do you want me to address amendment No. 1?

Reverend the Hon. F. J. Nile: Yes.

The Hon. Jennifer Gardiner: It has not been moved.

The Hon. E. M. Obeid: That is all right. I will address the issues as I see them.

The Hon. Jennifer Gardiner: Point of order: Could I ask whether the debate is in order. If an amendment has not been moved, how can members debate it?

The CHAIRMAN: The Committee is considering schedule 3. The honourable member might recall that on a previous day the Committee debated a schedule without an amendment being before the Chair. The Minister is in order.

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [8.31 p.m.]: I have no doubt about the integrity of Reverend the Hon. F. J. Nile and his commitment over the past couple of weeks to facilitating meetings with members of this Chamber and numerous indigenous representatives. His one concern is how to address the indigenous fishing issues. Amendment No. 1, as with all the honourable member's amendments, is worth noting. I should like to recognise also the issues raised by the Hon. Dr P. Wong, the Hon. Helen Sham-Ho and the Hon. I. Cohen. I responded in detail to many of those issues in my reply to the second reading.

The general issues raised by Reverend the Hon. F. J. Nile are better addressed in a strategic and holistic way, in the indigenous fisheries strategy. The Government has already started work on an indigenous fisheries strategy. It is possible that the Government may propose some amendments to fisheries legislation at that time as part of an overall package of changes, but now is not the best time. As the honourable member has indicated, the bill is about environmental assessments and more equity for recreational fishers, as well as giving long-term viability to the commercial fishing industry.

A working document will be distributed to advisory councils, management advisory committees and indigenous fishing groups by the end of this year. I have made a commitment to meetings that the honourable member has facilitated that I will have the department release an issues paper to the various Aboriginal land councils and relevant communities so that those issues can be assessed by them. The department will meet regularly with them so that we may identify all relevant issues that they want to raise in relation to the

indigenous fisheries strategy. The draft strategy will be released by June. I am hoping that all issues relevant to the indigenous community will be contained within that fisheries strategy, which I will take to Cabinet. Quite obviously, the Minister for Aboriginal Affairs must be involved in that consultation. I hope I will be able to take a package to Cabinet for its approval. As I have said, I will release a draft strategy for public comment in the first half of next year.

I have also made the commitment to ensure that indigenous communities and organisations such as the New South Wales Aboriginal Land Council are consulted on the strategy. In particular, I am happy to confirm that the views of the New South Wales Aboriginal Land Council will be fully considered and taken into account in the finalisation of the working paper to be distributed before the end of the year. My department is willing to meet regularly with representatives of the New South Wales Aboriginal Land Council as part of the development of the strategy.

In relation to the general recreational fishing fee, the Government's proposed exemptions are consistent with native title rights and go further than that by providing for certificates of exemptions for traditional cultural activities. As Reverend the Hon. F. J. Nile indicated, it will be for the relevant Aboriginal land council to verify those rights so that those exemptions will be given. The bill allows me to issue certificates of exemption, and the Government will be consulting with indigenous communities to put in place appropriate arrangements for the issue of exemption certificates to community leaders. The Government's exemptions strike a balance between recognising the unique cultural needs of Aboriginal people and ensuring that the fee is applied equitably. The Government recognises that Reverend the Hon. F. J. Nile has raised some very legitimate issues that need to be addressed, and the Government is committed to addressing the issues in the indigenous fisheries strategy.

As to the Government recognising legitimate issues, such as automatic allocation of commercial fishing entitlements, this matter should not be rushed through; it should be carefully considered after full consultation with all stakeholders, especially indigenous communities. The amendment is full of good intentions but is premature and ahead of its time. As Minister for Fisheries, my overriding statutory obligation is the conservation and sustainability of the fisheries resource. Such a proposal could have a significant impact on the fisheries resource, and may impact unfairly on existing commercial fishers unless some entitlements were brought back and reallocated.

I again give my firm commitment that these issues will be addressed in a sensible time frame. A working document will be distributed to advisory councils, management advisory committees and indigenous fishing groups by the end of this year, and a draft strategy will be released for public comment in the first half of next year. I am very much aware of the need to look at the indigenous fishing issues in a package. I am aware of the need to protect indigenous fishing habitats, and to ensure compliance with appropriate habitats and their exemption. I am more than aware that indigenous fishers are entitled to be considered for entry into various fisheries in the commercial sector. The question that must be addressed is the holding of those shares in trust. The challenge will be to reallocate shares because they are shares in restricted fisheries, and it would be unfair for commercial fishers suddenly to have a new entrant to the fishery without having paid for those entitlements. The issue of payment is something that we can work on.

I note that the letter says quite clearly that funds will not be easy to obtain from the community itself. I think this is where the Government comes in with planning, though I do not make any commitment at the moment. However, those are the sorts of very important issues that need to be looked at. I have to be sure that what I am doing with commercial fisheries stands up to scrutiny and is fair. Therefore, if we are to allocate some shares, we have to literally buy them from those at present operating in those fisheries, because the intention is to have a viable commercial fishing industry. That means giving existing commercial fishers certainty, and at the same time allowing them to restructure themselves in such a way that those remaining in the fishery are serious fishers who will update their fleets and have an asset that is tangible, has goodwill attaching to it and is transferable. One does not have a business if one does not have rights.

One of the main issues overlooked in the debate on this bill is that the Government is giving commercial fishers a 15-year statutory right. For \$100 a year, they will be able to obtain that right by way of a lease, to be renewed every five years. After we have worked out the mechanism to make that particular fishery viable, by removing inactive effort and latent effort from the fishery itself, and those fishers want to move on to a category 1 or category 2 share managed fishery, all they will have to do is to have the vote of the majority in that particular fishery to do so. But then they must face the issue of community contribution, which is beyond my control as Minister for Fisheries. It is in the control of the economists who advise Treasury and feel that the community resource should be fully paid for.

There are a lot of issues involved. I want to assure Reverend the Hon. F. J. Nile that I am very much aware of his good intentions in respect of this whole issue, and advise him that I am more than happy to ensure that the views of the New South Wales Aboriginal Land Council are fully taken into account in the preparation of the working paper that is due to be released by the end of this year. I am also happy to commit my department to regular meetings with the New South Wales Aboriginal Land Council during that process. As I think can be seen from my reply to the second reading debate, I have confirmed that the approach outlined in Christian Democratic Party Amendment No. 1 is Government policy.

Any issues relating to indigenous fisheries will be looked at in one package. The focus will be on indigenous fisheries. A lot of wrongs might have been done in the past but I cannot address all those wrongs at once. We must look at each issue separately and ensure that each new entry into commercial fisheries does not extend the resource. If we enter into commercial fisheries we must buy other commercial entitlements and hold those entitlements in trust for the community for which they are intended. The last thing that I or anyone else in this place wants to see is the purchasing of shares in a commercial fishery that are meant for the indigenous community. We do not want an intentional or unintentional buying out of those shares and, at the end of the day, the indigenous community left with no income or no access to those entitlements.

I give Reverend the Hon. F. J. Nile a commitment that I will address all the important issues that he raised. Unfortunately, at this juncture I cannot support his suggestions. I do not have Cabinet approval to make additional amendments to the bill and I do not want the progress of this bill delayed. I assure Reverend the Hon. F. J. Nile that all the issues will be placed on the table and they will be discussed with indigenous communities. I hope that we will come up with a strategy that will work and address all the issues that have been raised by indigenous people.

Reverend the Hon. F. J. NILE [8.42 p.m.]: I thank the Minister for the assurances that he has given. However, he did not refer specifically to one matter that I raised. I am pleased that the Minister took up the issue relating to further exemption of Aboriginal people—an issue which is covered in Christian Democratic Party amendment No. 4. Rather than amending the bill the Minister has assured honourable members that he will consider the issuing of exemption certificates. The Minister has the power to do that in new section 34I, fishing fee exemption certificates, on page 36 of the bill, which states:

The Minister may issue a fishing fee exemption certificate in respect of any recreational fishing activities.

So the Minister has the power to do that in respect of genuine cases in the Aboriginal community. Christian Democratic Party amendment No. 6, which deals with definitions, which are to be found on page 55 of the bill, would insert after schedule 7:

[1] **Section 4 Definitions**

Insert in alphabetical order in section 4 (1):

Aboriginal has the same meaning as in the *Aboriginal Land Rights Act 1983*.

I understand from discussions I had with the Minister's advisers that that definition was acceptable.

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [8.44 p.m.]: I have already addressed the issue of exemptions.

Reverend the Hon. F. J. Nile: I am referring to my proposed amendment No. 6.

The Hon. E. M. OBEID: Basically, that amendment defines the term "Aboriginal". I do not really have any problems with that definition. I do not think it takes away anything from what we are trying to achieve. I do not have any objection to Christian Democratic Party amendment No. 6.

Reverend the Hon. F. J. NILE [8.45 p.m.]: Mr Chairman, do you require me to move Christian Democratic Party amendment No. 6?

The CHAIRMAN: Order! Reverend the Hon. F. J. Nile can move his amendment No. 6 when the Committee is dealing with schedule 7.

The Hon. I. COHEN [8.45 p.m.]: Am I correct in assuming that Reverend the Hon. F. J. Nile is not moving any other Christian Democratic Party amendments?

Reverend the Hon. F. J. Nile: Each of my amendments has been covered in the Minister's response. Would you like me to go through them?

The Hon. I. COHEN: No, I do not need Reverend the Hon. F. J. Nile to go through each amendment. However, I seek the indulgence of the Committee. I would like the Christian Democratic Party amendments on the record. I ask the Clerk to distribute those amendments which, apart from a couple of words contained in amendment No. 2, are exactly the same amendments as those referred to earlier by Reverend the Hon. F. J. Nile. I am somewhat disappointed that Reverend the Hon. F. J. Nile did not move his amendments. I asked him on a number of occasions whether those amendments, which I understand were promised—

The CHAIRMAN: On a point of clarification: The Greens amendments do not have a sheet number. Reverend the Hon. F. J. Nile indicated earlier that he intends to move Christian Democratic Party amendment No. 6. We will deal with the amendments to be moved by the Hon. I. Cohen seriatim.

The Hon. I. COHEN: I move Greens amendment No. 1:

No. 1 Page 24. schedule 3. Insert after line 24:

[7] **Section 46 Invitation for shares**

Insert at the end of section 46 (2) (b)

, and

- (c) given to any representative Aboriginal/Torres Strait Islander bodies, and registered native title claimants, for the area in which the share management fishery is situated.

In general, indigenous people need special consideration in this bill to make up for past and present discrimination. I have said on other occasions in this Chamber that fishers who cannot write miss out on reading licences and notices that are issued by police and other authorities. Fisheries officers are targeting indigenous people when enforcing the Act. For example, a parliamentary worker on holidays at Mimosa Rocks was approached by a New South Wales Fisheries inspector and given a brochure on illegal abalone poaching. He was told that it was undertaken mainly by Aborigines and that he should keep a lookout and ring a mobile number if he saw any illegal activity. That is the sort of thing that has been happening. Aboriginal people must be included in the fishing economy for social justice reasons. I will read briefly from a letter written by Adam Faulkner, Research Officer from the College of Indigenous Australian Peoples, Southern Cross University. The letter states:

I am aware of the Fisheries Amendment Bill currently before the Parliament that includes provision for the Minister for Fisheries to allocate a specific number of shares of any newly established share managed fishery in NSW to aboriginal fishers. In my view such a move would represent a positive step towards aboriginal communities accessing a more equitable sharing of benefits associated with commercial fisheries in NSW. It would also go some way toward redressing a historical displacement of aboriginal fishers from commercial fisheries, which is a common concern amongst coastal aboriginal communities.

