

LEGISLATIVE COUNCIL

Friday 24 November 2000

The President (The Hon. Dr Meredith Burgmann) took the chair at 11.00 a.m.

The President offered the Prayers.

VISITOR

The PRESIDENT: I welcome to the President's Gallery Councillor John Farr, the Mayor of Cabonne shire.

LAW REFORM (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

Bill received and read a first time.

Motion by the Hon. M. R. Egan agreed to:

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

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**.

BUSINESS OF THE HOUSE

Precedence of Business

The Hon. I. M. MACDONALD (Parliamentary Secretary) [11.06 a.m.]: I move:

That on Friday 24 November 2000, Government business take precedence of general business.

The Hon. R. S. L. JONES [11.07 a.m.]: Some members were not consulted about this motion to dispense with private members' business today. It would have been a good idea to consult all members about it. Nevertheless, I will vote for the motion. I understand that two private members' days will be allocated to make up for the loss of today. Private members' days are very important because they enable members on both sides of the House and on the crossbenches to air their individual views, and to have their motions and bills discussed and passed. We do not give up private members' days lightly.

Ms LEE RHIANNON [11.08 a.m.]: I adopt the comments of my crossbench colleague. Private members' days are very important to us. We appreciate that at this time of the year the House is busy, but we would emphasise that private members' days should not be regarded—as, it seems, some members of the major parties do—as an annoyance that they must bear at the end of the week. Once again the Hon. I. M. Macdonald is groaning. I find his attitude offensive.

The Hon. D. J. Gay: Crossbenchers get more than the lion's share of private members' days.

Ms LEE RHIANNON: Yes. But if crossbenchers did not defend private members' days we would lose more of them. The agreement that we have gained from the Government today is not only the allocation of two private members' days for the loss of today but that those days will be before May next year. We appreciate that. Rather than being smart and cynical about private members' days, all members should put in more effort to ensure the retention of those important days.

The Hon. Dr B. P. V. PEZZUTTI [11.09 a.m.]: I take the same view as the crossbenchers. I am extremely annoyed that I will not be able to bring on discussion on the serious matter of the report by the Health

Care Complaints Commission on the mishap at Canterbury hospital. That is a matter that should be of grave concern to this House. I have been waiting for that matter to come on. I appreciate the import of the motion of the Hon. I. M. Macdonald. But in the chook lotto to determine the order of precedence for items of private members' business I did not win. So when the chook lotto throws up the next lot of items, the items we were about to discuss obviously will not come on. Therefore I may have to wait perhaps two years to discuss what is a serious and significant matter. I might have to bring it on by contingency.

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council [11.10 a.m.]: Obviously, the Government supports the motion. The proposal to move this motion actually came from a pretty representative cross-section of the House.

The Hon. R. S. L. Jones: One or two.

The Hon. M. R. EGAN: No, not one or two. I think we will see that when the vote is taken. There has not been a government, to my knowledge at any rate, that has protected private members' days as much as this Government has.

The Hon. Dr B. P. V. Pezzutti: Huh!

The Hon. M. R. EGAN: The honourable member should not say, "Huh!" For the past five years—almost six years—whenever Government business has been given precedence over private members' business, the Government has made it up. I do not think there has been an exception to that. The Hon. Dr B. P. V. Pezzutti is whingeing but, of course, if he did not talk so much we would not only get through all the Government legislation much faster but have a lot more time for private members' business. The Hon. Dr B. P. V. Pezzutti has become the resident windbag.

The Hon. Dr B. P. V. Pezzutti: On a point of order: I would like that implication withdrawn by the Treasurer.

The Hon. M. R. EGAN: What implication? That you are the resident windbag? That was not an implication.

The Hon. Dr B. P. V. Pezzutti: I do not waste the time of the House. My contributions have been concise. I would like you to withdraw that implication.

The Hon. M. R. EGAN: They go on forever. And when you do not have the call—

The PRESIDENT: Order! Is the Leader of the House speaking further to the point of order?

The Hon. M. R. EGAN: Not really. I am just pointing out that, even when the Hon. Dr B. P. V. Pezzutti is not speaking, he continually interjects, which means that most honourable members end up speaking three times longer than they intended to, in order to answer the inane interjections of the resident windbag.

The PRESIDENT: Order! I have said before that a certain robustness of debate is part of the tradition of this House but that some words and phrases go beyond the bounds of what is acceptable and are therefore unparliamentary. However, I do not regard as unparliamentary a suggestion by one member that another member speaks too often and for long periods. No point of order is involved.

The Hon. M. R. EGAN: In any event, the term "resident windbag" is objectively true.

The Hon. Dr A. CHESTERFIELD-EVANS: [11.13 a.m.]: Members on the crossbenches gave their support to the motion to give up private members' day and to deal with Government business because, once again, Christmas is almost upon us. This motion has been moved partly because the Government schedules very few days for debate and then introduces a significant number of important bills at the end of the session. That causes a lot of difficulties. It does that in order to ram through legislation, minimise inconvenience to itself and minimise the scrutiny to which its bills are subjected. While members on the crossbenches agree to this motion, the paradigm with which we are working is entirely one of the Government's making. The Government really should lift its game, better schedule the business of this House, and introduce its important bills early in the session.

Reverend the Hon. F. J. NILE [11.14 a.m.]: I support the motion. So far as I am aware, this is not a Government initiative. Some members on the crossbenches believed this process should be followed. When I

was asked whether I would support the proposal I said I would. In view of the huge number of amendments to the Water Management Bill, which are to be moved in Committee by members on the crossbenches, it could be argued that this motion is justified.

The Hon. J. S. TINGLE [11.15 a.m.]: I support the motion. To set the record straight, I should say that I was the person who was asked to poll the crossbenchers to determine whether we should surrender this day.

[*Interruption*]

I was not the Whip. I was asked by various honourable members to do it. Nine members on the crossbenches agreed immediately that in view of the importance of the Water Management Bill we should agree to that bill being debated today. Two members on the crossbenches were against that proposal and, the last time I counted, two were undecided. The only reason this suggestion was made is that this is an extremely important bill. We now have a pile of amendments, the likes of which I have never seen before in this House. Our perception was that if debate on the Water Management Bill was postponed until Tuesday and private members' day was not given up today, we would certainly not complete that bill by the end of next week and we would lose continuity on it.

Due to the fact that a large number of amendments, which have been proposed by the Nature Conservation Council, will be moved by various members in this House we thought we should get on with it. That is why the suggestion was originally made. When I was talking to the Greens and the Government about this matter it was agreed at all times that a substitute day would be provided later for private members' business. I am one of the people who loses. My bill was the first item to be discussed in private members' business today. I am prepared to forfeit that opportunity so that we can complete the debate on the Water Management Bill.

The Hon. I. M. MACDONALD (Parliamentary Secretary) [11.16 a.m.], in reply: The Hon. Dr B. P. V. Pezzutti was worried about whether we would be able to debate matters listed in the business paper under precedence of business. I am assured by the Clerk that we will debate those matters on the next private members' day. I am prepared to forgo debating my important motion relating to Telstra today so that we can clear up debate on the Water Management Bill. The Hon. J. S. Tingle said that members on the crossbenches support this motion. I hope that all members on the crossbenches realise there is broad support for this motion. This is not an unusual step. In fact, in all the time that I have been a member of Parliament, private members' days have been surrendered at the end of session and additional private members' days have been allocated at the commencement of the next session.

The Hon. M. R. Egan: Not under the previous Government, they were not.

The Hon. I. M. MACDONALD: Not under the previous Government, but this procedure is being followed by this Government so that honourable members can complete a rather extensive program. I will not read out the Government's legislative program, but a number of bills have to be dealt with. We want to conclude debate on as many of those bills as we can before the end of this session. This is not an unusual motion and I commend it to the House.

Motion agreed to.

WATER MANAGEMENT BILL

In Committee

Consideration resumed from 23 November.

Ms LEE RHIANNON [11.18 a.m.], by leave: I move Greens amendments 29A, 30, 30A, 80, 81, 82, 83, 117, 119 and 165 in globo:

No. 29A Page 7, clause 8. Insert after line 30:

- (b) water that is committed for the foreseeable environmental flows that are necessary to restore or maintain fundamental ecosystem health (*ecosystem health water*), including water that is committed for the following purposes:
 - (i) satisfying quantitative flow requirements,
 - (ii) maintaining frequency, duration and depth of floodplain and wetland inundation,

- (iii) making provision for commence-to-flow discharges,
 - (iv) maintaining instream flow variability,
 - (v) keeping river and wetland salinity concentrations below key threshold levels,
 - (vi) protecting groundwater dependant ecosystems,
- No. 30 Page 7, clause 8, lines 31 to 34. Omit all words on those lines. Insert instead:
- (b) water that is committed for specified environmental purposes, and may be released only for those purposes and only at specified times or in specified circumstances (*supplementary environmental water*),
- No. 30A Page 8, clause 8. Insert after line 4:
- (2) It is hereby declared that water that is classified as environmental health water, ecosystem health water or supplementary environmental water is not to be:
 - (a) extracted, or
 - (b) allocated to consumptive uses, or
 - (c) traded,
 anywhere in the State.
- No. 80 Page 32, clause 59. Insert after line 21:
- (2) An available water determination must not be made so as to prejudice the flows of water that are necessary to maintain the fundamental ecosystem health of the water sources to which the determination relates.
- No. 81 Page 33, clause 60. Insert after line 7:
- (a) first priority is to be given to the needs of the environment,
- No. 82 Page 33, clause 60, line 8. Omit "first". Insert instead "second".
- No. 83 Page 33, clause 60, line 12. Omit all words on that line.
- No. 117 Page 60. Insert after line 4:
- Part 5 Release of environmental water**
- 117 Release of supplementary environmental water**
- (1) Supplementary environmental water is not to be declared except with the concurrence of the Minister for the Environment.
 - (2) If any supplementary environmental water has not been released during the accounting period to which it relates, it may be released at any time after the end of that period for the purpose of enhancing the fundamental ecosystem health of any water source, as determined by the Minister in consultation with the relevant management committee (if any).
- No. 119 Page 63, clause 121, lines 16 and 17. Omit "as little damage as possible is caused". Insert instead "minimal harm is caused to the environment".
- No. 165 Page 260, Dictionary. Insert after line 22:
- fundamental ecosystem health*, in relation to a water source, means the maintenance and restoration of the following key aspects of the natural flow patterns of the water source:
- (a) the seasonal cycles of wetting and drying of the water source and its dependent ecosystems,
 - (b) the propensity of the water source to flooding, and the frequency, timing, duration and extent of any such floods.

I said in the second reading debate that this bill is a missed opportunity, and that is reflected in this section of the bill. It reflects why we argue that the provisions relating to environmental water in this bill are vague and weak. The Greens have moved a series of amendments that are designed to make explicit the definition and determination of "environmental water", and to strengthen the provisions generally. Environmental waterclasses in the bill as it stands do not specifically protect water from extraction, nor guarantee it along the whole system.

Our aim, as reflected in these amendments, provides the necessary safeguards. The Greens' amendments will insert into the bill a new category of environmental water: "ecosystem health water", which is water that is necessary to restore or maintain fundamental ecosystem health. That includes water for purposes such as maintaining the frequency, duration and depth of floodplain and wetland inundation, keeping river and wetland salinity concentrations below key threshold levels, and protecting ground water-dependent ecosystems.

Ecosystem health water should be the principal means by which environmental flows are delivered. Ecosystem health water should incorporate the four current means by which environmental flows are delivered—transparency releases, environmental contingency allocation, off-allocation sharing and low-flow protection. Ecosystem health water is designed to recognise that the timing, volume and quantity of environmental flows are all critical aspects. And, like the natural flow of rivers, different combinations will provide a different range of benefits for each ecosystem.

The Greens have moved these amendments because the bill in its current form does not provide for fundamental ecosystem health. When we cut through the rhetoric of this bill we find that fundamental ecosystem health would be compromised, and we need to include provisions for the maintenance and protection of hydrological connectivity between different water-dependent ecosystems. We also need to maintain and protect biological diversity that is dependent on adequate water quality and quantity. We have to provide for feeding, habitat and reproduction, and maintain pollutants below key thresholds. The key pollutants in this regard include thermal pollution, salinity, turbidity, pesticides and nutrients. Furthermore, "fundamental ecosystem health" would include provision for water for predicted future events. These events must be quantified. Events such as bird breeding, fish passage, seasonal blue-green algal outbreaks and natural seasonal variations are all events that can be planned for and predicted.

The Greens' amendments will strengthen the definition of "supplementary environmental water". In the bill as it stands this water is committed for environmental purposes but can be taken and used for other purposes. This is the greatest weakness of the bill. Time and again that is denied, but water allocated for environmental purposes can be taken. Our amendments will require that this water be used for the environmental purposes for which it was originally allocated. This is a very important step if we are to ensure the environmental health of our rivers. It is not hard to see what will happen otherwise. Water will be allocated to the environment as supplementary environmental water only until someone wants it for irrigation. We have seen it in the past, and we will see it in the future if we do not tidy up this aspect of the legislation.

Specific circumstances in which supplementary environmental water should be called upon include salinity diversion or unexpected bird breeding events. We argue that the triggers should be specified in the Act. This is strengthened even further by amendment No. 30A, which inserts a clause to make it crystal clear that environmental water must be locked away where irrigators cannot get at it. That should be absolutely fundamental. If that does not happen, it is proof of the Greens' assertion that the major parties are delivering for the big irrigators. The clause states that environmental health water, ecosystem health water or supplementary environmental water are not to be used for extraction, allocated to consumptive uses, or traded.

Amendment No. 80 restrains the Minister from hiving off environmental water for other uses. Currently, clause 59 of the bill gives the Minister power to issue "available water determinations" from time to time. These will specify the availability of water for the various categories of access licence. Our amendment will insert a clause to provide that an available water determination must not be made so as to prejudice the flows of water that are necessary to maintain the fundamental ecosystem health of the water sources to which the determination relates.

Amendments Nos 81, 82 and 83 relate to the priority of allocation in the event of severe water shortage, and elevate the environment in the priority order. The remaining amendments pursue these themes further, seeking to safeguard the environment and better define the provisions of the bill. These amendments are critical to ensure that the bill produces environmentally positive outcomes. They are essential to ensure that environmental protection is not just rhetoric from the Minister but is concrete and real. I urge the Committee to support the amendments.

The Hon. D. F. MOPPETT [11.24 a.m.]: The Committee is, to a limited extent anyway, indebted to Ms Lee Rhiannon for moving her amendments in globo, because it gives us an opportunity to deal with one part of the spectrum of this debate in one fell swoop. No doubt it is difficult for people who have an expectation that some of these amendments will be successful to encompass their scope, but we did not object, as we did before, because I feel reasonably confident that the Committee is unlikely to agree to this package of amendments.

We set ourselves to listen to the voice of moderation in this debate. We do not believe we are the repository of all wisdom in relation to water management, but when it comes to these amendments—especially the early ones in which extensive wording has been offered—we are looking at a very heady cocktail that incorporates elements of befuddled, misleading information together with the really potent and howling-shrieking end of the debate that sees everything that irrigators are doing as evil. They suggest we should be preparing ourselves for the widest range of ecological catastrophes that could be imagined by a fevered and frenetic mind.

The Hon. I. Cohen: Isn't that happening?

The Hon. D. F. MOPPETT: No, it is not. We have gone through this, and I do not intend to expand this into a second reading debate. I do not think that approach is necessary. From the few words I have offered, the Committee will probably realise the Opposition intends to oppose these amendments.

The Hon. M. I. JONES [11.26 a.m.]: It strikes me that people who can come up with amendments such as those proposed by Ms Lee Rhiannon to the Water Management Bill, which, in a constructive way, is seeking to solve a lot of problems, have no concept of what it is like in rural New South Wales away from the coast. There is generally a great shortage of water in general terms—though certainly not at the moment. In general terms water is at a premium. There are some very long rivers in Australia but, given its landmass, it has relatively few rivers.

People on the land do it tough these days compared with their brothers in the urban areas. Probably 75 per cent of the infrastructure beyond the Great Divide that supports towns, industries and working people is dependent upon irrigation. The Great Arterial Basin is made possible by irrigators—the infrastructure is there and it supports people, towns and communities. It is a difficult, arduous existence on the land. That is evidenced by the number of people moving away from the land because it is so tough. Australia—and New South Wales in particular—owes a great debt to its rural communities. The wellbeing of city folk, our standard of living, our infrastructure and our universities were initially achieved from an abundance generated by the rural sector.

This plethora of nonsense that we have just had presented to us is really an attempt to dismantle that infrastructure. The Greens' amendments would limit management plans to five years with no compensation for the irrigators. They would dismantle the irrigators. If the Greens got their way—God forbid!—and ran the rural communities, it might be some ideological wonderland, but it would certainly not be a suitable place for people to try to farm or try to exist in the way they do at the moment. The infrastructure would be dismantled. It comes down to whether we look at the rural landscape and say, "Is the glass half empty or is it half full?"

I believe that the rural landscape is pretty damn good. Frankly, the people who have been farming for a long time have created a great deal from very little. They do a wonderful job for us, and we do not appreciate the contribution they make. Any attempts to penalise these people—and these amendments do attempt to penalise them—is simply a dereliction of our duty to the people of New South Wales. It is scandalous, and I hope the Committee will appropriately determine what should happen to these amendments—that is, chuck them in the bin.

The Hon. D. J. GAY (Deputy Leader of the Opposition) [11.30 a.m.]: I join with the Hon. D. F. Moppett in thanking the Hon. I. Cohen for moving these amendments in globo. The amendments are similar, but I shall concentrate on amendments Nos 30 and 30A, because they are fairly selfish amendments. Clause 8 (1) states:

- (a) water that is committed for fundamental ecosystem health at all times, and may not be taken or used for other purposes (*environmental health water*),
- (b) water that is committed for specified environmental purposes at specified times or in specified circumstances, but may, at other times and in other circumstances, be taken and used for other purposes (*supplementary environmental water*)
...

First, environmental health water is locked up for the environment, and rightly so. However, in these amendments the honourable member does not want supplementary environmental water to be able to be used for any other purpose. That is why I said the amendment is selfish. It will mean that in this country, which suffers from floods and droughts, we cannot use supplementary environmental water for any other purpose. That water may be used to look after a part of the environment that the Greens do not want looked after, that is, the human part of the environment. The amendment is targeted at irrigators in particular. Under the amendment consumptive uses would include water for towns and villages, sewerage and health. The amendment is selfish

because the Greens want to take all that water and not allow the Minister in an emergency to use it for different purposes. The Greens have completely disregarded the fact that a large bank of water is locked up for the purpose they want. Of course the Opposition opposes these amendments.

Ms LEE RHIANNON [11.33 a.m.]: The Deputy Leader of the Opposition said that these amendments are not necessary because the bill already contains safeguards. As the honourable member said, clause 8 (1) (a) states:

water that is committed for fundamental ecosystem health at all times, and may not be taken or used for other purposes ...

However, clause 59 provides for the Minister to have the power to override the provisions in clause 8. Honourable members should not consider clause 8 (1) (a) in isolation. The rivers will still lose out, and that is where the Deputy Leader of the Opposition has made a mistake.

The Hon. I. M. MACDONALD (Parliamentary Secretary) [11.34 a.m.]: The Government will oppose all these amendments. The intent of amendment No. 29A is already incorporated in the existing class of environmental health water. The amendment is also limited and very prescriptive; it is focused on inland river systems. If adopted, it would not be applicable to other water sources, such as estuaries and coastal waters. As for amendment No. 30, the existing provisions provide a better descriptor of the operation of this environmental water. That is, if the environmental circumstances are not triggered, this water may, if specified in a plan, be used for other non-environmental purposes. I think the Deputy Leader of the Opposition was making that point.

Amendment No. 30 contains unnecessary detail as the existing definitions implicitly cover these conditions. The reference to trading supplementary water is also incorrect. Amendment No. 80 is unnecessary as available water determinations can be made only in accordance with the bulk access regime, which protects fundamental ecosystem health. In relation to amendment 81, in times of severe water shortage only it is obvious that the needs of the environment need to be put second to providing adequate water for human domestic consumption. I believe that all honourable members would agree with that. Amendment No. 82 is consequential on amendment No. 81 and, of course, is opposed. Amendment No. 83 is also consequential on amendment 81 and is opposed.

As for amendment No. 117, it is unnecessary to specify the role of the Minister for the Environment as he already has a concurrent role in the making of any plan containing environmental water rules. The proposal essentially to carry over supplementary water is unnecessary and would be contrary to the reason for having these classes of environmental water, that is, water that is triggered by various circumstances. In relation to amendment No. 119, it is inappropriate to change the wording. Clause 121 relates to damage to property and so forth resulting from entry onto land, not general environmental damage. Amendment No. 165, the dictionary definition, is consequential on amendment 29A and is therefore unnecessary. Consequently, the Government opposes these amendments.

Amendments negated.

The Hon. R. S. L. JONES [11.36 a.m.]: I do not intend to move amendment No. 30B.

The Hon. I. COHEN [11.37 a.m.], by leave: I move Greens amendments Nos 31, 39, 41A, 42, 44, 63 to 65, 73,79, 93A, 100, 154 and 156 in globo:

- | | |
|---------|--|
| No. 31 | Page 8, clause 9, lines 16 to 18. Omit all words on those lines. Insert instead: <ul style="list-style-type: none"> (b) as between the elements of each list of water management principles, to give priority to those elements in the order in which they are listed. |
| No. 39 | Page 11, clause 15. Insert after line 14: <ul style="list-style-type: none"> (2) Such an order must be consistent with the objects of this Act and the water management principles. (3) To the extent to which it sets terms of reference, such an order must not be made except with the concurrence of the Minister for the Environment. |
| No. 41A | Page 11, clause 16, line 4. Insert "but does not include any policy that is inconsistent with the objects of this Act" after "policy". |
| No. 42 | Page 12, clause 17, line 6. Omit "may". Insert instead "must". |

- No. 44 Page 12, clause 17. Insert after line 21:
- (2) The provisions of a water management plan, including the provisions of any amendments made by the Minister during the operation of the plan, must be consistent with the objects of this Act and the water management principles.
- No. 63 Page 24, clause 48, lines 16 and 17. Omit "to ensure that any environmental water rules established by the plan are observed". Insert instead "must not make any decision that is inconsistent with any water management principles established by this Act".
- No. 64 Page 24, clause 49, line 19. Insert "the objects of this Act, the water management principles and" after "have regard to".
- No. 65 Page 24, clause 49. Insert after line 30:
- (4) The annual report for a public authority under *Annual Reports (Statutory Bodies) Act 1984* or the *Annual Reports (Departments) Act 1985* must indicate the extent to which the work and activities of the public authority have, or have not, been consistent with the objects of this Act, the water management principles and the provisions of any relevant management plan.
- No. 73 Page 28, clause 54, line 23. Omit "less". Insert instead "more".
- No. 79 Page 32, clause 58, line 2. Insert "but subject to the objects of this Act and the water management principles," after "Act,".
- No. 93A Page 40, clause 75. Insert after line 16:
- (2) Such a regulation must be consistent with the objects of this Act and the water management principles.
- No. 100 Page 47, clause 89, line 5. Insert ", subject to the objects of this Act, the water management principles and the State Water Management Outcomes Plan" after "location".
- No. 154 Page 194, clause 398, line 3. Insert "in accordance with the objects of this Act" after "omitted to be done.".
- No. 156 Page 195, clause 401. Insert after line 28:
- (f) the setting of environmental objectives for the delivery of environmental flows and water quality objectives, including sustainability indicators and benchmarks.

Amendment No. 31 is a crucial amendment that prioritises water management principles in the order in which they are written. Prioritisation is crucial in the event of litigation. In order for the objects and principles of an Act to guide a court in the event of litigation, it is important to articulate that the objects and principles of an Act are in a hierarchical order. Further, the objects and principles of an Act must be reiterated throughout the Act. In two recent articles Justice Stein articulated the vital importance to the court in deciding points of ambiguity to have reference to clearly prioritised objectives of an Act. Without these, the court literally flounders when trying to understand the legislation's intent. The amendments are drafted in accordance with this argument.

It is essential that the bill adopts and provides for the consideration of environmental objects and principles in a hierarchy that can be subjected to accurate judiciary review. Without this amendment the environmental provisions might be weakened. It is also essential that the objects and principles be referred to in relation to the Minister's decision-making powers regarding the roles of water management committees in all aspects of licensing. Clearly it is essential that this bill gives priority to sustainability in water management.

The order of water management principles stated in clause 5 indicates this prioritisation. Further, prioritisation of these principles sets the tone of the legislation. The amendment emphasises environmental protection, including protection and restoration of water sources, habitats and water quality, in the management of the State's water resource. The amendment seeks to incorporate this clear delineation in the bill. The amendment is necessary to expand the requirements of the persons exercising functions so as to consider all of the water management principles in the priority in which they are listed and not confine this duty to the water sharing principles. The amendment seeks to clearly state the intended purpose of this section.

I will now deal with amendment No. 39. Water management plans are the instruments that govern the way in which water management occurs within the State's various catchment areas. The plans are the guiding documents prepared by nominated stakeholders. It is essential that there is clear guidance as to what the plans are to contain and what aspects of the Act need to be taken into consideration. The amendment has two fundamental components: first, to further tie the objects of the Act to management planning; and second, to ensure the concurrence of the Minister for the Environment. The first clause of the amendment restates the importance of the objects of the Act and water management principles.

Given the primacy of water management plans in the management of water resources, it is important to tie the objects of the Act directly to these plans. This must be achieved through these objects being constantly repeated and applied throughout the Act. This is to avoid any ambiguity in the understanding of clauses within the Act, and to assist in the implementation of the Act with the least possible confusion. The amendment, in proposed subclause (2), relates to a concurrence role for the Minister for the Environment in relation to setting terms of reference for the water management committees. It ensures a whole-of-government involvement in the water planning and management process. Amendment No. 41A is a sensible and necessary amendment which offers a safeguard that no policy referred to is inconsistent with the objects of the Act.

Amendment No. 42 is a high-priority amendment. Clause 17 relates to the provisions in a water management plan for a water management area. Each provision referred to in the clause is extremely important to the efficacy of management plans for water management areas. All of these provisions should be included within a management plan. The amendment provides for this by replacing the word "may" with the word "must". The title of the clause is "Provisions applicable to all management plans". The amendment ensures that that is the case.

I will now deal with amendment No. 44. A clear delineation of the objects of an Act is achieved through the objects being constantly repeated and applied throughout the Act. This amendment avoids any ambiguity in the interpretation of clauses within the Act, and assists in the implementation of the Act with the least possible confusion.

I refer now to amendment No. 63. In its current form clause 48 requires that the Minister take all reasonable steps to give effect to a water management plan, and in particular to ensure that any environmental water rules established by that plan are observed. The Act allows the Minister to initially set the bulk access regime within the first 12 months after the date of assent of the Act. I draw attention to clause 7. During this time a water management plan will not be in place. No water management plan has yet been finalised. This amendment ensures that the Minister is bound by the water management principles when exercising functions under the Act. This amendment requires that environmental provisions are considered at all times and will not limit the Minister's actions to times when a plan is already in place. Amendment No. 64 ensures that when exercising its functions a public authority must have regard to the objects of the Act and the water management principles.

With regard to amendment No. 65, it is essential that any function undertaken by a public authority under this Act is reported to the public. This will provide transparency and accountability in that authority's actions. Furthermore, it assists in the understanding of the progression of whole-of-government management. This is important to assess the implementation of ecologically sustainable development principles. A whole-of-government approach to resource management is fundamental in the achievement of these principles and the evaluation of a public authority's achievements in relation to the objects, principles and provisions in any relevant water management plan. Engraved on the ceiling of this Parliament's Jubilee Room are the words "Knowledge is the Mother of Wisdom". That adage can be applied to this amendment.

Amendments Nos 73 and 93A are minor consequential amendments. Amendment No. 79 ensures that licensing priorities will be determined in accordance with the overarching objective of the Act and the water management principles. With regard to amendment No. 100, a water use approval confers a right on a holder to use water for a particular purpose and at a particular location. It is essential that this right be tied with a responsibility. That responsibility is already outlined in the Act's objects and in the water management principles. This amendment ties that right to the principles and objects of the Act as clearly as possible.

The comments of the Greens in relation to amendment No. 100 also apply to amendment No. 154. With regard to amendment No. 156, clause 401 relates to the making of regulations for the Act. The amendment seeks to ensure that regulations are made to provide for the setting of environmental objectives for the delivery of environmental flows and water quality objectives, including sustainability indicators and benchmarks. It is essential that necessary regulations are made which provide guidance to water management committees in relation to planning requirements that allow for specific ecological responses. I commend the amendments to the House.

The Hon. D. F. MOPPETT [11.48 a.m.]: I did not object to the amendments being dealt with together because my approach to them is fundamentally the same, and it is likely that the fate of the amendments will be the same as the previous raft of amendments dealt with by the House. In the interests of saving time, I will speak to the amendments briefly and in the most general terms. I am grateful to my colleagues who spoke to the earlier

amendments because they perhaps dignified the efforts of Ms Lee Rhiannon. I am sure that if they want to, they will do so in relation to these amendments moved by the Hon. I. Cohen. I would hate members to go away with the thought that the Coalition had been scathing in its approach to the amendments or dismissive of the content of them. I clearly state that the amendments come from a perspective that is diametrically opposed to the interests which the Opposition believes should be served by this bill, and it will oppose all of them.

The Hon. I. M. MACDONALD (Parliamentary Secretary) [11.49 a.m.]: The Government opposes all these amendments. In relation to amendment No. 31, the arguments against this amendment are the same as those previously outlined against prioritisation of the objects of the legislation. In relation to amendment No. 39, the management plan needs to be consistent with the water management principles. This is covered by clause 9 (1). Amendment No. 39 also requires concurrence of the Minister for the Environment in setting the terms of reference for water management committees. That is an administrative matter more appropriately dealt with by the Minister for Land and Water Conservation.

Amendment No. 41A requires government policy to be consistent with the objects of the legislation. Government policy is included in the State water management outcomes plan, which is itself consistent with the objects of the legislation. This amendment is unnecessary. Parliamentary Counsel also advises that in relation to amendment No. 42, the word "may" can imply the word "must" and that this amendment is unnecessary. The Hon. I. Cohen proposes to remove the requirement to have due regard to the socioeconomic impact of provisions in a draft water management plan. This is simply a purist attitude—I will not say what else it is.

Amendment No. 44 requires provisions in a water management plan to be consistent with the objects and principles of the legislation, and that is also covered in clause 9 (1). Amendment No. 63 is also unnecessary. In relation to amendment No. 65, there has been no consultation on this matter with any agencies or other statutory authorities that may amount to a significant imposition and precedent. Mandatory state-of-the-environment reporting should satisfy the intent of this amendment. In addition, the five-yearly audit plans will assess the performance of these bodies against the specific provisions of the plans. In relation to amendment No. 73, the policy and legislation were well argued over the past year. The Government is not willing to reopen this particular debate. Amendments Nos 39, 93A, 100 and 154 are covered in clause 9 (1). Amendment No. 156, which provides for regulations to be made in relation to environmental objectives, is unnecessary.

Amendments negated.

The Hon. R. S. L. JONES [11.52 a.m.], by leave: I move amendments Nos 32 and 49A in globo:

- | | |
|---------|--|
| No. 32 | Page 8, clause 9, lines 19 to 21. Omit all words on those lines. Insert instead: |
| (2) | It is the duty of all persons to exercise their functions, both under this Act and otherwise, in such a manner as to give effect to the State Water Management Outcomes Plan. |
| (3) | The annual report for a public authority under the <i>Annual Reports (Statutory Bodies) Act 1984</i> or the <i>Annual Reports (Departments) Act 1985</i> must indicate the extent to which the work and activities of the public authority have, or have not, been consistent with the State Water Management Outcomes Plan. |
| No. 49A | Page 13, clause 20, line 25. Omit "the Minister's transfer principles". Insert instead "the transfer principles set out in the State Water Management Outcomes Plan". |

Amendment No. 32 partly reflects an existing provision in the Government's bill in that it is the duty of all persons to exercise their functions to give effect to the State water management outcomes plan. However, I have an addition which requires the annual report for a public authority to indicate how consistent its work and activities have been with the outcomes plan. Amendment No. 49A corrects an error in that the water transfer principles are those set out in the State water outcomes plan and are not the Minister's transfer principles, as stated in the bill.

The Hon. I. M. MACDONALD (Parliamentary Secretary) [11.52 a.m.]: The Government opposes both amendments. In respect of amendment No. 32, I point out that this legislation relates to the management, regulation and administration of water. In so far as this legislation applies, the State water management outcomes plan applies. It is not intended that this legislation will bind all actions of all people in New South Wales. The Government similarly opposes amendment No. 49A because it is not appropriate to set out the transfer principles in the outcomes plan.

Amendments negated.

The Hon. R. S. L. JONES [11.53 a.m.], by leave: I move amendments Nos 33, 34, 35, 144, 144A, 144B, 144C and 151 in globo:

- No. 33 Page 9, clause 13, line 24. Omit "11". Insert instead "14".
- No. 34 Pages 9 and 10, clause 13, line 26 on page 9 to line 4 on page 10. Omit all words on those lines. Insert instead:
- (a) at least two are to be persons nominated by the Nature Conservation Council of NSW Inc. to represent the interests of environmental protection groups, and
 - (b) at least two are to be selected from persons nominated by the NSW Irrigators' Council Ltd or the NSW Farmers' Association (or both those bodies severally) to represent the interests of water user consumer groups, and
 - (c) at least two are to be persons nominated by the Australian Seafood Industry Council to represent the interests of non-consumer water user groups (such as recreational water users), and
 - (d) at least two are to be persons nominated by the Local Government and Shires Association to represent the interests of local councils, and
 - (e) at least one is to be a person nominated by the Minister administering the *Catchment Management Act 1989* to represent the interests of catchment management boards and trusts, and
 - (f) at least two are to be Aboriginal persons nominated by the New South Wales Aboriginal Land Council to represent the interests of Aboriginal persons, and
- No. 35 Page 10, clause 13. Insert after line 10:
- (2) If a body referred to in subsection (1) fails to make a nomination required by that section within the time allowed by the Minister, the Minister may nominate a person on behalf of the body concerned.
- No. 144 Page 184, clause 370, line 5. Omit "13". Insert instead "16"
- No. 144A Page 184, clause 370, lines 7-12. Omit all words on those lines. Insert instead:
- (a) at least two are to be persons nominated by the Nature Conservation Council of NSW Inc. to represent the interests of environmental protection groups, and
 - (b) at least two are to be selected from persons nominated by the NSW Irrigators' Council Ltd or the NSW Farmers' Association (or both those bodies severally) to represent the interests of water user consumer groups, and
 - (c) at least two are to be persons nominated by the Australian Seafood Industry Council to represent the interests of non-consumer water user groups (such as recreational water users), and
 - (d) at least two are to be persons nominated by the Local Government and Shires Association to represent the interests of local councils, and
- No. 144B Page 184, clause 370, lines 20-23. Omit all words on those lines. Insert instead:
- (f) at least two are to be persons nominated by the Minister administering the *Catchment Management Act 1989* to represent the interests of catchment management boards and trusts, and
 - (g) at least two are to be Aboriginal persons nominated by the New South Wales Aboriginal Land Council to represent the interests of Aboriginal persons, and
 - (h) at least one is to be a person nominated by the Minister for the Environment, and
- No. 144C Page 184, clause 370. Insert after line 25:
- (2) If a body referred to in subsection (1) fails to make a nomination required by that section within the time allowed by the Minister, the Minister may nominate a person on behalf of the body concerned.
- No. 151 Page 188, clause 381, line 23. Insert "nominated by the Nature Conservation Council of NSW Inc. and" after "person".

Amendments Nos 33 and 34 are consequential to the next amendment, which specifically nominates the membership of the board of management committees. However, I wish to omit "nominated by the Australian Seafood Industry Council" from paragraph (c) of amendment No. 34. Amendment No. 35 is consequential to the nomination process for the water management committees and allows the Minister to nominate a person on behalf of the nominating body. If that body fails to provide a nominated person within the time allowed, this amendment safeguards a right of representation on that body.

In relation to amendments Nos 144, 144A, 144B and 144C, the roles and membership of the Water Advisory Council [WAC] are important as the body plays a key role in providing advice to the Minister. The existing membership of WAC includes representatives from peak stakeholder groups and consists of approximately 15 members. Those members cover varied interests, such as water use, conservation and indigenous interests, local government, and land-based uses, and includes some academics. Their existing role includes reviewing government policy and advising the Minister on the application of water policy. Currently, WAC is not legislated for and the membership and role have no statutory basis. Despite this, WAC has played an essential consultative role and has provided the Minister with key recommendations on topical and contentious issues.

WAC has provided a platform on which to air and consider submissions in relation to the often heavy-conflict areas surrounding the allocation of water resources. This Government initiative has considerably progressed the resolution of water and management planning in New South Wales. The Government should be commended for taking steps to consult the on-the-ground knowledge that community representatives can provide within the context of scientific and social policy considerations. This model decision making should be supported in all areas of resource management.

The statutory basis for WAC has been provided in the bill. To consolidate this basis it is essential that we should be able to review any proposed regulations and advise and report to the Minister. In addition, the memberships of WAC must reflect a fair and equitable representation of interest groups. However, the bill currently legislates for an ambiguous process of nomination to WAC. No nominated body is mentioned, thus leaving the Minister full discretion to appoint whomever he or she sees fit to represent certain interests. The legitimacy of a stakeholder representative advisory body is based on the very fact that each stakeholder group can choose its representative. These amendments allow for additional representation of the Water Advisory Council. Each of these additional representative groups is a major stakeholder in water, and in order to have a key representative advisory council, they ought to be included.

The Hon. D. F. Moppett: This is starting to look like the United Nations.

The Hon. R. S. L. JONES: Non-consumers and water users, such as fishers, tourist interests and recreational water users, should also be included. I trust that the Opposition would support that proposal. The Minister for the Environment should be a representative on the council, particularly if the Minister is to have a concurrency role in the water management plans. Representatives from the newly formed catchment management audit should also be included on the council, and I believe the Opposition should support that proposal.

These amendments will also allow for representative groups who nominate members to the council to be named in the legislation. That is the case in the Native Vegetation Conservation Act, where membership is provided for the Native Vegetation Advisory Council. It is very important to ensure that appropriate representatives are appointed to the council. If one of the main representative bodies fails to nominate a member, the Minister may nominate a member on behalf of that body. These are quite sensible amendments. I would have thought that the Opposition would support them.

The Hon. I. M. MACDONALD (Parliamentary Secretary) [11.57 a.m.]: The Government opposes all these amendments. In relation to amendments Nos 33, 34 and 35, it would be inappropriate and overly restrictive for the bill to specify particular interest groups. There is a guarantee that such groups will remain peak groups. In addition, different stakeholders in different parts of the State may be represented by different peak groups. To put it hypothetically, if the committee were preparing a coastal management plan, then the New South Wales Farmers or the Irrigators Council would not be appropriate. The same could be said of the New South Wales Seafood Industry Council in relation to areas in the Far West of New South Wales. Even the chief lobbyist for the Nature Conservation Council would have to agree with that.

The Government opposes amendment No. 144 and rejects any proposed changes to the constitution of the Water Advisory Council or changes to the minimum number of people on the council, which are not supported. The Government rejects amendment No. 144A, which is a proposal to allow only particular lobby groups to nominate for the membership of the Water Advisory Council. The people suggested as members are to represent particular interests such as the environment or water users. This is too restrictive and may not serve the best interests of the community in areas where particular lobby groups have little interest or membership. For the same reasons mentioned earlier in respect of amendment No. 144A, the Government does not consider amendments Nos 144B and 144C appropriate. In relation to amendment No. 151, for the same reason given in

respect to amendment Nos 144A and 144B, the Government does not consider it appropriate to limit nomination rights for membership of the trust or that such rights should be given to a particular lobby group.

Amendments negatived.

The Hon. A. G. CORBETT [11.59 a.m.]: How will the Minister appoint the various members of the management committee? Are the appointments at the invitation of the Minister or does he request applications from various groups represented?

The CHAIRMAN: Order! We will deal with that question after question time.

Pursuant to sessional orders progress reported and leave granted to sit again.

QUESTIONS WITHOUT NOTICE

REGIONAL WAGE RATES

The Hon. M. J. GALLACHER: My question is to the Special Minister of State, and Minister for Industrial Relations. In the book "Labor, Prosperity and the Nineties", Michael Costa of the New South Wales Labor Council made the following observations on pages 186 and 187:

A minimum wage system should take into account geographic cost differences and allow for wage differentials ...

He then continues:

minimum hourly wage rates based on the relative cost of living in the local district or region could be set and they could be periodically adjusted with changes in the local cost of living being taken into account ... [the] minimum wage should be higher than unemployment benefits but should not be so high as to cause unemployment in the region ...

Does the Minister for Industrial Relations support Michael Costa's statements about wage levels in regional areas?

The Hon. J. J. DELLA BOSCA: I regret to say I would always pay attention to almost anything written by Michael Costa because he is one of the true original thinkers in the modern Labour movement, indeed, in New South Wales. I have not read that book. Therefore I say to the Leader of the Opposition that on the basis of what Michael Costa and his colleagues in the Labor Council are saying now rather than what he is being quoted as having said nearly one decade ago—

The Hon. D. J. Gay: Has he changed his mind?

The Hon. J. J. DELLA BOSCA: It is for him to tell the honourable member whether he has changed his mind. The idea of lower rural wage rates was raised last year by the Federal Treasurer, Peter Costello, following the emasculation of the Federal award system via the Federal Government's allowable award matters legislation. Having taken away much of the power of the award system, the Federal Government obviously had rural workers in its sights. The New South Wales Government does not support those views. The New South Wales Government has demonstrated, through its industrial relations legislation and in matters before the New South Wales Industrial Relations Commission, its commitment to equal remuneration for men and women doing work of equal or comparable value. It is quite a feat for the Nationals to have dug up comments that are almost 10 years old, and to have taken the time to read Mr Costa's book which on this occasion is more than I have done.

The Hon. M. J. Gallacher: Did you say Nationals?

The Hon. J. J. DELLA BOSCA: Yes, obviously they were not game to ask this question and they have put you up to it. They have sucked you in. You're supposed to show leadership. You shouldn't be sucked in.

The Hon. M. J. Gallacher: The book is on sale now at Angus and Robertson.

The Hon. D. J. Gay: It's on the bargain table.

The Hon. J. J. DELLA BOSCA: It's on the bargain table? The Hon. J. R. Johnson is the expert on political book retailing and I will take his advice. Perhaps it has taken them 10 years to get through the book in question and that would be one explanation for why the question is so completely out of date.

COMPULSORY THIRD PARTY INSURANCE SCHEME REFORMS

The Hon. J. R. JOHNSON: My question without notice is directed to the Special Minister of State, and Minister for Industrial Relations. Can the Minister inform the House of the success of the Government's reforms to the compulsory third party insurance scheme?

The Hon. J. J. DELLA BOSCA: It is my pleasure to inform the House that the Government's reforms to the compulsory third party insurance green slip scheme introduced 12 months ago are delivering for New South Wales motorists. Assessed against four indicators, the new scheme has shown improvements in effectiveness, affordability, efficiency and fairness. One of our highest priorities has been to ensure injured people receive treatment as soon as possible. I am delighted to inform the House that in just 12 months, 15 per cent more people have been able to make claims and get compensation.

The accident notification form has been instrumental in achieving this strong improvement. The streamlined claims process has allowed claims to be more quickly processed. More importantly, it has allowed faster access to payments for medical costs. In other ways, too, the new scheme is more efficient. The Government set out to reduce transaction costs to ensure that more money is getting to the people who need it most—injured people.

Costs such as those arising from investigation and insurer profit have fallen. The insurer premium filings show that more of the premium dollar is being expended on claimants—rising from 58 per cent to 62 per cent. Insurer profit has fallen from 10 per cent to 8 per cent and legal and investigation costs have dropped from 15 per cent to 11 per cent of scheme payments. Importantly, we have also managed to reduce the cost of premiums. If the Government had not introduced the reforms, the average premium for a Sydney metropolitan sedan would by now exceed \$480. Contrast this to the average premium for those same motorists, which has dropped from \$441 in June to \$345 in September this year, excluding GST.

This represents a reduction of 22 per cent. Honourable members will recall that the Government's legislation required that a majority of Sydney metropolitan passenger vehicle premiums be \$330 or less excluding GST in the scheme's first year. At 30 September this year, more than 70 per cent—a clear majority—of Sydney metropolitan vehicle premiums were exactly that—\$300 or less. Indeed, insurers anticipate that the reduction in prices will be maintained with a majority of Sydney metropolitan passenger vehicle premiums being \$318—excluding GST—during the year from 5 October.