Mr Fred Nye from the Executive Committee of the South Coast Aboriginal Fishers Association states:

I am writing on behalf of the membership of the South Coast Indigenous Fishers Association to voice our strong objection to certain schedules of the Minister for Fisheries Environmental Assessment and Fisheries Management Bill 2000.

It is a strongly held view of the Association that Environmental Assessments should be an open and transparent process that addresses both the social and economic value of the resource and environmental issues. To achieve open and transparent assessments that address the issues of all stakeholders we believe that a statutory authority that is independent of NSW Fisheries should manage the process and encompass a whole of Government approach. The provisions contained in the Private Members Bill of Arthur Chesterfield-Evans addresses the concerns we have with Environmental Assessments. We urge you to support the provision of the Private Members Bill being included in the Minister for Fisheries Bill.

On the issue of closure of commercial fishers we strongly believe that the Minister for Fisheries Bill is inadequate. The Minister's office and the Fisheries Department have both confirmed that indigenous fishers would not be exempt from compulsory buyouts. We need our licences to maintain our family structures and indeed our culture.

Aboriginal fishers have been severely neglected in the Minister's Bill. The Minister is very clear that the monies raised by the all waters recreational fishing fee will be used to benefit recreational fishing. It is clear the minister is talking about re-allocation of fisheries resources. The Ministers round table that will be used to assess re-allocation issues will be a non-statutory body. We believe that the process of re-allocation of fisheries resources should be assessed, independent of NSW Fisheries by the statutory authority formed to inform environmental assessments. This body should have strong representation from the indigenous fishers and look at reallocation of a portion of the resource to aboriginal fishers.

Please support the aboriginal communities of the south coast by not allowing the Ministers Bill to pass through Parliament unamended.

That is why I feel a need to put amendments before the Committee. It is the wish of many people in the indigenous community who have lacked adequate representation for so long. I believe my amendment No. 1 is worthy of support. It is a non-contentious issue. Basically it requires the Minister to give notice to Aboriginal organisations of any invitation for shares. I commend Greens amendment No. 1 to the Committee.

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [8.50 p.m.]: It amazes me that the Greens are trying to politicise this issue. I have not had one representation from a member of the Greens about indigenous issues. The Hon. I. Cohen has not mentioned indigenous fisheries to me in the nine months that I have been consulting with the community at large. The only person who has come to me about indigenous issues is Reverend the Hon. F. J. Nile.

The Hon. D. F. Moppett: When did he come to you?

The Hon. E. M. OBEID: He came to me representing indigenous fishing interests.

The Hon. D. F. Moppett: When? A week ago?

The Hon. E. M. OBEID: The Hon. D. F. Moppett wants me to tell him when he came to me. I explained where this amendment should fit in: the indigenous fishing strategy. I do not know where the Opposition lies and where the Greens lie, but they do not want this bill to pass through the Committee. If this bill is not passed there will be no provisional category 2 and there will be no shares. At the moment there are only two share managed fisheries—abalone and rock lobster—and shares are being sold to the owners.

The Hon. D. J. Gay: Are you off the script again?

The Hon. E. M. OBEID: The Deputy Leader of the Opposition cannot manage his own mineral resources portfolio, so he should not stick his head into fisheries. This is hypocrisy. Members opposite are now jumping on the bandwagon when I have already made commitments to the indigenous community and to Reverend the Hon. F. J. Nile. First of all, this bill must pass so we can have a provisional category 2 fishery. It is then that shares will be issued to those existing commercial fishers. It is then that we start talking about the types of shares and the number of shares to be allocated to the indigenous community. At the moment there is only a restricted fishery with no shares. I thank Reverend the Hon. F. J. Nile for his understanding of the process.

The Hon. I. Cohen is being pushed to make this a voting issue, but it is not an issue about voting; it is an attempt to get a solution for indigenous people. There are many issues involved. The honourable member expects me to agree to issue shares to every commercial fishery. That is absolutely crazy. This has to be thought out and we have to buy those shares back. How do we give those proper entitlements to indigenous commercial fishers on behalf of their communities? I give the following undertaking. First, we have to get this bill through the Parliament to bring those fisheries under provisional category 2, and then issue shares. The issue of indigenous shares will be considered at the appropriate time.

We have to consult with the community and make sure we are handling it right. There have been instances in which we have given the community shares and they have sold them. I do not want to see that happen in aquaculture, where the Aboriginal community has a big future if it acquires appropriate land and enters into the aquaculture industry. The same applies to commercial entry by shares. There is a right time for this, and I am glad Reverend the Hon. F. J. Nile recognises the importance of the timing and the consultation. If the Hon. I. Cohen were to grandstand about an issue that Reverend the Hon. F. J. Nile has been—

The Hon. I. Cohen: I am grandstanding?

The Hon. E. M. OBEID: The honourable member has not mentioned the word "indigenous" to me. He has not brought to me any member of the indigenous community to speak about indigenous fisheries. The only person who has honestly done that is Reverend the Hon. F. J. Nile. The Hon. Dr P. Wong and the Hon. Helen Sham-Ho have mentioned it, but the Hon. I. Cohen has mentioned it only in passing. I have given the commitment of the Government that this issue will be looked at fully during the indigenous fishing strategy discussions. The paper will come out before December. I have made my commitment. I assure honourable members opposite that the crossbenchers in this place would rather take my word than the word of members of the Coalition. What we have today is what the Coalition left us in 1994. It left us in a mess, and left the commercial fishing industry high and dry. It was former Minister Ian Causley, a member of the National Party, who left us in a mess. Members opposite should not be preaching about doing the right thing.

The Hon. I. COHEN [8.55 p.m.]: I feel that there is a need to reply to the outburst. There is a certain twinkle around—

The Hon. E. M. Obeid: Stop grandstanding!

The Hon. I. COHEN: I cannot hope to compare with the song and dance routine that the Minister just undertook. It is not a case of grandstanding. I inform the Minister and the Committee that I was enthusiastic to run these amendments. If I have not been speaking to the Minister, it is probably because I am a bit shell-shocked from the last administration and the last Minister. It did not matter how many meetings one had, it was like talking to a brick wall. If I have not communicated sufficiently with the Minister over a period of time it is because there has been feeling of what is the point? Quite aside from that, I feel that there is a bit of a fairytale element in this debate tonight. It is as though we have an amendment that starts, "Once upon a time", because I wonder when this will all happen.

I feel that the indigenous community has been let down by Reverend the Hon. F. J. Nile. Members of that community were under the impression that amendments would be moved, and I seek to place them on the record—simply that. They do not interfere in any way with the Minister's agenda. This amendment just requires the Minister to give notice to Aboriginal organisations of any invitation for shares. I wonder at the reaction, the outburst, by the Minister. It must be because the Government is feeling remiss in not attending to the indigenous issues intrinsically involved in the fishing industry, particularly in places such as the South Coast, where it is involved in a number of social issues as well. Once again, I commend the amendment.

Reverend the Hon. F. J. NILE [8.57 p.m.]: I did not move my amendment No. 1 because the Minister gave an assurance that that would be the policy of the department. There is no point moving an amendment if the Minister has agreed to implement it. Even though I just received a letter from the chairman of the New South Wales Aboriginal Land Council, I did receive a letter yesterday from the Aboriginal leader on whose behalf I was negotiating—Mr Ossie Crews from the South Coast—who said he accepted the assurances of the Minister and understood if I did not proceed with my amendments. He was happy to accept the proposed indigenous fishing strategy; that it was better to get that for certain than to miss out by confusing the issue at this stage.

The Hon. D. J. Gay: What is certain? That he will look at it fully?

Reverend the Hon. F. J. NILE: No, he is not looking at the strategy. The promise is that there will be a strategy.

The Hon. Jennifer Gardiner: He said that in 1997.

Reverend the Hon. F. J. NILE: Yes, and the honourable member's Government said that back in 1994.

The Hon. D. J. Gay: They have been in government seven years since then.

Reverend the Hon. F. J. NILE: That is right, but the point is that nothing happened then. That is why I did not proceed with my amendment No. 1.

The Hon. R. S. L. JONES [8.59 p.m.]: Reverend the Hon. F. J. Nile has let down the indigenous community. Members of the indigenous community were talking to the honourable member and they relied on him to move the amendments. That is why the Greens did not move the amendments, and it is why I did not move the amendments. We had a roundtable meeting with Reverend the Hon. F. J. Nile and indigenous people about the matter, and we all thought the honourable member would move the amendments. That is one reason I have not spoken at length about the matter. Yet again the honourable member has badly let down the indigenous community. That is why the Hon. I. Cohen moved the amendments instead of Reverend the Hon. F. J. Nile. Of course, I do support the amendment moved by the Hon. I. Cohen.

Reverend the Hon. F. J. Nile: I said I got the assurances, but you ignored my remarks.

The Hon. R. S. L. JONES: Members of the indigenous community were relying on Reverend the Hon. F. J. Nile, but he let them down. It is as simple as that. Honourable members should remember that the indigenous community has been fishing these waters for some 20, 30, 40, 50—who knows how many—thousands of years. The only reason there are fish left is that the indigenous community did not fish like we do.

We have wiped out the stocks in barely 200 years. The indigenous community now wants some of its fish back. Essentially, those fish belong to the Aboriginal community because it never ceded its stocks to white people. As far as I am concerned, fish stocks still belong to the Aboriginal community.

The Hon. D. E. OLDFIELD [9.00 p.m.]: There was a time when, in answer to a move such as this by the Greens, I would have said I was appalled by such a disgracefully blatant act of further entrenching the racial division we have in this country. However, everyone has a right to express their views and to have a reasonable expectation that those views will be heard and responded to in a respectful manner. With that in mind, rather than using colourful language to describe how disturbing it is to see the Greens attempt to separate and advantageously treat Aboriginal Australians differently from the rest of us, I will simply say that such views are unhelpful to our society and such actions are plainly wrong.

One Nation's views on racial discrimination are clear. Whether or not I am still a member or representative of One Nation has no bearing on my opposition to separating Australians into different groups and legislating to advantage one group over the other. While such opposition is in keeping with One Nation's policy platform and would be expected to be upheld by a member elected on the One Nation name, it is also my strong personal view that such division and unequal treatment should not be supported. Indeed, it should be vehemently opposed at every appropriate opportunity, hence my opposition to the amendment.

This amendment put forward by the Greens to allow the free allocation of shares in a fishery to Aboriginals who have taken, are taking or intend to take fish from the fishery, or to persons to hold in trust for such Aboriginals, can only be described as racial discrimination. Admittedly, it is racial discrimination of a kind meant to advantage Aboriginal people, but in doing so it unfairly discriminates against and disadvantages those who are not Aboriginal. I have no doubt that the Hon. I. Cohen has moved this discriminatory amendment with the best of intentions, but no amount of good intentions is worth a can of beans if the outcome is unfair and, as would follow, incorrect.