Similar percentage reductions apply to most other classes and geographic zones statewide. Country motorists have seen even greater percentage decreases—the best price premium for a sedan has dropped from \$323 to \$237 for a 40-year-old motorist, a 27 per cent decrease; and from \$303 to \$209 for a 55-year-old motorist, a 31 per cent decrease. It is important to remember that the compulsory third party insurance scheme involves long-tail claims and that the new scheme is still in its early days. However, these figures demonstrate that the new scheme is operating in accordance with the sound objectives and principles upon which it is based. The Government is also confident that the scheme is operating within the range of cost assumptions that underpin the reduction in premiums. There is no doubt that the new scheme is on track to work better for motor accident victims and cost less for all New South Wales road users.

LOCAL GOVERNMENT FINANCIAL RESPONSIBILITY

The Hon. D. J. GAY: My question is to the Treasurer. Is the Treasurer aware that the Minister for Local Government yesterday criticised nine councils for allegedly failing the test of financial responsibility, and subsequently highlighted instances of councils operating with cash deficits and high debt ratios? Is the Treasurer further aware that the Minister was quoting from audit reports for the period ending 30 June this year? What is the Government's response to four of the councils named by the Minister yesterday who have since informed me that the reason they were operating with a cash deficit at the time of the audit was because of huge unpaid accounts from two of your government departments?

The Hon. M. R. EGAN: I am not aware of the matter to which the Deputy Leader of the Opposition refers. Believe it or not, I do not listen to proceedings in the other place generally, nor do I get the opportunity very often to read *Hansard*. Occasionally I read the *Hansard* of this Chamber to remind myself of the stupidity of some members of the Opposition.

The Hon. D. J. Gay: You can read about it in the *Sydney Morning Herald* or the *Daily Telegraph*.

The Hon. M. R. EGAN: The *Sydney Morning Herald* the other day informed the world that the OECD had predicted that Australia would continue to have a high growth rate because, amongst other reasons, of surging experts—I am not sure who those surging experts are—the Hon. Dr B. P. V. Pezzutti may be surging, but he is no expert—

The Hon. D. J. Gay: Get back to the question. Your departments are not paying those councils.

The Hon. M. R. EGAN: My departments?

The Hon. D. J. Gay: You are the Treasurer. If they are not paying the councils, you have your Minister beating up on them because your departments are not paying.

The Hon. M. R. EGAN: I am not going to accept assertions that are made by the Deputy Leader of the Opposition, because on every occasion that I have, I have discovered that he has been wrong.

The Hon. D. J. Gay: If I were wrong, you would have exposed it.

The Hon. M. R. EGAN: Once bitten, twice shy. As I said, I am very happy to refer the question to my colleague the Minister for Local Government.

The Hon. D. J. Gay: It is for you to get the answer, not your colleague. He has got it wrong already.

The Hon. M. R. EGAN: The Hon. Harry Woods has a habit of upsetting the National Party in this Parliament because he holds a seat which National Party members believe should be theirs. This born-to-rule attitude of National Party members will not last much longer because country people have given them away. Indeed, the Leader of the National Party in the other place, the Hon. George Souris, has been whingeing recently about the response of country people and country businesses to the National Party.

BLUE MOUNTAINS WORLD HERITAGE LISTING

The Hon. M. I. JONES: I ask a question of the Special Minister of State, representing the Minister for the Environment. Can the Minister substantiate the expenditure to have the Blue Mountains listed as world heritage by clearly stating what the real benefits are to Australians as opposed to spending less money for, say, a first-class tourism-based advertising campaign?

The Hon. J. J. DELLA BOSCA: I am tempted to give what would seem to me to be the obvious answer to which the honourable member's question actually alludes, and that is the tourism potential and benefit of World Heritage listing of areas such as the Blue Mountains. But I will not strike at one outside the off stump. I will refer it to the Minister for a comprehensive answer.

NATIONAL ASBESTOS AWARENESS WEEK

The Hon. P. T. PRIMROSE: I direct a question to the Special Minister of State, and Minister for Industrial Relations. Will the Minister outline to the House details of National Asbestos Awareness Week, which is being held between 19 and 25 November?

The Hon. J. J. DELLA BOSCA: I thank the honourable member for his question and I commend him for his interest in asbestos-related diseases and occupation-related illnesses, and also for his work on this particular project.

The Hon. Elaine Nile: We have got an asbestos problem on the eleventh floor of this building.

The Hon. J. J. DELLA BOSCA: The Hon. Elaine Nile is always full of surprises. That interjection surprises me.

The Hon. M. R. Egan: What did she say?

The Hon. J. J. DELLA BOSCA: I think the Hon. Elaine Nile thinks there is a lot of asbestos in the building. National Asbestos Awareness Week was formally launched on Wednesday 22 November by Premier

Bob Carr here at Parliament House. Australia has the highest rate of asbestos-induced diseases in the world, and New South Wales has the highest number of cases in Australia. This has come about because of the widespread use of asbestos in building, manufacturing, construction and refinery processes in this State over many years. Unfortunately, the incidence of asbestos disease is not expected to decline for up to 25 years. This is a tragic situation.

National Asbestos Awareness Week is organised by a body known as the Asbestos Diseases Foundation of Australia. That support group is dedicated specifically to assisting the victims of asbestos, and is the only such support group in New South Wales. Its role in assisting asbestos disease sufferers and their relatives is critical. Through the Dust Diseases Board, the Carr Government has contributed to the cost of presenting National Asbestos Awareness Week. There are many people in need of the Asbestos Foundation's assistance, but the foundation has not been able to reach all of them. Not everyone knows of the foundation's existence. The aim of this week is to raise the profile of the foundation and increase community awareness of the risks of asbestos. An increased awareness may well help reduce the number of victims in the future.

In November 1998 an important package of reforms to the Dust Diseases Act of 1942 was passed by Parliament. Previously, the Act only dealt with how victims of asbestos and other dust diseases were to be compensated. The 1998 changes to the Act enabled the Dust Diseases Board to issue grants for the purpose of providing assistance to organisations that support victims of dust diseases and their families. This recognised a need to go beyond just compensating victims in a strict financial sense. We sought to locate victims of asbestos-related disease and provide practical support and counselling for them and their families. This move enabled the Asbestos Diseases Foundation of Australia to employ a professional counsellor. As a result, the foundation's capacity to make contact with victims and their families was expanded. During National Asbestos Awareness Week the public is encouraged to ask questions about asbestos-related diseases. Officers of the Dust Diseases Board can provide advice on the dust diseases scheme and asbestos-related issues.

The Government has recognised the fundamental importance of supporting research in the area of dust diseases. The Dust Diseases Board has in place a research funding system that meets the standard of best international practice. The board is currently evaluating research proposals from some of Australia's leading researchers and medical specialists. Some honourable members would be aware of a submission that has been put forward suggesting the establishment of an asbestos diseases research institute in New South Wales. The Government will commission a feasibility study into that proposal. Finally, I must note the dedicated work of the people behind the foundation. I would like to pay tribute to Ella Sweeney, Reg Stephenson and all the members of the Asbestos Diseases Foundation of Australia for the outstanding work they perform in this area and the keenness and enthusiasm which they display.

ANTI-SMOKING CAMPAIGN FOR THE MENTALLY ILL

The Hon. R. S. L. JONES: I ask the Treasurer, representing the Minister for Health: Is the Minister aware of new research in the United States that shows that nearly half of all cigarettes bought are smoked by people suffering from mental illness? Will the Minister ensure that mentally ill people are targeted with a special campaign to inform them of the dangers of smoking? And, Treasurer, have you had your head examined lately?

The Hon. M. R. EGAN: I have many theories about life. One of them is that life is a continuum of entry into and recovery from nervous breakdowns, and that most of us are simply lucky that our nervous breakdowns are never recognised. But every day I sit in this Chamber I think to myself, "Is so-and-so going into a nervous breakdown or coming out of a nervous breakdown?" It is not only the Hon. Dr B. P. V. Pezzutti; in fact, it applies to almost every member of the House. The difference with the Hon. Dr B. P. V. Pezzutti is how short the cycle is. I think his breakdowns and his recoveries are all within the space of 24 hours. He can be sane one moment and absolutely bonkers mad the next! In relation to an anti-smoking campaign targeting people with a mental illness, I am not sure that I can offer much of value on that matter, so I will refer the question to the Minister for Health for a response.

AREA HEALTH SERVICE FUNDING

The Hon. JENNIFER GARDINER: My question without notice is directed to the Treasurer, representing the Minister for Health. Another medical opinion is required. Is the Treasurer concerned that area health service funding stringencies mean that there is a steady defection of surgeons from country towns and cities? This is particularly a problem with respect to orthopaedic surgeons—or the lack of them—in cities such as Armidale. How does the Government explain the mismanagement of the health service that means, on the one

hand, as shown in this week's Auditor-General's report, New South Wales Health can overpay its staff by nearly \$2 million in one year and lose another \$1.6 million in revenue from the Ambulance Service due to widespread industrial disputes, while at the same time clinical services are being withdrawn from rural and regional cities?

The Hon. M. R. EGAN: It has been a difficult problem for some time to ensure that all the country areas in New South Wales have access to skilled medical personnel, which is not so much of a difficulty in the major regional centres or in the city. It is a matter to which the Government has given a lot of attention. I will obtain details of the measures that the Government has taken from my colleague the Minister for Health. But certainly it is a matter which the Government takes seriously. All areas of the State are entitled to have proper medical and health services. That, of course, requires the presence of qualified personnel.

The Hon. Jennifer Gardiner: Especially in a city the size of Armidale.

The Hon. M. R. EGAN: Yes. Of course, the honourable member will be aware that civil conscription is not a possibility, nor should it be. So other attractions, incentives and encouragement have to be the way we go.

AUSTRALIAN CENTRE FOR ADVANCED COMPUTING AND COMMUNICATIONS

The Hon. I. M. MACDONALD: My question without notice is directed to the Treasurer, and Minister for State Development. Will the Treasurer update the House on the development of the AC3 super computer?

The Hon. M. R. EGAN: The Hon. I. M. Macdonald is probably not aware that only last Thursday the AC3 super-computing facility was opened at the Australian Technology Park. The honourable member asked a very topical question, which goes to show that he is always on the ball. The AC3, or the Australian Centre for Advanced Computing and Communications, is a \$20 million project between the New South Wales Government, eight New South Wales universities and local New South Wales businesses. The AC3 has provided the local information technology industry with state-of-the-art infrastructure that will enhance our businesses and create new jobs across a wide range of industries.

Companies already using the centre include Superquant, which is a Sydney-based company established to provide software solutions to the global finance industry; Animated Biomedical Productions, which is developing medical animation for distribution worldwide; and the Securities Industry Research Centre of the Asia-Pacific, which will use AC3 to design financial equities, futures and financial measurement tools. The uses of the AC3 are not confined to the medical and financial industries. Already a group at Macquarie University has used the AC3 to develop a sophisticated weather monitoring system. Using the super computer it is able to forecast weather more accurately than ever before. In fact, if it had had access to the AC3 two years ago it would have been able to forecast the devastating hailstorms many hours in advance.

The AC3 is also perfectly placed to enhance Australia's growing film production industry. Today the success of an increasing number of feature movies is dependent on the use of digital effects, and a number of Australian post-production houses are now looking to the AC3 to give them the edge over their international competition. Regional New South Wales is also able to access the AC3. I am sure that that will be a matter of great interest for members of Country Labor, particularly people like the Hon. I. M. Macdonald, the Hon. A. B. Kelly and other Country Labor members in this House.

[Interruption]

It is certainly a very effective grouping. Bathurst, for example, is already on line, while Newcastle and Wollongong will soon be linked directly into the super computer. Negotiations with other regions are also continuing. The official opening of the AC3 at the Australian Technology Park is great news for a wide range of commercial and educational organisations. It will further strengthen the position of New South Wales as a significant information technology centre in the Asia-Pacific region. The New South Wales Government has allocated \$12 million of that \$20 million allocation for the super computer—one of the elements in my six budgets of which I am particularly proud.

FORMER KU-RING-GAI MAYOR TONY HALL

The Hon. ELAINE NILE: I direct my question without notice to the Treasurer, representing the Minister for Local Government. Is it a fact that the Department of Local Government inquired into and reported

on the behaviour of former Ku-ring-gai Mayor Tony Hall? During this inquiry, did investigators have a predetermined outcome before they started, as claimed by the former mayor in an article on page 44 of today's *Daily Telegraph*? Did the investigators seek to verify a particular position rather than seek information upon which to base an informed outcome? On what authority did the investigation take place, and did the investigators go beyond their authority in how this inquiry was handled?

The Hon. M. R. EGAN: Clearly I am not in a position to answer the question because I am not familiar with the conduct of the investigation, other than knowing that there was some investigation. My knowledge has been gained only from bits and pieces that I have picked up from the media. I will certainly refer the honourable member's question to my colleague the Hon. Harry Woods and obtain a response as soon as I am able to.

JUVENILE JUSTICE FACILITIES VANDALISM

The Hon. G. S. PEARCE: My question without notice is directed to the Minister representing the Minister for Community Services and Acting Minister for Juvenile Justice. Is the Government aware of concerns by residents living in the area near the former Department of Community Services facility Minali and former juvenile justice facility Minda that the properties have been the subject of repeated acts of theft and vandalism? What buildings are being appropriately secured to prevent vandalism? Has the Government taken any decision about the future use or disposal of those properties?

The Hon. J. J. DELLA BOSCA: The honourable member's question deals with matters that are specific to the portfolio of the Minister for Community Services and Acting Minister for Juvenile Justice. I will undertake to obtain as quickly as possible an accurate answer for the honourable member.

DEPARTMENT OF INDUSTRIAL RELATIONS COMMUNITY OUTREACH PROGRAMS

The Hon. R. D. DYER: I ask the Special Minister of State, and Minister for Industrial Relations and Assistant Treasurer a question without notice. Will the Minister inform the House how the Government is ensuring that workers from non-English speaking backgrounds understand their industrial rights and responsibilities?

The Hon. J. J. DELLA BOSCA: The Hon. R. D. Dyer asks an important question. We have canvassed on a number of occasions that one of the great strengths of the New South Wales economy and one the great features of our State is the large number of people from non-English speaking backgrounds that make their home in New South Wales. The honourable member has an interest in the rights of people from non-English speaking backgrounds. The Department of Industrial Relations has developed and implemented a number of specific initiatives for employers and employees from non-English speaking backgrounds, which allow a better understanding of the importance of compliance with New South Wales industrial laws. Unfortunately, such workers are often left open to exploitation, simply because they are not aware of the protections that are available to them.

These workers can be suspicious or frightened of departmental officers who visit workplaces to investigate possible breaches of industrial legislation. The Department of Industrial Relations has found that worker outreach and education programs established in ethnic communities are an ideal way of reaching these workers in a non-threatening environment. An excellent example of this type of initiative is occurring today, Friday 24 November. A special workshop is being conducted by the Vietnamese Workers Interagency and the Casula Power House Arts Centre. The workshop will celebrate 25 years of Vietnamese settlement in Australia. Involvement in the workshop is open to all Vietnamese workers.

A bilingual inspector-adviser trained by the Department of Industrial Relations will attend the workshop and will, with representatives of the Textile, Clothing and Footwear Union of Australia and Asian Women at Work, illustrate the role the department plays in ensuring compliance with industrial laws. In this particular instance, it will also show the very positive ways in which the department is attempting to alleviate the plight of outworkers. The Government is committed to educating workers from non-English-speaking backgrounds by initiating and participating in such community outreach programs.

ATTACKS ON PLACES OF WORSHIP

Reverend the Hon. F. J. NILE: I ask the Leader of the Government in this place, in his role representing the Premier and the Minister for Police, a question without notice. Is it a fact that another Sydney

Jewish synagogue, Beth Herzl at Bondi, was firebombed yesterday by someone who used four butane gas cylinders? Is a fact that there have been three firebomb attacks on a rabbi's home, five attacks on Jewish property in Bondi and on the Roscoe Street synagogue—a total of five attacks in less than seven weeks? In view of these terrorist attacks in almost a two-month period why have there been no arrests? Does the Treasurer agree firm action is required? If so, what action has been taken to seek the active involvement of the Federal anti-terrorist organisation and the Federal intelligence organisation—ASIO—as these acts are clearly no longer simple criminal acts; they are terrorist attacks?

The Hon. M. R. EGAN: The question Reverend the Hon. F. J. Nile has asked is a very important one, and the matter it covers is, I am sure, of grave concern to all Australians. Unfortunately, I am not in a position to address the specific details of his question. I am advised, however, that the New South Wales Police have set up a special task force, and I will endeavour to obtain additional information for the honourable member.

Mr GERRY GLEESON CONFLICT OF INTEREST

The Hon. R. H. COLLESS: My question without notice is to the Treasurer, Minister for State Development, and Vice-President of the Executive Council. In view of the revelations in today's *Australian Financial Review* does the Treasurer accept that Gerry Gleeson, who was chairman of the Darling Harbour Authority and formerly a director of Amalgamated Holdings, had a potential conflict of interest when the decision was made by the authority in September 1997 to allow a subsidiary of Amalgamated Holdings to sublease and construct a charter boat facility on authority property? Is it also a fact that Mr Gleeson participated in the decision that allocated the sublease to Matilda Cruises? Is it further a fact that Matilda Cruises submitted the lower tender price?

The Hon. M. R. EGAN: I have not seen the article to which the Hon. R. H. Colless refers. The *Australian Financial Review* has a tendency to get things wrong—on some occasions badly wrong.

The Hon. C. J. S. Lynn: Here is your opportunity to correct it.

The Hon. M. R. EGAN: I think honourable members know my views about the quality control that exists in the Fairfax press. It is a matter of concern. As I say, I am not aware of the article. I have known Mr Gleeson for a long time. He was a senior public servant in the State who not only served a Labor government very well but also served Liberal-National governments very well. He is a very distinguished public servant and is a person who, I am sure, would always act with complete propriety. I suggest that the Hon. R. H. Colless should have no concern about anything Mr Gleeson would do.

SPEECH RECOGNITION SOFTWARE

The Hon. J. HATZISTERGOS: My question is to the Treasurer. Will the Treasurer advise the House about new developments in speech recognition software?

The Hon. M. R. EGAN: Yes.

The Hon. M. J. Gallacher: It's good. Do you use it?

The Hon. M. R. EGAN: Speech recognition software? No, but we all will be using it soon. There is no question about that.

The Hon. Jennifer Gardiner: Not in this place, we won't.

The Hon. J. F. Ryan: Just ask anyone from Hansard.

The Hon. M. R. EGAN: They have a very difficult time, sometimes, and it is usually made all the more difficult by the Hon. J. F. Ryan and the Hon. Dr B. P. V. Pezzutti.

The Hon. Dr B. P. V. Pezzutti: Why don't you just invite me to dinner. That would be much nicer.

The Hon. M. R. EGAN: I offered the Hon. Dr B. P. V. Pezzutti membership of the Labor Party not long ago. He is thinking about it. I am glad he is thinking about it, but unfortunately his behaviour since that offer was made has been so appalling that I do not think we can continue with the offer.

The Hon. Dr B. P. V. Pezzutti: I have spoken to ICAC about it.

The Hon. M. R. EGAN: ICAC cannot intervene in those matters.

The Hon. A. B. Kelly: It is a matter of conscience for the Hon. Dr B. P. V. Pezzutti.

The Hon. Jennifer Gardiner: It shows he has one.

The Hon. M. R. EGAN: I think he does have a conscience. On occasions when the conscience is not adrift because of health problems he is a man with a very good conscience.

Reverend the Hon. F. J. Nile: Running Liberal candidates in National Party seats?

The Hon. M. R. EGAN: He has always been a fierce enemy of the National Party for as long as I have known him. He despises the National Party. He is always keen to promote three-cornered contests throughout the State. He always wants to run Liberals against the Nationals. In most cases they have beaten him, but there are not too many National Party members left in Parliament. I think the time will come when the only members it has are in this House. Today's *Daily Telegraph* reported:

The frustrated National Party leader, George Souris, has lashed out at a State Chamber of Commerce survey which showed more rural businesses support Labor than the Coalition.

The Hon. Dr B. P. V. Pezzutti could have predicted that many years ago. He was warning the Liberal Party that if it did not take on the National Party in country seats, that would come about.

The Hon. Dr B. P. V. Pezzutti: Point of order: The Treasurer is trying to verbal me in this Chamber and ascribing to me motives and actions that are untrue. I know, Madam President, the other evening when the Treasurer took a point of order on the Deputy Leader of the Opposition you ruled that a member does not have to speak the truth. But I ask you on this occasion, in such a serious matter, that the Treasurer not be allowed to misrepresent me in such a comprehensive and deceitful way.

The PRESIDENT: Standing Order No. 71 allows a member to rise and to make an explanation in reply to some material point on which he or she has been misquoted or misunderstood. There is substance in the point of order of the Hon. Dr B. P. V. Pezzutti. The Treasurer may proceed with his answer.

The Hon. M. R. EGAN: Earlier this month I had the pleasure of officially opening the new premises of Syrx Speech Systems at North Sydney. Founded by Dr Clive Summerfield and Professor Trevor Cole in 1990, the company has developed world-leading speech recognition software for the telecommunications and call centre industries. I do not pretend to understand the fuzzy logic and artificial intelligence that powers the Syrx systems—despite the fact that I have witnessed both in this Chamber for many years. However, what is very clear is that Syrx enables operations such as call centres and other information-based businesses to reduce operating costs and improve efficiency.

[*Interruption*]

I said something nice about the Hon. J. F. Ryan yesterday, and it was genuine. I was not joking. He is one of the few intellects on the Opposition benches—one of only two within the Liberal party. Of course, there are the Hon. D. F. Moppett and the Hon. Jennifer Gardiner in the National Party.

The Hon. D. E. Oldfield: Who was the other one in the Liberal Party?

The Hon. M. R. EGAN: The other intelligent member of the Liberal Party, who I earlier pointed out is prone to bouts of madness, is the Hon. Dr B. P. V. Pezzutti. I hope that the Hon. J. F. Ryan and the Hon. Dr B. P. V. Pezzutti advance within the Liberal Party. They have done their time on the back benches; they should be promoted into frontbench positions as soon as possible, because I think they would add something to the pathetic performance of the Liberal Opposition.

The Hon. D. E. Oldfield: But they won't be in government for another 10 years or so.