Only today my ever faithful secretary, Joanne, repeated to me the age-old saying—I believe it was a favourite saying of her mother—that the road to hell is paved with good intentions. In an instance such as this the standard arguments put forward for this type of activity, usually improperly referred to as positive discrimination, are those that attempt to justify historic cultural practices as fairly occupying some place in a modern-day situation. In some cases there may be such justification. In this case, however, there is not. In keeping with such points of debate, I would not argue with the notion that local Aboriginal Australians have been fishing in different places possibly for thousands of years. However, they were not commercially fishing; nor were they fishing with equipment of the technologically advanced types prevalent in 2000.

Another example of such nonsense arguments are those that allow Aboriginal Australians to hunt and kill the gentle, intelligent and endangered mammals known as dugongs on the basis that they are a staple food source and have been for thousands of years. It is probably true that Aboriginal Australians have hunted shy and defenceless dugongs for a long, long time. However, upholding that cultural attachment must be severely questioned, considering that no Aboriginal Australians need to continue an existence as hunter-gatherers.

Further to that, it is unsustainable to argue such cultural relations when dugongs remain slow and defenceless, yet Aboriginal hunters have swapped their spears for telescopic-sight rifles and canoes for speed boats. It was not my intention to sidetrack from this debate with an expression of the woes of the dugong, as worthy as it is to stand up for that mammal. It simply acts as a good example of a situation akin to the ramifications of the amendment proposed by the Hon. I. Cohen. The amendment must be opposed. It simply furthers the work of those who believe that Australians should be divided into cultural groups and treated differently.

Such views, as well meaning as they sometimes may seem, must be exposed as they are by nature a heinous form of discrimination that not only advantages one group but has the effect of angering another. It is clear that many Australians are rightly and understandably against special treatment by virtue of race or culture. Mostly, the ill feeling created in the community by such policies far outweighs any positive outcomes that may have been intended. Some in government are recognising the hostility that is being caused by such decisions; they work towards all Australians being treated equally and the same must continue. Regardless of whatever party status it may be considered I have, I will always take that stand. I oppose this amendment because I oppose benefits that are given on either a racial basis or a cultural basis. Such policies are an abomination and must be opposed by anyone wanting to sustain their position against such discrimination.

The Hon. Dr B. P. V. PEZZUTTI [9.05 p.m.]: I was sitting in my office listening carefully to the debate. I must draw to the attention of honourable members the committee's recommendation in the report

entitled "Fishery Management and Resource Allocation in New South Wales" tabled in this Parliament in November 1997. The recommendations about Aboriginal and indigenous fishing rights came out of a discussion in Newcastle to finalise the report, with a co-operative arrangement between me, the Hon. Jennifer Gardiner, the Hon. I. Cohen, the Hon. J. R. Johnson and the Hon. A. B. Kelly, who was fairly new to the game and had not heard much of the evidence. The committee recommended:

That New South Wales Fisheries establish an Indigenous Resource Management Committee as a priority. This committee should be constituted under the Fisheries Management Act 1994. The Indigenous Resource Management Committee should have representation from the following stakeholders:

- NSW Aboriginal Land Council;
- Department of Aboriginal Affairs;
- Aboriginal and Torres Strait Islander Commission (NSW);
- Indigenous commercial fishers;
- Indigenous recreational fishers;
- NSW Fisheries; and
- Nature Conservation Council.

The Committee should aim to progress indigenous access to fisheries and provide representation to RACAC (see Recommendations 31 and 32).

I have put recommendations 31 and 32 onto the record, and I will not bore honourable members by repeating them. The committee wanted to ensure that the Premier's Department and the then Minister for Fisheries tried to progress access. That is what Mr McAvoy and many other fishing industry representatives who appeared before the committee wanted. I was a little bemused when I saw the amendments circulated by Reverend the Hon. F. J. Nile because I am aware that no-one, apart from the honourable member and perhaps some Aboriginal people, has discussed this matter. The honourable member said that he had a clear understanding from the Minister. I understand that the Minister met with Aboriginal people for the first time on Tuesday last week in relation to this issue. In 1997 the then Minister was happy to sign off on the recommendations as a true record of the recommendations of this parliamentary committee, which cost an awful lot of money and conducted many hearings throughout New South Wales alone. The committee also travelled to the Northern Territory to look at their laws and see how the Northern Territory had adopted indigenous rights.

The Hon. D. F. Moppett: It may have cost a lot but the findings were invaluable.

The Hon. Dr B. P. V. PEZZUTTI: The findings were invaluable. The Hon. Jennifer Gardiner was also a member of the committee, which listened carefully to what was said. On 12 May 1997 Mr McAvoy said:

What needs to happen in terms of fisheries is that there needs to be perhaps an attitudinal change both in recognition of the changed circumstances within which we are operating, but secondly, I would like to get away from this idea that to do it would be good for Aboriginal people and maybe to the detriment of the Department or the industry.

The place that I would like to get to is where the Department and industry sees the involvement of Aboriginal people and participation in management as a positive thing that contributes substantially to an ecologically sustainable industry, that the experimental knowledge that Aboriginal people have, the nature of their relationship to the ocean and seas and rivers and natural landscape, is such that they can bring a perspective to the management structures that is lacking and is valuable, generally speaking.

What Mr McAvoy was saying in 1997 was that he would like to improve the Aboriginal community's understanding of the environment so that Aborigines have a true understanding of how to manage fisheries. The Minister has not undertaken the inquiries that I would have expected him to undertake, and he has introduced the bill without consulting the Aboriginal people, contrary to what I would have expected him to do. And Reverend the Hon. F. J. Nile has the hide to say that he has the answer, but then does not move his amendment. Reverend the Hon. F. J. Nile said he has spoken to the Aboriginal people, and on that basis alone he has the hide to take up the time of Parliamentary Counsel to draft the amendment but then does not move it. I find this so full of cant. In many of his contributions so far the Minister has made it perfectly clear that he is going nowhere on indigenous fisheries, although he says he will have a roundtable discussion and he will consult, which he has not done to date.

I was so offended by Reverend the Hon. F. J. Nile's actions in this regard that I thought I should put on record that the Aboriginal people said to me only last Tuesday when the bill was introduced that the Minister had only just discussed the bill with them on the Tuesday. Reverend the Hon. F. J. Nile, in his inimitable

fashion, has said, "I have reassurances from the Minister. I am going to support the Government. The Government's bill is such a wonderful bill—as he says about all government legislation—that I don't want to alter it." Then he has the hide to take up the time and money associated with Parliamentary Counsel. Although the true Opposition in this Parliament, the official Opposition, has trouble struggling to get the time of the Parliamentary Counsel, Reverend the Hon. F. J. Nile puts Parliamentary Counsel to the time and trouble of drafting amendments but then does not move them, because he knows that he has not discussed the amendments with anyone else. Yet, he is radiantly comfortable, with an assurance from the Minister that he will sort them out in good time.

I would have thought that when we had the opportunity to resurrect the bill, the Minister would have done something. He was involved in this committee report and heard the evidence that I have just read onto the record. He was present on the South Coast when that evidence was given; in fact, he interrogated the witnesses on medication, and he understands what I am talking about. The Minister understands that the Aboriginal people cannot continue to operate in restricted fisheries, where they have been given training going back to the 1920s.

Reverend the Hon. F. J. Nile: Are you going to vote for the amendments?

The Hon. Dr B. P. V. PEZZUTTI: I will simply ignore Reverend the Hon. F. J. Nile, because I found his contribution to be extremely hypocritical. The Minister heard that the Aboriginal people had training in fisheries because that is what was given to them, that is all that was left; they were trained particularly in beach haul and every area of operation, whether it be prawning, mullet or whatever. Then Minister Martin came along and simply dropped the training because it was a public holiday, or because it was a public holiday Monday or it was the weekend. The Minister knows that. This is his big bite of the cherry to get some justice done. I am appalled that nothing in this bill vaguely approaches the sort of justice recommended in the committee report, which the Minister is a signatory to.

I understand that the Minister will introduce legislation that will improve the situation for Aboriginal fishermen, particularly on the south coast and the north coast of New South Wales, which is where their substantial involvement is. I hope that that is clear and justifiable. If it costs a few dollars, I want those dollars to come out of Treasury; not out of any licence, but out of a real and decent buyout and a real and decent improvement for Aboriginal people that is community-based, which is what the Aboriginal community wants. It may or may not be saleable, I really do not have a view on that, but it should be something by which the Aboriginal community can improve their situation if they are successful.

If, for example, we have community-based licences which cannot be improved, that does not give much advantage to the Aboriginal community. If they have a licence which they can improve on by buying out other licenses, that is great, if they are successful. We should provide all sorts of encouragement in an area where Aboriginal people have proven that they can do the job and do it very satisfactorily, both for their community and also commercially.

I hope that as a result of Reverend the Hon. F. J. Nile's absolute meddling in this matter—something he does not know anything about; he is must full of cant and hypocrisy—the Minister will take on board that this is a serious matter that the Parliament has charged to the Minister to try to get it right. If in the future the Minister introduces an amendment to the bill, and he finds that there are amendments around the table, I ask him to be open-minded, because everyone wants this legislation to work. The Minister's attitude to the bill on this occasion has not been open-minded, and that is a shame. In 1994 when the bill was introduced, Ian Causley was open-minded because he did not have ownership of it or anything to prove. I simply hope that the Minister will come back with indigenous fishing rights that mean something, and I want him to be open-minded to the consultation that goes with it and the views that members of this place have expressed.

The Hon. Dr P. WONG [9.16 p.m.]: I have respect for most members of this House for their sense of justice, for trying to reach true reconciliation, and for their support of the traditional and cultural rights of the Aboriginal people. I congratulate members on their sense of social justice and righteousness. However, I am very concerned about Reverend the Hon. F. J. Nile withdrawing his amendment. As late as this afternoon Reverend the Hon. F. J. Nile held discussions with Aboriginal representatives about his amendment. At no stage did he give any indication that he wanted to withdraw the amendment tonight. Why? If Reverend the Hon. F. J. Nile has reached a compromise of any kind with the Minister—

The Hon. Dr B. P. V. Pezzutti: What's the trade-off?

The Hon. Dr P. WONG: Was it a trade-off, or was he a traitor—

The Hon. Dr B. P. V. Pezzutti: A dirty deal.

The Hon. Dr P. WONG: Was it a dirty deal? Why could Reverend the Hon. F. J. Nile not tell the representatives of the Aboriginal people, who are sitting right behind him? I am totally disgusted, as a Christian Minister. I really mean that.

Reverend the Hon. F. J. Nile: You wouldn't let me.

The Hon. Dr P. WONG: You can say anything you like afterwards; I will have my say for the time being. Once in a while I get very angry, and this is one of those occasions. I am not upset with the Minister, who has told me on many occasions that he will try his best, and I wish him the very best. But Reverend the Hon. F. J. Nile has betrayed the faith that people have given him.

Reverend the Hon. F. J. Nile: You haven't heard my explanation.