The Hon. M. R. EGAN: I think 15 more years in Opposition will do both of them the world of good. In telecommunications, Syrx's technology can make systems user friendly, especially for those with physical

disabilities. In business the technology will help with repetitive tasks, such as data entry, by replacing keyboard strokes with voice commands. In manufacturing it will allow operators to work hands free. And its use will be vital in establishing voice recognition access to the Internet.

International companies have been quick to recognise the potential of the Syrinx technology. The telecommunications giant AT&T will use Syrinx systems in its automated bill payments centre. I am told that the deal with AT&T is the largest speech recognition contract ever awarded, and it was won against strong competition from American and European competitors. I am also pleased to see reports that the company recently raised \$16.5 million in venture capital while at the same time negotiating major contracts with Commonwealth Securities.

Syrinx currently employs 85 staff, and that is expected to grow to about 150 over the next year. Although Syrinx now has 85 staff, it started with only two staff 10 years ago. All this adds up to a vast international business opportunity for Australia in a market estimated to reach \$2 billion within two years, and that is only the beginning. In 20 years time \$2 billion will look quite puny for the market that this industry will develop.

I am proud to say that Syrinx is a member of the Government's Australian Technology Showcase. Along with some 260 other clever technologies, Syrinx is helping to position Australia as a new economy. I congratulate Syrinx on its success. I am confident that many more of our Australian Technology Showcase companies will follow in its path to international markets and the creation of new jobs for New South Wales.

WARRINGAH COUNCIL FINANCIAL MISMANAGEMENT ALLEGATIONS

The Hon. D. E. OLDFIELD: In the absence of the Minister representing the Minister for local government, I direct my question to the Treasurer. Is the Minister aware that Warringah Council, while embroiled in allegations of financial mismanagement and corruption, was dismissed in 1985? Is it correct that Warringah Council has an operating deficit of \$11 million, and that cash reserves are so inadequate as not to be able to cover the entitlements of retiring staff?

Given the allegations of a currently unjustifiable financial position, will the Minister conduct an urgent investigation of Warringah Council to assess the need to appoint an administrator? Will the Minister agree that these allegations of severe financial mismanagement should be addressed immediately, as ultimately if the allegations are correct it is the innocent ratepayers of the Warringah Council area who will be service and financially disadvantaged?

The Hon. M. R. EGAN: I will refer the Hon. D. E. Oldfield's question to the Minister for Local Government for a response.

ETHNIC AFFAIRS COMMISSION NAME CHANGE

The Hon. J. M. SAMIOS: My question is addressed to the Treasurer, representing the Premier. What is the timetable for implementing the change of name of the Ethnic Affairs Commission to the Community Relations Commission? How much will it cost New South Wales taxpayers to implement this precipitous and unwarranted change?

The Hon. M. R. EGAN: I will refer the question to the Premier and get a response.

HOSPITALITY INDUSTRY WORKERS ENTITLEMENTS

The Hon. A. B. KELLY: My question without notice is directed to the Minister for Industrial Relations. Will the Minister inform the House how the Government is ensuring that workers in restaurants throughout New South Wales receive their employment entitlements?

The Hon. J. J. DELLA BOSCA: I could thank the Hon. A. B. Kelly for his interest in restaurants, but that may not help him in his constituency.

The Hon. A. B. Kelly: I am not George Souris.

The Hon. J. J. DELLA BOSCA: The Hon. A. B. Kelly rightly says that he is not George Souris. The New South Wales Government is committed to ensuring the observance of New South Wales employment laws sanctioned by this Parliament and industrial awards approved by the New South Wales Industrial Relations Commission. Cafes and restaurants are an integral part of this State's growing hospitality and tourism industries.

The Hon. Jennifer Gardiner: What was the name of that restaurant in Phillips Street that Maxine McKew took you to?

The Hon. J. J. DELLA BOSCA: I cannot remember; it is all a blur. According to an Australian Bureau of Statistics publication released in September 2000, more than 50,000 people were employed in cafes and restaurants in this State. In 91 per cent of cases, the cafes and restaurants employ less than 20 people, and face all the dilemmas and burdens faced by small businesses across Australia. It is pleasing to note that the vast majority of employers throughout the industry comply with minimum employment standards.

However, the industry also has a number of operators who, through ignorance, negligence or deliberate intent, seek to avoid their legal obligations to employees. Accordingly, since 1998 the New South Wales Department of Industrial Relations has undertaken a concentrated compliance campaign in this industry across key areas of New South Wales. These campaigns are developed in consultation with employer associations, which often provide material and speakers for industry information sessions.

As the first stage of a targeted compliance campaign the relevant employers receive a free package of information about their legal obligations, including copies of awards, legislation and other relevant material. They are also offered free advice on any industrial matters. Workplace inspections are then carried out. If education and mediation failed to rectify breaches of the law, the Department of Industrial Relations initiates prosecution action. Since 1997, it is estimated that more than 1,750 restaurants have been targeted by the department's restaurants industry compliance campaigns. Included in this number are approximately 550 restaurants in northern New South Wales and 300 premises in Sydney city, Kings Cross and Darlinghurst.

Regional centres have also been included in the department's sweep across the State. Currently, the department's south-western Sydney and western Sydney contact centres are wrapping up a campaign covering 80 restaurants from Brighton-le-Sands across to Liverpool and Parramatta. Generally, the department's inspectors have found that employers have heeded the information provided by the department, and acted to ensure that employees are paid correctly. This is a very satisfying outcome.

AIRPORT RAIL LINK

Ms LEE RHIANNON: I direct my question to the Treasurer. In light of the near collapse of the Sydney airport rail link scheme, will the Government give a commitment that it will buy out the project and place it in full public ownership, and that money used to pay off the debt will not be taken from the public transport budget? Will the Government fully integrate the line into the CityRail system so that passengers will not have to pay the currently excessive and ridiculous fares?

The Hon. M. R. EGAN: The matter to which Ms Lee Rhiannon has referred is currently a commercial matter between the Sydney Airports Corporation and the National Australia Bank. The Government is prepared to enter into discussions with the National Australia Bank should it appoint a receiver—I think it has now elected to appoint a receiver—to run the affairs of the Airport Link Corporation [ALC]. There is a dispute between the State Rail Authority and the ALC over performance, and that dispute will be settled under the terms of the 1995 contract. At the time the arrangements were entered into under the previous Government. I issued a press release dated 4 August 1994, in which I said:

Certainly I can't remember any other private sector consortium pulling off such a fabulous deal propped up with taxpayers' money.

I think the point I made then was probably a good one.

SHOALHAVEN DISTRICT MEMORIAL HOSPITAL SECURITY

The Hon. D. T. HARWIN: My question is to the Treasurer, representing the Minister for Health. Yesterday the Treasurer was asked a question about the security of staff in public hospitals. Further to that, is the Minister aware that under current security arrangements at Shoalhaven District Memorial Hospital only one security guard is on duty at any given time? Is the Minister also aware that one night in August this year police were called to the hospital three times?

In light of the constant danger of needlestick injuries and other potential risks presented by aggressive mentally ill patients or visitors, and given that the chief executive officer of the Illawarra Area Health Service agrees that security at the hospital is underresourced, will the Minister undertake to review security staffing arrangements at Shoalhaven District Memorial Hospital immediately?

The Hon. M. R. EGAN: I thank the Hon. D. T. Harwin for his question. I will refer it to the Minister for Health and obtain a response.

FOOD AND WINE TOURISM INDUSTRY

The Hon. AMANDA FAZIO: My question is directed to the Treasurer, and Minister for State Development. Will the Minister provide to the House details about how the Government is helping to develop the food and wine tourism industry in the Central Ranges?

The Hon. M. R. EGAN: I thank the Hon. Amanda Fazio for her question, and I congratulate her on her excellent inaugural speech yesterday. She will obviously be a very valuable and important member of the House. Food and wine tourism around Cowra, Orange, Mudgee and Cabonne has received a major boost with the release on Monday of the Central Ranges Food and Wine Trails Guide. By the way, the Mayor of Cabonne, Mr John Farr, was in the Chamber recently.

The Hon. D. T. Harwin: Yesterday.

The Hon. M. R. EGAN: He was here today also. I am sorry that he has now left. Cowra, Orange, Mudgee and Cabonne are now recognised nationally and internationally as top-class wine producing regions. I am told that Mudgee alone has more area under vine than the Upper and Lower Hunter combined. One of the wonderful spin-offs from a thriving wine industry is the food and wine industry tourism that follows it. If there are great wines you will always find people travelling to the vineyards to taste them. The Central Ranges Food and Wine Trails Guide will be invaluable for both Australian and international visitors to the region. The guide will add to the excellent marketing activities already under way in the region.

In particular, I am pleased to highlight the appointment, with support from the Department of State and Regional Development, of Kim Currie as food and wine development officer for the region. Kim's appointment is a first in Australia, and she is already having a big impact on the promotion of food and wine tourism in the region. The activities of the Cowra, Orange and Mudgee promotion groups are models for the successful promotion of regional wine tourism. The anticipated rapid growth of the wine industry in the region, and the strong profile of the area as a wine and food province, provides a solid platform for new employment and new investment in the Central Ranges region.

This growth is backed up by the Government's Food and Wine Plan in 2000, which is a comprehensive strategy designed to maximise the benefit of food and wine tourism in regional New South Wales. As part of that plan, the Government has so far provided around \$700,000 in direct funding to support tourism marketing campaigns in the Central Ranges. I congratulate the region's winemakers, and I particularly congratulate the promoters of the region's wine and food tourism.

NEW SOUTH WALES AGEING PRISON POPULATION

The Hon. HELEN SHAM-HO: My question without notice is directed to the Minister representing the Minister for Corrective Services. Is it a fact that Australia's ageing prison population has trebled from 50 prisoners aged over 65 in 1987 to 158 in 1997? If so, will the Minister advise what facilities are currently available in New South Wales gaols to cater for the needs of elderly prisoners? As the elderly prison population in New South Wales can be expected to increase in the future due to the number of inmates being sentenced to natural life terms, will the Minister further advise whether action will be taken to establish nursing home gaols for elderly prisoners who are in need of nursing home accommodation?

The Hon. M. R. EGAN: I thank the Hon. Helen Sham-Ho for her question. Unfortunately I am not able to give her an informed answer, so I will refer it to my colleague the Minister for Corrective Services.

SOUTH-WESTERN SYDNEY ECONOMIC DEVELOPMENT

The Hon. C. J. S. LYNN: My question without notice is addressed to the Minister representing the Minister for Western Sydney. Is the Minister aware of a proposal by the Greater Western Sydney Economic Development Board to establish an economic development corporation for south-western Sydney because of the unsatisfactorily high levels of unemployment in areas such as Campbelltown and Fairfield? Is the Minister also aware of the board's concerns that if subregional centres such as Campbelltown and Fairfield do not succeed in becoming major knowledge-based centres soon, the south-west will remain characterised by lower order jobs, below average incomes and long travel distances to access work? Given that the Government's transport blueprint for Sydney 2010 ends at Liverpool, and does not include any plans or allowances for the future development needs of the Campbelltown area, will the Minister support the recommendations of the Greater Western Sydney Economic Development Board?

The Hon. M. R. EGAN: Members of this Parliament should not run down the region we know as the Greater West. It is an economic powerhouse with huge potential. There is no question about that. For the Hon. C. J. S. Lynn to say that the Government is doing nothing for that region, he obviously is not aware of the M5 East extension, which is currently being constructed.

The Hon. C. J. S. Lynn: That's not at Campbelltown.

The Hon. M. R. EGAN: But I can tell the honourable member, though, that it will provide the people of Campbelltown access to the central business district (CBD) and to Mascot airport in next to no time. People will be able to travel from the harbour bridge to Campbelltown, probably crossing one set of traffic lights, if that, in about 20 minutes. That may be a slight exaggeration. It will take about 20 minutes to get from Campbelltown to the CBD of Sydney—and people will not need a speed radar detector to break the law; they will not have to break the law.

The real danger to western Sydney is people such as the Hon. C. J. S. Lynn, who drive around with radar detectors to avoid detection. As I pointed out the other day, that simply puts lives at risk. If the Hon. C. J. S. Lynn were interested in the wellbeing of the people of western Sydney, he would not be sporting a speed radar detector—and he certainly would not be encouraging his colleagues to use one as well. The Hon. C. J. S. Lynn should be absolutely ashamed of himself. He is an absolute disgrace. He is a disgrace to this Parliament, he is a disgrace to this House, he is a disgrace to the Liberal Party, and he is a disgrace to his faction within the Liberal Party.

WORKERS COMPENSATION PREMIUMS

The Hon. I. W. WEST: My question without notice is directed to the Special Minister of State, and Assistant Treasurer. Will the Minister update the House on measures being taken to ensure that employers pay their correct workers compensation premiums so that their employees are properly protected?

The Hon. J. J. DELLA BOSCA: I thank the Hon. I. W. West for his question, which is particularly important at this time. I am aware of the honourable member's interest in workers compensation, and I look forward to the contributions he will make in this House on that subject. The issue of employee insurance is an important one, even a critical one. People who are injured on the job must be supported, and employers who fail to pay their correct premiums for workers compensation not only risk the health and security of their employees but also add to the burden of the vast majority of honest employers who do the right thing. Honest employers end up paying too much.

On Monday in industrial estates in Sydney's west, on the Central Coast and in the Illawarra, WorkCover New South Wales will commence a blitz of employers who do not have workers compensation insurance policies or who are breaching occupational health and safety regulations. Approximately 500 businesses or industrial estates will be visited by WorkCover inspectors in the crackdown on non-compliance. This initiative was included in changes to the New South Wales workers compensation scheme that were announced in October.

Employers who do not have a workers compensation insurance policy face a range of penalties, including on-the-spot fines of \$750 or, if prosecuted and found guilty, fines of up to \$22,000 or even six months gaol. They also face payment of double the avoided insurance premium. If an employer is uninsured and a worker is injured, the employer must bear the cost of the claim. The cost of even a minor claim can be sizeable. When a worker suffers a lengthy incapacity, a claim can run into hundreds of thousands of dollars. Employers will be reminded of their workers compensation legal requirements through weekend newspaper advertisements in the areas that will be targeted.

APPREHENDED VIOLENCE ORDERS

The Hon. ELAINE NILE: I direct my question without notice to the Treasurer, representing the Attorney General. Is it a fact that a 13-year-old girl who lives on the North Shore has taken out an apprehended violence order [AVO] against her father? Is it a fact that a 12-month restraining order has been issued against her father? As this greatly widens the use of AVOs against adult domestic violence, is it a proper use of them? Will the Government introduce a simple mediation process—because this is a family that is involved—to deal with uncontrollable conflict between parents and their teenage children?

The Hon. M. R. EGAN: I am certainly not aware of the matter to which the Hon. Elaine Nile refers. I am tempted to make some general comments but that would probably be unwise, as it seems that this matter is

currently before the court. I will refrain from doing that, but I will refer the honourable member's question to whichever of my colleagues is appropriate: certainly the Attorney General, and probably also the Minister for Community Services.

GOVERNMENT DEPARTMENTS AND AGENCIES SEXUAL HARASSMENT POLICIES

The Hon. Dr B. P. V. PEZZUTTI: I direct my question to the Treasurer, Minister for State Development, and Vice-President of the Executive Council.

The Hon. J. J. Della Bosca: You're the teacher's pet.

The Hon. Dr B. P. V. PEZZUTTI: The Special Minister of State can learn an awful lot from the Treasurer. Will the Treasurer inform the House of what action he, as Treasurer and Minister for State Development, has taken to ensure that the policies, rules and regulations in place within his portfolio departments and agencies adequately address complaints of sexual harassment against a worker or visitor in those departments and agencies? Does he, as Treasurer and Minister for State Development, consider those policies to be adequate?

The Hon. M. R. EGAN: I certainly have not had any reason to think that they are inadequate. If honourable members of this House have information that would lead me to the view that they are inadequate, I would certainly be happy to have it and would deal with it appropriately because sexual harassment is something from which every workplace should be free.

The Hon. D. F. Moppett: "Harass-ment".

The Hon. M. R. EGAN: I told the honourable member yesterday that I will never know which is the right pronunciation and which is wrong.

The Hon. D. F. Moppett: It is pronounced harass-ment, not ha-rassment—like "embarrassment".

The Hon. M. R. EGAN: In fact, it embarrasses me because I would always prefer to use the proper pronunciation, which, in my view, is the English pronunciation. I have been swamped with just so much American television and film over the years—

The Hon. J. J. Della Bosca: "Filum".

The Hon. M. R. EGAN: "Filum", yes—that I forget which is the proper use. The Hon. Dr B. P. V. Pezzutti makes a very good point. The Deputy Leader of the Government in this House, the Hon. J. J. Della Bosca, can learn an awful lot from me. But I hasten to point out that, over the years, he has already learned an awful lot from me and, I have to say, I have learned an awful lot from him. We go back a long way. The Hon. John Della Bosca first worked for me at railway stations, climbing up telegraph poles, at polling booths and while distributing literature in letterboxes when he was about 16.

The Hon. J. J. Della Bosca: And at every election since then.

[*Interruption*]

The Hon. M. R. EGAN: No, he was always putting Labor posters up—those that had been taken down by the Liberals. Posters were not put up in the electorate in which I live.

The Hon. Dr B. P. V. Pezzutti: What about preselection? Did he learn something from you on that one?

The Hon. M. R. EGAN: I would have thought that I have not been in a preselection, but actually I tell a lie because in 1975 I nominated for preselection for the Federal seat of Barton, for which Labor preselection unexpectedly became vacant when Len Reynolds announced on 12 November 1975 that he was not going to re-contest the election. I did not take any counsel and the preselection was actually conducted by the administrative committee under changes to rule M38. The preselection was conducted by a committee constituted by the federal electorate council and the administrative committee, and there were probably about 60 voters. As I say, I did not take any counsel before nominating, and I received one vote. But there is a silver lining in every cloud and although Labor did not hold the electorate of Barton, it was not too much longer before I became the member for Cronulla.

The Hon. J. H. Jobling: That did not last long.

The Hon. M. R. EGAN: It lasted for two terms. I was the only labor candidate ever to win the seat of Cronulla and, as the Hon. John Della Bosca pointed out, he worked very hard for me at all of my six elections.

The Hon. J. J. Della Bosca: All except the first one.

The Hon. M. R. EGAN: The Hon. John Della Bosca was probably too young for that one. That was 30 years ago and he would have been about 12. I do not believe in child labour. He worked for me during the next election after that, and he is a very good campaigner. As the Hon. John Della Bosca said, it was a good platform for me. If I had not been elected as the member for Cronulla I probably would not be a member of this House today and I would not have the opportunity, which I currently have, of abolishing this House. As I have said, I will not leave until I abolish it. I am a very patient person—very patient. It took me four attempts to become a member of Parliament in the first place, so I look at matters from a very long-term perspective. I am willing to be a member of this Parliament for a lot longer still.

WORKERS COMPENSATION DEFICIT REDUCTION STRATEGY

The Hon. J. J. DELLA BOSCA: On 21 November the Leader of the Opposition, the Hon. M. J. Gallacher, asked me a question regarding the workers compensation debt reduction levy. In addition to the response I gave in the House on that day, I would like to add the following information:

The Expression of Interest is being conducted in accordance with Government procedures and ICAC probity principles. In order to observe these principles of confidentiality and probity, details of the proposals will not be made available during the application or assessment process.

JUVENILE JUSTICE FACILITIES VANDALISM

The Hon. J. J. DELLA BOSCA: Earlier today the Hon. G. S. Pearce asked me a question about the Minda and Minali site at Lidcombe. I have sought information from the Minister's office—as honourable members know, she is currently taking leave of absence—and I can inform the House that, in response to local concerns, the Director of Operations of the Department of Juvenile Justice visited the site on Monday of this week. Currently, a staff member of the department is resident on site. In addition, a security firm has been engaged to conduct random patrols. The centre is also used by the New South Wales Police Service to conduct training exercises. The Department of Juvenile Justice, in consultation with the Department of Public Works, is in the process of concluding a plan which recommends the demolition of the site.

The Hon. M. R. EGAN: If honourable members have further questions, they should place them on notice.

Questions without notice concluded.

[The President left the chair at 1.09 p.m. The House resumed at 2.40 p.m.]

ELECTRICITY SUPPLY AMENDMENT BILL

Bill introduced and read a first time.

Motion by the Hon. I. M. Macdonald agreed to:

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

ASSENT TO BILL

Assent to the following bill reported:

Federal Courts (Consequential Provisions) Bill

DISTINGUISHED VISITORS

The DEPUTY-PRESIDENT (The Hon. J. R. Johnson): I welcome to the President's Gallery the Mayor of Inverell, a man who bears an illustrious name, Barry Johnston. I also welcome the mayors of Grafton and Broken Hill, and Mr Ali Kazak, Head of Delegation, Ambassador of Palestine to Vanuatu, and Mr Ahmad Abdelrazek, the Permanent Ambassador from UNESCO.

WATER MANAGEMENT BILL**In Committee****Consideration resumed from an earlier hour.**

The Hon. I. M. MACDONALD (Parliamentary Secretary) [2.45 p.m.]: In answer to the question that the Hon. A. G. Corbett asked before lunch, I advise that the process for nomination to water advisory council committees can be specified in an order or regulation.

The Hon. D. F. MOPPETT [2.45 p.m.]: I move Opposition amendment No 1:

No. 1 Page 10, clause 13. Insert after line 12:

- (3) The members appointed as referred to in subsection (1) (a) - (e) should, as far as practicable, be persons who reside within the water management area for which the management committee is being constituted.

The sweet sound of reason rises above the clamour of battle. Honourable members will realise that this is an entirely reasonable amendment to the bill. Honourable members also need to realise that it is most important in setting up these management committees that they retain the confidence of the people in the valleys; otherwise they would be seen as another arm of bureaucracy being imposed upon the local people.

For those who, in other amendments, have sought to establish within the committee a representation which we felt was not relevant—they were quoted as outside experts in the field that that needed to be there—I point out that this amendment is couched in cautious terms as "the members appointed as referred to in subsection 1(a) - (e) should, as far as practicable". We recognise that there may occasionally be a need for an expert who is not available within a particular valley system. However, in the valleys that I can think of—that is most of them—many people will have great difficulty choosing who will represent various interests because, as I have said repeatedly in this debate, this is not something that is starting from ground level. Community involvement in the distribution of water goes back a long time.

I referred to my own participation in the Macquarie Valley Advisory Committee in the very early stages. I can draw on that experience to relate to the Committee how important it is that the relationship between members of a committee remain amicable and that members focus on the business in hand and the outcomes they are looking for, rather than be sidetracked by developing political formations within the committee against the outside members. They were interesting days—there will be discussion about that later—because we had members from the old Water Conservation and Irrigation Council. I remember dear old Bill Yuill, who is still very active and who was a wonderful servant to that committee and scrupulously abided by the rules: he was there to advise us but never exercised a vote. Reynolds Toyer, a representative of the community—local government I think—from Wellington was on it and made a very valuable contribution.

[Interruption]

Is that right? I did not realise that. That is where he got all that cognisance and insight, but I had not realised that. For the benefit of Hansard, I note that Reynolds Toyer who was a member of the original Macquarie Valley Advisory Committee was well-connected. This is a significant amendment on which I believe there is general concurrence, so I will not labour the point. I commend the amendment to the Committee.

The Hon. I. COHEN [2.50 p.m.]: I hate to disappoint the Hon. D. F. Moppett, but there certainly is not general concurrence on the amendment. There is concern about it.

The Hon. D. F. Moppett: Significant concurrence.

The Hon. I. COHEN: I will not take that personally. The honourable member has a right to his point of view. Regardless of his opinion of the Greens in this Chamber, and the seemingly innocuous nature of the amendment, there is a significant body of contrary opinion and concern outside this place. Generally speaking, from the stakeholder groups involved in this type of activity we get our local representative as well as a representative with a wider, State perspective. I know that the Hon. D. F. Moppett has his examples.

I do not want to raise too many of those in this debate, but in the past, drainage unions and other organisations that have pursued various water-associated issues have been rather narrow in their focus. There is

an advantage to having a wider State perspective. There could be a real danger in cutting out the representation of organisations that may be further afield. That could diminish the collective knowledge, a knowledge that could be of great use in assessing and determining many of the water-based issues. As a Green, I have concerns with the amendment, and I oppose it.

The Hon. R. H. COLLESS [2.51 p.m.]: As someone who has had considerable experience on catchment management committees and regional vegetation committees, I am worried about what I call professional committee members. They have no role in life other than being on every committee they can get on to promulgate their particular and individual points of view, which may not necessarily represent the views of the local or even the wider community. That happens all the time. The amendment is extremely important to make sure that there are appointed to the committees people who have an understanding and appreciation of the local issues involved. I commend the amendment.

The Hon. A. G. CORBETT [2.52 p.m.]: I also have a concern with the amendment, and I will explain why. The Minister has not specified how the bona fides of particular groups will be established. We have been told that that matter will be dealt with by the regulations or by formal notice. It could be that local people could represent a number of environmental protection groups and a number of different water user groups. Who will have priority? The Minister has limited committee membership to 11. Who will be selected from the various groups? I would be interested to know how the bona fides of the groups will be determined. I have another concern. If new environmental protection groups are formed for the specific purpose of gaining representation on the committee, will they be regarded as truly environmental groups? What steps will be taken to determine their bona fides? Will the Minister ensure they have established their bona fides in the community? Will he be aware of the history of the various groups?

The Hon. I. M. MACDONALD (Parliamentary Secretary) [2.53 p.m.]: The Government supports the amendment. Although the Government is of the view that the same outcome will be achieved administratively, and has legal advice that the Minister will still have flexibility under the new provision to make the final selection on who is appointed to a committee, of course the Minister will act so as not to disadvantage any one group. It is on that basis that the Government supports the amendment. That goes to the heart of the comments made by the Hon. A. G. Corbett. We will act with great integrity in this issue.

The Hon. D. J. GAY (Deputy Leader of the Opposition) [2.54 p.m.]: I support the amendment moved by the Hon. D. F. Moppett. The opposition to this amendment demonstrates arrogance. The assumption in the opposition is that the only way to inject real expertise into areas is to choose someone from outside the region. That shows a lack of appreciation of the real expertise and caring within these regions. Frankly, just on that basis, one would have to strike down the argument that was mounted by those opposed to this amendment. Their argument does not stack up.

Reverend the Hon. F. J. NILE [2.54 p.m.]: The Christian Democratic party supports the amendment, which it regards as positive and reasonable. People who reside within a water management area understand many of the local issues and therefore should be appointed to the local committee.

The Hon. R. S. L. JONES [2.55 p.m.]: It is true to say that there is a good deal of expertise locally and that that should be taken into account by appointing local persons with that expertise. On the other hand, we should take more of a statewide or perhaps nation-wide view and appoint people who have an overall view of the entire water system, not just of the local issues. Although it is important to have local people on the committees, it is equally important to have people with a wider representation as well.

The Hon. D. F. MOPPETT [2.55 p.m.]: I think we understand the need for a broader perspective, but at a different level than that proposed by this measure. This is at the level of the valley management committees. Already we have the State water outcomes policy, which will be the great overarching policy. That is the point at which we might seek these renowned experts, at least to give some sort of advice. But, I stress again, if we want these committees to work, and if we want local people to have confidence in them, we should not have some boffin brought in—perhaps people on that long list of authors that the Hon. Dr A. Chesterfield-Evans always quotes so copiously from. That would simply wreck the whole system. We want people who will exercise their local knowledge.

In relation to the Hon. A. G. Corbett's anxieties—it is certainly not for me to give assurances; it is for the Government to give those assurances—I might say to the honourable member, through the Chair, that the valleys have been through a long process of coming to terms with disparate views about water outcomes. This is

not something that is completely new. The environmental groups are clearly identified. The water extractive industry representatives have an existing structure that is clearly known. I do not think the Government will have any difficulty in establishing the bona fides of the nominees. When the final committees are appointed I am absolutely certain they not only will have the confidence of the wider community but will work together towards the common purpose for the valley and its economic, cultural and social development.

Amendment agreed to.

Ms LEE RHIANNON [2.57 p.m.]: Mr Chair—

Reverend the Hon. F. J. Nile: It is "the Chairman" in this Chamber.

Ms LEE RHIANNON: I understand that we are to have non-sexist standing orders next time, and I hope the member will abide by them.

The Hon. D. J. Gay: Point of order.

The CHAIRMAN: I do not need to hear the member on the point of order. The Constitution refers to me as the Chairman of Committees. Standing orders do not override the Constitution. I am the Chairman of Committees. The Hon. Lee Rhiannon may proceed.

Ms LEE RHIANNON: If we are going to go down that track, I am "Ms Lee Rhiannon". I was elected to this place as "Ms" Lee Rhiannon, not "the Hon.".

The CHAIRMAN: The member should refer to the Constitution and not question the opinion of the Chairman.

Ms LEE RHIANNON, by leave: I move in globo Greens amendments 36, 37, 38, 41, 41B, 43, 48 and 53:

- | | |
|---------|---|
| No. 36 | Page 10, clause 14, lines 16 and 17. Omit all words on those lines. Insert instead: |
| | (1) The principal function of a water management committee is to ensure that the water management area for which it is constituted is managed in accordance with the objects of this Act and the water management principles. |
| No. 37 | Page 10, clause 14, line 32. Insert "and on such other matters affecting the management of the water management area as it considers appropriate" after "advice". |
| No. 38 | Page 11, clause 15. Insert after line 12: |
| | (v) river and groundwater management, and |
| No. 41 | Page 11, clause 16, lines 31 and 32. Omit all words on those lines. |
| No. 41B | Page 12. Insert after line 4: |

17 Core provisions for all management plans

A management plan for a water management area must contain the following kinds of provisions:

- (a) provisions that identify specific river flow objectives and water quality objectives for each catchment within the area,
- (b) provisions that prescribe ecological sustainability as a key objective of the plan,
- (c) provisions that establish criteria for determining and monitoring ecological sustainability in each subcatchment within the area,
- (d) provisions that establish consistent State-wide and subcatchment transfer rules,
- (e) provisions that establish rules for dividing the domestic component of domestic and stock rights among the various lots arising from the subdivision of riparian land,
- (f) provisions that prescribe the conditions to be attached to approvals for the construction of water supply works to be used for harvesting floodplain waters,
- (g) provisions establishing periodic public reviews into the operation of structures (such as weirs, dams and levies) that obstruct the flow of water, with a view to ascertaining whether their continued existence is justified,

- (h) provisions establishing strategies for the monitoring and review of water management within the area, being strategies that provide for reviews at intervals of no more than 3 years and for further reviews whenever the plan's ecological sustainability goals are not being achieved,
- (i) provisions establishing water quality strategies based on best practice management,
- (j) provisions establishing capital investment strategies, including strategies for the construction of rehabilitation works, for weir removal and for other such measures,
- (k) provisions establishing a growth strategy for each subcatchment within the area, being a strategy that includes a prediction of future water use within each subcatchment together with an assessment of the maximum capacity of each such subcatchment to absorb water use,
- (l) provisions that establish a strategy to manage algal blooms within each catchment within the area,
- (m) provisions that establish a strategy to manage salinity within each catchment within the area.

No. 43 Page 12, clause 17. Insert after line 9:

- (b) provisions establishing sustainability indicators that are designed to facilitate the preservation and enhancement of the quality and quantity of water in the water sources in the area,

No. 48 Page 13, clause 20. Insert after line 15:

- (2) The water sharing provisions of a management plan for a water management area must also contain provisions of the following kind:
 - (a) provisions that identify the existing stress on, the potential risk to and the intrinsic conservation value of the various water sources in the area,
 - (b) provisions that identify the water requirements necessary to satisfy the needs of indigenous people,
 - (c) provisions that establish a monitoring regime to ensure the delivery of environmental water,
 - (d) provisions that establish an annual reporting regime in relation to the matters referred to in paragraphs (a), (b) and (c).

No. 53 Page 16, clause 29, line 22. Insert "and groundwater recharge" after "flooding".

The Greens moved this series of amendments to ensure that water management plans are comprehensive and that they consider all relevant matters. The water management plans that we are considering obviously will be documents that govern the management of water in New South Wales. As such, it is essential that the provisions of the bill are explicit as to what a water management plan must contain. It is crucial that water management planning is comprehensive, robust and transparent. We need such a process that fosters public participation and long-term sustainability of our water resources.

Water management committees are a stakeholder-driven process. The Greens strongly support the use of regional committees as a means of achieving desired environmental outcomes in a manner that is sensitive and responsive to the needs of the local community. For this to be successful, it is essential that committee members are provided with adequate guidance and that the roles and functions of committees are clearly articulated in the legislation. These amendments seek to insert core provisions for water management plans that will ensure the critical environmental issues are taken into account. We cannot legislate to guarantee that these issues will be dealt with perfectly, but we can at least insist that all water management plans contain these important provisions.

Some of the provisions that would have to be included are: specific river flow and water quality objectives, ecological sustainability as a key objective, and criteria for determining and monitoring ecological sustainability and salinity management strategies. These are not unreasonable or particularly radical provisions. They are provisions that my colleagues in this Chamber should be able to get their heads around and accept. Any water management plan would have to take these provisions into account. The important point is this: How can any water management plan be responsible and thorough without containing these provisions?

When my colleagues speak later in debate on this issue that is a question that I would like to hear them answer. How can we have a water management plan that does not take into account ecological sustainability or salinity strategies? These amendments would also provide clarity in relation to how committee decision making

is to be undertaken. They would make water management committees more autonomous by allowing them to consider any issue they feel is necessary without being limited to what is referred to them by the Minister. Let us try to establish a solid foundation for the sound management of water. If honourable members adopt the Greens amendments that is what we would be able to achieve. The water management plans are the key documents. That is where the final outcomes will really be decided. It is our responsibility to do everything we can to ensure that those outcomes are correct.

The Hon. D. F. MOPPETT [3.03 p.m.]: The Opposition opposes these amendments. We believe that the more acceptable objectives that Ms Lee Rhiannon espouses will not be thwarted by their defeat because they are already contained in the bill. We are anxious to ensure that the Water Management Act is a reasonably clean Act. It is already very long and complex to read. The last thing we want to do is rewrite the objects of the bill on every second page simply because we think that the people implementing it are so stupid that they will not have picked up the message in the first place.

There is nothing that the management committees will have more in the forefront of their minds than the sustainability of the systems within which they are trying to work. It is in their interests to do so. We do not have to ram it down their necks every time they turn over a page and we do not have to be suspicious of them and try to bind them down with change. We want to encourage them to work within readily understood parameters and to be able to get on with their jobs. I think that, at best, in some areas these amendments are otiose and in other areas they are burdensome and likely to be counterproductive.

The Hon. I. M. MACDONALD (Parliamentary Secretary) [3.04 p.m.]: The Government opposes all these amendments. Amendments Nos 36 and 37 are appropriately the function of the Government and the Minister. The functions of management committees are established in their terms of reference. They must, of course, carry out those functions consistent with the objects and principles of the Act. Management committees may be established for drainage management only and they may not be responsible for ensuring that all aspects of water management are consistent with all objects and principles of the Act. That would clearly be an impossible task.

The Government also opposes amendment No. 38. This amendment shows a lack of understanding of the framework encompassed by the bill. River and ground water management are integral to the preceding subclauses. Accepting this amendment would mean that other additions would need to be made, including all other water sources, like estuaries, overland flows and so forth. It is simply incorrect. The Parliamentary Counsel has advised the Government that amendment No. 41 is a drafting necessity. Amendment No. 41B suggests provisions to apply to all management plans. The suggested list appears extensive but the existing planning framework, including the core and additional provisions of plans, largely cover the issues mentioned.

The proposed list appears exhaustive but it applies mainly to inland rivers and fails to capture the nature of other water sources, including ground water, floodplains and estuaries. The existing framework in the bill is flexible enough to cover all water sources. Amendment No. 43 is unnecessary as the requirement for sustainability indicators is already included in clause 35. Amendment No. 48 seeks to add to the list of core provisions of water sharing plans. The reference in proposed subclause (2) (a) refers to matters already covered in existing clause 7. Proposed subclause (2) (b) refers to the water requirements of indigenous people.

These requirements are covered in existing clause 20 (1) (b), which refers to basic land-holder rights and includes the native title rights referred to in existing clause 55. Proposed subclause (2) (c) is covered by the requirements for performance indicators and all plans in existing clause 35 and the order provisions in existing clause 44. Proposed subclause (2) (d) refers to annual reporting. Existing clause 51 requires the yearly review of implementation programs and for this review to be published in the annual report of the Department of Land and Water Conservation. Finally, the proposal suggested in amendment No. 53 is unnecessary. It is covered directly in the next subclause.

Amendments negatived.

The Hon. A. G. CORBETT [3.07 p.m.]: Before we leave this part I wish to say that it was of concern to a number of honourable members that the term "ecologically sustainable development" was not defined in the bill. However, it has been drawn to my attention that one can find a reference to it on page 262 in the dictionary under "principles of ecologically sustainable development". It is important that we have that definition for those who want it. The definition can be seen in the dictionary, in which reference is made to another Act.

The CHAIRMAN: Order! I have been advised that the Hon. I. Cohen wishes to make some comments about clause 18. I give him the opportunity to do so.

The Hon. I. COHEN [3.08 p.m.]: I have major concerns with this clause, which prioritises socioeconomic impacts. It actually overrides the environmental concerns in the bill. The Greens believe that that is a fundamental misdirection. We strongly oppose clause 18.

Ms LEE RHIANNON [3.09 p.m.]: I support the comments of my colleague. Debate about the significance of environmental impacts comes down to a few sentences. Clause 18 provides that the management committee must "have due regard to the socioeconomic impacts of the proposals considered for inclusion in the draft plan". If the Government was sincere and suddenly discovered wetlands and learnt about environmental flows—which we have been speaking about for the past few weeks or longer—it would have included in this clause environmental impacts, but it will not do so.

That is why this clause has to go. It fundamentally undermines the whole bill. It reveals the intent of the bill. We should be building into legislation the provision that we will pay attention to the environmental impacts at every stage when we are considering the health of New South Wales rivers. Perhaps other members will point out that it is referred to here or there, but the socioeconomic impact and environmental impact should be together. This clause overrides that principle and shows what a damaging piece of legislation this is. We will certainly be voting against it.

The Hon. R. H. COLLESS [3.11 p.m.]: I draw the attention of honourable members to the name of the bill: the Water Management Bill. It is not the water environmental bill. This bill will address all the uses of water, not simply water for the environment. Clause 18 is probably one of the most important clauses in the bill, one that should be extended rather than omitted. Honourable members will recall that in my address on the second reading I spoke about the quality of life for the communities involved—the communities in rural and regional Australia as well as communities like Sydney, Newcastle and Wollongong. This is what socioeconomic means.

If we want to maintain the quality of life for all those communities there must be some sort of social and economic benefit from the use of water. The proposal to omit any reference to socioeconomic benefits to be gained from the use of water astounds me and shows the contempt of the Greens for any community benefit that might come from the use of water. There is more to this debate than simply looking at the environmental aspects. We must look at the social and economic aspects from which the communities and the people who live in those communities benefit.

The Hon. D. J. GAY (Deputy Leader of the Opposition) [3.12 p.m.]: Sadly I have to use the words "selfish" and "prejudices". The Greens want to remove clause 18, which refers to socioeconomic impacts, that is, people and the economies that allow people to exist. This clause is contained in part 3, Management Plans. The Greens have not said that they are not happy with clause 16, which is also part of the Management Plans provisions. Clause 16 reads:

Management plans to be consistent with other instruments

- (1) A management plan must be consistent with:
 - (a) the State Water Management Outcomes Plan, and
 - (b) any State environmental planning policy under the *Environmental Planning and Assessment Act 1979*—

I have read this for the benefit of the Hon. A. G. Corbett, who wanted to know what was missing from the bill. But perhaps he does not now want to know—

- (c) any protection of the environment policy under the *Protection of the Environment Operations Act 1997*, and
- (d) any regulation under the *Sydney Water Catchment Management Act* or the *Googong Dam Catchment Area Act 1975* ...

The Greens are so selfish that, even with all those safeguards, they do not want to allow a provision that addresses the concerns of people, who are also part of the environment.

Reverend the Hon. F. J. NILE [3.14 p.m.]: The Christian Democratic Party supports the retention of this important clause. It does not refer simply to economic but to socioeconomic impacts. "Socio" refers to the people, to the communities; it is what holds them together. As the Deputy Leader of the Opposition pointed out, clause 16 provides that, "A management plan must be consistent with", and it seems that the Greens are overreacting to clause 18, which states, "must have due regard to". That is a very vague term. It does not even state that anyone is controlled by the provision or must do anything, but the Greens are not happy with that.

The Hon. I. M. MACDONALD (Parliamentary Secretary) [3.15 p.m.]: The Government will vote strenuously against this attempt to delete clause 18. As honourable members will recall, in 1995 when the Premier visited Narromine he made it very clear that the whole basis of government policy, besides a concern for the environment, would be a commitment to the improvement and maintenance of socioeconomic values and policies in regional New South Wales. That is a policy we totally endorse. To delete this provision will lead, in effect, to reduced consideration of the likely impact of policies on the people who live in the communities.

I do not live in an irrigation area, I live 200 to 300 kilometres from them. Those communities are vibrant and viable, and when one considers the produce that comes from those areas and the exports they generate, one cannot whitewash those communities and ride roughshod over them. The Greens amendment would tend to do that, because it throws out a consideration of the socioeconomic values in the Government's policies. The Government wants this clause to remain and I am sure that all sensible, honest and decent members will vote with the Government.

The Hon. I. COHEN [3.16 p.m.]: It is interesting that each time the Greens raise something to which members are opposed, we are said to have a dastardly program, a one-eyed perspective on the matter. As the Deputy Leader of the Opposition said, there are provisions that refer to both the environment and the economy. This clause stands alone and is unnecessary. Other provisions create balance. One often hears about the ineffectuality of the Greens and the fact that we are on the fringe, but I wonder why we cause such angst in both major parties when we come up with what seems to be an imbalance. The Greens and other members of the crossbenches have always come up with what we believe to be a balance. It may be different from the perspective of members of the Opposition. We have seen the results of the Opposition's perspective.

The Hon. D. F. Moppett: You are looking at it through jaundiced eyes.

The Hon. I. COHEN: That is your opinion. We might think that your view of land use has been pretty jaundiced so far.

The Hon. J. S. TINGLE [3.17 p.m.]: I oppose the amendment because I find it absolutely extraordinary. I might have been prepared to support an amendment that rewrote the clause or added something to it to include the concerns expressed by the Greens. But the Greens have just said, "take it out". If that clause is taken out, what will be left for the people, who also have to be considered as well as the land, the water and the sky? If the Greens had said that this provision was not enough and they wanted to expand it I might have supported it. It is extraordinary to remove it without offering any alternative.

Ms LEE RHIANNON [3.18 p.m.]: The statements we have heard about the environment being separate from the community are extraordinary. That is the essence of what was said by members of the Opposition. The Hon. I. M. Macdonald can look after himself. How many times do we have to say that the environment does not include only birds or trees; we are talking about the community. Increasing salinity, rising pesticide levels in water and excessive nutrient run-off will cause damage to our communities. You love to tell us that you understand the problems of country people. These environmental problems still exist. What we are saying is get it together—

The Hon. I. M. Macdonald: That's clause 16. Read the bill!

Ms LEE RHIANNON: We have read the bill. We are saying that when honourable members participate in the debate they should be accurate and at least acknowledge that the environment is not fairyland but is relevant to people's lives. That includes people west of the divide.

Reverend the Hon. F. J. NILE [3.20 p.m.], by leave: I move Christian Democratic Party amendments Nos 3 and 4 in globo:

No. 3 Page 13, clause 20. Insert after line 8:

(c) the identification of requirements for water for the social and economic benefit of Aboriginal communities,

No. 4 Page 13, clause 20, line 14. Omit "paragraphs (b) and (c)". Insert instead "paragraphs (b), (c) and (d)".

Amendment No. 4 simply adjusts the paragraphs. This amendment, in my opinion—and I hope it is the Committee's opinion—is a logical successor to amendment No. 1, which was passed by the Committee, not unanimously but certainly without opposition. Amendment No. 1 inserted into the objects of the bill the words

"social, customary and economic use of land and water" in relation to Aboriginal people. The Committee agreed to that amendments to the objects, which are the most important part of the bill. Amendment No. 4 simply supports what the Government is doing.

I compliment the Government on increasing Aboriginal representation on water management committees from one to two persons. That is a big improvement to the level of indigenous participation in the management of water resources. However, the level of representation will be two amongst 20 people. If these committees are to genuinely address the manner in which the social and economic circumstances of Aboriginal communities can be advanced through the management of the resource, the guiding principles and core provisions of management plans must draw the attention of the committees to these issues in the regular course of their business.