The Hon. Dr P. WONG: I heard you when I was on the way to the Chamber from my office.

The Hon. D. J. Gay: It should rest with the Minister, not with Reverend the Hon. F. J. Nile.

The Hon. Dr P. WONG: I am stating the facts.

Reverend the Hon. F. J. Nile: You are wrong.

The Hon. Dr P. WONG: I am wrong? You should explain to the people in the gallery in what way I am wrong. I would be most grateful if you were to issue a media release afterwards pointing out how honest you are and how much integrity you have. Then you will have my apology.

Reverend the Hon. F. J. NILE [9.19 p.m.]: I wish to clarify the matter for the record. The Hon. Dr B. P. V. Pezzutti seems to be under a misapprehension as to how I work and, I am sure, how other members of this House work. I have had deputations from Aboriginal people. They wanted amendments made to the bill and they presented me with background documents. I then had the amendments drafted. As a matter of procedure I cannot ask the Minister whether he agrees with an amendment unless I can show him that amendment. A member simply cannot present the Minister with papers that outline all the problems. Over the years I have found—and I have done this with both Coalition and Labor governments—that if one can confine the issues to specific amendments, one can negotiate and discuss them with the Minister. I told Aboriginal people and other honourable members that my decision would depend on the Minister's comments on the record in Committee. That was what I said at the beginning of the Committee. I said, "These are the amendments, and now I will receive the Minister's response."

The Hon. Dr P. Wong: Did you tell them that?

Reverend the Hon. F. J. NILE: I have been saying that to people.

The Hon. Dr P. Wong: Did you tell that to the Aboriginal representatives?

Reverend the Hon. F. J. NILE: Yes. In fact, yesterday afternoon I received a letter from the main negotiator, Pastor Ossie Cruse, saying that he accepted my strategy as appropriate. He felt that my strategy would obtain far more for the Aboriginal people than would the hypocrisy from the Hon. Dr B. P. V. Pezzutti and from the indignant attitude of the Hon. Dr P. Wong.

The Hon. Dr B. P. V. Pezzutti: Point of order: I am not going to take that. I would like that remark to be withdrawn. Reverend the Hon. F. J. Nile might have to take that but I do not have to take it. I want the remark to be withdrawn.

Reverend the Hon. F. J. NILE: After your using it about 20 times, you are a hypocrite. I withdraw the word "hypocrite", used so often by the Hon. Dr B. P. V. Pezzutti.

The CHAIRMAN: Order! The remark has been withdrawn.

Reverend the Hon. F. J. NILE: That is my explanation, and the Minister has responded to each of the amendments to my satisfaction. I am the person who has presented the amendments. The Minister has given answers to me that I believe in the long run will be for the benefit of the Aboriginal people of this State. I am not playing politics, unlike other honourable members in this Chamber.

The Hon. Dr P. Wong: Oh yes.

Reverend the Hon. F. J. NILE: That is right. They have another agenda, but my agenda, as I said in my opening remarks, is to do what is best for the Aboriginal people of this State. That is my objective, and I believe I have achieved my objective.

The Hon. Dr P. Wong: You have achieved nothing.

Reverend the Hon. F. J. NILE: But it is based on trust. The Hon. Dr P. Wong does not trust me and he does not trust the Minister. If he does not trust anybody, he cannot proceed with working in this area of government.

The Hon. Dr B. P. V. PEZZUTTI [9.21 p.m.]: I will follow up what Reverend the Hon. F. J. Nile has just said. Does that mean that in giving assurances to Reverend the Hon. F. J. Nile the Minister has undertaken to support the direction that Reverend the Hon. F. J. Nile has put to the Minister?

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [9.21 p.m.]: There are many egos prevailing in this debate, and those egos need massaging because they are getting out of hand.

The Hon. Dr B. P. V. Pezzutti: Just answer the question.

The Hon. E. M. OBEID: The Hon. Dr B. P. V. Pezzutti should not tell me what to answer. I decide on the answers that I give; the honourable member does not tell me what to do. Let me make it quite clear to this Chamber that the only honest broker who has approached me on behalf of indigenous people has been Reverend the Hon. F. J. Nile. He is the only honest broker who has approached me with a list of requests on issues that are relevant. I have given him an undertaking that I will repeat in this Chamber. I feel very ashamed to have to say that for nine months I have moved from town to town along the coast and I have had my door open to every individual organisation that wanted to talk to me.

The Hon. Dr B. P. V. Pezzutti: What about indigenous people?

The Hon. E. M. OBEID: I have asked for indigenous representatives on all my councils and also management advisory committees. I had not heard anything whatsoever from members of the indigenous community until they came last week through a deputation led by Reverend the Hon. F. J. Nile. Of course they do not come to the Minister of the day, because he is not important. They do not come to him and ask him for amendments on issues relating to their indigenous community. No, they go to the crossbenches. First they go to the crossbenches and second to the Opposition.

By accident, my colleague in Caucus the honourable member for Wollongong, Col Markham, told me there was an indigenous committee in Parliament House. He said to me, "Would you like to see them?" I said, "Of course I would like to see them." I saw them about five minutes later. It was 12.50 p.m. when he asked me and I said to him, "At one o'clock, I will see them in my office." I was then happy to see them but it was Reverend the Hon. F. J. Nile who was ringing me up about them.

For the information of the Hon. Dr B. P. V. Pezzutti, of course I stand by every word I have said, either before the Standing Committee on State Development's inquiry into fisheries, in the promises I have made to Reverend the Hon. F. J. Nile, or in this Parliament. Let me say that indigenous representatives have much to answer for because the only reason they turned up last week and this week is that my friends in the Nature Conservation Council have maintained their belief that this legislation will fall over. They believe they have the magic wand of the crossbenches, and that they will be able to wave the wand of the Opposition and the crossbenches and flip this bill over and say it is insignificant. How wrong they are.

The issues affecting indigenous communities are still very important but this is not the right time to address them. I have given a commitment to this Parliament and to Reverend the Hon. F. J. Nile in writing and verbally. On three different occasions I met with the indigenous committee when it was available last week. On three occasions Ossie Crewes sat in my office. Tony McAvoy, who is in the lobby, was also in my office. I told them that I would not accept the amendments proposed by Reverend the Hon. F. J. Nile simply because this is not the right time or place.

Indigenous issues are very important and must be addressed. The Treasurer is in the Chamber. If the Hon. Dr B. P. V. Pezzutti and members of the crossbenches are suggesting to me that I should suddenly say to

the commercial fishing sector, "I want to take away some entitlements and give them to the indigenous communities," I would not be able to do that. They are restricted fishers. There are no shares in those fisheries. Until this bill is passed, I cannot pursue those negotiations.

The Hon. Dr A. Chesterfield-Evans: Why did you not negotiate before?

The Hon. E. M. OBEID: The Hon. Dr A. Chesterfield-Evans should keep quiet because he does not have a clue about fisheries. Until this bill is passed I do not have a provisional share-managed fishery. Until I get that, I cannot give shares to anyone—neither to the existing fishers nor to the indigenous community.

The CHAIRMAN: Order! Persons in the public gallery must not speak to honourable members in the Chamber.

The Hon. Dr B. P. V. Pezzutti: But the 1994 Act allows you to create share-managed fisheries. I appreciate you are making changes but the 1994 Act allows you to do that.

The Hon. E. M. OBEID: The Hon. Dr B. P. V. Pezzutti has not been following this debate. The reason a lot of fisheries have not gone down the path of share-managed fisheries is because of the community contribution factor and the enormous amount of money that fishers would be obliged to pay by way of a community contribution. It is beyond me and the Treasurer to provide those funds. The community contribution is what the economic experts have advised us to charge for community-owned assets.

[Interruption]

The Hon. Dr B. P. V. Pezzutti should listen to this because I know that he would like to understand about fisheries. I have suggested a category 2 contribution, which means that fishers pay only \$100 a year. If they want to opt for share-managed fisheries and pay a community contribution, they are more than entitled to have a vote in a fishery and take that path. But at the moment we are fighting shadows because there is no way that I could say to a commercial fishery in this State that I am going to issue more entitlements to the indigenous community and that the Government will pay for them. The big issue would be where the money is coming from.

Until the matter of how shares are allocated by government when provisional commercial fisheries are created and until we embark on the proper process of consulting with the Aboriginal community and then take a proposal to Cabinet, we are all talking a lot of rubbish. The Hon. Dr B. P. V. Pezzutti knows that what he has suggested is not the way in which business is done. There is a lot of ego evident in this Chamber but I have no doubt about the genuineness of honourable members. The point I make is that there is a proper method and process, but this legislation is not the method and this Chamber is not the venue.

I suggest to this Committee that indigenous issues will be fully addressed and legislation will be brought to this Parliament. The issues will be addressed in consultation with the communities but in a way that will enable us to articulate the issues, find solutions to the problems and make sure that when I present a proposal to Cabinet it will be approved. There is a proper method and an appropriate way to approach this matter instead of all the grandstanding that has occurred in this Chamber. I again acknowledge the part played by Reverend the Hon. F. J. Nile and his sincerity in attempting to resolve the issues. He has attempted to adopt the proper process of talking to the Government and trying to convince the Minister.

In my reply to the second reading debate I told the House that this legislation reflects Government policy and that I would do my utmost to resolve the issues and to create shares at the appropriate time without barging in on commercial fishers and suddenly taking away their entitlements without paying for them. I cannot issue more entitlements and I cannot take away entitlements without paying for them. I want some answers from some of my good friends on the crossbenches whose intentions doubtless are good. How do they propose that those entitlements be paid for? I notice that the Treasurer is in Chamber.

The Hon. R. S. L. Jones: He can do that, no worries. The Treasurer is sitting there. Ask him.

The Hon. E. M. OBEID: That is really funny. Governments do not run business in that way. I suggest that this is a very serious matter and we should not trivialise it by trying to force an amendment to this legislation without having solutions in place. Indigenous fishing issues are very serious matters. I stick by what I said in that report. I believe they are owed their rights, but with payment of shares in a commercially feasible

way for the rest of the community. I thank Reverend the Hon. F. J. Nile for believing my words and trusting my wisdom. I have said that to Ossie Cruse, who has accepted it and Tony McAvoy, who in my opinion accepted and understood the situation, and I stand by it now, that the proper time to address indigenous fishing issues is in the indigenous fishing strategy issue paper, which will be published partly in December and fully by June next year.

The Hon. HELEN SHAM-HO [9.30 p.m.]: Reverend the Hon. F. J. Nile, I have already stated my case in my earlier contribution but I wish to speak to the amendment. As a matter of principle I will support the amendment because it calls for, as I called it in my contribution, affirmative action for economic independence for Aboriginal people. The points of the Hon. D. E. Oldfield are that Aboriginals should be treated equally and that is exactly the point. They are the original people of Australia. They have been wronged in the past and we should put them on an equal footing. This amendment is for social justice. It is not for native title. I understand that. I would have supported the amendment.

The Hon. Dr B. P. V. Pezzutti: What's wrong with native title? That is a good idea.