This amendment will not force anything on the water management committees; it will simply include in their planning consideration of the core provisions, including establishment of environmental water rules for the area, identification of requirements for water within the area to satisfy basic land-holder rights, identification of requirements for water for extraction and so on, establishment of the bulk access regime, and related matters.

If the water management committees have indigenous representation it is logical that they consider the identification of requirements for water for the social and economic benefit of Aboriginal communities. I believe that this is a logical successor to clause 18, which states that the socioeconomic impacts of the proposals must be considered for inclusion in the draft plans. We are simply saying that the social and economic benefits of Aboriginal communities must be considered by the committees when they consider the socioeconomic impacts of proposals.

Earlier in the debate I used the illustration of opening doors of opportunity for the Aboriginal people. They will not get anything from this bill. They will not receive a cheque or anything like that. My amendment will simply open the door and encourage the Aboriginal people to participate in water management. I cannot speak for the Aboriginal Land Council and other related groups, but I hope that they will move through that door. I hope that they will stand head and shoulders together with irrigators, farmers and others, and be positive contributors to the water management plans. As I said earlier, the Aboriginal Land Council may even decide to invest some of the capital it receives from the land tax—I know that there are some restrictions on how that money can be used but I believe those restrictions apply mainly to the interest from that investment. With financial advice, the Aboriginal Land Council may consider investing in this area, as well as the water trust.

The Hon. D. J. Gay: Wouldn't that indicate that this is the proper place for the economic side, to come from the Aboriginal Land Council?

Reverend the Hon. F. J. NILE: That is the point I am making. Later I will move an amendment to the provisions relating to the water trust, which I understand is mainly for irrigators. If these amendments are carried, I believe the Aboriginal Land Council will have an incentive to participate, if the door is open. I see no reason to close the door on Aboriginals participating as part of the community and as equal partners in the water management of this State for the future of our country. It is their country and our country.

The Hon. D. F. MOPPETT [3.25 p.m.]: We must be honest and forthright about this. During debate on the Christian Democratic Party's amendment No. 2 I said that we could go no further. I said that this was the point at which we had to be honest about the intentions of the bill. In a way Reverend the Hon. F. J. Nile has set that aside. He has identified amendment No. 3, as if the Committee had skipped amendment No. 2.

Reverend the Hon. F. J. Nile: I am disappointed that amendment No. 2 was not carried.

The Hon. D. F. MOPPETT: The honourable member should wait. We are now down to the machinery of the proposal. As I said before, we are getting further into the detail as we go along. If Reverend the Hon. F. J. Nile shared the insights that I have into how these committees will work, he would realise that he is proposing to put a cricket bat in a plumber's bag of tools. The committees will have difficulty coming to grips with that. They will be dealing with a bulk access regime and considering the impact of that on the environment. They will take account of many appropriate matters, and at the end of the day they will provide a water distribution formula.

If the honourable member's argument is to carry weight, identification of Aboriginal interests must be included in the bulk access water regime to ensure that Aboriginal communities receive an allocation. However,

I can tell the honourable member that that will not happen. I do not believe it is in the interests of Aboriginal people for the honourable member to float this idea. It is nice for the honourable member to talk about opening the door. It is an analogy or metaphor that would be appropriate to an occasional address in another place, in some other circumstance. In my view it is misleading, it is sententious. It will not help deliver a better deal at this stage. I believe that I have clearly indicated that the Opposition will oppose amendments Nos 3 and 4.

The Hon. I. COHEN [3.28 p.m.]: Amendment No. 3 would require water management committees to identify in management plans the requirements necessary to support the social and economic development of Aboriginal communities. I am at a loss. Earlier we had an argument about social justice issues, and I acknowledge the perspective of members opposite. Amendment No. 3 falls short of supporting Aboriginal communities in terms of the management plans. When we consider the overall debate and the issues that will be raised in water management committees, this is very small in terms of the overall allocation of water, particularly when we are dealing with significant agribusinesses. I am disappointed that the analogy of a cricket bat and a bag of tools has been used. It simply does not make sense. It is supporting a community, and it is clearly—

The Hon. D. F. Moppett: It just shows that you do not understand what these water management committees will do.

The Hon. I. COHEN: Then so be it from your perspective. However, I believe that the amendment is very worthy of support.

The Hon. I. M. MACDONALD (Parliamentary Secretary) [3.30 p.m.]: The Government will not support either amendment. Reverend the Hon. F. J. Nile's amendment No. 3 is not required, as the existing water management corporate provisions allow for indigenous economic interests to be considered in the water sharing process. Reverend the Hon. F. J. Nile's amendment No. 4 is a consequential amendment, and therefore the Government's position in relation amendment No. 3 also applies to it.

Reverend the Hon. F. J. NILE [3.30 p.m.]: In response to the Hon. D. F. Moppett's comments, I ask him whether he was saying that the Aboriginal communities have no role in the allocation and distribution of water.

The Hon. D. F. Moppett: No, that is not what I said at all.

Reverend the Hon. F. J. NILE: I would be extremely alarmed, as I believe the Government would, if that is how the Hon. D. F. Moppett is interpreting this legislation. If the Hon. D. F. Moppett was speaking on behalf of the water management committees and saying that they will freeze out Aboriginal communities—

The Hon. D. J. Gay: That is very naughty, Fred.

Reverend the Hon. F. J. NILE: That is what the Hon. D. F. Moppett seemed to suggest. I have visited many Aboriginal communities that live on the side of a river. I ask whether the Hon. D. F. Moppett was suggesting that they get no allocation from that water, that the water management committee will not consider their needs.

The Hon. D. F. Moppett: No. If you continue to ask questions like that, which are quite obtuse to what we are dealing with, it will be obvious to all that you simply have no comprehension of the structure of this bill and how it will operate.

Reverend the Hon. F. J. NILE: We are dealing with reality here. Many of these Aboriginal communities, we must admit, are a bit naive. I would say that large Aboriginal communities that live on the sides of rivers have no idea that we are even debating this bill and that it could have an effect on them. The water management committees must consider the matters I have raised relating to the social economic benefit for Aboriginal communities. They will have needs, and they have needs now. Those needs must be met; they must be considered in the core provisions of the legislation. I simply cannot understand why the Hon. D. F. Moppett thinks it is wrong to have that consideration in the core provisions. I could spend hours discussing each of these communities. Wellington is one of them.

The Hon. D. F. Moppett: Tell us about the benefits that you envisage.

Reverend the Hon. F. J. NILE: Firstly, they should have access to the water.

The Hon. D. F. Moppett: They have access to the water. What form of access do you suggest? Do you think they should have access as a licensed pumper or irrigator? Is that what you are proposing?

Reverend the Hon. F. J. NILE: Yes. They may need the water to service the land which they have lived on historically. In fact, next week they may decide to irrigate it. Perhaps they are already irrigating it and they are taking water from the river.

The Hon. D. F. Moppett: If they are, then they have a licence.

Reverend the Hon. F. J. NILE: They may not have a licence; that is the point I am making. Perhaps the Government does not know that some of these Aboriginal communities in the north of New South Wales and on the Queensland border are even there. That would not surprise me. I simply do not want to have any discrimination against these communities. In due course someone may say, "We are sorry. You are not included in this legislation; there is no provision for you. You are out in the cold." That is what worries me at this stage. I think it would be a tragedy and a final insult to the Aboriginal people of this State.

Amendments negatived.

The Hon. R. S. L. JONES [3.32 p.m.], by leave: I move amendments Nos 45, 46, 49, 97 and 98 in globo:

No. 45 Page 13, clause 20, line 12. Omit "having regard to". Insert instead "consistently with".

No. 46 Page 13, clause 20, line 13. Insert "having regard to" before "the requirements".

No. 49 Page 13, clause 20. Insert after line 16:

- (a) must be in accordance with the precautionary principle of the principles of ecologically sustainable development set out in section 3, and

No. 97 Page 45, clause 87, lines 27 to 30. Omit all words on those lines. Insert instead:

- (5) The following provisions apply to the payment of compensation under this section:
 - (a) a claim for compensation may not be made until the expiry of the management plan that was current when the bulk access regime was varied, or until the end of 5 years after the date on which the variation occurred, whichever occurs first,
 - (b) a claim for compensation may be made only in relation to an access licence that was current when the bulk access regime was varied, and may not be made simply because the water allocations under such a licence have been reduced on renewal of the licence,
 - (c) the amount of compensation awarded is to be determined with regard not only to the value of water foregone as a result of the variation of the bulk access regime, but also with regard to the value of any consequential environmental and social benefits that are likely to accrue to the holder of the licence,
 - (d) the amount of compensation awarded is to be discounted to the extent to which the holder of the access licence has failed to mitigate any loss arising from the reduction of the water allocations under the licence.

No. 98 Page 46. Insert after line 3:

88 Reports to Parliament concerning compensation payments

The annual report for the Department under the *Annual Reports (Departments) Act 1985* must contain the following particulars in relation to each claim for compensation made under section 79 or 87:

- (a) the name of the claimant,
- (b) whether the claim was accepted or rejected, together with the reasons for doing so,
- (c) the name of the person to whom any compensation was paid on account of the claim,
- (d) the amount of any such compensation,
- (e) the method by which the amount of any such compensation was calculated.

With regard to amendment No. 45, clause 20 provides for the mandatory requirement of water management plans to take into account water sharing provisions. The amendment specifically relates to subclause (d), which sets out the requirement for the establishment of the bulk access regime. The role of the bulk access regime is to specify the total resource available for the licensed extractive use, subject to climatic variations. The amount of water available for extractive users will vary with the natural features of the water management area.

Before determining the quality of water that is available for extractive use, it is vital that the needs of the environment be considered and applied for first. This is in line with the other areas of the bill which provide for the needs of the environment to have prior right. As clause 21 (d) currently reads, when the water management committee establishes a bulk access regime it must only have regard to the environmental water rules. The amendment removes the discretion for the bulk access regime to have regard only to the important environmental water rules. The amendment requires the regime to be consistent with environmental water rules.

Amendment No. 46 directs that the water management plans should have regard to the requirements of basic land-holder and irrigation rights. Amendment No. 49 ties the rules for the adjustment of access licences as a consequence of any reduction in the availability of water to the precautionary principle that precipitant actions that will put the environment and water quality at risk are discouraged.

With regard to amendment No. 97, the matter of compensation is a vexed issue in this debate about water reform. I have received many representations saying that the bill is proposing to virtually privatise the water resources that are publicly owned. This is a serious matter, not only for environmentalists but also for farmers who are not irrigators, townspeople, and others who work in industries that rely on river health, such as tourism.

The Government's provisions in regard to compensation do not achieve the right balance between the public interest and private profit interests. The banks and the irrigators have exaggerated their risks and wish to fully offload them onto the public purse. This is inequitable and a great threat to the capacity to manage the State's water resources for the benefit of everyone. I propose an amendment that reduces this threat. The amendment requires compensation not to be claimed until the end of the term of the management plan.

This provision will prevent an irrigator from seeking public money before the completion of efficiency works. The works will be carried out over the term of the plan and will deliver economic as well as environmental benefits to the irrigators and the region generally. Under the current proposals the irrigator can interrupt this process by claiming the money immediately. If successful, this would divert public funds and planning resources from essential water efficiency works. The amendment states that a claim for compensation cannot be made until the expiry of a management plan and thus a fuller picture of the effects of the plan can be obtained.

A further aspect of the amendment requires consideration of the windfall gain that an irrigator may obtain from the water plan. Undoubtedly water quality and efficiency of delivery will be improved by the programs of works a water plan will create. The public should not have to pay twice—that is, first to the irrigator for his perceived loss, and second for various works that will financially improve the position of irrigator properties. The amendment allows the extent of improved value to be discounted from the compensation claim. While this may at first be a complex matter until rules are set in place, perhaps via a regulation, it will be worth the effort, as best use will be made of limited public funds.

A third section places an obligation on the irrigator to undertake on-farm efficiency works before seeking compensation. This has two beneficial effects. First, it diverts funds into cheaper but more sustainable activities as efficiency works are not usually as costly as buying water. Second, why should one farmer receive taxpayers' funds for compensation when others in his valley have already undertaken on-farm efficiency works? This is grossly unfair and rewards the lazy irrigator. Finally, paragraph (b) simply brings compensation allowances into tandem by ensuring that they run with the plan, not a licence that may not be of the same term as the plan.

With regard to amendment No. 98, the expenditure of taxpayers' money on compensation demands accountability. This amendment creates an annual report to Parliament on claims for compensation and the outcome. In this way Parliament and the community can clearly see what is going on without having to dredge through complex budget papers or having to resort to a resolution of the House demanding the papers.

The Hon. I. M. MACDONALD (Parliamentary Secretary) [3.38 p.m.]: The Government will vote against all of these amendments. Amendments Nos 45 and 46 are unnecessary: they are simply clarifying

amendments that confirm the intent of the existing clauses. Amendment No. 49 is also unnecessary, as the principles of environmentally sustainable development as defined in the Protection of the Environment Administration Act, which include the precautionary principle, are also already in the objects of the bill, guiding all functions exercised under the Act.

While the compensation provisions relating to the valuation of environmental and social benefits are admirable from a theoretical standpoint, they are extremely difficult from a practical, administrative view. The final compensation provision, that is amendment No. 97, requires the compensation amount to be discounted if the licence holder failed to mitigate any loss arising from the reduction of the water allocations under the licence.

I assume that what is being proposed by the Hon. R. S. L. Jones is that licence holders should be forced to find efficiency gains before compensation is paid. The Government will oppose that amendment. In relation to amendment No. 98, the Hon. R. S. L. Jones argued that compensation payments should be included in the annual report of the Department of Land and Water Conservation [DLWC]. While the Government may support the inclusion of general statistics on compensation being included—for example, the number of claims and water source, the number of claims that are successful, and the total amounts paid per water source—it will not accept the inclusion of specific details of individual claims. The amendment, as drafted, must be voted against. I am sure that this Parliament will not get to the point at any stage of producing legislation relating to publication of information on individual claims.

Amendments negatived.

The Hon. I. M. MACDONALD (Parliamentary Secretary) [3.40 p.m.]: I move Government amendment No. 3:

No. 3 Page 13, clause 20. Insert after line 16:

- (a) must recognise and be consistent with any limits to the availability of water that are set (whether by the relevant management plan or otherwise) in relation to the water sources to which the regime relates, and
- (b) must establish rules according to which access licences are to be granted and managed and available water determinations to be made, and

This amendment clarifies that the bulk access regime must specify the manner in which water entitlements, allocations and available water determinations are to be managed in order to maintain total water diversions within specified limits. These limits may, for example, include the Murray-Darling Basin cap or the sustainable yield of an aquifer system. Water use within a system must be consistent with these limits to achieve sustainability. The bulk access regime must indicate how these limits are to be maintained.

The Hon. D. F. MOPPETT [3.41 p.m.]: The Opposition has a mixed reaction to this Government amendment. The Opposition can agree with paragraph (b), so that can be set aside. However, we feel that the wording in paragraph (a) is too broad and that the water management plan should set the limits of the bulk access regimes. The Opposition would find it much easier to support paragraph (a) if the words in brackets were reduced to "by the relevant management plan". In other words, I am suggesting the removal of the word "whether" and the words "or otherwise". Although there was plenty of time available for the drafting of Government amendments that were dealt with in another place and that have led to the bill that is now being considered by this Committee, I think that pressure has been put on the Government to prepare amendments for the Committee stage in the Legislative Council. In my view a bit of careless drafting has occurred. The amendment proposed by the Government would be greatly improved if the words I have mentioned were removed. I therefore move:

That the amendment be amended by deleting the words "whether" and "or otherwise".

The Hon. I. M. MACDONALD (Parliamentary Secretary) [3.43 p.m.]: The Government does not support the amendment to the amendment.

The Hon. D. F. Moppett: You are like the proverbial grocer—you do not give over weight.

The Hon. I. M. MACDONALD: That is right. Limits, such as the Murray-Darling Basin cap, are not set by the plan, so the amendment is unnecessary.

Amendment of amendment negatived.

Amendment agreed to.

The Hon. D. F. MOPPETT [3.44 p.m.]: I move Opposition amendment No. 2:

No. 2 Page 13, clause 20. Insert at the end of line 21:

, and

(c) must specify the modelled yield and reliability of each category of access licence.

I will deal with this amendment separately because not everyone in this Committee will be familiar with the words and the concepts. Although what I am about to say may seem arcane to some people, it is of vital importance. All would recognise that the performance of catchments—and, therefore, the rivers—with which we are dealing varies enormously. During the second reading debate honourable members referred to the enormous variability of our rivers system in New South Wales and indeed throughout the nation. What some members may not realise is just how extensive are the data that have been collected over the years by various government departments of different names to show the water flows in each river.

I recall that during my period of service on the Macquarie Valley Advisory Committee the Water Conservation and Irrigation Commission furnished the committee with flow charts. Because I thought the charts were such valuable documents, I kept them. They date back to as long ago as virtually the turn of the century, or possibly earlier, when records were first kept. In common with so many other rivers, the Macquarie River has experienced huge peaks and floods. Honourable members may recall the 1950s—1955 and 1956, in particular—setting flow records that are yet to be surpassed in the Macquarie Valley. There were many years—for example, 1902 and 1918—when, in natural conditions, water would not have flowed in the Macquarie River past Narromine, and there would have been times when the water would have been undrinkable as far back as at Dubbo.

In trying to work out plans for the management of water one has to take a very broad perspective. It is no good thinking that because there has been a cycle of 10 dry years suddenly the end of the world has come and that conclusions and management plans based on narrow databases must be radically redrawn. I believe it is important to use the database, which, as I indicated, now contains information on a hundred years of experience. Many people say that 100 years of recorded data is just a fleeting moment in what has been the experience of this continent, but I tend to think that a pattern drawn over 100 years will contain 99.9 per cent of the events that will occur in the next 100 years.

People who are vitally concerned about outcomes—in some cases, because their bread and butter depends on them and in other cases for more esoteric reasons—will want to be assured that the model is based on the most extensive data available and not on some truncated set of data that has been selected because it is tendentious towards an underlying argument to alter the distribution of water in any one year. We should remind ourselves that when these regimes are set up we should not attempt to provide an absolute certificate guaranteeing that 400 megalitres will be delivered, even if it has to be brought from the Antarctic.

What should be used is a model that shows, within a reasonable degree of probability, what it is possible to deliver. If that does not eventuate the amount of water to which people can have access can be proportionately restricted, and prioritisation would be involved. We want it clearly understood by all parties involved that the best possible data must be used to establish these criteria, which will so materially affect the economic and social impact of this bill on the valleys concerned. I commend this amendment to the Committee.

The Hon. I. M. MACDONALD (Parliamentary Secretary) [3.50 p.m.]: The Government does not support this amendment. There has been a lot of talk in recent times about security of supply but it seems to me that very few honourable members understand what that is. It can be expressed in a number of ways but it is usually expressed as the average percentage allocation announcement or the percentage of time entitlement. Holders get 100 per cent of their licensed entitlement. This is a function of climate. Obviously, during dry times not all entitlements can be fully satisfied. In the north of the State rainfall is generally less reliable than in the south so that the reliability of supply in the north is generally lower than that in the south.

Another important determining factor in defining reliability of supply is the behaviour of users in the system. To explain further, in the Murray-Darling Basin we must keep total water divergence within the cap. There has been no argument from any party on that matter. Irrigators also agreed in 1997 that they did not want to reduce unused entitlements, otherwise known as sleeper entitlements. Those two factors mean that, as sleeper licences are progressively activated by water users, the reliability of supply in each valley will decrease in order to stay within the cap. The rate of development of sleeper entitlements is not within the control of the Government. For the Government to specify security of supply that changes in response to changed user behaviour is simply not logical. As a consequence, the Government opposes this amendment.

The Hon. D. F. MOPPETT [3.52 p.m.]: I have listened with interest to the explanation provided by the Parliamentary Secretary and I am disappointed. There was a prospect of a meeting of the minds in the negotiations that have gone on since the bill emerged from the lower House. It appears that what we were driving at was understood by people in the department working in the area but the Government has decided not to cross over the line and support us. We will certainly be voting in favour of our amendment, but we will not cause the Committee to divide on the issue.

Amendment negatived.

The Hon. D. F. MOPPETT [3.53 p.m.]: I move Opposition amendment No 3:

No. 3 Page 13, clause 20. Insert after line 23:

- (4) In the case of a water source for which existing environmental flow rules and access rules (being rules agreed to between Government and non-Government parties pursuant to a public consultation process) were in force immediately before the commencement of this section (the *former regime*), the first bulk access regime referred to in subsection (1) (d) in relation to that water source is to be in the same terms as the former regime. This subsection extends to a Minister's plan under section 50.

This is a critical amendment for the Opposition. On a number of occasions during our extended debate on this bill I have mentioned that the majority of river valleys have gone through an extensive process of reconsideration of the regimes that existed theretofore. I believe they have reached a balance in their communities. I was not challenged when I said that this started in the Macquarie Valley because of the Macquarie Marshes. There was a lot of agitation at the time and all sorts of concerns were raised. For example, local people were concerned about the Macquarie Marshes and the inadequacy, in their view, of the allocation originally made to the Macquarie Marshes. Some were concerned about the use of off-allocation water, as it was called at the time—surplus flows—that could be pumped without being deducted from irrigators' allocations.

After a long period of consultation it all came together and a draft management plan was extant for some 12 or 18 months, and then there was a final management plan. The Minister of the day finally signed it off. It is remarkable that a degree of tranquillity has been in place since then. There is no doubt that if a group of irrigators got together they would put forward the proposition that water would be better used and have more economic benefits if more irrigation were permitted. But they have accepted this community decision very responsibly and have pulled back from where they were. They have trimmed their operations at a great sacrifice to themselves. The plan has certainly affected a number of people very adversely, but it is settled. It started in that valley and possibly a couple of valleys in the far north, and I am not too sure whether it has been fully settled along the length and breadth of the Murray River, which involves a much more complex issue. In the major river valleys an environmental flow plan has evolved that has the support of both sides of the debate, if one can see it as defined between only two groups of people. But there are obviously more than that. Probably a better analogy would be around the round table.

I live adjacent to the marshes and I certainly had a lot of representations from people whose had an interest in the reserve for its own sake. Other people had interests in the pastoral surrounding buffer areas, which were subject to natural flooding. I certainly spent a lot of time in the early days advocating their case. I also know of a number of environmental groups, particularly based in Dubbo, and some ornithological groups who quite frankly are delighted with the outcome and happy with the current regime. It would be an absolute tragedy to set all that work aside, throw it open and leave the issue up in the air for the people involved. It has just been pointed out to me, and it is worth noting, that the sacrifice made from water already being used in extractive industries has provided 11 per cent of the water that currently goes into the marshes on a regular basis.