The Hon. HELEN SHAM-HO: I know. The Hon. Dr B. P. V. Pezzutti should carefully look at the legislation because native title is in it anyway. I have talked to Reverend the Hon. F. J. Nile and I understand his position. He was not a traitor to the Aboriginal people. He was quite sincere about it. I want to rebuke what was said by the Hon. Dr P. Wong and say that Reverend the Hon. F. J. Nile is not a traitor.

The Hon. Dr P. Wong: I did not say that.

The Hon. HELEN SHAM-HO: He actually said that.

The Hon. Dr P. Wong: Point of order: I did not say that.

The Hon. M. R. Egan: I thought I heard you say that.

The Hon. Dr P. Wong: My exact words were that he has betrayed their trust.

Reverend the Hon. F. J. Nile: You used the word "traitor".

The Hon. Dr P. Wong: I did not use the word "traitor".

The Hon. E. M. Obeid: You used the word "traitor".

The Hon. M. R. Egan: I thought you did.

The Hon. E. M. Obeid: Look at *Hansard*.

The CHAIRMAN: Order! There is no point of order. The member is seeking to make a personal explanation.

The Hon. HELEN SHAM-HO: Reverend the Hon. F. J. Nile is not a traitor. He has consulted with me as well and we both agreed that we should talk to the Minister. I understand the cynics who say they cannot believe the Government or politicians but I can only speak for myself. I am not Reverend the Hon. F. J. Nile. I have to believe somebody. I believe what the adviser told me. Advisers are not politicians: they are bureaucrats who are trying to do a good job as a matter of course. Can honourable members believe that I talked to the adviser more than to the Minister? The adviser has been most helpful. I also consulted the Minister. The Minister has said repeatedly tonight that he had a holistic approach to this very complex issue because there needs to be an indigenous fishing strategy.

The Hon. G. S. Pearce: Speak to the Chair. Is she speaking to the Minister or the Chair?

The Hon. M. R. Egan: You just sit there and listen for a while.

The Hon. G. S. Pearce: I am trying to learn.

The Hon. M. R. Egan: You look like Michael Yabsley gone to seed.

The Hon. HELEN SHAM-HO: I agree with the Treasurer. It is important not to make policy on the run. As I said in my contribution, a lot of government policy that has not been thought out properly has tried to help Aboriginals but has failed. I hoped that perhaps this Government, after five years with this strategy and with a discussion paper but nothing being done, could do something. This Minister has only been the Minister for Fisheries for 18 months, so I am giving him the benefit of the doubt, as I always do—

The Hon. G. S. Pearce: Why are you saying nothing has been done over five years?

The Hon. HELEN SHAM-HO: I give a benefit of the doubt. The Hon. G. S. Pearce insults other people.

The CHAIRMAN: Order! Interruptions are disorderly.

The Hon. G. S. Pearce: I am just repeating what she said. I am not interrupting, Chair.

The CHAIRMAN: Order! You are interrupting me. Interruptions are disorderly and, therefore, are out of order.

The Hon. G. S. Pearce: I am learning.

The Hon. D. E. Oldfield: Point of order: That is my point of order.

The CHAIRMAN: Order! I have ruled on the point of order.

The Hon. D. E. Oldfield: I ask you to bring to order the honourable member, whose name I have not yet noticed but who continually interjects. That it is unbelievable. I have only been here five minutes but he has been here five seconds, and I just cannot get over him.

The CHAIRMAN: Order! I have ruled on the point of order.

The Hon. HELEN SHAM-HO: I will conclude my remarks very soon if there are not more points or order or interjections. As a matter of principle, I support the amendment. However, because of the undertaking and the Minister's commitment to me in relation to the indigenous fishing strategy, I have to think of the long-term benefit to Aboriginal people. I will not support the amendment.

The Hon. Dr P. WONG [9.35 p.m.]: I will comment on the Minister's question as to why the Aboriginal representative came to talk to the crossbenchers first. The Minister should be able to answer that question himself. Comments have been made that the Minister did not consult many groups. Every day crossbenchers receive representations, letters and petitions saying the same thing. As I mentioned to the Minister earlier, he did not consult with me. I am not commenting on whether that is right or wrong. However, there is a perception out there that he has not consulted, and he is aware of it. If the Minister really only consulted them last Thursday, obviously he has not consulted them early enough. Hence, maybe his approach has been wrong.

In a way, the wrong crossbencher has been picked. I tried to ascertain as late as one hour ago whether Reverend the Hon. F. J. Nile would move the amendment. If he is seeking our support I request that he tell us earlier where he stands in relation to this matter. It is up to Reverend the Hon. F. J. Nile to move his amendment. However, he owes it to Aboriginal representatives to tell them that he is not sure which way he is going. I am sure he has not told them or the crossbenchers and that is something I am alarmed about. The Minister has been quite above board with me at all times and I am not reflecting on his reputation but I am concerned about him.

The Hon. A. G. CORBETT [9.37 p.m.]: A number of issues in the amendments of the Greens deal with indigenous people. Minister, will each of those issues be covered in the discussion paper? Will the Minister's department consult with the indigenous community before releasing the draft indigenous fisheries strategy paper? When does the Minister expect legislation or amendments to the Act to be brought in to cover this area next year?

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [9.38 p.m.]: Mr Chairman,—

The Hon. G. S. Pearce: Who will you consult with?

The Hon. E. M. OBEID: You just keep quiet, Mr wet-behind-the-ears.

[Interruption]

The CHAIRMAN: Order! I warn the Hon. G. S. Pearce and draw to his attention Standing Order 261. I advise him to cease interjecting.

The Hon. E. M. OBEID: I return to the real issues. The answer to the first question asked by the Hon. A. G. Corbett is yes. The answer to the second question is yes. I have already stated that they will be consulted and will be able to seek advice. The issues paper will be released before December. We hope to formulate the appropriate draft paper for the general community and other stakeholders by next June. That will give the indigenous community approximately six months in which to address all issues it regards as relevant to that sustainable fisheries strategy.

The Hon. A. G. Corbett: With legislation next year?

The Hon. E. M. OBEID: Yes, no doubt—once we confirm the issues and I take them to Cabinet. I hope by next year we will be able to introduce the indigenous fisheries strategy, which will address in detail all of the issues raised in these amendments. This is the commitment that I made to the delegation, it is the commitment I made to Reverend the Hon. F. J. Nile, and it is a commitment that I repeated in my reply to the second reading and have just now repeated in this Chamber. Let us not get ourselves confused about what the intent is. However, I caution the Hon. Dr P. Wong about taking notes from Kathy Ridge and following the advice that she would give him. I caution him about doing that. I have been out there consulting with the community for nine months.

The Hon. R. S. L. Jones: Not the Aboriginal community.

The Hon. E. M. OBEID: This bill does not attempt to address all of the grievances that the indigenous community has about the indigenous fisheries strategy. Those issues are being worked out by the department in consultation with the community, so that the issues will be brought out before December. So the honourable member is right: I did not go to the Aboriginal community.

The Hon. R. S. L. Jones: No. Why not?

The Hon. E. M. OBEID: If the honourable member is patient, I will explain. This is not the bill to address indigenous issues. I have welcomed indigenous people coming to see me, and I have explained it all to them, exactly as I have explained it to this Chamber. Unfortunately, there are those who are lobbying to destroy this bill who will use this as an opportune time to further that aim. I cautioned the Hon. Dr P. Wong, who has good intentions and means well, that this is not an issue of not consulting indigenous people. I have consulted them when it is appropriate regarding the indigenous fisheries strategy.

The Hon. Dr B. P. V. Pezzutti: Last week you consulted them!

The Hon. E. M. OBEID: When did they ask for meetings? Did they come to you and ask for a meeting? Don't talk rubbish! I have been up and down the coast. My doors are open, as the Hon. Dr A. Chesterfield-Evans well knows, and so does every crossbencher. They know that they can see me at very short notice. None of those members has been denied a meeting. Nor have any other stakeholders been denied a meeting. Aboriginal community representatives turned up only last week. I gave them three meetings in approximately two days. I am perfectly satisfied that they went away understanding exactly where I stand on this issue. All relevant issues will be considered during the indigenous fisheries process.

The Hon. Dr P. WONG [9.43 p.m.]: I would like to comment briefly that Ms Kathy Ridge did not brief me. I have very high regard for her, but she did not come to me for this reason. The Minister did consult with me and brief me on many occasions. I join in the question asked of the Minister by many crossbenchers: Why did he not go to see Aboriginal community representatives? If he can see all of us many times, surely he would have time to think of these Aboriginal issues, which would be very important in his portfolio?

The Hon. Dr A. CHESTERFIELD-EVANS [9.43 p.m.]: I must confess I was shocked at the withdrawal of the amendment circulated by the Christian Democratic Party. I feel that if one takes an amendment on behalf of a group, one should not withdraw that amendment without appropriate discussion. If

one formulates an amendment from one's research, what one does with that amendment is one's own business. My view is that if one takes an amendment that others on the crossbenches would have been happy to move—though I cannot speak for the Opposition—one should persist with the amendment. I congratulate the Hon. I. Cohen for picking up that matter in the circumstances.

Tony McAvoy was keen to have the amendment pursued. Obviously, he felt that the bill was deficient in that regard. It is all very well for the Minister to say, "Well, we are coming to the fishing strategy next year," or whenever. The fact of the matter is that if one has a commitment to indigenous people, one has to acknowledge that they have had a bad deal from white people and that they have been dispossessed of their resources. They are, by any standard that one would apply, a disadvantaged group that needs proactive measures to help them maintain their traditional practices and provide economic assistance for the future.

If one is thinking about these things sensibly, one should build them into legislation, rather than put the legislation through with a few vague promises, saying, "It is all right. We will deal with that strategy later. We can't afford to buy the shares." I would suggest that the quantity of fish taken in traditional fishing practices is probably very small, perhaps not more than the quantity of fish taken by a competent recreational fisher, particularly given the extraordinarily sophisticated gear that some of the more extravagant recreational fishers have. But there has been no discussion about how much fish Aboriginal fishers take through traditional practices. One could probably safeguard their traditional rights with minimal effect on fish stocks. I think this issue has not been handled well by the Government. I am shocked that a promise that the issue would be considered later down the track would cause the amendment to be withdrawn. I will read from a letter by Ron Snape of the indigenous community headed "40,000 years not enough history for the Fisheries Act".

Reverend the Hon. F. J. Nile: I read that during the second reading debate. It is all in *Hansard*.

The Hon. Dr A. CHESTERFIELD-EVANS: It is kind of Reverend the Hon. F. J. Nile to remind me of that. But I think it bears reading again, because the honourable member must have forgotten what was said in that letter. Ron Snape wrote:

Under the present Fisheries Act indigenous people of NSW are finding themselves making repeated appearances before courts. The Act is inadequate when it comes to indigenous culture. Many indigenous commercial fishers are illiterate. The appeals did not work for them although fair to most others. Bag limits are unfair. One indigenous person may be gathering for his extended family as is tradition. The current bag limit is meant for a single person. Their sacred sites and middens need protection, as do the present day animals found in them. The size limits should not apply to us in some cases for commercial practices have put paid to much of the traditional food. For instance the only available abalone in inshore areas are undersize by law. A shell found in middens, the bimmulla, should be protected. This shell takes 40 years to reach 2 inches. It's currently commercially exploited. It only goes on. In short, the Act must be amended to be Aboriginal sensitive. **The Act should be amended to recognise not only recreational and commercial fishing but also Indigenous activities.** A separate MAC must be set up to properly represent Aboriginal needs.

Even worst under the amendments before Parliament our fishing culture could find itself bought out by the recreational licence fee if some Ministerial Round table sees fit. Unemployment in the bush within Aboriginal communities is anything up to 30%. We need our licence and we need the opportunity to keep our kids culturally aware, employed and out of trouble.

The Hon. H. S. Tsang: Point of order: I do not see how the comments of the honourable member are relevant to the question before the Chair.

The Hon. Dr A. CHESTERFIELD-EVANS: On the point of order: I am speaking to the circulated amendment, and I would have thought my remarks are relevant to whether or not the amendment is needed.

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

The Hon. Dr A. CHESTERFIELD-EVANS: Ron Snape continues:

No one can say that there is nothing wrong with the present Act or Amendments when not one indigenous fisher on the South Coast qualified for a hand gathering endorsement. 40,000 odd years of history wasn't good enough for the Act or Regs.

The current Act must be amended but not necessarily in the way the present amendments suggest.

Indigenous Australians are brought before court almost on a weekly basis on various fisheries charges. Habitual offenders are thrown into gaol. In fact today, 13 of November 2000, a koorie lad is up for sentencing on a fisheries offence at Batemans Bay Court. On Friday last another was before Milton Court.

That is an extract from a letter written by an indigenous person, and it relates to an issue that this Government must address. I am disappointed that the amendment was not moved by Reverend the Hon. F. J. Nile. However,

I support its presentation by the Hon. I. Cohen. I would have introduced it myself had it not been moved by the Hon. I. Cohen. I was a little envious that the amendment was originally given to Reverend the Hon. F. J. Nile. But I thought: Good luck to the honourable member; he might do some good for the indigenous community. I should have known better. I was disappointed with the Minister's attack on Kathy Ridge—someone who I believe is very thorough and who has tried to bring groups together to work towards sensible amendments and plans. Her efforts are to be praised.

The Minister's earlier statement that we were going to "destroy the bill" is indicative of his narrow approach to the issue. The Government, in its arrogance, believes that, as it introduced the bill, anyone touching it or amending it is interfering with the Government's divine right to govern because it is of the view that because it received 43 per cent of the primary vote in the lower House it should have 100 per cent of power in both Houses, and anything else is a massive interference with democracy! The Government does not understand that it does not have a monopoly on information and on good legislation. Perhaps it should take a bit more notice of people like Kathy Ridge, who talks to people and who produces amendments that are worthwhile and have merit. The Government should take a much broader view and accept this amendment. If it does not, other honourable members will support it and ensure its passage through this Chamber.

The Hon. I. COHEN [9.52 p.m.]: It was with interest that I read some instructions from my staff that Christian Democratic Party amendment No. 1, which was to be moved by Reverend the Hon. F. J. Nile, was to be supported as it was non-contentious, that the Government was supporting it and, therefore, it presented no problems. Many twists and turns have occurred in debate about this amendment. I reiterate that this simple amendment, which I have now moved, will ensure that the Minister gives Aboriginal organisations notice of any share allocation. I refer again to a message I got from Tony McAvoy, who represents the New South Wales Aboriginal Land Council. He said:

The New South Wales Aboriginal Land Council has not seen a draft of the indigenous fishing strategy since it was completed in early 1999.

That body is still waiting for the strategy. He continued:

Why has it not been shown to us this week? As share allocations go through a staged allocation process we need to be included now. If we are not cut in now the current unemployment, health and social indicators will continue to be entrenched in coastal communities.

Quite clearly those communities are experiencing significant problems. It will be a number of years before share allocations are effected. I say to the Treasurer, who is in the Chamber, that perhaps something can be done over time? Shares are not to be allocated now; the allocation is to be a staged event. I am sure that the Treasurer could find the money. I am rather concerned about some of the attacks on the Nature Conservation Council [NCC]. The NCC does not have any power to arrange lobbying on behalf of the New South Wales Aboriginal Land Council. It is not a conspiracy. There has not been sufficient consultation. Whilst the Minister may rail against the NCC, it most strongly supports the recreational fishing license fee.

The Hon. Dr B. P. V. Pezzutti: What did he call them, dirty greenies?

The Hon. I. COHEN: The Greens are used to that sort of thing.

The Hon. E. M. Obeid: I didn't say dirty greenies, I said bleeding hearts.

The Hon. I. COHEN: I am comfortable with that term. If that means that I care about the issues I represent, so be it. That denigrating term can be applied to many people whom I greatly admire. The NCC clearly does not want this bill defeated; it does not want this bill to fail. The NCC and many organisations want to see improvements to the bill. In light of the circumstances, that is a fair call. I again commend my amendment to the Committee. Some reference was made earlier to the honourable member who should have moved these amendments. I and many other members on the crossbenches discussed this matter with Tony McAvoy and other indigenous representatives. We were all quite keen to take on these amendments. Whilst there were some reservations, which are quite well founded, with the wisdom of hindsight it was believed that Reverend the Hon. F. J. Nile, given his experience and his position in this Chamber, would be the appropriate person to move those amendments. It just goes to show that this is a classic case of paternalism. The honourable member is now telling the Aboriginal community what it needs, which is appalling.

The Hon. R. S. L. JONES [9.56 p.m.]: I say to the Minister, who for several days has accused Kathy Ridge of a conspiracy theory, that if he takes on Kathy Ridge, he is taking on the entire conservation and environmental movement in New South Wales. The Nature Conservation Council represents 120 organisations. It is not wise for the Minister to attack the entire environmental movement in New South Wales.

The Hon. D. F. MOPPETT [9.56 p.m.]: For the last three-quarters of an hour or so, we have listened to several members laboriously embroider and overstretch their positions by repeatedly speaking to this amendment. I thought it would be as well if someone else spoke for a moment to give them a chance to draw breath and to consider the position we have reached. To forestall anyone who wishes to take a point of order, I speak in debate on this matter because this issue was outlined in general debate earlier and I assumed that the matters that were discussed would be moved in the form of an amendment.

I addressed this issue in debate on the second reading of the bill and I said by way of interjection that I was disappointed that the Minister, in his extensive reply, did not acknowledge my contribution to that significant issue. Returning to the issue with which we are dealing, I must say that is a rather sad reflection. We heard in debate the views of a number of honourable members whose energy and fervour to try to capture a segment of this debate was rather unseemly. A number of honourable members relied on one or two letters or on representations made to them by one or two people in the last fortnight. There has been a great absence of reference to people's policies, strategies or well-established views on the matter of the inclusion of indigenous people in the development of policy.

The Hon. Dr B. P. V. Pezzutti: As in the report.

The Hon. D. F. MOPPETT: I concede that at least the Hon. Dr B. P. V. Pezzutti referred to the substantial taking of evidence from witnesses—a well-considered report that was not his report but the unanimous report of a committee of this Chamber, which should be given some weight. If people are wondering where I am going, I have indicated some difficulty with the concept of the allocation of shares. Although we will be guided, of course, by the shadow Minister, who is perfectly capable of managing this debate, I simply make clear what I said. I saw great difficulty in coping with that at this time and in such an ex tempore or ad hoc way, rather than seeing it as part of a broad strategy. I certainly dealt with that issue.

As I said earlier, this debate has not heaped a great deal of credit on this Chamber. I say to Reverend the Hon. F. J. Nile that I do not believe that this unseemly debate, as I see it, would have occurred if it had not been for this elaborate procedure of a phantom amendment. If Reverend the Hon. F. J. Nile had achieved the accommodation he spoke about with the Minister, or he sought to achieve that accommodation, I believe he could have done that through discussions with the Minister and his departmental officers. I spoke about the indigenous fishing strategy, the appointment of officers and the timetable involved, but it seems to me that Reverend the Hon. F. J. Nile wanted to establish a proprietary right in this debate by asking the Minister to give him assurances and by then stating that he was not going to move an amendment.

That has been the cause of this debate being extended for as long as it has. It is a sad reflection on the way people deal with indigenous issues. There has been far more heat and a lot less light than is appropriate. If the Committee is drawn to a vote on this, honourable members should examine their consciences and make sure they are not just trying to win brownie points or, on the other hand, trying to denigrate people who are working diligently in the field. Reference has been made to one person with whom from time to time I might have differences of opinion, but I do not think the terms by which the Minister referred to that person's activities were appropriate. They were indefensible, in fact. I hope he will make his apologies to her personally afterwards. I hope I have given members time to cool down and think of the seriousness of the subject that is being discussed and that any further contributions will be more measured and restrained than some the Committee has heard to date.

The Hon. Dr B. P. V. PEZZUTTI [10.00 p.m.]: Nothing could be taken from my earlier contribution to suggest that I support this amendment. I think it is poorly thought out, and when Reverend the Hon. F. J. Nile took it to the Minister, I think he thought it was equally poorly thought out. It does not address the issue. It shows some evidence of a Johnny-come-lately to the issue. I want to make one further point while the Minister is still listening. He talks about category 2 being a great advance. He says that category 1 is so expensive and everyone is frightened of it. I remind the Minister that abalone and rock lobster fisheries are established share-managed fisheries, category 1.

The Hon. E. M. Obeid: High-value fisheries.

The Hon. Dr B. P. V. PEZZUTTI: They may or may not be high value but they are share-managed fisheries in the new category 1. It is extraordinarily expensive to transfer shares in both those fisheries. The community contribution is not a deterrent to those who continue to ply their trade; those who continue to trade their licences ensure that the whole thrust of the Act, which is the management of the fishery, is conducted in a

sustainable fashion. So, what threat did the Minister use for beach netting or estuarine prawn trawling that frightened everyone off? If the community contribution was so high as to make the whole thing uneconomic, it is obvious that—

The Hon. D. F. Moppett: It was overvalued.

The Hon. Dr B. P. V. PEZZUTTI: —it was overvalued, yes. If the Minister wants to move towards share-managed fisheries, he should take a good look at his department and the advice it gives him. It never wanted share-managed fisheries—that is, except for Mr Crew, the former director-general, who understood in a most visionary fashion that the only way to sustain fisheries in this State is to make sure that fishermen look after their resource. The Minister should re-examine the advice he gets from his department, because I think there are a whole lot of Dr Glaisters sitting there waiting to gobble him up. They have led him astray on this issue. If the department did not advise him that Aboriginal fisheries was an important feature of the review of this legislation, he has been seriously misled, and he must have known he was. There is a report that devotes 30 or more pages to this issue, to which members of the committee—the Hon. I. Cohen and I—devoted an enormous amount of time. Dr Refshauge could not respond in any meaningful way—

The Hon. Jennifer Gardiner: And still hasn't!