If the confidence of a wide range of people, particularly irrigators—but also others who have worked hard to have recognition of environmental flows in these plans—is to be sustained, it is vital for them to have confidence in the process. They will see that those plans that have been worked through and are extant will be carried forward. I am talking about the plans that are up for review in five years after they become incorporated in the plan. It is not intended that they will be grandfathered through in such a way that the Act will not apply to them and they will go on for ever. It is simply so that they do not go into a melting pot so that all the work that was put in to achieve a consensus between what started off as radically opposed groups is lost. A significant proposal is being put forward. We do not think it asks too much of the Government to accept this amendment. We would certainly be interested to hear in detail, when the Parliamentary Secretary is able to engage himself on this subject, the Government's reaction to this amendment.

I believe that the Government would prefer to provide assurances of some sort that in effect what I am pointing to will eventuate. I can never understand how anyone would say, "We're not prepared to put it in the

legislation but you should accept our assurances that that will eventuate." This is not a provision that will expose the Government to any massive unfunded liability or unknown difficulties. It is a very small ask from the people in the valley that this should be the case. If the Government is to give that assurance, this is the way to give it.

There would be members—I am sure the first to his feet to support me would be the Deputy Leader of the Opposition—who would recall that we had assurances like that in relation to the water in Cadia mine. Twelve months later you would swear a swarm of mosquitoes had hit the people who were supposed to be comforted by those assurances. They were not comforted; they were agitated and disappointed with the whole process. The assurances that were given were not given effect. I was going to use a more inflammatory term, but I restrain myself. I have probably used enough of those already.

I would have to signal to the Committee that we regard this as very significant. When I say "we regard this as very significant", this is not just the Coalition spokesman or all the members of the Coalition having thought about it and come to this unanimous conclusion that this is important; these are the people from the valley talking. This is the unanimous view of the people from those valleys, on all sides of the argument—not people who want to come in from outside the area of play and who may have a different view. The people living within the valley are comfortable with these plans and want them to be the first plan under the new legislation. I do not think that is a lot to ask. I hope that, against my pessimistic prognosis, the Parliamentary Secretary will now say that the Government has reconsidered its position and graciously accepts the amendment.

The Hon. I. COHEN [4.02 p.m.]: I agree with the Hon. D. F. Moppett that this is a critical issue. This amendment removes a very real need for the Minister for the Environment to ensure that the water management plans protect the very objects of the Act, apply principles of ecologically sustainable development, and protect, enhance and restore water sources and their associated ecosystems, ecological processes and biological diversity, and their water quality. The Environment Protection Authority and the Minister for the Environment have assessed and published environmental flow objectives and water quality objectives and are very well placed to ensure that the provisions of the water management plans meet the water reform objectives of this Act. I would hope that the Government recognises those very real objectives and will not be swayed by the Opposition on this matter.

The Hon. R. H. COLLESS [4.03 p.m.]: There are two aspects to the amendment, as I see it. One is that the intent per se is to recognise and enshrine the hard-earned agreements that have been reached by the regional water communities. As the Hon. D. F. Moppett pointed out, they are representative of the whole community, including environmental groups. So these are not agreements that have just come out of the blue and have been drawn up by irrigators. These are agreements that have been reached in consultation with environmental groups.

The existing flow and access rules for those valleys, where they are in place, must form the basis of the new bulk access regimes. We should not undermine the community effort by allowing premature change to those agreed flow packages. The amendment acknowledges that where the flow packages do not exist, a transition period is required for those valleys before locking in those bulk access regimes. This amendment will allow the industry to continue operating in that transition period from the old Act to the new Act.

If the Government does not allow this provision I think the Government will create a monster. It will draw a line in the sand and say, "From this day we will be operating under these regimes, and from then on we will be operating under the bulk access regime." I do not think that will work. It is important to have a smooth transition from the old Water Act to the Water Management Act, when it is proclaimed. This amendment will allow that smooth transition.

The Hon. I. COHEN [4.04 p.m.]: Mr Chairman, I must admit that I referred previously to the wrong amendment. The only excuse I can offer is that there is an incredible number of amendments. I must admit I lost track for a moment. Amendment No. 3 states that the environmental flow rules, as already agreed by water committees over two years ago, are not an appropriate base for allocating 10-year property rights. There are a number of stressed catchments, including the Namoi and the Barwon Darling, whose flow rules should not be carried over. There has been increased knowledge and capacity on these water management committees over the past two years, and this will be added to in the next 12 months prior to the establishment of water management committees. The Government has not undergone an extensive public consultation process on improving water management across the State only to see old management rules further entrenched. The Greens will support the Government on this matter.

The Hon. R. H. COLLESS [4.05 p.m.]: Again I would point out to the Hon. I. Cohen that we are talking about a transition from one Act to another Act. This amendment accepts agreements that have been

reached in previous years by existing committees—committees that have on them environmental representatives who have worked hard to achieve the regimes that they are working under now. Would the honourable member cancel all that good work that those representatives have done? I do not think so. We need to move forward and allow those regimes to continue until such time as the new water committees are set up and water management plans are put in place.

The Hon. I. M. MACDONALD (Parliamentary Secretary) [4.06 p.m.]: The Government will vote against the amendment. The existing environmental flow rules will obviously form the starting point for the formulation of the initial bulk access regime. These rules do not constitute the entire bar. In addition, these environmental flow rules were negotiated on the basis of a five-year planning cycle, with annual reviews of the rules. To now set them down for 10 years would be inconsistent with the public consultation associated with their development.

The current rules were developed for very specific purposes over a well-defined timeframe—over five years, with variations each year. This allowed committees to try out different rules in an adaptive way. It is not fair to now say, "The rules you have in place in year three of that five-year adaptive process should now be adopted for the next 10 years." It is only reasonable that the committees be asked to look at their work to date and how the rules have worked over the last two to three years, and to recommend a package that will stand for the next 10 years.

As well, only regulated valleys have clear rules. All the unregulated rivers and groundwater systems do not. The work already done will not be lost. The flow rules will form the starting point for development of the new bulk access regime over the next 12 months. The Minister for Land and Water Conservation has already assured the lower House of this. I make that very clear. The amendment is technically incorrect. Environmental flow rules are only one part of the bulk access regime. The bar comprises all the sharing rules between environment and users—flow rules, if you like—and between different categories of users. A bar must specify all rules that may affect property rights.

The Hon. D. F. MOPPETT [4.08 p.m.]: To those who are familiar with the subtleties of this complex subject, the Parliamentary Secretary has let the cat out of the bag. The basis of the Government's resistance to this amendment can be traced back to its initial position, which was that no compensation would be offered to irrigators if this vital asset, their allocation of water, is reduced.

Essentially, what I read into what the Parliamentary Secretary just said is that whilst the Government has worked hand in glove with these committees and come up with these arrangements, it wants the new regime, not these arrangements, to be implemented. The Government does not want to find itself in a position in which the existing arrangements are implemented. The Government, for whatever reason, wants to invoke a reduction and it would then be exposed to some sort of compensation. We do not want the debate with the Government on this issue to deteriorate into an acrimonious debate. I ask through the Parliamentary Secretary whether the Government would be prepared to entertain a modification to the amendment that I moved. It appears as though the words "is to be in the same terms as" should be deleted and replaced with the words "is to have regard to". In other words, that would form a basis for consideration.

There would have to be good reasons why existing management plans are not to be effected. This interregnum might mean that we have to go through this whole process again. People will be wondering what the Government is doing. Irrigators, who have enough problems on their hands, might say, "I am in the middle of an irrigation season and this whole issue is again going to be thrown up for grabs." The least that the Government can do is to agree to my amendment. I am sure that one of my colleagues would be prepared to move an amendment to my amendment. The Opposition requires the words "to have regard to" to be inserted in place of the words "is to be in the same terms as".

The Hon. R. H. COLLESS [4.12 p.m.]: I move:

That the amendment of the Hon. D. F. Moppett be amended by omitting "be in" and inserting instead "have regard to".

The amendment would then read " ... in relation to that water source is to have regard to the same terms as the former regime".

The Hon. I. M. MACDONALD (Parliamentary Secretary) [4.13 p.m.]: Compensation is not the issue; it is a technical definitional issue. We cannot compare apples with oranges. The Minister has already said that the bar will have regard to existing rules.

The Hon. D. J. GAY (Deputy Leader of the Opposition) [4.13 p.m.]: To use the words used earlier by the Parliamentary Secretary, frankly, I do not know why the Government is opposing this amendment. The amendment will reinforce the provisions in the bill. The Government is being pedantic by not agreeing to this amendment.

The Hon. D. F. MOPPETT [4.15 p.m.]: This issue is critical. This really is a defining moment for people in the valleys. The Labor Government has made claims about consultation and the special efforts of Country Labor. Representations have been made by members of the Labor Party on behalf of irrigators. I acknowledge that and I thank them for the great work they have done to try to give us a workable bill. But this is the moment when the Government has to bite the bullet. Members of the Opposition have made a big concession and I am not sure whether people in the gallery are saying, "This fellow is going beyond his writ in this regard." I make that offer to the Labor Government. The Opposition will depart from the idea it put forward earlier, but people want to be assured that the Government will give the Opposition's amendment due regard. I acknowledge the work that has been done in relation to this issue.

I refer to the vacuous assurance that has been given and to past experiences. I am sure members on the crossbenches, who will remember past experiences of Government assurances, will remain cautious about them. The simplest thing for the Government to do, given the scope I have given it to make concessions, is to accept the amendment to the amendment moved earlier by my learned colleague the Hon. R. H. Colless. I believe that that amendment will resolve the deadlock between the Government and irrigators. Otherwise this will be a real slap in the face for irrigators. Their appreciation of the work that has been done on their behalf by Labor members will then be attenuated and cast into doubt. This is an important issue.

The Hon. D. J. GAY (Deputy Leader of the Opposition) [4.17 p.m.]: The Hon D. F. Moppett and the Hon. R. H. Colless have not only moved what I believe to be a sensible and fair amendment for people in regional New South Wales but have also offered a compromise that goes one step further. The Opposition will divide on the amendment to the amendment and divide on the original amendment. So when members of Country Labor vote against this amendment they will be voting against it twice. I ask them once again to reconsider what they are trying to do to those affected by this bill. We will ensure that their names are not just ticked off once in relation to this issue; their names will be ticked off twice as voting against this amendment.

Question—That the amendment of the amendment be agreed to—put.

The Committee divided.

Ayes, 15

Mr Colless	Mr Lynn	Mr Tingle
Mrs Forsythe	Mrs Nile	
Mr Gallacher	Revd Nile	
Miss Gardiner	Mr Oldfield	<i>Tellers,</i>
Mr Gay	Mr Pearce	Mr Jobling
Mr M. I. Jones	Mr Ryan	Mr Moppett

Noes, 20

Mr Breen	Mr Egan	Mrs Sham-Ho
Dr Burgmann	Ms Fazio	Mr Tsang
Ms Burnswoods	Mr Hatzistergos	Mr West
Mr Cohen	Mr Johnson	Dr Wong
Mr Corbett	Mr R. S. L. Jones	<i>Tellers,</i>
Mr Della Bosca	Mr Macdonald	Dr Chesterfield-Evans
Mr Dyer	Ms Rhiannon	Mr Primrose

Pairs

Mr Harwin	Mr Obeid
Dr Pezzutti	Ms Saffin
Mr Samios	Ms Tebbutt

Question resolved in the negative.

Amendment of amendment negatived.

Question—That the amendment be agreed to—put.

The Committee divided.

Ayes, 15

Mr Colless	Mr Lynn	Mr Tingle
Mrs Forsythe	Mrs Nile	
Mr Gallacher	Revd Nile	
Miss Gardiner	Mr Oldfield	<i>Tellers,</i>
Mr Gay	Mr Pearce	Mr Jobling
Mr M. I. Jones	Mr Ryan	Mr Moppett

Noes, 20

Mr Breen	Mr Egan	Mrs Sham-Ho
Dr Burgmann	Ms Fazio	Mr Tsang
Ms Burnswoods	Mr Hatzistergos	Mr West
Mr Cohen	Mr Johnson	Dr Wong
Mr Corbett	Mr R. S. L. Jones	<i>Tellers,</i>
Mr Della Bosca	Mr Macdonald	Dr Chesterfield-Evans
Mr Dyer	Ms Rhiannon	Mr Primrose

Pairs

Mr Harwin	Mr Obeid
Dr Pezzutti	Ms Saffin
Mr Samios	Ms Tebbutt

Amendment negatived.

Ms LEE RHIANNON [4.29 p.m.]: I move Greens amendment No. 52:

No. 52 Page 15, clause 26, line 28. Insert "and impacts on water quality" after "ecological impacts".

Clearly this is a minor amendment to improve the wording of the clause. This amendment will help flesh out the point. It will ensure that consideration of water quality is locked in as a core provision. I understand that the Government supports this measure. The Government acknowledges that this amendment will make a small but important change. We appreciate the Government's support.

The Hon. I. M. MACDONALD (Parliamentary Secretary) [4.30 p.m.]: The Government is happy to consider and support this amendment, which makes it clear that drainage management plans must assess the impacts of drainage works on water quality. It is hardly an overly devastating amendment.

The Hon. D. F. MOPPETT [4.31 p.m.]: The Parliamentary Secretary has invited us to contemplate the proposition that this is hardly a devastating amendment. I suppose that that is an incontrovertible statement. In my view it is more of an unnecessary expansion of the ecological impact. We are not talking about river management as a whole; we are talking about drainage works. I hope that drainage works are designed, as they are now, very much with a view to the effect they have not only on ecology but also on a lot of other important matters. I believe that has been fastidiously upheld, even under the old Water Act. This is one of those occasions when, if there are many poddy calves in the yard, there is always someone with a hot brand who wants to claim something for himself. I suppose the Government has said that this one can go to the Greens. The Opposition will not make a great fuss about the amendment and will not divide the Committee.

Reverend the Hon. F. J. Nile: We are always suspicious when Ms Lee Rhiannon says it is only a minor amendment.

The Hon. D. F. MOPPETT: Yes. I have been trying to think of possible impacts but at this stage I am unable to imagine anything. While I would not say that the Opposition supports the amendment, it will not vigorously oppose the amendment.

Amendment agreed to.

The Hon. I. M. MACDONALD (Parliamentary Secretary) [4.33 p.m.]: I move Government amendment No. 4:

No. 4 Page 19, clause 34, lines 17 and 18. Omit all words on those lines.

This amendment removes a clause that originally related to a set of provisions to help ensure continuity in land valuation practices. The provisions relating to that have now been removed, making this clause redundant.

Amendment agreed to.

The Hon. D. F. MOPPETT [4.33 p.m.]: I move Opposition amendment No. 4:

No. 4 Page 22, clause 41, lines 21 and 22. Omit "obtain the concurrence of the Minister for the Environment to the making of". Insert instead "consult with the Minister for the Environment before making".

This amendment is important. The Opposition is not attempting to downplay the importance of the contribution of the Minister for the Environment contribution to these plans. However, the Opposition is of the view that when such words as "the concurrence of the Minister must be obtained" are used, inevitably the experience is that there are extraordinary and unwarranted delays of a bureaucratic nature. It would be much better if the Minister for the Environment were consulted. Perhaps one function of the Department of Land and Water Conservation can be to ensure that it alerted the Minister for the Environment about any new proposals or anything of special interest to the Minister. It is more appropriate that that be at the consultation level, and that the consenting authority be the Minister for Land and Water Conservation.

We have been up and down this track throughout debate on the bill. Some honourable members believe—and they will passionately believe it, no matter what evidence is adduced—that the environment has somehow been ignored in the past. I am diametrically opposed to that. I believe that in the past the environment has been at the forefront of consideration by the department and by people who have gathered together in the total catchment management movement. That movement, which has included Federal initiatives, has been a success. When the total catchment management movement began the interest was simply in the river itself, almost within its banks, and certain floodplain situations. That interest has now expanded to a total catchment concept.

People in rural Australia believe that the environment is now being carefully safeguarded by the community and by every level of administrative procedure that governs their lives today. In the past I have been pleased to avail myself of the help of members opposite in overcoming difficulties with such simple matters as function licences. In the past industrial disruption in the department resulted in delays of six, nine and 12 months in getting approval to have a bar at an event that ranks only second to the Melbourne Cup—the Marthaguy picnic races. Delays occur when these things become a bureaucratic jungle.

It is a matter of committing to a game of snakes and ladders. For example, a brief must be prepared; the person who receives the brief then loses it under a pile of papers; then when someone asks the Minister what he is doing about the Macquarie Valley plan he says, "I haven't seen it yet". And on it goes. This amendment is still very much in keeping with the objectives of the bill. It will not in any way impinge on the objectives; it will improve them. It will improve the flow of decision making. It will ensure that those matters within the charge of the Minister for the Environment are to the forefront in any deliberations, but it will avoid unnecessary obfuscation and delay. I commend the amendment to the Committee.

The Hon. J. S. TINGLE [4.38 p.m.]: I seek clarification from the Parliamentary Secretary. If I read this correctly, and after listening to what the Hon. D. F. Moppett said, clause 41 reads:

- (2) Before making a management plan, the Minister must obtain the concurrence of the Minister for the Environment to the making of the plan.

Read another way, does it mean that if the Minister for the Environment does not concur he could effectively veto the plan?

The Hon. I. M. Macdonald: That is exactly right.

The Hon. J. S. TINGLE: That would seem to create a nightmare of administration, which would make the whole thing unworkable.

The Hon. D. J. GAY (Deputy Leader of the Opposition) [4.39 p.m.]: I support the amendment moved by the Hon. D. F. Moppett. It is a sensible amendment, because it will remove carriage of this part of bill from the Minister in charge of water. Frankly, in this instance "to consult" is much better than "concurrence".

I remind the Government that it has already accepted the Hon. I. Cohen's amendment No. 34A. That amendment places the environment Minister's representative on each of the management committees. Therefore, it already has the Minister's imprimatur on it instead of a system of checks and balances.

The Hon. I. M. MACDONALD (Parliamentary Secretary) [4.40 p.m.]: Let me make it perfectly clear that the Government's intention in this legislation is to balance environmental and consumptive needs. As a consequence of balancing both consumptive and environmental issues, the concurrence of the Minister for the Environment is appropriate, and it ensures a whole-of-government commitment to the plan and its implementation. We hold to this point very seriously indeed. The current environmental flow rules require the approval of the Minister for the Environment. None of the problems associated with concurrence referred to by the Hon. D. F. Moppett existed. A number of environmental provisions, for example with regard to water quality, will be included in a plan. The concurrence role will aid the implementation of the provisions relating to the functions of environmental agencies. The Government opposes the amendment.

The Hon. D. F. MOPPETT [4.42 p.m.]: I am disappointed to hear that. It is one thing to have a batting average like the West Indies has if the bowling is pretty good, but it is very disappointing when the arguments against you are fatuous and weak and the Government will not entertain your amendments. I had hoped that we would be able to proceed through this legislation relatively quickly, but I think we have come to another one of those sticking points. The Hon. J. S. Tingle knows what it is like to deal with government departments. It is bad enough when one has to deal with one government department, but when one has two of them in tandem, one has to work very hard. It is not the intention of the Opposition, the irrigation industry or any of the management committees to attenuate the importance of the Government's discharge of its responsibilities in respect of the environment. The Opposition believes that the standards set by the Government and its examination and monitoring of the process are well and truly catered for. It may have to be ticked off by the Minister for the Environment—

The Hon. D. J. Gay: It might be the Minister; it could well be his bureaucrat.

The Hon. D. F. MOPPETT: They will be so busy talking about the next forestry issue or whatever that delays will be inevitable. The Opposition is very reluctant to extend this debate by calling divisions. We know that there has been a meeting of minds to get this bill into its best form. However, on this issue I believe that we should not only divide, we should divide and conquer. It is important, for the sake of those who believe in free and open government, that we strike out. We must not simply succumb to the bureaucrats. The result will be frustration and obfuscation, and it will add nothing to the environmental safeguards that are the aspirations of some members here today.

The Hon. I. M. MACDONALD (Parliamentary Secretary) [4.45 p.m.]: The Government is happy to divide and conquer.

The Hon. Dr A. CHESTERFIELD-EVANS [4.45 p.m.]: I must support the Government on this issue. Certainly it is getting something of a roasting. The assumption is that two government departments cannot possibly work together. If that does not work, I will be the first to say that it is not good enough. However, by the same token, I do think we should say that we will get rid of the Government because we cannot get agreement.

The Hon. D. F. Moppett: You must have had a slice of that upside-down take for lunch. You are standing on your head.

The Hon. Dr A. CHESTERFIELD-EVANS: I went for a jog at lunchtime to maintain my sanity. It is wrong to suggest that if we cannot get two departments to agree we must give all the power to one. That indicates that consensus is needed. It is completely unsatisfactory to have people like Wilson Tuckey

supposedly representing the interests of the environment. In a case such as this when the concurrence of the Minister for the Environment is required, I believe it is valuable to get that consensus. If the environment department is taking too long to agree, perhaps we should look at how well researched it is.

The Hon. J. S. TINGLE [4.46 p.m.]: I seek further clarification. The Hon. I. M. Macdonald said that the Government is seeking to strike a balance. I am struggling to grasp the concept that one can strike a balance by placing two Ministers head to head. It seems to me that if you do that it may result in neither Minister being in charge of this section of the legislation. To me, that is not balance, it is deadlock.

The Hon. I. M. MACDONALD (Parliamentary Secretary) [4.46 p.m.]: I would say to the Hon. J. S. Tingle that this happens in many areas of government where there are shared responsibilities in decision making. This is not a unique proposition.

The Hon. D. J. GAY (Deputy Leader of the Opposition) [4.47 p.m.]: The Opposition will divide the Committee on this amendment. If the result of the division is as it was on the last occasion, we will lose. If the crossbench were to give more thought to this amendment, we would not lose. All Country Labor members should vote against this amendment, The convenor of Country Labor should not hide in the chair.

Question—That the amendment be agreed to—put.

The Committee divided.