The Hon. Dr B. P. V. PEZZUTTI: —and still has not responded three years later. The Minister for Aboriginal Affairs is too damned lazy or does not care. The Minister for Fisheries has missed the boat on this. I do not think that any thinking person would have supported Reverend the Hon. F. J. Nile's amendment. It did not go to the heart of the issue. It would not have solved the problems. The Minister has rejected the amendment anyway. The Minister should re-examine what the department is advising him about share-managed fisheries. In 1994 the Act allowed him do just about anything he wanted to do with share-managed fisheries. The fright the department has given him about this community contribution is a phantom he has to get past. He must quickly address the issues of Aboriginal fishing licences and Aboriginal rights to fishing. But I do not believe the amendment of Reverend the Hon. F. J. Nile, which has been moved courageously by the Hon. I. Cohen, is a solution or is worthy of support.

Reverend the Hon. F. J. NILE [10.05 p.m.]: The Hon. Dr B. P. V. Pezzutti must have selective hearing. He hears some things but misses other things. I was given the wording of the amendments by Aboriginal representatives. It is not my wording. If the honourable member wants to be critical, he should attack the Aboriginal people. They gave me the wording of the amendments and I gave it to the Parliamentary Counsel. I said to them that I would negotiate with the Minister on the amendments. I have negotiated with him. He has accepted amendment No. 1. He has agreed that Nos. 2, 3 and 5 should be part of the indigenous strategy. Without my moving No. 4, he has agreed that exemptions will be given to Aboriginal people.

He has accepted amendment No. 6. and I mention that for the benefit of the Hon. Dr P. Wong, who missed the whole of my earlier contribution. I said it would depend on the Minister's response to these amendments in Committee whether I would move them. They were negotiating amendments to try to achieve benefits for Aboriginal people. That has always been my objective. I believe what I am doing will achieve far more for the Aboriginal people of the State than anything that has been done by other honourable members who have taken part in this debate.

Question—That the amendment be agreed to—put.

The Committee divided.

Ayes, 5

Mr R. S. L. Jones
Ms Rhiannon
Dr Wong
Tellers,
Dr Chesterfield-Evans
Mr Cohen

Noes, 32

Dr Burgmann	Mr Hatzistergos	Dr Pezzutti
Ms Burnswoods	Mr Johnson	Mr Ryan
Mr Colless	Mr M. I. Jones	Ms Saffin
Mr Corbett	Mr Lynn	Mr Samios
Mr Dyer	Mr Macdonald	Mrs Sham-Ho
Ms Fazio	Mr Moppett	Mr Tingle
Mrs Forsythe	Mrs Nile	Mr Tsang
Mr Gallacher	Revd Nile	Mr West
Miss Gardiner	Mr Obeid	<i>Tellers,</i>
Mr Gay	Mr Oldfield	Mr Jobling
Mr Harwin	Mr Pearce	Mr Primrose

Question resolved in the negative.

Amendment negatived.

Progress reported from Committee and leave granted to sit again.

ADJOURNMENT

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [10.15 p.m.]: I move:

That this House do now adjourn.

VICTIMS OF RAPE IN WAR

The Hon. JANELLE SAFFIN [10.15 p.m.]: On Friday 10 November I hosted the annual function of the New South Wales parliamentary group of Amnesty International, at which we highlight the good work of Amnesty in Australia and internationally and at the same time raise funds for its valuable work. The New South Wales group is an important parliamentary body in that it has the support of members of all parties, and parliamentary staff are also members of the group. The theme of the function was one of importance to me, to women of all nations and, indeed, to all of us. The invitation said that the function was to commemorate women who have been victims of rape in war and to dignify their suffering. "Commemorate" means to celebrate in speech or writing, to preserve in memory by some celebration or a dedication by plaque or stone. That is what it was: A keynote speech celebrated those women who have been silent victims and preserved or committed their suffering to our collective memory.

The special guest who did this was Kirsty Swovd Gusmao, wife of Xanana Gusmao, the East Timorese leader. Kirsty is a leading activist with and for the people of East Timor in her own right, having worked in the clandestine movement of necessity under the pseudonym Ruby Blade. Kirsty's acceptance marked the occasion—indeed, it is a very serious crime—as special and well deserving of public attention. The attendance of Xanana Gusmao at the event added to this as well. I thank the media for their attendance and coverage not only of this event but also of this topic. I thank also my staff, Margherita Tracanelli and Dominique Tubier, who have been very supportive in working with me. It was a team effort. I thank also Kevin Rozzoli, the Secretary of the New South Wales parliamentary group of Amnesty International, for his active support.

I put onto the record the plight of a 15-year-old girl, to whom Kirsty referred in her speech. The girl's name is Juliana Dos Santos and she is from Suai in East Timor, the well-known scene of a horrendous massacre that took place in the church there last year. On 6 September 1999 militia and TNI backed chief Igidio Manek, whilst leading the attack, kidnapped the then 14-year-old Juliana, raped her and impregnated her after murdering her younger brother. She is about to give birth. When she was very pregnant her captor paraded her at the border in front of her parents, family and friends as a war trophy. Recently with the TNI present the police had Juliana sign a statement claiming to love her captor, Igidio Manek, and saying that she wanted to remain in West Timor with him. She is still there and he still has her captive; she has not been returned to her family. Juliana needs to be home with her mother and family so that she can feel safe and start the healing process from her dreadful ordeal.

What happened to her in East Timor during those dark days of September 1999 may not be defined as war by some, but the people who were terrorised by the violent events felt that they were in a war zone. Kirsty

also spoke about the plight of 33 East Timorese women who recently returned from West Timor after being abducted. Those women told of how they were forced into being sex slaves for the TNI-backed militia. The women are all pregnant, they are again living in Ermera in East Timor, and a wonderful local group, ETWAVE, has set up a crisis centre to give the women help and support. I am aware that Kirsty is following up with these women and also on Juliana's plight.

It is a shame that in East Timor even some who have confessed to rape and murder are being released because the country does not have the funds to investigate those crimes. Also, the Australian section of the International Commission of Jurists has taken up Juliana's plight and made statements about it. It has been extremely difficult to have rape recognised as a war crime. Even though article 3 of the Geneva Convention to deal with civilians speaks about degrading treatment, et cetera, rape has not been recognised as a war crime. It is only recently that the International Criminal Tribunal on the former Yugoslavia and the International Criminal Tribunal on Rwanda have dealt with rape as a crime against humanity. The Rome statute setting up the International Criminal Court also includes rape as a crime against humanity.

FEDERAL SCHOOLS FUNDING

The Hon. Dr B. P. V. PEZZUTTI [10.20 p.m.]: I wish to read onto the record a letter I received from David Kemp, the Federal Minister for Education, Training and Youth Affairs, concerning the funding of government and non-government schools. The Minister wrote:

The Commonwealth Government's primary objective in school funding is to achieve a quality education for all Australians. One of the fundamental principles underlying the Commonwealth's role in school education is to support the right of parents to choose the educational environment which best suits the needs of their child, whether it is in the government or the non-government sector.

Commonwealth spending on government schools is at the highest level ever. All States and Territories have received increased funding every year since 1996 for its government schools. Total funding for government schools in the 2000-01 budget is \$2.0 billion, and over the next four years will total \$8.6 billion.

Commonwealth spending on government schools will rise by 19 per cent over the next four years. This year the Commonwealth Government is spending \$402 million more on government schools than in 1996, an increase of 26 per cent. Over the same period the number of students in government schools has risen by 2.3 per cent. Further, the Commonwealth guarantees and legislates school funding over a four year (quadrennium) funding period. None of the States or Territories offers such a guaranteed four year funding arrangement, nor the legislated funding increases provided by the Commonwealth. As you know, funding levels to individual government schools are decided by the State Government.

Increased funding for government schools is part of a broader commitment to funding for all schools. Since 1973 the Commonwealth has been the primary source of public funding for non-government schools. Non-government school funding is rising more rapidly at present because the Commonwealth has acted to correct serious inequities in school funding. The increase in non-government funding does not mean that funding is taken away from government schools as is mistakenly claimed by the Opposition—

that is the Federal Opposition; I note that the Federal Opposition voted for it—

From 2001, the Commonwealth will introduce a new funding system for non-government schools, which will more accurately reflect the need of the communities they serve.

Under the socio-economic status (SES) funding model, schools will now move to a more equitable system where schools serving the most needy communities will receive funding, in 2004, of \$ 4,368 for each primary student and \$5,721 for each secondary student. By comparison, the wealthiest schools that are funded on their SES score will, in 2004, only receive \$855 for each primary student and \$ 1,120 for each secondary student.

The Commonwealth's policies recognise the right of parents at all income levels to exercise choice of schooling and rejects the view that this should only be available to high income parents. It is important to remember that per capita recurrent funding of non-government schools by Commonwealth and State Governments together remains less than the average per capita funding of government schools.

On the issue of the Enrolment Benchmark Adjustment..., the EBA has been on the public agenda since August 1996. It has been the subject of extensive public comment and the matter was thoroughly canvassed by the Commonwealth Parliament through a Senate Inquiry. The Senate subsequently passed the related legislation after detailed debate.

The basic principle underlying the EBA approach is that when a student moves to the non-government sector from the government sector, the State makes a saving as the major part of the cost of educating that student is shifted to the Commonwealth and the student's parents. The EBA does not transfer funds from one sector to another, nor increase in any way the entitlements of non-government schools to per capita funding.

Under the EBA mechanism, State Governments are required to return to the Commonwealth some of the savings, which accrue when the proportion of students in non-government schools increases against the 1996 enrolment benchmark. If there is no change in the relative enrolment shares, or there is an increase in the government school share, the EBA will not be triggered. The EBA also includes a buffer arrangement to protect States from minor adjustments to the proportion of non-government student enrolments.

The issue of cost shifting between the levels of governments as proportions of students change was acknowledged by State Education Ministers at the Ministerial Council on Education, Employment, Training and Youth Affairs... meeting held in March this year. States also agreed to participate on a working party, chaired by New South Wales, to propose an alternative approach to the EBA in order to address this issue. The Minister will consider any recommendations which may arise from the working party.

I trust this information will assist you in putting school funding arrangements into context.

I place that letter on record because it is important for people to understand the reality of what is happening at the moment.

CLEAN UP AUSTRALIA DAY

The Hon. M. I. JONES [10.25 p.m.]: Since its inception in 1989 Clean Up Australia Day has been the largest community participation event in the country, attracting more than half a million volunteers every year. It is an apolitical, non-profit, community effort to rid parklands, forests, rivers, waterways and beaches of rubbish. In the past the Recreational Four Wheel Drive Clubs Association, known as the four-wheel drive association, has always had a good relationship with the National Parks and Wildlife Service regarding Clean Up Australia Day and is proud of its achievements. In one particular year I worked with a small team which retrieved 104 car bodies from one park in two days. There are many other such examples. There are many letters on file from National Parks and Wildlife Service rangers in appreciation of the hard work of four-wheel drive groups. Their manpower is appreciated, and their horsepower is extremely efficient.

Participation in the Clean Up Australia Day campaigns together with local councils and State Forests was a regular event. Unfortunately, when the Wilderness Act was introduced by Chris Hartcher, the then Minister for the Environment, the lock-up mentality began to take hold and everything changed. Things only got worse with Minister Allan at the helm, and the anger felt by members of the four-wheel drive movement towards the National Parks and Wildlife Service and the Minister descended to an all-time low. The idea of the memorandum of understanding [MOU] was developed by enlightened managers within the National Parks and Wildlife Service and the four-wheel drive association. This was later developed by the two parties involved. On 1 May 1999 I attended a meeting at Wallerawang, at which a manager of the service advised that the service was ready to sign the memorandum of understanding. This turned out to be a false alarm.