Ayes, 15

Mr Colless	Mrs Nile	Mr Tingle
Mrs Forsythe	Reverend Nile	
Miss Gardiner	Mr Oldfield	
Mr Gay	Mr Pearce	<i>Tellers,</i>
Mr M. I. Jones	Mr Ryan	Mr Jobling
Mr Lynn	Mr Samios	Mr Moppett

Noes, 20

Mr Breen	Mr Dyer	Mrs Sham-Ho
Dr Burgmann	Mr Egan	Mr Tsang
Ms Burnswoods	Ms Fazio	Mr West
Dr Chesterfield-Evans	Mr Johnson	Dr Wong
Mr Cohen	Mr R. S. L. Jones	<i>Tellers,</i>
Mr Corbett	Mr Macdonald	Mr Hatzistergos
Mr Della Bosca	Ms Rhiannon	Mr Primrose

Pairs

Mr Gallacher	Mr Obeid
Mr Harwin	Ms Tebbutt
Dr Pezzutti	Ms Saffin

Question resolved in the negative.

Amendment negatived.

Progress reported from Committee and leave granted to sit again.

CROWN LANDS AMENDMENT (COMPENSATION) BILL

BANANA INDUSTRY AMENDMENT BILL

STATE REVENUE LEGISLATION FURTHER AMENDMENT BILL

Bills received.

Leave granted for procedural matters to be dealt with on one motion without formality.

Motion by the Hon. I. M. Macdonald agreed to:

That the bills be read a first time and printed, that standing orders be suspended for their remaining stages and that the second reading of the bills be set down as orders of the day for a later hour of the sitting.

Bills read a first time.

SPECIAL ADJOURNMENT

The Hon. I. M. MACDONALD (Parliamentary Secretary) [4.57 p.m.]: I move:

That this House at its rising today do adjourn until Tuesday 28 November 2000 at 2.30 p.m.

ADJOURNMENT

The Hon. I. M. MACDONALD (Parliamentary Secretary) [4.57 p.m.]: I move:

That this House do now adjourn.

YOUTH INSEARCH FUNDING

The Hon. C. J. S. LYNN [4.57 p.m.]: I participate in this debate to again seek Government financial assistance for an organisation to which I referred in my speech during yesterday's adjournment debate. Youth Insearch is having major difficulty in the sale of land that was passed on to it by a benefactor who wishes to remain anonymous. I understand that the land consists of approximately 25 acres in a property described as portion 60, parish of Nepean, county of Cook. Last year Youth Insearch, with the support of Dicksons Stockbroking and some other generous corporate supporters, raised funds to purchase what was formerly a health farm at Kurrajong. To assist in raising finance, part of the deal involved the sale of property at Yarramundi that had been bequeathed to Youth Insearch.

The sale was under way when the Minister for the Environment wrote to Mr Ron Barr and advised him that access to the land would be closed because the existing trail traversed Yellow Rock Reserve, which is a Crown reserve that is managed by the Blue Mountains City Council. The reserve has been suggested for inclusion in the proposed Yarramundi Regional Park, with the result that Youth Insearch will be unable to obtain access to its property. A real estate agent advised Youth Insearch that its loss would be between \$100,000 and \$150,000 on the purchase price of the property as a result of the proposal. The plan was proclaimed by the National Parks and Wildlife Act 1974 on 25 August and is exclusive of public roads.

Youth Insearch wonders how it can be a public recreation area, as advised by the department, when it will be fenced and have a locked gate. Given the legal status of the existing access trail, the Minister said that the most likely solution would be for the National Parks and Wildlife Service to provide a consent for owners on any affected freehold lands, such as portion 60, to use the existing trail to access their properties. That will ensure that access to the property can be maintained. Mr Barr's inquiries have revealed that the consent will last for only three years. I call on the Minister for the Environment to meet with Mr Ron Barr and make the existing trail a permanent entry to the property because it has been an entry for as long as anybody can remember. Mr Barr said that the property cannot be sold with the current proclamation.

Last night I asked for urgent support of approximately \$200,000 for Youth Insearch, which is in great difficulty at the moment. A letter from Youth Insearch dated 27 September states that it is being asked to go to places throughout rural New South Wales, for example, to Kempsey to meet with a high school teacher, and to Tamworth, Gunnedah, Boggabri, Narrabri and Moree—all of which are crying out for its services. Youth Insearch is supported by Rotary clubs, youth organisations and a senior magistrate. It operates with hardly any government support and certainly no government financial support. Its record of looking after disadvantaged young people, those who have been abused or are on drugs, is probably one of the best youth records we have. They are saving the Government millions of dollars by rehabilitating children and giving them hope.

Mr Barr has been unsuccessful in trying to negotiate and meet with the Government for some months. I know that the Government is very supportive of Youth Insearch because most of its referrals are from government and non-government organisations and the magistracy. I call on the Government to meet with Mr Barr to resolve the problem of access to the property at Yarramundi so that it can be sold to get it out of its financial predicament. If that is not done, the reality is that many children will have to go without desperately needed support. Ron Barr certainly cannot finance it out of its own pocket. This is a desperate state of affairs. Youth Insearch has the runs on the board, and I seek government assistance for it.

CONSTRUCTION INDUSTRY TRAINING LEVY

The Hon. JAN BURNSWOODS [5.02 p.m.]: I wish to draw attention to the efforts of the Construction Forestry Mining Energy Union [CFMEU] trying to prevent apprentices from being laid off and

other associated safety issues in the industry. Many honourable members would be aware that this week 100 building workers on the St Vincent's Hospital site voted unanimously to strike for 24 hours to join a series of rolling stoppages to persuade the State Government to legislate for a training levy for the building industry. It needs to be emphasised in relation to this important issue that every State except New South Wales has a training levy.

The CFMEU has made a detailed submission on this matter and that submission has been supported by the industry. A task force has also studied the proposal and recommended a feasibility study. It seems that the feasibility study has not been done. Tonight I talk about this issue because I am concerned about the very bad press that has been given to the industrial action by the union in the past few days. As the union pointed out, building workers played an enormous role in many Olympics constructions. It is partly because of Sydney's building boom, which has existed for some time, that apprentices have been taken on in the industry.

Unfortunately since the Olympics construction boom ended scores of apprentices have been laid off. During the past 10 years there has been a 45 per cent reduction in building apprentice enrolments. Builders who do the right thing and take on apprentices are being made uncompetitive by other builders who refuse to invest in Australia's youth. It is clear that, whatever is done by the Government to provide apprenticeships, TAFE courses or any of the other possibilities and mixtures of possibilities that have been discussed, we must make sure that we train young workers in the building industry.

The other side of the coin is that without proper training there will be occupational health and safety implications for young and older workers alike. A special State Government training task force for the construction industry recommended early last year that an independent consultant be engaged to assess the feasibility of introducing some sort of training levy for the industry. The proposal was that the levy would be imposed on developers. Unfortunately nothing has come out of that proposal.

As I said earlier, New South Wales is the only State that does not have a scheme of this nature. Since 1991 construction industry training levies have existed or been introduced in five States and Territories, with Queensland and the Australian Capital Territory being the most recent to legislate in this regard. In a recent report the New South Wales Department of Industrial Relations pointed out that the level of employer contributions for structured training in the building and construction industry is low compared with that in other industries and it has decreased during the past decade. Of course, many employers who have historically trained apprentices have now reduced their contribution; they no longer engage apprentices as a means of cutting costs. That is one of the reasons I believe that Government intervention is desirable.

As long as the building industry, for whatever reason, attempts to cut costs by failing to do its own training, and as long as we also admit, as I am sure all honourable members do, concern about the future of a properly trained work force in the industry and the occupational health and safety implications, there is a strong case for the Government to step in. I congratulate the CFMEU and other unions involved in the industry for continuing to campaign to develop industry training and to push for this levy. The proceeds from such a levy should, I believe, be used to pay TAFE fees. I congratulate the union and I wish it well in its campaign.

ETHNIC AND REFUGEE COMMUNITIES EQUALITY

The Hon. Dr P. WONG [5.07 p.m.]: This Sunday, 26 November, at 6.00 p.m. at the Cyprus Community Centre at Stanmore there will be a conference on cuts to welfare and resources to ethnic and refugee communities. It has been organised by the Refugee Council of Australia and the National Multicultural Support Group. Speakers will include the Hon. Al Grassby, Margaret Piper of the Refugee Council, and Angela Chan, former Chair of the New South Wales Ethnic Communities Council. I will also be speaking at the conference. There is much about Australia of which we can be proud, but we should not pretend that it is perfect. There are some things that we should do better. Some people like to believe that all Australians are treated equally and that everyone has equal opportunity, but while that is a very good ideal to aim for, it is not the full truth and never has been. From the first European settlement, Aboriginal Australians have not had a fair go. For 200 years, some recently arrived ethnic minorities have not received a fair go.

For more than 100 years, the Irish Catholic community was discriminated against and was disadvantaged by the predominantly protestant English and Scottish establishment. They were not British enough. Ned Kelly had a plan to even things up a bit, but it did not work. The Irish fought very hard to be recognised as equals. Now, many descendants of Irish Catholic migrants have become part of the establishment. After the Second World War a great number of European refugees and migrants arrived in Australia. They were

not treated as equals. They were not considered Australian enough. Those communities were the driving force behind the policy of multiculturalism being adopted by the Australian and State governments. This policy recognised ethnic communities as Australian while at the same time recognising their distinct cultures. The policy has redefined what it means to be Australian.

From the policy of multiculturalism there flowed programs that gave these communities a fairer share of government services and resources. Under the Whitlam, Fraser and Hawke Federal governments, Australia became a world leader and innovator in providing ethnic communities with a fair share of services. During this time some of these communities, which arrived in large numbers after the war, have made great advances. However, many communities, especially the more recent arrivals and predominantly refugee communities, are still a long way from getting a fair go, or being considered as equals by other Australians. And the problem is that now the Australian and New South Wales governments are losing their enthusiasm for multiculturalism. The danger is that now these newer communities will find it very difficult to get ahead. We run the risk of these minorities becoming alienated, and for tensions to develop on racial lines. This would be a great and unnecessary tragedy, as Australia so far has been a relatively harmonious nation during its periods of high migration.

With multiculturalism and ethnic communities going off the political agenda, there has been a big impact on the newer and less powerful migrant and refugee communities. Programs to meet the needs of these communities seemed to disappear overnight in New South Wales. General government services have been wound back in the last few years. This has had a disproportionate impact on new and less affluent migrants, who rely more on these services. This has been made worse by the cutting of programs that used to give migrants fair access to these services. I will not attempt a complete list of the services lost since 1996, but I will identify two of the more serious examples.

The Translating and Interpreting Service [TIS] is run by the Federal Department of Immigration and Multicultural Affairs [DIMA]. It is central to the Federal Government's commitment to providing services to people whose first language is not English. It is particularly important to new migrants. This program has been deliberately eroded and run down over the past five years. Staff numbers have been cut, offices have been closed, there are stricter limits on when a free interpreter will be provided, and it has become much more difficult for people who need an interpreter to get access to an interpreter. With no interpreter, many migrants cannot use government services.

Until a few years ago most refugees arriving in Australia were provided with some form of accommodation when they arrived. The old migrant hostels were far from perfect, but at least they were a shelter when refugees first arrived. Until the last few years on-arrival accommodation for new refugees was cut down to 13 weeks. Under a new structure that will be reduced to four weeks. In the last Federal budget the only new funding for ethnic affairs was to build extra detention centres for asylum seekers, in Darwin and Brisbane. In the last New South Wales budget there was no increased funding for ethnic affairs. If Australia turns its back on multiculturalism and its refugee and migrant communities, we will all suffer in the long term. We need to promote the needs and interests of migrant and refugee communities if we are to win back the ground we have lost in the last few years. Sunday's conference will be a good opportunity to look at some of these solutions.

LOCAL GOVERNMENT FINANCIAL RESPONSIBILITY

The Hon. D. J. GAY (Deputy Leader of the Opposition) [5.12 p.m.]: Yesterday, during question time in the other place, the Minister for Local Government launched what can only be described as a pretty ordinary attack on the financial state of nine local government councils. The Minister claimed that those councils had failed the test of financial responsibility. He went on to add that the seriousness of the financial situation in some cases may threaten councils' ability to supply services to their communities, and issued a warning that he would not hesitate to dismiss councils if the situation did not improve. The Minister cited particular issues raised by the auditors of each of the councils in relation to financial statements for the year ended 30 June 2000. I have today been in contact with most of the nine councils mentioned by the Minister, and I would like to place on record the responses of those councils. In the course of his answer the Minister made reference to Mosman, Warringah, Brewarrina, Holbrook, Goulburn, Nundle, Deniliquin, Merriwa and Copmanhurst.

The Hon. R. S. L. Jones: All conservative councils.

The Hon. D. J. GAY: Yes, all conservative councils. What a shock! From my discussions with those councils, it would appear that the Minister has kicked an own goal. Of the councils the Minister criticised for

being either in debt or having low cash reserves, three have indicated that the cause was non-payment, or late payment, of outstanding accounts by his own Government's departments! I wonder whether the Minister or his department had bothered to check that fact. The Brewarrina shire has reacted angrily to the Minister's claim that it has serious problems. The council wrote to the Department of Local Government to outline its position and to answer questions posed by the director-general of that department. The council's response clearly demonstrates that it has met its financial obligations.

Copmanhurst shire—which is in the electorate of this rocket scientist Minister—has provided me with a response to the Minister's claim that it has no reserves at all to pay for plant and equipment replacement. The shire's figures show that at the time of the audit the shire was owed a total of \$1.556 million by government departments. Similarly, Merriwa council's cash deficiencies at the time of the audit were 70 per cent due to money owing from government departments. And Brewarrina council also experienced a shortfall in funding due to the fact that another government department had not paid the council.

The Minister claimed that Deniliquin council was considering placing a ban on fixing potholes and replacing bitumen road with gravel in an effort to save money. The general manager of that council wrote to me this morning and said that no such ban had been implemented or considered. And, in case the Minister has not noticed, there has been heavy rain over the past three weeks, and that was the only reason that potholes had not been repaired in recent times. Goulburn council also is outraged by the statements from the Minister. That council now has a cash position that is \$2 million better than it was at the same time four years ago, and it is continuing on a debt reduction strategy to further improve its position, to the tune of half a million dollars a year in order to finance its reserves. The council's own auditors have even congratulated the council on its improved financial position. Yet the Minister saw fit to single out that council also.

There is a degree of concern amongst the councils named by the Minister that the information cited by him was only a snapshot of a council's finances at a particular point in time. Many of the councils have advised my office today that they have moved to address the concerns raised by their auditors, and in some cases they have now turned around any problems they may have found. The Minister in his press release stated that the Department of Local Government had written to the councils involved seeking an explanation. However, some of the councils told my office that they have not received any correspondence from the department on those matters. Others said that a letter from the Minister had arrived by fax yesterday or in the mail this morning. I will say more about this later. [*Time expired.*]

ST NECTARIOS GREEK ORTHODOX PARISH ANNIVERSARY

The Hon. J. HATZISTERGOS [5.17 p.m.]: I draw the attention of the House to the conclusion of the thirtieth anniversary celebrations of the parish and community of the Burwood St Nectarios Greek Orthodox Church, which was established in the inner western suburbs of Sydney by the Greek Orthodox Archdiocese of Australia in November 1970. The purpose of the establishment of the parish is to serve the spiritual, educational and religious needs of the Orthodox faithful who reside within the inner western suburbs of Sydney. The parish and community of St Nectarios cover 12 neighbouring suburbs that come under the municipalities of Burwood, Concord, Ashfield and Strathfield. The parish and community have shown remarkable achievements throughout their 30-year life in a multitude of spheres and dimensions and in their contribution to society.

Parishioners and members of the Burwood community work tirelessly to create a life of productivity and service, and they have every reason to be proud of that, for it is without doubt that the cultural, social, spiritual and philanthropic activities of the parish are truly unparalleled. This is a parish that provides opportunities for young people not only to obtain instruction in Greek but also to experience the cultural and religious instruction that the church is able to provide. The church itself, which, as I said, was established in 1970, was named after and has as its patron St Nectarios, who was the Bishop of Pentapolis of Aegina. He has graced the church with his name for the entirety of that period of 30 years. The church itself is located in Burwood in a heritage building that has been magnificently restored and preserved by the community.

The parish is holding its thirtieth anniversary celebrations at the end of the second millennium, which coincides with the Sydney 2000 Games. The location of the parish includes Flemington and Homebush, which honourable members would be aware are Olympic suburbs. In an effort to enhance the celebrations of this event, the parish and community of Burwood and district organised many successful activities and events throughout the year. Amongst those events were three performances in July this year by the Athenian Children's Choir of Dimitris Typaldos, as well as a formal banquet held on 19 November at which the famous Arch Cantor and Choir Master Theodore Vasilikos presented a 20-minute repertory of ecclesiastical and traditional songs.

I had the pleasure on that occasion of representing the Premier of New South Wales. In attendance were a number of other dignitaries including the Speaker of the Legislative Assembly, Mr John Murray, MP; the mayors of Burwood, Strathfield and Concord; and Mr Stepan Kerkyasharian, Chairman of the new Community Relations Commission. The parish has not looked only to its past during the previous year; it has developed programs that I think will serve the people of the inner west of Sydney well into the future. I refer in particular to its involvement in a drug and alcohol program through generous funding that has been given to it by the Ethnic Affairs Commission.

This parish serves not only the faithful in the community; it also seeks to reach out and establish itself as a leading organisation in the inner west of Sydney, servicing whoever is in need, whether it be the elderly, the infirm, young people or families in need of counselling. The church is only too ready to lend its assistance. I extend particular congratulations to the President of the organising committee, Christina Efthymiades, the parish President, Mr Chris Syrios, and the Rector of the parish, Archimandrite Ezekiel Petritsis, for the work that they have done. Congratulations go also to all those who were instrumental in ensuring the success of the parish, in particular past presidents, various presidents of the school committee, instructors in Sunday school classes and all those who worked tirelessly for the success of this parish in its 30 years of operation.

PUBLIC FORESTS PLANTATION ACCREDITATION

The Hon. I. COHEN [5.22 p.m.]: Tonight I refer to a State Forest plantation scam, and I will read from a paper prepared by Dailan Pugh, who has been foremost in defending the forests of New South Wales. He has been involved recently in the regional forest assessment processes and he is a long-term activist in forest issues, going back to the late 1970s. He states:

State Forests are currently seeking to have over 15,000 hectares of public forests in northern New South Wales accredited as hardwood plantations under the Timber Plantations (Harvest Guarantee) Act 1995.

Having an area accredited as plantation gives them the unfettered right to manage these areas of public forest as cellulose crops. They want all harvesting restrictions removed, particularly those intended to protect threatened species and restrict clearfelling. The unrestricted use of poisons is another bonus feature of having an area accredited as a plantation.

Most of the public forests that are now being claimed as plantation have not been identified or managed as plantations in the past. While State Forests now claim to have established many of them in the 50s, 60s and 70s, it was not until around 1992 that they began to claim them as plantations, with many areas not claimed until 1997. These plantations were not created by planting, but by the stroke of a forester's pen.

The law requires that, to be claimed as a plantation, "the predominant number of trees forming, or expected to form, the canopy, are trees that have been planted". This is a straightforward requirement. State Forests have had since 1995 to understand it. When the plantation review began back in 1997, district foresters were explicitly instructed that the principal requirement was that more than 50% of the canopy had to be formed by planted trees.

Why am I now getting complaints from throughout north-east NSW that when people are going out to check these areas on the ground they are finding that many of them are mixed age classes and mixed species. They are finding areas indistinguishable from the surrounding forest. They are not finding the orderly monocultural tree farms State Forests have been claiming. Some ecologists even did transects through claimed Blackbutt plantations in Whian Whian State Forest near Lismore, and found that in the worst cases 3%, 4% and 6% of the canopy trees are Blackbutt. And even these they considered to be more likely to be natural regeneration. These forests were mostly regenerating rainforest not plantations.

Mis-identification of plantations where confusion exists is excusable. What is inexcusable is the identification of areas as plantations that clearly do not have a canopy in which anything like the majority of trees have been planted. Attempts to claim such areas as plantations should be regarded as outright fraud.

For the past few years State Forests have been duping people into believing these areas as plantations. This year alone;

- they conned Premier Bob Carr and Prime Minister John Howard when they signed the Regional Forest Agreements identifying them as plantations,
- they conned Kim Yeadon when he identified them as plantations in his Forest Management Zones,
- and now they are attempting to con the public of NSW into accepting them as plantations and the Department of Urban Affairs and Planning into accrediting them as such.

The politicians and other Government agencies have proven they are easy to convince. We have to thank those members of the public who in their own time and out of concern for the public's forests have once again gone out there and found State Forests still trying to defraud the public.

If State Forests succeed with this fraud it will have major ramifications for threatened species and regional water supplies.

There are a large variety of threatened species known to inhabit forest now being claimed as plantations which will have their legal protection removed if State Forests get their way. This includes families of Koalas, already suffering from State Forest's past abuses, whose homes and food supplies will be flattened. It also includes known individuals of some of our most endangered plants, such as the Minyon Quandong and Peach Myrtle.

This plantation scam also affects regional water supplies, with a variety of areas providing drinking water to rural towns being affected. Close to home, the proposal is for 7% of the catchment of the Rocky Creek Dam, which supplies the towns of Lismore, Ballina and Byron Bay to be opened up for the most intensive management that State Forests can devise. I worry about the cocktail of poisons they will devise. We should be increasing the protection of our catchments, not removing it. This wouldn't be allowed to happen in Sydney. Once again country people are being treated like second class citizens.

The issue here is that State Forests are in the process of knowingly defrauding the people of NSW of their native forests. If they are successful in this endeavour this will no doubt be a matter for ICAC. Rather than wait until after the horse has bolted, it would be more prudent for the government to establish an independent inquiry which ensures that no area of plantation is accredited if it fails to meet the legal definition of a plantation and that there is independent documentation to verify the claims.

DIESEL FUEL POLLUTANTS

The Hon. R. S. L. JONES [5.26 p.m.]: The United States Environmental Protection Agency [USEPA] science advisory board has agreed with the USEPA that diesel fuel exhaust is a likely human carcinogen. The USEPA said that diesel fuel pollutants were causing lung cancer and asthma attacks in children. It also said that the current level for sulfur in diesel was 500 parts per million, but that would be reduced to 15 parts per million by the year 2006. Tough new restrictions on tailpipe emissions for passenger vehicles were issued in the United States in December last year. It is the intention of the USEPA to crack down further in the future. I ask the Minister and the Environment Protection Authority in New South Wales to look at this problem—a problem that has been looked at more carefully in the United States of America—and reduce diesel pollution in New South Wales.

Motion agreed to.

House adjourned at 5.27 p.m. until Tuesday 28 November 2000 at 2.30 p.m.