The following June Minister Debus made a pre-emptive strike against my questions of him in the budget estimates hearings. He stated that, "National Parks maintains a close liaison with four-wheel drive associations." The Minister praised the MOU as a wonderful breakthrough in establishing cordial relations. However, the Minister sadly avoided mentioning—or did not even know—that the very same document was not signed. It was not until a further 17 months later, in October 2000, that the actual document was signed. The history of the MOU is extremely important. The co-operation in clean-up activities predates the Clean Up Australia Day by some 20 years. Yet the media, and to some extent the Government, constantly paint the four-wheel drive movement as villains with nothing to offer the environment. The opposite is the reality.

Recently a quarterly meeting of the four-wheel drive association was held in the upper Hunter. The president called upon the clubs to be proactive with projects proposed under the MOU, to enhance the determination of these clubs to provide a first-class service to the management of the National Parks and Wildlife Service. Delegates were asked to request from their clubs clean-up proposals. I have a copy of a letter from the current president, Mr Frank Sanzari, calling on these clubs to render assistance. Mr Sanzari stated, "If we are to progress by using the MOU then we must be proactive and not wait for NPWS to approach us."

Notwithstanding all the insults and bad publicity the four-wheel drive users have had to put up with over the past six years, they are still prepared to put their time, energy and resources into cleaning up national parks and reserves. This is an amazing, selfless feat, and it clearly demonstrates their passion and respect for the environment and our national parks. I therefore challenge all environmental groups—who are very quick to denounce the four-wheel drive movement in the worst possible way—to match the effort of the four-wheel drive clubs on Clean Up Australia Day 2001.

TAFE GLOBAL EDUCATION COURSES

The Hon. H. S. TSANG [10.30 p.m.]: I pay tribute to the former Sydney Technical College. In doing so, I reflect on some of the successes of the Sydney Technical College. In the 1960s when I arrived in Sydney the Sydney Technical College was an institution which enabled overseas students to learn English so that they could undertake a matriculation course and eventually attend a university. Sydney Technical College has produced many professional people. I remember that some of those who lectured me at the University of New

South Wales did not hold a degree; rather, they held an ASTC which was professional qualification good enough for architects, engineers and surveyors. The Sydney Technical College assisted in the setting up of the University of New South Wales and the University of Technology Sydney. The college became an institute of technology and was subsumed in TAFE New South Wales. I inform the House that TAFE has now formed an organisation known as TAFE Global.

TAFE Global will be an institution that is operated on a commercial basis. Its role is to export TAFE courses overseas, and to date it has been very successful. As recently as two weeks ago, in company with the Premier, I witnessed the signing of a memorandum of understanding between TAFE Global and a TAFE institution in Beijing to provide distance education. On 6 December the Minister for Education and Training, John Aquilina, will be in Guangdong to witness the signing of a partnership between TAFE Global and a Guangdong institution to deliver TAFE courses not only for English but also for other subjects. That will mean that people who previously were unable to attend university will be able to learn English, enroll in a TAFE course and eventually undertake an Australian university degree in China.

I believe that TAFE is very forward and outward-looking in its approach. It provides a bridge for students right throughout Asia who want to learn advanced technology. Students will now be able to do so through enrolling with TAFE Global and that will open a new market in China where Australian universities will be able to deliver their courses. I believe that TAFE Global is a good concept. I congratulate the Minister for Education and Training on taking the initiative to go to Guangdong and follow up with a visit to Shanghai to witness another joint venture between TAFE Global and the Shanghai justice department for the delivery of a law course. The Minister's schedule is very tight and he will visit each city for only a day or two. He will then follow up his visit to China by visiting Korea to promote TAFE Global and TAFE courses there.

I congratulate the Minister for Education and Training, John Aquilina, on his initiative and, in particular, on the agreement to launch the Air China Southern Airline which will fly three times a week from Guangdong to Sydney. It is estimated that this airline will bring approximately 12,000 tourists from Guangzhou to Sydney and that each tourist will spend approximately \$4,000 during a visit lasting one week. That will mean millions of dollars for the Australian economy. Any commitment made by the Minister for Education and Training and by this Government ought to be commended. In conclusion, I again offer my congratulations to Sydney TAFE and to TAFE Global.

FREE VIETNAM ALLIANCE

The Hon. C. J. S. LYNN [10.34 p.m.]: I pay a tribute to Mr Sung Dang, who is head of the Australian Chapter of the Free Vietnam Alliance, and congratulate his organisation on the successful conduct of the sixth international conference of the alliance at Warwick Farm last weekend. I was particularly pleased to see such a strong international contingent at the conference, with representatives from Canada, France, Germany, the United States of America and other countries. The conference is a positive reflection of the global democratic wave that has inspired Vietnamese people from all over the world to unite in their struggle for a free and democratic Vietnam.

The Free Vietnam Alliance was formed in July 1990 with the aim of achieving a democratic government in Vietnam through peaceful means. To achieve this aim, the alliance is creating grassroots movements within and outside Vietnam to pressure the leadership of the Vietnamese communist party to abandon its authoritative rule. To that end, the alliance has since its inception initiated a series of campaigns among the overseas Vietnamese communities to support the democratic forces in Vietnam in carrying out various activities to fight for freedom of worship, freedom of information and freedom of individual rights and protection of workers. They also support the fight against the irresponsible destruction of the environment, state corruption and oppression.

Over the years, the alliance has continually generated international awareness of the situation in Vietnam by voicing the concerns of Vietnamese people at various international forums. It has successfully gained support from various human rights organisations and institutions, such as the Human Rights Watch—Asia, Amnesty International, the World Association of Newspapers, Freedom House, the International Pen Club, the Reporters Sans Frontiers, the International Freedom Expression Exchange, the Asian Democratic Group and many more organisations. Despite tremendous difficulty, the Free Vietnam Alliance publishes the monthly *Vietnam Dan Chu* magazine in Vietnamese, a newsletter in English and the bimonthly "Vietnam Infos" newsletter in French. These publications document the Vietnamese efforts to achieve democracy and they run stories about democratic movements within Vietnam. The alliance has also established its own web site in Vietnamese, English, French and German.

I believe that the valuable work of the Free Vietnam Alliance and the huge efforts of Vietnamese communities both at home and abroad as well as their achievements should be acknowledged. The overwhelming majority of Australians are proud that we made a contribution to the cause. Indeed, some 500 of the finest of our young men gave their lives in support of that cause. Hundreds more were permanently maimed and thousands more still bear the psychological scars of the betrayal of those who physically and verbally abused them when they arrived back home from their tour of duty. Those actions, orchestrated by extreme subversive radicals in our society, represent a shameful chapter in our short history as a nation.

At the Free Vietnam Alliance conference last Sunday, the honourable member for Cabramatta, Ms Reba Meagher, expressed her own sense of outrage at the invitation extended to the diplomatic representative of the current Vietnamese communist regime to attend the official opening of the current session of this Parliament in this House. She assured the Vietnamese representatives at the conference that that will never happen again. I can assure her of bipartisan support in ensuring that such a treacherous act will not be tolerated ever again in this Parliament. I take this opportunity to congratulate all those who have been involved in this just cause to bring true democracy to Vietnam. I congratulate the Free Vietnam Alliance on its achievements in the past decade and I wish the alliance well in the future. I hope that the people of Vietnam will succeed in ending the tyranny of communism in their country and that we will see a new and democratic Vietnam early in the twenty-first century.

BANKSTOWN AIRPORT COMMUNITY AND ENVIRONMENT FORUM

Ms LEE RHIANNON [10.38 p.m.]: The Bankstown Airport Community and Environment Forum is continuing its campaign for the Old Flower Power site in Milperra. The forum is requesting that the contaminated site be cleaned up and restored to its original state. There is a continuing interest in the site by potential buyers, yet the community is still not privy to the latest environmental assessment of the site. Bankstown City Council clearly needs to engage in meaningful dialogue with the stakeholders. The area is zoned as open space and the potential is enormous for its transformation. The site should be realised as open space within this context—as a parks and recreation area. Currently the site is what amounts to an ongoing hazardous threat to the local community. The Bankstown Airport Community and Environment Forum is calling on the council to meet any obligation it may have to ensure that all dangerous contaminants are removed from the area. People who live close to the site understandably have very strong concerns about the impact of the area upon their health.

John Wales of Co-Bolt Constructions, the developer interested in the site, currently hold a caveat over the land. As long as it holds that caveat, any attempts to initiate action in order to find an environmentally sound solution for the site will be delayed. Co-Bolt has plans to develop more than 200 dwellings on the site. The company has not been open with the community about its intentions. The Greens understand that many local people were not adequately informed about a meeting that the company organised on site in December last year. Apparently a pamphlet drop was done but many locals claimed they never received that notification. An advertisement was placed at the back of the local newspaper, the *Bankstown-Canterbury Torch*, and many people were unaware of it until after the meeting had taken place.

A publication by the Environment Protection Authority entitled "Significant Risk of Harm from Contaminated Land and the Duty to Report" clearly established that landowners and occupiers have a duty of care to notify the EPA of any site on which contamination presents a significant risk of harm. That decision as to whether a significant risk of harm exists rests with the owner and the person whose activities have caused the contamination. Bankstown City Council is not the owner. It has stated that its duty of care is limited to its assessment of a future development application. Although the local community was hoping it would not reach this stage, responsibility will lie within such an assessment as far as its requirement to fulfil the conditions of the State Environmental Planning Policy No. 55, pertaining to contaminated land, and council's policy for the management of such contaminated land.

The community should not have to accept overdevelopment in return for cleaning up the contamination. While council fails to act the Greens and the forum will be forever on guard against potential developers and development. The Greens congratulate the Bankstown Airport Community and Environment Forum, which is a most active group in the area. Recently it informed the Greens that there is a plan to acquire Riverwood golf course land to extend the runway at Bankstown Airport. It has been further suggested that industry stakeholders of Bankstown Airport have been briefed on that proposal. The plan is said to involve regional aircraft using Bankstown Airport. Such detailed plans have not been disclosed to the community.

In the past the forum has requested information regarding the existence of possible concept plans, but were denied information because the airport authorities said they were not subject to freedom of information

legislation. The forum has again requested information regarding such plans, but as yet it has not received a reply from the airport authorities. On behalf of the community the forum has called for the plans to be made public. The Greens endorse the plan brought forward by the forum, which calls for residents surrounding Bankstown Airport to be granted a legislative curfew, designated flight paths to be put in place, a limitation on movement of aircraft and provision in any contract for the sale of Bankstown Airport to restrict the type of aircraft able to use it.

It should be noted that the forum is strongly opposed to the privatisation of Bankstown air centre. The Greens congratulate the forum on its work. I say: Thank heaven that we have a watchdog such as this body; otherwise, heaven only knows what sort of development would go on in that area. However, at the moment there is considerable ground for improvement.

Motion agreed to.

House adjourned at 10.43 p.m.
